



The Scottish Parliament
Pàrlamaid na h-Alba

MINUTES OF PROCEEDINGS

Parliamentary Year 1, No. 89, Session 6

Meeting of the Parliament

Wednesday 9 March 2022

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

The meeting opened at 2.00 pm.

1. Revision to Business Programme: George Adam on behalf of the Parliamentary Bureau, moved S6M-03554—That the Parliament agrees to the following revision to the programme of business for—

(a) Wednesday 9 March 2022—

after

followed by Scottish Labour Party Debate: Anne's Law – Protecting the Right of Care Home Visiting

insert

followed by Ministerial Statement: Scottish Government Response to Report by Independent Advisor on Education Reform

delete

6.00 pm Decision Time

insert

6.30 pm Decision Time

(b) Thursday 10 March 2022

delete

2.00 pm Parliamentary Bureau Motions

2.00 pm Scottish Parliamentary Corporate Body Questions

insert

2.15 pm Parliamentary Bureau Motions

2.15 pm Scottish Parliamentary Corporate Body Questions

delete

followed by Ministerial Statement: Scottish Government Response to Report by Independent Advisor on Education Reform

delete

5.15 pm Decision Time

and insert

5.00 pm Decision Time

The motion was agreed to.

2. Portfolio Questions: Questions on Health and Social Care, and then Social Justice, Housing and Local Government were answered by Cabinet Secretaries and Ministers.

3. Milly's Law - Justice for Families: Anas Sarwar moved S6M-03491—That the Parliament acknowledges that there have been many instances in Scotland where families who have been badly failed, as well as bereaved, due to the actions and neglect of public bodies have struggled to get the justice they and their loved ones deserve; believes that victims and their families should be at the heart of investigations into public tragedy, and calls for a statutory Charter for Families to be binding on public bodies and the establishment of an independent public advocate who can act on behalf of bereaved families and victims, offering them advice and representation, and who is empowered to launch independent investigative panels to facilitate transparency at an early stage.

The Cabinet Secretary for Health and Social Care (Humza Yousaf) moved amendment S6M-03491.1—

As an amendment to motion S6M-03491 in the name of Anas Sarwar (Milly's Law - Justice for Families), leave out from "acknowledges" to end and insert "understands that public services, such as the NHS and Police Scotland, are staffed by people who work each day to care for and support the people of Scotland; recognises that, where the delivery of standards in public services fall short of what everyone would rightly expect, individuals and their families are too often left seeking answers, or justice; further recognises that this pain, not least where a life is lost, can be compounded where families are concerned that they are not being given these answers; believes that individuals and their loved ones who have been harmed should be central to any investigations or inquiries when, regrettably, things have gone wrong; notes that staff working in public bodies should feel safe to raise concerns when they arise, and that structures within the bodies should empower this; supports the creation of an independent Patient Safety Commissioner to champion the patient voice and promote users' perspectives in improving patient safety, as set out in Baroness Cumberlege's report, First Do No Harm; notes that the NHS is subject to an organisational duty

of candour, and welcomes that consultation on putting a similar duty on Police Scotland will take place later in 2022.”

After debate, the amendment was agreed to ((DT) by division: For 63, Against 52, Abstentions 0).

Sandesh Gulhane moved amendment S6M-03491.2—

As an amendment to motion S6M-03491 in the name of Anas Sarwar (Milly’s Law - Justice for Families), insert at end “; further calls for transparency and openness when gross failures come to light, a proactive approach to governance that seeks to avoid tragedy in the first place, improved communication with victims and families, and a more pronounced ministerial effort to deal with institutional hostility towards whistle-blowers and those who warn of problems in their place of work where tragedy ensues.”

After debate, the amendment was disagreed to ((DT) by division: For 51, Against 63, Abstentions 0).

The motion, as amended, was agreed to ((DT) by division: For 61, Against 52, Abstentions 0).

