



The Scottish Parliament Pàrlamaid na h-Alba

MINUTES OF PROCEEDINGS

Parliamentary Year 1, No. 54, Session 6

Meeting of the Parliament

Wednesday 1 December 2021

Note: (DT) signifies a decision taken at Decision Time.

The meeting opened at 2.00 pm.

1. Portfolio Questions: Questions on Justice and Veterans and then Finance and Economy were answered by Cabinet Secretaries and Ministers.

2. Protecting Patient Safety at the Queen Elizabeth University Hospital: Anas Sarwar moved S6M-02327—That the Parliament has no confidence in the leadership of NHS Greater Glasgow and Clyde, and believes that the Scottish Government must escalate the NHS board to Stage 5 of the performance escalation framework without delay.

The Cabinet Secretary for Health and Social Care (Humza Yousaf) moved amendment S6M-02327.2—

As an amendment to motion S6M-02327 in the name of Anas Sarwar (Protecting Patient Safety at the Queen Elizabeth University Hospital), leave out from "has no confidence" to end and insert "recognises the work of frontline NHS staff at the Queen Elizabeth University Hospital (QEUEH), and across the health service, in the care that they have provided to patients and families throughout the COVID-19 pandemic; offers its condolences to all families who have lost a loved one while in the care of the health service; notes that NHS Greater Glasgow and Clyde was elevated to Stage 4 of the escalation framework in November 2019; further notes that the board has completed 91% of the 108 recommendations that followed the work of the QEUEH Independent Review, the Oversight Board Report and the independent Case Note Review; welcomes that Healthcare Improvement Scotland is to review aspergillus infections at QEUEH, and calls for

any recommendations from this work to be implemented as quickly as practicable; recognises that the independent public inquiry, chaired by Lord Brodie, is underway, and looks forward to its conclusions and any recommendations being fully enacted."

After debate, the amendment was agreed to ((DT) by division: For 64, Against 54, Abstentions 0).

Douglas Ross moved amendment S6M-02327.1—

As an amendment to motion S6M-02327 in the name of Anas Sarwar (Protecting Patient Safety at the Queen Elizabeth University Hospital), insert at end "; recognises that ultimate responsibility lies with the Scottish Government, and therefore calls for a further independent inquiry into the ministerial response to avoidable deaths at the Queen Elizabeth University Hospital."

After debate, the amendment was disagreed to ((DT) by division: For 54, Against 64, Abstentions 0).

The motion was agreed to ((DT) by division: For 64, Against 55, Abstentions 0).

Accordingly, the Parliament resolved—That the Parliament recognises the work of frontline NHS staff at the Queen Elizabeth University Hospital (QEUEH), and across the health service, in the care that they have provided to patients and families throughout the COVID-19 pandemic; offers its condolences to all families who have lost a loved one while in the care of the health service; notes that NHS Greater Glasgow and Clyde was elevated to Stage 4 of the escalation framework in November 2019; further notes that the board has completed 91% of the 108 recommendations that followed the work of the QEUEH Independent Review, the Oversight Board Report and the independent Case Note Review; welcomes that Healthcare Improvement Scotland is to review aspergillus infections at QEUEH, and calls for any recommendations from this work to be implemented as quickly as practicable; recognises that the independent public inquiry, chaired by Lord Brodie, is underway, and looks forward to its conclusions and any recommendations being fully enacted.

3. Action on Active Ventilation in Schools: Michael Marra moved S6M-02326—That the Parliament notes with concern that case rates for COVID-19 continue to be highest among under-15s with seven-day case rates over 400 per 100,000; considers that reducing transmission of COVID-19 in schools will be crucial for reducing levels of the virus across the country and that the lack of proper ventilation is a worry for young people, teachers and parents; recognises that Scottish Government ministers have repeatedly failed to publish information on the rate of failure and criteria for their ventilation inspection scheme, which inspected 40,100 of 52,000 learning spaces between August and October 2021; agrees that, especially during the winter months, there is a need for more active ventilation in schools, and calls on the Scottish Government to ensure that local authorities have funding available to install at least two HEPA filters in each classroom in Scotland.

