

Conveners Group

Meeting with the First Minister

Wednesday 26 March 2025

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CONVENERS GROUP

1st Meeting 2025, Session 6

CONVENER

*Liam McArthur (The Deputy Presiding Officer)

COMMITTEE MEMBERS

*Karen Adam (Convener, Equalities, Human Rights and Civil Justice Committee)
*Clare Adamson (Convener, Constitution, Europe, External Affairs and Culture Committee)
*Ariane Burgess (Convener, Local Government, Housing and Planning Committee)
*Jackson Carlaw (Convener, Citizen Participation and Public Petitions Committee)
*Finlay Carson (Convener, Rural Affairs and Islands Committee)
*Kenneth Gibson (Convener, Finance and Public Administration Committee)
*Clare Haughey (Convener, Health, Social Care and Sport Committee)
*Richard Leonard (Convener, Public Audit Committee)
*Stuart McMillan (Convener, Delegated Powers and Law Reform Committee)
*Edward Mountain (Convener, Net Zero, Energy and Transport Committee)
*Audrey Nicoll (Convener, Criminal Justice Committee)
*Douglas Ross (Convener, Education, Children and Young People Committee)
*Colin Smyth (Convener, Economy and Fair Work Committee)
*Collette Stevenson (Convener, Social Justice and Social Security Committee)
*Martin Whitfield (Convener, Standards, Procedures and Public Appointments Committee)

*attended

THE FOLLOWING ALSO PARTICIPATED:

John Swinney (The First Minister)

CLERK TO THE COMMITTEE

Sigrid Robinson

LOCATION

Committee Room 2

Scottish Parliament

Conveners Group

Wednesday 26 March 2025

[The Deputy Presiding Officer opened the meeting at 12:00]

Meeting with the First Minister

The Deputy Presiding Officer (Liam McArthur): Good afternoon, and welcome to this meeting of the Conveners Group. I have received no apologies. However, a couple of committee meetings are running late, so Audrey Nicoll will join us later and we will probably take her questions towards the end of the meeting.

The meeting is being held in public. Microphones will be operated remotely, so members need do nothing.

We have one agenda item today, which is a meeting with the First Minister. I warmly welcome him to the meeting, which will last around 90 minutes. Some conveners have indicated that they wish to ask a number of questions on different issues. I will do my best to get everybody in, in an appropriate order, but I appeal for brevity in questions and responses, as far as possible.

Parliamentary Procedures

12:01

The Deputy Presiding Officer: Without further ado, we will start with parliamentary procedures. I invite Martin Whitfield, on behalf of the Standards, Procedures and Public Appointments Committee, to begin.

Parliamentary Scrutiny (Committee Effectiveness)

Martin Whitfield (Convener, Standards, Procedures and Public Appointments Committee): Good afternoon, First Minister. I want to look at parliamentary scrutiny. The Standards, Procedures and Public Appointments Committee is undertaking an inquiry into committee effectiveness. One of the pieces of evidence that the committee heard was that culture trumps structure when it comes to enabling effective scrutiny. You are in the privileged position of having been in the Government and on the back benches and, now, of being First Minister. Will you give us your reflections on the idea that, for effective scrutiny, culture trumps structure?

The First Minister (John Swinney): That is a fascinating question and, perhaps, a rather philosophical one to start our meeting with. Nonetheless, it is very important.

From the different perspectives of my involvement in the Parliament, I have some reflections that are relevant to Mr Whitfield's point. I will cite the particular example that I have experienced of the legislative process of the Victims, Witnesses, and Justice Reform (Scotland) Bill, which the Criminal Justice Committee has been scrutinising. I supported and endorsed the bill when I was in the Government, when I was the Deputy First Minister. It went through the normal Cabinet process and it was introduced to Parliament as a bill. I then left the Government and I sat on the Criminal Justice Committee for the entirety of its evidence taking on the bill.

I have to say that I found the evidence-taking process to be pretty challenging because of what it challenged about the view that I had held previously, when I had voted in the Parliament in good faith for the principles of the bill. I then found myself, as First Minister, presiding over the developing stages of the bill. As Mr Whitfield will know, substantial changes have been made to the contents of the bill, as a consequence of the evidence that the committee took. I was obviously part of that process, but, as Mr Whitfield will appreciate, there are members from all—or most—parties, on the Criminal Justice Committee.

The evidence led the committee to make recommendations and come to conclusions that challenged the original contents of the bill. In my view, the Government has responded substantively to those points during the proceedings.

Looking at that particular example to address Mr Whitfield's question about culture and structure, I will say that I think that the culture is one of being prepared to be open and to accept that you might hear evidence over the course of the process that leads you to change your mind. Therefore, openness about evidence taking and transparency in the discussion are important. However, structural questions are also important, in the sense that we would not have heard the issues, concerns and perspectives had the Criminal Justice Committee not used its structures of evidence taking to generate the evidence that it did, which resulted in a change in Government policy.

My answer to Mr Whitfield's core question is, I suppose, that it is a bit of both; scrutiny is about both culture and structure. However, crucially, there has to be a willingness to engage in the consideration of evidence, which is one of the strengths of the parliamentary committee system.

The Deputy Presiding Officer: Having put you at your ease with a philosophical question, I will now discombobulate you by acknowledging the presence of pupils from Breadalbane academy in Aberfeldy. You are being closely watched, First Minister.

The First Minister: I am going to take my life in my hands with what I am about to do. However, if I may, I note that, in the wonderful town of Aberfeldy in my constituency, it would commonly be known as Breadalbane, with the stress on the second syllable instead of on the first syllable. *[Laughter.]*

I have probably absolutely shot myself in the foot. However, I say to the young people of Breadalbane academy, who, as it happens, grilled me a couple of weeks ago in advance of their trip here, that they can now see whether I am any more accomplished in the parliamentary committee room than I was in the assembly hall of their school.

The Deputy Presiding Officer: I stand corrected.

I move to Finlay Carson, on behalf of the Rural Affairs and Islands Committee. I think that you have a question about procedures, before some questions on core committee business.

Finlay Carson (Convener, Rural Affairs and Islands Committee): Yes. Thank you for allowing

me to come in with a supplementary question on committee effectiveness.

This morning, the Rural Affairs and Islands Committee was forced to drop consideration of the good food nation plan, which we had anticipated scrutinising since the passing of the framework Good Food Nation (Scotland) Act 2022 near the start of the session. However, because the plan has been laid at a time when we are considering two Government bills, a significant package of common agricultural policy replacement Scottish statutory instruments, the budget process and the climate change plan, it is impossible for us to do so. That is not to mention the two members' bills that we have. We have already taken the decision to drop consideration of the draft islands plan.

First Minister, what can you and the Scottish Government do to avoid the work overload that comes almost inevitably at the end of each session, to ensure that there can be effective committee and parliamentary scrutiny of legislation?

The First Minister: There should certainly be effective committee scrutiny of all legislation and parliamentary instruments at all times. That is essential to enable us to make good law and to specify the conclusions of that process.

I accept that there will be congestion in different parts of the parliamentary system. There will be areas of policy that attract greater scrutiny and a greater requirement for legislative change than others. That is inevitable. The Parliament is obviously free to consider whether it needs to put in place supplementary arrangements for the scrutiny of some of that material. If my memory serves me right, I recall that, at different stages in the past, the Parliament decided to create two justice committees in order to consider all the activity that was going on in that regard.

The Government will, of course, respond to any arrangements that the Parliament decides to put in place to enable scrutiny to take place. The Government should not be the determinant of that; we should serve whatever decisions the Parliament makes.

There will be some policy areas in which there is an intensity of activity, which might lead to the congestion that Mr Carson raises. However, I give the Conveners Group the assurance that the Government will always respond to any demand from the Parliament to enable scrutiny to take place.

Finlay Carson: I guess that it is about the Government recognising the capacity of the Parliament to deal with the legislation. As I said, at the moment, and in September and October later this year, there are simply not enough hours in the week, whether we sit more times or not. My

request is that the Government recognises the limitations of the Parliament, particularly given the increase in the number of framework bills, which necessitate more scrutiny of the SSIs and secondary legislation that come on the back of them.

The First Minister: I am certainly happy to consider those issues. As a consequence of this Conveners Group session, I will ask the Minister for Parliamentary Business to engage with the Parliamentary Bureau on those questions.

Rural Affairs

Access to Human Rights in the Highlands and Islands (SHRC Report)

12:09

Finlay Carson: I turn to another question.

