



OFFICIAL REPORT
AITHISG OIFIGEIL

DRAFT

Meeting of the Parliament (Hybrid)

Thursday 30 July 2020

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - www.parliament.scot or by contacting Public Information on 0131 348 5000

Thursday 30 July 2020

CONTENTS

	Col.
COVID-19 (NEXT STEPS)	1
<i>Statement—[The First Minister].</i>	
The First Minister (Nicola Sturgeon).....	1
INTERNAL MARKET	39
<i>Statement—[Michael Russell].</i>	
The Cabinet Secretary for the Constitution, Europe and External Affairs (Michael Russell)	39

Scottish Parliament

Thursday 30 July 2020

[The Presiding Officer opened the meeting at 12:20]

Covid-19 (Next Steps)

The Presiding Officer (Ken Macintosh): Good afternoon, colleagues. I remind members that, as always, social distancing measures are in place throughout the campus and there are new one-way systems in place. I ask members therefore to be careful, particularly when entering and leaving the chamber.

The first item of business is a statement by the First Minister. I encourage members who wish to ask a question to email their intention to do so to the business team, as the voting buttons are not working. So, email the question—not the question, but the intention to ask a question, to the business team. *[Laughter.]*

The First Minister (Nicola Sturgeon): The Scottish Government is required by law to review the lockdown restrictions every three weeks. The latest review falls due today, so I will shortly update the chamber on the decisions that we have reached.

First, though, I will report on today's statistics and other developments. Since yesterday, an additional 17 cases of Covid-19 have been confirmed, which takes the total number to 18,597. A total of 260 patients are currently in hospital with confirmed Covid, which is the same number as yesterday. As of last night, two people were in intensive care with confirmed Covid, which is the same number as yesterday.

I am pleased to report that, in the past 24 hours, no deaths have been registered of patients who had been confirmed as having the virus. The total number of deaths in Scotland under that daily measurement therefore remains at 2,491. In fact, no deaths have been registered under that measurement for the past two weeks. However, we must not lose sight of the fact that every death is a tragedy, and I again send my condolences to everyone who has lost a loved one to the illness.

I also want to give a brief update on the identified cluster of cases in the NHS Greater Glasgow and Clyde area. I can confirm that, as of now, eight positive cases have been confirmed. Those are linked to the M&D Green pharmacy in Port Glasgow and to an Amazon warehouse in Gourrock. I thank those businesses for acting swiftly and for co-operating fully with the guidance and procedures to contain the cluster.

An incident management team that is led by NHS Greater Glasgow and Clyde met yesterday afternoon, and it will meet again today. It is working with the Scottish Government, Health Protection Scotland and local environmental health teams to trace contacts and do everything possible to minimise onward transmission. I am very grateful for those efforts. We will, of course, provide more details as and when they become available.

I also want to draw attention to an important announcement this morning by the four United Kingdom chief medical officers, which relates to a change in the advice for those people who test positive for Covid. Until now, people who test positive have been advised to isolate for seven days, but because it is thought that the infectious period can last longer, the advice now is that people who test positive should isolate for 10 days. Contacts of those who test positive should continue to isolate for 14 days, and the quarantine period for people who have travelled from non-exempt countries remains 14 days. The change affects only people who test positive. However, it is an important change to the guidance and is, therefore, one that everyone should be aware of.

I turn to our review of the lockdown restrictions. The statistics that we have been reporting each day for the past three weeks demonstrate the progress that we have made. Incidence and prevalence of the virus are, as of now, at very low levels in Scotland. Three weeks ago, we estimated that 1,000 people in Scotland had been infectious with the virus in the week before. Our estimate for last week is that 300 people in Scotland were infectious.

In addition, our latest modelling suggests that the R number remains below 1, so our progress is real and substantial, and it has been very hard earned by everybody across the country, but—I am afraid that this is a necessary “but”—the virus has not gone away. It is still circulating in Scotland, and it remains highly infectious and very dangerous. That is why I am not able to indicate today a move from phase 3 of our route map out of lockdown to phase 4.

A move to phase 4 would require us to be satisfied that the virus

“is no longer considered a significant threat to public health.”

Unfortunately, that is far from being the case. For that reason, the Cabinet decided yesterday that we will remain in phase 3 for now, and although we will consider this every three weeks, it is possible that phase 3 will continue even beyond the next review point.

That decision—and the fragility of our progress against the virus—means that changes over the

next three weeks, beyond the two significant ones that I will come on to, will be minimal. However, I will give some indicative dates for when we hope additional activities and services can resume.

Although we cannot move to phase 4 today, the progress that we have made does allow two important changes to happen in the next two-week period. I am very pleased to confirm that, from 1 August, we will pause the advice for people to shield. For those of you who have been shielding, that means that, from this Saturday, you can now follow the guidance for the general population, but please be especially careful about face coverings, hand hygiene and physical distancing.

The pause also means that children who have been shielding will be able to return to school and that adults will be able to return to work. Of course, our advice not simply for shielding people but for everyone remains that you should continue to work from home whenever and wherever that is possible. If you are returning to work as a shielded person, please know that guidance is available for you and your employers on the Scottish Government's website. That guidance allows you to calculate an individual risk score to help you and your employer to make your return to work as safe as possible. It was developed by clinicians and occupational health experts, and we have worked with the Convention of Scottish Local Authorities, trade unions and business organisations to make sure that it is quickly adopted by employers.

I know that the pause in shielding will be an enormous relief to many, but I strongly suspect that it will also be making you feel anxious. Please be assured that we are pausing shielding now because we do believe that it is safe to do so. However, if circumstances change, our advice will also change. We will continue to put your safety first.

I think it is really hard for those of us who have not been shielding to fully comprehend how hard the past few months have been for those of you who have been doing so. I want you to know how deeply grateful I am to all of you for your patience and sacrifice. By following the advice, you have protected yourselves, reassured your loved ones and helped our health and care services immensely. I thank each and every one of you for that.

The other major change that I can confirm today relates to schools. It is a moral and educational imperative that we get children back to school as soon as is safely possible. In fact, a key reason for our cautious approach to lockdown easing over the past two months—and, indeed, over the next few weeks—is the determination to drive the virus down as low as possible and keep prevalence low so that schools can reopen safely in August.

I am therefore very pleased to confirm today that schools will return from 11 August. Given how long children have been out of school, some local authorities may opt for a phased return over the first few days, but we expect all pupils to be at school full time from 18 August at the latest. I realise that earlier confirmation of that would have provided more certainty for schools and for parents to get ready for the new term, but we had to be very sure that the latest evidence supported the decision.

Last Friday, the education recovery group agreed guidance to support the safe return of schools. That guidance, which is being published today, draws on scientific advice from our advisory group on education and children's issues. The guidance makes it clear that, in general, physical distancing between pupils will not be required while they are on the school estate, although distance should be maintained between pupils in secondary schools, where possible, provided that that does not compromise the return to full-time schooling. Distancing should also be maintained between staff members and between staff and pupils.

The guidance also sets out the risk mitigation measures that must be introduced in all education settings. They include ventilation, good hygiene practices and improved cleaning regimes. It is absolutely vital for the safe reopening of schools that those measures are applied rigorously in all settings.

In addition, important public health measures will be in place for schools. They include test and protect and fast, priority access to testing for any symptomatic staff and pupils. We will also establish an enhanced surveillance programme in schools, which will allow us to identify any impact of the virus on pupils and staff in schools across the country.

I can also confirm that, in addition to the £45 million that has previously been announced, we will make available a further £30 million to support recruitment of additional teachers. We anticipate that that total investment of £75 million will enable recruitment of about 1,400 extra teachers.

In addition, we will invest a further £30 million, on top of the £20 million that has already been announced, as part of a £50 million education recovery fund for local authorities. That will support extra cleaning, facilities management, school transport and other practical measures that are absolutely vital in ensuring a safe return to schools.

I must be clear, and I emphasise the point, that at this stage no one—not me, nor the education secretary: no one—can absolutely rule out the possible need for blended-learning arrangements

in the future, either at national level or locally, if there are significant increases in the incidence and prevalence of Covid. However, the current low prevalence of the virus, together with all the safety measures that we are putting in place, gives us as good a basis as we could have hoped for to get children back to school in August.

I take the opportunity again to thank children and young people for the way that you have coped with the considerable disruption to your lives. I think that I speak for the whole country when I say that we could not be prouder of you, and I promise that we will do everything that we can to get things back on track for you as quickly as possible. I am sure that none of you will ever forget Covid, but we are absolutely determined to make sure that you will not bear the legacy of it later in your lives.

Finally on education, I confirm that we are today publishing updated guidance for childcare providers. The new guidance will come into effect from 10 August. It does not represent a return to complete normality for childcare providers, but it reduces the current restrictions while setting out age-appropriate measures to minimise risks for staff, children and families, and wider communities. We know how important stable childcare is to families; the changes will help to make it more accessible.

I am sure that the two main changes that we are confirming today—a pause in shielding and full-time reopening of schools—will be welcomed by people across the country. They are significant steps back to a less restricted way of life. They also support a return to greater normality for the economy. The changes have been made possible only because the prevalence of Covid is currently so low in Scotland. In fact, in many ways, Scotland is now in a better position in relation to Covid than I would have dared to hope for a few weeks ago. However, as I have said already, that position is very fragile. We have seen a slightly higher level of new cases in Scotland in recent days, although some fluctuation is to be expected. We are also seeing clusters and outbreaks, such as NHS Greater Glasgow and Clyde is experiencing right now—although, again, they are to be expected.

Nonetheless, the situation around the world and across Europe, and even in England, gives us some cause for concern. We know from our experience in late February and early March just how rapidly the virus can take hold and run out of control. The fact is that if we are not very careful now, we could, in two or three weeks' time, easily be facing, here in Scotland, some of the very difficult issues that we are currently hearing about in the news from other parts of the world.

It is also the case that we cannot yet fully assess the impact of the changes—they are really significant changes—that have been made over

the past three weeks, such as the reopening of tourism and indoor hospitality. We must also—this is really important—allow some time for the impact of reopening schools to be assessed before we make further major changes. For that reason, only a small number of further changes are planned to take place during the next three weeks. I will now confirm what they will be.

From Monday, routine eye-care services, including regular eye examinations, can be carried out in community optometry premises and, where necessary and appropriate, in people's homes. Counselling services such as drug and alcohol support groups will be able to provide essential services, following relevant guidance and with physical distancing.

In addition, sports coaches will be able to meet groups from more than four households in a single day, and we will shortly confirm when they can work with larger groups.

From 17 August, a wider range of dental care procedures can resume. In particular, aerosol procedures, which create a fine mist through use of a high-speed drill, will be allowed to restart if they are necessary for urgent dental care.

Those are the only changes that we currently expect to make during the next three-week period. However, I want now to provide some indicative dates for late August and September, to help businesses to plan. Full detail of those will be available on the Scottish Government website. However, people should, please, remember that at this stage the dates are indicative and remain subject to change.

From 24 August, we hope that live events such as concerts and comedy will be allowed outdoors, with physical distancing, enhanced hygiene and restricted numbers.

We also hope that organised outdoor contact sports will resume for people of all ages and that from 24 August some other indoor facilities, such as bingo halls and similar venues that are mentioned in the route map, can reopen with physical distancing.

We also intend that funfairs and travelling funfairs can reopen from 24 August, and we hope that driving lessons will resume from that day, too.

We do not currently expect to implement any other changes before 11 September. We will, of course, keep that under close review and will accelerate further changes, if that proves possible.

However, at the moment, non-essential offices and call centres should expect to remain closed until at least 14 September, and possibly until later. Even then, working from home and working flexibly will remain the default position. I know that many office workers might miss seeing

colleagues—although I suspect that some might not—but by staying at home, office workers and employers are playing a vital role in helping to suppress the virus, and in ensuring that our transport network remains safe.

We hope that further changes will be possible from 14 September. Again, I say that full detail will be available on the Scottish Government website. However, I must also stress again that the dates that I am about to set out are indicative, and will not be finally confirmed until nearer the time.

For example, we hope that sports stadia will be able to reopen from that date, with limited numbers of spectators and with physical distancing in place. Some professional sports events might be arranged for spectators before then, with the Scottish Government's agreement, to test the safety of any new arrangements.