The Cabinet Secretary for Education and Skills (Shirley-Anne Somerville) moved amendment S6M-02326.1—

As an amendment to motion S6M-02326 in the name of Michael Marra (Action on Active Ventilation in Schools), leave out from "considers" to end and insert "notes that the Scottish Government's Guidance on COVID-19: Reducing the Risks in Schools is informed by expert advice, including from the Advisory Sub-Group on Education and Children's Issues and the Health and Safety Executive; recognises that, while only one of a range of mitigations that are in place, this guidance requires local authorities to work with schools to ensure good ventilation and access to CO₂ monitoring, and sets out clear criteria and strategies to help achieve this; notes that the Scottish Government has already provided £90 million to support schools with Covid logistics, including ventilation, with an additional £10 million provided to undertake CO₂ monitoring in the learning estate; commends local authorities for the work they have done to date to ensure that 100% of all learning, teaching and play spaces across Scotland have received an initial assessment using CO₂ monitors, with any required remedial action being undertaken in line with guidance; thanks Scotland's school unions for the constructive role they have played in raising the legitimate concerns of their members in relation to the importance of ventilation; welcomes the ongoing feedback and engagement with local authorities, unions and other relevant stakeholders on current ventilation guidance and its implementation, and further welcomes the Scottish Government's ongoing commitment to monitor and update school ventilation guidance, should that be required, in line with the latest scientific expert advice."

After debate, the amendment was agreed to ((DT) by division: For 65, Against 54, Abstentions 0).

The motion was agreed to ((DT) by division: For 65, Against 54, Abstentions 0).

Accordingly, the Parliament resolved— That the Parliament notes with concern that case rates for COVID-19 continue to be highest among under-15s with seven-day case rates over 400 per 100,000; notes that the Scottish Government's Guidance on COVID-19: Reducing the Risks in Schools is informed by expert advice, including from the Advisory Sub-Group on Education and Children's Issues and the Health and Safety Executive; recognises that, while only one of a range of mitigations that are in place, this guidance requires local authorities to work with schools to ensure good ventilation and access to CO₂ monitoring, and sets out clear criteria and strategies to help achieve this; notes that the Scottish Government has already provided £90 million to support schools with Covid logistics, including ventilation, with an additional £10 million provided to undertake CO₂ monitoring in the learning estate; commends local authorities for the work they have done to date to ensure that 100% of all learning, teaching and play spaces across Scotland have received an initial assessment using CO₂ monitors, with any required remedial action being undertaken in line with guidance; thanks Scotland's school unions for the constructive role they have played in raising the legitimate concerns of their members in relation to the importance of ventilation; welcomes the ongoing feedback and engagement with local authorities, unions and other relevant stakeholders on current ventilation guidance and its implementation, and further welcomes the Scottish Government's ongoing commitment to monitor and update school ventilation guidance, should that be required, in line with the latest scientific expert advice.

4. Reappointment of Scottish Land Commissioners: The Minister for Environment, Biodiversity and Land Reform (Màiri McAllan) moved S6M-02307—That the Parliament notes the Net Zero, Energy and Transport Committee's consideration of the reappointment of four commissioners to the Scottish Land Commission at its meeting on 16 November 2021; welcomes the Committee's recommendation that the Parliament approves the reappointment to the Scottish Land Commission of Andrew Thin, as Commissioner for an additional two year term and selected as Chair for an additional two year term, and of Dr Bob McIntosh, Tenant Farming Commissioner, Dr Sally Reynolds, Commissioner, and Lorne MacLeod, Commissioner, for additional three year terms, and approves the reappointments as required by section 10 of the Land Reform (Scotland) Act 2016.

The motion was agreed to (DT).