Accordingly, the Parliament resolved—

That the Parliament understands that public services, such as the NHS and Police Scotland, are staffed by people who work each day to care for and support the people of Scotland; recognises that, where the delivery of standards in public services fall short of what everyone would rightly expect, individuals and their families are too often left seeking answers, or justice; further recognises that this pain, not least where a life is lost, can be compounded where families are concerned that they are not being given these answers; believes that individuals and their loved ones who have been harmed should be central to any investigations or inquiries when, regrettably, things have gone wrong; notes that staff working in public bodies should feel safe to raise concerns when they arise, and that structures within the bodies should empower this; supports the creation of an independent Patient Safety Commissioner to champion the patient voice and promote users’ perspectives in improving patient safety, as set out in Baroness Cumberlege’s report, First Do No Harm; notes that the NHS is subject to an organisational duty of candour, and welcomes that consultation on putting a similar duty on Police Scotland will take place later in 2022.

4. Anne’s Law - Protecting the Right of Care Home Visiting: Jackie Baillie moved S6M-03492—That the Parliament understands that maintaining good social connections are crucial for the wellbeing and quality of life for residents in adult care homes; acknowledges that care homes have been unduly affected by the COVID-19 pandemic, and thousands of residents have been repeatedly separated from their loved ones due to restrictions; regrets that the Scottish Government has not yet brought forward legislation to strengthen the rights of residents and their families so that relatives are recognised as care givers and residents have the right to see and spend time with the people who are important to them, and calls on the Scottish Government to urgently introduce legislation to implement Anne’s Law so no one has

to again experience what Anne Duke and her family, alongside many other families, had to go through.

The Minister for Mental Wellbeing and Social Care (Kevin Stewart) moved amendment S6M-03492.2—

As an amendment to motion S6M-03492 in the name of Jackie Baillie (Anne's Law - Protecting the Right of Care Home Visiting), leave out from "understands" to end and insert "recognises that the COVID-19 pandemic uniquely necessitated difficult restrictions in care homes to minimise the risk of transmission of the virus that has proven deadly to the most vulnerable in society; further recognises that these restrictions have other impacts on the wellbeing of residents and that maintaining familial and social connections for care home residents can be vital to their wellbeing; welcomes that later this month the Scottish Government is bringing forward new statutory standards under the Public Services Reform (Scotland) Act 2010 to help ensure visitors can be involved in the care and support of their loved ones as the first step of introducing Anne's Law, and notes that this will be further underpinned by Anne's Law being part of the foundations of the new National Care Service, and that the legislation to deliver this is being introduced in the coming months."

Craig Hoy moved amendment S6M-03492.1—

As an amendment to motion S6M-03492 in the name of Jackie Baillie (Anne's Law - Protecting the Right of Care Home Visiting), after "Anne's Law" insert "and to explore extending its scope to include those receiving care in other health and care settings such as hospitals and residential care facilities,".

After debate, amendment S6M-03492.2 was agreed to ((DT) by division: For 62, Against 52, Abstentions 0). As a result, amendment S6M-03492.1 was pre-empted

The motion, as amended, was agreed to ((DT) by division: For 63, Against 52, Abstentions 0).

Accordingly, the Parliament resolved—

That the Parliament recognises that the COVID-19 pandemic uniquely necessitated difficult restrictions in care homes to minimise the risk of transmission of the virus that has proven deadly to the most vulnerable in society; further recognises that these restrictions have other impacts on the wellbeing of residents and that maintaining familial and social connections for care home residents can be vital to their wellbeing; welcomes that later this month the Scottish Government is bringing forward new statutory standards under the Public Services Reform (Scotland) Act 2010 to help ensure visitors can be involved in the care and support of their loved ones as the first step of introducing Anne's Law, and notes that this will be further underpinned by Anne's Law being part of the foundations of the new National Care Service, and that the legislation to deliver this is being introduced in the coming months.

5. Urgent Question: An urgent question, to ask the Scottish Government whether it will provide an update on SQA exam guidance, in light of reports of significant

concern being raised across the sector, regarding the inconsistency and inadequacy of what has been provided, was answered by the Cabinet Secretary for Education and Skills (Shirley-Anne Somerville).