We also hope that indoor sports courts for some activities can reopen from 14 September, with physical distancing, and we will consider whether indoor classes for children can resume earlier than that. It is also our intention that indoor soft-play facilities will reopen from 14 September.

At this point, I will make particular mention of gyms and swimming pools. I absolutely understand and share the desire for those facilities to be opened as soon as possible. However, the clinical advice that I have is that, because of their nature, those environments pose a particular risk and require a cautious approach. For that reason, but to try to give some additional clarity, I point out that the indicative date that we are giving today for their reopening is 14 September. However, I will review that again in three weeks, and if it is judged reasonable to do so, we will seek to accelerate that to the end of August.

We hope that entertainment sites and cultural venues such as theatres and live music venues will also reopen from 14 September, with physical distancing in place. I know that the challenges that these decisions pose for the cultural sector are significant, and that this further delay for arts venues will be disappointing. For that reason, we are increasing the value of our performing arts venue relief fund—which opens for applications today—from £10 million to £12.5 million, in order to provide further support for the culture sector.

More generally, I am acutely aware, as I stand here right now, that in a statement like this, in which there is a lot of ground to cover, I inevitably make many five-second references that have profound implications for businesses and livelihoods. Please believe me when I say that I fully recognise the impact of the decisions that we are taking. I know how difficult the situation is for the sectors and activities that are facing a long wait before they can resume. We do not take any

such decisions lightly, but at present, we are not confident that we can restart all those activities safely within a shorter timescale. Doing so could risk a resurgence in the virus and undermine our ability to get children back to school.

Today's statement is a cautious one, but given the nature of what we are dealing with, caution remains essential. We want to open up society and the economy as quickly as we safely can, and we do not want to have to reimpose restrictions because the virus has taken off again, or to shut down again sectors that have already reopened. That start-stop pattern can already be seen in other countries and is, in my view, potentially more harmful to the economy in the medium to long term than a more careful and slightly slower approach to reopening.

As ever, the key factor over the coming weeks, in determining our pace of recovery, will be our ability to keep the virus at very low levels. As ever—although Government clearly has the central role to play—that will depend on each and every one of us.

I therefore end by reminding everyone of the vital importance of FACTS—the five golden rules that will help us to stay safe, even as life gets back to something that is closer to normality. Face coverings should be worn in enclosed spaces—public transport, shops and anywhere else where physical distancing is more difficult. Avoid crowded areas, outdoors as well as indoors. Clean your hands regularly and thoroughly, and clean hard surfaces after touching them. Two-metre distancing remains our clear advice. Self-isolate and book a test immediately, if you have symptoms of Covid. I remind people that those symptoms are a new cough, a fever, or a loss of, or change in, one's sense of taste or smell. People can book a test at www.nhsinform.scot or by phoning 0800 028 2816.

It is because so many people have done the right thing so far that we are able to pause shielding and reopen schools, so my appeal to everybody across the country is this: do not drop your guard now. Every single time one of us breaches one of the golden rules, we give the virus a chance to spread again. If we allow complacency to creep in now, it will be deadly. That is not an exaggeration. I today ask everyone instead to make a conscious effort to tighten up our compliance with all those basic but life-saving measures. They are the best ways for us all to protect ourselves, to take care of each other, to show our support for the national health service and, ultimately, to save lives.

Jackson Carlaw (Eastwood) (Con): After months of gloom, I hope that the Presiding Officer will forgive me if I start off by noting the unalloyed pleasure—at least of those of us on this side of the

chamber—that, after a year away but now fully restored to good health, John Scott has returned to the chamber. [*Applause.*] Ayr's voice will now be heard again.

I thank the First Minister for advance sight of her statement. For those services and groups that can now envisage a return, it will be welcome news that there is some prospect of normality. However, like the First Minister, I emphasise the importance of none of us becoming complacent. There is no vaccine, the virus remains, and it is not our friend. Although there is a temptation to abide by all the rules and guidance the first time that you go to a restaurant or visit somewhere, after that, there is a temptation to think, "I can ease off now." Please do not. It is important that we all abide by the guidance and the rules.

For parents, pupils and staff, the reopening of schools is, of course, welcome, though it should not have taken so much pressure from parents and Opposition parties to make reopening in mid-August Scotland's plan A. Nonetheless, there were reports this morning that only half of councils are preparing for a full return in 12 days' time, so there is still some confusion.

The First Minister said that she expects schools to be back full time on 11 August. She said that that is the intention. However, she has not yet confirmed how many councils will, in fact, see that they do. We have already heard from a number of councils that the funding that they believe they will receive may be less than half of what is required. Although today's announcement will at least help to clarify some of that, will the First Minister confirm specifically how many of Scotland's schools will open and offer full-time education on 11 August?

The First Minister: Before I answer that question, I, too, take the opportunity to welcome John Scott back to the chamber. John Scott is a rigorous and respected political opponent, but I have always considered him a friend. Personally, I could not be more delighted to see him back with us today. [*Applause.*]

Let me try to set this out very clearly. Schools will return on 11 August. My understanding is that, although most councils are planning full-time education from 12 August, some will be planning a more phased return. Let us not forget that children have been out of school for four months. For some children who have not been inside a school building or seen their friends or teachers for that period, a slightly softer start for the first few days may not be inappropriate. It is right and proper that local authorities have some flexibility around that. I understand that the local authorities that are planning that kind of phased return over the first few days include Tory-run councils. It is something

that councils will be looking at carefully, and I trust them to make that judgment.

The Deputy First Minister will issue an education continuity order to the effect that, by 18 August at the latest, all schools will be back full time, because that allows for a slight phasing but makes sure that there is certainty about the full-time return. However, I would expect that the majority of councils will return to full-time education before that.

I hope that that gives clarity to teachers, local authorities, parents and—most of all—children, who I know right now will be feeling excited about getting back to school but will probably be a little bit apprehensive as well. They should know that we are all thinking of them as they make that return.

Jackson Carlaw: I appreciate that, but the moment has been coming for weeks and I am surprised that we are not able to give absolute clarity. Nevertheless, it will be welcomed that all children will be back at school on 18 August.

The First Minister concluded her statement by reminding everybody of the importance of facts. However, when Parliament met on 9 July, the First Minister said repeatedly, in response to questions from me, that the prevalence rate of the coronavirus was five times lower in Scotland than elsewhere in the UK. Subsequently, that figure was widely reported and repeated in the media. This morning, the director general for regulation at the UK Statistics Authority wrote to us and—I know—to the Scottish Government as well, giving his verdict on whether that statistic was true, and his verdict is damning.

When challenged at the time, the Scottish Government said that it compared its Scottish Government Covid-19 modelling to a survey statistic for England, but when the UK Statistics Authority investigated and asked for the source of the statistic, the Scottish Government changed its story and said that it was something else entirely—it was now a figure from a London university, and it was for the whole UK. Why did the Scottish Government mislead the public about the source of that claim?

The First Minister: I do not think that that is the case. I stand by the view, which I think is backed up by the evidence, that the prevalence of the virus is significantly lower in Scotland right now than it is in England, although it is not something that I have a shred of complacency about.

The issue with the statistic that I cited before is that the English part of that UK statistic has not been published. That is not down to me; the UK Government has not published it. Perhaps Jackson Carlaw will join me in encouraging the UK Government to do so.

My focus is on making sure that we keep the virus under control in Scotland. I do not want to sound in any way complacent about that; however, if we look at the number of people who have died this month up to now, for example—and every single death is a tragedy—we see that the number of reported deaths in England under the daily measurement is around 2,000 whereas in Scotland it is nine. I think that that backs up the fact that there is a significantly lower prevalence and incidence of the virus in Scotland right now, which is because of the elimination strategy that we are pursuing and our very cautious approach to coming out of lockdown. As we speak, I am trying to persuade the UK Government to join us in that express objective of eliminating the virus, and I hope that we will get common ground on that.

We are making really good progress in Scotland. That is not down to me or the Government; that is down to the sacrifices of everybody across the country. Our objective and our challenge now, as things become more volatile across the world, is to do all the things that are required to protect that progress, and that is what I am very focused on.

Jackson Carlaw: Well, I am afraid that that is not what the UK Statistics Authority had to say. Here is what it said:

“the sources you were provided with do not allow for a meaningful comparison to be made.”

However, that is exactly what the First Minister did. It is unacceptable that the First Minister is now trying to downplay this, because the importance is clear. This is not just a number. This is not some statistical pedantry. This was the centrepiece of policy used to justify major decisions just three weeks ago. Ministers used it to explain the timing of lockdown being eased. When the Scottish tourism industry was crying out for a positive message, the First Minister refused to shut down the idea of closing the border, using that prevalence statistic as the basis. Nicola Sturgeon used that prevalence figure to suggest that her policy was working better than the policy elsewhere in the UK. Here is what the UK Statistics Authority says—[*Interruption.*]

The Presiding Officer: Order, please. Let us hear Mr Carlaw’s questions.

Jackson Carlaw: Here is what the UK Statistics Authority says:

“We do not think that the sources above allow for a quantified and uncaveated comparison of the kind that was made.”

Will the First Minister give us a straight admission that she made a comparison that she may have chosen to believe but that was not true?

The First Minister: The figures were not published—I accept the views of the statistics regulator on that—but I have a few points to make. I deeply regret the fact that, instead of focusing on the substance of the issues that we are all dealing with, there is an attempt to somehow pretend that Scotland has not made the progress that we self-evidently have in the fight against the virus—I find that bizarre. We should all be deeply grateful and relieved—I know that I am—that the virus is being driven to the low levels that we are seeing now in Scotland, although none of us should be complacent about that.

I assure Jackson Carlaw that the figures that I am about to quote can be found on the UK Government’s coronavirus dashboard and are updated every day. In July so far—I do not have the precise figure in front of me right now—around 2,000 deaths of people with confirmed cases of coronavirus have been reported in England under the daily measurement. The corresponding figure in Scotland is nine, although we have about 8.2 per cent of the UK population. I do not know whether Jackson Carlaw is really saying that he does not think that there is a significantly lower prevalence of the virus in Scotland than there is elsewhere. We can see that in the daily case numbers that are reported.

I may have used a statistic that was not published—the statistics regulator has, rightly and properly, made his views known on that, and I respect them—but, for goodness’ sake, there are plenty of other published measures that lead to the same conclusion. Why would anybody want to deny the progress we have made instead of saying that we are really glad that Scotland is now in a stronger position?

I make no apology for having taken the decisions that have led us to this position, with all the sacrifices that people have made, and I will still take the decisions that are designed to get this country through the crisis as safely as possible, whatever politics Jackson Carlaw might want to play.

Jackson Carlaw: I think that the First Minister has to be very careful in talking about playing politics when she is the leader and the chief executive of her party, which profited from coronavirus by producing party-political face masks to raise funds for the Scottish National Party and then encouraged people down in the Borders to shout obscenities at people coming to this country from England. That was encouraged—[*Interruption.*]

The Presiding Officer: Let us have some order, please.

Jackson Carlaw: That was encouraged by elected SNP parliamentarians.

The issue is that public confidence in Government decisions should not be undermined by figures being made up to substantiate party-political spin.

I am perplexed, because the binder in front of the First Minister is full of detail. The First Minister is well prepared, and she is the first to bring a statistic to any debate. She made that claim about the prevalence rate seven times, and again as recently as last week. It was not a slip of the tongue. Neither is it for the First Minister to say that she thinks that it is all fine—that it is all very complicated and that she has to try to imagine what the numbers were—or to suggest that the UK Statistics Authority has been anything other than damning. The First Minister knows that the prevalence statistic was wrong, and she knows why it was wrong. People across the country take the First Minister at her word; now, we know that they were repeatedly misled on that fact. Will she apologise?

The First Minister: I genuinely find myself feeling quite sorry for Jackson Carlaw. I have been a politician for 30 years, and I still cannot imagine getting so bound up in bitter partisan politics that I cannot bring myself to welcome the fact that we have made such progress against a deadly virus. How blinded must he be to find himself in that position? My tolerance of that kind of politics is lower than it has ever been.

