



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Meeting of the Parliament

**Thursday 30 June 2016**

**Session 5**



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# Scottish Parliament

Thursday 30 June 2016

[The Deputy Presiding Officer opened the meeting at 10:45]

## Undercover Policing

**The Deputy Presiding Officer (Linda Fabiani):** Good morning, everyone. The first item of business is a members' business debate on motion S5M-00003, in the name of Neil Findlay, on Scotland, Pitchford and undercover policing. The debate will be concluded without any question being put.

I remind members that, with regard to matters being sub judice, their remarks should focus not on individual cases but on the generality of the issues that are raised in the motion and the call for the Pitchford inquiry to be extended to Scotland.

*Motion debated,*

That the Parliament believes that a growing number of Scottish citizens have been identified as being involved in undercover policing scandals involving the National Public Order Intelligence Unit and the Special Demonstration Squad of the Metropolitan Police, either as victims or as officers working on cases; considers that these units operated in Scotland keeping political, environmental, trade union and other activists under surveillance using unethical and often illegal methods; understands that the Pitchford inquiry, established by the Home Secretary, Theresa May, to look into undercover policing since the 1960s, does not cover Scotland in its remit; further understands that the Scottish Government has written to the UK Government asking for the inquiry to be extended to cover Scotland, and notes the view that, should this request be refused, the Scottish Government should set up its own inquiry so that all UK citizens, including those in Lothian who have been affected by what it considers this scandal can have the opportunity to get to the truth.

10:45

**Neil Findlay (Lothian) (Lab):** The police play a hugely important role in our society in dealing with dangerous and distressed people. In doing so, they are put in some of the most difficult circumstances imaginable. They have my full support, and I am sure that they have the full support of every member of the Scottish Parliament.

Despite those pressures and the human frailties of officers and the fact that inevitably sometimes things go wrong, the police in this country are respected and have overwhelming public support and confidence. However, that support and confidence is not automatic—it has to be continually worked at and protected by robust processes and systems to prevent its erosion. I believe that that is vital in maintaining good

relations between the police and the community, and in maintaining public confidence.

Therefore, when things happen that damage and dent that confidence, they must be dealt with swiftly, transparently and robustly, otherwise they leave a lingering sense of closing of ranks, of cover-up and of unwillingness to admit failings and wrongdoing. The police are not and cannot be above the law that they are responsible for implementing. With that in mind, I want to focus on the experience of social justice and environmental campaigners and their interaction with a unit of undercover police officers in the special demonstration squad and the national public order intelligence unit.

On too many occasions over the years, we have seen the following formula play out: an incident or event takes place, the police version of events and the experience of people who were there at the time do not match up, a version of what happened is spun through media outlets and becomes the accepted wisdom, people are arrested and charged, the justice system gets involved, questionable evidence is presented or downright lies are told in court, often people are convicted of crimes that they did not commit, and lives are ruined or are badly affected.

At that point, a campaign begins and the truth starts to come out, the spin unravels, the lies are exposed and the real story begins to be dragged out of the darkest nooks and crannies of our justice, legal and security systems. Hillsborough, phone hacking, the Guildford four, the Stephen Lawrence case and the blacklisted construction workers are just a few of the most high-profile cases. All of them began with a contested version of events, all of them were covered in a cloud of suspicion and cover-up, and all of them were eventually exposed as organised conspiracies involving various sections of the establishment and the state machine.

The work of justice campaigners across the United Kingdom has forced the hand of the United Kingdom Government to establish the inquiry into undercover policing that is chaired by Sir Christopher Pitchford. The purpose of that inquiry is to

"inquire into and report on undercover police operations conducted by English and Welsh police forces in England and Wales since 1968".

The inquiry will not examine events that took place in Scotland or the activities of undercover officers who operated here with or without the authority of senior officers here. It will not examine the role of Scottish officers working undercover, the code that they operated under, control systems, the ethics and legality of what went on here in our country or the impact on Scottish

political, environmental and social justice campaigners and their families.

There is now a growing body of evidence that tells us that the SDS and the NPOIU operated in Scotland monitoring a broad range of campaigns and campaigners. The undercover officers engaged in wholly unethical and illegal practices while operating here, including duping women into relationships—some resulting in children being born—and, most disturbing of all, using the identities of dead children to maintain cover for their assumed identities.

We know that a growing number of Scottish officers were seconded or employed by those units; for example, the new chief constable played a senior management role, and Eleanor Mitchell was involved. She went on to become the head of professional standards at Police Scotland, despite having been a senior officer in an organisation whose professional standards have been wholly discredited. We know that 100 officers have been identified as having worked in the units and that an astonishing 460 organisations, many operating in Scotland, were monitored.

We know that more and more Scots are coming forward as victims of those discredited practices, and that many more are unaware that they were victims. There are people such as Nick McKerrill, who is a law lecturer at Glasgow Caledonian University, and who was active in the antipoverty campaign at the G8. He found himself on a construction industry blacklist, having never worked in the sector. Eleanor Hutson works for a Scottish National Party MP. In this Parliament at a meeting that we held, she spoke very bravely and publicly about her knowledge of the role of notorious officer Mark Kennedy, who was an undercover officer in Scotland. Eleanor Hutson was blacklisted, having never worked in the construction industry. There are many, many more such people.

We know about the collaboration between the big construction companies and the intelligence services. Today, under the privilege that this Parliament gives me, I can name Gayle Burton, who is a former head of human resources at the Costain construction company, who now works for the Jockey Club and who has been identified as the key link between the construction industry, the Consulting Association and special branch. Her name is identified as the source of information on files of blacklisted Scottish workers. We also know of the involvement during the 1984 miners' strike of Stella Whitehouse, now Dame Stella Rimington, the former head of MI5, who was regularly on the picket line at Polkemmet colliery, not 3 miles from my house, during that period.

All that and more should come out in the Pitchford inquiry but, as things stand, none of it will

come out because Scotland is not included in the remit of the inquiry—only England and Wales are. When I first raised the issues, the Cabinet Secretary for Justice was dismissive. Now, under pressure, he has joined the call by around 50 members of Parliament—many of them from this Parliament, but also members of the UK Parliament and the European Parliament—to extend the inquiry. Amnesty International also supports that call.