5. Business Programme: The Minister for Parliamentary Business (George Adam), on behalf of the Parliamentary Bureau, moved S6M-02345—That the Parliament agrees—

(a) the following programme of business—

Tuesday 7 December 2021

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by First Minister's Statement: COVID-19 Update

followed by Scottish Government Debate: Delivering a Just Transition to Net Zero and Climate Resilience for Scotland

followed by Legislative Consent Motion: Advanced Research and Invention Agency Bill - UK Legislation

followed by Committee Announcements

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 8 December 2021

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions: Covid Recovery and Parliamentary Business; Net Zero, Energy and Transport

followed by Ministerial Statement: Scotland's Redress Scheme

followed by Scottish Government Debate: Scotland Loves Local

followed by Business Motions

followed by Parliamentary Bureau Motions

followed by Approval of SSIs (if required)

5.00 pm Decision Time

followed by Members' Business

Thursday 9 December 2021

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

followed by Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Portfolio Questions: Rural Affairs and Islands

followed by Ministerial Statement: Scottish Budget 2022-23

followed by Business Motions

followed by Parliamentary Bureau Motions

4.25 pm Decision Time

Tuesday 14 December 2021

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by First Minister's Statement: COVID-19 Update

followed by Scottish Government Business

followed by Committee Announcements

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 15 December 2021

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions: Health and Social Care; Social Justice, Housing and Local Government

followed by Scottish Conservative and Unionist Party Business

followed by Business Motions

followed by Parliamentary Bureau Motions

followed by Approval of SSIs (if required)

5.10 pm Decision Time

followed by Members' Business

Thursday 16 December 2021

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

followed by Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Portfolio Questions: Constitution, External Affairs and Culture

followed by Standards, Procedures and Public Appointments Committee Debate

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

(b) that, for the purposes of Portfolio Questions in the week beginning 6 December 2021, in rule 13.7.3, after the word "except" the words "to the extent to which the Presiding Officer considers that the questions are on the same or similar subject matter or" are inserted.

The motion was agreed to.

6. Stage 1 Timetable: The Minister for Parliamentary Business (George Adam), on behalf of the Parliamentary Bureau, moved S6M-02348—That the Parliament agrees that consideration of the Coronavirus (Discretionary Compensation for Self-isolation) (Scotland) Bill at stage 1 be completed by 21 January 2022.

The motion was agreed to.

7. Stage 2 Timetable: The Minister for Parliamentary Business (George Adam), on behalf of the Parliamentary Bureau, moved S6M-02349—That the Parliament agrees that consideration of the Transvaginal Mesh Removal (Cost Reimbursement) (Scotland) Bill at stage 2 be completed by 23 December 2021.

The motion was agreed to.

8. Approval of SSI: The Minister for Parliamentary Business (George Adam), on behalf of the Parliamentary Bureau, moved S6M-02346—That the Parliament agrees that the Eggs (Amendment) (Scotland) Regulations 2021 [draft] be approved.

The motion was agreed to (DT).

9. Approval of SSI: The Minister for Parliamentary Business (George Adam), on behalf of the Parliamentary Bureau, moved S6M-02347—That the Parliament agrees that the Scottish Dog Control Database Order 2021 [draft] be approved.

The motion was agreed to (DT).

10. Office of the Clerk: The Minister for Parliamentary Business (George Adam), on behalf of the Parliamentary Bureau, moved S6M-02350—That the Parliament

agrees that the Office of the Clerk be closed on Wednesday 29, Thursday 30 and Friday 31 December 2021.

The motion was agreed to (DT).

11. Suspension and Variation of Standing Orders: The Minister for Parliamentary Business (George Adam), on behalf of the Parliamentary Bureau, moved S6M-02351—That, subject to the Parliament's agreement to the general principles of the Coronavirus (Discretionary Compensation for Self-isolation) (Scotland) Bill, the Parliament agrees, for the purposes of further consideration of the Bill, that:

- (a) Rules 9.5.3A and 9.5.3B be suspended;
- (b) Rule 9.6.3A be suspended;
- (c) Rule 9.7.8A be varied to replace the word "fourth" with "third", so that the deadline for lodging revised or supplementary Explanatory Notes will be the third sitting day before the day on which Stage 3 is due to start;
- (d) in Rule 9.7.8B, the words "whichever is the earlier of" be suspended;
- (e) Rule 9.7.8B(a) be varied to replace the word "tenth" with "sixth", so that the deadline for lodging a revised Financial Memorandum will be the sixth sitting day after the day on which Stage 2 ends;
- (f) Rule 9.7.8B(b) is suspended;
- (g) in Rule 9.7.9(a), the words "whichever is the earlier of" be suspended;
- (h) Rule 9.7.9(a)(i) be varied to replace the word "tenth" with "second", so that the deadline for lodging a revised or supplementary Delegated Powers Memorandum will be the second sitting day after the day on which Stage 2 ends;
- (i) Rule 9.7.9(a)(ii) is suspended;
- (j) Rule 9.10.2 be varied, in so far as it applies to an amendment at Stage 2, to replace the word "fourth", in both places it occurs, with "second", so that the deadline for lodging a Stage 2 amendment will be the second sitting day in advance of proceedings; and
- (k) Rule 9.10.2A be varied to replace the word "fifth" with "fourth", so that the deadline for lodging a Stage 3 amendment will be the fourth sitting day in advance of proceedings."