The conclusion that I drew about the relative prevalence of the virus was not wrong. I accept that the figures were not published—that was not down to me; it was down to decisions made by the UK Government. I come back to the point that, over the course of July, Scotland has had nine registered deaths under the daily measurement and none at all in the past two weeks, whereas the corresponding figure in England is around 2,000.

Even if people think that the figure that I used previously was wrong—and they are entitled to think that—the figures now demonstrate the relative position. Why would anybody try to gainsay that? Why would anybody find pleasure in arguing that that is not the case? Day in, day out, I have had to stand up and report the death figures. The relief that I feel every day when I am able to report no deaths—because of the reducing prevalence and incidence and because people across this country are doing the right things—is immense, and I will continue to focus on that. I will also continue to do everything that I can to persuade people to wear face coverings, and every penny of profit made from my party's face masks will go to charity. I will do everything possible to encourage people to abide by all the advice, because that is what has got us into this position.

For his own narrow reasons, Jackson Carlaw might not want to recognise the strong position that Scotland has got itself into, but it is a reality. The focus now, and the challenge for all of us, is to continue with that reality and not go backwards. I will continue to spend every waking moment of my life concentrating on that.

Richard Leonard (Central Scotland) (Lab): I thank the First Minister for advance sight of her statement. I agree with her that, going forward, we need to take a cautious approach. That need for caution is also true when it comes to our schools, so we look forward to seeing more detail on the risk assessments and on action to keep everyone safe as they return to the classroom.

I will deal with the substance of another issue. To save lives in the future, we must also learn from the past, including from the immediate past. Therefore, the powerful testimonies from residents, families and front-line carers in BBC Scotland's "Disclosure" programme this week, on Scotland's care home scandal, must be listened to. We heard from June, who is a front-line carer in a nursing home, who said:

"There was no testing of staff in our care home until the middle of June. What chance did we really have of keeping Covid out? Dozens of us came down with it and more than 30 of our residents have died."

Yesterday, an internal Scottish Government document, which was released under freedom of information legislation, containing minutes of a Cabinet meeting on 18 February, revealed that the Scottish Government's planning

"included work to assess the vulnerability of the social care sector."

Yet, for all the talk of that planning, staff on the front line in social care did not have the personal protective equipment that they needed when they needed it, and were not being routinely tested until four months later, so what chance did they have?

The First Minister: Richard Leonard has raised important and substantial issues. I thank him for that. Those are not easy issues; the Scottish Government and I spend a lot of time considering and scrutinising them and learning lessons for the future.

With regard to care homes, I have not seen the document that Richard Leonard referred to, but if it refers to a Cabinet discussion about taking steps to help to protect the social care sector, that reflects the fact that that is exactly what we were seeking to do. Issues around testing have been clinically driven and advised. We will look back and consider all the decisions that we took, and we will make sure that if there are lessons to be learned, we will learn them.

We took significant early steps through finding additional routes to supplement the PPE supplies of care home providers, and we created additional distribution routes.

We have taken a number of other steps. For example, we have put in place guidance on infection prevention and control in care homes, and clinical risk assessments have been done for people being discharged from hospitals into care homes. I do not counter or challenge the suggestion that if we were to go back, we might, based on what we now know, do things differently. I am never going to stand here and say that it is not possible that mistakes were made; it is important that we are all open about that. However, I will always counter and push back against the suggestion that we did not take care, or that we did not do in good faith the things that we thought were right at the time.

I deeply regret every death from coronavirus, but because of their frailty and vulnerability, I feel even more deeply about the deaths in care homes, as I am sure we all do. We in the Government are already reviewing all aspects of our Covid planning, including the decisions that were taken on care homes, in order that we can learn lessons for what could become challenging in the months ahead—although, of course, we hope that that will not be the case.

Richard Leonard: The First Minister once again is talking about hindsight, but that does not change the facts. It is a matter of public record that on 12 March—11 days prior to lockdown—I raised concerns with the First Minister about social care. On 19 March, then on 1 April and 9 April, I raised the need for testing and mentioned concerns about the shortage of personal protective equipment. On 16 April and throughout the whole of May I asked the First Minister repeatedly for more action on care homes.

Even if the First Minister did not want to listen to me back then, why did she not listen to front-line carers, to professional associations, to royal colleges and to trade unions that were raising concerns? Why did she not listen to people including Donald Macaskill, Allyson Pollock and Hugh Pennington? If she did not want to listen to them, why did she not act on the recommendations of her own planning exercises? Exercise Iris in 2015 and exercise Silver Swan in 2018 warned of unpreparedness in social care in the face of a virus.

Sixty-five per cent of Scotland's care homes have now had Covid-19. Half of all deaths in Scotland from Covid-19 have occurred in care homes. There have been more than 2,300 excess deaths in Scotland's care homes, and 13 care home workers have died from the virus.

No wonder the Scottish Human Rights Commission says that we need a prompt and independent inquiry that determines responsibility, is subject to public scrutiny and allows for the involvement of next of kin. That inquiry should consider whether human rights standards and principles have been met in Scotland's care homes. I agree that that is exactly what must happen. Will the First Minister commit today to a human rights-based approach to any public inquiry into the scandal in Scotland's care homes?

The First Minister: I have already given a commitment that there will be a public inquiry into Covid, including the situation in care homes. I will be corrected if I am wrong about this, but I believe that, in its recent report, the Scottish Human Rights Commission welcomed the commitment that I have given to such an inquiry. Human rights should absolutely be at the centre of all that we do now and in the future, and should be at the centre of any look back at what has happened up until now.

Richard Leonard has raised those issues consistently, for which I give him due credit. Others, too, have raised such issues. I say to Richard Leonard in all sincerity that we might, on some issues, have come to slightly different conclusions; we might have done things in a different order or to a different timescale from what Richard Leonard might have asked us for. That does not equate to not listening.

As a Government we must, and do, listen to a wide range of opinion, including clinical opinion, front-line opinion and advice from a range of experts. We must then make judgments about the best way forward. At every stage, we have sought to put the wellbeing, health and safety of care home residents and staff at the heart of what we do.

I readily accept that, in two respects different decisions might have been taken. First, unfortunately we can only look back with the knowledge that we have now, and did not have at the time. Also, it is not usual for a politician so readily to say this, but it is important that we do: undoubtedly this Government, like all Governments, will have made mistakes in parts of the handling of the crisis. We have to acknowledge that, accept accountability for it and learn for the future. I am absolutely committed to doing that.

I am committed to doing that not just for the sake of people who have died and their families, or for the sake of those who have contracted Covid in our care homes, although they are important. It is also for the future. This morning I read a report in the media about the situation in Victoria in Australia, where there is a surge of cases, a significant number of which are in care

homes. The virus has not gone away in any country in the world. For that reason, as well as all the others, the need to learn lessons is important, and I am absolutely committed to doing that. I welcome, as I have throughout, the input of people from across Parliament on that.

Richard Leonard: The First Minister mentioned the Scottish Human Rights Commission. Let me be clear about what it said two weeks ago. It said that it

“welcomes the First Minister’s commitment to holding a public inquiry into ... the handling of the pandemic, including what has happened in care homes.”

However, it went on to say that it would now like the Scottish Government to

“further commit to taking a human rights based approach to any public inquiry”.

That is what the question that I just asked the First Minister was about, so I would be grateful if she could give me an answer to it, specifically.

The strain of dealing with the pandemic has been traumatic for care home residents’ families and front-line staff. They are traumatised, but they are also angry. Yvonne, who is a senior carer in a care home, told the “Disclosure” programme this week that

“People were even blaming us for taking Covid into the homes, but we weren’t being tested. One minute, they’re saying to us, ‘Don’t wear a mask’; the next, ‘Wear a mask.’ We didn’t know if we were coming or going. Now, they are testing us, but thousands are dead. It’s too little, too late.”

“Too little, too late.” What we need now is compassion and action. Front-line carers are still living in fear—fear that they are not supported by the Scottish Government, fear that they will be written off again, and fear that they will go unrecognised, unappreciated and unrewarded, now that the clapping has stopped. What action will the First Minister take to support them, to recognise and reward them and to give them hope, in place of that fear?

The First Minister: I thought that I had answered the question in my previous answer, but just in case I left any doubt—clearly, I did—I will repeat my answer. I am committed to a human rights-based approach being taken in any inquiry. That should be taken as read but, for the avoidance of any doubt, I put it on the record.

I absolutely do not blame any care home worker, front-line health worker or anybody else for what has happened as a result of coronavirus. On the contrary, I went into the crisis full of admiration for those who work on the front line of our health and care services and, four months later, I cannot find the words to convey properly the admiration, gratitude and respect that I have for them. They have done an outstanding job in

the most difficult of circumstances, and they will have my lifelong gratitude for that.

Richard Leonard is right that gratitude is not enough. Donald Macaskill, the head of Scottish Care, was mentioned earlier. The Cabinet Secretary for Health and Sport works very closely with him, and she talks regularly to trade unions to ensure that we hear concerns and act on them. I have done it previously, so in the interests of time I will not outline all the different steps that we have taken to respond to concerns, whether they relate to PPE, testing or other aspects of the situation in care homes. We will continue to take those steps.

For as long as it takes, nothing will be more important to me and to the whole Scottish Government than getting the whole country—not only our care homes, although they are particularly important—through the pandemic as safely as possible. We are not there yet; there is still a lot to do. However, the cautious approach that we are taking to coming out of lockdown, and the steps that we are taking to learn lessons and ensure that we have in place the right protections for the future, will remain at the heart of all our thinking and planning for as long as necessary.

Patrick Harvie (Glasgow) (Green): I thank the First Minister for the advance copy of her statement. I join others in once again thanking everybody in every public service or business and every individual in Scotland who continues to take the situation seriously by observing the rules, listening to the guidance and treating the pandemic with the seriousness that it deserves.

In preparing to open schools, the First Minister’s statement placed some emphasis on the importance of testing—test and protect, fast-track access to testing for symptomatic staff and pupils, and an enhanced surveillance testing programme for schools.

Such measures will be vital if we are to rapidly identify and contain any new outbreaks, so I imagine that I was not the only person who was a bit disturbed to hear the Deputy First Minister say on Monday that the enhanced surveillance testing regime might not be in place by the time schools reopen.

Nobody here wants to see new outbreaks in schools, as have happened in other countries. Can the First Minister give a clear assurance that the enhanced surveillance testing regime for schools will be in place and fully operational by 11 August?

The First Minister: I thank Patrick Harvie for his question and for highlighting the importance of test and protect in schools. Priority fast access to testing will be available for any young person or teacher who has Covid symptoms. That is an

important part of the protections and the reassurance that we want to give.

On surveillance, I absolutely understand the question that Patrick Harvie is posing. I will try to give as much clarity as possible. There are different aspects to an enhanced surveillance approach, as there are for our general surveillance approach. Aspects of the approach will be in place as schools go back; other parts of it, including testing on a sample basis, will come into effect over the coming weeks.

Initially in the enhanced surveillance approach, we will look closely at other available data for local areas that give us an indication of issues of concern for schools. Over the next period, that will be supplemented with sample-based testing of young people and teachers who are not symptomatic. Those aspects will combine over the weeks to come, in an enhanced and targeted surveillance programme that will allow us to assess whether there are particular issues of concern in schools in any part of the country that need additional action. The Deputy First Minister will be happy to keep the Parliament updated on that.

Patrick Harvie: I appreciate that none of this can be done with the click of a finger or the wave of a magic wand and that it is important to get it right, but I am afraid that I have a concern. It feels as though we are about to repeat the experience that we had when we debated the role of testing in the social care sector, when it took a long time to persuade the Government not only to put in place testing capacity but to roll out routine regular testing—not just surveillance testing. We are going to have to do that if we are serious about keeping our schools safe for the long term.

Routine testing is now in place for care workers and in other parts of the economy that are not the Government's responsibility—even footballers, in some cases, are being tested as often as four times a week. We all want to prevent new outbreaks such as have happened elsewhere recently. In Israel, for example, there was a major school outbreak just days after schools reopened. Such an outbreak here would threaten our ability to continue to keep schools open for the long term, as well as putting people directly at risk.