I welcome the cabinet secretary's new-found support. However, let me be absolutely clear: if the Home Secretary fails to extend Pitchford, we must have a Scottish inquiry. We cannot have a situation in which the only people in mainland UK not to have access to the inquiry and to potential justice for them and their families are Scots. Given that known and admitted abuses were carried out in Scotland on Scottish citizens, the Scottish Government has a duty not to side with the establishment but to ensure that the truth comes out.

I know that the police, the judiciary and others will pressure the cabinet secretary to resist. Those are the very same forces that pressured politicians not to go near the Lawrence case, the Birmingham and Guildford cases, and the Hillsborough case, but brave decisions were made in the interests of truth and justice. So, I urge the Minister for Community Safety and Legal Affairs and the cabinet secretary to do the right thing: take the brave and right decision to initiate an independent public inquiry in Scotland, should it prove to be not possible to extend Pitchford.

10:55

**Douglas Ross (Highlands and Islands) (Con):**

I congratulate Neil Findlay on securing parliamentary time for his members' business motion today, and I recognise his continued efforts to bring this serious issue to Parliament on behalf of his constituents in the Lothian region, and indeed people across Scotland. The implications, understandably, have broader application across the UK, and it is right and appropriate that we have the opportunity to address them here in the Scottish Parliament in light of recent developments.

In Scotland, as we all know, transparency in policing has dominated both the political and the public discourse since the creation of the single police force three years ago. In particular, debates surrounding Police Scotland's firearms standing authority and stop and search tactics have underscored the public's appetite for honesty and openness where policing is concerned. Subsequent reports on those issues from the Scottish Police Authority and Her Majesty's

inspectorate of constabulary in Scotland have rightly acknowledged the critical importance of

“the principle of policing by consent and the statutory principles of engagement and accessibility”.

I have to say that the recent discussion and announcement in Scotland about the uplift in the number of armed officers was handled very well by Police Scotland, because it engaged at an early stage. The announcement had the potential to provoke public criticism, but because the police were up front and engaged with parliamentarians and the public at an early stage they gained from that, so that is a useful way to go forward.

On the point about engagement and accessibility, I was interested to read Sir Christopher Pitchford’s opening statement on the inquiry into undercover policing, in which he states:

“As far as I aware, this is the first time that undercover policing has been exposed to the rigour of public examination ... The Inquiry’s priority is to discover the truth ... This is a public inquiry to which, as the name implies, the public will have access.”

That transparent approach is an extremely commendable one that must be taken forward. However, as the motion from Neil Findlay emphasises and explains, it is nevertheless problematic, as the territorial scope of the inquiry is currently limited to England and Wales. As such, although Scotland can certainly benefit from the recommendations of the inquiry’s final report, the Scottish public and those inadvertently and unwittingly involved will not learn the facts in relation to the covert operations that, as Mr Findlay has said, were implemented north of the border.

That asymmetrical situation seems fundamentally unfair. We were previously under the impression that evidence from relevant Scottish witnesses would be admissible to the inquiry, but there is no guarantee that that will be the case given the limited terms of reference. The Scottish Conservatives therefore support the extension of the Pitchford inquiry to Scotland, and that is why, if that extension is not possible, we agree with Neil Findlay that we must urge the Scottish Government to establish its own inquiry into undercover policing.

We all know from the useful briefing from Amnesty International, and from other information on the debate, that it is not just Scotland that wants to be included in the Pitchford inquiry. There are also good examples from Germany.

It is important to recognise that such an undertaking will be logistically complex given the different jurisdictions that are involved, but I genuinely hope that those difficulties can be overcome. We must also be aware of the

operational imperatives that might serve to limit the comprehensiveness of an inquiry. Equally, where possible, we must not let such imperatives act as an obstacle to the truth. However, let us not try to run before we can walk. I understand that discussions are under way between the Scottish Government and the Home Secretary on this matter, and I look forward to hearing from the minister how that is progressing.

I am encouraged. As the new parliamentary term gets under way, there is cross-party consensus that transparency is key where policing is concerned. Policing by consent is central to our society and we must do all that we can to ensure that that remains very much the case.

10:59

**Claire Baker (Mid Scotland and Fife) (Lab):** I welcome today’s debate and the opportunity to highlight these issues in the Scottish Parliament. I thank Neil Findlay for securing the debate and for his contribution today, which effectively sets out the challenge that we face in Scotland in securing transparency, accountability and ultimately justice for people who have been affected by undercover policing of the nature that has been described this morning. I give credit to all the activists and campaigners who have, often in the face of strong resistance, relentlessly raised the concerns until they have got action.

It is crucial that the Government has confidence in the way that the police operate and I recognise that undercover policing is important to detecting and preventing criminal activity. We have only to consider cases that involve child abuse, human trafficking or organised crime to realise that an element of it is necessary. However, any surveillance must be proportionate, clearly justified and robustly regulated.

The scale of the concerns about historical undercover policing methods—concerns that stretch back to the 1960s—is so significant that the Home Secretary announced a judge-led inquiry in March 2015, to be led by Lord Justice Pitchford. That was the right thing to do. The police throughout the UK have a difficult job to do and deserve our support. It shows the strength and commitment of the force that it is able to scrutinise its practices and is prepared to be accountable. I welcome the full commitment to the inquiry.

The monitoring of political activists and trade unionists and the infiltration of their groups blurred the distinctions between criminal activity and legitimate process. During questions at Westminster on the inquiry, Joan Ruddock MP outlined her experience:

"In 1981, I was elected as chair of the Campaign for Nuclear Disarmament. Two years later, an MI5 agent, Cathy Massiter, blew the whistle on the surveillance, the phone taps and the collection of special branch reports on me. She cited political interference in the service and said that what had happened was illegal, and she resigned. In 1987, I became a Member of this House and took the loyal oath. In 1997, I became a Minister, and I subsequently signed the Official Secrets Act. How is it that surveillance was carried out on me for all that time? I want to know and to get the Minister to understand: who authorised that surveillance, and on what grounds was it authorised? He needs to answer those questions, because this is a political issue."—[*Official Report, House of Commons*, 26 March 2015; Vol 594, c 1585.]