The Rural Affairs and Islands Committee looked into the Scottish Human Rights Commission's report that highlights significant issues with housing, hunger and access to health services in the Highlands and Islands. I imagine that the same conclusions will be arrived at when the commission does a similar piece of work in the south of Scotland.

At the previous meeting of the Conveners Group, I highlighted the fact that rural areas barely merit a mention in the Scottish Government's national outcomes. How will the Scottish Government ensure a comprehensive approach to improving the quality of life and protecting human rights not just in the Highlands and Islands but across rural Scotland? What immediate actions can the Scottish Government take to address those urgent human rights concerns?

The First Minister: There are obviously different ways of considering some of those questions. I am familiar with the work that Mr Carson raises with me. The questions that the Scottish Human Rights Commission has raised are on meeting individuals' rights in that context in the Highlands and Islands, especially in Argyll and Bute, which was the focus of much of that research. That is applicable across the whole of Scotland. Whether the context is urban, rural, island or mainland, it is absolutely essential that people's rights are addressed and fulfilled and that the Government acts in a fashion to do so. That is reflected in our framework of national outcomes so that the Parliament can hold the Government to account on its performance in meeting those outcomes.

I understand the point that Mr Carson has put to me that there is perhaps a need to look at that from a rural perspective. I tend to take a different view because I believe that the rights that individuals should have access to apply in all geographies of the country. I would not want that answer to be interpreted as diminishing in any way the importance of ensuring that the rights of people who live in rural areas are addressed.

Some of the specific circumstances that are mentioned in the Scottish Human Rights Commission's report about Argyll and Bute, such as access to housing, for example, are particular challenges that Government policy has to reflect and address. In the dialogue that we will have with

the Scottish Human Rights Commission, we will address those policy priorities specifically.

When it comes to assessing the achievement of outcomes, it is more appropriate for us to ensure that that is tested and assessed across the whole country.

Finlay Carson: I understand that, but we have examples of women in my constituency having to travel 70 miles to give birth. The report specifically highlights significant issues in rural areas. Would you consider integrating the recommendations in the report and subsequent reports on rural areas into the national outcomes framework?

The First Minister: We are perhaps operating at two levels here. The Scottish Human Rights Commission's report raises real and legitimate issues about the experience of individuals in rural areas, and the Government has an obligation to address those in policy terms. There is then the holding of the Government to account for the achievement of the national outcomes, which is part of the analysis in the national performance framework. Again, I am happy for the Government to be held to account in that respect.

If there are different ways in which we can report to the Parliament on progress on certain questions, I am happy to do so. I have looked at the specific example of the maternity care arrangements in Mr Carson's constituency, and Mr Carson has raised it with me at First Minister's question time. The judgments that the Government has arrived at on the issue are based on the clinical advice that has been made available to us. We should engage on the detail of those stances. The Parliament is free to challenge the Government on its conclusions, as Mr Carson has done on previous occasions.

Common Agricultural Policy Replacement

Finlay Carson: This is my final question, Deputy Presiding Officer. The co-design process for the replacement of the common agricultural policy agriculture support has faced considerable criticism from various stakeholders. Despite the intention to create a collaborative and inclusive approach, there are concerns about its effectiveness. Stakeholders have expressed frustration about the lack of clear communication and tangible outcomes. For example, a former NFU Scotland president described the agriculture reform implementation oversight board—ARIOB—which was established to implement policy reform, as

“a fig leaf for not doing anything. It is a way of pretending to engage with the industry”—[*Official Report, Rural Affairs and Islands Committee*, 12 March 2025; c 18.]

without making any real progress.

Given those concerns, will you explain why the co-design process is not working effectively for new agricultural policies? What steps will your Government take to address those issues to ensure that there is meaningful engagement and, more importantly, progress?

12:15

The First Minister: I part company with Mr Carson on his conclusions about the co-design process. I think that the co-design process is a valuable part of working with the agricultural sector on managing a transition from the common agricultural policy to the new agricultural support arrangements. The Government often gets criticised for deciding for itself and not engaging with others. On this occasion, we have engaged with others and we have been criticised for doing exactly that.

I accept that there will be different views about what the outcome of the agricultural review process should be. There will be stakeholders who think that the Government has been far too sympathetic to the farming industry—I accept that that will be one criticism that will be put to the Government. However, there will be others in the farming community who will say that the Government has done the right thing by working collaboratively with the farming sector through the agriculture reform implementation oversight board.

Such structures are appropriate for the type of transition that we have to make to a new regime of agricultural support. There might be voices who think that we should do other things—that is, of course, democracy—

Finlay Carson: It is not necessarily about the outcome—

The Deputy Presiding Officer: Mr Carson, I am afraid that we will have to make progress.

Upland Falconry (PE1859)

Jackson Carlaw (Convener, Citizen Participation and Public Petitions Committee): My questions relate to petitions where we are either at an impasse or are concerned that we are running out of time in this parliamentary session to advance the the aims.

I ask my first question on behalf of my very good friend Stanley. Stanley is a golden eagle, and poor Stanley has been unable to fly for the past three years in fear of arrest in case he perhaps lifts a hare on the wrong side of an invisible line that has been drawn by the Parliament relating to his flight and the going about of his normal business.

The petition is PE1859, on retaining falconers' rights to practise upland falconry in Scotland. The petitioner, Barry Blyther, brought the issue to the

committee following the passage of the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020. An amendment was passed at stage 3 to reclassify mountain hares as protected wild animals that may not be “intentionally or recklessly” killed, injured or taken.

The original intention, as argued in the Parliament, related to men with guns. Because no evidence was taken, the consequence for birds of prey was not properly established. Barry and other falconers have felt the impact of the amendment. He argues that an exemption should be made for falconry on the basis that it is a historical practice and that birds of prey take a minuscule number of mountain hares. However, due to the late lodging of the amendment, he and other falconers did not have an opportunity to have their voices heard.

There are two issues. First, does the First Minister recognise the impact that substantive stage 3 amendments can have on scrutiny and the unforeseen consequences that may arise as a result? Secondly, is there a route for an appropriate exemption for falconry? In other words, will you free Stanley?

The First Minister: I might be on safer ground if I address the procedural question of substantive stage 3 amendments.

Jackson Carlaw: You will be on safer ground, perhaps, but that will not help Stanley.

The First Minister: Perhaps not, but Mr Carlaw will understand my desire to stay on safe ground this afternoon.

The procedural question that underpins this, which is about major topics coming in at stage 3 when evidence has not been taken, is significant. The Government sometimes does that, although I would not be very supportive of doing so. Parliamentary processes are set up for good reason. Those processes are that we should take evidence in good time at stage 1 and reflect on the issues and work our way through the detail at stages 2 and 3. Major questions coming in at stage 3 without appropriate evidence is undesirable.

To refute what I have said, members might quote examples of the Government having done that but, in general, I would not be keen on that approach. Subject to the decisions that are made by the Presiding Officer about the selection of amendments, members of the Parliament are free to decide whether such procedures are taken forward at stage 3. Generally, I do not think that it is a good idea to do that without evidence.

On the substantive issue, which is the position of falconry, NatureScot can grant exemptions, which the Government has indicated to the committee. The issue that Mr Carlaw has put to

me can be addressed under existing arrangements through the pursuit of a licence. Of course, that is not to say that the licence would be granted, which the individual who has raised the issue with the committee may be concerned about.

Primary legislation would have to be changed. There may well be other legislative vehicles that could be used, but we would have to watch that we do not get into the same trap of making a substantive stage 3 amendment to a bill when we have not taken evidence on the issue. We might also get into trouble with Mr Carson, because of the number of legislative issues that we are bringing to the Parliament.

Jackson Carlaw: You will just have to choose between Mr Carson and me as to who you would be getting into the most trouble with, First Minister.

I know that the Government is working on guidelines that might assist the proposal, but those guidelines have not emerged. Is it possible for you to give that a bit of a push so that the guidelines can come forward?

The First Minister: Certainly.

Jackson Carlaw: Would you agree to meet Stanley, were he to revisit the Parliament?

The First Minister: That feels as though it would be a high-risk encounter for me. I will take the safer option and agree to look into the question that Mr Carlaw puts to me. I should probably write to the Deputy Presiding Officer and copy that correspondence to Mr Carlaw.

Net Zero, Energy and Transport

12:22

The Deputy Presiding Officer: We will leave Stanley in limbo for now and move on to net zero, energy and transport. I invite Ariane Burgess, on behalf of the Local Government, Housing and Planning Committee, to kick off.