It would be unacceptable if anyone said that teachers should feel less secure than footballers when they go to work. Why does the First Minister believe that it is not necessary to offer routine regular testing to teachers and other school staff?

The First Minister: I will preface my answer by saying to party leaders and other members who have an interest that I would be happy to arrange a briefing in which perhaps the chief medical officer and others could go into a bit more detail

about some of the clinical issues that drive our testing strategy, particularly at times when community prevalence is as low as it is now. I find myself speaking about these things often, but of course I am not qualified to go into all the technical detail, so if there is an interest in that regard I will be happy to make those arrangements.

We take these issues in schools very seriously. Let me be very clear about the importance of test and protect in schools, which means that any person who has symptoms has access to testing quickly and that contacts of a person who tests positive are traced. That is an important assurance.

Patrick Harvie mentioned Israel. The advisory group that gives us advice on these things has looked at the experience in other countries, including the situation in Israel. We often find that it is not outbreaks in schools that drive community transmission but community transmission that risks outbreaks in schools.

Therefore, the key thing that we have to do to protect schools is to keep community transmission as low as possible. Surveillance, generally, is part of that, and surveillance in schools gives us added assurance. That involves a mixture of looking at the data that we have—we are trying to develop a suite of data that will give us as early an indication as possible of an emerging problem. We will use that data to look at schools, and that approach will be supplemented by the testing on a sample basis that I have spoken about.

There is a lot of thought, and a lot of clinical advice, going into the system that we will put in place for schools. If the evidence says that we need to adapt our approach in the future, we will do so.

I end my answer where I started: if members would find it helpful to have a further briefing from the specialists in that area, I would be happy to make arrangements.

Willie Rennie (North East Fife) (LD): Within the next few weeks, up to 50,000 international students will be travelling to Scottish universities in what will probably be the biggest single influx of people into the country since the start of the pandemic. International students are important for our world-class universities and they are welcome here. However, they will be arriving from virus hot spots including the United States of America, and students, staff and local communities are anxious about potential outbreaks.

International students will be required to quarantine for 14 days, but I want to go further to ensure that we keep people safe. One of the First Minister's advisers, Devi Sridhar, is now recommending mass testing of all students both

on arrival and five days later. Does the First Minister agree?

The First Minister: I agree that that is a really important issue, and it is certainly very high up in my mind at the moment. We are in discussions with universities about how we get to a position where we can safely welcome international students, who are very important for Scotland, without raising the risk of importing the virus. Importation of the virus is probably the biggest risk that we face over the immediate term.

I have seen the recommendations from Professor Sridhar, who is of course one of the advisers to the Government, and we will consider them carefully. We have not yet reached a final conclusion with universities on the recommendations, but I or the Deputy First Minister will be happy to provide an update over the next few days once we have had the opportunity to consider them properly and come to a final position.

Willie Rennie: The First Minister warned in her statement that we could face a rise in cases in two to three weeks' time, which is exactly when the international students will be arriving in Scotland. It is very important that we get this right so that we can keep everyone, including those students, safe.

It is good that the First Minister is open minded, but if we are to do mass testing, we will need to act fast, because we have only a few weeks left. Universities have been planning for months, following the detailed Government guidance, but none of them is ready to mass test all international students twice in a week. The First Minister regretted not testing all new residents in care homes; I do not want the same mistake to be made again. I ask her to listen to her adviser Devi Sridhar and make it happen.

The First Minister: I think that anyone who looks objectively at my decisions over the past few weeks would probably reach the conclusion that I listen very carefully to Devi Sridhar. I am very much influenced by the wise advice that she gives us.

I agree with the points that Willie Rennie makes. In return, I simply make the point—this reflects a discussion that I often have with my advisers—that these things are rarely as straightforward and simple as they might appear to be on the face of it. Testing may well be an important part of the response and I certainly want to consider that option fully, and to do so quickly. However, Willie Rennie talked in his first question about the requirement on international students to quarantine. That is similar to our position on international travel more generally, and it is actually the most important piece of advice that we give.

There is currently debate within the UK Government, and we will certainly continue to explore as well whether there is, around testing, an alternative—either full or partial—to quarantine. I am open minded on that—and yes, we have changed our position on testing in line with clinical advice—but one of the points that I have always made and which I continue to make is that testing is not a magic solution. The incubation period of the virus means that, if someone comes into the country and we test them on day 1 or even on day 5 and they are negative, that does not mean that on days 6, 7, 8, 9 or 10 through to 14, they will not test positive.

Testing may well have a part to play, but it is unlikely to be an alternative to quarantine, which is the foundational bit of advice that we are giving people. It is really important for us all to remember that. We are not saying that international students should just come into the country and nothing will happen. The requirement to quarantine is the vital bit of advice, and we are considering whether there are ways in which we can supplement that advice.

The Presiding Officer: I open up the session for questions from members. We will run the question session until 2 o'clock. A large number of members wish to ask a question. I ask those who have not already done so to email their intention to ask a question to the business team, rather than using their request-to-speak buttons.

Stuart McMillan (Greenock and Inverclyde) (SNP): I thank the First Minister for her update on the cluster in my constituency, including in Port Glasgow. I am aware that the health board will issue a further statement today, but the lack of information thus far has understandably caused concern among my constituents. I realise that speculating about events will not assist the situation.

What assurances can be provided that M&D Green followed all the correct Covid-19 procedures at both its pharmacies in the town? What additional testing will be put in place in my constituency to help my community?

The First Minister: I thank Stuart McMillan for his question and for the close interest that he has taken in the situation in the past 24 hours or so on behalf of his constituents.

As public health teams across the country and my officials will confirm, they often have me demanding more information and more answers on such outbreaks as quickly as possible, but they are often very complex situations and it takes time for contact tracers and public health experts to understand what the links and possible routes of transmission are. We are all highly anxious about the situation in question, but I appeal to members

in particular to have a bit of patience as the experts do their job and work to minimise onward transmission and protect us all.

I give Stuart McMillan an assurance that the two locations in question—the pharmacy in Port Glasgow and the Amazon facility in Gourrock—have been visited by environmental health officers. The arrangements that have been in place there to mitigate risks have been looked at and, where appropriate, further advice has been given. I am assured that there has been full co-operation at both locations, and that all the advice that has been provided is being taken and all the appropriate guidelines are being followed.

The issue of testing is important. Testing is under way as part of the contact tracing programme. Guided by the incident management team, we will consider whether further testing through a mobile unit or other facilities needs to be made available on a wider basis. If that is required as part of the management of the outbreak, it will be provided.

We will keep Stuart McMillan and the wider Parliament updated as and when more information is available and more decisions have been taken. The incident management team will meet again this afternoon, and I expect a further statement to be issued once that has concluded.

Donald Cameron (Highlands and Islands) (Con): This week’s harrowing BBC documentary about care homes showed care home workers who felt that they were prevented from sending residents who were infected with Covid-19 to hospital.

In March, the Scottish Government issued guidance that stated:

“It is not advised that residents in long term care are admitted to hospital for ongoing management but are managed within their current setting.”

Anyone who read that guidance would have thought that residents who were infected with Covid-19 should be kept in their care home. In the light of the evidence from care home workers, does the First Minister now accept that that guidance, which was issued in March, was wrong?

The First Minister: That guidance was not intended to in any way negate the clinical judgment of someone who was caring for an older person. I have said in the chamber before and I say again that it is not for politicians or civil servants to decide what happens to any individual who is unwell as regards their clinical care—that is a matter for the clinician or clinicians who are looking after the person. That is what has guided and should continue to guide the decisions that are taken on people in care homes, as it should guide the decisions of anybody else.

That said, I think that the guidance was trying to encapsulate the fact that it will often be better for an older person who is in an advanced stage of their life not to be admitted to hospital, because some of the treatments in hospital—very intensive care treatment, in particular—would not be appropriate for an older person. Instead, it would be more appropriate for them to stay and be cared for in their familiar environment. Ultimately, however, the decision about that must be based on individual circumstances and the clinical decision of those who are responsible for the care.

Iain Gray (East Lothian) (Lab): It is welcome news that schools can return full time but, whether it is full-time learning in school or blended learning that is provided, we have known for months that we would need more teachers, support staff and cleaners. Instead of giving councils the resources that they needed when they needed them to get staff in place in time, the Government was still haggling with COSLA last night. There is now only a fortnight in which to find those staff. It is still just over half the money that is needed; it is still just more than half a teacher per school; it is still too much of a wing and a prayer—[*Interruption.*]

Will the First Minister commit now to providing whatever further resources schools need when they need them, so that they can be open and safe?

The Presiding Officer: Before the First Minister replies, I ask Mr Swinney to stop heckling speakers when they are asking questions.

The First Minister: Iain Gray comes out with statements that it is only half of what is needed. I am not sure exactly what he is basing that on. I say with the greatest of respect that of course COSLA will want to maximise the resources that the Scottish Government makes available to it. We have a negotiation and we come to a view on what is appropriate.

Iain Gray—he is entitled to do this—criticises the Government when we have not announced new money and he criticises the Government when we do that. I have just announced significant extra investment that will support the recruitment of 1,400 additional teachers across the country and a £50 million fund that will support local authorities with extra cleaning and facilities management and the measures that they might have to put in place for school transport.

It is always possible to say, “It’s not enough”—I used to do that myself in Opposition—but in times in which we are all facing additional demands for financing, and at a time when the Scottish Government’s budget continues to be constrained and we do not have the additional borrowing powers that we would like to have, the kind of money that I have talked about today is significant,

and I am sure that local authorities will make very good use of it.

John Mason (Glasgow Shettleston) (SNP): Theatres and other performing arts venues have been very grateful for the support that they have had so far, including my favourite theatre, the Tron in Glasgow. However, I understand that they will not now be able to reopen before 14 September. Will the First Minister clarify what extra support is being provided for them?

The First Minister: I have indicated today some additional support through our performing arts venue relief fund, for which applications open today. The original funding for that was £10 million; we are increasing it to £12.5 million.

As I tried to convey in my statement, I often stand here and announce such decisions in a sentence or two, but I know that behind every single decision there are profound implications and consequences for individuals, businesses and whole sectors across the country. I want people to know that they are not decisions that we are taking lightly. We look very carefully at the different environments and the different risks that are associated with them, and we set out a cautious path that is designed to make sure that we keep moving forward and do not get into a position where we have to go backwards and close down venues or businesses that have previously been reopened.

We will continue to look at what support we can give to those who are having to wait the longest, because I know how hard it is for them.

Liam Kerr (North East Scotland) (Con): On page 61 of Benny Higgins's report last month, "Towards a robust, resilient wellbeing economy for Scotland: Report of the Advisory Group on Economic Recovery", he was clear that the Government should respond to his recommendations

"by the end of July".

On 24 June, in the chamber, the First Minister promised to do so. Today is 30 July. I ask the First Minister: will the timescale be met?

The First Minister: I know that the Conservatives pay a lot of attention to my daily updates, so I am sure that they heard Fiona Hyslop confirm last week, I think, that 4 August—or "early August", as I think she said—will be the publication date for the response to Benny Higgins's report. We decided on that date so that we can combine that with the response to the strategic group's report on skills and employability. I am sure that Liam Kerr will be looking forward eagerly to both of those submissions.

Monica Lennon (Central Scotland) (Lab): Care homes remain the crisis within the crisis and

we should not forget that 12 care home residents have died from Covid-19 in the past three weeks alone. Despite that, data on staffing levels and deaths in individual care homes remains largely a secret.

Referring to the BBC "Disclosure" programme, as other colleagues have done, I note that we have heard that many care homes were on red or amber alert at the height of the pandemic. My constituent Louise McKechnie managed to get into Whitehills care home in East Kilbride in the days before her gran died, and she found her lying in a soiled, wet bed with an open bin bag full of dressings and other infectious items.

People have a right to know what is happening behind closed doors in care homes. Does the First Minister agree that informing the public about Covid deaths in individual care homes is in the public interest? Will she commit to a more transparent approach in the future?

The First Minister: We publish a significant array of information, and that information has expanded and grown over the course of the pandemic. I will always agree to consider whether there is more information that we can publish. I absolutely believe that it is vitally important that people understand the course that the pandemic has taken and the consequences of that in order that they can understand some of the decisions, and also whether decisions have been taken that should have been taken differently. I will consider that further.