In the same debate at Westminster, Jack Straw spoke about the time when he was Home Secretary. He was the Home Secretary who ordered the inquiry into the Stephen Lawrence case and said that he

"may also have been subject to unlawful surveillance"—[*Official Report, House of Commons*, 26 March 2015; Vol 594, c 1587.]

when he was Home Secretary. It is an extremely complex situation. It is not just about how the police made the decisions but about who authorised them and the extent of political direction in police operational matters.

No one could fail to be shocked by the reports of police surveillance that employed unethical and often illegal methods. We have read allegations that SDS officers engaged in sexual relationships and even fathered children, then left the women as if the relationships had never occurred. There have been horrific reports of the identities of dead children being used for covert identities. It is judged that, between 1968 and 2008, some 42 deceased children were used to create cover legends for undercover officers. Although the Metropolitan Police has apologised, families still do not know whether their children's identities were used.

The inquiry is, therefore, hugely significant. Its remit is:

"To inquire into and report on undercover police operations conducted by English and Welsh police forces in England and Wales since 1968"—

a period of some 48 years. It is a long period that requires extensive and studied attention. However, the inquiry does not extend to Scotland, which is not acceptable. I agree with the Cabinet Secretary for Justice's statement in his recent letter to Neil Findlay that a "single, comprehensive inquiry" would be the best solution. It is difficult to see how the situation does not impact on Scotland and difficult to accept that the operational activity by the Metropolitan Police units under inquiry is not relevant to Scotland. The minister is not able to answer for the Home Secretary, but it would be helpful if she could outline what discussions or

exchanges are taking place between the Scottish Government and the Home Office on the matter.

There is an issue of expediency with extending the inquiry because, as Neil Findlay outlined, we are already about a year into it. However, if it is not extended, evidence that suggests that covert police operations violated the trust of and breached intimacy for individuals in Scotland must be presented through a Scottish inquiry and justice must be delivered for victims. I hope that the minister will commit to continuing to pursue extending the Pitchford inquiry but, if that is denied—at this point, it looks like that will be the case—the Scottish Government must commit to a full Scottish inquiry.

11:04

**Patrick Harvie (Glasgow) (Green):** I add my congratulations to Neil Findlay on securing the time for this debate and on choosing to bring such an important motion to the chamber for debate. It is a little surprising that more members have not chosen to be with us to debate an important issue that deserves the cross-party consensus that those of us who have chosen to be here hope for. Mr Ross talked about cross-party consensus and concern about the issue and I would have hoped to see a little more of that being demonstrated by presence in the chamber.

It is a necessary but uncomfortable truth that policing is a difficult job and that undercover policing also has to happen. Its conduct raises and will always raise profound ethical challenges. Just weeks after the political assassination of a politician in this country by a far-right activist, it is clear that there are those who pose threats to public safety and groups of people. Many people who have experienced the wave of Brexit racism during the past week or two will also want far-right and racist movements to be policed carefully and rigorously so that the kind of threats that we see in other countries do not grow to such prominence in this country.

There are others who pose threats such as, for example, organised crime and the abuse of children and other vulnerable people. There will, of course, always be a need for difficult and challenging undercover operations in the interest of the common good and the safety of us all. When those operations happen, it is critical that they are held to the very highest of standards, including to a high standard of transparency.

However, such has been the ubiquity of such operations among legitimate and democratic activism in our society over generations that, in the environment and peace movements, it is a running joke to speculate on which activists might be plants or acting in an undercover capacity. The



most frequent running joke is that it is quite handy to have one involved because they usually have a van, which is useful for a lot of small, community-led activist movements.

When people who are conducting legitimate and necessary campaigns on climate change or against fossil fuels, or in their trade unions, or against nuclear power have their ability to operate democratically and to act in the name of those causes threatened, we have lost something absolutely fundamental. That kind of undercover policing operation is counter to the principles of a free and democratic society.

Mr Findlay circulated a briefing for today's debate that quoted a certain Michael D Higgins, who, just yesterday, so impressed us all when he spoke to members. The briefing quoted something that he wrote in his time as an MP—I will not get anywhere close to the beautiful voice that we heard yesterday. He said:

“This type of activity undermines respect for the law and it is very sinister in that it can damage good causes.”

One of the arguments that President Higgins put to us was that the principle of free speech must include the freedom to speak the truth. If we are not free to do that, if we are not free to give vent to the causes that many people struggle for in our society, we will have lost something absolutely fundamental.

I therefore endorse the terms of Mr Findlay's motion and the insistence that such matters should be held up to proper scrutiny and be transparent. I know that Theresa May has other things on her mind at the moment but we might turn that into an opportunity if the Scottish Government is resolute in insisting that the inquiry should be extended to cover Scotland. Let us say that she must do that before she demits office in her current term as Home Secretary. Let us give a clear deadline for her to make that decision and make it equally abundantly clear that if she fails to do so, the Scottish Government will ensure that these matters are held up to scrutiny in a Scottish inquiry.

11:10

**The Minister for Community Safety and Legal Affairs (Annabelle Ewing):** I am pleased to respond to the debate and thank members—including Mr Findlay, who secured the debate—for their speeches. A number of interesting points have been made. A previous members' business debate on the subject took place on 6 January. Since that time, the call for the Pitchford inquiry to be extended to Scotland has been steadily gathering support, and I commend Mr Findlay's efforts in that regard.

The cabinet secretary last wrote to the Home Secretary on 25 May to push for enabling the inquiry to deal with the actions of relevant Metropolitan Police units in Scotland. Many voices have now joined the Scottish Government in calling for the inquiry to be allowed to consider all the operational evidence irrespective of which jurisdictional boundaries it crosses. The operational activity that the Pitchford inquiry has been set up to look at was not confined to England and Wales; indeed, the operations were multijurisdictional. Mr Findlay referred to the interests of people on the UK mainland, but he may be aware that the Minister of Justice in Northern Ireland has also written to the UK Home Secretary on a number of occasions, seeking to enable the inquiry to follow any evidence—if uncovered—that leads into Northern Ireland. That is an important point for members to be aware of.

As Claire Baker alluded, the only way that the Pitchford inquiry can consider the full picture is if it is allowed to follow the evidence irrespective of geography, and the Scottish Government absolutely agrees that the inquiry should look at events that took place in Scotland if that is where the evidence leads. A single, comprehensive inquiry that was able to gather all the evidence in a coherent manner would best serve the public interest on this occasion. An inquiry that was limited to England and Wales would risk doing a disservice to those who believe that they have been adversely affected by the operations of Metropolitan Police units in Scotland.