Proposed Heat in Buildings Bill

Ariane Burgess (Convener, Local Government, Housing and Planning Committee): My question is about the proposed heat in buildings bill. The Local Government, Housing and Planning Committee has been anticipating the introduction of the bill, and proposals were consulted on from November 2023 until March 2024. The Climate Change Committee described it as a potential template for the rest of the United Kingdom and said that the

“Scottish Government should provide a timeline and avoid delays on the Heat in Buildings Bill and move towards its delivery.”

Although we are aware that there will be a ministerial statement on the issue next week, we have heard that the bill will not be introduced in the form that was outlined in the consultation. It has been a year since the consultation closed. Why has the analysis of the consultation responses taken so long? How does that align with the Climate Change Committee’s advice to avoid delays?

The First Minister: The Government has to bring forward proposals that we believe will satisfy our policy objectives. As I have explained to the Parliament in my answers to First Minister’s questions, concerns were expressed in the consultation responses about the impact of this area of policy, as well as the significant increase in energy prices that we have experienced and its implications for the measures that will be required to deliver the transition for heat in buildings.

As the Acting Cabinet Secretary for Net Zero and Energy and I have been anxious to set out, we want to lodge a bill that will deliver tangible benefits for individuals and allow the Government to take the effective action on climate that we need to take, without having a negative impact on poverty, especially fuel poverty. That is the careful balance that we are wrestling with, and which will be the subject of the cabinet secretary’s statement to the Parliament next week.

Ariane Burgess: The committee has heard that the delay has been detrimental to public and private sector landlords’ ability to plan for the new requirements, which will impact delivery. There is confusion about what will be required and by what

deadline. What discussions have you had with housing sector stakeholders to provide them with assurances?

The First Minister: A range of discussions have taken place on all issues in connection with fuel poverty and housing issues. We are taking forward substantial legislation on housing reform, in addition to the heat in buildings legislation. A variety of dialogue has taken place in that respect, and we will draw on that as we formulate the proposals that we bring forward to Parliament.

Ariane Burgess: You have mentioned fuel poverty a number of times as the reason for delaying the legislation. There is a strong focus on air-source heat pumps as the technology that we need to move to. Our committee has been taking evidence recently on how we can heat buildings properly and tackle damp and mould, and solar thermal energy has come to light as a way forward in tackling fuel poverty and giving people an option to heat their homes more affordably than is the case with air-source heat pumps. Will you consider looking at that as you look into the bill?

The First Minister: As part of the action on climate, we must be open to the various developments that will take place that will assist us in that journey. I understand the importance of the points that Ariane Burgess puts to me. In a sense, they illustrate the fact that we are in a space where there is development of options and opportunities as part of the journey that we are on. Some of the strengths of individual technologies will change over time, and new developments will apply. We have to be open to those developments, which means that the legislative arrangements that we put in place must be able to withstand any change or development in the system, and we have to give that careful consideration.

Climate Change Plan (Timescales)

Edward Mountain (Convener, Net Zero, Energy and Transport Committee): Good afternoon, First Minister. Do you share my concern that our committee is being asked to look at a climate change plan with very little time to do so? If I can remind you, the carbon budgets will be delivered to us on 21 May. We will then have a short period before recess to consider them, when we are also doing stage 2 of the Land Reform (Scotland) Bill. A climate change plan will then be laid, probably in draft form, in September. That will affect the majority of committees whose conveners are around this table, as they will be expected to feed into it.

That will mean, because of the 120-day deadline imposed by the Climate Change (Scotland) Act 2009, as amended, that we will

have to report back to the Government by the end of January. The Government will then barely have a month to respond to the committee and hold a debate in Parliament, just as Parliament is considering going into an election in 2026.

That is exactly where we were in 2021, which resulted in a climate change plan that was unachievable and had to be scrapped. Do you share my real concerns that the Parliament is being rushed and is not being given the time that it needs to go through the climate change plan, which will be a major change from previous ones that we have looked at?

The First Minister: It does not strike me that the Parliament is being rushed. I accept that the Parliament is being asked to consider issues quite close up to the dissolution before the election. I cannot remember all the dynamics of the run-up to 2021 but, in a sense, on this question, there is a necessity for Parliament to undertake its consideration and scrutiny of the issues to the highest possible standard of good intention across Parliament.

I have seen legislation on climate passed by Parliament where the Government marshalled the evidence to Parliament, which said that climate change targets that were being proposed to be voted on in Parliament were unachievable, but Parliament considered that it was better to not follow the Government and the Climate Change Committee's advice on that question and proceeded to legislate for those targets, which Parliament then had to unpick when they were not achieved.

In my humble opinion, I do not think that that is particularly good practice in Parliament. We all know that we have to act on climate, and one of the strengths of Parliament has been a general cross-party view that climate action is required. On such questions, we should do that in a dispassionate and considered fashion and not succumb to any of the temptation to come to decisions that might be affected by impending elections or otherwise.

12:30

Edward Mountain: I think that you understand fully what I said, First Minister. You have just said that we could be considering a climate change plan with the temptation to make it appeal to the electorate rather than make it achievable. That plan will bind the hands of Governments for at least the next two sessions.

The First Minister: There is no absolute requirement on Parliament to behave in that fashion. In the run-up to the 2021 election, Parliament considered, in a completely rational and dispassionate fashion, some of the complex

issues on the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill, which I brought to Parliament. In that situation, members of the Parliament could have been tempted to act in such a way as to appeal to the electorate in a forthcoming election, but they chose not to and we ended up with robust legislation. The decision on such issues is in the hands of members.

Edward Mountain: It would be incumbent on your Government and you to do as much as you can to ensure that the Parliament has responses from the Government in relation to carbon budgets as quickly as possible so that the Parliament has as much time to respond as possible.

The First Minister: I accept that obligation.

Car Use

Edward Mountain: The Government's policy is to reduce the amount of car miles by 20 per cent, but figures that are just out suggest that car miles are, in fact, rising. How will the Government respond to that increase in car use, especially in rural areas where public transport is being cut?

The First Minister: We have to invest in alternatives that will enable people to avoid car use. We make a variety of interventions. Substantial amounts of public expenditure are utilised to support the provision of bus services. The concessionary travel scheme raises significant opportunities for travel. There is wider public subsidy for public transport in urban and rural Scotland. Then, of course, there are the various measures that we take to invest in the sustainable travel opportunities that are increasing around the country.

The Government will take forward a range of measures to try to encourage that shift from cars to more sustainable modes of travel, but I recognise that to be one of the most challenging aspects of our climate change agenda.

Intergovernmental Relations, Europe and External Affairs

12:33

The Deputy Presiding Officer: We move on to questions on intergovernmental relations, Europe and external affairs. I invite Stuart McMillan, on behalf of the Delegated Powers and Law Reform Committee, to begin.

Legislative Consent Memoranda (Delegated Powers)

Stuart McMillan (Convener, Delegated Powers and Law Reform Committee): In considering delegated powers in legislative consent memoranda, the Delegated Powers and Law Reform Committee is interested in how the Parliament scrutinises the choices of the Scottish ministers to consent to UK ministers making secondary legislation in areas of devolved competence. Although statutory instrument protocol 2 covers those powers in former European Union areas, no formal mechanism is in place for other areas of devolved competence in which UK ministers can make secondary legislation.

The committee has now considered a number of such powers in LCMs. We are aware that the Scottish Government has said that it will, with the UK Government, consider the possibility of extending SIP 2 beyond Brexit-related powers, or alternative flexible and proportionate arrangements to govern notification to the Parliament of consent decisions, which would allow for scrutiny to take place. Are you aware of any progress on discussions between the Scottish and UK Governments in that area? Will you update the Conveners Group on that?

The First Minister: The Government shares the concerns that the committee and Parliament have expressed on that matter. It arises out of the changes to legislative arrangements that arise out of the Brexit process and the arrangements that the previous United Kingdom Government put in place in the United Kingdom Internal Market Act 2020, as well as various other issues that relate to the scrutiny of legislation arising out of Brexit.

The gap to which Mr McMillan refers gets to the heart of the Parliament's decision-making competence. As Mr McMillan knows, my view and the Government's view is that the Parliament's competence has been eroded by the United Kingdom Internal Market Act 2020 and the subsequent legislative arrangements that were put in place as a consequence of Brexit. The issue that Mr McMillan has raised is essentially a

second-tier question on that point, which relates to statutory instruments.