6. Ministerial Statement: The Cabinet Secretary for Education and Skills (Shirley-Anne Somerville) made a statement and answered questions on Scottish Government Response to Report by Independent Advisor on Education Reform.

7. Economic Crime (Transparency and Enforcement) Bill - UK Legislation: The Cabinet Secretary for Justice and Veterans (Keith Brown) moved S6M-03493— That the Parliament agrees that the relevant provisions of the Economic Crime (Transparency and Enforcement) Bill, introduced in the House of Commons on 1 March 2022, relating to amendments for Unexplained Wealth Orders contained in the Proceeds of Crime Act 2002, and provisions relating to the Register of Overseas Interests, so far as these matters fall within the legislative competence of the Scottish Parliament or alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.

Michael Marra moved amendment S6M-03493.1—

As an amendment to motion S6M-03493 in the name of Keith Brown (Economic Crime (Transparency and Enforcement) Bill - UK Legislation), insert at end “, but, in so doing, believes that the provisions of part 1 of the Bill should apply to all land owned and registered in Scotland, regardless of when this was acquired.”

After debate, the amendment was agreed to (DT).

The motion, as amended, was agreed to (DT).

Accordingly, the Parliament resolved—

That the Parliament agrees that the relevant provisions of the Economic Crime (Transparency and Enforcement) Bill, introduced in the House of Commons on 1 March 2022, relating to amendments for Unexplained Wealth Orders contained in the Proceeds of Crime Act 2002, and provisions relating to the Register of Overseas Interests, so far as these matters fall within the legislative competence of the Scottish Parliament or alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament, but, in so doing, believes that the provisions of part 1 of the Bill should apply to all land owned and registered in Scotland, regardless of when this was acquired.

8. Scottish Parliamentary Contributory Pension Fund: Jackson Carlaw, on behalf of the Scottish Parliamentary Corporate Body, moved S6M-03545—That the Parliament appoints Gordon MacDonald MSP as a Fund trustee of the Scottish Parliamentary Contributory Pension Fund, further to his nomination for such appointment by the Parliamentary corporation.

The motion was agreed to (DT).

9. Scottish Parliamentary Contributory Pension Fund: Jackson Carlaw, on behalf of the Scottish Parliamentary Corporate Body, moved S6M-03546—That the Parliament appoints Murdo Fraser MSP as a Fund trustee of the Scottish Parliamentary Contributory Pension Fund, further to his nomination for such appointment by the Parliamentary corporation.

The motion was agreed to (DT).

10. Scottish Parliamentary Contributory Pension Fund: Jackson Carlaw, on behalf of the Scottish Parliamentary Corporate Body, moved S6M-03547—That the Parliament appoints Mark Ballard as a Fund trustee of the Scottish Parliamentary Contributory Pension Fund, further to his nomination for such appointment by the Parliamentary corporation.

The motion was agreed to (DT).

11. Appointment of the Chair of the Scottish Human Rights Commission: Joe FitzPatrick, on behalf of the Selection Panel, moved S6M-03488—That the Parliament nominates Ian Duddy to Her Majesty The Queen for appointment as the Chair of the Scottish Human Rights Commission.

The motion was agreed to (DT).

12. Business Programme: The Minister for Parliamentary Business (George Adam), on behalf of the Parliamentary Bureau, moved S6M-03526—That the Parliament agrees—

(a) the following programme of business—

Tuesday 15 March 2022

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 Ministerial Statement: Developing a Catching Policy to Deliver Sustainable Fisheries Management in Scotland

followed by Equalities, Human Rights and Civil Justice Committee Debate: Ending Conversion Practices

followed by Scottish Government Debate: COVID-19 - Scotland's Strategic Framework Update

followed by Committee Announcements

followed by Business Motions

followed by Parliamentary Bureau Motions

6.30 pm Decision Time

followed by Members' Business

Wednesday 16 March 2022

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions: Justice and Veterans; Finance and Economy

followed by Scottish Government Debate: A Person-Centred, Trauma-Informed Public Health Approach to Substance Use in the Justice System

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 17 March 2022

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: Education and Skills

followed by Scottish Government Debate: Subsidy Control Bill (UK Legislation)

followed by Scottish Government Debate: Delivering on Active Travel Commitments

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 22 March 2022

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Stage 1 Debate: Good Food Nation (Scotland) Bill

followed by Committee Announcements

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 23 March 2022

2.00 pm Parliamentary Bureau Motions

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

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 24 March 2022

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 Scottish Government Business

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

(b) that, for the purposes of Portfolio Questions in the week beginning 14 March 2022, 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.