Although the Scottish Government is rightly accountable to the Scottish Parliament for policing, it is not responsible for the activities of the Metropolitan Police service or its specialist units. Although the Deputy Mayor of London has a role to play, it is the UK Home Secretary who is ultimately responsible to the Westminster Parliament for those matters.

The Scottish Government has listened very carefully to the arguments that have been put forward over recent months for a separate Scottish inquiry, and it has a great deal of sympathy for those who seek truth and justice in these matters. Where police forces do not live up to the high standards that are expected of them, they should be held to account and there should be absolutely nowhere to hide.

**Neil Findlay:** Is the minister saying that, if the Home Secretary does not expand the Pitchford inquiry, there will be no Scottish inquiry? If that is the case, can she say very clearly today that victims in Scotland will have no route to justice? Let us be up front and straight about it. Let us not be choosy with our language; let us make it very clear what she means.

**Annabelle Ewing:** I thank Mr Findlay for his intervention. The point that I am making—indeed, the point that others including Claire Baker have made—is that the approach that best serves the public interest and the interests of those who have been adversely affected is a whole, complete inquiry, and that is the Pitchford inquiry. We are focused on having the UK Home Secretary extend that inquiry to allow it to consider operations in Scotland if that is where the evidence leads. That is our focus, and I encourage members to exercise what influence they can. I suggest that Mr Ross urge his party colleague the UK Home Secretary—who is perhaps soon to be the Prime Minister—to do the right thing and extend the inquiry.

Although there is no shadow secretary of state for Scotland at the moment, there might be one soon, and I would urge that pressure be brought to bear via that route, and indeed via the current leader of the Labour Party in the House of Commons. There are other routes to bring pressure to bear. The Scottish Government is absolutely focused on having the inquiry extended to Scotland.

**Douglas Ross:** The minister put a challenge to Scottish Conservatives, Scottish Labour and every other politician here. We are doing as much as we can. I jointly signed the letter that Mr Findlay sent out. As I said in my speech, Scottish Conservatives support the inclusion of the Scottish element in the Pitchford inquiry.

If the minister is asking other parties to do something, will she give a guarantee that, if the efforts that she mentioned are unsuccessful, the Scottish Government will set up a separate inquiry in Scotland? That is the guarantee that we need from the Scottish Government—if all other efforts fail, although those efforts are on-going.

**Annabelle Ewing:** The Scottish Government is absolutely focused on having the inquiry extended to Scotland, because that is the approach that best serves the public interest and the interests of those who may have been affected in Scotland. That is what we will continue to do.

**Claire Baker** *rose—*

**Patrick Harvie** *rose—*

**Alex Rowley (Mid Scotland and Fife) (Lab)** *rose—*

**Annabelle Ewing:** I need to make a bit of progress. I am now in my last minute and have been generous with the interventions that I have taken.

**Neil Findlay:** On a point of order, Presiding Officer. This was a very undersubscribed debate. You said at the beginning that there was plenty of time for the debate, so I am sure that you would

be very generous to the minister if she wanted to take further interventions.

**The Deputy Presiding Officer:** That is not a point of order, Mr Findlay, as you well know. As you also know, it is up to speakers to decide whether they are willing to take interventions.

**Alex Rowley:** Will the minister take an intervention?

**Annabelle Ewing:** I am trying to get through quite a few important points that were raised and alluded to in the debate. I have been asked to respond to the debate as a whole and I am trying to make some progress in that regard.

Mention was made of the issue of undercover policing in general. It is important that I, as the Minister for Community Safety and Legal Affairs, stress that undercover policing is a legitimate policing tactic. Deployment of undercover officers is an operational decision for the chief constable, whose operational independence in relation to investigations and police tactics must be protected.

At the same time, the Government recognises that undercover policing can intrude on privacy and must always be subject to the most robust procedures and rigorous oversight. Significant measures have therefore been put in place to strengthen the control of undercover officer deployment by Police Scotland.

**Claire Baker:** Will the minister take an intervention?

**Annabelle Ewing:** I would like to continue with this point, because it is important that we put on record what actions we have taken in this regard.

The Scottish Government has introduced legislation that raised the rank at which authorisation may be made, such that all authorisations are to be notified to the Office of Surveillance Commissioners. The Scottish Government requires all deployments, once they reach the 12-month stage, to be approved by the Office of Surveillance Commissioners. Those are important safeguards, and it is important, in the context of points that have been made in the debate, to mention the safeguards that we have introduced.

**Claire Baker:** Will the minister give way?

**Annabelle Ewing:** Certainly. I will take one last intervention.

**Claire Baker:** Does the minister recognise that, while the Scottish Government has made efforts to improve undercover policing and build public confidence in it, unless we get an inquiry in Scotland those efforts will be undermined? I repeat that, while I agree that a single inquiry is the best way forward, if that is not achieved and

the Home Secretary denies Scotland involvement in the inquiry, will the Scottish Government commit to holding an inquiry in Scotland?

**Annabelle Ewing:** As I have said, we are focused at this point on having the inquiry extended to activities of the Met in Scotland, if that is where the evidence leads. We believe—this has been mentioned in the debate—that that is the way that we best serve the public interest in terms of those who may have been affected in Scotland. That is what we are absolutely focused on securing and achieving in our discussions with the UK Home Secretary at this time.

I wish to make a point about Police Scotland's code of ethics and the fact that every constable now makes a solemn declaration, when appointed, that they will uphold fundamental human rights. Undercover officers are required to comply with and uphold the principles and standards of professional behaviour that are set out in Police Scotland's code of ethics. That is another extremely important point to note in respect of the duties and responsibilities of our police force in Scotland, which does such a great job in protecting us, day in, day out.

As I have said, the Scottish Government is leading and supporting moves to allow the Pitchford inquiry to consider actions of relevant police units in Scotland. We will continue to pursue the matter in a determined manner with the UK Home Office. I would encourage other members to use their good offices, in whatever route that may take them, to seek that result—

**Neil Findlay** *rose*—

**Annabelle Ewing:** I am just concluding.

It is the result that would best serve the public interest in terms of those who may have been affected by those actions in Scotland.