The other thing that I say to Monica Lennon relates to the earlier part of her question—this is important—in which she said that we should never forget. I want to give her an assurance that, for as long as I live, I will never forget any of the deaths in care homes or across the country. I know that people across the chamber—this is right and proper and it is absolutely understandable and legitimate—will disagree with decisions that I take and think that I should take decisions that I do not take, or not take decisions that I do.

That is part and parcel of democracy, but I genuinely hope that nobody will doubt the sincerity and the determination that I and my colleagues across Government have to make sure that we take the right decisions—that we get this as right as we possibly can and protect people as far as we can from the virus. That has been our objective from day 1 and it will continue to be our objective for as long as the virus remains a risk to our health and wellbeing.

Emma Harper (South Scotland) (SNP): Since the Covid restrictions have been eased, there has been a surge in reports of irresponsible campers, who I call fly campers, leaving large amounts of litter, setting fires and causing real damage to the

natural environment. Those fly campers should not be confused with wild campers, who live by the phrase, "Take only pictures and leave only footprints."

Does the First Minister agree that everyone who accesses the countryside needs to do so responsibly? Will she join me in encouraging them all to familiarise themselves with the Scottish outdoor access code?

The First Minister: Yes—I absolutely agree with that. Many people are enjoying the opportunity to get outdoors for the first time after some months spent, by necessity, very close to home. It is important not to lose sight of the fact that the vast majority are doing so responsibly, and I thank them for that, but there is a small minority of people who are spoiling this for others. They are endangering themselves, communities and the environment, and behaviour such as that is not acceptable. I want to be absolutely clear about that.

Community policing teams are taking these matters seriously and have powers under the Antisocial Behaviour etc (Scotland) Act 2004 to issue on-the-spot fines to people who are behaving in antisocial ways. We have also partnered with Zero Waste Scotland and Keep Scotland Beautiful to develop a national anti-littering campaign, which launched on 15 July, and we will continue to work with local authorities and the police to consider what more can be done to protect our rural environment and communities across Scotland as more of us take the opportunity of the freedoms that we have been denied for so long.

Miles Briggs (Lothian) (Con): The BBC "Disclosure" programme demonstrated how families across the country who have lost loved ones to Covid continue to seek answers. Those individuals and families need support, assistance and the truth. Will the First Minister agree today to the Scottish Government establishing a Covid-19 families network and fund, to help those people to access advocacy services to get the answers that they need?

The First Minister: In principle, yes, I am happy to consider that. Obviously, I want to consider the detail and exactly what such a network would entail and what arrangements would need to be put in place to support it, but I am very happy to consider that and feed back to the member when I have had an opportunity to do so.

Colin Smyth (South Scotland) (Lab): Whatever the arguments over the handling of the lifting of the quarantine rules for travellers who arrive from Spain only for the rules to be reintroduced a couple of days later, the reintroduction is a further blow to the civil aviation

sector—a sector that is already on its knees, with the Fraser of Allander institute projecting a possible 2,500 job losses in Scotland alone.

Will the First Minister personally meet the trade unions and other stakeholders to listen to their case for sector-specific support from the Scottish Government to minimise the jobs crisis that is facing Scotland's airports? Will she also ensure that all business support includes conditionality to stop the current practice of Scottish Government grants being paid to companies that fire staff so that they can then rehire the same staff on lower pay and conditions?

The First Minister: I will address the two specific points. On the point about meeting the trade unions, I spoke personally to Pat Rafferty of Unite the union yesterday or the day before yesterday, specifically about aerospace and aviation, and I will continue to have such engagement and dialogue, as will my ministerial colleagues, on a range of different issues.

On grant or other financial support from the Scottish Government, we always seek to embed fair work principles into those arrangements. We will continue to look at what more we can do on that, because I certainly agree with the sentiment of Colin Smyth's question.

I note briefly that the wider issue in some ways encapsulates the difficult balance that we are trying to strike. The impact on aviation and aerospace is significant, which is why we want to try to allow the sector to return to normality as much as possible when the evidence says that it is safe to do so. We did so when the evidence was that that looked possible in relation to incoming travel from Spain, but we also said at the time that the approach was subject to change should the picture alter.

That is the nub of the issue. We are living in an inherently unpredictable, uncertain and unstable situation. That affects international travel just as it affects aspects of our lives, and it means that I and the Scottish Government reserve the right to take whatever decisions we need to take to protect the public. Although I know that some of what we have to do to achieve that has a big impact on the economy in the immediate term, by protecting the public from the virus we give the economy a much better and more sustainable platform for recovery in the medium to longer term.

Rona Mackay (Strathkelvin and Bearsden) (SNP): I very much welcome the announcement that vital drug and alcohol addiction services are able to restart safely. Will the First Minister confirm that venues such as church halls will be able to open to host them, and that guidance will be produced?

The First Minister: Those services are dependent on venues being able to be available and on guidance being in place. Obviously, a range of different services is encapsulated in that general position. We want services to be able to operate as quickly as possible and we will therefore work with different parts to get the guidance in place as quickly as possible. I know how important access to services, particularly drug and alcohol counselling services, is for many people across Scotland.

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

The wedding industry in Scotland is worth £963 million and supports 14,000 businesses and 55,000 full-time and part-time jobs. Some of those businesses wrote to me this week to say that jobs are at risk and the sector feels "entirely forgotten".

Given that the First Minister says that Scotland is in a strong position and the prevalence of Covid-19 is reducing, will she give a guarantee, similar to that of the Northern Ireland Executive, that her Government will work more closely with the wedding industry, to give it hope that its employees will hold on to their jobs and to reassure it that it can salvage what is left of peak wedding season in Scotland, to save its businesses?

The First Minister: That is a very important issue for many businesses across the country and, for obvious reasons, it has particular relevance and resonance in areas such as Gretna. It is an issue that we are very mindful of: it featured in the Cabinet discussion earlier this week and it featured in the daily update that I gave to the media yesterday.

As with so many things, we have to strike the right balance. Considerations around gatherings for weddings and funerals are different from considerations around gatherings in some other contexts. However, over the next few weeks, I hope that we can look to increase the limits on the number of people who can attend those kinds of occasion.

We will continue to look at what we can do to support any sector—and business in those sectors—that is affected. Yesterday, the Cabinet Secretary for Finance announced additional support for the hospitality sector.

None of these things is easy and it is not possible for any of us to remove all the impact of what we are dealing with right now. However, we will continue to work as hard as we can to strike the right balance and to provide as much support as we can.

Gillian Martin (Aberdeenshire East) (SNP): It is clear that the test and protect system is key to our movement into the next phase and into some kind of normality. Will the First Minister say whether the Scottish Government is having discussions with the Irish and Northern Irish Governments in relation to their proximity apps for contact tracing?

The First Minister: We are looking at that. I can say to members today that work is under way and at quite an advanced stage in relation to our having a proximity tracing app available in Scotland in the autumn, using the same software as the Republic of Ireland's app is using right now. I hope that we will be able to confirm more details of that over the next couple of days and update the chamber on that.

It is important to say, and I have said all along, that proximity tracing apps might be a useful enhancement to test and protect, but they are not and never will be a substitute for the on-the-ground, person-to-person approach to contact tracing.

We want to see whether we can get that enhancement in place. The Republic of Ireland's app appears to have been very successful so far, which is why we are keen to see whether we can utilise it—I believe that Northern Ireland is also looking into that. We will continue to have discussions with the UK Government, as well, about the development of its technology.

Anas Sarwar (Glasgow) (Lab): It is deeply regrettable that we have had a return, or at least a part return, to party politics when we have tragedies in our care homes and statistics have been published today that show that Scotland had the third-highest level of excess deaths in Europe. Many of our fellow citizens have died and lives are still at risk.

I join the First Minister in paying tribute to all those who have been shielding—some 180,000 people across the country—and thank them for their patience and sacrifice. I believe that the statistics show that, sadly, around 4,000 people lost their lives; as shielding ends, many people will be even more anxious. Some will not have a choice; they will be forced to go back to work, depending on their relationship with their employer.

What action is available if people who are shielding have unreasonable employers? If we have local outbreaks and lockdowns, what immediate rapid communication mechanisms are in place to inform the people who will need to shield in those circumstances? What support mechanisms will be in place for them?

The First Minister: I will take the opportunity to speak briefly about the issue of the politics around

this. I am not infallible on these things and I will get it wrong at times, but I make a refreshed plea to members across the chamber for all of us to try to keep normal party politics out of this—and that is not me asking not to be scrutinised; on the contrary, I think that scrutiny is really important.

I know that comments have been made about the daily briefings. I try very hard to keep politics out of these things, because I want the people who are listening to them to listen to the advice, whether they agree or passionately disagree with my politics. If any member thinks, on any day, that I have crossed the line—because I make mistakes as much as anyone else does—I ask them to drop me a text and tell me but please not to try to undermine my ability to communicate directly with the public on key matters of public health during a global pandemic. I welcome Anas Sarwar's comments.

On the substantive question, we will continue to support people who are shielding to make the right decisions about going back to work. The guidance that I have referred to is really important because it allows individual risk assessments to be done. We will continue to have discussions with any employer who we are told is putting undue and inappropriate pressure on people who are shielding. That is important. I ask employers to be responsible and to make sure that they continue to be very sensitive to the needs and anxieties of people who have been in that category.

On local lockdowns, the SMS text service will remain in place and we will continue to communicate with the shielding group through it. I indicated last week that what we are calling a “forecasting” service will be made available, whereby people will be able to get information about the prevalence of the virus in their local area so that they can make informed judgments about what they do and do not do. Obviously, depending on the nature and extent of any local lockdown, we would discuss the implications with local employers. The need to communicate very clearly with people in the shielding category will not pause on Saturday, even though the advice to shield will pause at that stage.

Fulton MacGregor (Coatbridge and Chryston) (SNP): Like many people, I welcome the news that schools will reopen on a full-time basis and, of course, the significant funding that has been made available to councils to make that work. How is the Scottish Government working with local authorities to ensure that full-time appropriate childcare will be in place for parents who need to return to work?

The First Minister: We are working closely with local authorities on a range of issues. Of course, local authorities are on the education recovery group that the education secretary convenes.

Obviously, the objective of getting young people back to school full time is for the sake of those young people and their education, but it is also important as a support to the economy, because it helps parents who need to go back to work to have the childcare that they need.

I referred earlier to the updated guidance that we are publishing today for early years providers, which provides additional flexibility to childcare for pre-school children. We will continue to work with providers and local authorities as we try to get the sector as a whole back to normal as quickly as possible.

Annie Wells (Glasgow) (Con): Scotland's census is vital for future planning and making sure that each part of the country gets its fair share, and the pandemic has shown that it is more vital than ever to have accurate data to inform the Government's decisions. Can the First Minister explain, therefore, why the census is going ahead in other parts of the UK but is being delayed in Scotland? Has the First Minister refused the help of the Office for National Statistics to compile that essential information?

The First Minister: I am certainly not aware of having refused anything. I am happy to ask Fiona Hyslop to write to Annie Wells on the matter and set out some of the factors and issues that informed the decision. It is not a decision that was taken lightly; I interrogated it very closely, as would be expected.

I will not go into the detail right now, but I highlight that there are some differences between how the census data is gathered in Scotland and how it is done in other parts of the UK, which is one factor. Overall, however, the clear advice from National Records of Scotland was that it would not be possible to carry out the census safely and robustly to the existing timescale because of the impact of Covid. National Records of Scotland advised that the revised timescale that we have announced would be necessary to enable us to undertake the census properly and to have confidence in its robustness. I am happy to get Fiona Hyslop to write to the member with more detail on the factors that drove the decision.

Ross Greer (West Scotland) (Green): I have been contacted by a number of school staff who have a range of questions about face coverings and how their health will be protected when schools reopen. Understandably, many are asking why a five-year-old is required to wear a mask for a short trip into a shop but 30 15-year-olds are not required to wear face coverings in a classroom environment.