13. Approval of SSI: The Minister for Parliamentary Business (George Adam), on behalf of the Parliamentary Bureau, moved S6M-03527—That the Parliament agrees that the Digital Government (Scottish Bodies) Regulations 2022 [draft] be approved.

The motion was agreed to (DT).

14. Approval of SSI: The Minister for Parliamentary Business (George Adam), on behalf of the Parliamentary Bureau, moved S6M-03528—That the Parliament agrees that the Forensic Medical Services (Modification of Functions of Healthcare Improvement Scotland and Supplementary Provision) Regulations 2022 [draft] be approved.

The motion was agreed to (DT).

15. Approval of SSI: The Minister for Parliamentary Business (George Adam), on behalf of the Parliamentary Bureau, moved S6M-03529—That the Parliament agrees that the Forensic Medical Services (Self-Referral Evidence Retention Period) (Scotland) Regulations 2022 [draft] be approved.

The motion was agreed to (DT).

16. Designation of Lead Committee: The Minister for Parliamentary Business (George Adam), on behalf of the Parliamentary Bureau, moved S6M-03530—That the Parliament agrees that the Equalities, Human Rights and Civil Justice Committee be designated as the lead committee in consideration of the Gender Recognition Reform (Scotland) Bill at stage 1.

The motion was agreed to (DT).

17. Designation of Lead Committee: The Minister for Parliamentary Business (George Adam), on behalf of the Parliamentary Bureau, moved S6M-03531—That the Parliament agrees that the Rural Affairs, Islands and Natural Environment Committee be designated as the lead committee in consideration of the Hunting with Dogs (Scotland) Bill at stage 1.

The motion was agreed to (DT).

18. Decision Time: The Parliament took decisions on items 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16 and 17 as noted above.

19. Recognition of Dr Elsie Inglis: The Parliament debated S6M-03048 in the name of Jenni Minto—That the Parliament considers that Dr Elsie Inglis, who was born in 1864 and died in 1917, was a pioneering Scottish doctor and surgeon, who became the founder of women’s medical practices and hospitals located within the city of Edinburgh; recognises her work and achievements during the First World War, including becoming a suffragist and founder of the Scottish Women’s Hospitals for Foreign Service, sending qualified teams of female nurses to Belgium, France, Serbia and Russia; notes the fundraising campaign to honour her life and recognise her work in the city of Edinburgh by commemorating her with a statue, and commends everyone who is involved with the campaign and their fundraising efforts planned for March 2022, which include a Girlguiding sponsored “Sit Still” on the Meadows, and various afternoon teas being held at the City Chambers and the Royal College of Surgeons Edinburgh.

The meeting closed at 7.49 pm.

David McGill
Clerk of the Parliament
9 March 2022

Appendix

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

Committee Reports

The following reports were published on 9 March 2022—

Net Zero, Energy and Transport Committee, 5th Report, 2022 (Session 6):
Subordinate Legislation considered by the Committee on 8 March 2022 (SP
Paper 125)

Delegated Powers and Law Reform Committee, 16th Report, 2022 (Session
6): Subordinate Legislation considered by the Delegated Powers and Law
Reform Committee on 8 March 2022 (SP Paper 128)

Legislative Consent Memorandum

The following memorandum was lodged on 9 March 2022—

Shirley-Anne Somerville, Cabinet Secretary for Education and Skills:
Legislative Consent Memorandum on the British Sign Language Bill (UK
Parliament legislation) (LCM-S6-17)

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