11:20

*Meeting suspended.*

11:40

*On resuming—*

## General Question Time

### Tourism (Edinburgh Northern and Leith)

**1. Ben Macpherson (Edinburgh Northern and Leith) (SNP):** I take this opportunity to make the Parliament aware that the First Minister has appointed me to serve the Scottish Parliament as a parliamentary liaison officer to the First Minister.

To ask the Scottish Government what action it is taking to encourage tourism in the Edinburgh Northern and Leith constituency. (S5O-00081)

**The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop):** We continue to support the development of the tourism sector throughout Scotland, including in the Edinburgh Northern and Leith constituency. For example, the Government provided £50,000 towards the realisation of the eye-catching dazzle ship that is currently berthed in Leith harbour, which is an innovative art project designed by Turner prize-nominated artist Ciara Phillips to mark the recent centenary of the battle of Jutland; and, to help the Royal Botanic Garden Edinburgh remain one of the top visitor attractions in Edinburgh, we maintained this year's grant in aid at 2015-16 levels and contributed £1.96 million toward its planned refurbishment of the north-east corner of the Inverleith site.

**Ben Macpherson:** Given the many historic and interesting attractions, including those that the cabinet secretary mentioned, the royal yacht Britannia and Leith Links, where the first recorded rules of the games of golf were created, does the cabinet secretary agree that there is significant potential to develop tourism in Edinburgh Northern and Leith?

**Fiona Hyslop:** Absolutely. The member's constituency has the royal yacht Britannia, the Scottish Design Exchange, the Scottish Wildlife Trust headquarters, Trinity House maritime museum and the Clan Tartan Centre at Leith mills, so there are a number of places to visit.

The figures that we announced last week show a 3 per cent increase in visitors going to our attractions, and that is a four-year sustained increase. There is great potential for Scotland to expand even further, and every corner of the country can benefit. I think that I have given enough advertising to the member's constituency to help with his campaign to get more tourists to go to Edinburgh Northern and Leith.

### **Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012**

2. **James Kelly (Glasgow) (Lab):** To ask the Scottish Government what its position is on repealing the offensive behaviour at football legislation. (S5O-00082)

**The Minister for Community Safety and Legal Affairs (Annabelle Ewing):** The Government has no plans to repeal the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012. The recent appalling scenes at the Scottish cup final demonstrated that the unacceptable behaviour of a minority of football fans continues to be a problem.

The increase in the number of charges under the 2012 act shows that the legislation continues to be an important tool in tackling all forms of offensive behaviour including sectarianism, and it sends a clear message that such behaviour has no place in a modern, open and inclusive society.

**James Kelly:** Over the past week, we have quite rightly heard a lot of discussion of how Scotland is an open, progressive and modern country. In that regard, it seems peculiar that we have a piece of legislation that targets football fans when other legislation is in place to deal with such offences.

The 2012 act is illiberal and it has caused friction between police and fans and confusion in the judiciary. As such, does the minister agree that it is time to blow the whistle on this discredited piece of legislation?

**Annabelle Ewing:** No, I do not agree with that, and I would question certain propositions that Mr Kelly put forward a moment ago.

I point out to the Parliament, because it may not be well known, that there is provision within the 2012 act to allow amendment to improve its effectiveness. Section 5 allows for amendment to section 1, on offensive behaviour at football, and section 9 allows for amendment to section 6, on threatening communications. The Scottish Government has invited stakeholders to submit evidence on how the act could be improved but, to date, nobody has done so.

I say to Mr Kelly that my door is always open to discuss how any legitimate concerns can be addressed. That is the constructive way in which the Scottish Government will continue to address this important matter.

**John Mason (Glasgow Shettleston) (SNP):** Does the minister agree that, given what happened at the Scottish cup final, if the 2012 act was repealed, that would be saying that offensive

and sectarian behaviour is acceptable, and surely it is not?

**Annabelle Ewing:** The Scottish Government's aim is of course to prevent abusive and offensive behaviour from taking place, and the 2012 act plays an important role in that regard. Sadly, until such behaviour ceases, there will continue to be a need for the act.

**Douglas Ross (Highlands and Islands) (Con):** When recent figures revealed a large increase in charges under the legislation in the past year, the Cabinet Secretary for Justice hailed them by saying

"the legislation continues to be an important tool in tackling all forms of offensive behaviour."

However, 12 months earlier, when the figures had reduced, the then Minister for Community Safety and Legal Affairs said:

"Whilst the legislation we brought in two years ago has had its critics, the latest statistics show a steady decline in offences at stadiums".

Which of those contradictory statements from the Scottish National Party Government on this deeply unpopular piece of legislation should the public believe?

**Annabelle Ewing:** Surely the member agrees that it is a matter of great regret that the number of charges under the 2012 act has recently increased. Surely he accepts that the recent appalling scenes at the Scottish cup final demonstrated that there is still a problem on the part of a minority of football fans and that we continue to need to tackle the issue.

### **Dairy Production (North East Scotland)**

3. **Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** To ask the Scottish Government what action it is taking to ensure the sustainable future of dairy production in North East Scotland. (S5O-00083)

**The Cabinet Secretary for Rural Economy and Connectivity (Fergus Ewing):** Although dairy farming is centred mainly in the south-west of Scotland, it also occupies an important place in the economy of the north-east. As the member will know, the industry faces a number of market-driven pressures, which we have been seeking to address with stakeholders. Dairy farming in the north-east of Scotland, as in other parts of the country, can be maintained only if our excellent producers receive a fair return for their efforts.

Although it will ultimately be down to the market to deliver that, the Scottish Government is on the front foot, with a range of initiatives that are aimed at boosting resilience in these challenging times, including the creation of the Scottish dairy growth board and support for the online Scottish dairy

hub. We will also be involved in an industry-led working group that will consider what support can be given in the short to medium term.

**Stewart Stevenson:** Does the Scottish Government encourage the actions of the National Farmers Union Scotland, Opportunity North East and Aberdeenshire Council to commission a study into alternative dairy processing options in the north-east? If so, does the Government consider that that local initiative can be a vital component of ensuring support for the dairy industry in the area that I represent?