Such issues will be considered as part of the review of the internal market act that the United Kingdom Government has commissioned. The Scottish Government has made clear our frustration at the way in which the UK Government proposes to go about the review. For example, this Parliament's position is that the internal market act should be revoked, but that is not one of the options that is being considered by the United Kingdom Government in the consultation exercise; indeed, it has been expressly ruled out.

I see no need for there to be an internal market act. I can see plenty of rational arguments for common frameworks, and the Scottish Government has indicated to the UK Government our willingness to take part in substantive discussions about the contents of those common frameworks.

The questions that Mr McMillan raises with me will all be tied up in the review of the internal market act. The Scottish Government is actively engaged with the UK Government on that review, but the review has not yet reached any conclusions.

Quality of SSIs

Stuart McMillan: The second area to raise is on the quality of SSIs that have been withdrawn and relaid. The number of SSIs that the Scottish Government has recently withdrawn as a result of the Delegated Powers and Law Reform Committee raising concerns about their technical and legal accuracy has notably increased.

There are four examples of that happening between December and February, which compares to just one instance in the same period last year. We will raise the issue with the Minister for Parliamentary Business when he comes in front of the DPLR committee next Tuesday.

What more can the Scottish Government do to ensure that SSIs are drafted to a high standard in the first place?

The First Minister: They should be drafted to a high standard. The idea of submitting an SSI and then having to withdraw or address it because of an error is a source of profound embarrassment. As First Minister, I certainly would not want to be presented with advice that said, "We have put in an SSI and we are having to withdraw it because we have got it wrong." I assure the group of conveners that that is an undesirable piece of news to be put in my inbox.

The Government strives for all material to be accurate when it is submitted to Parliament, but it is in no way acceptable for there to have been four

instances over a three-month period when it happened in only one instance in a comparable period. I hope that the latest period is an exception.

I will take away Mr McMillan's point and discuss it with the Minister for Parliamentary Business in order to ensure that the material that we submit to the Parliament is of the highest degree of accuracy, thereby avoiding the DPLR committee or any other committee being put to the inconvenience of having to revisit issues because the Government has got it wrong.

The Deputy Presiding Officer: I am conscious of the number of colleagues with questions that need to be covered before we get to half past 1, so I am keen for the pace to be picked up just a little bit.

United Kingdom Internal Market Act 2020

Clare Adamson (Convener, Constitution, Europe, External Affairs and Culture Committee): I will be brief, Deputy Presiding Officer.

First Minister, as our committee is about to publish its report on the UKIMA review, which has a 3 April deadline, can you say whether the Government has any other priorities for that review that you have not already mentioned in your responses to Mr McMillan?

The First Minister: My objective in that review is to see the restoration of the powers of the Scottish Parliament. That has to be served by the revocation of the internal market act, which was a malicious piece of legislation that undermined the Scottish Parliament and, for that matter, the Welsh Senedd. That view is shared by the First Minister of Wales. That is my objective. The Government is engaging in the process to achieve that.

I appreciate that I am not objective in all of this, but I think that the conduct of the Scottish Government in handling these issues on an intergovernmental basis demonstrates that we do not need an internal market act; we need good processes of intergovernmental working. We have committed ourselves to working towards those, and, on many occasions since the election in July last year, there has been an enhancement of the engagement of the United Kingdom Government on those questions. I would have thought that that should build the confidence of the United Kingdom Government that the internal market act is not in fact required and that common frameworks, agreed mutually between Governments, are the most effective way forward.

Ukrainian Resettlement Professional Qualifications)

Clare Adamson: I move to the Ukrainian resettlement programme that we have and the Government's support for it.

When the consul of Ukraine, Andrii Madzianovskiy, spoke to the Constitution, Europe, External Affairs and Culture Committee last month, he was positive about the support for the structural aspects of the Ukrainian people's problems. He stated that Scottish institutions provided people

"with access to learning English, social security payments and the ability to work in a job so that they can feed and sustain a family."—[*Official Report, Constitution, Europe, External Affairs and Culture Committee*, 27 February 2025; c 4.]

I thank the Scottish Government and our local authority partners for that response. However, there still exists an issue with something that the committee raised at the start of the programme: mutual recognition for the professional qualifications of Ukrainians who are here—that is, for teachers, medical professionals and architects, for example.

Has the Scottish Government made further approaches to the UK Government about how we can address that, so that the people who are here have the ability to work in their professions and to fill the skills gap in Scotland?

The First Minister: The work that we have done to make headway on that question has been a combination of dialogue with the UK Government and dialogue with the professional bodies in Scotland.

In almost all of those circumstances, there will be professional body regulation that is outwith the control of the Government. We can encourage and engage but, ultimately, it is for professional bodies to come to those judgments while protecting the integrity of the bodies and of the work that they undertake.

I give Clare Adamson the assurance that we work constructively on that matter to ensure that the talent that is available in the country can be used.

European Union (Youth and Artist Mobility Schemes)

Clare Adamson: Finally, I reflect on the recent visit to the UK-EU Parliamentary Partnership Assembly in Brussels that I and the deputy convener of the Constitution, Europe, External Affairs and Culture Committee went on. The outcome document from that meeting included a need for both the United Kingdom and the European Union to facilitate, to the maximum

extent possible, travel for touring artists and to establish a youth opportunity scheme—that is the EU parlance; I realise that it will send a shiver around those of us in the room who are of a certain age, but that is what they call the youth exchange—and for that scheme to include apprenticeships as well.

What efforts has the Scottish Government made, both with the EU and with the UK Government, to support the delivery of those objectives?

The First Minister: Those issues are tied up in the resetting of the relationship between the UK and the EU. We have offered a number of what I consider to be constructive suggestions to the UK Government about how that matter can be advanced.

From my dialogue with the European Union's ambassador to the United Kingdom and with the community of EU member states' ambassadors, with whom I have had separate discussions on recent visits to London, I know that there is a willingness to consider some of the youth mobility schemes. Those schemes are subject to some of the strategic dialogue between the UK and the European Union on the resetting of those relationships. However, I assure Clare Adamson that the Scottish Government is taking an encouraging and positive approach to ensuring that some of those opportunities are available to us.

Economy and Skills

12:45

The Deputy Presiding Officer: We move on to economy and skills, and I call Colin Smyth on behalf of the Economy and Fair Work Committee.

UK Defence Spending

Colin Smyth (Convener, Economy and Fair Work Committee): As we speak, the United Kingdom Chancellor of the Exchequer is delivering the spring statement. It is no secret that that is likely to include a multibillion-pound uplift in defence spending from April. Scotland is a hub when it comes to the defence sector, with more spent by the UK Government per head of population on defence contracts in Scotland than anywhere else in the UK. What action is the Scottish Government planning to take to ensure that Scottish businesses can take full advantage of those defence investment opportunities that will exist after the spring statement?

The First Minister: We mandate that the enterprise agencies work to enable the business community in Scotland to realise economic and investment opportunities, so that support is available to the relevant companies.

On the question of armaments, our policy position is that we do not support financially the production of weapons and munitions. Scottish Enterprise, Highlands and Islands Enterprise and South of Scotland Enterprise will apply the necessary scrutiny of any applications for support against those policy intentions.

Modern Apprenticeships

Colin Smyth: One of the challenges that the sector faces, like many sectors, is the issue of the big skills gap, which is an issue that the Economy and Fair Work Committee is currently considering. Five years ago, the number of modern apprenticeships in Scotland was almost 28,000. Demand is increasing, but last year the number of modern apprenticeships was just 25,000, which is fewer than it was a few years ago. There are more graduate apprenticeships in Manchester than there are in the whole of Scotland. Given that skills gap, why do we seem to undervalue investment in apprenticeships when we have a significant success rate when it comes to the outcomes for those primarily young people?

The First Minister: If we look back over a longer period of time, we will find that we are utilising more modern apprenticeships now than we have done historically. I appreciate the recent numbers that Mr Smyth has put to me, but, when the Government came to office, the number of

modern apprenticeships was probably of the order of 15,000 a year, so the number is significantly higher now than it has been historically.

I value the apprenticeship programme enormously. The developments that we have brought forward in encouraging the development of the foundation and graduate apprenticeship routes have been a real strength for the Scottish economy. We have to work constructively with the business community to enable it to realise all those potential opportunities.

Colin Smyth: As you say, though, First Minister, the numbers are obviously smaller than they were just a few years ago.

