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Thursday 28 February 2019

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Scottish Parliament

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

General Question Time

Thrombectomy Services

1. Miles Briggs (Lothian) (Con): To ask the Scottish Government what progress is being made with introducing access to thrombectomy services in Scotland. (S5O-02929)

The Cabinet Secretary for Health and Sport (Jeane Freeman): As the member knows, we are working towards the provision of a thrombectomy service in Scotland. To do that safely and sustainably, it has to be properly planned and every aspect has to be thought through and clearly understood.

As promised, the draft framework was provided to the national planning board last month. The national planning board has asked the advisory group to further develop its draft plan and it is anticipated that the board will consider the revised plan at its next meeting in May.

Miles Briggs: Every week that goes by without a thrombectomy service in Scotland sees stroke specialists denying our patients the best possible treatment. That means that people are missing out on the chance to walk again or to get out of the house, and are even losing their voices.

It is four years since large-scale studies proved the impact that the treatment could have on people's recovery after stroke. It is two years since the case for thrombectomy was made to National Health Service directors in Scotland. I therefore ask the cabinet secretary whether we will see the service up and running in Scotland in 2019?

Jeane Freeman: I am sure that the member will appreciate that it is not for me—I am not a clinician—to second-guess expert clinical opinion. The work is being led by clinical experts precisely to ensure that the service is introduced in a planned, safe, clinically-effective and, most importantly, sustainable way.

I do not think that members would wish a politician to start imposing deadlines on the expert opinion and best advice of clinicians. I cannot, and would not wish to do that. Our services should always be led by those individuals.

We are clear that evidence shows that thrombectomy is an effective treatment for patients with severe stroke due to large artery blockage, as

the member said. We do not dispute that. However, we want to see the service introduced in a planned, safe and sustainable way and we are going about that in exactly the right way by ensuring that its introduction is led by clinical expertise.

I am happy to update the chamber following the discussion with the expert group at the planning board in May and to ensure that members are kept up to date with our progress. I, too, am keen to introduce the service. However, as a politician, I would never presume to second-guess expert opinion.

Iain Gray (East Lothian) (Lab): My constituent, Robert Baldock, was one of just 13 people who were lucky enough to receive a thrombectomy in 2017, which saved his life after a stroke. Despite being left with no speech and other challenges, he has been leading a campaign to bring back thrombectomy, because he wants to ensure that the 600 people who need that operation every year get the best possible chance.

Until the treatment is routinely available in Scotland—as it is in the rest of the United Kingdom and most of Europe—what contingency plans will be put in place to ensure that more people's lives are not destroyed? For example, people could be transferred to centres south of the border where the operation can be carried out.

Jeane Freeman: I met Mr Gray's constituent and had the opportunity to learn from his experience and hear about the effective campaign that he is part of. I have also received the campaign signatures.

Let me put a couple of things straight. It is not the case that the treatment is routinely available south of the border—I have the figures in front of me and that is clear. It is, however, the case that Scotland lags behind those figures; I would never, and have never, disputed that. However, it is important that we are factually accurate in these matters and the assertion that the treatment is routinely available south of the border is inaccurate.

The expert group is working with the planning board to look at the plan that needs to be put in place for the introduction of the safe and sustainable service to which we are committed. In the interim, it is looking at what additional mitigation measures can be put in place in a way that provides equitable access to patients across Scotland. That will be part of the discussion at the meeting in May. As I said, I am happy to update members at that point.

New Health Centre (Lochgelly)

2. Annabelle Ewing (Cowdenbeath) (SNP): To ask the Scottish Government whether it will

provide an update on a new health centre for Lochgelly. (S5O-02930)

The Cabinet Secretary for Health and Sport (Jeane Freeman): NHS Fife, the Fife health and social care partnership and the Scottish Government are working in partnership to strengthen the business case for the health centre development in Lochgelly. Under an initiative called local care, a refreshed business case will be submitted to the Scottish Government this summer for review by the NHS capital investment group. I welcome that approach and look forward to receiving the revised initial agreement.

Annabelle Ewing: I hear what the cabinet secretary says, but the people of Lochgelly will be somewhat puzzled, because the so-called initial agreement document was submitted 18 months ago. Will the cabinet secretary clarify the process from this point and the timescale that is being worked to?

Jeane Freeman: I understand the frustration that Annabelle Ewing expresses. To reshape and strengthen the business case, NHS Fife and the Fife health and social care partnership have been working closely with the Scottish Government's primary care team and the Scottish Futures Trust to ensure that the business case is more appropriately focused on a community-based approach that is embedded in primary care. The approach will add somewhat to the timeline, but should mean that we receive a better and more comprehensive proposal.

The revised business case is almost complete and is about to go through the local governance review process before it is submitted to the NHS capital investment group later in the summer. I look forward to receiving it.

Alexander Stewart (Mid Scotland and Fife) (Con): Although a new healthcare centre is welcome, with reports of 18 practices having closed lists and major difficulties in employing family doctors, how does the cabinet secretary plan to address the general practitioner crisis that currently grips Fife?

Jeane Freeman: Again, I start by urging a dial back on the hyperbole.

As Alexander Stewart knows, a considerable amount of work is going on involving Sir Lewis Ritchie and the Fife health and social care partnership in discussions with GPs in the north-east of Fife to ensure that we have an equitable distribution of GP services around Fife, taking account of challenges in certain rural parts of that area.

I am sure that Alexander Stewart is also aware of the increase in the number of undergraduate medical places, the introduction of significant

additional packages to encourage GP relocation and the Scottish graduate entry medicine course, which delivers postgraduate medical training in Fife, all of which is focused on increasing the number of GPs.

Land Banking (Town Centres)

3. **Joan McAlpine (South Scotland) (SNP):** To ask the Scottish Government what it is doing to tackle the issue of land banking in town centres. (S5O-02931)

The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham): The Scottish Government has asked the Scottish Land Commission to evaluate the impacts of land banking practices and to make recommendations to ministers. That is included in the Land Commission's programme of work for 2018 to 2021.

We want all our towns and town centres to be vibrant and successful, and exploring options to address land banking is one of a number of actions that we are taking to achieve that.

Joan McAlpine: The cabinet secretary will be aware of the recent purchase of buildings in the Midsteeple quarter of Dumfries after they were left to deteriorate. Will she confirm that land banking is an issue that the Land Commission will consider with a view to difficulties in urban areas, in particular?

Roseanna Cunningham: Yes. The Land Commission has been asked to tackle land banking around Scotland, including reviewing issues in urban areas. Our work on community ownership also covers urban and rural Scotland.

We know that land banking can remove land from productive use for years, and I am determined that Scotland's land should be used productively and not sit idly, contributing nothing. The Land Commission is looking at various issues—including land banking—that are thwarting our efforts to ensure that everybody in Scotland benefits from land.

Autism Strategy

4. **Alexander Burnett (Aberdeenshire West) (Con):** To ask the Scottish Government how it is working with stakeholders to improve its autism strategy. (S5O-02932)

The Minister for Mental Health (Clare Haughey): The Scottish Government is committed to improving the lives of autistic people and their families through our 10-year autism strategy. The strategy directly funds a number of organisations that assist in delivering the outcomes and priorities that we set in the autism strategy. That includes the extensive work of Autism Network Scotland,

Inspiring Scotland and NHS Education Scotland, alongside specific projects with other public bodies, such as the Care Inspectorate.

The work of the strategy is increasingly being informed, developed and implemented with the involvement of autistic people's organisations and autistic individuals. More than £2 million is spent each year to directly support stakeholders in a number of national and local initiatives around Scotland, with each initiative contributing to the implementation of one or more of the outcomes that were identified in the "Scottish Strategy for Autism: outcomes and priorities 2018-2021".

Alexander Burnett: Has spending on autism gone up or down this year?

Clare Haughey: The Government is committed to improving mental health and the lives of people with autism and their families. Improving mental health is a key priority, and an additional £250 million will be spent on mental health services over the next five years. We have listened to the voices of autistic people and their organisations, and we have involved them in the work that supports the strategy. We will ensure that there are appropriate autism services and support.

School Estate (Dumfries)

5. **Oliver Mundell (Dumfriesshire) (Con):** To ask the Scottish Government what its position is on whether the school estate in Dumfries meets an acceptable standard. (S5O-02933)

The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney): According to the latest published national school estate statistics, 87 per cent of Dumfries and Galloway Council's schools are in a good or satisfactory condition. Our aim is for no child to have to learn in a school that is in a poor or bad condition. Through the Scotland's schools for the future programme, Dumfries and Galloway Council has been awarded significant funding of £24.5 million towards three school projects.

Oliver Mundell: Does the cabinet secretary accept that, after more than 10 years of a Scottish National Party Government, it is pretty appalling that schoolchildren in Dumfries still ask me why their schools have leaking roofs, mouldy walls and windows that will not shut, with no prospect of a new school in sight?

John Swinney: I am concerned about the conditions that Mr Mundell recounts, but I remind him that he is apparently a supporter of localism. Local authorities carry the statutory duty and responsibility to maintain their school estate. The Government has assisted in that respect: when the Government came to office in 2007, the proportion of schools that were in a good or satisfactory condition was 61 per cent; it is now 87

per cent as a consequence of the Government's investment.

I would be delighted to work with Dumfries and Galloway Council to try to address the issues that have been raised. I had a very constructive meeting with Councillor Elaine Murray—our former colleague in Parliament—and Councillor Rob Davidson to give them advice on how we might help them support the development of their school estate.

Although Mr Mundell has not lifted a finger to vote for any of the provisions that would allocate money to local authorities, he will know that the Government is committed to £1 billion of investment in the school estate. Before Mr Mundell comes to the chamber with the usual whingeing critique of everything, I ask him to think about whether he could make a contribution to the process by voting for the Government's budget, as opposed to playing fast and loose with Scotland's public finances.

Emma Harper (South Scotland) (SNP): Can the Scottish Government provide an update on its discussions with Dumfries and Galloway Council officials regarding the reopening of the North West community campus in Dumfries?

John Swinney: I discussed the issue with the leader and the deputy leader of Dumfries and Galloway Council when I met them on 12 February. The council expects that the Langlands special school pupils will return to the campus on 20 March, with nursery and primary pupils returning in the week commencing 25 March and secondary school pupils returning in the week commencing 3 June, once the Scottish Qualifications Authority diet is completed.

The Presiding Officer (Ken Macintosh): Question 6 has been withdrawn.

Orkney and Shetland Internal Ferry Services (Fair Funding)

7. **Liam McArthur (Orkney Islands) (LD):** To ask the Scottish Government whether it supports the principle of fair funding for internal ferry services in Orkney and Shetland. (S5O-02935)

The Minister for Energy, Connectivity and the Islands (Paul Wheelhouse): The Scottish Government understands the significant financial challenges that can fall on individual local authorities and remains committed to the principle of fair funding for the provision of ferry services and ferry infrastructure. As part of that commitment, this year's budget has made available a further £10.5 million in support for internal ferry services, bringing the total support provided for that purpose in the past two years to £21 million.

Liam McArthur: Ahead of last year's budget, the Parliament voted unanimously for the Government to deliver on its earlier promise to provide fair funding for Orkney and Shetland's lifeline internal ferry services. The councils in Orkney and Shetland have made clear what is needed to deliver on those promises and the will of the Parliament. Why is the Government short-changing Orkney and Shetland and why has it walked away from the principle of fair funding for ferries in the northern isles?

Paul Wheelhouse: Hopefully, Mr McArthur was listening to my answer when I said that we have not walked away and have specifically committed to the principle of fair funding. It was welcome that Mr McArthur supported last year's budget to provide £10.5 million funding this year. Mr McArthur's party did not support this year's budget, which provides a further £10.5 million to support Orkney Islands Council and Shetland Islands Council.

Mr McArthur asks a fair question. This is a serious matter, in which I acknowledge he has a legitimate interest, and I am keen to engage with him on it. We acknowledge the difficulties that local authorities face in providing ferry services and I emphasise that we are committed to working with both councils to try to find a fairer future for the funding of those services. We are in dialogue with both councils about developing business cases that might support the transfer of responsibility for the services to the Scottish Government, if that is what they wish.

I reiterate that Mr McArthur could play a constructive role in supporting that in the coming year if he and his colleagues were to work with the Government on its next budget instead of opposing it on constitutional grounds.

Rhoda Grant (Highlands and Islands) (Lab): I had a letter from the minister this morning saying that he had not decided how the £10.5 million would be distributed. He also said that Argyll and Bute Council has issues with its interisland ferries and he seemed to suggest that the £10.5 million in this year's budget would be spread to include Argyll and Bute Council, which would mean that Orkney and Shetland councils would receive considerably less than they did last year. Is that the case, or will additional money be put into the budget for Argyll and Bute Council?

Paul Wheelhouse: Ms Grant raises a fair point. I met ferry officials this morning to have further discussions about the allocation of the £10.5 million. We hope to report to Orkney Islands Council and Shetland Islands Council in the very near future, in advance of Orkney Islands Council's meeting next Tuesday to settle its budget, on the detail of the allocation.

We recognise the issue with Argyll and Bute Council and are in discussions with the council about the potential transfer of services to the Scottish Government. We are working with the authority to try to reach a common understanding of the costs that are involved in doing that. I am happy to engage with Rhoda Grant on the discussions that we are having with Argyll and Bute Council in that respect.

Emergency Workers (Mental Ill Health)

8. Alex Cole-Hamilton (Edinburgh Western) (LD): To ask the Scottish Government what proportion of emergency workers' time is lost due to mental ill health. (S5O-02936)

The Minister for Mental Health (Clare Haughey): Information on the proportion of time lost to mental ill health is not held centrally. The recording and management of absence is undertaken by emergency services bodies in their capacity as employers. Effective health and wellbeing support is vitally important, which is why our police, fire and ambulance services, along with other NHS Scotland boards, have policies in place so that staff can access support when it is needed.

Alex Cole-Hamilton: We know from recent reports that the number of staff days lost due to mental ill health among our hard-working emergency workers is rising, but that is not the only reason why time is lost. On a recent visit to Drylaw Mains police station in my constituency, the chief inspector told me that he was very concerned about the number of hours lost at shift time when officers attending a situation in which mental ill health was a factor were having to stay with a person in hospital for several hours, until they were discharged of that duty.

Will the minister work with Police Scotland to review that situation and the regulations around police attending situations in which mental ill health is a factor?

Clare Haughey: It is important that we look at all the effects of mental illness and mental ill health across services. My area is one of three in Scotland that are piloting distress brief interventions, in which people who present to emergency services can access next-day support. That is being evaluated but, anecdotally and from the evidence that we have so far, that project is working very well, and the emergency services, including the local police, very much support the way in which it is assisting them in their duties.

The Presiding Officer: Before we turn to First Minister's question time, I invite members to join me in welcoming to the gallery the Hon Stephen Rodan MLC, President of Tynwald.

First Minister's Question Time

12:00

National Health Service (Treatment Time Guarantee)

1. Jackson Carlaw (Eastwood) (Con): How would the First Minister characterise her legal guarantee to treat people within 12 weeks being missed in a quarter of all cases?

The First Minister (Nicola Sturgeon): As Jackson Carlaw is well aware—he certainly should be aware of it—this Government is investing record sums in the national health service. We also see record numbers of people working in the national health service, but demand for it is rising, which results in pressure on waiting times. That is exactly why we have in place the waiting times improvement plan, which is backed by £850 million of dedicated resources, the first resources of which have already been allocated by the Cabinet Secretary for Health and Sport.

I regret the fact that some people are not being treated within the treatment time guarantee, but I remind Jackson Carlaw that since that guarantee was introduced, more than 1.7 million patients have received their treatment within the required timeframe—patients who, had that guarantee not been in place, perhaps would not have been treated within the 12-week timeframe.

Jackson Carlaw: Frankly, the First Minister missing her legal guarantee in one in every four cases is surely an unqualified failure. The First Minister talks about the efforts that are being made now, but let us look at her record on reducing waiting times.

For example, last year, the previous health secretary launched a big new campaign to recruit much-needed radiologists into Scotland, who are vital if we are to reduce waiting times. We have now learned that the campaign resulted in the recruitment of just five members of staff. It is no wonder that we saw—in just the past year—a 38 per cent rise in the number of people who waited for more than six weeks for diagnostic tests. Why should we have any faith in this Government's promises now, when we know that previous, much-hyped promises have flopped?

The First Minister: As I hope that Jackson Carlaw is aware, radiology is currently experiencing acute shortages worldwide, not just in Scotland. That is why we have increased training places in Scotland and we are acting to improve recruitment.

It is also worth noting that since this Government took office, the number of consultant

radiologists has increased by 45.4 per cent. By 2022, we will have increased specialty training places in radiology by approximately 75 per cent from 2014 levels. The international radiology recruitment campaign, which was launched in 2018, generated interest from clinicians around the globe, and health boards are now finalising a number of offers of appointment. I hope that Jackson Carlaw will have the good grace to welcome some of that.

Before I finish this answer, I will draw the attention of the chamber—and Jackson Carlaw in particular—to a letter in today's *The Times* that is signed by 24 medical professionals from around Scotland. I will quote it to Jackson Carlaw.

“As doctors, nurses and healthcare professionals in Scotland, we see the damage that Brexit is already inflicting on the NHS ... The loss of thousands of European staff has led to crippling staff shortages.”

I take my responsibilities seriously. When will the Tories take responsibility for the damage that they are doing to our national health service?

Jackson Carlaw: The acute shortage of radiologists was identified in 2014. By the First Minister's logic, it is clear that the uncertainty caused by possible Scottish independence was responsible for that.

The issue is not just about the wait to get into hospital; it is about the safety and cleanliness of the hospitals in which doctors and nurses have to work and in which patients are treated. As the health secretary said earlier this week,

“public confidence has been shaken”—[*Official Report*, 26 February 2019; c 13.]

by the infection outbreaks that we have seen reported in recent weeks.

How many safety and cleanliness inspections have taken place in Scotland's hospitals in each of the past five years?

The First Minister: I do not have that precise information to hand, but I will ensure that it is provided to Jackson Carlaw. What I do know is that a trend started when I was health secretary—before I speak about that, I say that I am not in any way underplaying the recent experiences at the Queen Elizabeth university hospital—and infection rates in our hospitals have reduced dramatically. For some infections, the reductions have been more than 80 per cent. That is down to the dedicated work that is done by cleaners and others in our hospitals, and I hope that Jackson Carlaw recognises that. We continue to take these responsibilities seriously.

I will go back to my earlier point, which Jackson Carlaw referred to as being my “logic”. The words that I quoted were not my words or the health secretary's words; they were the words of health

professionals across Scotland. I will repeat them and I ask Jackson Carlaw to respond to them.

“The loss of thousands of European staff has led to crippling staff shortages.”

The UK Government’s

“Brexit deal would be terrible for Britain and for patients’ health ... We cannot allow Brexit to cause more damage than it already has.”

That is why they urge MPs to stop this harmful Brexit.

Those are the words of health professionals. Will Jackson Carlaw respect them?

Jackson Carlaw: Presiding Officer, if you are keen to establish an Opposition leader’s question time each week for 45 minutes, I will be very happy to answer questions then. However, this is First Minister’s question time, and what we have all become used to is Nicola Sturgeon referring back to her ever-bigger book of excuses, which, like Pinocchio’s nose, has grown much bigger since the start of this year.

The figures that I asked for were given in an answer to a parliamentary question last night, so let me enlighten the First Minister: from a high of 38 safety and cleanliness inspections in 2014-15, there were just 19 in 2017-18 and only 14 over the past 11 months—fewer than half the number of just five years ago. Whatever excuses are given by the First Minister, I think that most people will conclude that that is also a failure and it is unacceptable. I suggest that when this Government legislates to set a guarantee, it meets it. When people lack confidence in the cleanliness of hospitals, the Scottish Government’s record is to cut the number of inspections by half. Does the First Minister agree?

The First Minister: Jackson Carlaw’s response that he does not really fancy addressing the point will come as no comfort to health professionals the length and breadth of this country who are worried about Brexit.

I suggest that Jackson Carlaw does a bit more delving into how the Healthcare Environment Inspectorate does its work. It decides on the inspections that it carries out and it decides on their schedule. Its inspections are risk based, as we discussed a couple of weeks ago, and—this is a point that perhaps Jackson Carlaw does not know—in addition to cleanliness inspections, the HEI now does thematic inspections that look at the broader patient experience and include cleanliness and infection rates in hospitals. Perhaps a bit more research on Jackson Carlaw’s part would pay dividends.

I come back to the point of the experiences that Jackson Carlaw and I have discussed in recent weeks about infection outbreaks at the Queen

Elizabeth and the Glasgow royal infirmary. They are serious and are taken seriously, but the overall trend in infection rates in Scotland’s hospitals is downwards. In the early days of my time as health secretary, Clostridium difficile and MRSA were big concerns in our hospitals, and there have been 80-plus per cent reductions in the rates of those infections. For Jackson Carlaw not to recognise that does not do a disservice to me or the health secretary but does an enormous disservice to staff right across our national health service.

Caledonian Railway Works (Consultation Deadline)

2. Richard Leonard (Central Scotland) (Lab):

The 45-day consultation to decide the future of the Caledonian Railway works in Glasgow ends in just four days’ time. Time is running out to save this critical part of Scotland’s railway infrastructure and to save 200 highly skilled jobs. Will the First Minister update the chamber on the steps that her Government has taken to safeguard those jobs and to retain the site?

The First Minister (Nicola Sturgeon): As Richard Leonard knows, the minister who is involved has taken a very close interest in the matter. He has spoken to unions and the company, and he has encouraged the company to extend the consultation in order to allow other options to be properly investigated—including options that would involve Transport Scotland. The consultation has not yet closed, and we will continue to apply as much pressure on the company as we possibly can, because the jobs are important and I think that the way that the workforce is being treated is unacceptable.

Richard Leonard: Presiding Officer,

“It’s a good decision and I’m glad we’ve reached this outcome, because it allows us to protect not just the asset of Prestwick Airport but the jobs that directly and indirectly depend on it.”

That is what Nicola Sturgeon said after she took Prestwick airport into public ownership in 2013. If it was good enough for an airport then, why is it not good enough for our railways now?

The First Minister: Richard Leonard should, I hope, understand and appreciate that, before we can take a decision such as the one that we took around Prestwick airport—which I think was a good decision at the time—we have to undertake due diligence and look at all the different aspects. That is why we have encouraged Gemini Rail Services to extend the consultation, because the current consultation period is too short to allow any serious exploration of alternative options. I hope that Richard Leonard will join me, even at this late stage, in asking the company to extend that consultation, because we are prepared to look at all options and we will continue to do so. As

Richard Leonard has just demonstrated, we have a good interventionist record when it comes to saving industrial jobs across the country.

Richard Leonard: The consultation ends in just four days' time. I wrote to the First Minister almost four weeks ago, stressing the urgency of the situation, but she has said nothing in response. The workers and their unions are awaiting a proper response as well. Out there, in the real world, people's livelihoods and the national transport asset are at stake. Will the First Minister take decisive action? Will she step in and bring the Caledonian Railway works back into public ownership?

The First Minister: Far from our having said nothing, Michael Matheson has led two parliamentary debates on the matter, there has been ministerial discussion and engagement, and we will continue to look at and consider all options.

I say to Richard Leonard, in all seriousness, that the consultation timescale is not in my gift. It is not me who has set it, and the Government has not set it. We continue to call on the company to extend that timescale. It is worth noting that the railway works has an order book for ScotRail train refurbishment that runs until July, so there is absolutely no need to proceed as quickly as the company is doing.

Scottish Enterprise is working towards having a rail engineering hub at one or more locations in Scotland where heavy maintenance or innovation can take place. That work is under way, and Scottish Enterprise has had discussions with the site owner about how the railway works could fit into that strategic hub idea.