**Fergus Ewing:** Yes, I very much agree with that. I have had the pleasure of meeting the NFU on several occasions since I was appointed, most recently yesterday. I am conscious of Opportunity North East and Sir Ian Wood's extremely generous gesture of support and his interest in promoting innovation in farming. As Stewart Stevenson well knows, there is of course already a huge amount of innovation in farming, especially in the dairy sector and particularly in diversification into higher-profit-margin products in recent years by a variety of companies. I am determined to work with members of all parties and the industry to address the serious challenges that currently face the dairy sector in Scotland.

**Mike Rumbles (North East Scotland) (LD):** Members will be aware that dairy farmers receive no subsidy through the common agricultural policy. Does the cabinet secretary believe that, when the common agricultural policy ceases to apply, the dairy industry should be included in any scheme that he brings forward for subsidies in Scotland?

**Fergus Ewing:** Since last Friday, a great many farmers and crofters, some of whom I met at the Royal Highland Show last Friday, have been extremely concerned about the total lack of clarity from the United Kingdom Government on the future arrangements to continue the necessary support for all our farmers. To repeat the message that I gave to the Rural Economy and Connectivity Committee yesterday, this worry, which is creating such great anxiety in the farming community, must be dispelled by the Chancellor of the Exchequer as soon as possible. EU funding is a reserved matter, so it is plainly the responsibility of the UK Government to come up with a plan B, and I hope that that plan B is not a Christian name.

**Peter Chapman (North East Scotland) (Con):** I certainly agree that we need to see where we are going with the support payments. However, in this specific proposal, the problem is that the dairy industry is under increasing pressure because of low commodity prices. The problem in the north-east is that the Müller Wiseman management has decided to add a 1.75p per litre haulage charge on to the already depressingly low prices that dairy

farmers are getting. I have written to the chief executive—*[Interruption.]* Pardon?

**The Presiding Officer:** I think that the cabinet secretary hears your question, Mr Chapman.

**Peter Chapman:** I have written to the chief executive of Müller dairy asking for the dairy to pick up that tab and I ask the cabinet secretary to support that because I feel that the Müller management decided to close the factory to take costs out of its production and it has added all the extra costs on to the dairy farmer.

**The Presiding Officer:** Thank you. The cabinet secretary has heard your question.

**Fergus Ewing:** It was difficult to discern precisely what the question was. If the question was whether the Scottish Government would intervene in contractual arrangements, it is not the sort of question that I would expect, given the typical approach of the Conservative Party, which normally says that contracts are a matter for the two contracting parties.

Let me be clear. I was of course disappointed by the announcement at Müller but I am also pleased that Müller is planning a very substantial investment in Bellshill. We must of course respect the right of companies to conduct their business and it is not for me to interfere. I am astonished that Mr Chapman is an interventionist. That is something that we would expect from the Labour benches.

I can confirm that I will work very closely with all the major players in the sector because we are extremely concerned about the difficult times facing farmers in the dairy sector and therefore we will work increasingly closely with them to do everything that we can to ameliorate the problems that they face right now.

#### **Pollution Prevention and Control Permits (Charges)**

4. **John Scott (Ayr) (Con):** To ask the Scottish Government what recent discussions it has had with the forestry and timber processing industry regarding new charging levels being phased in over the next five years for pollution prevention and control permits. (S5O-00084)

**The Cabinet Secretary for Rural Economy and Connectivity (Fergus Ewing):** Scottish Government officials hosted a meeting between the Scottish Environment Protection Agency and representatives of the timber processing industry on Monday to discuss the new SEPA regulatory charging scheme and liaison arrangements.

**John Scott:** I thank the cabinet secretary for his response. However, he will be aware from my correspondence that the cost of a PPC permit will rise in Scotland by 54 per cent in the next five

years, from £2,320 to £3,566 per installation, while in England and Wales, similar charges have not risen this year and look to remain the same next year, too. The minister will understand that that will put timber treatment sites in my constituency at a competitive disadvantage compared with English sites, and that it will disadvantage plants in Troon, Lockerbie and elsewhere in the south of Scotland, which will result in higher costs and potential job losses. Will the Government consider not imposing that punitive charging regime at this time, as it could reduce jobs in my constituency and elsewhere in Scotland?

**Fergus Ewing:** I am aware of those concerns and it is quite understandable that John Scott has raised them; I understand the argument that he is making. Of course, we both want to drive further forward forestry's contribution to the rural economy; it currently contributes £1,000 million a year. SEPA has introduced a new charging regime, which will simplify charging arrangements, make efficiencies, and promote compliance. There will be reductions as well as increases.

I am well aware of the meeting on Monday—I know that Mr Sulman and Mr Goodall were present. Under my and Roseanna Cunningham's oversight, there will be a workshop to explore specific issues—to examine, in particular, whether the principle of cost recovery requires increases of that level, because the principle of cost recovery is, of course, the one that is applicable.

### Marine Tourism (Inverclyde)

**5. Stuart McMillan (Greenock and Inverclyde) (SNP):** To ask the Scottish Government what measures it is taking to facilitate the growth of marine tourism in Inverclyde. (S5O-00085)

**The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop):** The Scottish Government works closely with a wide range of public bodies, local authorities, third sector bodies and other specialist sectoral advisory bodies to promote sustainable economic growth throughout Scotland, including sustainable marine tourism, with the industry-led marine tourism strategy.

Recent support from VisitScotland in the Inverclyde area includes £13,000 from EventScotland for the Powerboat P1 Scottish grand prix event held on 18 and 19 June, plus £10,000 for Scotland's boat show, which took place at Inverkip marina between 9 and 11 October.

**Stuart McMillan:** The cabinet secretary will be aware of the city deal projects—in particular, the extension of the quayside at Greenock ocean terminal to facilitate bringing in more cruise liners. That will be of great assistance, but there are still

questions regarding a possible reduction in hourly trains between Greenock and Glasgow as a result of the proposed rail link to Glasgow airport. What direction can be provided to VisitScotland to ensure that it works in full with local partners to maximise Inverclyde's tourism opportunities, with a greater emphasis on promoting Inverclyde as Scotland's marine tourism capital?

**Fiona Hyslop:** I am very excited about the possibilities of marine tourism. It has untapped potential—in particular regarding our coastal opportunities. I will be encouraging VisitScotland to ensure that it promotes all our coasts and marine tourism possibilities. I look forward to working with Stuart McMillan, as a great champion of marine tourism, in that regard.