Ferguson Marine (Defence Spend)

Colin Smyth: On defence spend opportunities, what role will the Ferguson Marine shipyard that the Government owns play in that regard? You are not awarding contracts for ferries to the shipyard, but will it be able to benefit from the investment in defence from the United Kingdom Government? Is that part of the plan?

The First Minister: That might well be part of the opportunities that emerge for Ferguson's, and the Government is supporting the development of Ferguson's business plan to ensure that the yard has a sustainable future.

Colin Smyth: Is it correct that, at the moment, you are not in possession of a business plan for Ferguson's that includes any substantial work beyond the completion of the Glen Rosa?

The First Minister: Ferguson's is pursuing a number of business prospects, and we remain very optimistic that the yard has a secure future, which is why the Government has invested more than £14 million in enhancing the capacity and capability of the yard.

Prestwick Airport

Colin Smyth: As well as Ferguson's, another major business that the Government owns with an aim to return it to the private sector is Prestwick airport. It was bought more than a decade ago and it is making a profit, but the amount that is owed to the taxpayer for loans is rising every year. Are you aware of any active bids for Prestwick airport that will return it to the private sector, which is the Government's ambition?

The First Minister: I am, and that is currently under active consideration.

Colin Smyth: Are we likely to see an outcome from those considerations in the near future?

The First Minister: I cannot quite recall exactly the stage that the discussions and processes are at, but I can share any further information with the

conveners group, and I will write to the Deputy Presiding Officer and to Mr Smyth on that. Those issues are very active at the moment.

Colin Smyth: Are you optimistic that we will see Prestwick airport return to the private sector soon?

The First Minister: That is the Government's policy intention.

The Deputy Presiding Officer: I appreciate the brevity of the questions and, indeed, the responses, but we will need to move on to Richard Leonard on behalf of the Public Audit Committee.

Transparency (Redactions Policy)

Richard Leonard (Convener, Public Audit Committee): Good afternoon, First Minister. On 7 February, the Scottish Government shared with the Public Audit Committee, under the heading "Strategic Commercial Assets: Transparency Review", documents relating to public expenditure on the Ferguson Marine yard. However, some of the documents that were prepared by the Dutch-owned consultancy, First Marine International, paid for by public money, were so heavily redacted that they were useless and meaningless.

We accept, of course, that there are commercial sensitivities that need to be protected, because we all want to see the yard succeed. However, should it be up to a private, overseas-owned consultancy business to determine what are national sensitivities?

The First Minister: I would have to check where the redactions were made to the report, because I would be surprised if the Government had not considered the issues of commercial sensitivity in the submission of those documents to the committee. Mr Leonard may be able to answer the question in my mind about that.

Richard Leonard: The director-general economy passed the documents to us with a covering letter from First Marine International, in which it said that, on the grounds that it had set, the documents were to be redacted. However, they were redacted to such an extent that, for example, even the terms of reference for the study were in part redacted.

Would you be prepared to ask the new permanent secretary, or the director-general economy, to revisit the redactions policy on those documents?

The First Minister: The premise of Mr Leonard's question is the acceptance that there will be issues of commercial sensitivity. That point is not in dispute.

There is a legitimate question about whether that has been applied too widely. I will take that issue away and give it some further consideration.

Committees need to be given as much information as it is possible to disclose, although there will be commercial sensitivities.

If my memory serves me right, when information on contingent liabilities is presented to the Finance and Public Administration Committee, it is considered in private and those documents are never published—the committee's convener will correct me if I am wrong. There are, therefore, ways in which information can be shared more fully with parliamentary committees. Those issues in relation to contingent liability will be of commercial sensitivity.

Government Interventions (Private Companies)

Richard Leonard: On a brighter note, the same bundle of documents that contained that FMI report also contained a report from 2023 by a different firm of consultants, looking into what happened at Burntisland Fabrications, which included very few redactions and a very interesting summary of recommendations that it thought that the Government should follow. Those included: identifying key sectors in the Scottish economy; introducing a standardised triage process for intervention requests; the establishment of an independent panel to provide challenge and review of industrial interventions; and the establishment of what it described as a shareholder function.

Do you plan to implement any of the recommendations from that report?

The First Minister: Those recommendations are at the heart of the decision making about what should be the basis of the Government's intervention in any moments of industrial distress. We will face those issues from time to time, as we have done in relation to a number of issues, including Ferguson Marine, BiFab, Prestwick airport, and the Dalzell steel plant in Lochaber.

I think that the Government has responded responsibly in the public interest. There is, without a doubt, an argument for there to be a more systemic approach to that, rather than a response that is based on individual case studies. That might provide more reassurance in the economy.

There will be questions about the scale of what the Government is able to do at particular times, as well as various other legitimate legal questions that we will have to consider significantly in relation to the justification for any intervention that is made by the state, and having a deeper understanding of the process of that engagement would help in that decision making.

Health

12:54

The Deputy Presiding Officer: We now move to health, and I call Clare Haughey on behalf of the Health, Social Care and Sport Committee.

National Insurance Contributions (Social Care Providers)

Clare Haughey (Convener, Health, Social Care and Sport Committee): I put on record my entry in the register of members' interests, which states that I hold a bank nurse contract with NHS Glasgow and Clyde.

We know that third sector organisations play a vital role in delivering social care across Scotland, which is a lifeline for many individuals and families. The effects of the Westminster Government's plan to increase employer national insurance contributions will be absolutely devastating for some of those caring organisations and will potentially discourage employers from recruiting extra staff. What assessment has the Scottish Government made of the implications of that tax on jobs for social care providers?

The First Minister: Our estimate of the cost of the employer national insurance contribution increases on the social care sector is about £84 million. That will be a significant cost and the amelioration of it will depend on the level of contract payment that is made principally through health and social care partnerships at the local level. That is the subject of active dialogue with representative organisations.

The collaborative response and assurance group, which is led by the Cabinet Secretary for Health and Social Care and by Councillor Paul Kelly, who is the Convention of Scottish Local Authorities spokesperson for health and social care, is considering that as well. It is looking at the possible implications of the increased costs, which could make it more difficult to deliver social care. We are hugely dependent on an efficient and effective social care system to meet the needs of the public. There are some very real threats.

I have been in this meeting, so I do not know whether there has been an update in the Chancellor of the Exchequer's statement on any further amelioration of the employer national insurance contribution increases. I will be briefed on that when I conclude my appearance here.

National Health Service Waiting Times

Clare Haughey: The Scottish Government has stated that the recent budget will deliver a record £2 billion increase in front-line NHS spending,

taking overall health and social care investment to £21 billion. How do you anticipate that that will improve outcomes for patients across Scotland, particularly in reducing waiting times for elective surgery?

The First Minister: The reduction in waiting times for out-patient and in-patient appointments and improving access to healthcare services, principally through services in the primary care sector, general practitioners and other allied health professionals, is the focus of the Government's planning to improve performance in the national health service. Those themes, which I set out in my speech on NHS priorities on 27 January, will be reflected in the operational guidance that the health secretary is giving to health boards.

In addition, we are working across all NHS boards to optimise the capacity of the health service to ensure that we make as much progress on reducing waiting times as we can. We are beginning to see the fruits of that work—the number of procedures are increasing. We have set out a number of procedures that we expected to be undertaken with the £30 million that was made available in this financial year to help to reduce waiting times. We have already exceeded that and the financial year has not yet concluded.

I am optimistic that we are beginning to see the emergence of an erosion of some of those unacceptably long waiting times. The budget that the Parliament has approved will help us to intensify that effort in the coming financial year.

Winter Vaccination Programme

Clare Haughey: My final question is about the winter vaccination programme. We were all very worried at the end of last year about the rise in flu cases and the subsequent hospitalisations. Have any assessments been done on the impact that the programme has had on bringing down those flu infection rates? What lessons will be learned for next winter?

13:00

The First Minister: I will make two points. Among the population groups that perhaps have the highest degree of vulnerability—care home residents and those aged over 75—the levels of vaccination were really quite high. Some 83 per cent of care home residents and 80 per cent of those aged over 75 were vaccinated, and, obviously, we work to improve those levels at all times.

We faced particular challenges as a result of flu this year. The pressure on the health service from mid-December to mid-January was of extraordinary proportions compared with recent years. Indeed, the most recent extraordinary

period—the 2022-23 Christmas to new year period—was exceeded by the issues that we faced over this Christmas and new year period. We are now seeing a substantial decline in the prevalence of flu, which is enabling the system to recover some of the lost capacity that was experienced as a consequence of the scale of the flu outbreak.