We will continue to look positively at all options, but I ask Richard Leonard to join me in calling on the company to extend the consultation period. I cannot remember whether he has one more question, but, if he has, perhaps he could take the opportunity to make that call now. As we did at Prestwick, and as we have done in a range of other cases, we will always act in the best interests of workers and jobs across the country.

The Presiding Officer (Ken Macintosh): There are a number of constituency supplementary questions, the first of which is from Clare Adamson.

Kinship Carers (Support)

Clare Adamson (Motherwell and Wishaw) (SNP): I want to raise the constituency case of a young woman whom I met recently. In 2015, at the age of 17 and after the tragic death of her mother, my constituent took on the responsibility for caring for two of her younger siblings. North Lanarkshire Council's social work department was in full knowledge of my constituent's circumstances and

visited her home to assess its suitability prior to her siblings moving in. However, since 2015, and despite verbally seeking support on a number of occasions, my constituent has never been able to access additional financial support as a kinship carer. Does the First Minister agree that the case raises serious concerns that vulnerable families may be failing to access the support to which they are entitled?

The First Minister (Nicola Sturgeon): I thank Clare Adamson for raising that tragic case. It is, indeed, a sad and tragic situation for all three siblings, and I know that everyone here will recognise the circumstances that Clare Adamson has shared with us.

I know, from speaking to kinship carer families, about the impact that bereavement has on children and carers and that it is really important that everyone involved is able to access the support that they are entitled to. We would expect a local authority to carefully assess the needs of the carer and the children in such a situation and to consider what support—financial or otherwise—is appropriate. The Scottish Government funds Citizens Advice Scotland to provide a specialised advice service, including information on financial and legal matters, and we continue to work with social security colleagues, including those at Westminster, to ensure that kinship carers can access a range of benefits to alleviate the additional costs of caring.

I would be happy to ask the minister to speak with Clare Adamson to see whether the Scottish Government can offer any further assistance and help in that particularly tragic case.

NHS Grampian

Peter Chapman (North East Scotland) (Con): What is the Scottish Government's response to recent figures that show that more than 9,000 people waited beyond the 12-week target for in-patient or day-case admission in NHS Grampian? Does the First Minister recognise that that figure has been rising every year, that it is now eight times higher than it was in 2013, and that NHS Grampian is the worst-funded health board in Scotland, with a shortfall of £239 million over the past decade, based on the Scottish Government's own official figures? Does the First Minister agree that the people of the north-east deserve much better?

The First Minister (Nicola Sturgeon): As I said in response to Jackson Carlaw's question, right now waiting times are not as good as we want them to be, nor are they as good as patients deserve them to be. That is why we have the waiting times improvement plan, which is backed by the £850 million of dedicated resources that I have spoken about. The Cabinet Secretary for

Health and Sport will continue to work with health boards to ensure that we see the improvements that need to be made.

We know that record resources are going into the health service and all health boards, and that record numbers of people are working in our health service, but rising demand is creating pressure, so we must respond to that.

Finally, as I have frequently done in the chamber, I simply remind the Tories that had we followed their advice in budget decisions this year and last year, we would right now be grappling with a situation in which we would have £550 million less to invest in our public services—our national health service, in particular. I know that the Tories do not like to hear that, but it is a fact, and it is about time that they started to face up to it.

Burntisland Fabrications Ltd

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

This week, the awarding of contracts for the Moray East and Kincardine offshore wind projects was announced. So far, Burntisland Fabrications has received no work. It is over a year since its yards, which were on the brink of closure, were purchased by D F Barnes with support from the Scottish Government. There has been no employment at the Fife yards and there have been no contracts since then.

The GMB and Unite unions are warning that the Fife yards could end up with nothing, as we see Scottish renewables projects being awarded to overseas companies and the Scottish supply chain being squeezed out. Will the First Minister respond on that situation and give an update on expectations for the future of the Fife yards?

The First Minister (Nicola Sturgeon): I thank Claire Baker for raising that issue, which is extremely important and very close to my heart.

It is, of course, important to note that BiFab has secured a contract to fabricate 150 pin piles for the Moray East project. That fabrication will be done at its Arnish yard and will provide work for 90 people. It will start in March.

Beyond that, we continue to work extremely hard; indeed, I note that the unions have been clear that both D F Barnes and the Scottish Government are fighting hard to secure contracts. We will continue to do that. I share the frustration of the unions and the frustration that Claire Baker has just articulated. We will discuss the unions concerns with them. Pat Rafferty and Gary Smith have talked about BiFab competing against

“established supply chains of preference”.

There are concerns that BiFab is not competing on a level playing field, so it is important that the concerns be addressed.

In the short term, we will continue to work as hard as we can to secure work for BiFab. We have supported it throughout. In the medium to long term, we will work with the trade unions and others in order to try to address underlying issues that might be getting in the way of a successful operation such as BiFab winning the contracts.

General Practitioner Shortage (Upper Annandale)

Oliver Mundell (Dumfriesshire) (Con): Does the First Minister agree that it is totally unacceptable for 1,000 patients to be transferred to a different general practice in another town because of GP shortages? Following the closure of another GP practice, will the Scottish Government commit to reviewing GP provision in upper Annandale?

The First Minister (Nicola Sturgeon): I will ask the Cabinet Secretary for Health and Sport to look into that local issue and to respond to Oliver Mundell.

Health boards have a duty to ensure that there is GP provision for all the patients whom they serve. Oliver Mundell will be aware that the Scottish Government is taking a range of actions—from increasing the number of places at medical schools, to increasing GP training places, to incentive schemes for increasing the GP workforce. We will continue to invest in those initiatives in order to address the shortages.

Climate Change (Transport Emissions)

3. Patrick Harvie (Glasgow) (Green): This week, the Government published its transport figures, and they make for grim reading. We are all aware of the urgency of the environmental crisis and the impatience that people are expressing—from people who are on school strikes to climate scientists. Nobody has seen the February heatwave without recognising that it is not normal. We need to change the way we live, and we need to do so urgently.

Transport is one of the areas in which the Scottish Government has been repeatedly told that it needs to do better, yet we are seeing more road traffic, more air traffic, less bike use and less public transport use. Transport emissions have gone up by 5 per cent in the past five years, when they should have been going down. What is the Government getting wrong on transport and what is it going to change? (S5F-03087)

The First Minister (Nicola Sturgeon): I agree with the broad thrust of Patrick Harvie’s question. I will, in a second, come on to what I agree with.

First, there are a couple of points to note to provide better context. There have been increases in traffic volumes: I will return to that. It is worth noting, however, that greenhouse gas emissions from road transport are lower now than they were in 2007. Although there has been an increase in aviation emissions, they currently account for less than 5 per cent of total Scottish emissions, and we are one of the few countries in the world that include aviation emissions in our calculation of overall climate change targets.

Generally, I agree that it is important to encourage people to consider using different modes of transport, which is good not just for the climate but for public health. That is why we invest more than £1 billion per year in public and sustainable transport for encouraging people on to public transport and to use active travel. That includes £250 million per year to support our bus industry. We will continue to make such interventions and we will look to make improvements where we can. The Transport (Scotland) Bill aims to give local transport authorities more flexibility in relation to bus services.

Finally, the situation should make all parties in the chamber think long and hard about the kind of knee-jerk opposition that we see every time the Government so much as contemplates anything that is designed to encourage people out of their cars. The transport statistics should be a wake-up call to all of us.

Patrick Harvie: The First Minister says that the Government is “encouraging” public transport use, but we are still seeing a shift away from public transport use towards car use. It is not working.

The First Minister also says that we are counting our aviation emissions. We are—but we are not cutting them. Counting them is of use only if it helps us to cut them.

The reality is that transport emissions as a whole have not been going down, but have been going up. There has been no reduction at all since the long-term 30-year trajectory was established, for which we were supposed to be cutting emissions across the economy. We are still shifting away from public transport and active transport towards car use, when we should be going the other way. When will the Government address the fundamental lack of any attempt at traffic-demand reduction in its transport and climate change plans?

The First Minister: We have doubled our funding for active travel—we took it from £40 million to £80 million per year last year, and we are maintaining it this year. We also support low-emission zones and—having worked with the Greens—we propose extra powers for local

councils to do more if they so choose to do so. We are taking a number of actions. Patrick Harvie is right that we should continue to look for ways in which we can do more and go further.

Patrick Harvie seemed to take issue with my use of the term “encouraging people”. People have choices: we cannot force them to use one form of transport over another. What we can do is invest in the alternatives, as we are doing, and make it as attractive as possible for people to use methods of transport other than cars. We will continue to do that.

I hope that we will continue to have the support of the Greens. There is a challenge to the other parties, whose knee-jerk opposition to initiatives sometimes gets in the way of us all, in trying to do the right thing.

Hospital Waiting Times

4. **Willie Rennie (North East Fife) (LD):** In June 2017, I asked the First Minister about waiting times in our hospitals. She told me that she was making targeted investment and ensuring that improvements happened, but the situation got worse. In October 2018, I asked again. That time, the First Minister told me that she had a funded plan that would substantially reduce waiting times. Therefore, was the First Minister surprised on Tuesday that waiting time performance fell yet again?

The First Minister (Nicola Sturgeon): No, I was not, and if Willie Rennie had read the waiting times improvement plan he would not have been surprised either. It is regrettable that we are where we are with waiting times, but we set out very frankly the challenge, and the trajectory that waiting times improvement would take. It is all set out in black and white in the waiting times improvement plan.

We are making targeted investment. I have referred twice now to the £850 million of investment to back that plan. Just last week, the Cabinet Secretary for Health and Sport announced almost £30 million, including, for example, extra money to Forth Valley hospital to deliver two new theatres by October this year, which will bring additional capacity for 1,500 more joint replacements. By June this year, the hospital will have a second MRI scanner to allow 8,000 more diagnostic examinations to take place per year. The Golden Jubilee hospital will purchase an additional CT scanner, which will be operational by March and which will provide an additional 10,500 images annually. Those are the targeted investments that will deliver the improvements in waiting times that the improvement plan set out very clearly.

Willie Rennie: It has been eight years since the law was passed and it has been eight years of excuses just like that. It seems that the longer people have to wait, the bigger the excuses from this First Minister. Nicola Sturgeon told us that her Patient Rights (Scotland) Act 2011 was the way to cut waiting times, but it is just flim-flam. Tricking patients does not get them treated any quicker. The law is broken 200 times every day; 13,000 people were waiting and now it is 18,000. What are the consequences for the First Minister next time she breaks her own law, the time after that and the time after that? Will the First Minister pay any price, or is it only the patients who will suffer?

The First Minister: We will continue to focus on doing the job that we are elected to do as a Government, which is to deliver the improvements that are set out in that plan. We will back that with record investment and record numbers of people working in our national health service. We know that demand is rising. Health services across the world are having to deal with that challenge, and Scotland is doing that better than any other health service across the United Kingdom right now.

On the Government's overall record on people waiting for longer than 12 weeks for treatment, it is worth noting that since this Government took office in 2007, the number of people waiting longer than 12 weeks has reduced by 21 per cent. That is not good enough and it has to go down further—it was 104,867 people in 2006-07 and it is 82,660 people now. That is not good enough, but we will continue to target the investments to make sure that we see the improvements that patients have a right to expect.

Caledonian Railway Works

Bob Doris (Glasgow Maryhill and Springburn) (SNP): The Caledonian railway works that was previously referred to is in my constituency. I draw the First Minister's attention to a live tender by which the Porterbrook Leasing Company will determine which company gets the work to refurbish around 100 class 170 carriages, some of which will run on the ScotRail network. If that work goes to Springburn, it could secure around 40 jobs for around three years. I have written to Porterbrook commending the skills and dedication of the workforce at the Caley. I very much hope that they secure that work.

Although I appreciate that the First Minister cannot directly interfere in a tender process, does she agree that Gemini Rail Services has an absolute responsibility to bid for that work, to seek to bring it to the Springburn yard, to halt the 45-day notices and threats of redundancy and to offer hope to my constituents, not redundancies?

The First Minister (Nicola Sturgeon): Yes, I agree 100 per cent with Bob Doris. I commend

him highly for the way in which he has defended the jobs and interests of his constituents in this case.

Gemini should remove the threat of redundancy and extend the consultation. It should certainly be prepared to bid for any work that is going and to give us all time to look at all options for securing the jobs at the Springburn works for the future.

Ninewells Hospital (Replacement)

Jenny Marra (North East Scotland) (Lab): The First Minister will be aware of NHS Tayside asking her Government for £12 million for repairs to an outdated electrical system at Ninewells hospital and a huge backlog of maintenance. I believe that it is not in the public financial interest for boards to come back asking for more money—millions of pounds—to be spent on piecemeal repairs to our hospitals.

Glasgow and Edinburgh have new hospitals, and there are new facilities in Aberdeen. If the business case adds up and is sustainable, will the First Minister commit to replacing the oldest acute hospital in Scotland and support a new hospital in Dundee?

The First Minister (Nicola Sturgeon): Business cases are looked at robustly and properly, as are all requests for funding by health boards for backlog maintenance, which is the situation in this case. The Scottish Government's capital investment group is tasked with doing that. That process is in accordance with capital projects of such a scale. I encourage the health board to continue to talk to the Government and the capital investment group, so that proper decisions can be taken on the matter in the proper way.

No-deal Brexit

Jenny Gilruth (Mid Fife and Glenrothes) (SNP): Last night at Westminster, all parties had the chance to rule out a no-deal Brexit. Instead, the Tories chose to put 100,000 Scottish jobs at even greater risk. With just 29 days until Brexit, what is the First Minister's message to Theresa May?

The First Minister (Nicola Sturgeon): It is scandalous that we are just 29 days from Brexit catastrophe being inflicted on Scotland by the Tories.

Last night, all parties, including Scotland's Tory members of Parliament, had the opportunity to vote for Ian Blackford's amendment and remove the risk of a no-deal Brexit, not just at the end of March but for ever. It is absolutely disgraceful that the Scottish Tory MPs refused to do that. [Interruption.]

The Presiding Officer: Order, please.

The First Minister: Watching David Mundell, the so-called Secretary of State for Scotland, squirming in an interview last night as he tried to explain why he did not vote for that amendment was quite mind boggling. The Tories are not standing up for Scotland's interests—they never were—and if that Brexit catastrophe hits, every one of them will bear the responsibility.

Landfill Ban (2021 Target)

5. Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): To ask the First Minister whether the Scottish Government is confident that it will end traditional black bag waste and a range of recyclable materials being buried in the ground by its target of 2021. (S5F-03103)

The First Minister (Nicola Sturgeon): Since 2012, there has been a statutory duty to recycle in Scotland, so recyclable material should not be going to landfill or to energy from waste. Scotland has already met relevant European Union targets, but our forthcoming ban on sending biodegradable municipal waste to landfill, which will apply from January 2021, deliberately goes further and sets a marker for our environmental ambitions. As such, it is disappointing that there is uncertainty about the readiness of some councils to deliver that ban.

We are aware of the significant challenges that are associated with delivering the ban and are working with public and private sector partners to tackle those challenges. Our focus now is on working with authorities that do not have a solution in place to identify ways in which they can comply with the ban as soon as possible.

Christine Grahame: On challenges, I advise the First Minister that when I recently purchased a small musical toy torch with whirly coloured lights for my granddaughter, aged one, it took me at least 20 minutes to remove it from its packaging, which I did with the aid of a Phillips screwdriver. That illustrates yet again how fighting packaging seems to be a losing battle—even the humble turnip is now prewrapped, for goodness' sake.

What can the Scottish Government do to reduce idiotic and wasteful packaging, perhaps starting with toys and turnips? That would certainly help it to reach its targets by 2021.

The First Minister: I should perhaps begin by saying that I am relieved to hear that the toy torch with whirly coloured lights was for Christine Grahame's granddaughter. [*Laughter.*]

On the serious issue, I agree that we all need to tackle plastic packaging. The Government is committed to substantially reducing unnecessary and difficult-to-recycle packaging, to increase recycling rates. Earlier this month, we, along with other United Kingdom Administrations, commenced a consultation on the reform of the

packaging producer responsibility across the UK, which is aimed at ensuring that business meets the full cost of managing packaging at end of life. The consultation runs until 13 May.

In the meantime, we will continue to explore how any new arrangements might best be given effect, including exploring how they would align with our plans to introduce a deposit return scheme for drinks containers in Scotland.

Maurice Golden (West Scotland) (Con): I declare an interest in respect of my previous work in the environment sector.

There is genuine cross-party concern that many environmental targets will not be met, due, in part, to a failure to take an evidence-based approach when setting targets and to subsequent weak implementation plans. Examples include banning plastic straws without knowing their weight and volume, cutting food waste by a third without knowing how much food waste there is and, now, the 2021 ban on waste to landfill. Does the First Minister accept that our environmental targets and the implementation of plans require a robust, evidence-based approach?

The First Minister: I have to say that it is a bit rich for any Tory to stand up and talk about evidence bases and the importance of environmental action, given the knee-jerk opposition to the workplace parking levy discretionary powers for councils that we have seen in the past couple of weeks.

On this issue, we will always act in an evidence-based way. The 2021 ban is right because it sets a level of ambition that we should all be working towards. Of course, 14 local authorities already have in place a long-term solution. Those include our major authorities, for example in Glasgow, Edinburgh and Dundee. Our focus will be on working with those authorities that do not have a solution in place, so that we can identify ways for them to meet the target as quickly as possible.

Scottish Qualifications Authority (Possible Strike Action)

6. Liz Smith (Mid Scotland and Fife) (Con): To ask the First Minister what engagement the Scottish Government plans with the SQA to prevent possible strike action during the forthcoming summer exams. (S5F-03092)

The First Minister (Nicola Sturgeon): I urge the SQA and unions to continue constructive discussions to reach a resolution. The Deputy First Minister met the SQA's chief examiner just yesterday and sought assurances that the SQA is taking all appropriate measures to ensure that the exam diet is not disrupted. We will continue to monitor the situation closely.

Liz Smith: Parents and pupils across Scotland are already—quite rightly—very worried about the possibility that some teachers will take strike action; and now they have the additional worry that there could be strike action at the SQA at what would be, I think members in the chamber will agree, the worst time in the school year.

Six days ago, a member of the SQA was quoted in *The Herald* newspaper as saying that the SQA has in place “robust contingency plans.” Will the First Minister tell parents and pupils exactly what the Scottish Government believes those contingency plans to be?

The First Minister: An annually updated contingency plan is in place to respond to any scenario that might pose a risk to the qualifications system, and the Deputy First Minister will be happy to write to Liz Smith with more detail on that.

Of course, we want to ensure that that contingency plan is not required, and that should be our focus.

It should be noted that the proposed ballot at the SQA is of a relatively small number of staff—about one in 10 of its roughly 1,000 staff. That said, industrial action would not be in the interests of young people, so I urge the SQA and the unions to continue their discussions to reach a resolution. We will remain in touch with the SQA on the matter.

On the wider issue of teachers, the pay offer to them is the best offer that has been made to any group of public sector workers not just in Scotland, but anywhere in the United Kingdom. The offer is for teachers’ salaries to increase in April by a minimum of 9 per cent compared with current salaries. I hope that, in the near future, we can reach a resolution to that dispute as well, because it is not in anybody’s interests for there to be industrial action in any part of our education system.

Jackie Baillie (Dumbarton) (Lab): The First Minister will be aware that pay talks between Colleges Scotland and the Educational Institute of Scotland broke up less than an hour ago with no improved offer from the employers on the table. There is now the very real prospect of further strike action over the coming weeks that will affect colleges across Scotland, including West College Scotland, which covers my constituency.

Does the First Minister agree that the pay claim made by college lecturers is entirely in keeping with the Government’s public sector pay policy? Will she therefore instruct the Cabinet Secretary for Education and Skills to take a, perhaps, less passive role, to ensure that a reasonable settlement is reached soon, which is something that he has done in the past?

The First Minister: The Government does not take a passive role in any of these things, but we do respect negotiations. I would hope that, as someone who I am sure would describe themselves as a trade unionist, or trade union supporter, Jackie Baillie would also respect collective bargaining and on-going negotiations in a particular sector.

As for the college lecturers, I certainly hope that we can get people back round the table and that a resolution can be reached. I remind the chamber that the dispute is about a cost-of-living pay uplift over and above the harmonisation increase, which, on average, saw pay increases for college lecturers of 9 per cent over three years. However, the EIS and the Further Education Lecturers Association view the cost-of-living uplift as distinct from the harmonisation deal, while employers obviously take a different view. Again, I encourage them to get back round the table to reach a resolution that is in the interests of not only lecturers but students across the country.

Live Animal Exports (Ban)

7. Colin Smyth (South Scotland) (Lab): To ask the First Minister what the Scottish Government’s position is on a ban on live animal exports. (S5F-03110)

The First Minister (Nicola Sturgeon): The Government is committed to the highest possible welfare standards for animals and to ensuring that, where it is necessary, livestock in Scotland are transported humanely and with respect and dignity. We recognise that there are complexities, and we certainly recognise the concerns around transportation; our position is that, ideally, the process of quality meat production should take place close to where animals are born and reared. We are also working with the farming sector to explore ways of rearing more male dairy calves productively and profitably instead of exporting them.

Colin Smyth: Does the First Minister agree that scenes of weeks-old, unwanted calves being transported hundreds of miles, from Scotland to Ramsgate, for hours on end, then being shipped abroad, purely for slaughter, to countries whose animal welfare conditions are inferior to our own do nothing to enhance the reputation of Scotland and our vital agriculture industry? Is she satisfied with the conditions in which those calves are transported? Will she show leadership on the issue, send a clear signal that the Scottish Government will end live animal exports for slaughter, and state now that if the rest of the UK introduces a ban, Scotland will not seek an opt-out?

The First Minister: First, there is no transport of livestock from Scotland to continental Europe for

immediate slaughter. There is transport for rearing and, as I said in my initial answer, we are exploring alternatives to that to ensure that more male dairy calves can be productively and profitably reared here instead of being exported.

It is also important to point out that very high welfare standards are in place and that we expect all legislation and rules on the transport of livestock to be adhered to. The Animal and Plant Health Agency approves export journey plans on behalf of Scottish ministers and investigates any non-compliance in that respect. We recognise the concerns that have been raised and we are committed to working with the sector to explore alternatives to live exports.

As for the possibility of a ban, the Scottish Government consented to the United Kingdom Government's call for evidence on proposals to ban export for slaughter, and we will wait for the result of that review before deciding what further action to take.

The Presiding Officer: That concludes First Minister's questions. Before we move to members' business, we will have a short suspension to allow the gallery to clear and to allow members and ministers to change seats.

12:44

Meeting suspended.

12:49

On resuming—

World Hearing Day and Hearing Awareness Week 2019

The Deputy Presiding Officer (Christine Grahame): The next item of business is a members' business debate on motion S5M-15226, in the name of Alexander Stewart, on world hearing day and hearing awareness week 2019. The debate will be concluded without any question being put.

Before I call Mr Stewart, I say that we have signers here, so it would be helpful if he spoke clearly and more slowly. I know that he will set the bar high.

Motion debated,

That the Parliament acknowledges World Hearing Day on 3 March 2019 and Hearing Awareness Week, which runs from 2 to 9 March 2019; notes the view that hearing access needs to be a priority if there is to be greater public involvement and participation in many varied events; accepts that noise and poor acoustics can often be a significant cause of discomfort, distress and exclusion when it comes to group activities for older age groups and people with conditions such as hearing loss, dementia and autism; considers that there are opportunities for employability schemes to emerge from initiatives that manufacture affordable noise-absorption panels, which could be installed into community venues to help tackle noise and acoustic issues, in addition to others that design and manufacture hearing enhancement devices, and commends all groups, companies and charities that work to benefit the lives of people who live with hearing loss and the stigma that can be associated with the condition.