**Claudia Beamish (South Scotland) (Lab):** As the cabinet secretary knows, many tourists visit our seas—for example, at the Clyde—to see Scotland's outstanding marine wildlife. Does the cabinet secretary agree that the Scottish Government must continue its job of completing the marine protected area network to preserve that wildlife, including consulting all stakeholders and local communities on management measures such as those for the Clyde sea sill MPA?

**Fiona Hyslop:** The quality of our marine coastal areas is very important to their marketing. Marine protection is the responsibility of another minister, but Claudia Beamish made her point well.

**Jamie Greene (West Scotland) (Con):** Despite the rain, the Powerboat P1 event in Greenock was a great day out. I offer my thanks to everyone who was involved in that.

Given the fact that the rest of the United Kingdom is the biggest market for marine tourism outside Scotland, accounting for 30 per cent of all visitor boat nights, what work has been carried out with agencies and clubs south of the border to promote the beautiful sailing opportunities that exist along the west coast and across Scotland?

**Fiona Hyslop:** At this time in particular, it is important that we send the message that Scotland welcomes visitors from wherever they come, and it is important that we champion our tourism industry. There is huge amount of work in promoting Scotland as the best place to come, and the awards that have been given to our marine tourism experiences show that Scotland is the best place to come. We remain open to visitors from England and from elsewhere in Europe or the wider world.

### Trade Union Act 2016

**6. Richard Leonard (Central Scotland) (Lab):** To ask the Scottish Government what consideration it has given to the implications of the

Trade Union Act 2016 on workers in Scotland. (S5O-00086)

**The Minister for Employability and Training (Jamie Hepburn):** Scottish Ministers opposed the Trade Union Bill as it made its way through Westminster. We saw it as an ideological attack on trade unions, which threatened Scotland's good industrial relations record. We, alongside trade unions and local authorities, lobbied the United Kingdom Government to exclude Scotland from the extent of the legislation. During the process, we looked at every possibility to oppose and restrict the implementation of the regressive legislation in Scotland. We engaged with trade unions and other parties to discuss how best to fight the bill.

Scottish Ministers continue to oppose the 2016 act. Although the bill was watered down in places as it progressed through Westminster, we have still to see how the 2016 act will be put into force through secondary legislation. That may still have an impact on how we are able to work with unions, so we will continue to work with the Scottish Trades Union Congress to ensure that together we can mitigate the negative impacts of the 2016 act and protect our good industrial relations record in Scotland.

**Richard Leonard:** The Scottish Government is an employer. Will the minister assure Parliament that he will meet the civil service trade unions and enter into written and binding industrial agreements with them that will ensure that no part of the public sector for which this Government has responsibility withdraws check-off, cuts trade union facility time or permits at any time the use of agency workers to replace workers who are engaged in lawful industrial action?

**The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney):** We have done all that.

**Jamie Hepburn:** I heard the Deputy First Minister rightly make the point that we have done all that. In areas in which we have control in relation to check-off and so on, we have not sought to implement the measures that the member mentioned. We have good industrial relations with our trade union partners, we will always be willing to work with them, and we will do everything that we can to mitigate and work against the impact of the UK Government's legislation.

**Clare Haughey (Rutherglen) (SNP):** Does the minister agree that a workplace in which trade union membership is recognised and encouraged is a safer and wealthier workplace, and that the Trade Union Act 2016 could jeopardise that?

**Jamie Hepburn:** Yes. We work with our trade union colleagues as partners. I am very new to my

post, but virtually every one of the range of working groups and bodies that we have established that I have responsibility for working with has trade union representation on it. I recognise the benefits that Clare Haughey set out. That is at the heart of our commitment to fair work and, in particular, to the establishment of the fair work convention. As I have set out, we will do everything that we can to stymie and work against the 2016 act.

## First Minister's Question Time

12:00

**The Presiding Officer (Ken Macintosh):** We move to First Minister's question time. There is a large amount of interest from members in asking supplementaries on the European Union following the referendum. Members also have a number of local and constituency supplementaries. I ask members who wish to ask a local or constituency supplementary to press their request-to-speak button during question 1 or question 2, and I will take them after question 2. At that point, we will clear the screens. Those who wish to ask a supplementary on the EU should press their button during question 3 or question 4, and I will take them after question 4. I hope that that is clear.

### Engagements

**1. Ruth Davidson (Edinburgh Central) (Con):** To ask the First Minister what engagements she has planned for the rest of the day. (S5F-00112)

**The First Minister (Nicola Sturgeon):** Engagements to take forward the Government's programme for Scotland.

**Ruth Davidson:** In response to last week's referendum vote, the United Kingdom Government announced that it will set up a new Cabinet Office unit to present options for the UK's negotiation with the European Union. We need full involvement from all our devolved Governments in that process, and I understand that ministerial meetings will take place in the coming days. What preparations is the Scottish Government making to take part in those discussions?

**The First Minister:** The Scottish Government is making exhaustive and very detailed preparations to ensure that we are fully involved in the UK decision-making process as it now develops. Of course, we do not yet know what the UK negotiating position will be—we do not even know who the UK Prime Minister will be after the next few weeks—but we are making it very clear to the UK Government that the commitment that I was given by the Prime Minister on Friday morning that there would be full engagement of the devolved Administrations must be delivered in full.

It is vital that, in the course of the development of that position, all options for Scotland are on the table. As everybody will have heard me say a number of times over the few days since the referendum, Scotland voted to stay in the EU, and it is my job as First Minister and the Scottish Parliament's job to do everything that we can to give effect to how people in Scotland voted.

**Ruth Davidson:** I thank the First Minister for that answer, and I hope and trust that the Scottish Government will play a full and integral role. I think that we need to agree some first principles for the talks. Retaining our place in the single market should be the overriding priority. The mayor of London, Sadiq Khan, has already said that he will be

“pushing the Government to ensure this is the cornerstone of the negotiations with the EU.”

Will the First Minister follow the same course?

**The First Minister:** In addition to what I said earlier about making sure that all options for Scotland are on the table and that we are doing everything that we can to protect Scotland's position in all eventualities, I make it clear that my first principle is to seek to give effect to the democratic will of the Scottish people that was expressed in last week's referendum, when more than 60 per cent of voters across Scotland—including a majority in every local authority area—said that they wanted to stay in the EU.