The motion was agreed to (DT).

12. Committee Membership: The Minister for Parliamentary Business (George Adam), on behalf of the Parliamentary Bureau, moved S6M-02352—That the Parliament agrees that Elena Whitham be appointed to replace Paul McLennan as a member of the Standards, Procedures and Public Appointments Committee.

The motion was agreed to (DT).

13. Decision Time: The Parliament took decisions on items 2, 3, 4, 8, 9, 10, 11 and 12 as noted above.

14. World AIDS Day 2021: The Parliament debated S6M-02100 in the name of Jamie Greene—That the Parliament recognises that 1 December each year marks World AIDS Day; acknowledges that this provides an opportunity for people across the world to unite in efforts against HIV, to show support for people living with the virus and to commemorate those who have died from an AIDS-related illness over the years; notes that a recent investigation reported that John Eaddie, who was commonly known as "Patient Zero" prior to his identification, was the first person from the UK to die from AIDS, passing away on 29 October 1981; understands that the most recent estimates suggest that more than 105,000 people in the UK live with HIV, with an estimated 6,600 not knowing their status; welcomes the huge advancements in medicine, which have resulted in people in receipt of the correct treatment being given the viral status, "undetectable", meaning they are untransmittable and cannot pass the virus on; praises efforts to promote the U=U campaign ,which aims to highlight this; believes that the successful provision of treatments such as PrEP and PeP have substantially reduced infection rates, and expresses its gratitude to the many third sector and charitable organisations in Scotland, such as the Terrence Higgins Trust, HIV Scotland and Waverley Care, and others across the UK and beyond that seek to raise awareness of the importance of testing, knowing one's status and pursuing a holistic approach to prevent, treat and destigmatise HIV/AIDS.

The meeting closed at 6.15 pm.

David McGill
Clerk of the Parliament
1 December 2021

Appendix **(Note: this Appendix does not form part of the Minutes)**

Committee Reports

The following reports were published on 1 December 2021—

Equalities, Human Rights and Civil Justice Committee, 4th Report, 2021 (Session 6): The Independent Reviewer (Modification of Functions) (Scotland) Regulations 2021 [draft] (SP Paper 57)

Delegated Powers and Law Reform Committee, 18th Report, 2021 (Session 6): Subordinate Legislation considered by the Delegated Powers and Law Reform Committee on 30 November 2021 (SP Paper 61)

Legislative Consent Memorandum

The following memorandum was lodged on 1 December 2021—

Angus Robertson, Cabinet Secretary for Constitution, External Affairs and Culture: Legislative Consent Memorandum on the Cultural Objects (Protection from Seizure) Bill (UK Parliament legislation) (LCM-S6-11)

Subordinate Legislation

Laid Only Instruments

The following instrument was laid before the Parliament on 1 December 2021 and is not subject to any parliamentary procedure—

Avian Influenza (H5N1 in Birds etc.) (Miscellaneous Amendment and Revocation) (Scotland) Order 2021 (SSI 2021/444)
laid under section 30(2) of the Interpretation and Legislative Reform (Scotland) Act 2010

Other Documents

The following documents were laid before the Parliament on 1 December 2021 and are not subject to parliamentary procedure—

Revenue Scotland Annual Report and Accounts for the year ended 31 March 2021 – Resource Accounts RS/2021/02 laid under the Revenue Scotland and Tax Powers Act 2014

Revenue Scotland Annual Report and Accounts for the year ended 31 March 2021 – Devolved Taxes Account RS/2021/03 laid under the Revenue Scotland and Tax Powers Act 2014

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