Alexander Stewart (Mid Scotland and Fife) (Con): I am delighted and grateful to have the privilege of opening this members' business debate on world hearing day and hearing loss awareness week. I welcome the guests who have joined us in the public gallery.

The motion and the debate are something of a double-edged sword, as they create awareness of two separate events with the single thread of hearing awareness. World hearing day takes place on 3 March each year to raise awareness of how to prevent deafness and hearing loss and to promote ear and hearing care around the world. This year, the World Health Organization plans to draw attention to the importance of early identification of and intervention for hearing loss. Many people live with unidentified hearing loss; they often fail to realise that they are missing out on certain sounds and words. Merely checking one's hearing regularly would be the first step towards addressing some of the issues.

Hearing awareness week, which runs from 3 to 9 March, has been fully adopted in Scotland. It provides an opportunity to reflect on our collective

actions, practices and environments to support good hearing experiences. Poor acoustics can often be a significant cause of discomfort, distress and exclusion, and individuals with conditions such as tinnitus and sensitive hearing are at a disadvantage when it comes to employment and enjoying a normal lifestyle. It is therefore only right that we should work to create much more awareness of how well and to what degree people can hear.

Some 11 million people in the United Kingdom have hearing loss. For them, attending meetings and events and making trips to the cinema and concerts can be terribly stressful and frustrating. Common issues such as poor acoustics, a presenter whose script is hard to understand and even background noise can all act as barriers to participation. Other people's reactions to someone with hearing loss can be a source of stress, as many people react inappropriately to and are impatient with those who cannot hear well.

I recently received an invitation to an event from a highly innovative company called Ideas for Ears, which is based in Dunblane, in my region. It is headed by its director, Sally Shaw, who is in the gallery today. Last year, the company launched the UK's first hearing access protocol at GO LIVE! at the Green in Glasgow. As an MSP, I was delighted to attend that event, which I found extremely motivating and interesting.

The initiatives that the company has identified involve a number of protocols. Meetings and events should be accessible to everybody, no matter what their hearing level is. A basic principle is that hearing access is influenced by the venue, the facilities or equipment made available and the way in which the meeting is run and structured.

Poor hearing access can be difficult or impossible for an individual to overcome through their own actions and deeds alone, so the hearing access protocol is designed to enable organisers of work-related meetings and events to arrange their own organisational policies and procedures around access and inclusion in a way that recognises access to our language and communication as a fundamental human right. The protocol sets out objectives in a clear and practical way, and it covers everything from speaking clearly and facing the audience to installing hearing loops and having support from British Sign Language interpreters. That is especially important for public consultation and community engagement events.

The Health and Social Care Alliance Scotland, Disability Equality Scotland and deafscotland have welcomed the protocol. They recognise its importance not only as an essential framework but as a way in which we may contribute, collaborate and communicate to our full potential. I echo the

hope of Ideas for Ears that the protocol will be adopted across Scotland and the UK as good and proper practice for all meetings and events that will bring about substantial change for the millions of individuals who have hearing loss.

There is massive variation in how people hear, which very much needs to be recognised and responded to. I commend and congratulate all who are playing their part to assist and support individuals and groups as they move forward with hearing loss. I also pay tribute to the cross-party group on deafness for the work that it has undertaken; I wish it continued success with its endeavours to assist people who suffer from deafness or hearing loss.

We all have a duty to do all that we can to ensure that there are opportunities for people who are hard of hearing or deaf to participate. I look forward to seeing and hearing about the protocols being developed. I am delighted to have had the opportunity to throw my weight behind many fantastic initiatives this afternoon.

People in Scotland have only to attend their general practitioner or private hearing adviser to find out what their hearing situation is and have it checked. We know that hearing loss among working-age individuals can contribute to feelings of isolation as well as to communication difficulties, which in turn mean that employees do not achieve their full potential.

Employers are urged to introduce employees to practices and procedures that ensure that individuals with hearing loss are supported. All staff—especially those who work with colleagues who already suffer from loss of hearing or deafness—are encouraged to attend awareness training courses.

I look forward to hearing from the minister about how the Scottish Government will play its part in the process and what initiatives it will bring forward. Government has a duty to provide support and funding, and to drive the necessary change, in co-operation with the many leading charities and groups that play a vital role in assisting individuals who have hearing loss or deafness.

12:56

Mark Griffin (Central Scotland) (Lab): At the outset, I apologise to the Presiding Officer and to the chamber for the fact that I might not be able to stay for the duration of the debate, because the Scottish Government will be giving us early sight of the statements that will be discussed later this afternoon, which I will be involved in.

I thank Alexander Stewart for lodging the motion for today's debate and ensuring that world hearing

day and hearing awareness week 2019 are celebrated in this Parliament. As convener of the cross-party group on deafness, I am hugely grateful to Ideas for Ears and deafscotland for working with Mr Stewart to allow us to debate the issue of hearing access in public and community spaces. The cross-party group on deafness is always looking for new members and I encourage all members present to come along to our next meeting.

There is a particularly acute need to support hearing access for the community of more than 1 million people who are either deaf or hard of hearing, but hearing loss can, and does, affect all people in Scotland. As the motion details,

“noise and poor acoustics can often be a significant cause of discomfort, distress and exclusion when it comes to group activities for older age groups and people with conditions such as ... dementia and autism.”

Some members in the chamber might be aware that I use a hearing aid. Prior to having it fitted, I experienced frustration at being unable to hear discussions clearly, including, on some occasions in the chamber when there were interventions from sedentary positions. Sometimes that meant that I missed out on key debating points. I might be able to manage such situations and speak up when I experience them, but others—such as deaf and older people and people with dementia and autism—might be less able to, and might be less comfortable about doing so. We are all undoubtedly diminished by losing out on their participation. It is therefore vital that we consider how hearing access is prioritised to ensure greater public involvement and participation in many and varied events.

As deafscotland points out,

“communication is a two-way process.”

If a person’s ability to communicate is affected, the contribution that they can make to their society and culture is entirely impeded. A person’s being unable to communicate, and the isolation that can result from that, therefore really puts their mental and physical health at risk.

At the cross-party group, during the passage of the British Sign Language (Scotland) Bill, the issue at the heart of the debate was how being unable to communicate creates barriers to accessing services, including health services, and to educational attainment. As I said then, BSL users and deaf people are often marginalised and misunderstood.

We recently debated how social isolation is increasingly a social and public health epidemic; it is one area on which all parties are agreed that action is needed. In my speech in that debate, I spoke about how yet more cuts to local government will only dismantle and undermine

services that keep communities together. Taking into account those cuts and how a lack of hearing access adds to social isolation, we get a picture of how isolation is created.

I know first hand how much we need to improve the infrastructure and make it more inclusive. Today, we are talking about managing noise to aid hearing. During the passage of the BSL bill, I spoke about how few BSL interpreters there are in Scotland. At that time, there were only 80. Last summer, I organised a series of meetings that required interpreters, which highlighted to me again how difficult it is to source interpreters and secure funding for them, along with other associated costs.

That is why the proposal in Alexander Stewart’s motion that we should look at the employability opportunities that exist in rolling out noise-absorption panels and enhancement devices that tackle noise and acoustic issues should be particularly thought provoking for Government.

I thank Ideas for Ears, deafscotland and Mr Stewart for their work in bringing the debate to the chamber. I hope that, ahead of world hearing day and hearing awareness week 2019, we will leave the debate thinking about how we can make public spaces more inclusive and free of noise, and how we can encourage healthy communication.

13:01

Annabelle Ewing (Cowdenbeath) (SNP): I am pleased to have been called to speak today to mark world hearing day and hearing awareness week, and I congratulate Alexander Stewart on securing this important members’ business debate.

I recall that, when I spoke some years ago in a debate that marked a similar occasion, my colleague Dennis Robertson, who used to sit just to the left of me, intervened within one sentence of my starting to speak to ask me to speak more slowly. I hope that I achieve that today. If Dennis is listening, he will know that I listen to what people say.

As we have heard, the focus of this year’s hearing awareness week is the importance of the early identification of and intervention for hearing loss. Its strapline is “check your hearing”.

I recognise the excellent work that is done on behalf of deaf people by a range of national and local organisations and individuals around Scotland. They all work unstintingly to improve the lives of those who are deaf or suffer hearing loss, and to challenge the removal of the barriers that still remain for the more than 1 million individuals who are deaf or suffer hearing loss.

It is recognised that we have made significant improvements in Scotland in a number of areas, such as the development of quality standards for national health service audiology services. There are regular meetings of NHS audiology heads of service to co-ordinate and share best practice—I understand that one of those meetings is taking place today at Perth royal infirmary. There has been an increase in the provision of lip-reading classes and the national joint sensory strategy has been launched.

As Mark Griffin said, this Parliament passed the historic British Sign Language (Scotland) Act 2015, and the Scottish Government launched its first ground-breaking national plan for BSL in October 2017. To remind members, or inform those who do not know, the national plan is to run until 2023 and sets forth 70 discrete actions that the Government must take in the plan's first three years, with a progress report to be published in 2020. It was shaped by the input of more than 1,000 individuals and dozens of organisations and covers many aspects, including the important aspects of early years and education.

Parliament will no doubt wish to ensure that the progress report that is expected next year is subject to full scrutiny to ensure that the action points that were promised are being delivered on the ground. As far as the BSL national plan and other service issues are concerned, it is necessary to ensure that improved services are available to people in their communities. That is what will make the key difference in ensuring that those who are deaf or who have suffered hearing loss can access their rights as full and equal citizens. In that regard, Action on Hearing Loss Scotland did a power of work through its comprehensive report, "Hearing Matters", which was published a few years ago. A number of important issues were raised at that time, and I suspect that some of those challenges are still present and need to be overcome.

I recognise that a number of the issues are dealt with across Government portfolios. However, it would be helpful if, in closing the debate, the minister could clarify—or, if she cannot do so, refer this to the relevant minister—the current position with respect to hearing loss research, because the ask was for that to be a strategic priority. I would also like the minister to clarify whether the number of BSL interpreters meets the demand for them—Mark Griffin raised that point—how deaf young people have fared in participating in programmes such as the hugely successful modern apprenticeship programme, which is run by Skills Development Scotland, and what progress has been made on ensuring that all transport is fully accessible, including through the important provision of information.

At the same time, perhaps the minister can clarify the Scottish Government's response to the call from Action on Hearing Loss Scotland, Age Scotland and Scottish War Blinded for the timely screening of veterans, to add to the excellent joint initiative that they have been working on to compile the combating sight and hearing loss guide booklet, which was launched last month.

I stress that if those practical issues are resolved that will make a key difference to the lives of deaf people and people who suffer hearing loss. As parliamentarians, we have a duty not to take our eye off the ball but to persist with our questions and our ambitions to change lives for the better.

13:07

Jeremy Balfour (Lothian) (Con): I add my thanks to Alexander Stewart for bringing this important debate on world hearing day and hearing awareness week 2019 to the chamber.

In Scotland, more than a million people have some degree of hearing loss, of whom approximately 546,000 are over the age of 60. In the 2011 census, deafness or partial hearing loss was listed as a long-term health condition for more than 350,000 members of the Scottish population aged three or over. Those numbers are challenging, and I welcome any progress that groups, companies and charities can make to raise awareness of how to prevent deafness and hearing loss.

I am sure that we all know someone who is affected by hearing loss and know how it impacts on his or her quality of life. My mother has hearing loss and I am aware that she sometimes misses out on conversation and information at family gatherings because she finds it difficult to hear. That can affect her enjoyment of an event or prevent her from paying the bill. *[Laughter.]*

Activities that hearing people take for granted can present challenges for people with hearing loss. An example is passengers having conversations with taxi drivers. Recently, I contacted local authorities across Scotland, and only one of the 30 that responded to my request for information requires taxis to have hearing loops, while no local authority requires private-hire cars to have them. That is hardly an example of inclusive communication.

Deafblind Scotland wants communication to be acknowledged as a human right. It believes that systemic failures such as the one that I have cited remain a significant problem in Scotland that leads to everyday breaches of human rights for the deaf community.

Ideas for Ears is a community-led social enterprise that provides consultancy support to help businesses and organisations to meet more successfully the needs of customers, staff and other stakeholders who have hearing loss. It advocates for hearing access, which is about the application of practices that make hearing and following conversation and audible information more possible for more people. Hearing access needs to be a priority, and I support Ideas for Ears's view that the majority of people in Scotland who have hearing loss can hear and follow what is being said well or adequately as long as the environment is right.

Sadly, however, the environment in many workplaces—including this one—is still not right for people with hearing loss. Research that Ideas for Ears has done among employees identified that 74 per cent of respondents with hearing loss sometimes, regularly or always experience difficulties hearing at work meetings. For many who acquire a disability during their working life, the development of an impairment will bring about a crisis point in the workplace, putting their future into doubt. According to Deaf Action, one deaf person in four has left their job due to discrimination.

The number of people with hearing loss is at an all-time high and is increasing as the population ages. With 40 per cent of the working-age population being predicted to have a long-term health condition by 2030, this is a critical moment to address what good work means for a large section of the population.

A recent report by Leonard Cheshire Disability about inclusive employment identifies the need to adapt workplaces so that we can build a more resilient workforce. The report emphasises that, in order to enable disabled people to participate in the labour market, we need to ensure that they have access to reasonable adjustments and assistive technology that supports them to carry out their job. For a person with hearing loss, that could be an electronic note-taker service or a hearing enhancement device. That could be funded through the UK Government's access to work scheme, which provides financial support to ensure that people's disabilities or health conditions do not hold them back at work.

We also need to challenge entrenched attitudes in the workplace. Leonard Cheshire Disability's report identifies that 24 per cent of employers say that they would be less likely to employ someone with a disability, with employers citing the cost of workplace adjustments and concern that a disabled person would struggle to do the job as reasons not to employ them.

If we create the right environment for deaf people, they can make a positive contribution. I

therefore welcome initiatives, such as hearing awareness week, that raise awareness of hearing loss and encourage us to think about good hearing health and work collectively to ensure that we create a more inclusive society for people living with hearing loss.

13:13

The Minister for Mental Health (Clare Haughey): I thank Alexander Stewart for lodging his important motion. As we have heard from members across the chamber, there is support for improving care and opportunities for people with hearing loss. This year, world hearing day focuses on the importance of early identification and intervention, because many people live with unidentified or hidden hearing loss.

I, too, want to ensure that adults and children with a sensory impairment have the same access to services and opportunities as everyone else. That is why our see hear strategy focuses on children and adults and covers deafness, sight loss and dual sensory loss. Partnerships and communication are critical to the effectiveness of the see hear strategy. The strategic framework recommends that local partnerships between statutory and third sector bodies should consider options for introducing basic sensory checks at agreed times in care pathways. I am delighted that those have been introduced in care homes in some local areas and hope that that continues to expand.

We have also been working with partners to explore the delivery of enhanced community audiology services in a general practice setting. Initial pilots in NHS Ayrshire and Arran and NHS Tayside, linking with third sector providers, commenced this month and will run over the next 12 months.

The see hear strategy also enables training and development. For example, more than 200 people have accessed the sensory champions training programme, which is a bespoke training course that was created in partnership with the Royal National Institute of Blind People and Action on Hearing Loss. It provides core training and skills across key aspects of sensory loss and rehabilitation. In addition, three e-learning modules that focus on the awareness of communication strategies will be available to all on the NHS training website Turas.

I am grateful that the see hear national co-ordinator has worked closely with partners to support and promote the Ideas for Ears hearing access protocol to ensure accessible meeting spaces throughout the country.

I know of the difficulties that people who live with sensory impairment face. Recently, I met staff

from deafscotland to discuss the issues that people with hearing loss face, and I appreciate that each person has their individual, unique communication preference. That links directly to individual communication strategies and language acquisition. If a person's hearing loss is congenital, they will almost certainly have learned British Sign Language as a first language, with English being a separate and second language. I am proud that this Government funds contactSCOTLAND-BSL, which is the UK's first publicly funded online BSL video relay service. It enables deaf and deafblind BSL users to contact and interact with Scottish public sector bodies and third sector services. That allows users to self-manage their calls, live as independently as possible and retain a level of privacy. They no longer have to rely on family and friends to make calls for them.

The World Health Organization confirms that, as people live longer, the prevalence of disability will increase. It follows that, in Scotland, the risk that people will have or develop a hearing loss will increase. They might also have other primary conditions such as dementia, autism or learning disabilities, and their hearing loss might be a hidden condition that exacerbates their primary condition.

People with sensory impairment who develop dementia face additional challenges including an increased sense of disorientation and risk of social isolation. The onset of dementia might be more difficult for family and carers to detect. Equally, it might be difficult for the person with sensory impairment to communicate what is going on. In 2017, we published our third three-year national dementia strategy, which continues our national focus on dementia health, social services and housing and workforce development by implementing the national dementia skills and competencies framework, "Promoting Excellence", and the national allied health professionals dementia framework.

NHS Health Scotland's report on dementia and equalities issues identified dementia and sensory impairment as a key area where improvements are required, and we are undertaking national work through the two dementia workforce programmes to improve service in those areas. Integrated dementia support packages will include attention to the recognition or identification of sensory issues. For example, every person in Scotland who is newly diagnosed with dementia is entitled to be offered a minimum of a year's worth of dedicated post-diagnostic support. A named and trained key worker will co-ordinate the individual's dementia care with other elements of their care and support, including those elements that address sensory impairment.

People whose primary condition is autism can have a range of sensory issues, including over and undersensitivity to noise, light and smell. That was highlighted to me during my recent visit to REACH Lanarkshire Autism in my constituency of Rutherglen. Our priorities for the next three years are to ensure that we provide high-quality training to all health, social care and education staff so that they can better understand the impact of being autistic. That should cover the measures that need to be taken in various environments to reduce the impact of sensory sensitivity and to ensure that people with autism and learning disabilities have choice and control over the services that they receive and are supported to be independent and active citizens.

In December, we launched "A Fairer Scotland for Disabled People: employment action plan", which sets out our commitment to at least halve Scotland's disability employment gap by 2038 and an initial range of actions to support that. Implementation of the plan is now under way across Government and our partnership with the sector will continue as we drive the plan forward. It contains five longer-term ambitions and 93 actions to make meaningful progress towards achieving those ambitions, which are support services that meet disabled people's needs, decent incomes and fairer working lives, places that are accessible to everyone, protected rights, and active participation.

I thank members for the valuable contributions that we have had from across the chamber, including from Jeremy Balfour, Mark Griffin and Annabelle Ewing. I undertake to come back to her with answers to the questions that she asked and the challenges to the Scottish Government. I reassure her that veterans, including those who have served as reservists, receive priority access to NHS primary, secondary and tertiary care for any condition that is related to their service. That is based on clinical need and it includes audiology and hearing aids. I hope that that gives her a level of reassurance.

Everyone should feel valued, included and accepted by society. Only then will we live in a fairer Scotland, a more equal Scotland and a Scotland for everyone.

13:21

Meeting suspended.

14:00

On resuming—

European Union Exit (Impact of United Kingdom Immigration Policy)

The Presiding Officer (Ken Macintosh): Good afternoon. The next item of business is a statement by Ben Macpherson on United Kingdom immigration policy after leaving the European Union: impacts on Scotland's economy, population and society.

The Minister for Europe, Migration and International Development (Ben Macpherson): In October 2018, I established an expert advisory group on migration and population. I asked it to review UK Government proposals for immigration policy after leaving the EU and to advise on the impact that such proposals might have on areas of devolved responsibility in Scotland—the health of the Scottish economy, the delivery of our public services and the sustainability of our communities. Earlier this month, the group presented me with its initial conclusions. Today, I have published its report, and I want to update Parliament on the implications of those conclusions.

I thank the members of the group for their efforts in producing that considered analysis. I am grateful to Professor David Bell of the University of Stirling; Dr Andrew Copus of the James Hutton Institute in Aberdeen; Professor Rebecca Kay of the University of Glasgow; Professor Hill Kulu of the University of St Andrews; and Professor Christina Boswell of the University of Edinburgh, who chaired the group. I also greatly appreciate the engagement and input throughout the process from the Convention of Scottish Local Authorities on behalf of local government.

The Scottish Government believes that Scotland is a European nation that belongs in the EU, and that is what the people of Scotland overwhelmingly voted for in 2016. The benefits of membership of the EU—or, at the very least, membership of the European single market and customs union—are abundantly clear compared with the risks that we now face standing on the precipice of a no-deal Brexit.

Freedom of movement is one of the greatest achievements of the European project. It has facilitated trade, protected workers' rights and opened up new horizons for people—young and old—to learn, live and love across a continent. We enjoy the right to free movement just as much as other member states do. Losing the reciprocal benefit of shared EU citizenship will be one of the most significant negative impacts of Brexit.

For Scotland in particular, free movement has helped to turn around our long history of population decline. Migration has been a key driver of economic growth, it has added to our working-age population, and it has grown our tax base. That is all now at risk.

The current UK Government is determined that freedom of movement should end. That is one of the Prime Minister's red lines. The Scottish Government believes that that is a mistake by the Prime Minister, both in principle and for very practical economic and demographic reasons.

I asked the expert advisory group on migration and population to look into the impacts in Scotland of recommendations that the Migration Advisory Committee made in September 2018, which were subsequently adopted as policy by the UK Government in the immigration white paper. In line with its remit, the group's report addresses economic impacts, including labour market and fiscal effects, demographic impacts and impacts on Scotland's communities.

The group's headline conclusion is that, if enacted, the policy measures in the UK Government's immigration white paper would reduce overall

“net migration to Scotland by between 30% and 50% over the coming two decades.”

That would lead to a decline in the size of the working-age population and would increase the overall age profile of workers, which would only exacerbate the challenge of managing the pressures presented by an ageing society.

The group considered that the proposed new system might allow for a slight increase in migration from outside the EU. Indeed, the white paper proposes some minor improvements to the main route for skilled workers outside the EU, compared to the status quo. However, if free movement ends and migration from Europe is managed through that same route, the overall impact is set to reduce migration to Scotland significantly.

The UK Government's proposal for a salary threshold of £30,000 or more has already attracted much comment. That is the only element of the white paper on which the UK Government is seeking input formally, and I encourage employers to set out their position clearly. The message that I have heard from my engagement with business has been that the £30,000 salary threshold proposal is completely unrealistic.

The salary threshold is just one of the measures that, together, will serve to deprive key sectors and industries of people and skills, as I have heard in my discussions with representatives from tourism, social care, transport and many other

sectors. For those businesses, the UK proposals simply will not work. The Confederation of British Industry Scotland said that most clearly, stating:

“The proposals outlined in the white paper don’t meet Scotland’s needs or the needs of the UK as a whole, and would be a sucker punch for many firms”.

Furthermore, the expert group envisages that the white paper proposals would have a disproportionate impact on women. Fewer women than men are likely to meet a salary threshold, especially in less prosperous areas and in remote and rural communities.

The report also highlights issues faced by rural Scotland as a consequence of the changes. Historical depopulation in some rural and island communities is so pronounced that it is not possible for natural change to sustain those communities. Migration to areas such as Dumfries and Galloway, the west Highlands, Argyll and Bute and the Western Isles is essential.

Although there are particular concerns in rural communities and in specific sectors, I emphasise that the challenge that the group describes in its report is one that faces all Scotland—urban and rural areas alike—and all sectors of the economy. That is why it is so important that we build consensus on what Scotland needs.

Finally, the report is clear that the implications of the UK Government’s proposed 12-month temporary visa for so-called low-skilled migrants mean that the scheme is unworkable. That route would not meet demand sufficiently in areas that already suffer labour shortages; it would inhibit settlement and cohesion in Scotland’s local communities; and it is contrary to the UK Government’s own stated aim of discouraging economic precarity.