A specific concern that has come up quite a lot relates to the recommendation that teachers should wear a face covering if they are within 2m

of pupils for more than 15 minutes. Given the capacity and size of most classrooms in Scotland, many teachers are taking that as a recommendation that they should wear a face mask in school throughout most of the day. Can the First Minister confirm whether that is the case? Is it acceptable for teachers to wear a face covering all day if they believe that it is necessary to protect their health?

The First Minister: I would not say that the advice in the guidance that has been published today comes to that conclusion for the majority of teachers, but I will make a number of points. I appreciate that members will probably not have had the opportunity to see the guidance that we published today. It contains a fair degree of detail about face coverings, but there is no general requirement to wear face coverings in schools. It is a bit like physical distancing for older pupils. We are recommending, but not mandating, that that happens in schools where possible, but we are still asking older children to physically distance when they are out of school. There will be different considerations in different environments, so the approach may sometimes appear anomalous and inconsistent, but it is informed by advice and evidence on the risks of transmission.

Teachers are advised to wear a face covering if, as Ross Greer mentioned, they cannot maintain physical distancing and will be closer than the recommended distance for a period of time. More generally, anybody—whether they are a teacher or a young person—who feels that they want to wear a face covering because it would make them feel safer should be supported to do so.

At every turn in the development of the guidance—the Deputy First Minister can personally testify to this—we have tried to be very mindful of the risks and how we mitigate them while, on the other hand, creating a school environment for young people that feels as normal as possible, because that is conducive to their education. Those issues will therefore continue to be very carefully thought through, and decisions will be reached on that precautionary basis.

Richard Lyle (Uddingston and Bellshill) (SNP): First, I thank the First Minister for the announcement on reopening funfairs; I refer members to my register of interests in that regard.

I was pleased to hear the update on the successful pilot with NHS Lanarkshire and the NHS Louisa Jordan hospital, in which 315 patients have received ophthalmic and plastic surgery out-patient consultations since the start of July.

Can the First Minister provide an update on the plans to expand services—possibly including cancer treatment—at the hospital, and tell us how

the NHS intends to increase the number of patients who are seen there?

The First Minister: I thank the member for that question; I visited NHS Louisa Jordan on Monday to see the work that it has been doing. I am hugely grateful and relieved that the hospital has not been needed for its intended purpose. Although we cannot be complacent about that, it is helpful and important that, while the hospital is there, we use it to contribute to the wider NHS effort. By Monday, it had provided more than 300 out-patient consultations for orthopaedics and plastic surgery. On Monday, I spoke to staff and patients, who were all complimentary about the facilities and the important contribution that the hospital is making.

The scheme is a pilot, and when I spoke to the chief executive on Monday, discussions were already being planned—they are probably under way—with other health boards about extending not just the territorial reach of the scheme but the range of consultations that might be undertaken, including X-rays. If it is possible for us to look at including some consultations for cancer treatment, we will do that. We want to maximise the hospital's use, because it will help us to reduce backlogs in the NHS, and it means that a valuable facility is not lying there doing nothing.

I pay tribute to everyone who has been involved in creating NHS Louisa Jordan, and to all those who are working in it.

Beatrice Wishart (Shetland Islands) (LD): I have been contacted by constituents who rely on adult day care and respite services. For them, and for their adult children with special needs, the past few months have been intense and more challenging than usual. Last night, one exhausted father told me:

“We always get left behind.”

Those families need a break, and they need to see a chink of light at the end of this long tunnel, but there appears to be a road block because of delays to the guidance. Can the First Minister give my constituents some indication of the timescales for reopening those much-needed services?

The First Minister: Beatrice Wishart raises an important issue. The situation has been difficult for everybody, but I recognise that it has been more difficult for some groups of people than for others, and people who would normally have access to respite care are definitely one such group.

As Beatrice Wishart suggested that there is a block on guidance, I will, rather than trying to give a detailed answer now, go away and look into the guidance to see whether there is a block, what it might be and how we can take it away. I undertake to come back to her—very soon, I hope—with a

detailed answer that she can convey to her constituents.

Maureen Watt (Aberdeen South and North Kincardine) (SNP): I thank the First Minister for the clear and concise way in which she communicates the vital messaging on the pandemic. Can she confirm that the messaging is communicated effectively in all or most of the languages that are used by those who choose Scotland as their home, including the eastern European languages that are the first languages of many people in my constituency?

The First Minister: That is an important issue. I assure Maureen Watt that we are totally committed to ensuring that all public health messaging is accessible to all communities across Scotland, as that is vital. In some schools in the constituency that I represent, upwards of 30 languages are spoken, so I understand the necessity and imperative in that regard.

The two national Covid door drops that were sent to every home in Scotland were available in a range of languages and accessible formats. The core national FACTS campaign has been translated into 32 languages, and we have worked with community partners to provide accessible materials, including easy-read and audio materials, for ethnic minority communities who have limited or no literacy in English.

We are also working with NHS 24, NHS Lothian and NHS Greater Glasgow and Clyde to provide public health messaging on the NHS inform website in multiple languages and accessible formats. Those materials are currently available in 14 languages, and we hope to extend that provision in the period to come.

Murdo Fraser (Mid Scotland and Fife) (Con): Many people in Scotland's faith communities are struggling to understand why there is an arbitrary cap of 50 on indoor gatherings when, with social distancing, many churches and other buildings could accommodate greater numbers. At the same time, there is no limit on the numbers of people who can gather in pubs, restaurants and cinemas. Today, the First Minister indicated that theatres and indoor entertainment venues could reopen from 14 September, presumably without any cap on numbers. Why are places of worship being treated differently, and when might that change?

The First Minister: I give the member an assurance that places of worship are not being treated differently; it is not the case that we are not thinking carefully about those issues. In the past few weeks, I have had discussions with leaders of all our faith communities, and I understand the concerns that they have. Previously, they were concerned—rightly and understandably—that pubs would be opening before places of worship

were allowed to open for communal prayer, so we brought those dates into alignment.

I often have to go through the process of understanding the situation myself, so I recognise that decisions which may on the surface appear to be anomalous are driven by how people interact and breathe in different environments. A lot of thought goes into such decisions. Over the period to come, I hope that the limit on the numbers for communal prayer and worship, and for events such as weddings and funerals, can be increased—we are looking carefully at that.

My final point is more general and not specific to places of worship. We can, we do and we must look at all the changes individually, but we must also look at them all cumulatively. That has been particularly important in this review, because of the central objective of reopening schools. We are being more cautious about the cumulative impact of the changes that we make than we might otherwise have been if the importance of reopening schools was not so central to the review. We will continue to keep all these things under review, and we will talk to different groups and sectors as we do so.

Sarah Boyack (Lothian) (Lab): Will the First Minister explain what she meant by her statement that social distancing in secondary schools should be maintained “where possible”? The guidance says that it should be maintained where there is no impact on capacity, but what does that mean in practice? Do school students and staff need more clarity on safety when they return? Will the First Minister commit today to ensuring that councils have the funding that they need to ensure that our schools are safe when they open and, in the light of experience, in the future?

The First Minister: It is important to stress that we would not be announcing the decisions that we are announcing today if we were not satisfied that what we were doing was safe. We will look very carefully at the experience of reopening schools to ensure that that assessment has not changed.

With regard to what I said in my statement, the advice that we received was that, in general, physical distancing is not required in the school estate. The balance of judgment for secondary schools is different from that for primary schools, particularly for pupils in the senior phase. We have said that, where possible, distance should be maintained in secondary schools for senior pupils in particular, and that available space should be utilised so that that can be done. However, in the event that space constraints are such that doing so would mean that all pupils could not be back at school full time, the advice is that getting pupils back to school full time is more important than physical distancing, albeit that all the other mitigations that have been advised should be in

place. We looked at that aspect very carefully, and we were guided by the advice of the scientific sub-group on education and children's issues.

Bob Doris (Glasgow Maryhill and Springburn) (SNP): I have been contacted by several youth football teams in my constituency that are pleased to see the return of team sports but face significant challenges to securing sports facilities, some of which are operated by Glasgow Life and remain closed. Teams would be happy to use only outdoor facilities initially, with players arriving to the pitch ready, and no showers or changing rooms in use, in order to limit infection. How is the Scottish Government supporting and working with councils to identify and remove barriers to reopening sports facilities as speedily as possible, given that many local youth football clubs in my constituency have a lengthy wait before they can get back to training and playing once more?

The First Minister: Since 13 July, children and young people have been able to play outdoor football and other sports in an organised setting when sport-specific guidance is in place from the relevant governing body. The Scottish Football Association has agreed guidance with sportscotland, which includes information on hygiene measures and the ability to contact trace, as required by sportscotland's overarching guidance.

We are in discussions on, and preparing guidance for, the opening of indoor sport and leisure facilities, again in consultation with sportscotland. Community Leisure Scotland, the Scottish Leisure Network Group, local authorities, leisure trusts, the hospitality sector, trade unions and governing bodies are all involved in that work. We recognise that there might be financial challenges involved in opening only outdoor facilities when those are part of a larger facility, and we continue to discuss that with the Convention of Scottish Local Authorities. As I have indicated today, the current indicative date for the reopening of indoor leisure facilities is 14 September.

John Scott (Ayr) (Con): Presiding Officer, I thank you and the many Scottish Parliament members and staff members who have sent me messages of support and encouragement during my illness.

The First Minister will be aware of the significant loss of life in care homes in my Ayr constituency. She has warned us of the emerging threat of a second wave of the pandemic. Can she assure Parliament that lessons have been learned about how best to deal with Covid in care homes? If so, can she tell us, as we prepare for a potential second wave, what some of those lessons are?

The First Minister: I thank John Scott for his question. I hesitate to say that we have learned all the lessons that we need to learn—on-going lessons are being learned, taking account of the updated advice, knowledge and understanding that we have about the virus. When we look back—some of these issues have been raised in the chamber today and on previous occasions—we can see that there have been changes to the guidance that we have given and a development of our position on testing, so it is clear that the learning from some of those lessons has been implemented.

We are continuing to look very hard at the different aspects of how we dealt with the pandemic in care homes and more widely, in order to continue to inform our approach for the future.

I fervently hope that we avoid both a resurgence of the first wave, which is the most immediate challenge, and a second wave later in the year; much of what we are doing now is designed to maximise our chances of doing that. However, we cannot guarantee that it will not happen, so the Scottish Government exercises are very important, and they will continue almost daily. We will continue to keep Parliament updated on any implications that arise from that in terms of a change in guidance or in our approach to anything that we are doing.

Internal Market

14:02

The Deputy Presiding Officer (Christine Grahame): The next item of business is a statement by Michael Russell on the internal market. The cabinet secretary will take questions at the end of his statement, so there should be no interventions or interruptions.

The Cabinet Secretary for the Constitution, Europe and External Affairs (Michael Russell): On 16 July, the United Kingdom Government published a white paper on the UK internal market. The Scottish Government believes that the unilateral proposals that are made in that white paper, without proper consultation of the devolved Administrations, are unacceptable and unnecessary. I am therefore grateful for the opportunity to make a statement on the matter.

Once we have seen the final proposed legislation, the Scottish Government will provide a full and comprehensive rebuttal of what is intended. However, there is enough in the document, and enough information is now coming from stakeholders about their concerns, to make us believe that we must immediately start the process of defending Scotland against such a blatant power grab.

The UK Government is allowing only four weeks for consultation on its proposals in the paper. That is clearly inadequate and is likely to prevent proper scrutiny. Therefore, I say at the outset that, although we will submit within that timescale a clear note of our opposition to the proposals and will circulate it widely, we will also publish more comprehensive information as the issue unfolds, and particularly once the legislative consent process is under way.

The purported purpose of the proposals is to secure

“a UK-wide approach to ensure that the seamless trade across the UK’s Internal Market is maintained by providing a Market Access Commitment”.

However, there is in fact no threat to that “seamless trade”, so this is a naked political ploy—a predetermined and draconian solution in search of a non-existent problem.

Two principles that are well known in European Union law—mutual recognition and non-discrimination—are to be enshrined in the new legislation, but far from

“minimising domestic trade costs, business uncertainty and bureaucracy”

and “protecting” our national life, enforcing those principles in the way that is proposed will increase

bureaucracy and make life more difficult for every business and consumer in Scotland.