Human Tissue (Scotland) Act 2006 (Post Mortems) (PE1911)

Jackson Carlaw: I am very concerned about the way that some of the children who were sitting behind the First Minister earlier have been targeted on social media by some journalists. That is completely inappropriate, and I ask the journalists to consider removing the posts that they have put up. It is absolutely disgraceful.

The Citizen Participation and Public Petitions Committee receives petitions on a wide range of issues and often pursues matters with the Scottish Government that it might not have otherwise considered. One example of that is petition PE1911, which calls for a review of the Human Tissue (Scotland) Act 2006 as it relates to post-mortems.

The petition was lodged by Ann Stark, following the unexpected loss of her 21-year-old son, Richard Stark. I want to pay tribute to Ann, because she has absolutely relentlessly pursued the aims of the petition for some time. Ann's campaigning has led her to raise concerns about the inconsistent and unclear communication about investigations into unexpected deaths. My committee has heard about specific improvements that could be made, including the use of computed tomography scanners for non-invasive post-mortems, which would offer more of a choice for loved ones in relation to the return of tissue samples. CT scanners are now being used quite widely in other parts of the United Kingdom.

We have raised several of Ann's points with the Scottish Government, the Lord Advocate and the Royal College of Pathology, but we have found a lack of drive to address the concerns that have been raised or to consider the suggested service improvements. Unfortunately, there have been frequent suggestions that the responsibility rests with somebody else and not the person to whom we are speaking. The Lord Advocate has specific responsibilities for some aspects of pathology services, but she cannot tell us which minister we should speak to specifically. The Minister for Public Health and Women's Health has responsibility for hospital-arranged post-mortem examinations but not other post-mortems. Therefore, there is an absence of ministerial leadership to oversee and drive forward overall improvements in pathology services.

First Minister, I am asking you to go away from today's meeting and perhaps consider allocating ministerial responsibility for death and bereavement, including pathology services, because there is widespread agreement that those changes could be made, but there does not seem to be anybody in the Government who has the lead responsibility and who is willing to take it forward.

The First Minister: I accept the importance of Mr Carlaw's point. The Government should be providing a focused and comprehensive response to the Citizen Participation and Public Petitions Committee—it should not be for the committee to try to join up the Government. I do not like the sound of what Mr Carlaw has said to me about passing people from pillar to post, because that is not the way that the Government should operate. The Government should give very clear responses to the committee on the issues that it raises.

As the First Minister and as a long-serving Member of Parliament, I believe that the petitions system in the Scottish Parliament is a particular strength of the Parliament. It allows issues that members of the public are concerned about to be tested and considered by the committee and, potentially, for outcomes to be changed. We have a long history of that happening. I want to embrace that approach and I want the Government to play its part in responding to that.

I am not comfortable with what Mr Carlaw said to me about the experience on the issue, so I will take that away and ask for the material to be put in front of me. I am not familiar with it, but I will look at it. The committee should not encounter compartmentalised Government. That is not what I believe in.

The Deputy Presiding Officer: Thank you, Mr Carlaw. We have had a chance to catch up on some of the social media content. It might have been light-hearted in its intent, but I share your concerns about the fact that pictures of young people who were sitting in the gallery have been put on social media without their permission. I hope that people who are listening will reflect on that and take appropriate action.

I am conscious that we still have a couple of areas to cover and a number of colleagues who want to ask questions in those areas. It is inevitable that we will overrun beyond half past 1, but I aim to finish by 25 minutes to 2 at the latest.

Children and Young People

13:05

The Deputy Presiding Officer: We move to questions on children and young people. I call Douglas Ross, on behalf of the Education, Children and Young People Committee.

Violence in Schools

Douglas Ross (Convener, Education, Children and Young People Committee): First Minister, I will share with you the experience of a primary schoolteacher in Scotland who spoke to "Channel 4 News" only last month about the fact that she had been attacked on several occasions by pupils. She gave an example of a 10-year-old pupil who threatened her with scissors. The 10-year-old told her that he would rip out her heart and make her bleed to death. The teacher said:

"My life flashed before me."

Does violence in our schools and do threats and physical actions such as that give you, as a former education secretary and now First Minister, sleepless nights?

The First Minister: Of course they do, yes.

Douglas Ross: How do you respond to a teacher in Scotland who cited not only that case, the graphic detail of which is bad enough, but went on to narrate the fact that she had been attacked on several occasions in a primary school?

The First Minister: Fundamentally, I acknowledge the challenging circumstances that members of the teaching profession have to wrestle with in the education system. It is important that I put that in its proper context. It involves a minority of pupils and it is essential that we have the arrangements in place, school by school, to ensure that members of staff and school pupils are safe when they come to school, because school must be a safe place for all individuals.

Douglas Ross: Do you accept that acts of violence and verbal abuse are on the increase in Scottish schools?

The First Minister: In the aftermath of the Covid pandemic, there has been an increase in the level of challenging behaviour in schools, which is why the Government has brought forward the behaviour action plan—on which we worked with our local authority partners, who are responsible for the running of schools—to take the necessary steps to address that behaviour.

Douglas Ross: Are you aware of the level of incidents across Scotland or in your own area?

The First Minister: Data is published in the behaviour in Scottish schools research, which is a matter of public record. There is a necessity for us to take action with our local authority partners to address that.

Douglas Ross: What is it in your local authority?

The First Minister: I do not have data on that.

Douglas Ross: Do you know that the number of instances of physical assault and verbal abuse against teachers and staff in your local authority area has almost doubled between 2019-20 and 2023-24 in Perth and Kinross? That is your local authority area, which you often cite when you answer questions because you are a conscientious constituency MSP. It has gone from 855 instances to 1,458. That must be of huge concern to you locally and nationally.

The First Minister: That is why the Government has taken action with our local authority partners to put in place the steps on improving behaviour that are necessary.

Douglas Ross: Do you think that that is working?

The First Minister: We have a job of work on our hands to ensure that we strengthen the steps that we take to address that behaviour.

University of Dundee (Redundancies)

Douglas Ross: We do not have much time, so I will ask you a question on another issue. When did you first become aware that the University of Dundee was going to make 632 full-time equivalent jobs redundant?

The First Minister: I am not sure that I will be able to recall the precise moment.

Douglas Ross: The Scottish Government received the university's recovery plan on 7 March. Were you immediately informed?

The First Minister: Yes, I was.

Douglas Ross: Why, then, did you tell the Scottish Parliament on 13 March—almost a week later—that you were

“deeply involved in discussions to ensure ... the future of the University of Dundee”,—[*Official Report*, 13 March 2025; c 19.]

that the proposed plan was “deeply troubling” and that the issue was “right at the top” of your agenda, when you knew that the money that the Government would announce for the Scottish Funding Council the following day, which was increasing from £15 million to £25 million, would not change the number of job losses?

The First Minister: That is a premature conclusion for Mr Ross to arrive at.

Douglas Ross: It is not. If I may, I will just clarify that. The Scottish Funding Council told us on the record last Wednesday that the Government was aware of the loss of 632 full-time equivalent jobs, and that it knew that the request from the University of Dundee was for £22 million of the £25 million. Even if the university got all the money that it asked for, it still would not have changed the number of jobs that are under threat. Do you accept that? That is what the Scottish Funding Council told our committee.

The First Minister: I think that the Funding Council told the committee that the Government considered that the financial recovery plan from the University of Dundee and its implications were not acceptable, which is why the Funding Council is working with the University of Dundee on alternatives to that financial recovery plan.

Douglas Ross: But you are aware that all the money that the Scottish Government has so far put forward that could be allocated to the university will not in any way change the 632 FTE jobs that are under threat.

The First Minister: I do not accept that for one minute.

Douglas Ross: That is the evidence that we have received and that is what the University of Dundee and—

The First Minister: No, no, no—

Douglas Ross: Let me explain, First Minister. The university told us that it asked for £22 million. I think that, in February, the Government made £25 million available, but on 7 March it presented a recovery plan to the Government that would still lead to 632 FTE job losses, even if it got the £22 million. Do you not accept that?

The First Minister: I do not accept the financial recovery plan, no.

Douglas Ross: What further funding are you going to provide?