The expert advisory group report on migration and population clearly sets out to all of us the potential impact on our economy, our public services and our communities of the UK Government’s immigration proposals. It presents a challenge to this Parliament, and we need to find solutions that work for Scotland. I will work with businesses, local government and third sector bodies, and with members across the chamber, to build common ground and, together, to influence the direction of UK policy.

However, it is also becoming increasingly clear that, if migration policy is to remain with the UK Government, we need the ability to introduce additional, tailored policy approaches to address the particular issues that Scotland faces. We had an example of such an approach in the previous fresh talent scheme. When that scheme was withdrawn, all parties in this Parliament supported its reintroduction, following the work of the Smith commission. The arguments in favour of a post-

study work visa still apply today, and we need that route back.

The challenges we face on migration and population have only grown, and our collective ambition needs to grow in response. We want to implement a clear, fair approach that encourages and supports people who want to make Scotland their home, and to live, work and raise their families here.

Together, we need to think seriously, with an open mind, about what solutions could be provided through the devolution of immigration powers to this Parliament. Crucially, we also need to step up efforts to encourage people who have already come to Scotland under free movement to stay. Ensuring that EU citizens continue to feel valued and welcomed has been at the centre of our work since the EU referendum in 2016. Together with partners, we successfully argued for the abolition of the settled status fee, and we are providing funding to Citizens Advice Scotland to enable it to provide information and advice to EU citizens.

We will shortly launch a new phase in our campaign to encourage EU citizens to remain in Scotland. Now, more than ever, it is critical for every one of us to reassure those who have built their lives in Scotland that this is their home, that they are welcome here, that we want them to stay and that we will support them to stay. I hope that we can build agreement on what might come next, reflecting on the findings of the expert group’s report, and do together what is right for Scotland.

The Presiding Officer: Thank you. The minister will now take questions.

Adam Tomkins (Glasgow) (Con): I thank the minister for early sight of his statement. It is a welcome statement, particularly the minister’s remarks about building consensus and effective cross-party working.

Every Scottish Conservative MSP who spoke at every stage of our recent budget debates talked about the need to grow the Scottish economy. We are serious about that. We know that we cannot grow the economy without addressing the productivity puzzle, and that we cannot do that without addressing the economic imperative of migrant labour. Managed migration is a social good, too, of course.

A key opportunity of Brexit is that we can end the period of uncontrolled EU migration to the UK and replace it with a managed migration system that works for EU and non-EU citizens alike. I am not in favour of devolving immigration powers to this Parliament, but I am very strongly in favour of ensuring that the UK’s new system of managed migration works effectively for all the nations and regions of the United Kingdom. One size may very

well not fit all, and where there are genuinely discrete Scottish needs, those should be accommodated within the UK's immigration system.

With that in mind, I ask the minister whether he will commit to working with me and my Scottish Conservative colleagues, both here and at Westminster, to explore whether the tax system could form the basis of a new immigration system, either through our Scottish tax codes or through national insurance numbers. While such an approach would be UK wide, it could be tailored to the specific needs of the Scottish economy, where appropriate.

Ben Macpherson: I welcome the open-mindedness that was expressed in some of that question. However, the report shows very starkly that although we are interested in being attractive and supporting the needs of business in the Scottish economy, proposed UK immigration policy after Brexit will have exactly the opposite effect. The expert advisory group concludes that there will be a 30 to 50 per cent reduction in the number of people coming to Scotland over the next 20 years, which is a 5 per cent decline in our workforce. How can we support the Scottish economy if such a situation is presented to us?

Business is opposed to the proposed £30,000 salary threshold, which, as the expert advisory group report states, 63 per cent of the Scottish working population would not reach. How can we be an attractive country if UK immigration proposals will make coming here more bureaucratic, more costly and less welcoming?

The UK Government's proposals will not work for business, so we need to be solution focused in Scotland, working together to bring the powers that we need to this Parliament in order to come up with tailored solutions. We will try to implement UK Government policies and to influence the shortage occupation list for Scotland. We have asked for direct input to that list, but the UK Government has yet to enable that.

The truth is that it will not work for Scotland if the UK takes a policy direction that is based on its white paper. That is the expert advisory group's conclusion. We must think creatively and focus on coming up with solutions that will work for Scotland, and the Parliament should help to design those solutions and make them happen.

Claire Baker (Mid Scotland and Fife) (Lab): I thank the minister for providing an advance copy of his statement. I also thank the chair of the expert advisory group, Professor Christina Boswell, and the rest of the group for producing their detailed report on the impact of the UK Government's white paper.

Regardless of one's views on leaving the EU, it is difficult to ignore the evidence on the negative impact that the UK Government's proposals will have on Scotland's population, economy and society. The process of leaving the EU is chaotic and it is not clear when the exit will happen or on what basis, but we must assume that the UK will require a new immigration system. The UK Government must not ignore the pressures that will be put on Scotland's population, economy and society if its proposals are enacted.

This area is one in which members of the Scottish Parliament have previously worked together across political parties, and the evidence clearly pointed us towards the need for policy that is tailored to Scotland's needs. The minister proposes the devolution of immigration powers, but I believe that there is an alternative way to address the problem that would provide for flexibility and regional variation within a UK framework. Will the Scottish Government approach cross-party discussions with an open mind? Has the minister commissioned any work on other models, such as those that operate in Canada and Australia?

Ben Macpherson: I thank Claire Baker very much for the tone of her question.

I agree that the conclusions of the expert advisory group make it clear that Scotland faces acute and more pronounced demographic challenges, which we must consider along with the potential economic repercussions of the removal of freedom of movement and the implications of the UK Government's white paper. Those implications are serious in the short and medium term, and the demographic challenges are long term.

Since February last year, when we put our discussion paper before Parliament, we have explored the possibility of working together to utilise devolution to focus on the creation of solutions. The devolution of immigration as a whole is one option; the devolution of powers within a UK framework is another. I am open to dialogue on that other option and to considering the possibilities that it raises.

We are considering how to develop that discussion, building on last year's discussion paper. We want to look at what Scotland could learn by example from other countries. Claire Baker mentioned Canada and Australia, which have regional powers in their immigration systems that provide the flexibility to come up with differentiated solutions. We also want to think about how we could design a Scottish visa, based on a points system that we would decide, that would work to the benefit of Scotland and would keep it open, attractive and welcoming.

Ross Greer (West Scotland) (Green): As colleagues have done, I thank the minister for advance sight of his statement and the expert group for its work.

One of the many traumas that are inflicted by the UK's immigration system for non-EU citizens is that of family separation, which is caused—significantly but not entirely—by the minimum income threshold. Expanding that system to EU citizens will result in more family separation.

What work has the Scottish Government done, or what work will it do, to assess not just the advice but the support that will be needed by families who suffer that trauma as a result of UK immigration policy?

Ben Macpherson: One of the benefits of free movement has been the positive impact that it has had on family migration to Scotland. Through a robust academic analysis, the report of the expert advisory group rightly highlights—this is borne out by my anecdotal experience—the positive impact that the migration of families from elsewhere in the EU under freedom of movement has had on the age profile of our working-age population and our demographics. We understand the significance of family migration. We are considering both the impact of the UK Government's proposals on family migration post-Brexit and how Scotland could support such migration in the future. We will announce those proposals in due course.

Willie Rennie (North East Fife) (LD): Adam Tomkins seems to be living in a parallel universe to his colleagues in the UK Government. Seasonal fruit and veg farms in my constituency are already struggling; they are running short of workers right now. Processors, such as Kettle Produce, need workers all year round.

There is no doubt that Conservative immigration policy is bad for business and many organisations agree, including the Confederation of British Industry, the National Farmers Union and the Federation of Small Businesses. We need a UK solution to this UK problem. A Scottish solution would not help the UK economy as a whole, and I urge the minister to work with colleagues across the UK to fix the problem.

The minister has discussed the matter with his Conservative counterparts. Do they get the impact that this narrow-minded policy is having on business and our economy?

Ben Macpherson: I would not want to speak on behalf of the Scottish Conservatives. I have engaged across all sectors in Scotland, including the business, third and public sectors. The people of Scotland understand the negative consequences of the UK Government's proposals, as do many people across the UK.

Although the white paper proposals will have a negative impact on many parts of the UK, the expert advisory group's report that I have published today clarifies that population ageing in Scotland is more pronounced than in the rest of the UK, so reduced migration from the EU will lead to a gradual decline in the working-age population in Scotland, but the effect of the policy will not be the same on the working-age population across the rest of the UK. As we face challenges that are more pronounced than elsewhere in the UK, we need to be solution focused and think about how we get the solutions that we need here and the powers to deliver them.

Willie Rennie mentioned seasonal and temporary worker programmes. I have been to farms not too far from his constituency. The seasonal agricultural workers scheme caters for an inadequate number of people. The temporary worker programmes in the UK Government's white paper are also inadequate, because they would not allow family migration, people would have no recourse to public funds and they would be subject to a 12-month cooling-off period. The temporary and seasonal solutions that are on the table are not adequate for Scotland.

Joan McAlpine (South Scotland) (SNP): The minister will be aware that the chair of the UK's Migration Advisory Committee, Professor Alan Manning, admitted to the Scottish Parliament's Culture, Tourism, Europe and External Affairs Committee that he had done no modelling of the demographic or fiscal impacts on Scotland of his proposals, and that he had done no in-depth study of the differentiated migration systems in countries such as Canada. Therefore, the Scottish Government's analysis is welcome. What does the minister's analysis tell us about the proposed £30,000 minimum income threshold for EU workers in Scotland?

Ben Macpherson: As I said, the expert advisory group estimated in its report that 63 per cent of workers in Scotland earn below the proposed £30,000 threshold. If the UK Government introduced such a threshold, that would dramatically constrain the ability of Scotland's employers in many sectors, including the agriculture, tourism and social care sectors, to access the skills and labour that they need. Those sectors, which make such an important contribution to Scotland's economy, rely on freedom of movement to attract and retain the talent that they need throughout the country, in rural and urban areas alike.

The UK Government's proposals are unworkable, unrealistic and ultimately damaging to Scotland and its local communities. I think that the UK Government knows that. In promising to engage on the threshold and listen to others, it has

acknowledged that the proposed salary threshold is completely unrealistic and unworkable.

Interestingly, though, the expert advisory group concluded that a salary threshold of £25,000 would exclude 53 per cent of workers in Scotland. That is another reason why we need powers in this Parliament—we must be able to decide whether we want a salary threshold at all and, if we do, whether it should be different in Scotland. Those are the questions that we could be asking if we were able to design our own policy solutions, and we need to take the debate in that direction.

The Presiding Officer: We have plenty of time this afternoon, but we still need to make some progress with questions. I call Rachael Hamilton.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): I refer members to my entry in the register of members' interests.

I, too, welcome the minister's statement and the analysis, but it is worth noting that, in discussions with Ben Macpherson, the CBI and the FSB both stated that a UK-wide system was their preferred option. However, we on these benches agree that a specific threshold of £30,000 could be detrimental to key sectors such as manufacturing, hospitality, food and drink and tourism. Given that the minister is against that particular threshold, what analysis, if any, has his Government done to pinpoint a threshold that he believes is workable?

Ben Macpherson: Given that this Government believes in freedom of movement, I would, in the first instance, want to consider whether a salary threshold was necessary at all. The expert advisory group's analysis and conclusions clearly state the need for us to be able to attract more people, the risk of the UK Government's immigration policy making us less attractive—or, in fact, unattractive—and the negative economic consequences and demographic challenges that arise from that. We will seek to influence the UK Government on the salary threshold, and I encourage all businesses and others to state their opinions in that respect.

However, there are other aspects of the UK Government's immigration white paper proposals that will put people off by being bureaucratic and costly. For example, there is the immigration skills charge, and the fact that after we leave the EU, each employer will, with the removal of freedom of movement, have to sponsor individuals to come here: think of the extra bureaucracy and cost for big and small businesses alike. The UK Government's proposals do not make sense—we can come up with better solutions in Scotland.

Annabelle Ewing (Cowdenbeath) (SNP): Given that all of Scotland's population growth over the next 10 years is projected to come from migration, can the minister clarify the impact of the

UK Government's disastrous post-Brexit immigration policy on not just Scotland's gross domestic product, but Scottish Government revenue?

Ben Macpherson: According to the Scottish Government's analysis, each additional EU worker in Scotland adds, on average, £30,400 to GDP and contributes £10,400 to Government revenue. In the evidence that it gathered and submitted to the UK Government, the MAC showed that migrants pay more in to the public purse than they take out in benefits or services, and the report that we are discussing today emphasises the same point. The expert advisory group has strongly reiterated that finding, and all evidence shows that migrants to Scotland, especially from EU countries, are young, healthy, well educated, highly skilled and ready to take up work and contribute to the economy. That is why we want to keep attracting people from the EU, why we believe in freedom of movement and why Brexit is such a tragedy and mistake.

Pauline McNeill (Glasgow) (Lab): Does the minister agree that the best way of achieving any concession from the UK Government on a flexible or differentiated immigration system, if that is possible, is for all parties in this chamber—the Tories, Labour, the Liberal Democrats, the Greens and the Scottish National Party—to find a way forward? In that respect—and given the need for us to stick together on this matter—will he consider the point made by Adam Tomkins about the tax system providing part of the solution to achieving a variation model?

Ben Macpherson: As I have said, I am looking to work cross-party in a solution-focused manner and to consider all the aspects that we can look at together. However, we need to be careful about thinking that people might be motivated by changes to the tax system, if the message that they are hearing is that they are not welcome in the UK and that it will be bureaucratic and costly for people to come here to do business or settle down.

We need to think about how we continue to create openness and continue to be attractive. If Labour and Tory members want to give me suggestions, I am open-minded about considering them and having a dialogue. However, the fundamental point is that without the flexibility that we need to have in this Parliament, if UK policy goes in the direction that it appears it will, we will be less attractive, we will realise less of our economic potential, we will struggle to provide the public services that we want to because we will not have the people to do so, and there will be a significant challenge to our demographics.

Bruce Crawford (Stirling) (SNP): Does the minister agree that the UK Government's

approach of linking people's perceived skills to earnings is flawed? What will the UK Government's scheme mean for vital professionals such as nurses, paramedics, midwives, junior doctors and healthcare assistants, as well as the many people in my constituency who work in the vitally important tourism industry, many of whom may be earning below the minimum threshold and will now be viewed as being low skilled? Is the scheme not just downright wrong and will it not damage the Scottish economy as well as the social fabric of Scotland?

Ben Macpherson: I absolutely agree with that sentiment. We cannot judge the social and economic value of an individual according to their earnings. This Government believes in the value of all skills, and the Scottish economy and public service provision benefit from all skills. That is why freedom of movement has been so beneficial—it has allowed us to bring people here to fill jobs across sectors and across urban and rural communities in order to make a positive difference and contribute to creativity and growth. I want solutions so that we can continue to attract people and value all skills in our economy and I absolutely share the sentiment of that question.

Alexander Stewart (Mid Scotland and Fife) (Con): Does the minister not recognise that, as the Office for National Statistics said in the report that it published today, although EU immigration is marginally down since 2016, overall UK immigration is roughly unchanged and non-EU immigration is up? Does the minister not agree that that represents an opportunity for Scotland?

Ben Macpherson: Restricted routes for EU immigration will put significant strain on our ability to attract individuals. We welcome an increase in the number of people from beyond the EU, but we disagree with the Prime Minister's stated ambition to reduce immigration to the tens of thousands and to create a hostile environment.

The analysis in the expert advisory group report that was published today shows that the positive impact of EU immigration in Scotland has been felt to a higher extent than elsewhere in the UK. Also, our demographic challenges are more pronounced and the growth of our working-age population is more reliant on immigration than is the case elsewhere in the UK. We need more people to come here and we want more people to come here. Freedom of movement is important as part of that, and we would like to see it continue. It is certainly a pleasure to welcome anyone coming here to Scotland to contribute to making this country better.

Gillian Martin (Aberdeenshire East) (SNP): The chief economic adviser's report, "No Deal Brexit—Economic Implications for Scotland", notes:

"The impact of a No Deal Brexit economic shock will not be uniform across Scotland"

and particular sectors

"are anticipated to see the greatest impact".

Aberdeenshire was ranked as one of the local authorities with the highest concentration of EU workers in the most exposed sectors, and the levels of EU employment in Aberdeen and Aberdeenshire were identified as being among the highest in Scotland.

Can the minister confirm whether there is any indication that the UK Government has identified the north-east's unique demographics and challenges and taken them into account in developing its immigration policy?

Ben Macpherson: Having been to the north-east to visit Macduff Shellfish and Camphill, which provides social care, I have seen at first hand the positive difference that EU immigration has made to the economy and society there. Unfortunately, whether it is the Migration Advisory Committee report or the UK Government white paper, UK Government policy making has not catered for the nuances and the differences in different parts of the UK in relation to demand for migration.

The expert advisory group report that I published today highlights the benefits of migration for Scotland and the fact that our need to keep attracting individuals to live and work here in order to benefit our economy and our society is greater than that in other parts of the UK. We must continue to attract people here. Unfortunately, we have not seen the consideration of Scotland as a whole, let alone parts of Scotland, by the UK Government.

Neil Findlay (Lothian) (Lab): If we are to be progressive internationalists and if we are to have a new migration system, the movement cannot be all one way and the system cannot be just about what we get from migration without consideration of that migration's impact on the countries that people leave. Has the Government analysed the impact of the movement of people who come here on their country of origin?

Ben Macpherson: We want to attract people to come here who make personal choices about whether they want to come here. The challenge for Scotland is to continue to be attractive and to give people who come here a positive experience of living here, whether they continue to live here or do so temporarily.

Global trends of migration impacts on countries are a wider geopolitical question. We need to think about how we continue to attract people to Scotland from near and far, because we want to grow our working-age population and we want to keep the contribution. That is why freedom of

movement has been beneficial; it has given individuals across the EU, including people from Scotland who have gone to other parts of the EU, the chance to travel, contribute, learn and love in other places. I wish that that could continue.

Maureen Watt (Aberdeen South and North Kincardine) (SNP): The impact of the UK Government's post-Brexit immigration policy on prospective EU students and on our universities cannot be overestimated. In the event of no deal, the UK Government proposes European temporary leave to remain for three years. As we all know, the majority of Scottish degree courses last for four years, so prospective EU students would be put off from applying to Scottish universities, as they would have no guarantee that they could complete their course. Given that about 9 per cent of students and 27 per cent of full-time research staff in Scottish universities are EU nationals, does the minister agree that the UK Government must change course and recognise the threat that its plans pose to Scotland's higher education institutions?

Ben Macpherson: Yes—absolutely. Ministers and officials have relayed those concerns directly to the UK Government; Mr Russell did that most recently at the joint ministerial committee on EU negotiations, and the Deputy First Minister has engaged with the sector on the issue. I will raise the matter again next month when I meet the Minister of State for Immigration, Caroline Nokes.

The example shows exactly why a one-size-fits-all approach for the UK does not work and why decisions about what Scotland needs should be taken here. I refer again to the past operation of the fresh talent scheme, which encouraged students to come to Scotland and stay here once they had graduated and around which a cross-party consensus was built.

It is time to start exploring solutions that can work for all of Scotland. I emphasise that point in relation to Maureen Watt's question, given that the Russell group said today that the UK Government should scrap its plans for a bizarre and discriminatory no-deal visa for EU nationals who want to study here.

Devolved Benefits (Delivery)

The Presiding Officer (Ken Macintosh): The next item of business is a statement by Shirley-Anne Somerville on the delivery of devolved benefits. The cabinet secretary will take questions at the end of her statement.

14:39

The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville): Last year was a momentous one for Scottish social security, as we started to build a new public service for Scotland. The Social Security (Scotland) Act 2018 passed into law last June. Three months later, our country's new agency, Social Security Scotland, opened its doors. Since then, we have put more than £35 million of additional funding into the pockets of people in Scotland by delivering the first two payments of the carers allowance supplement and the best start grant pregnancy and baby payment.

This year, we will introduce four new benefits to help young carers and low-income families. We are also consulting on our new job grant for young people who are moving into employment. We have made a strong start and, today, I will set out our plans for beyond 2019.

We have already taken responsibility for carers benefits. Our carers allowance and carers allowance supplement are, together, an investment of £320 million in 2019-20 alone. On 1 April next year, we will take full responsibility for the remaining devolved benefits, which means that benefits will start to be fully funded by the Scottish Government. From that point, Social Security Scotland will progressively take over the administration of those benefits from the Department for Work and Pensions. For the first time, the Scottish Government will make regular social security payments, week in, week out, directly to people's bank accounts—payments that Scottish families will budget into their weekly shop or monthly heating bill.

The complicated nature and interdependencies of social security and devolution mean that this is no mean feat. Two Governments and two agencies will share clients. The payments that people will get from the DWP and Social Security Scotland will affect and, in some cases, need to interact with one another. This is not a lift-and-shift approach whereby we take over the whole of social security and start making changes from the inside out. That would have been my preference, and it would arguably have been a simpler process. However, we are starting from scratch in that we need to untie one set of benefits from a labyrinthine DWP system, build our own system to

allow for the transfer and then ensure that the systems work together seamlessly. It is imperative that we get that right, so that people not only get the right money at the right time but remain eligible for other assistance to which they can be passported. That is a formidable responsibility, which I do not underestimate, but it is also a great opportunity to forge a social security system that is infused with dignity, fairness and respect.

It is clear to me—as we have heard repeatedly from people who have direct personal experience of the current system—that we must ensure that people who are entitled to those benefits are protected during the transition. They must be protected from aspects of the current DWP regime, yes, but protected, too, from the errors that inevitably follow when politicians rush through big changes in social security. We do not have to look far. There was the debacle of the DWP's migration of people from incapacity benefit to employment and support allowance, and the migration of the disability living allowance to personal independence payment was due to finish first in 2015, then in 2019, and it is now delayed until 2021. Above all, there is the universal credit programme, for which the original date of completion was 2017—it is now 2023. Six years later than planned, it is still fundamentally flawed. We all need to learn the lessons of those failures. It is clear to me that changes to social security need to be implemented with painstaking care, always at pace but never rushed, or we run the risk of people falling through the gaps.

The message that I am hearing is that we should take the time to get this right. Last month, we conducted an experience panel survey about people's priorities as our agency takes over cases from the DWP. Fifty-seven per cent of the more than 400 respondents said that they want the Scottish Government to strike a balance between transferring cases quickly and ensuring that there are no mistakes. A further 29 per cent would rather that we took still more time in order to avoid errors.

Since my appointment, I have been listening. I am well aware of how high the stakes are, and I will not take risks that endanger people's payments. We have seen that it is the people who rely on payments the most who pay the price. Over the past eight months, I have been talking to people with lived experience and challenging my officials on what can be achieved while balancing pace and risk and with clear principles in mind. Those principles are: protecting people and their entitlements, acting quickly to reform the aspects of the current system that cause the most stress and ensuring that we put in place a dignified and respectful system that works for Scotland. After careful consideration, I have determined a timetable for taking over the remaining benefits.

On the basis of the current plans, I believe that that timetable, although challenging, is realistic.

As I said, from April 2020, we will become responsible for the remaining devolved benefits. I am delighted to say that, starting next summer, the first disability benefit that will be open to new claims will be disability assistance for children and young people. We will also deliver on our manifesto commitment to extend eligibility for that benefit from age 16 to age 18, which will allow continuity for families during those crucial transition years when a child becomes an adult. Also from next year, children who receive the highest care component of disability assistance will also be entitled to winter heating assistance, which will mean that 16,000 children and their families will get a £200 lump sum to help with their heating costs.