The real threat to the prosperity of these islands comes not from the devolved Administrations, but from the current UK Government. It is the UK Government that is causing chaos and confusion and incurring massive costs by its ideological pursuit of a hard-deal, low-deal or no-deal Brexit in the midst of the worst recession in centuries and an unprecedented pandemic.

As of today—some five months before the end of a transition period that could and should have been extended—there is no certainty on tariffs, customs, cross-border flows of data and people, or regulations. In fact, the only certainty is that the new proposals would, for the sole purpose of allowing the UK to do bad trade deals, undermine the high quality and standards that Scotland has set for food production and animal welfare.

That point was made effectively by the distinguished European jurist Sir David Edward, who observed that

“the principles of mutual recognition and non-discrimination are not simple matters.”

He noted that,

“For example, the White Paper omits any reference to the principles of proportionality and subsidiarity which are essential ways of balancing and reconciling conflict.”

He also pointed to a huge volume of European case law and other writing on what he calls a

“highly complex and sophisticated subject”.

The proposed changes would undermine not just the basic foundations of devolution, but all existing mechanisms for co-operation, the development of common frameworks and the entire list of devolved competences.

In reality, the actual purpose of the proposals is all too clear: the UK Government intends to ditch the high regulatory standards that we have enjoyed as a member of the EU, and wants to do so without seeking consent from the people of Scotland. We can be sure that that is the purpose of the proposals, because there is already a workable and constitutionally appropriate way forward to deal with any actual issues that might arise from any threats to internal trade, if they were ever to happen. The way forward is to do what we are already doing: to bring into effect the common frameworks that are currently being negotiated between the UK Government and the devolved Administrations, in line with the principles that were agreed in the joint ministerial committee as far back as 2017.

Indeed, the white paper itself, at paragraphs 87 to 94, sets out the common frameworks

programme and admits, at paragraph 88, that it is already creating

“an intergovernmental policy development and decision-making process”

that will

“provide high levels of regulatory alignment in specific policy areas along with roles and responsibilities of each administration.”

The white paper also points out—correctly—that common frameworks can and do work within the devolution settlements, and that they respect the democratic accountability of the devolved legislatures. The Scottish Government has engaged in good faith with the cross-UK project to develop those common frameworks, in line with the agreed principles. We are not the ones who are now tearing up previous agreements in order to veto constructive discussion and to impose an outcome that is designed and desired only by Westminster.

What the UK Government wants is not smooth trade, but to take back control—not just from the EU, but from the people of Scotland, Wales and Northern Ireland. It certainly does not want anything to stand in its way as it wilfully dismantles the high-quality system of regulation and protection that we have inherited from our years in the EU.

The effect of the proposals would be to prevent this Parliament from requiring goods or services that are produced elsewhere in the UK to meet the standards that are decided on by this Parliament. In other words, if the UK Government can simply change the rules for England—probably by using the English votes for English laws procedure, which excludes Scottish MPs—Scotland would just have to accept that decision. Helpfully, the white paper itself even contains examples of where it could do so.

On page 77, in a section that is headed, “Costs of regulatory divergence”, there is a case study on deposit return schemes. On page 78, there is an example concerning food labelling, and on pages 79 to 82, there is a case study on food manufacturing, which covers food hygiene, recycling, animal welfare and environmental matters including pesticides. Page 82 specifically mentions minimum pricing as a regulatory restriction, and on page 85, the paper discusses building regulations and the granting of construction permits. That is a considerable range, and those are only a few examples.

Of course, the mutual recognition principle is intended to be just that. It is meant to be reciprocal, so that the market in England has to accept standards that are set in Scotland, Wales or Northern Ireland. However, it is very clear that, if that were ever to happen in a way that

disadvantaged the current Tory UK Government, we would, before you could say “The tail wagging the dog”, find that only rules that were made in Westminster could change the market in England.

My final points concern the implications of the UK Government’s proposals for devolution and governance. There is no commitment in the white paper to seeking legislative consent from this Parliament, and no recognition that the matters in question are devolved or affect the competence of this Parliament.

The white paper clearly says in paragraph 154:

“the evolution and overall shape of the UK’s Internal Market will be overseen by the UK Parliament, and ... key decisions will be put to the UK Parliament for approval”.

The implication is that anything in the underpinning legislation will be reserved from now on. This Parliament will lose any say, even on matters that were initially excluded, such as minimum unit pricing.

The legislation that is outlined in the white paper will require legislative consent under the Sewel convention, and the Scottish Government will recommend in the strongest possible terms that this Parliament not give any such consent, and that the UK Government respect that decision, in line with the rules of our constitutional system.

The white paper also makes clear the UK Government’s intention to centralise control in other areas. Most notably and explicitly, the white paper sets out its plans to reserve the subsidy-control regime. It makes it clear that the devolved Administrations will have no role in designing that regime and that this Parliament will have no role in approving it. In paragraph 173, it says:

“the future subsidy control mechanisms should be the responsibility of the UK Parliament to determine.”

Reserving subsidy control will require the consent of this Parliament under the Sewel convention; again, the Scottish Government will strongly advise this Parliament to refuse that consent and the UK Government to respect that decision.

In paragraphs 128 and 182, the white paper talks of

“clarifying spending powers of all levels of Government and for the UK Government to construct replacements of EU programmes.”

Again, it does not take much thought to realise that those paragraphs mean, among other things, that the shared prosperity fund will replace devolved responsibility for the current EU structural funds. The intention is that that will become a reserved matter and will be solely controlled by the UK Government.

In all this, a consistent pattern is emerging regarding the Tory view of UK governance, which

insists on total freedom of action for the UK Government, unrestrained by any requirement to negotiate or compromise. It wants substantial constraint to be placed on powers that are presently held by the devolved Administrations. That is the agenda, and it is being pursued with vigour.

The Scottish Government is committed to co-operation, but it will not be bullied. There are alternatives to the UK Government's ill-conceived proposals, including taking the voluntary common frameworks programme to its anticipated conclusion.

None of what I have discussed was mentioned even in passing during the 2016 EU referendum or, indeed, in the 2014 independence referendum. In 2014, we were exhorted to "lead not leave", we were told that a no vote would deliver a "better and fairer Britain" and, of course, we were assured that our place in Europe was secure. In 2016, we were promised that this Parliament would gain more powers, that we would be free to make our decisions and even—Michael Gove himself said this in June 2016—that, if the UK left the EU, on migration

"it would be for Scotland to decide",

when the reality is that the UK Government is forcing through an end to freedom of movement against the explicit wishes of this Parliament and the people of Scotland.

Not a word that has been said to us in the past six years about those matters has turned out to be true, so it takes no great prescience to realise that all the promises that are being made now will be equally hollow. It is not too late for the UK to turn back from this route, but I can assure Scotland that if it does not, the Scottish Government will fight the proposals tooth and nail, in every possible place, and with no intention of giving way. I hope that it will enjoy the support of the whole chamber in so doing.

The Deputy Presiding Officer: The cabinet secretary will now take questions on the issues raised in his statement. I intend to allow about 20 minutes for questions, and I ask members who wish to ask a question to email the business team.

Murdo Fraser (Mid Scotland and Fife) (Con): I thank the cabinet secretary for providing advance sight of his statement, but any hopes that he would drop his hysterical and misleading rhetoric on this issue have been quickly dispelled.

The UK internal market is vital for Scottish business and the economy, and supports more than 500,000 jobs. Scottish producers need to be able to sell to our largest marketplace—the rest of the UK—without restriction or barriers to trade.

Sadly, the Scottish Government does not seem to understand that simple point. It would rather engage in constitutional grievance mongering than consider what is best for jobs. What we have heard from the cabinet secretary today simply reinforces the view of one of his Government's own economic advisers that there is no one in its ranks who understands business or the economy.

I have two questions for the cabinet secretary. First, not one Scottish National Party politician has been able to give a simple example of a power that is currently exercised by this Parliament that will be taken away by the proposals in question. There was nothing about that in the statement. Can the cabinet secretary do any better? Secondly, can he confirm that the SNP wants to see every last one of the powers that we are talking about returned to Brussels at the first opportunity?

Michael Russell: I will deal with the second question first. The SNP wants Scotland to be in the main stream of Europe—to be a member of the European Union. Moreover, that is what the people of Scotland want, because that is what they voted for and what they have repeatedly voted for. If Murdo Fraser is not happy to be part of a community of 27 nations—with our joining, there would be 28—that freely shares decision making, he is entitled to that opinion.

However, not a single European nation in the single market would be treated or has been treated in the way that the UK intends to treat Scotland through the white paper. That is clear from the analysis by David Edward that I quoted. The reality is that there is no proportionality, no subsidiarity, no question of minimum standards and no question of national interest prevailing when it comes to decisions. It is purely a case of the UK Government saying, "Take it or leave it, because we know what we're going to do."

With regard to his first question, Murdo Fraser's line is not an original line—it was Michael Gove's line last week and it continues to be Michael Gove's line; I am sure that Murdo Fraser enjoys quoting it. However, I could give examples of the kind that he asked for all afternoon—in fact, I should probably simply take schedule 5 of the Scotland Act 1998, read out what is reserved and then talk about everything else, because every single power that the Scottish Parliament has can be undermined and taken away by the UK Government's proposals.

I have mentioned food standards, but I go back to what I said in my statement, because it is clear that Murdo Fraser was not listening. Other examples are deposit return schemes, food labelling, food manufacture, food hygiene, recycling, animal welfare, environmental matters such as pesticides, minimum pricing, and building

regulations and the granting of construction permits. *[Interruption.]* All those examples are given in the white paper, so my advice to Murdo Fraser and to Michael Gove is to read their own white paper, because it lists the areas in which powers are going to be taken away.

Alex Rowley (Mid Scotland and Fife) (Lab): The problem is that it does indeed look like a case of, “Take it or leave it.” That would not be acceptable, and it would be a failure to stand up for the rights of this Parliament and for the people of Scotland simply to take it on the instruction of Boris Johnson.

I would have thought that the one bit of certainty that the whole country would want at this time would be that our NHS will never be on the table in any trade negotiation. However, the Tories, with their majority in Westminster, have ensured that there is no safety net for our NHS when it comes to future trade deals. That is not right, and there are many aspects of the white paper that are not right.

We need to see what is in the legislation when it is introduced, but does the cabinet secretary agree that we must establish the principle that, where we are dealing with devolved areas that require a common framework to be put in place, that common framework must be agreed by the Administrations of the UK coming to the table as equals? Does he also agree that the best way to protect the internal market is through the collaboration and co-operation of all nations?

Michael Russell: I agree. Alex Rowley made two very significant points. The first one is that the negotiations on the frameworks continue. It would be perfectly possible—to use that favourite word of the Tories—to “intensify” those negotiations to complete that task before the end of the year. There would be no difficulty in so doing.

The number of common frameworks that we agreed that we would need is 24. Although there is a difference on state aid, we could get all that work finished. Indeed, I know that it is also the Welsh Government’s view that we could do that job. We will be part of that; what we will not be part of and what we will not allow to happen is a power grab.

I want to dwell on Alex Rowley’s second point, which was about public services. Yesterday in the House of Lords, Martin Callanan, answering questions from Dafydd Wigley, gave the game away. When asked whether there was any dispute resolution procedure in the proposals, he said that there was a fine court system—I presume that he was referring to the English court system; I am not sure that he knew that there was a Scottish court system—which could have its place.

That would open the door to any company—particularly one that came to the country after a

trade deal had been reached—to say that it was not fair that it was not allowed to compete for public services in Scotland, because it was allowed to compete for them south of the border. Companies will insist on being able to do so in Scotland.

Unfortunately, the courts will be used by such unscrupulous companies to undermine Scottish public services. Why? Because the Tories are going to allow it to happen—indeed, they are going to encourage it.

The Deputy Presiding Officer: We have 15 minutes left and 11 members still want to ask questions, so I ask for short questions so that everyone can get in.

Patrick Harvie (Glasgow) (Green): I am grateful for being provided with an advance copy of the statement. It is very clear that the white paper is a profound threat not only to Scottish democracy; in the words of the Welsh Minister for European Transition, it

“facilitates a race to the bottom in standards”

from the perspective of Wales, too.