The First Minister: Mr Ross, a variety of different interventions can be made and approaches can be taken to stabilise the future of the University of Dundee, and I am absolutely determined that that will take its course. It will be done properly through the Funding Council, which has the legal responsibility to do that. The Government will be supportive of the Funding Council. Indeed, yesterday I chaired a review meeting on the steps that have been taken in that respect. There are a lot of complex elements to the process, but the answer that I gave in Parliament on 13 March that the issue is at the top

of my in-tray and the focus of my attention is absolutely correct.

What I will say is that I want to make sure that the Government supports the efforts of the Funding Council in concert with the University of Dundee to secure the future of the university. That is my absolute intention.

The Deputy Presiding Officer: I call Collette Stevenson, on behalf of the Social Justice and Social Security Committee.

Two-child Benefit Cap

Collette Stevenson (Convener, Social Justice and Social Security Committee): A very good afternoon, First Minister. I want to touch on the lifting of the two-child benefit cap and the work that we have done in social justice on eradicating child poverty. Just to make you aware, we have written three times to the Secretary of State for Scotland, Ian Murray, and Liz Kendall, Secretary of State for Work and Pensions, and asked them to come to give evidence on a variety of areas that we can work on in eradicating child poverty. So far, they have refused. They have just now said that they will provide a joint written submission, so I look forward to seeing that.

I want to get some details from you about what the Scottish Government is doing with regard to lifting the two-child benefit cap. What progress has been made on accessing the data from the UK Government?

The First Minister: We have taken forward the request for information, and we submitted the first information back in December. The Cabinet receives an update periodically from the Cabinet Secretary for Social Justice on the steps that are being taken to gather that information and to engage with the Department for Work and Pensions, His Majesty's Revenue and Customs and the United Kingdom Government. We are making progress with those data requests and on the steps that are required to take forward that commitment.

Disability Benefits

Collette Stevenson: My next question is on reforms to disability benefits. I know that you have not been sighted on the spring statement, which has just been completed as we speak. Following the recent announcement, what will be the impact on the amount that is available for social security payments in Scotland and on spending on benefits for disabled people? Is the Scottish Government committed to maintaining the adult disability payment?

13:15

The First Minister: As I said to the committee earlier, I am not across the details of the chancellor's statement, which was made to the House of Commons today. I am familiar with the details that were announced by the Secretary of State for Work and Pensions last week. I understand from media reports this morning—I do not know whether they have been confirmed by the chancellor, but they sounded authoritative—that further announcements were to be made during the statement today, because the Office for Budget Responsibility did not judge that the original savings were delivered as anticipated. I will be briefed on that later this afternoon.

We must carefully consider the implications of any of the necessary changes to funding for the Scottish Government, because I imagine that there is a likelihood of a block grant adjustment that will be negative in that respect. I am not yet certain as to when that will have an effect on our budget. I do not expect it to have an effect in the 2025-26 financial year, for which Parliament has set a budget, but I do not know at what moment thereafter it is likely to have an effect. As I said, I will be briefed when I conclude this session.

On the policy intention, the Scottish Government clearly wants to maintain the existing arrangements that we have in place in Scotland, because we judge them to be appropriate. I have no intention or plans to change the existing social security arrangements in Scotland but, obviously, I have to be mindful of any budgetary implications that arise from the chancellor's decisions.

Affordable Childcare

Collette Stevenson: Based on the work that my committee undertook on parental employment, I want to ask you about affordable childcare. Can you give us details of the measures that the Scottish Government is taking to ensure that parents can access affordable childcare to enable them to get back into work?

The First Minister: That is an essential part of the Government's best start, bright futures programme. There are different elements to that. There will be direct payments through the Scottish child payment, for example, and employability support might be available. There is also provision for travel support, housing support or early learning and childcare support.

I recognise that early learning and childcare support can be critical to enabling families to enter employment sustainably and that that requires a degree of flexibility to be available at local level. Some of the pilot work that we are doing through the early adopters programme is showing us

exactly how that can be done effectively, with wraparound care for families.

As part of the agenda to roll out that intervention to support our efforts to get people back into employment, the Government will of course look to work with our local authority partners to expand the availability of such support.

Finance

13:18

The Deputy Presiding Officer: We will move on to Kenneth Gibson, on behalf of the Finance and Public Administration Committee.

Two-child Benefit Cap

Kenneth Gibson (Convener, Finance and Public Administration Committee): Last October, the Institute for Fiscal Studies said:

“The single most ... important policy for reducing the number of children in poverty is removing the two-child limit.”

However, in *The Sunday Times* three days ago, the selfsame Institute for Fiscal Studies said that, under the Scottish Government proposal, families with three children could lose £7,500 a year in universal credit if they work for just one hour a week.

How will the proposal help families into work? How will it be sustainable, given the likely content of today's statement by the chancellor? What is the opportunity cost of spending £155 million a year on removing the cap rather than, for example, clearing the deficits of joint boards, boosting college funding, providing additional resources for local government and so on?

The First Minister: There are two aspects to that question. First, the Institute for Fiscal Studies is correct in its assessment of the damage that is done by the two-child limit. That view is also echoed by a range of other organisations that are committed to the work on eradicating child poverty. The Joseph Rowntree Foundation, for example, is another organisation, and the Child Poverty Action Group will take a similar view.

The principle of boosting family incomes is critically understood to be an essential means of strengthening family incomes to lift children out of poverty, so the mechanism is correct. Mr Gibson raised a fair point about the interaction with the United Kingdom's wider benefit system. That is the area in which we engage in discussion with the UK Government.

I had an express conversation with the Secretary of State for Work and Pensions and the Secretary of State for Education about the child poverty review that the UK Government is undertaking. I appealed to the UK Government to act in that process in a fashion that is complementary rather than contradictory to what the Scottish Government is doing. I hope that the UK Government responds positively to that appeal.

The second point that Mr Gibson raised, which is entirely fair and reasonable, is that a choice is always to be made about what public expenditure can be used for. There is no shortage of demands for money to be spent in different ways—Mr Gibson is a sage observer of all such questions in the Parliament—and, indeed, for the same money to be spent more than once on a particular question. The Government has to set out an orderly programme to the Parliament through the budget process. I am pleased that we have set out that budget to the Parliament and that the Parliament has supported that for the coming financial year.

Civil Service Workforce (Reduction)

Kenneth Gibson: What will be the impact on Scotland of UK Government decisions to reduce the civil service workforce by 15 per cent or more?

The First Minister: It depends on how that manifests itself in consequential funding. The consequences of UK Government decision making will work their way through the comparability factors in the Barnett formula. For example, if the UK Government was to reduce civil service numbers and appropriate budgets in the Department for Education, we would get 100 per cent comparability on that, so our budget would be eroded by the comparable amount in the Barnett formula.

However, if such reductions were to be made in the Ministry of Defence budget, there would be no impact on the Scottish Government budget, because we have a 0 per cent comparability factor. It really depends on which areas of the UK Government the decision making is applied to and how that plays into budgets. We have a budget set for 2025-26, and I am not aware of it being affected by any of the changes in the spring statement. I would be very surprised if the spring statement negatively impacted the 2025-26 budget, given that the financial year starts in about a week's time.

Such decisions may flow into the UK Government's spending review, which we will hear about in June. That will potentially have an effect from 2026-27 onwards, because it will affect the Scottish Government's decision making on the size of its budget priorities. The issues that Mr Gibson put to me in his first question are relevant in that respect.

For completeness, I should say that the total core Scottish Government workforce was reduced by 4 per cent between March 2022 and December 2024. We are already taking steps to reduce the workforce's size.

National Insurance (Employer Contributions)

Kenneth Gibson: Earlier, we touched on increased employer national insurance contributions, which will directly cost the public sector £549 million in the next financial year. The UK Government has partially mitigated that to the tune of around £300 million.

Last week, I put a question to the Chief Secretary to the Treasury, who was somewhat ambiguous in his response. I asked whether the figure has been Barnettised—that is, whether it will be part of our budget for each on-going year or whether we have to renegotiate the £300 million.

That is obviously a very significant issue, given the impact that it has on our public sector. Can you enlighten us in any way?

The First Minister: The key question, which I do not yet know the answer to, is whether that sum of money has been baselined.

Kenneth Gibson: Exactly. That is the point that I was trying to make.

The First Minister: That is the key question: will it be baselined? I do not know the answer to that question.