I am pleased to say that, in early 2021—keeping up the pace—we will introduce an additional payment for the estimated 1,800 Scottish carers who look after more than one disabled child, recognising the higher costs that they face. By the end of 2021, we will also start paying winter heating assistance in its current form to eligible older people in Scotland who receive another type of payment from our agency, and we will make the first cold spell heating assistance payments.

New claims for disability assistance for older people who are over the state pension age and need someone to help them because of a disability will be introduced by the end of next year. Building on that progress, in early 2021, we will introduce the largest and most complex form of disability assistance: the new claims service for working-age people, which will replace the DWP's PIP.

I remain committed to co-designing the benefits with the people of Scotland, and a person-centred approach will be at the heart of Scotland's three forms of disability assistance. Through major reform of the assessment process, we will significantly reduce the number of face-to-face assessments, and, when assessments are needed, we will deliver them through our agency and not through the private sector. People will be invited to attend assessments at a time and place that suits them, with the assessor coming to them, if required.

By the end of 2021, we will deliver new claims for the Scottish carers allowance and will fold it together with the carers allowance supplement and additional money for carers of more than one disabled child in a way that meets carers' needs.

I have carefully considered whether the Scottish carers allowance could be delivered more quickly. I know that carers are, rightly, keen for us to take it over as soon as possible. However, I have

concluded that, above all, we have to take the time to get the carers allowance right, as it interacts in a particularly intricate way with functions that remain reserved. It affects income tax, for example, meaning that we will need new data-sharing arrangements with HM Revenue and Customs to administer it effectively.

The carers allowance is also a gateway to other benefits that are in the gift of the United Kingdom Government, such as the carer premium, which is worth around £36 a week on top of someone's means-tested benefit. The last thing that I want to do is jeopardise such additional payments by rushing the delivery of the Scottish carers allowance before the necessary agreements with the UK Government are in place.

I also do not want to encourage the growth of a two-tier system of new and existing claims. By introducing new claims in 2021, we can ensure that we protect payments for carers who rely on them. That will also allow us to focus on getting all three forms of disability assistance right to support the people who are cared for by our carers. That is particularly important given the scale of change that we are proposing in the application process, the desk-based decision making and the face-to-face assessments. I am therefore pleased to say that, by the end of 2021, we will deliver new claims for all disability and carers assistance, and we will support families with their winter fuel bills.

I turn now to the task of moving people's existing claims from the DWP to Social Security Scotland. I have mentioned the importance of protecting people's benefits as they transfer, and that is as true for existing claims as it is for new claims. We must move people to our agency in a way that causes them minimal anxiety while safeguarding the payments that they currently get.

Feedback from our experience panels shows how we can achieve both of those aims. I mentioned a survey that we conducted last month among people who are experienced in the current system. We asked what is most important to them as we take on their cases. Their top two priorities were that people should continue to receive the correct payments at the correct time and that no one should be subject to a DWP face-to-face reassessment for disability benefits. We will use that research as the basis for a set of client-centred transfer principles that are agreed with user and stakeholder input.

Let me be clear: we will protect people's payments during the transfer. In addition, I guarantee that, from early 2021, when we launch new claims for our PIP replacement, no one in Scotland will undergo a DWP face-to-face reassessment for disability benefits. Before someone reaches the end of their DWP award period, we will take over their case so that that

cannot happen. I also guarantee that, unlike for universal credit, we will not require people to make a new claim to move on to the Scottish benefits. Instead, we will work with the DWP to arrange for the transfer to happen automatically, and we will keep people informed—before and during the process—about what will happen and when.

We will start the work of transferring people from the DWP to our agency next year. That will involve moving more than 500,000 cases—10 per cent of people in Scotland. In the past, when the DWP has migrated people within its own benefits system, such transfers have caused huge problems. Transferring people from one Government's agency to another's has not been done before, and we must do it effectively, securely and in conjunction with the DWP. With its co-operation, I expect the majority of people to be transferred by 2023, with all cases fully transferred by 2024.

I had not anticipated that, during that work, there would be further delay to the DWP's DLA to PIP migration, which means that people of working age will still be on two different benefits when we would have expected to transfer them to a single form of Scottish assistance. My officials are in close contact with DWP officials on the matter, and I have requested a meeting with DWP ministers to discuss its implications. I will, of course, report back to Parliament once those discussions are more advanced.

We will work with the DWP to develop agency agreements to partially administer the devolving benefits until Social Security Scotland delivers them in full. Such agreements will ensure that people receive the regular payments that they have already been awarded with minimal disruption and distress. That is an administrative function only; it will not affect when we commence powers or start funding benefits. As I have said, from April 2020, benefits will be fully funded by the Scottish Government.

Delivering the devolved benefits is very much a joint enterprise with the DWP, and we rely on it to match our ambition and pace. The timescales that I have set out remain very challenging, and there are many unknowns within our work on social security devolution and beyond. We will therefore keep our plans under careful review, and I will keep Parliament updated on our progress.

We should not forget that we are the first Government to begin the partial separation of a highly integrated welfare system between two countries. That cannot be done without taking difficult decisions on timing. However, as we break new ground every day, we gain more experience of how to accomplish the most complicated feat of devolution that has been attempted since the Parliament was reconvened.

A great deal of activity is already well under way to make our current plans a reality. Today, I will publish 11 policy papers that set out the extensive work that has gone into designing how the benefits will operate. Next week, I will publish a consultation on disability assistance. We will seek the views of the public on our proposed reforms, including the introduction of rolling awards, with up to 10 years between reviews for people whose condition is unlikely to change, and on how we can ensure that the people who undertake our assessments for disability assistance are suitably qualified. In parallel, we will pursue our ambitious timetable for 2019. By the end of this year—just 18 months from the passing of the Social Security (Scotland) Act 2018—we will have delivered three of the 11 devolved benefits and four brand new payments.

Two years hence, Social Security Scotland will have delivered more than £210 million in benefit payments, agency staff will have supported 200,000 people and we will have brought a new culture of dignity, fairness and respect to Scottish social security. We certainly have our work cut out as we deliver devolved benefits to the people of Scotland, but the prize is great.

Michelle Ballantyne (South Scotland) (Con): I thank the cabinet secretary for advance sight of her statement.

I absolutely agree that the transition must be handled properly. It is about making sure that people get the support that they need; they are the priority in all of this.

However, the cabinet secretary must see the hypocrisy that the statement exposes. For two years, you have slammed the DWP, used highly charged language about the UK Government's administration of benefits and raised the expectations of some of Scotland's most vulnerable people and promised them the earth. After repeated promises that the new system would be up and running by the end of this parliamentary session, we now learn that it will be 2024 before the successor to PIP is in place. That is from the party that said that it could set up an independent country in 18 months. It will have taken nine years to introduce the devolution of 11 social security benefits. Can the cabinet secretary not see that that is deeply embarrassing?

Next April, the cabinet secretary will take over executive competence. Will you now apologise to the hard-working Scottish DWP staff whom you have repeatedly denigrated and whom you are now asking to keep running benefits on your behalf for another five years?

Shirley-Anne Somerville: Let me be absolutely clear: I will make no apologies for criticising the DWP for the way in which it tackles universal

credit and other aspects of this issue. It is never the staff who are responsible for the policies of their political masters but, unfortunately, it is the staff on the front line who have to bear the brunt of the policies of the Tory Government.

The successor to PIP will be in place in 2021. It is important to recognise that that is the area in which most people have a criticism of the present DWP system. That is why we are making substantial changes to the assessment process, the application process and the desk-based process. You may think that that is not a good thing to do and that we should just lift the DWP system and transfer it over, but what a missed opportunity that would be for the Scottish system.

It is absolutely not the case that this can be compared to what would happen with independence, because, as I said in my statement, this is an attempt to prise out 15 per cent of benefits from the system and not a lift and shift of the system. Part of the reason for the intricacies of the programme is that it is partial devolution. I am sure that Michelle Ballantyne would have been more aware of the difficulties that we face in that if she had she been able to take up the programme development opportunities at Victoria Quay that she was given, when she would have been able to talk through the challenges of developing the system.

It is very disappointing that, rather than seeing the opportunities that we have as we deliver a substantially improved service through Social Security Scotland, Michelle Ballantyne still thinks that the DWP, under the Conservative Government, is doing a good job. That is exactly why we will have a very different policy up here, and why people will have a very different experience of social security through our agency.

The Presiding Officer: I encourage everyone to keep their remarks respectful and through the chair, and not to use the term “you”.

Mark Griffin (Central Scotland) (Lab): I am disappointed in—disgusted at, even—some of the details that have been brought to the chamber. Labour has long called for details of the timeline for delivery of a social security system that is built on dignity and respect, and now we know why we have been told so little. Yet again, the sick, disabled people, older people and carers will have to wait to see a fairer social security system.

This morning, the cabinet secretary said that it was a choice whether to use the consumer prices index, a choice whether to use agency arrangements, and a choice whether to force carers to cut their working hours. Today, the cabinet secretary wants to force those same choices on Scotland's disabled communities, and

she will no doubt pay millions to the DWP for the privilege.

When vulnerable people will have been waiting a decade for the full devolution of social security powers, it makes a mockery of Scottish National Party promises in 2014 that a separate Scottish state could be set up within 18 months.

I am not asking the cabinet secretary to apologise to DWP staff. I want the cabinet secretary to apologise today to every single disabled person she is leaving in the hands of the Tories for another five years.

Shirley-Anne Somerville: As I set out in my statement, we have published 11 policy position papers today that detail the work that has been going on to get to the decisions that I have set out today.

Mark Griffin did not attend the information session with social security directorate staff either. Had he been through that, he would have seen some of the decision-making alternatives that we have been looking at.

I make a genuine offer to the Labour Party, as we go through this process. If it has alternatives, I am all ears. We cannot go through the detail of this today, but I will today be sending out an invitation to the spokespeople of all the political parties to discuss this in much more detail. If the Labour Party has alternatives, bring them forward, but make them realistic. Labour should not pretend to people that it has an alternative, because, at this point, it has never demonstrated that it can deliver a safe and secure transition and deliver what people want, which is to get the right payments at the right time. That is what the timetable that I announced today is doing. If the Labour Party has a credible and realistic alternative, I am all ears. However, I fear that, just as it was with the budget, Labour will be all talk and no delivery, because that is exactly the way it acts in opposition.

The Presiding Officer: We have had lengthy open exchanges. Please keep the rest of the questions and answers succinct.

Ruth Maguire (Cunninghame South) (SNP): Given that the United Nations special rapporteur on extreme poverty and human rights described the UK Government's approach to welfare as

"punitive, mean-spirited and often callous",

does the cabinet secretary think that it is important to reassure people by reiterating our ambition to do things differently in Scotland and to build a social security system that is based on dignity and respect and which works for people and not against them?

Shirley-Anne Somerville: Yes, it is imperative that people are able to put trust back into the system, as we build our new social security system. It will work for people, rather than against them. We will do that by ensuring that we get decisions right the first time. Our redesigned application process will be accessible and clear and, because we recognise that it can be difficult for clients to gather relevant evidence, Social Security Scotland will help them to do that. We will use the supporting evidence to make more award decisions without the need for face-to-face assessments, and where they are required, as I set out in my statement, our commitment is that they will be undertaken by assessors who are suitably qualified and at a time and location that suits clients. All awards will be rolling, with no set end points, and reviews will be set at dates that take account of clients' conditions. We will ensure that people with fluctuating health conditions do not face additional reassessments because of regular changes that they experience as a result of their conditions.

Alison Johnstone (Lothian) (Green): In her response to Ruth Maguire, the cabinet secretary highlighted the fact that no face-to-face assessments for disability assistance will be carried out for children, young people and older people, and that for other applicants, all efforts will be made to use existing evidence. That came from a Green amendment to the Social Security (Scotland) Bill, which I am very proud of and which was supported by all parties in the Parliament. What is the extent of the cabinet secretary's ambition in that regard? For example, is she aiming for the great majority of working-age applicants not to have to go through a face-to-face assessment?

Shirley-Anne Somerville: We are determined to get the level of face-to-face assessments down to the minimum possible. When the disability consultation is launched next week, the Parliament will see that we have asked the expert advisory group for a great deal of advice on that issue, to see how we can get the application stage right and the desk-based decisions correct, so that the face-to-face assessments are not required. I went back and asked for more advice and guidance on that issue, because I want to make sure that, at those initial stages, we do everything we can to ensure that face-to-face assessments are not required. We see them as being required only if there has been no other way to gather the necessary evidence. Of course, it is the responsibility of the agency—not the individual—to gather that evidence.

As I said in my response to Mark Griffin, letters will go out to all the spokespeople from all the political parties. I am determined to ensure that we do whatever we can to minimise face-to-face

assessments. I am happy to consider that in much further detail with Alison Johnstone once she sees the full consultation next week.

Alex Cole-Hamilton (Edinburgh Western) (LD): The cabinet secretary and I have often shared common ground in our opposition to what was called the disability living allowance takeaway, where DLA payments to children and their families were removed after protracted hospital stays of 87 days or more. The cabinet secretary has announced that the new system of benefits for children with disabilities will open for claimants in 2020. Can she confirm that there will be no such impediment for Scottish children who have to go into hospital for protracted periods of time?

Shirley-Anne Somerville: That is one of the areas that the consultation, which will be launched next week, can look at and determine. We must ensure that, when we look at all three disability payments that are coming forward, we look carefully at people's priorities for what they want us to change. That might mean that we cannot do everything that everybody wants at the first time of asking, because that might have implications for how long it would take to deliver and build the system. I am looking for a genuine and open frank discussion during this process about people's priorities and the implications for the programme, if any, if we implement those priorities. I know that that is an area in which Alex Cole-Hamilton has a very keen interest; we can get into those discussions during the consultation process.

Clare Adamson (Motherwell and Wishaw) (SNP): In yesterday's debate, there was much discussion of the welcome increase in financial support to carers. Will the cabinet secretary outline how the decisions that have been taken so far support carers and show what can be achieved when a dignity and respect approach is taken to social security?

Shirley-Anne Somerville: We have prioritised support for carers in our new social security system; indeed, our first change following the coming into force of the Social Security (Scotland) Act 2018 was to increase the financial support to carers.

Through carers allowance supplement, we have improved the incomes of more than 77,000 Scottish carers by £442, bringing them into line with jobseekers allowance. That is an increase of 13 per cent and an investment in carers of more than £33 million in this financial year. We have committed to increase the supplement annually, in line with inflation, so that, in 2019, carers will receive an extra £452.40 compared with counterparts in the rest of the UK. With our full funding of carers allowance and the supplement, investment in carers in 2019-20 is £320 million.

We will also introduce an additional payment for carers who look after more than one disabled child, which will benefit around 1,800 Scottish carers from early 2021.

Jeremy Balfour (Lothian) (Con): The message that we got on Tuesday lunch time was very different from what we are hearing today. I am sure that the cabinet secretary will be speaking to her colleagues Alasdair Allan, Keith Brown and Shona Robison about not being at such a vital meeting.

I will go on to a very important issue. I remind the chamber that I am in receipt of PIP. For those of us who receive PIP, will our transfer across in 2021—or after that—be done under the present DWP regulations or under the new Scottish regulations? If it is done under the new regulations, will that require a fresh filling out of forms to assess whether the benefit is of the right value?

Shirley-Anne Somerville: The transfer, particularly for people who have moved from DLA to PIP, is something to which I have given a lot of consideration—as, I am sure, Jeremy Balfour will recognise—because there have been some difficult and distressing experiences in the past. We have ensured—and today commit again to ensuring—that a person who transfers over to the Scottish agency will not have to reapply or be reassessed. Our assurance is important; we will not put additional barriers in front of people as we move forward with transferring their cases.

If an individual requests a reassessment, perhaps because a condition fluctuates and there are changes or because a condition has deteriorated, that will be looked at differently; but for a simple case of someone being transferred over to the new agency, there will be no requirement to fill in new forms or to be reassessed. I hope that that provides reassurance to Jeremy Balfour on that issue.

Jenny Gilruth (Mid Fife and Glenrothes) (SNP): I see every day in my casework the horrendous problems that are caused by universal credit and the transfer to PIP. Is there anything that the Scottish Government can do to support people who are in receipt of benefits from any further upheaval?

Shirley-Anne Somerville: As I outlined, in part, to Jeremy Balfour, we will do things very differently from recent DWP migration. Our case transfers will be based on the needs of people who have lived experience of the current system. We have sought their initial thoughts and, once our consultation has been launched, members will be able to see that we will be developing transfer principles to underpin our transfer requirements.

As I have guaranteed again today, when people's cases transfer, their payments will be protected. They will get the right money at the right time, which is an important reassurance for people, along with the fact that they will not be subject to a face-to-face assessment.

The other aspect, of not forcing people to reapply, is also very important. We are learning the lessons of what was proposed for universal credit, which many stakeholders say will cause people to fall through the gaps during the migration process. Our transfer process will be very different from that.

Pauline McNeill (Glasgow) (Lab): This morning, the cabinet secretary said that carers face a choice about whether to risk going over the carers allowance cliff edge if they earn more than the threshold. However, this afternoon, the cabinet secretary is telling people that she will maintain that choice for years to come.

Will the cabinet secretary tell me what to say to Scotland's 80,000 unpaid carers about what they should say to their bosses when they have to ask for fewer hours rather than completely lose their entitlement to the supplement? How will she make up for the income lost because of her choice to extend the full transfer of powers for social security by three years, to 2023?

Shirley-Anne Somerville: This morning, the Labour Party voted against an increase in the carers allowance—that is what happened in the Social Security Committee this morning. It is deeply disappointing that Labour did so. At the committee meeting, we discussed the fact that there is an agency agreement that allows the Scottish Government to quickly deliver the carers allowance supplement. As I said to committee members—I say it again—if we did not have that agency agreement, we would not have been able to deliver the carers allowance supplement. Therefore, just as the Scottish Government has made choices, I think that the Opposition parties need to be responsible and, if they do not want the agency agreement, be frank with people, who would not have had the carers allowance supplement—because that is the reality of what they are saying.

If Labour is looking to change the agency agreement, it should be frank about the implications of doing so. That is why I made it very clear, in my response to Mark Griffin, that if Labour has realistic proposals to make, my door is always open. However, I doubt that that will happen.

Stuart McMillan (Greenock and Inverclyde) (SNP): How can the cabinet secretary guarantee that the Scottish social security system will treat people who have disabilities differently and

challenge the stigma around benefits that is associated with the UK Government's system?

Shirley-Anne Somerville: I think that it is important that we challenge the stigma around benefits, which people, unfortunately, face at the moment—that came out loud and clear as we developed the social security charter and is reflected in the charter.

That is why I am determined to ensure that disabled people in Scotland get access to the benefits to which they are entitled in a way that supports their needs and treats them with the dignity and respect that they deserve. We will ensure that we have a person-centred service, with dignity and respect embedded in the framework of disability assessments.

To give a concrete example, as well as what I have already outlined in relation to assessments, I have very serious concerns about the 50-metre rule in relation to disability assessments and the negative impact that it has had. I want to find a better way to understand people's mobility needs to ensure that people get the best benefits that they are entitled to.

We want to get that right and we will be working with stakeholders and clients in the consultation to find a different and better descriptor for that issue.

Graham Simpson (Central Scotland) (Con): The cabinet secretary says that she expects the majority of people to be transferred by 2023 and all cases to be fully transferred by 2024, but that is not a guarantee of anything. She originally said that all the affected benefits would be transferred before May 2021, but that has now been kicked down the road. Will the cabinet secretary tell us what the extra cost of that horrendous delay will be?

Shirley-Anne Somerville: We will take full responsibility for all the devolved benefits from April 2020, exactly as we promised. I use the word "expect" in relation to the transfer because it is a joint programme with the DWP—I cannot deliver the timetable without doing so jointly with the DWP. I expect to be able to deliver the transfer of the majority of people by the end of 2023, and I expect to do all transfers by 2024; however, it is not in my gift to do so. If the member would like to take that up with the secretary of state and to encourage the UK Government to deliver change and at our pace, I would appreciate his support.

Bob Doris (Glasgow Maryhill and Springburn) (SNP): I appreciate the time that Government officials took this week to talk Jeremy Balfour and me through the complexities of the social security programme. I was struck by the scale of the programme, the new systems required and the information technology that is being built. It was very impressive.

Has the cabinet secretary learned lessons from other large-scale public sector projects or from Audit Scotland, which regularly reviews the programme? After all, getting it right first time is the best way to deliver for claimants.

Shirley-Anne Somerville: Bob Doris is quite right to point to the fact that we need to get it right first time for everyone involved, because people are relying on us to ensure that their payments come through. That is why we have said right from the start of the project, under previous cabinet secretaries, that safe and secure transition is our absolute priority.

We are undertaking the largest and most complex programme of change since devolution and are building a robust and future-proof digital system that will deliver a high volume of payments. That is a very complex task, and we have learned from other major initiatives in recent times, with our focus on reuse, before buy and before build. That is an innovation in the public sector, which reduces the risk of data duplication, provides value for money and is in line with Audit Scotland's "Principles for a digital future".

Regularly reviewing our programme structures and processes and adapting as we grow to change are also the right thing to do. That is good practice for any programme, as Audit Scotland highlighted in its report last year, as is the incremental approach to the development of social security.

Neil Bibby (West Scotland) (Lab): The Government's tackling child poverty delivery plan to 2022 specifically says:

"within this first Delivery Plan ... we are absolutely committed to introducing a new income supplement for low income families."

After today's statement and with social security barely devolved by that date, does the cabinet secretary honestly believe that the public and the estimated 300,000 children who will be living in poverty by then can trust that a single penny of the supplement will be in their pockets by that date, as the Government has broken its promise to fully devolve benefits by the end of the session?

Shirley-Anne Somerville: I say once again that 15 per cent of benefit payments will be fully devolved in April next year. The reason why the income supplement was not mentioned in the statement is that it referred only to the benefits that are devolved under the Scotland Act 2016. They are at the stage at which we are able to give a timeline, having undergone planning and delivery consideration.

Members will know that there is an options appraisal to examine the potential policy and delivery options for the income supplement, based on our two key principles of reaching the greatest

number of children in poverty and ensuring a robust and viable delivery route. The commitment that is contained in the delivery plan is that we will work towards the introduction of the income supplement over the lifetime of the plan, and that is exactly what we intend to do.

John Mason (Glasgow Shettleston) (SNP): In her statement, the cabinet secretary mentioned a new culture of "dignity, fairness and respect". Can she say anything about how that will come into play, so that we do not see examples such as the one that we saw in the film "I, Daniel Blake", in which an ordinary member of staff tried to help somebody who was claiming benefits and was jumped on by somebody from senior management?

Shirley-Anne Somerville: John Mason again raises the very important point that it is not the DWP staff who are to blame for the system, but the UK Government, whose policies they need to implement. We are determined to do things differently up in Scotland, based on the social security charter and what it enshrines. It is a powerful document, because it has been developed not by the Government but by those with lived experience of the social security system. It will ensure that the principles of the Social Security (Scotland) Act 2018, which legally define our approach to social security—which is based on dignity, respect and human rights—are upheld in every single interaction that any individual has with our system.

Point of Order

15:19

Jenny Gilruth (Mid Fife and Glenrothes) (SNP): I seek the Presiding Officer's guidance in relation to standing orders rule 7.3.1 and the "Code of Conduct for Members of the Scottish Parliament".

Today during First Minister's question time, at 12.39 pm, Jackie Baillie claimed that

"pay talks between Colleges Scotland and the Educational Institute of Scotland broke up less than an hour ago".

In reality, the talks were on-going even while Jackie Baillie was on her feet, and for some time thereafter.

Ms Baillie also stated as fact that no new offer had been tabled. That, too, has turned out to be factually wrong. Some people might suggest that Ms Baillie was attempting deliberately to jeopardise those crucial talks with her carefully timed intervention at the most sensitive moment possible.