Is it not the case that, in combination with the UK Government’s Trade Bill and its policy in that area, the white paper proposals would potentially lock all future Governments throughout the UK into the same race-to-the-bottom agenda? The people who are in Government in the UK recognise that their failed free market ideology is incompatible with strong Governments that are able to regulate in the interests of the environment, human health and public services. They recognise that that is a fundamental contradiction, and they want to stop all future Governments having the power to act democratically.

Michael Russell: Absolutely. There is a strong deregulating agenda south of the border, which is designed to encourage private profit, mostly for the UK Government’s friends, and in those circumstances—I am not going to resile from what I think is blindingly obvious—it is trying to drive deregulation down the throats of Administrations that know that having strong public services and ensuring effective regulation is the right way forward. Indeed, right across Europe countries know that. The odd one out is the UK, and the UK is determined to make sure that it gets its way with Scotland, Wales and Northern Ireland. We will not allow that to happen.

Willie Rennie (North East Fife) (LD): It is deeply frustrating that the UK Government continues to be cack-handed in its relationship with the Scottish Government. Surely what we need is an effective dispute resolution procedure between the nations and regions of the UK so that we can agree the way ahead on areas of common

interest such as the one that we are discussing. We have argued for that before, and it would be good to have the Scottish Government's support for that proposal.

Michael Russell: I entirely support that proposal. I can tell the Parliament that it was meant to be at the heart of the new proposals on intergovernmental relations arising from the intergovernmental review.

There are two problems with that. One is that nothing has come from the UK Government. We have been waiting to see that document for months; it has had a gestation period much longer than an elephant's. We have had nothing at all from the UK Government on those matters.

The second problem is what Martin Callanan said yesterday in the House of Lords. If there is going to be an entire reliance on the courts for those matters, there can be no effective dispute resolution procedure, because it would be overruled by the courts.

In those circumstances, I am happy to make common cause with Willie Rennie on the issue. If the UK Government were to bring a dispute resolution procedure—a set of arrangements that treated the four nations of these islands as equals—we would be there to agree it. We have other ambitions, but of course we would agree it; the Welsh would, too.

However, the UK Government is not bringing that forward. What it wants is simply to intervene legally to stop us doing things. I hope that we will have the support of Willie Rennie and his party in resisting that.

John Mason (Glasgow Shettleston) (SNP): It seems to me that, within the EU—for example, with structural funds—we had quite a lot of freedom as regards our ability to act within a framework, whereas it now appears that, within the UK, with the shared prosperity fund, we will have virtually no freedom to move at all. Can the cabinet secretary confirm that?

Michael Russell: I think that that is an inevitability, given where the UK Government is going, and we must oppose it vigorously.

The idea is that the Scotland Office and the Wales Office would administer the funds, building an empire for the Secretary of State for Scotland and the Secretary of State for Wales, and would ignore the devolved Administrations. Those funds are already administered by the devolved Administrations. There has not been a single argument in favour of taking away that ability. Those funds should, if anything, be simpler to access and closer to people, but the Secretary of State for Scotland wants to have his empire, he

wants money to fund that empire, and that is where he is looking to get it.

Donald Cameron (Highlands and Islands) (Con): The Fraser of Allander institute estimates that more than half a million jobs in Scotland are supported by demand for our goods and services from the rest of the UK. Given that, and in light of the fact that the Scottish Government withdrew from work on the UK internal market more than a year ago, will the cabinet secretary commit to working with the UK Government to establish common frameworks that will prevent unnecessary damage and thus avoid putting hundreds of thousands of Scottish jobs at risk?

Michael Russell: I will take the positive part of that question first. Donald Cameron is a persuasive man. If he is capable of persuading his colleagues south of the border to withdraw those proposals and return to the table on common frameworks, I will support that. I have made that clear—I have never left the table on common frameworks. We withdrew from the discussion on the internal market because it was obvious where it was going; the UK Government intends to impose. We made it clear that we would not have common frameworks imposed, but for more than two years we have been able to agree on common frameworks. Every three months, the relevant secretary of state in England—it is presently Michael Gove—has to publish a report that says that the common frameworks material is going ahead and that there has been no need to impose. That has happened in every single report. We cannot say that now, because the UK Government will now try to ignore that and impose them. If Donald Cameron can persuade the UK Government to withdraw the badly drafted and malicious white paper, I will agree to that; if he cannot, I will not.

Joan McAlpine (South Scotland) (SNP): The UK Government has signalled its intention to grab powers to set laws around state aid. What are the implications of that for the Scottish Government's ability to protect strategic industries and jobs in Scotland?

Michael Russell: It is essential that there is an effective state aid regime. Moreover, given the role that the Scottish Government has had in industrial strategy and in developing and building business in Scotland, it is important that it is done with a knowledge of the Scottish economy. That is why state aid is devolved. The UK Government wants to reserve it because it wishes to create either a much lighter regime or maybe no regime at all. People might have seen speculation in the press that that has been driven by Dominic Cummings and that he wants no state aid regime. If the UK Government insists on that, it will not be able to get an agreement with the EU, but having no

regulations might be where it is going. Why would it have no regulations? Because it could then spend money willy-nilly on buying votes. That is the reality—that is what it will endeavour to do.

We need an effective state aid regime. Again, common frameworks can provide that, so, if Mr Cameron is compiling a list of those areas where work could be done, here is another that he could put in. We could have that discussion on a state aid regime through the common frameworks, but the UK Government would have to withdraw what is in the white paper, because it is a naked power grab and it is trying to find a solution to a problem that does not exist.

James Kelly (Glasgow) (Lab): The devolution settlement must be protected, but any change to powers or trading relationships must have regard to economic impact. What tests does the Scottish Government propose in order to ensure that any changes to powers will also protect jobs and economies within the UK internal market and Scotland?

Michael Russell: The member is aware that, as the established constitutional order, devolution has checks and balances within it. Those checks and balances do not prevent internal trade—it is obvious that, since devolution was established, internal trade has grown—but they allow priorities to be set. The UK Government is trying to impose something different by whipping up non-existent fears about the UK internal market.

As I said, over the next few weeks and as the process continues, we will publish more evidence to show that the frameworks process is the right process to go through. That evidence will also indicate the positive nature of using the frameworks to encourage some economic activity. However, given that Brexit will be economically disastrous, as I am sure the member remembers, we will be doing so against a declining economy. The UK Government will have not only the disaster of the Covid recession but the self-inflicted disaster of the Brexit recession. It will be very hard to cope with both—in fact, it will be impossible to cope with both.

Kenneth Gibson (Cunninghame North) (SNP): One of the powers that the UK Tory Government seeks to deny Scotland—to our obvious detriment—is the ability to decide where to provide subsidies. That will impact directly on this Parliament's capacity and capability to support our economy. Can the cabinet secretary provide an example or two of where such interventions have taken place, which, in the future, will be at the mercy of capricious Tory ministers?

Michael Russell: Clearly, there is an elaborate cross-Government process whereby money is allocated and used in order to develop industry,

business, agriculture or fisheries. That is a sensitive matter, because the way in which money comes in or in which other moneys come from elsewhere has to be judged carefully so that competition is not distorted. Knowledge of the economy is therefore extremely important. If decisions on those moneys are taken elsewhere—which is probably what will happen, because that is what the UK Government wants—the consequent lack of knowledge of our economy will mean that it will not be possible to do some important things such as encouraging small and medium-sized enterprises and growing the digital sector or crofting, which is dear to my heart. That will not be possible if the state aid regime is administered elsewhere by people who know nothing about crofting, for example.

Alexander Burnett (Aberdeenshire West) (Con): The subject is clearly going to be a lengthy source of grievance for nationalists. As for the cabinet secretary's comments on constructive engagement, last year he pulled his civil servants out of joint work with the UK Government to strengthen the internal market on the spurious ground that there was no such thing. Does the cabinet secretary now accept, as a starting point, that there is a single market and that his position puts us at risk?

Michael Russell: Not surprisingly, I do not accept that. The member needs to be accurate in his terminology. On the question whether there is a single market as the definition of a single market is understood in Europe, the answer is no. Is there an internal market? Yes, there is. Can we trade across different regulatory regimes in the internal market or globally? Yes, of course we can. Unless the member believes that there should be no trade across different regulatory borders or systems, his position is—shall we say?—incoherent.

Gordon MacDonald (Edinburgh Pentlands) (SNP): Scotland has a world-leading food and drink sector that is renowned for its high quality. Much of the growth in the sector is down to its excellent reputation. Does the cabinet secretary share my concern that, if the UK Government accepts lower standards, that hard-won reputation could be compromised?

Michael Russell: I do accept that, and I know that that is also the view of many niche food and drink producers and, more widely, of the industry itself. There is substantial concern about that, and, in such circumstances, the right way to defend against that situation is to have means by which we can defend niche or growing industries. One of the greatest successes in Scotland in the past 10 to 15 years has been the growth of the Scottish food and drink sector. It has been wonderful, and we know of many producers who do an exceptional job and do exceptionally well. Their

livelihoods are put at risk by the UK Government's proposals.

Claudia Beamish (South Scotland) (Lab): I emphasise the four European Union environmental guiding principles of precaution, prevention, rectifying pollution at source, and the polluter pays, with which I know the cabinet secretary agrees. In his view, what is the best way to maintain and build on European standards for our environments across all four UK nations, in relation to devolved issues, and to ensure that the common frameworks reflect those?

Michael Russell: I thank the member for that very good question. She and I share a passion for getting environmental regulation right. The Cabinet Secretary for Environment, Climate Change and Land Reform is bringing forward with me the UK Withdrawal from the European Union (Continuity) (Scotland) Bill, which will include proposals for keeping pace with European environmental regulation. The Northern Ireland Administration will also be keeping pace in developing regulatory standards alongside the EU.

We need to make sure that we can square that circle through the framework process, and we will do that by negotiation. What the UK Government proposes would sweep that away, with the message that the UK Government is not interested in negotiation and will simply impose standards that are set at Westminster, probably without involving Scottish MPs. That would be the worst way of doing things. I think that the member is going to support us—which I am glad about—in trying to prevent that from happening.

Rona Mackay (Strathkelvin and Bearsden) (SNP): It is clear that Scotland's democratic decisions are being actively undermined by the UK Government. Does the cabinet secretary agree that the only way for us to properly protect Scotland's interests is to become an independent country? *[Interruption.]*

Michael Russell: It is amazing how, when a word of truth is spoken, the Tories really get excited. They cannot take a word of truth.

I have spent my political career believing that Scotland should be a normal nation, and I do not resile from that view in the slightest. I know that there are people in the chamber who do not agree with me on that subject, but I am very glad to work with people who do not agree with me but who recognise the importance of devolution and, as we have heard from Labour and Liberal Democrat members, the need to ensure that the devolution settlement is protected. Without the devolution settlement in place, we would have even more problems.

That is the nature of the agreement that I have sought and that I have on a practical basis with,

for example, the Welsh Labour Government. Very early on, Mark Drakeford and I said that, although we do not agree on the final destination, we are on the same journey—the journey to ensure that our countries have effective legislatures that can protect and promote the good things in our countries. I welcome that collaboration.

Will I ever walk away from the idea of independence? No, and it's coming yet for a' that.

The Deputy Presiding Officer: That concludes questions on the statement.

Meeting closed at 14:35.

This is a draft *Official Report* and is subject to correction between publication and archiving, which will take place no later than 35 working days after the date of the meeting. The most up-to-date version is available here:
www.parliament.scot/officialreport

Members and other meeting participants who wish to suggest corrections to their contributions should contact the Official Report.

Official Report
Room T2.20
Scottish Parliament
Edinburgh
EH99 1SP

Email: official.report@parliament.scot
Telephone: 0131 348 5447
Fax: 0131 348 5423

The deadline for corrections to this edition is:

Thursday 27 August 2020

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

All documents are available on the Scottish Parliament website at:

www.parliament.scot

Information on non-endorsed print suppliers is available here:

www.parliament.scot/documents

For information on the Scottish Parliament contact Public Information on:

Telephone: 0131 348 5000
Textphone: 0800 092 7100
Email: sp.info@parliament.scot



The Scottish Parliament
Pàrlamaid na h-Alba