Obviously, there is a potential effect in future financial years. I expect that we will have had confirmation in the chancellor's statement today of the level of amelioration that is being put in place by the UK Government. I would be very surprised if that were not clarified today. I do not think that it will be adequate. I will be surprised if it is adequate to compensate for the impact on the breadth of the public sector—for example, we talked earlier about social care organisations. However, the key question is what the effect will be on further financial years.

Kenneth Gibson: Local authorities will expect it to be baselined.

Universities (Financial Issues)

Kenneth Gibson: My last question—

The Deputy Presiding Officer: It will have to be very brief, Kenny.

Kenneth Gibson: It will be.

Many of our universities are struggling with the precipitous decline in overseas student numbers. The tuition fee for Scottish students has been stuck at £1,820 a year for the past 15 years and research and development funding is declining relative to that in the rest of the UK.

Given how critical our universities are to Scotland and to having a globally competitive

economy, what more will the Scottish Government do to support these vital institutions?

The Deputy Presiding Officer: Please be as brief as possible, First Minister.

The First Minister: As I have confirmed at First Minister's question time, and as the higher and further education minister confirmed during topical question time yesterday, we are and will be engaged in discussions with the university sector about ensuring that it can maintain the leading position that it currently occupies, which is a huge economic asset for Scotland.

Human Rights

13:26

The Deputy Presiding Officer: There are a couple of colleagues who still wish to ask questions. I come first to Karen Adam on behalf of the Equalities, Human Rights and Civil Justice Committee.

Support for Autistic Disabled People

Karen Adam (Convener, Equalities, Human Rights and Civil Justice Committee): Yesterday, my committee had a very powerful private session with autistic disabled people. They told us about the crisis that they are having in assessment, diagnosis and post-diagnostic support. They also set out in very impactful terms the opportunities that disabled people are missing out on and the burnouts that they are suffering from.

They wanted me to ask you today what the Scottish Government is doing to respond to that crisis. Moreover, they really wanted reassurance that they were a part of that process and that they could feed into solving the crisis. They felt strongly that the consultation on the learning disabilities, autism and neurodivergence bill had reflected organisations' voices, but perhaps not their own—they thought that their own voices were not reflected in it.

In the absence of that bill, what can the Scottish Government do and what reassurance can it give to autistic disabled people that they will be at the centre of designing any process to solve the crisis, and that the Scottish Government is doing something to help them?

The First Minister: On the point in principle, concerning the role of people with autism and learning disabilities, I want to make sure that they are well supported. For example, in the recent budget, as part of the programme for government, we put additional financial support into the education system to support pupils with additional support needs.

I am concerned to hear the feedback from Karen Adam on the consultation on the learning disabilities, autism and neurodivergence bill, because we involved people with lived experience in a number of ways in that consultation. In particular, we drew on their experience and perspective when we approved the consultation process, and again in some of the witness panels to discuss the contents of the bill.

It is important that we hear those voices. I appreciate the distinction that Karen Adam makes between the voices of those with lived experience and of organisations that may be involved in the

area. It is important that we hear all those voices as part of the process. I will take away that point and test the exact reasons for the evidence that the committee heard.

Legislation (Implementation)

13:30

Karen Adam: My second question is on the committee's concern about the non-implementation of all or some of the provisions in the Female Genital Mutilation (Protection and Guidance) (Scotland) Act 2020, the Children (Scotland) Act 2020 and the Domestic Abuse (Protection) (Scotland) Act 2021, and the impact that those delays are having on the people whom the legislation is meant to protect. The committee is continuing to pursue that issue with the Minister for Parliamentary Business and other relevant ministers. However, we would be grateful for any reassurance that you could give the committee that the implementation of these provisions will be expedited and that legislation will not regularly be passed but not implemented.

The First Minister: I am very happy to look at the particular cases that Karen Adam has raised with me. If further statutory instruments are required, they will have to be scheduled in the Parliament—Mr Carson has raised with me some of the practical issues relating to that.

If the Parliament has passed legislation, we should get on with implementing it to ensure that it makes the impact that the Parliament has determined that it should make.

Justice

National Insurance Contributions (Justice System)

13:31

Audrey Nicoll (Convener, Criminal Justice Committee): Good afternoon First Minister. I apologise for my late arrival. I will start with a question about national insurance and the justice system—I know that the issue of national insurance has already been raised by a colleague.

The United Kingdom Government has made significant changes to employer national insurance contributions and thresholds. Those will have a significant impact on staffing costs in key parts of the justice system, such as policing and prisons. How will the Scottish Government address those financial pressures, particularly given the volume of legislation that is currently being scrutinised by the Criminal Justice Committee—including the Victims, Witnesses, and Justice Reform (Scotland) Bill and the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill—which is likely to require a significant staff resource commitment?

The First Minister: We will do that through the financial provisions that we have put in place for the various aspects of the criminal justice system across Police Scotland, the Scottish Courts and Tribunals Service and the Crown Office. We have put in place budget increases to enable those organisations to meet the challenges that they will face because of the employer national insurance contribution increases and other factors that may arise in relation to the work that the committee is scrutinising. The budget settlements, which were particularly strong this year for the police, the Courts and Tribunals Service and the Crown Office, will help us to address those issues.

Secure Care (Capacity)

Audrey Nicoll: I will move on to an issue that Karen Adam has touched on, which is the non-implementation of legislation and the unintended consequences of that. As the First Minister will know, the Criminal Justice Committee scrutinises a significant volume of acts. One such act was the Children (Care and Justice) (Scotland) Act 2024. A key provision in that act was that young people will no longer be held in young offenders institutions and should now be held in secure care. To make that happen, we need to have sufficient spaces in secure care settings and resources made available so that those settings can be adapted to care for and meet the often complex needs of potentially more challenging young people and violent offenders.

What steps is the Scottish Government taking to ensure that there is sufficient secure care capacity to meet that shift in demand? Specifically, how is the Government addressing the potential increase in secure care placements and ensuring that the necessary resources and infrastructure are in place to support those changes?

The First Minister: The Minister for Children, Young People and The Promise will make a parliamentary statement on that issue later in the afternoon, so I had better be careful. I am not quite sure of the status of this meeting and whether it is a formal meeting of the Parliament, so I had better err on the side of caution and not disclose the contents of that statement.

This is a point that I have rehearsed with the Parliament during First Minister's questions. The Parliament has legislated for the Children (Care and Justice) (Scotland) Act 2024, which, as Audrey Nicoll correctly says, means that it is no longer possible for any young person under the age of 18 to be imprisoned, which would normally have been in HM Young Offenders Institution Polmont. The Government has an obligation to accommodate young people. In the past, such capacity existed. However, the Parliament has said that the situation is no longer acceptable, which I am absolutely delighted about. I accept the principle that what flows from that is that we must have adequate and appropriate secure care facilities in place when they are required and necessary. We cannot leave it to chance or the market to decide all those things; we have to intervene in that respect, which will be the subject of the statement that the Minister for Children, Young People and The Promise gives to the Parliament this afternoon.

Audrey Nicoll: I am grateful for that update. If I may, Deputy Presiding Officer, I have a very quick follow-up question.

The Deputy Presiding Officer: A very brief one, yes.

United Nations Convention on the Rights of the Child (Children's Justice)

Audrey Nicoll: The Scottish Parliament has a new duty to report on the implementation of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, and the first report is due in July 2025. In the light of that, how is the Scottish Government ensuring that justice provisions that affect children, such as those that are set out in the Children (Care and Justice) (Scotland) Act 2024, align with Scotland's obligations under the convention, particularly with regard to secure care and children's rights in the justice system?

I accept that the First Minister might refer to the Minister for Children, Young People and The Promise's statement this afternoon.

The First Minister: Due to the that legislation's passage, we have to satisfy ourselves that, across a range of policy areas, we are acting and are positioned to operate within the expectations of the framework that the UNCRC puts in place, because we are required by law to do so. The Government will look at its range of obligations and approaches in that regard.

The UNCRC (Incorporation) (Scotland) Act 2024 creates a means and mechanism whereby the Government can be challenged in the courts by individuals if they determine that we are not acting in such a fashion, and that can potentially lead to a requirement for a change of practice. However, that would arise from the Government being found not to be compliant with the UNCRC by a court. We should avoid that by ensuring, through our review of existing obligations and commitments, that we are acting in a fashion that is consistent with the law.

The Deputy Presiding Officer: That concludes the session. Thank you for your time, First Minister. I look forward to arranging a date to have you back in September.

The group's next meeting is Wednesday 30 April, and an agenda will be circulated in due course.

Meeting closed at 13:37.