In terms of the standing orders and the code of contact, would the Presiding Officer advise on what responsibility rests on Jackie Baillie to correct the *Official Report*?

The Presiding Officer (Ken Macintosh): I thank Jenny Gilruth for letting me know that she wished to raise a point of order at this point in proceedings. The member has made the point that she wanted to make. I hope that she takes some comfort from the fact that her point will now be in the *Official Report*. However, it is not a point of order for me to rule on. The question is not for me to consider, but for her and Jackie Baillie to consider.

Census (Amendment) (Scotland) Bill: Stage 1

15:21

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a debate on motion S5M-16038, in the name of Fiona Hyslop, on the Census Amendment (Scotland) Bill. I call Fiona Hyslop to speak to and move the motion.

15:21

The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop): I am very pleased to open this stage 1 debate on the Census (Amendment) (Scotland) Bill.

I am looking forward to what I know will be an interesting debate. The Culture, Tourism, Europe and External Affairs Committee's consideration of the bill through stage 1 has been comprehensive. The evidence from stakeholders has been excellent and has provided varying views on very sensitive matters. I am grateful to everyone who has contributed thus far to the bill. Today is another step on its journey.

Before I talk about the bill, I will take a moment to speak more generally about the census. Scotland's next census will be taken on Sunday 21 March 2021, subject to approval by the Scottish Parliament. It will be the 22nd census to take place and the 17th to be managed independently in Scotland. In 2021 it will also be, for the first time, conducted predominantly online.

Our country has relied on the census for more than 200 years and is the only survey of its kind to ask everyone in Scotland the same questions at the same time. No other survey provides the richness and range of information that the census provides.

The key aspects of the census are that it counts people, that it has to be credible, that people must have confidence in it, and that it must be consistent with comparators. The census tells us who we are and how we live and work in Scotland. In telling that story, the census cannot lead society—it should reflect the society in which we live. We are very proud of the richness of the data that we hold and the consistency of approach that we can demonstrate over 200 years.

The purpose of the bill is to amend the Census Act 1920 in order to allow questions on sexual orientation and prescribed aspects of gender identity—those being of transgender status and history—to be answered on a voluntary basis. The power to ask those questions for answer on a compulsory basis already exists in the 1920 act, but refusing to answer a census question or

neglecting to do so is an offence under section 8 of the act, and we want to avoid that for individuals who will answer the new questions. I recognise that they are important but highly personal matters. It is crucial that nobody is, or feels in any way, compelled to answer those important but sensitive questions. Therefore, the bill seeks to mitigate any concerns about intrusion into private life by placing the questions on a voluntary basis, as was done with religion when it was included for the first time in the 2001 census.

I am pleased that the Culture, Tourism, Europe and External Affairs Committee has supported the general principles of the bill.

I wish to stress that the specific census questions are a work in progress. The bill is not about the detail of the questions. The questions that will be set for the 2021 census will be considered as part of the subordinate legislation process, on which engagement with the committee will begin shortly and continue through to next year.

Sexual orientation is already asked about in most Scottish household surveys, and it is proposed that the sexual orientation question for the 2021 census will mirror the question that is already used in other surveys in Scotland and elsewhere in the UK. It is worth noting that a question on sexual orientation was considered for the 2011 census. However, it was not proposed to Parliament because of a lack of public acceptance that the question be asked. Society has changed significantly and rapidly in the 10 years since the last census, so we must ensure that the census in 2021 reflects that. I am therefore happy that the committee recognises that now is the time to ask in the census a question on sexual orientation, to be answered on a voluntary basis.

I have also confirmed my support for the committee recommendation to consider people's privacy rights when the form is being completed by the head of the household. National Records of Scotland will take into consideration the committee's direction on consulting organisations that represent young people, including LGBT Youth Scotland. NRS is developing a system involving completion of an individual form in private, with no one else in the household being aware that it has been requested. That will allow individuals to respond in a private and confidential way.

It is widely recognised that there is limited evidence on the experiences of transgender people in Scotland. There is currently no fully tested question with which to collect information. Therefore, the census will be taking a big step forward to ensure that we can develop the evidence that is needed to provide support and protection to Scotland's transgender population.

The committee highlighted that the current drafting of the bill, particularly in respect of how the term "gender identity" has been used, might give the impression that sex and gender identity are being conflated. The intention behind the bill has never been to conflate sex and gender identity. The committee recommends, and I agree with it, that an amendment is required at stage 2. It supports an amendment that has been proposed by the Equality Network to address the issue. I have confirmed to the committee that we will work with it, the Equality Network and other stakeholders to deliver a solution that commands broad support while providing the degree of flexibility that NRS needs to develop the census questions. Work has already begun on the precise form that the amendment might take. Our and the Equality Network's current thinking do not seem to be very far apart. I am very pleased that the committee supports the inclusion of the trans status question, which will be answered voluntarily.

A question on sex, asking whether someone is male or female, has been asked in the census since it began in 1801. As part of planning for 2021, NRS has been considering whether that question should include other options. I am aware that there are strong, and often very opposed, views on whether a question on sex should be binary, non-binary, relate to birth certificates or legal sex, or be more focused on self-identification. That has been evident from the evidence in the stage 1 submissions on the bill.

I note that the committee has recommended that the sex question remain binary for 2021. As I said a few moments ago, the wording of the questions will be agreed as part of the subordinate legislation process. However, I note the committee's clear direction on what it considers is appropriate for the sex question. That will be taken into account as NRS works towards preparation of the subordinate legislation, which will be considered by the committee and Parliament in due course.

NRS is committed to an on-going programme of testing of the question, and it is currently engaging with stakeholders, including those that have given evidence to the committee, in order to understand their needs and concerns. NRS will work closely with the committee over the coming months on that specific question, as well as sharing the proposed full question set and any additional evidence and stakeholder views for consideration before the formal legislative process.

I recognise that the committee considered that it was regrettable that intersex was referred to incorrectly as coming within the umbrella term "trans" in the policy memorandum to the bill, which was unfortunate. In response to the committee's

recommendation that all guidance for 2021 makes it clear that intersex does not fall within trans, NRS will develop guidance in consultation with stakeholders to ensure that the language and terminology are acceptable.

The Government has noted the written evidence from dsdfamilies and it accepts the recommendation in paragraph 119 of the committee's report. The Government intends later this year to carry out a consultation separate from its census work, which will cover a range of issues, including how to improve information and services for intersex children, children who have variations in sex characteristics and their families.

I recognise that the committee has expressed concern about the lack of engagement with a range of groups and individuals. NRS carried out a public consultation between 8 October 2015 and 15 January 2016 in an effort to understand what information users need from the census in 2021. It is recognised that not all groups were aware of or responded to the public consultation, and the committee made specific reference to women's groups. No women's groups responded to the public consultation; indeed, some might well not have been established at the time of the early consultation stage.

However, NRS is now actively engaging with the women's groups that responded to the committee's call for evidence, and several helpful and constructive meetings took place in January. As I said to the committee, it is of critical importance that NRS continues to engage with individuals and groups that have an interest in the census. The committee's work has been very useful in highlighting the census to the groups that have been engaged with so far. Work with stakeholders, including those women's groups, will continue as part of the question development process. The committee will be fully updated on the NRS's consultation and progress with the women's groups prior to any consideration of a draft census order.

The committee made a specific request for details of any consultations that had been held with groups representing intersex people, and it recommended that a specific consultation be held. I have confirmed that NRS did not meet organisations representing intersex people prior to 5 December 2018, but it was aware of meetings that other teams within the Scottish Government were having. However, NRS had a helpful meeting with dsdfamilies in January and is committed to engaging with that organisation and other organisations and experts in the future, so that their views are taken into account. It should be noted that NRS has never intended to have a question or a response option identifying intersex people.

I turn to languages. The committee recommended that consideration be given to the evidence that it received with regard to the language question for the 2021 census. I accepted that recommendation, and the information that the committee received will contribute to the on-going process of user consultation and question testing. However, although some need was identified for data on multilingualism, the aim of the main language question is to identify people for whom English is not their main language, and their level of proficiency in English, in order to support service provision.

I wish to recognise that, in Scotland, we have a strong track record of evidence-based decision making. The census is a key source of high-quality impartial evidence to support those decisions. The matters that we are considering today will allow accurate information to be gathered on important topics in an appropriate way, while recognising individuals' rights to privacy. I look forward to hearing from Parliament colleagues during the debate.

I move,

That the Parliament agrees to the general principles of the Census (Amendment) (Scotland) Bill.

The Deputy Presiding Officer: I call Joan McAlpine to speak on behalf of the Culture, Tourism, Europe and External Affairs Committee.

15:33

Joan McAlpine (South Scotland) (SNP): I welcome the opportunity to speak in the debate as the convener of the Culture, Tourism, Europe and External Affairs Committee and to set out the main findings of our stage 1 report. I thank all those who provided oral and written evidence. The breadth of views gathered and the respectful way in which they were discussed do credit to the committee. I also thank our clerks. This one-page bill has turned out to involve a lot of work, but they have more than risen to the challenge. In addition, I thank committee members for the constructive approach that they took to evaluating the evidence.

The bill seeks to enable questions on gender identity and sexual orientation to be asked in the census for the first time, with responses on a voluntary basis. The committee agreed unanimously that that should be done. During the committee's scrutiny of the bill, we heard that "sexual orientation" is a well-understood term, but that "gender identity" has no defined meaning in law. In responding to the evidence received by the committee, NRS explained that it would reconsider the terminology that is used in the bill, including whether to replace the term "gender identity" with "trans status".

Stonewall and the Scottish trans alliance, which advise the Scottish Government, informed the committee that they define transgender as including all the identities that are encompassed under the trans umbrella. The trans umbrella is very broad and encompasses people who have chosen to undergo physical changes and those who have undergone no physical changes but who have a trans identity. To be clear, the trans umbrella includes

“transgender, transsexual, gender-queer ... gender-fluid, non-binary, gender-variant, crossdresser, genderless, agender, nongender, third gender, two-spirit, bi-gender, trans man, trans woman, trans masculine”

and

“trans feminine”.

It should be noted that the bill does not address how to frame questions on trans status or trans history in the 2021 census. Parliament will consider that issue, along with other census questions, in secondary legislation that is to come. The committee agreed that such questions would be beneficial to lesbian, gay, bisexual and transgender people, as they would allow Government to better meet their needs.

The committee agreed that, given the sensitivity of the questions, no one should be compelled to answer questions on trans status, trans history or sexual orientation—that must be voluntary. We agreed with LGBT Youth Scotland that young people’s privacy must be protected when the form is completed by the head of the household, and I note what the cabinet secretary said in that regard.

Although the committee supports the bill’s general principles, we have concerns about its drafting. The bill proposes to make changes to the schedule to the Census Act 1920 by inserting the words “including gender identity” after the word “sex” in paragraph 1. The danger is that that appears to conflate two different things.

Sex is a protected characteristic under the Equality Act 2010, whereas the committee heard that gender identity has no defined meaning in law. Gender reassignment is also a protected characteristic under the act, but it is distinct from the protected characteristic of sex.

The sex-based protections in the 2010 act are particularly relevant for women and girls, as they are based on birth sex. For example, the act allows for single-sex services and occupations when that is a proportionate means of protecting the safety, privacy and dignity of females. Some witnesses argued that those protections would be compromised if sex was perceived to be conflated with gender identity. Others disagreed, stating that the act also protects those with gender reassignment.

Accordingly, the committee welcomes the Equality Network’s proposal, which is to remove the words “including gender identity” from the bill, leaving paragraph 1 of the schedule to the 1920 act unchanged. “Trans status/history” would then be added as a category on the same basis as that proposed for “sexual orientation”. That suggestion reflects the committee’s thinking. We note that the cabinet secretary has agreed that amendments are needed and welcome her commitment to lodge an amendment at stage 2. I would welcome clarification from the cabinet secretary in her closing speech that her amendment will have the effect of removing any linkage to the sex question.

The problems with that aspect of the bill seem to be due to the fact that the consultation focused on only a very small number of stakeholders and did not include women’s groups or census data users. In “Scotland’s Census 2021—Sex and Gender Identity Topic Report”, the NRS initially seemed to understand the importance of sex.

Maurice Corry (West Scotland) (Con): Will the member take an intervention?

Joan McAlpine: I am sorry, but I cannot, because I am speaking for the committee.

The topic report says:

“Sex ... is a vital input to population, household and other demographic statistics which are used by central and local government to inform resource allocation, target investment, and carry out service planning and delivery.”

The report goes on to say that sex is a protected characteristic, as set out in the 2010 act, and that the data are widely used to inform equality impact assessments.

However, NRS changed the mandatory sex question in 2011 to allow respondents to self-identify as male or female. The change was not mentioned on the census form and appeared only in online guidance.

NRS proposes to continue that approach in 2021 and is considering whether to make the sex question non-binary for the first time—that is, to offer a third option in addition to male and female. For clarity, that is not to be confused with the trans status/history question, but would be a change to the sex question, which has been male/female since 1801.

Some witnesses have suggested that that risks undermining the effectiveness of the data collected. They include Professor Susan McVie OBE, who is co-director of the administrative data research centre in Scotland and a member of the board for official statistics in Scotland. The board advises the Scottish Government, but it was not consulted on the census.

Professor McVie suggested that

“the General Register Office for Scotland got it wrong when it redefined the sex question”

to include self-identified gender in 2011. She told us:

“From a research point of view, we know that certain conditions—medical conditions, for example—are sex related”,

regardless

“of a person’s gender identity”.—[*Official Report, Culture, Tourism, Europe and External Affairs Committee*, 13 December 2018; c 4-5.]

That position was supported by some clinicians, independent women’s groups, academics and individual women who submitted evidence.

Others stated that it would be distressing for transgender people, including those who identify as non-binary, to answer a question according to their biological sex. They included Scottish trans alliance, Stonewall, individual trans people, gender studies academics and some women’s organisations that advise the Scottish Government, such as Engender.

Significantly, the Office for National Statistics has said that the sex question should remain binary for the 2021 census in England and Wales. Its equality impact assessment for the census states:

“the protected characteristic of sex as defined in the Equality Act 2010 ... is whether a person is a man or a woman. This binary concept of sex is, in turn, fundamental to the Equality Act 2010 definition of sexual orientation and of gender re-assignment, and to the law on marriage and civil partnership and many other matters.”

Our committee agreed, by a majority, that the sex question should remain binary in order to maximise response rates and longitudinal consistency with previous censuses. We unanimously recommended that any guidance on how to answer the sex question—[*Interruption.*] Excuse me—my Surface has gone strange. We unanimously recommended that any guidance on how to answer the sex question must be clearer and consider the importance of sex as a protected characteristic.

The committee also took evidence from dsdfamilies. The group represents those affected by differences in sexual development, which encompasses about 40 different medical conditions and is sometimes called intersex. It was unhappy with the inclusion of the term “intersex” as a trans identity in the policy memorandum to the bill; it is an umbrella term that relates to a person’s physical sex development, not their gender identity. Furthermore, dsdfamilies explained that the vast majority of people with a disorder of sex development—DSD—are clearly male or female. It told the committee that,

although some reports claim that 1.7 per cent of the population is affected by some kind of DSD, only a tiny number—one in 5,500 babies—require specialist input to determine their sex. Therefore, in the view of dsdfamilies, the term “intersex” can be confusing.

Although we are aware of intersex campaigners who take a different view, it is concerning that a respected organisation such as dsdfamilies, despite being a Scottish charity, was not initially consulted by NRS. We note that the Government now accepts that a mistake was made, and we welcome the commitment to engage with a wider range of stakeholders, including dsdfamilies, in future.

That example illustrates the wider problem with the consultation on the bill. Although transgender campaigners and some established women’s organisations support the bill, a number of female academics, data users, individual campaigners and newly formed independent female rights organisations have concerns about the conflation of sex and gender and the perceived risk to sex-based protections for women and girls. The broadening of public discourse on these issues must inform future consultation on the topic, and the Scottish Government should reach out to the widest possible constituency and carefully consider all the evidence that the committee has gathered.

In conclusion, the committee supports the bill’s general principles and looks forward to fully scrutinising in due course the forthcoming secondary legislation on the 2021 census.

15:43

Annie Wells (Glasgow) (Con): Society’s attitudes have changed, and it is only right for the census to reflect that. The Scottish Conservatives are happy to support the bill and its general principles at stage 1, with a view to submitting amendments at stage 2.

As we have heard, there is a lot of discussion to be had on the wording of the questions. It will be important to discuss that issue in a lot more detail and to address how the census will define, structure and communicate the voluntary questions on sexual orientation and gender identity.

The purpose of the bill is simple: it is to allow National Records of Scotland to alter the census and vary the questions asked in it. As we know, the census is important for many reasons. Completed every 10 years, with the next one in March 2021, it gives us a complete picture of the nation and provides information that is needed by Governments in the UK to develop policy, to plan and run public services and to allocate appropriate funding.

In terms of equality data, the census is extremely useful in providing the basis on which to plan public services. However, it is widely accepted that there are gaps in equality data and that the information is needed so that public authorities can fulfil the public sector equality duty and duly consider the needs of protected groups under the 2010 act.

Although the census covers most equality groups, it has not previously included questions about sexual orientation or gender identity. As social attitudes change and discrimination lessens, it makes sense for the census questions to reflect society's views.

In 2015, only 18 per cent of people in Scotland expressed the view that sexual relations between two adults of the same sex are always wrong, and only 32 per cent of people said that they would be unhappy for a close relative to marry or form a relationship with someone who has undergone gender reassignment.

The purpose of the bill is to reflect this more open society. It aims to amend the 1920 act so that answering questions on prescribed aspects of gender identity—on trans status and trans history—and on sexual orientation is made voluntary.

It goes without saying that that all needs to be done with care. To ensure data quality, information should not be collected if it is not reliable or if people have difficulties with providing accurate answers. Given the need for individual privacy, it is right that such questions are answered on a voluntary basis, as was done with questions on religion in the 2011 census. Given the sensitivity of the questions, that is the correct approach.

It is reassuring that the development and testing of the census questions will continue, and I am pleased that the inclusion and wording of questions will be subject to the Scottish Parliament's approval.

Although the inclusion or wording of any such questions is not within the bill's scope—those matters are left to regulations that will appear in due course—I will comment on those issues, given the interest from third sector organisations on how such questions might be framed and understood.

I note the committee's concerns about the conflation of sex and gender identity as well as the concern that there was a lack of clarity in—and a lack of awareness of—the online guidance concerning the self-identification approach in 2011.

Although I recognise the valid and strongly held views of stakeholders on the mandatory sex question, I am inclined at this point to agree with the committee recommendation that the

mandatory sex question should remain binary. I add that I was not present at the committee's evidence sessions.

Ahead of 2021, I hope that we will have complete clarity about the approach that will be taken. That is particularly important given the census's primary purpose—to collect robust data—and the Scottish Government's obligation to act in accordance with the 2010 act, under which sex is a protected characteristic.

I note the recommendation that

“Trans status' ... be added as a category for census questions on the same basis that is proposed for 'sexual orientation'.”

As the bill progresses, I hope that further work will be carried out to bring about a consensus of understanding across the chamber on what is meant by “sex” and “gender identity” in the context of those census questions.

Clarity remains key to ensuring that appropriate responses will be given. The Law Society of Scotland has highlighted that that is a necessity for everyone involved when it comes to the questions that are being asked, for the benefit of those answering the questions and those interpreting and using the data.

Key stakeholders need to be aware of the relevant guidelines that will be put in place and must be consulted beforehand so that the guidelines meet all their requirements. It is clear that the wording of the questions is still very much subject to debate.

Although the inclusion of the question on sexual orientation has not prompted any obvious concern, as the cabinet secretary mentioned, it will be important to consider how it may impact young people in particular when the form is being completed by the head of the household. I am pleased that that will be looked at.

I also note the clarification from the cabinet secretary that intersex people will not be included within the term “trans”, recognising that their needs are different, and I welcome the commitment to ensuring that future guidance clarifies that.

I reiterate the Scottish Conservatives' support for the bill at stage 1. Although the inclusion or wording of any such questions is not within the bill's scope, it is clear that further work needs to be done. As the development and testing of the census questions continue, I hope to see more clarity in the coming months. There has been a lot of stakeholder interest in the bill; it is vital that we strike a balanced approach that supports the census's goal of harnessing the most accurate and effective data.

The Deputy Presiding Officer: Claire Baker has a generous six minutes.

15:50

Claire Baker (Mid Scotland and Fife) (Lab): I am pleased to open for Scottish Labour in this stage 1 debate on the Census (Amendment) (Scotland) Bill. I am fortunate enough to be a member of the Culture, Tourism, Europe and External Affairs Committee, which listened to all the evidence and prepared the report that is being discussed. I thank all the organisations and individuals who contacted us with briefings and comments before the debate.

The census has taken place every 10 years since the Census Act 1920 was passed. It is an important exercise in understanding the nature of our population and it informs the work of public bodies in making key decisions about resource allocation, policy development and how services are planned. The census has changed over the years to reflect changes in society and to ensure that the information that is gathered remains relevant. Since 1999, it has been the Parliament's responsibility to scrutinise the census, particularly when new questions are introduced. Any cabinet secretary might expect the process to be straightforward, and it has perhaps been surprising to see how contentious the framing of questions can be.

The bill is slightly different. It is necessary because, unlike the majority of the questions, which are compulsory in nature, the proposed questions are to be answered on a voluntary basis. There was agreement across the committee and in the evidence that we received that it is appropriate for questions on sexual orientation and transgender status to be answered on a voluntary basis, which is similar to the treatment of questions that are asked about religion. It is important that the overall census completion rate remains high and that people feel comfortable about answering the questions. The bill will also ensure that a non-response to such questions does not lead to a penalty such as would apply to non-responses to other questions. Introducing voluntary questions on the proposed subjects is the bill's purpose—we should not lose sight of that fact—and Labour will support its general principles today.

The census is designed to reflect society and to keep pace with changing mores and expectations. Currently, there is no reliable data on the size of the transgender population in Scotland, and data on sexual orientation is gathered only from surveys, which can provide only an estimate. More accurate data would enable better planning of appropriate services and greater recognition of the need for services for the groups of people involved, who might be underrepresented and poorly served. The Equality Network and the Scottish trans alliance cautioned that the

questions might not lead to an accurate account of the population, as the questions are sensitive and people might not wish to answer them. However, the data will still be valuable, and it should enable a better understanding of the population over the years, as it is collected.

The stage 1 report raises a number of significant issues that the cabinet secretary must reflect on, and I welcome her comments this afternoon. The discussion at stage 1 in committee was dominated by the concern, expressed by some witnesses, that the bill conflates sex and gender as a forerunner to a proposal to change the compulsory sex question in the census. The debate was divisive and it was difficult to achieve consensus, but there was growing agreement that the bill's drafting is problematic.

Following its evidence session, National Records of Scotland wrote to the committee, stating that

“the intention behind the Census Bill was not to conflate the matters of sex and gender identity”

although the bill's wording strongly suggests that. NRS also expressed the view that the power to ask questions on the issues already exists. Given that fact, the insertion of the words “(including gender identity)” through section 1 seems redundant and unnecessary. That has led to the conclusion that sex and gender identity are being conflated.

The cabinet secretary argued that the term “gender identity” is being used as a way of future proofing the provisions, that it is understood as a term and that it could be an umbrella term to enable future questions in this area to be introduced. However, I disagree. The evidence that the committee heard made it clear that there is a lack of agreement on the definition of gender identity.

Consideration of the Gender Recognition Act 2004 is on-going, and, although the rights of transgender people are being debated and consideration is being given to the recognition of those of no gender, the public debate about the issues is being conflated with the discussion about the bill. In those circumstances, it is not appropriate to use a catch-all term for any future questions. Future questions should be specified and scrutinised by Parliament, and this short bill must be amended to make that clear.

A proposed change to the binary sex question has been the key area of debate, although it is not part of the bill. It is regrettable that the committee could not achieve consensus in its stage 1 report—even more so given that the division related to something that is not in the legislation. As a member of the committee who abstained, I asked myself what the vote would have achieved

at that stage, when the debate and evidence were divisive as well as contradictory and when consensus was lacking.

The Government needs to decide whether to produce a census order that would change the sex question, at which point the Parliament would consider the question and the evidence in detail and make a decision. I am concerned that holding a vote on the matter at stage 1 was pre-emptive and that the Government's response to the stage 1 report lacks clarity. However, the vote gave the cabinet secretary a clear indication of the majority view of the committee.

The stage 1 report is also critical of the consultation. I do not believe that it was the intention of National Records of Scotland to exclude anyone—or any group—from involvement; I got the impression that it just completely failed to see that there may be a debate and that there may be more than one point of view on the sex question. I welcome the fact that wider consultation is now being undertaken.

We support the general principles of the bill, but we agree with the committee that it needs to be amended significantly to clarify its intention. The Scottish Government must seriously reflect on the wider discussion that took place in considering any further changes.

15:56

Ross Greer (West Scotland) (Green): The bill might be very short, but it is an important piece of legislation and I am happy to support its principles at stage 1, as are the Greens.

The bill's purpose is to ensure that everyone feels able to accurately complete the census. It allows questions about sexuality and trans status—or, as has been covered, gender identity—to be asked appropriately as voluntary rather than mandatory questions. Although we have made immense progress as a society, we are still not free of bigotry. We are still a society in which some people feel that they need to hide parts of their identity and lived reality. We must respect that, which is why I welcome the cabinet secretary's comments—particularly those with regard to young people.

It would be inappropriate to compel someone to answer a question on something as intensely personal as their sexuality or their trans status. At the same time, however, the opportunity to collect that data from people who are happy to provide it is an opportunity to meet the needs of those who can, too often, go unnoticed and unsupported. What is proposed is a small change to something that happens once a decade, but it is part of a process to ensure that people's identities are respected, particularly when they engage with

public services. There is a contrast between the size of the bill—it is a single page—and the significance of the census and the effect that it has.

The committee received submissions in support of the bill and the principle of trans inclusion from many national and long-standing equality organisations including the Equality Network, the Scottish trans alliance, Stonewall Scotland, Engender, Rape Crisis Scotland, Scottish Women's Aid, Close the Gap and Equate Scotland. I thank them all, particularly for their supplementary evidence as the debate very quickly evolved into areas that we were not necessarily expecting.

I know that I am not the only one to have been, at times, frustrated and disappointed by the stage 1 process and by what I see—Claire Baker also mentioned it—as the digression of the debate into matters that are outwith the scope of the bill. At times, the validity and existence of trans and non-binary people were called into question, and I know the upset and anxiety that that caused many vulnerable people, some of whom have been in touch with me throughout the process.

What should have been a small, technical change to the Census Act 1920 to ensure appropriate wording became, instead, a much wider equalities debate that we were not prepared for. It became a debate about trans inclusion and whether trans-inclusion measures impact on the rights of cisgender women. It saddens me that we took oral evidence from only one trans person. That would have been adequate for what we thought, at the start, was a relatively technical process on a technical bill, but it was not adequate for the much wider equalities debate that evolved.

Although much of the debate centred around whether trans-inclusion measures undermine the rights of cis women, we did not invite any of the long-standing national women's organisations to give evidence at the committee. Nevertheless, I appreciated their collective written submissions—particularly, as I said, the latter ones as the debate evolved. As I have stated, those women's organisations are supportive of the bill. They also have decades of experience of trans inclusion. I wish that that had been reflected more in our stage 1 report.

Legitimate concerns that should be addressed were raised in the broader debate on the introduction of trans-inclusion measures. How trans-inclusion measures intersect with services for women, particularly women-only spaces, is one such concern. Scottish Women's Aid and Rape Crisis Scotland have highlighted that their experience of providing support services in a trans-inclusive manner for women who have experienced violence has given them a huge

amount of evidence, which they can contribute to the debate. Their letter to the committee stated:

“It is very clear to us that trans inclusion in our own organisations has not given rise to substantive concerns or challenges. Rather, trans women have added to our movements through their support, voluntary work and as staff members”.

Some questions that were raised—particularly those regarding data reliability and comparability—were very much within the scope of the bill. It was suggested that questions that were completed on the basis of self-identification, which was existing practice in the 2011 census, and the inclusion of a third option in the sex question, which would be a change, would harm the overall dataset and, in turn, affect the planning of sex-based services, for example. Some of those fears are misplaced. I point, in particular, to the submission from the head of engagement for NHS National Services Scotland, which is the body that oversees the patient information database. The national health service uses its own data, rather than the census data, in service planning, and it already collects patient data on the basis of self-identification without issue. The coalition of national women’s organisations, which has extensive experience of that type of data, also stated that collecting that information in a trans-inclusive fashion would be beneficial.

I dissented from the committee’s conclusion in favour of a binary sex question. Like the respected women’s and equalities organisations that I have mentioned, I support a third option whose inclusion would allow more people to complete the census. As the NRS found, it would increase response rates, despite reports to the contrary. It would allow us to gather valuable data on a small and vulnerable group about whom we cannot practically gather such information in any other way. Further, it would not negatively affect anyone else. For all other purposes, that tiny number of people would be randomly redistributed into the male and female categories. Why should we not make a change that would positively benefit a small and vulnerable group at no cost?

As the legislative process moves forward, I hope that all members take the opportunity to listen to those whose lives and identities we are discussing. One role of this Parliament should be to lift up the voices of Scotland’s most marginalised. The bill is an opportunity to do just that, which is why I support its principles.

16:01

Alex Cole-Hamilton (Edinburgh Western) (LD): I am grateful to the committee for its work on the bill. I do not sit on the committee, but I have been keeping abreast of the developments on the bill from afar.

We live in more enlightened times—a fact that was brought home to me two weeks ago, when our seven-year-old son Kit came to me and said, “Dad, what is trans?” I scratched my head about that, but he is an inquisitive and mature boy, so I asked him if he remembered the family from Australia who had visited us in the summer with their little boy Hamish, who was Kit’s age. I asked whether he had noticed that Hamish always wore girls’ clothes. He said that he recognised that, and I explained that, although Hamish was born a little boy, he felt more like a little girl, which is what trans is. Kit stopped and said, “Oh my God! Do you mean to tell me that Hamish is from Australia?” I like to think that that level of acceptance is felt right across the board, wholesale, by our children and young people—the new generation. We should reflect that enlightenment in public policy, which is where this debate stems from.

As Ross Greer articulated, a tension exists between cisgender women and the intersectionality of the trans community. I have been dismayed by some of the arguments in that debate, which have been characterised by hyperbole at times. At its most extreme, there was the suggestion that the advancement of trans rights represents a threat to public safety, which is reminiscent of arguments that were used against gay men in the 1980s. Such arguments are as inaccurate today as they were then.

For my party, the bill stems from first principles. Trans men are men, trans women are women and non-binary is valid. How we reflect that in the conduct of public policy matters, and how we see and count those people is incredibly important in furthering their rights and their inclusion in our society.

It is clear where the fault lines in the debate lie. In 2011, for the first time, the guidance offered people the option to fill in the mandatory sex question irrespective of the details on their birth certificate. For the trans community, that represented a significant breakthrough, and I have sympathy with Stonewall’s concern that changing the guidance and removing that latitude would be a retrograde step. Many people found the 2011 census liberating. They were no longer anchored to their birth identity and to all the trauma that they had been through in the process of shedding their connection to that. Finally, society could understand and include them for who they were.

If there is a need to collect empirical evidence at birth, the Government needs to be clear about how it will square that circle. I ask the Government to work further with Stonewall and the Equality Network to find a way to address that empirical need without rowing back against the tide of the advancement of trans rights and inclusion.

I recognise the arguments about the importance of not having a mandatory binary sex question. That is important for people who do not define as male or female and for people who were born intersex, who would struggle to answer a mandatory binary question. Perhaps we will consider that issue as we go forward.

As I have said, our trans community deserves to be seen and to be counted. Being seen and being counted are the first steps to people having their rights realised, whoever they are in our society. That happened when women got the vote and when homosexuality was made legal. The people in those marginalised communities were recognised as full citizens and for who they were. The bill concerns the way in which we count our population in the census, which is a fundamental cornerstone in the advancement of equality in this nation.

The Deputy Presiding Officer (Christine Grahame): There is time in hand, so I can give all members who speak in the open debate five minutes. I call Stewart Stevenson—I do not think that he will have any problem with that.

16:06

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): Thank you, Presiding Officer. Some invitations are more welcome than others, and that is one of them.

I have not been part of the consideration of the bill until now. I am a data user of censuses, but I am also a user of censuses. In other words, my interest in genealogy means that I read a census every week, but the censuses that I read are all 100 years old. That is of some, limited interest to today's debate.

The Scottish Parliament information centre tells us:

"The information on equality groups in the Census can be used to monitor discrimination and to plan public services."

That is, of course, correct, but during the debate we need to bear in mind that the census is a statistical survey. It is not about identifying the responses and needs of individuals; it is about identifying the needs of communities—often quite small communities—to ensure that public services are provided appropriately.

SPICe also says:

"The information collected must be 'authoritative, accurate and comparable' for all parts of Scotland".

There is a difficulty in that description of what we are trying to do. The information should certainly be authoritative, it should perhaps be accurate and it should almost certainly be comparable.

Retaining the question on whether someone's birth identity is male or female helps with comparability, but we must remember that, at birth, the parent registers the birth and the gender of the infant.

I have an example from exactly 150 years ago. A child called Keith—I will not use the second name, because there will be living descendants—was registered, as we would expect, as a male, but in the census three years later and in every subsequent census, Keith was shown as female. In 1905, Keith married a man and gave birth to children. An error was probably made in 1869, when Keith was born. When someone dies, there needs to be medical information on their death certificate, but there is no medical requirement to provide information about gender to someone who is registering a birth. Therefore, there are some difficulties with the authoritative aspect of the census information. As the example that I have given shows, it is possible for someone to have something on their birth certificate and to put something else on the census. There has always been that possibility.

Who fills out the census? In broad terms, it is the head of the household. I welcome the indication that there will be a way for individuals to provide information that they might not want to share with the head of the household at that point. However, the question is voluntary, so we will not get the information from everybody for whom there might be a particular answer, and we will not necessarily get an answer from people who do not choose to use the separate system that allows them to respond individually.

That opens up a much broader question—for which I have no direct answer—of how, statistically, we can rely on information from a self-selected group, using a self-selected description. It is possible to deal with that, but I hope that the National Records of Scotland finds out, perhaps through sampling, how the answers that we get represent the underlying reality, because the statistics that come from the census are important for the planning of services.

Voluntary questions were introduced in the 1891 census, when for the first time there was a question about whether someone spoke Gaelic, which they did not have to answer. There is nothing new about a voluntary question, and we can do that in the bill, as we did then.

I trust my colleagues as we take the bill forward—I will not be playing any part in it. It is important that there is a clear distinction between physical sex and how people wish to be recognised and treated. The human right in our society to be able to choose how one is treated goes to the heart of this debate, and I very much welcome the fact that a tiny legal provision—it is

really only a couple of lines in a very small bill—will leverage big consequences for quite a lot of people in our society. It is right and proper that we take this forward in the way that we are planning to and that we continue to engage to make sure that the questions that we ask give us answers that, statistically, help us to respond to a wide range of diverse needs that we did not recognise and certainly did not talk about in the past.

16:11

Jamie Halcro Johnston (Highlands and Islands) (Con): I apologise for having to leave the chamber briefly during the opening speeches.

At a length of one side of A4 paper, this is certainly one of the shortest bills that I have been invited to speak on in the chamber. However, within the bill's short sections, there are a number of sensitive issues that merit discussion today. The bill touches on matters of individual identity and how they relate not only to the public being engaged with the census but to the eventual users of the data that it brings together.

There are questions of approach here. The evidence that was presented to the Culture, Tourism, Europe and External Affairs Committee shows that the bill remains controversial. I express my thanks to the committee, its clerking team and those who gave evidence for producing such a comprehensive stage 1 report.

One key objective of the bill, on which there seems to be wide agreement, is to make additional questions voluntary. As with sexual orientation, it is clear that a number of people will not feel comfortable disclosing details of a certain nature.

On the proposals for additional areas of questioning, the National Records of Scotland indicated its view in a letter to the committee that the power to ask questions on gender identity already exists and is covered by the Census Act 1920. The precise wording will be considered later. A stage 1 debate is not the place to thrash out the substance of such questions in any great detail. Indeed, it has been suggested that the bill is perhaps not the appropriate place either. We can, however, look at the basis for proposing such questions and for, in essence, expanding the scope of the census further into areas of gender identity and sexual orientation.

The census has a long history in the United Kingdom, having been conducted every 10 years since 1801, barring 1941, when we were in the midst of the second world war. We can look back even further into the past to see much earlier historical precedents. John Rickman, the statistician most responsible for the first modern census, pointed out that

“the intimate knowledge of any country must form the rational basis of legislation”.

Every administration in our history has valued accurate data on its population.

Today, questions on sex, gender and identity significantly provide an understanding of groupings within society and can protect against discrimination. The nature of how those questions are asked has undoubtedly been the key area of interest for those responding to the committee in written submissions. Many of those submissions are detailed and well considered, but they present very different viewpoints. A message that comes through is that, as the bill progresses, we are going to have to consider and tackle some of those core issues. A thread that connects those differing viewpoints is questions about clarity and accuracy of data that must be answered.

The committee has recognised the shortcomings in the most recent census. Supporting guidance indicated how transgender people could answer questions about sex, but that was published only online and was not part of the census form. There seems to have been a very real capacity for confusion and it is right that the committee calls for “absolute clarity” in the approach ahead of 2021. Where voluntary questions are ill conceived, there is also the potential for lower response levels.

As we approach the bill, we should recognise that there are strong, honestly held, competing views about parts of it. It is likely that they will garner the largest share of public attention and commentary.

One area where we can join together is to insist that there are plans in place to ensure that questions are statistically useful, that they are clear to respondents and that we take a consistent and rational approach to implementing voluntary questions.

I have little doubt that there will be further discussion in relation to the questions that the bill enables and I hope that an approach can be found that respects the views of all those who are involved.

16:15

Kenneth Gibson (Cunninghame North) (SNP): As a member of the Culture, Tourism, Europe and External Affairs Committee, I am pleased to speak in today's debate.

One might wonder at the amount of evidence that has been taken in respect of a one-page bill. However, that is because the consultation threw up important questions around sex and gender identity, as we have heard this afternoon.

The bill's purpose is straightforward: to make answering census questions about prescribed aspects of gender identity and sexual orientation voluntary. Given the sensitivity of such questions and concerns that some respondents might understandably have about intrusion into their private lives, the voluntary nature of the questions is of the utmost importance.

Since the 2011 census, extensive research, including "Scotland's Census 2021 Topic Consultation Report", by the National Records of Scotland, has built a strong case to justify the inclusion of questions on sexual orientation and gender identity. That is relevant to the public sector equality duty that is placed on authorities to eliminate discrimination and advance equality of opportunity.

Robust data on sexual orientation and gender identity will inform future policy and ensure best practice across Scotland. For example, accurate information on the size and geographic spread of the transgender population will help us to plan gender dysphoria services more effectively, thereby ensuring that resources are placed where their impact can be optimised.

To gather that data, the bill adds gender identity and sexual orientation

"to the schedule of matters about which particulars may require to be given".

It also provides a power to prescribe aspects of gender identity, such as transgender or trans history, for the purpose of making questions about those aspects voluntary. Of course, the precise form of the questions will be considered as part of the census order and census regulations procedure set, which is usually scrutinised by Parliament the year before the census takes place. It is not within the scope of the bill.

I am pleased that the cabinet secretary confirmed that she will work with the committee after stage 3 and throughout 2019, so that we may properly scrutinise the census questions before they are formally considered by Parliament. That will allow a more evidence-led approach, to ensure that the questions are as robust as possible. Undeniably, these are sensitive issues and, during evidence sessions, I was impressed by the measured and considered tone that witnesses used, despite their—at times—diametrically opposite opinions.

Based on evidence from contributors ranging from academia to equality organisations to women's groups, our report makes key recommendations, some pertaining to the precise question forms rather than the Census (Amendment) (Scotland) Bill.

First, we recommend that the mandatory sex question in the 2021 census should remain binary.

That is based on the evidence of organisations such as Woman's Place UK, which maintains that

"An individual's biological sex is an immutable characteristic"

and that, because sex is a protected characteristic under the Equality Act 2010, it should not be conflated with gender identity. I trust that the Government will heed the committee's clear view on the phrasing of the mandatory sex question and take it forward as subordinate legislation is developed.

I am pleased that the Government is committed to amending the Census (Amendment) (Scotland) Bill at stage 2 to ensure that gender identity and sex are not conflated.

As the Equality Network suggested, if "including gender identity" was removed from the bill, that would leave paragraph 1 of the schedule to the Census Act 1920 regarding the mandatory sex question unchanged. "Trans status" could then be added as a category on the same basis that is proposed for "sexual orientation".

Another key recommendation is for all guidance relating to the 2021 census to clarify that intersex does not fall within the term "trans". Again, I am pleased that the Government has confirmed that the NRS will work with stakeholders to develop guidance that uses the appropriate language and terminology. The evidence emphasised that intersex should not be viewed within the prism of gender identity; it is a medical condition. I particularly thank dsdfamilies, which is an information and support charity that promotes the rights and wellbeing of children with physical sex developmental differences, for its illuminating evidence.

I support the principles of the bill and, given the societal shifts that Scotland has experienced since 2011, I believe that changes to the census are appropriate.

Thanks to the thoughtful contributions of all parties, we now have the opportunity to remedy some of the deficiencies that were highlighted by the committee's report. I look forward to working with colleagues and the cabinet secretary to develop the census order.

16:19

Pauline McNeill (Glasgow) (Lab): The census is vital and it gives us a complete picture—or at least, it should.

Given that it is conducted only every 10 years, it is important that we get it right. It is an analysis of the character of society and it has vital information on which to make decisions about budgets and about society. I commend Joan McAlpine for an excellent speech on behalf of the committee; it

showed how diverse and complex the issues can get, but I well understood everything that she said.

If we want central and local government to offer the best and most responsive public services, policies must be based on high-quality evidence. Moreover, data on sex and gender, as well as ethnic group data, can help to identify the extent and nature of disadvantage in the UK, which is an issue that we are all signed up to tackle. Engender has noted that public authorities are increasingly sharing with it their confusion around how to gather service user data around sex and gender. It has pointed out that the census has an important role in setting a precedent:

“Because of its scale, the census plays an important normative role in shaping how information is gathered in other more frequent or localised data gathering.”

I am grateful to Engender for an excellent briefing on the issue.

As others have said, it is important that people can feel comfortable about answering questions on sexual orientation and transgender status. It is right that the proposed questions are to be voluntary, which is reflected in the committee’s agreement on that issue. I am pleased that the committee took on board the concerns raised by witnesses that the bill at times appears to conflate sex and gender identity, even if that was not the intention, and I am pleased that those concerns will be addressed at stage 2—we need to be clear that there is a big difference.

In a survey by LGTB Youth Scotland in 2017, 85 per cent of LGBT young people said that transphobia was a problem for Scotland and 41 per cent of transgender young people said they had experienced a hate crime or hate incident in the previous year. Given the high level of concern that was raised, it is important that we try to gather the best data that we can and, at a minimum, we try to find out as comprehensively as possible how many people in Scotland identify as transgender. I have long believed that, in its work on equality, this Parliament has a job to do to focus on the rights and needs of the transgender community, and I would welcome finding out the extent of the transgender community through the census.

I also welcome the cabinet secretary’s clarification that “intersex” people will not be included within the term “trans”—to be perfectly honest, I am astonished that a policy memorandum could have mixed up the two. Those two groups should not be and cannot be thought of as one. Other members have described how an intersex person is quite a distinct person.

In my closing remarks, I will speak about the LGBT Youth Scotland recommendation on the question of the privacy of young people—and, in fact, any person in a household. I ask the cabinet

secretary in her summing up to speak about what the definition of a household will be in these days of equality. This is one of the most important issues to try to resolve, and the suggestion from LGBT Youth Scotland is that another process could run alongside the census, which would be voluntary. I am absolutely in favour of that; we have to give quite a bit of thought to how to make sure that the data is matched properly and there is no loss of data as a result of the process. I am 100 per cent behind this idea, but I want to make sure that the data matches.

I welcome the committee’s recommendation that the Scottish Government should

“further consult with a range of organisations representing ‘intersex’ people in order to improve the information and specialist services available to support children and families of people who have differences of sex development.”

I thank the committee for its excellent work.

16:24

Stuart McMillan (Greenock and Inverclyde) (SNP): I associate myself with the committee convener’s comments regarding everyone who provided evidence and participated in the stage 1 process.

I have genuinely found the bill to be fascinating and enlightening in equal measure. The strength of the evidence that we heard certainly provided me with a lot to think about and to try to fully comprehend. I did not expect the extent of the evidence to be as broad as it was, given that the bill is so short and relates mainly to facilitating the process of asking a voluntary question.

I am content with the report that our committee has produced and equally so with the cabinet secretary’s response in her letter of 25 February. The cabinet secretary has appreciated the genuine concerns that were raised by those who gave evidence and in the committee’s subsequent report. I am pleased that, at this early stage, she has confirmed that amendments will be forthcoming at stage 2.

I will highlight a few aspects of the report, starting with paragraphs 120 to 129 on consultation. I found the lack of consultation by NRS, in particular with women’s groups, as mentioned in paragraphs 120 and 121, concerning. I thought that there must have been strong reasons for that to have been the case. The cabinet secretary’s reply was helpful in that regard and states:

“No women’s groups responded to the public consultation and some were not established at this early consultation stage.”

As the NRS consultation took place between 8 October 2015 and 15 January 2016, it is possible that, with the upcoming parliamentary elections, the various groups that were in existence may have been focusing on other issues, including the development of their own manifestos. However, having received no response from any of them, I would have hoped that NRS would have gone back to them after the 2016 election. The work is clearly now under way and I am genuinely thankful and pleased that that is the case.

The remainder of my comments have the following two points as their backdrop. First, paragraph 11 of the report states:

“The Committee agrees that there has been considerable social change with regard to issues concerning sexual orientation since 2011.”

Secondly, paragraph 75 of the report contains a quote from the cabinet secretary:

“The census does not lead public opinion; the census has to reflect society as it is just now and ask questions that maximise the response rate so that the data can be used.”—[*Official Report, Culture, Tourism, Europe and External Affairs Committee*, 20 December 2018; c 45.]

Clearly, the 2011 census would have been appropriate at that time, but it is right that the census goes through a rigorous analysis and process before it next takes place. The committee divided on one issue: whether the mandatory sex question should be binary. It is clearly a defining issue for many people and I appreciate the strength of feeling on both sides of the debate. My decision came down to three points: the ease of gathering the data; how the information gathered will be analysed and used; and the consistency of data gathering. I appreciate that the recommendation will have disappointed, and potentially angered, some people and organisations. However, I believe that the recommendation was made with the best of intentions by those who voted for it. I also believe that my colleagues who took a different position did so for exactly the same reasons.

The evidence that we heard from Professor Susan McVie of the University of Edinburgh was very powerful. Paragraph 60 of the report contains a quote from her evidence:

“It is a fundamental property of research that, in designing a questionnaire, you need to be extremely clear about what you are measuring. Possibly controversially, I think that the General Register Office for Scotland got it wrong when it redesigned the census in 2011 and conflated sex and gender identity.”—[*Official Report, Culture, Tourism, Europe and External Affairs Committee*, 13 December 2018; c 4.]

It therefore came as a surprise to read in the cabinet secretary’s letter that the NRS testing seemed to indicate that a non-binary question would lead to a higher response rate. I would be

grateful if the NRS could provide further information regarding the testing results and the suggestion of maintaining a binary sex question.

The conflation of sex and gender identity became apparent during the early stages of the committee’s scrutiny, therefore I am sure that it came as no surprise to many people that we highlighted it in paragraph 9 of our report.

Some of my colleagues have touched on dsdfamilies. I had not heard of dsdfamilies beforehand and I am grateful for the briefing that we received from it. I was genuinely humbled by what I heard about the challenges that are faced by those individuals and families every single day.

As the cabinet secretary indicated in her evidence and in her letter, the policy memorandum to the bill will thankfully be amended to reflect more accurate descriptions of intersex and trans people. I am also pleased that the committee’s recommendation in paragraph 119 of the report will be progressed.

I welcome the progress of the bill and the amendments that will be introduced at stage 2, and I am pleased to vote in favour of the general principles of the bill.

16:29

Annabelle Ewing (Cowdenbeath) (SNP): As a member of the Culture, Tourism, Europe and External Affairs Committee, I am pleased to have been called to speak in this stage 1 debate on the Census (Amendment) (Scotland) Bill.

As we have heard, the bill is very short, with three sections on one page. Notwithstanding that, it has—as we have also heard—generated quite a lot of discussion, given the wider issues that have been raised were not intended to be within the scope of the bill.

Before I turn to some of those wider issues, it is important that I focus at the outset on the purpose of the bill. Its purpose is to ensure that certain questions can be answered on a voluntary basis in the next census, which is scheduled for Sunday 21 March 2021. Indeed, it is the desire to make answering the questions voluntary that triggers the need, paradoxically, for primary legislation.

In the bill as drafted, the questions concerned relate to gender identity and sexual orientation, as we have heard. It was felt that, in the interests of privacy and because of potential sensitivities, it would be best to pose the questions to be answered voluntarily. As we have heard, there has been widespread support for that approach from a range of public bodies, the Law Society of Scotland, various equalities organisations and others. It is worth noting that, when a question on religion was introduced for the first time in the

2001 census, it was included to be answered on a voluntary basis, as we have heard. Therefore, there is precedent for the approach.

Where the bill has generated rather more discussion, that discussion has resulted from what can be regarded only as confusing—if not technically defective—drafting. Specifically, there is a reference to amending the relevant schedule to the Census Act 1920 by inserting the words “including gender identity” after the word “sex” in respect of what broad subject headings questions can be asked on. It was flagged up that that conflates gender identity with sex. Further to the concerns that have been raised, the committee has sought clarification that the bill will be amended at stage 2 to delete that confusing reference. I am pleased to note that, in her evidence, the cabinet secretary agreed to reflect specifically on that point.

That initially flawed approach, together with some rather precipitate comments in the policy memorandum about decisions that will be for the Parliament to make in due course, in respect of the subsequent census draft order, have led to a wider discussion about the binary nature of sex and the mandatory sex question in the census. The mandatory question is not within the scope of the bill.

Evidence was received in that regard from a number of people and organisations, and various points were raised. Evidence was received on the scientifically grounded theory of human sexual dimorphism, and evidence was received that reminded the committee that sex is a protected characteristic under the Equality Act 2010, and highlighted that conflating sex with gender identity is a social construct that is becoming more widespread. Dr Kath Murray commented on the impact of that trend. She stated:

“This blurring, which has the effect of changing what it means to be female, has implications for the protection of women’s rights.”

I am afraid that, in four and a half minutes, I cannot go into the wider issues that the evidence raised.

The Deputy Presiding Officer: You have five minutes.

Annabelle Ewing: Great. My time is going up. Nonetheless, I do not have time to go into the issues in as much detail as I would like. However, it is worth pointing out that Amy Wilson, who is the head of census statistics at National Records of Scotland, said in evidence that even if there were to be a non-binary sex question, the NRS would just

“randomly assign people back into the male and female categories”

and that it would

“still produce outputs on a male and female basis.”—*[Official Report, Culture, Tourism, Europe and External Affairs Committee, 20 December 2018; c 43.]*

That rather begs the question what the point would be of including a non-binary question in a census that is supposed to adhere to the highest statistical standards and provide longitudinal consistency.

The ONS in England and Wales has proposed that the mandatory sex question remain binary for the 2021 census. As we have heard, the committee recommended—by six votes to one with two abstentions—that the mandatory sex question remain binary. I entirely support that recommendation.

I very much welcome the cabinet secretary’s commitment to consider further how people’s privacy can be respected when they are completing the census in their own households, which is a point that I raised at committee.

15:21

Claire Baker: This has been an interesting debate that has provided Parliament with an insight into the broader issues that the committee has been considering through this fairly humble bill. It might be surprising, given the degree of debate, that the expectation is that the bill will pass at stage 1, as the committee recommends.

Although the sex question has been a key focus of the debate, members have identified other issues. Pauline McNeill talked about the LGBT Youth Scotland briefing that we received, which was very helpful and highlighted the growing need for the census to support confidentiality because questions are becoming more intimate. I urge the cabinet secretary to consider the proposals from LGBT Youth Scotland, and I welcome her comments on privacy rights, on which I will reflect.

Annie Wells raised the issue of the 2011 self-identification model. Guidance was provided in the 2011 census that allowed self-identification on the sex question for transgender men and women. That was available only if the person sought it online, which raised the question how widely understood the position was. The committee heard evidence that the approach in the 2011 census compromised the data, and it heard counter-evidence on the extent of that impact. That is an issue on which the cabinet secretary needs to reflect.

I looked at the Gender Representation on Public Boards (Scotland) Act 2018, which was recently passed. It has quite a prescriptive transgender definition, because it states that the term “woman” includes someone who has

“the protected characteristic of gender reassignment”

only if

“the person is living as a woman”

and intends to undergo gender reassignment.

The guidance for the 2011 census was different, in that it enabled self-identification as a different gender. I wonder where all that fits with the ongoing review of the Gender Recognition Act 2004. The lack of consistency is problematic.

Although the debate about whether to change the existing binary question was a key concern of the committee and the witnesses, the committee was taking evidence in the dark. It was unclear what the Government’s intention was: today’s debate has not made it any clearer.

The Scottish Government and NRS have created a situation that, it appears, they did not anticipate or prepare for. The policy memorandum to the bill says, in the section concerning the sex question, that

“Looking forward to 2021, consultation has identified the need for a more inclusive approach to measuring sex. The sex question being proposed for the 2021 Census will continue to be one of self-identification and will provide non-binary response options.”

However, following its appearance at the committee at the end of our evidence-taking sessions, NRS wrote to say:

“We are currently considering whether or not to have a non-binary response option for the sex question, but it is too early to say if this will be the final proposal as testing and consultation continues.”

The cabinet secretary said:

“the policy memorandum says that the 2021 sex question will have a non-binary response option. It should have said that that approach is being considered and tested.”—[*Official Report, Culture, Tourism, Europe and External Affairs Committee*, 20 December 2018; c 28.]

The lack of clarity was very unhelpful, and that area of debate has dominated the evidence, even though it is not part of the bill. As the convener outlined, the ONS has confirmed that there will be no change to the question in its forthcoming census.

Ross Greer outlined the arguments supporting a change to the sex question. I understand that it would enable people to answer the question based on how they live their lives. I appreciate the feelings of a non-binary person that the choice that is presented does not reflect their lived experience. However, NRS said in evidence that it would then just assign a sex to the respondent. It said:

“If we ask a non-binary question—that is the big if and is obviously something for the committee to take a view on—we do not propose to produce outputs on a non-binary basis. In our conversations with stakeholders, we have always been consistent that it is about allowing people to respond in a way that reflects how they identify but that we will still produce outputs on a male and female basis. We

have discussed with stakeholder groups the fact that we would randomly assign people back into the male and female categories because, as the numbers are expected to be very small, that will not affect the statistical distributions.”—[*Official Report, Culture, Tourism, Europe and External Affairs Committee*, 20 December 2018; c 43.]

That begs a question about how that information contributes to the data that is collected by the census, which I understand is the purpose of the census. I would welcome clarity on what purpose a change to the binary question would serve. Perhaps the cabinet secretary will respond to that. There is also an assumption by the NRS that the numbers will be very small, but I am not sure that the committee was convinced that we could be confident of that. Therefore, there is a lack of consensus on the approach, which makes it problematic.

As others have said, only now, for the 2021 census, is it being proposed that a voluntary question on sexual orientation be included. The policy memorandum gives as the reason for that:

“A question on sexual orientation was considered for inclusion in the 2011 census. However, the level of public acceptance of the question was not considered sufficient to merit its inclusion in that census.”

Given the evidence that the committee heard, there are clearly still questions to be answered about the level of public acceptance of a change to the binary sex question. Consideration must be given to other ways for the census to meet the needs of non-binary people, so a two-stage question has been suggested.

Stuart McMillan talked about inadequacies in the consultation. The debate has really grown since changes to the Gender Recognition Act 2004 were proposed, which is the nub of the debate. It is unfortunate that the census will come before resolution of that issue.

Mr McMillan also said that the census does not lead public opinion, which is different from the view of Ross Greer. I might be misrepresenting him, but he seemed to talk about the census moving the debate forward and taking a lead on the equalities agenda. Perhaps the cabinet secretary will provide clarity on her views about the purpose of the census.

The debate at committee has been a microcosm of the wider debate that is taking place around possible changes to the Gender Recognition Act 2004, but we should not lose sight of other issues that impact on LGBT people. The briefing from LGBT Health and Wellbeing highlights some of those issues. The LGBT population is subject to multiple disadvantages; for example, 74 per cent of LGBT Health and Wellbeing’s service users report disability, compared with 20 per cent of the general population, and 27 per cent report unemployment, compared with 3.7 per cent of the general population.

We know that prejudice towards the LGBT community exists, and that physical assault and verbal assault are too common. Access to appropriate health services is not always easy, and people can face isolation from their families and communities. Although I fully recognise the concerns that have been expressed about enabling self-identification for trans people, and what that means in terms of women's spaces and women's rights, we must also recognise that members of the LGBT community are themselves often vulnerable and open to exploitation and assault. We need to chart a path through that debate in a sensitive and understanding manner, while recognising and addressing everyone's concerns about the impact of the changes and working to achieve understanding and consensus.

16:42

Alexander Stewart (Mid Scotland and Fife)
(Con): I am pleased to have the opportunity to contribute to this important debate on stage 1 of the Census (Amendment) (Scotland) Bill and to close on behalf of the Scottish Conservatives.

It is clear that, as our society changes over time, we must adapt the way in which we record information and reflect those changes. The Equality Act 2010 requires public authorities to fulfil certain public sector equality duties. Public bodies should aim to eliminate discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between them. That is very much the theme of where we are today.

It is vital that we have a rich set of data and information that will allow public bodies to fulfil their equality duties. The bill, with its introduction of the two voluntary questions, will undoubtedly help to plug some of the information gaps that have been recognised, particularly in relation to sexual orientation and gender identity.

Submissions from a wide range of organisations and individuals have shown how much they support the inclusion of those questions. As a member of the committee, I pay tribute to the many individuals who gave us oral and written evidence. It is right that those questions are voluntary, as sexual orientation and gender identity can be challenging for many individuals at different stages of their lives.

As we know and have heard, LGBT people often face discrimination and abuse, with the result that they find themselves alienated, discriminated against and challenged. We need to do all that we can to address that, but making it compulsory to answer questions on sexual orientation and gender identity and threatening people with a fine for non-compliance is not what we should be

doing. We should make sure that people feel that their views and opinions are taken on board and recognised.

It is worth noting that the UK Government's white paper on the 2021 census, which was published last year, reaches similar conclusions on the issue of questions about sexual orientation and gender identity. As with the Scottish Government's proposed approach, it will not be compulsory for people to give their sexual orientation or gender identity if they do not wish to do so. Ministers have indicated that the right not to answer those two questions should be made clear in legislation before the census is taken.

As other members have said, it is important to note that the bill will not change how people legally change their gender; that is not what we are discussing. The issue of gender identity will be debated separately when the Scottish Government's proposed gender identity bill comes before the Parliament.

It has been an interesting debate in which there have been many passionate contributions from members who feel strongly about where we are. My colleague Annie Wells noted the committee's concerns about the conflation of sex and gender identity, as well as its concern that there was a lack of awareness of the online guidance on the approach to self-identification that was taken in 2011 and a lack of clarity surrounding that guidance.

I am delighted that the cabinet secretary has taken on board the fact that the consultation process must be robust and that further consultation requires to be done to ensure that people have confidence in the process. Some individuals and organisations felt that there had been a lack of consultation, and that has now been acknowledged.

Annie Wells also commented on the cabinet secretary's clarification that intersex people will not be covered by the term "trans". I welcome the recognition that their needs are different and the commitment that further guidance on the issue will be provided.

Joan McAlpine talked about how important it is to protect the privacy of young people in the census process. That is vital. We must ensure that the data that we collect is robust, but we must also protect individuals who feel threatened or who face a conflict. The information that we provide in that regard must be clear.

Claire Baker highlighted the fact that there was agreement across the committee on many aspects of the bill but that it is necessary to have accurate data. The complexity of the issue must be looked at, and changes will have to be made at stage 2.

Alex Cole-Hamilton said that we live in enlightened times and that it is vital that we recognise people's rights. The policy behind the bill matters. The bill might only be small, but it matters. We must support communities and individuals who feel marginalised and threatened.

Jamie Halcro Johnston talked about the sensitive nature of the bill and the committee's approach to it. We appreciate the fact that censuses have been going on since 1801, but it is important that the data that is collected is accurate, because there have been shortcomings in the past that should not be repeated in the future.

Annabelle Ewing spoke about the evidence that the committee received. We received a lot of evidence from different organisations and individuals who feel passionately about the census process and wanted to get their views and opinions across. The members of the committee certainly heard that. The importance of the fact that sex is a protected characteristic has also come through. It is vital that we get the right information and that people's privacy is protected during the process.

The Scottish Conservatives agree with the broad principles of the bill, but we would like a number of important changes to be made. For example, we would like further clarification to be provided on the distinction between mandatory and voluntary questions and on how the voluntary questions on issues such as gender identity will be defined and structured.

We will support the bill at stage 1, but we will consider lodging amendments at stage 2. Stakeholders have made it quite clear that we need to take on their views and opinions so that we take a balanced approach. The idea of the census is to collect the correct data and make it available for everyone to use. It is therefore vital that we do all that we can to take a balanced approach. As I have said, we owe our support to those individuals who have come forward and told us what they believe.

16:50

Fiona Hyslop: I am grateful to my parliamentary colleagues here today for a sensible debate on very sensitive matters. The committee and I recognise that there are strong views on the issues—some of them have been demonstrated today—but it is vital that the debate is conducted in a respectful manner, as it has been in this parliamentary debate.

The Census (Amendment) (Scotland) Bill has been the first opportunity for Parliament to get involved in the 2021 census, but this really is just the start of our journey. Jamie Halcro Johnston, I

think, mentioned that stage 1 is perhaps not the time to be discussing the content of the questions—which is true—and that the bill is not necessarily the place to discuss the wider issues of gender recognition, which some members have touched on, but we are where we are. We have to reflect on and address the evidence that was given during the witness sessions, because we will have to work through those issues when we get to deciding on the questions for the regulations.

It is really important to underline the point that most people agree that the time is right to ask two specific questions on sexual orientation and transgender and that answering them should be voluntary. That is the purpose of the bill, but clearly it has stimulated interest in wider census matters.

I am very proud to have portfolio responsibility for the census, and I am very keen to use the next two years to prepare for a successful and meaningful census. It is only 752 days until the census on 21 March 2021, so the clock is very much counting down.

I mentioned in my opening address that the people of Scotland must have confidence in the census, as they will be sharing their personal information—the issues discussed today demonstrate just how sensitive that information is. We must meet their legitimate expectations by ensuring that their data is kept safely and securely. We must also keep the trust of the people of Scotland by asking the most appropriate questions, which reflect our society at this time, and doing so sensitively.

Maurice Corry: Will a question or response option be included in the census to identify armed forces veterans?

Fiona Hyslop: I am delighted to highlight that we have already agreed to do that. I am surprised that Maurice Corry is not aware of Graeme Dey's announcement about our intention to include a question on veterans in the census as part of the veterans debate some time ago. Again, that will be subject to the agreement of Parliament.

It is important that we deliver on the trust that we have with the people of Scotland. We have done that over 200 years of data collection, and we should be very proud of our achievements. Some questions have come and gone, but we have always been consistent in our professional approach to the census and tracking the core data.

Although a significant focus on 2021 is on its being the first digital census—it will primarily be online—asking the right questions in the most appropriate way is still at the heart of census. The National Records of Scotland has carried out significant stakeholder engagement over recent

years, and continues to take forward that work, to ensure that we have the best possible census.

The discussions on the bill have contributed to that process with, for example, National Records of Scotland now engaging with women's groups who responded to the committee's call for evidence. Some of those groups had not even existed at the time of the initial public consultation. I wish to be very clear that no stakeholder has intentionally been excluded from engagement and consultation by NRS; everyone with an interest in census questions is encouraged to engage with the process.

Even though extensive testing of options for the questions was carried out prior to the bill, which included thousands of people across Scotland's society, some views have emerged recently as a response to the call for evidence. The door is still wide open, and we welcome the views of others.

I will now address a number of points that have been made in the debate. In response to Joan McAlpine's question about the wording in the bill, I know that the current wording is "sex (including gender identity)". Associating gender identity with sex can lead to conflation of the two, and we are open to addressing that issue and, indeed, identifying where the transgender question could come into this.

One important point that I should highlight is that, although it looks as if in England and Wales the ONS will continue with a binary sex question, it will be self-identified, as it was in 2011. That is a genuine issue that the committee and, indeed, all of us will have to consider: if we do not have a self-identifying binary question, and if the question itself is mandatory, how will transgender people, in particular, be able to answer it? How do we give them opportunities to address the issue? A non-binary sex question would avoid the kind of male and female self-identification that you would get with a binary question, and such points will have to be considered. The sex question is, as we will remember, mandatory, but how can people answer it if options are not available? The fact is that we need people to complete the census. The important issue, particularly for transgender people, is to have the voluntary question, and I think that we all agree that that is vital.

There were questions about which method would get the best response rate. The committee seemed to assume that a binary question would, but it might surprise members to learn that when more than 5,500 people were tested, the binary sex question had—marginally—the lowest level of response. We have shared that information with the committee, but I would also point out that the two-stage question, which I think Claire Baker referred to, had a much lower response rate, too. Credibility of approach and the ability to count are

absolutely important in all of this, and that information will be considered when we come to the next stage of the process and look at the census regulations.

Joan McAlpine: Does the cabinet secretary recognise that a majority of committee members opposed a non-binary sex question, because of the longitudinal quality of the data? The male/female question has been asked since 1801.

Fiona Hyslop: Yes, I recognise the longitudinal aspect to this, but the committee also said that a binary question had a higher response rate, and that is not necessarily the case; but we can look again at such questions. The question in the 2011 census was self-identifying, which is something that the committee will have to consider when we come to the next stage of the process and to the questions themselves.

Annie Wells was absolutely right to say that we need clarity and to strike a balance, and on Claire Baker's very important point about future proofing the census, I have to say that, based on our experience to date, we will probably have to introduce legislation every 10 years in order to debate issues that might be controversial. Those who were around in 2011 will remember that the issue of language was somewhat controversial at the time, and we will need to be able to reflect on such matters.

Ross Greer made some very important points about the issue of equality. However, that brings us back to the question of whether the census should lead the debate or reflect the society in which we live, and I think that it is important for it to reflect society. As always, Stewart Stevenson raised some very interesting issues; indeed, he made the fundamental point that the census is a statistical not an individual service. It is important that it is authoritative and that people have confidence in it.

I have already addressed Stuart McMillan's point about better response rates. On Pauline McNeill's question about the definition of the term "householder", there is such a definition, but given the time and the detail that it goes into, we will send it to Ms McNeill to ensure that she has clarity in that respect.

Everyone who has contributed to the debate has touched on different aspects of the committee's assessment of and report on the bill. The committee has concluded that the bill's current drafting, particularly the use of the term "gender identity", has created some confusion and a perception that sex and gender identity are being conflated. As we do not want that kind of conflation, amendments will be lodged at stage 2 to deal with the issue. I want to make it very clear that it was never our intention to conflate sex and

gender identity, and I note the committee's support for the Equality Network proposal to amend the bill to address the matter. I should say that our thinking on this is very similar to that of the Equality Network.

As members have been aware for some time, section 1 of the Census Act 1920 provides the enabling power that underpins the taking of the census. It allows the making of the census order, which will be the next stage of the regulations, as we move towards the detailed questions.

NRS will be working closely with the committee in the run-up to the laying of the census order and census regulations. I am keen to ensure that there is sufficient time to ensure comprehensive understanding of all matters in Scotland's 2021 census. It may be a one-page bill but it addresses some of the fundamental issues that confront society just now. Today, underlying everybody's contributions was the idea of equality and the importance of championing equality in this Parliament, and I am very pleased about that.

Standards Commission for Scotland (Appointment of Member)

17:00

The Presiding Officer (Ken Macintosh): The next item of business is consideration of motion S5M-16009, in the name of Andy Wightman, on behalf of the Scottish Parliamentary Corporate Body, on the appointment of a member of the Standards Commission for Scotland.

Andy Wightman (Lothian) (Green): As a member of the corporate body appointment panel, I invite members of the Parliament to agree to the appointment of Ashleigh Dunn as a member of the Standards Commission for Scotland.

The corporate body supports six independent officeholders and one of our statutory duties relates to appointing, with the agreement of the Parliament, some of the officeholders. This particular appointment relates to the Standards Commission for Scotland.

The Standards Commission's role is to encourage high ethical standards in public life by promoting and enforcing the codes of conduct for councillors and members of devolved public bodies. It issues guidance to councils and public bodies and adjudicates on alleged contraventions of the codes referred to it by the Commissioner for Ethical Standards in Public Life in Scotland. The commission has a convener and four members, all of whom are part-time.

Our nominee, Ashleigh Dunn, has a wealth of experience in public service, specialising in organisational and leadership development, and has over 20 years of experience in national health service management across the United Kingdom.

We believe that Ashleigh will bring to the post professionalism, fairness and a strong commitment to ensuring that high standards of conduct in public life are maintained. I am sure that the Parliament will want to wish her every success in her new role.

I move,

That the Parliament agrees, under section 8 of the Ethical Standards in Public Life etc. (Scotland) Act 2000, to appoint Ashleigh Dunn as a Member of the Standards Commission for Scotland.

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

Decision Time

17:02

The Presiding Officer (Ken Macintosh): The first question is, that motion S5M-16038, in the name of Fiona Hyslop, on the Census (Amendment) (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament agrees to the general principles of the Census (Amendment) (Scotland) Bill.

The Presiding Officer: The next question is, that motion S5M-16009, in the name of Andy Wightman, on behalf of the Scottish Parliamentary Corporate Body, on the appointment of a member of the Standards Commission for Scotland, be agreed to.

Motion agreed to,

That the Parliament agrees, under section 8 of the Ethical Standards in Public Life etc. (Scotland) Act 2000, to appoint Ashleigh Dunn as a Member of the Standards Commission for Scotland.

The Presiding Officer: I congratulate Ashleigh Dunn on her appointment. [*Applause.*] That concludes decision time.

Meeting closed at 17:02.

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