Therefore, at this stage, I do not think that we should be looking at second-best options; we should be looking to protect what people in Scotland voted for. Until the past few days, that was the position of Ruth Davidson. She said:

“our membership of the EU is crucial—not just in ensuring access to the single market, but also because we benefit from being able to call on the EU's negotiating muscle on trade policy around the world.”

In relation to Scottish employers, she said:

“for so long as they are telling me that our jobs are sustained by staying within the EU, then I will be backing them”.

I just wonder what has changed in the intervening period. What happened to the spirited defence of EU membership that we saw at Wembley? Why, just a few days later, is Ruth Davidson suggesting that we meekly throw in the towel? I am not going to meekly throw in the towel.

**Ruth Davidson:** The First Minister is absolutely right that it was access to the single market and trade that was at the very core of my support for the European Union, because it helps our economy, helps sustain jobs and helps to keep our public services in Scotland well funded. It is very important, but it is not as important as our own UK single market—or does the First Minister not agree?

**The First Minister:** No, I think that the single market as it exists right now is really important. I think that trade between Scotland and the rest of the UK is important, as is trade with the Republic of Ireland, incidentally; I am sure that the Republic of Ireland will be seeking to make sure that, in



whatever negotiations unfold, trade between it and the UK is protected.

Ruth Davidson wants to suddenly force the rest of us into an either/or choice. It is the Conservatives who have recklessly brought this country to the brink of disaster. No longer will the Tories have any credibility in suggesting that they are the party of economic stability or even the party of the United Kingdom. It is the reckless, selfish behaviour of the Conservative Party that has put economic stability and the reputation of the UK on the line. I am going to continue to do the job that I was elected to do, which is to stand up for Scotland. I would not be fit to be First Minister if I did not do that. Given what Ruth Davidson is saying just now, she should take a lesson from that and stand up for Scotland as well.

**Ruth Davidson:** That was a rather cursory acknowledgement of the importance of the UK market to Scotland. However, the First Minister should recognise that importance, because our exports to the EU are worth £11.6 billion but our exports to the rest of the UK are worth £48.5 billion. The UK single market is four times more important to our firms and is underpinned by both our shared currency and our free borders. She says that she does not want to jeopardise that. Why then has she instructed civil servants to draw up legislation for a second independence referendum? Why have her taxpayer-funded spin-doctors been briefing the press overnight that a second referendum is just around the corner? How does that protect Scotland's place in the UK single market?

**The First Minister:** If Ruth Davidson and her Conservative colleagues had thought it was so vitally important to protect what we have now, why did they propose a referendum that put all that on the line? Why have they brought not just Scotland but the UK to the brink of economic disaster?

As I have said before, my starting point in the discussions is not independence; it is protecting Scotland and doing what the Conservatives have so clearly failed to do. However, let me also say this: if I think—if Scotland thinks—that the best way to protect our position in the period that lies ahead is to look again at being independent, that is a right that Scotland should have. Let me remind Ruth Davidson of something that she said in the 2014 referendum. She said:

“No means we stay in ... the European Union.”

She said:

“No means ... we are members of the European Union.”

Well, voting for the UK is what has put membership of the European Union on the line, and I think that the people of Scotland should have

all of the options available to them to protect Scotland's position.

### Prime Minister (Meetings)

2. **Kezia Dugdale (Lothian) (Lab):** To ask the First Minister when she next plans to meet the Prime Minister. (S5F-00142)

**The First Minister (Nicola Sturgeon):** I spoke with the Prime Minister on Friday morning in the immediate aftermath of the referendum result. That conversation was the start of what I hope—indeed, what I will insist—is an on-going process of close discussion and direct involvement in the United Kingdom negotiations with the European Union. I will also be with the Prime Minister tomorrow when we will both attend the battle of the Somme centenary commemorations in France.

**Kezia Dugdale:** As the First Minister knows, the Labour Party supports her efforts to secure Scotland's place in Europe and, unlike those on the Tory benches, who are ultimately responsible for their country being in this mess, we share the Government's objective, because that is essential to protect jobs, grow our economy and protect workers' rights.

Yesterday, however, the elected leaders of France and Spain both said that there would be no negotiations with Scotland. Scotland needs more than tea and sympathy from our European neighbours; we need their support. Can the First Minister tell us what her next steps will be?

**The First Minister:** What certain Governments said yesterday was that the Brexit negotiations will be between the EU and the UK. That is a simple statement of fact. Our job—and I have always been clear about this—is to make sure that, in the context of that negotiation, all options for Scotland are on the table. That is why, as well as our intensive EU interaction with member states and with EU institutions, we are seeking to ensure—as I have just said to Ruth Davidson—that Scotland is fully involved in the UK decision-making process.

It is also vital to make sure, as I was doing in Brussels yesterday, that the EU and all players in the EU are aware of Scotland's desire to protect our place in the European Union and that we keep minds open about options as we move forward. That was the purpose of yesterday's meetings and, from the response that I got in Brussels, they were successful.

**Kezia Dugdale:** The First Minister knows that we support her efforts, but we need to know what her alternative plans are too. I know that those vying to lead Ruth Davidson's party discount expert advice readily, but the economic experts are clear that we must prepare for the worst. That means more job losses and further austerity.

The last time that we met in this chamber before the EU referendum, I asked the First Minister about the contingency planning that her Government was undertaking in the event of Brexit. People are worried about their jobs, their mortgages and their pensions, so can the First Minister update us on the actions that she is taking to protect Scotland's economy?

**The First Minister:** That contingency planning, which is more important now that we know the outcome of the referendum, is under way across a whole range of issues. As I said when I made my statement on Tuesday in this chamber, I will endeavour to keep the Parliament—and, during the parliamentary recess, the party leaders—fully apprised of all the work that we are doing.

My position is clear. I want to give effect to what Scotland voted for. I do not want us to be ripped out of the European Union against our will, but at every step of the way, as the negotiations and discussions that the UK will be taking forward unfold, we must be doing everything that we can to give assurances to people who are worried about their jobs and livelihoods and, in the case of EU citizens here, very worried even about their right to live here.

That is why we will be working hard to look at what assurances we can give over the weeks and months ahead—and we will also be seeking to persuade the UK Government to give assurances. One assurance that I think that the UK Government should give today without any further delay is that, regardless of what happens, the right of any European citizen already living here in Scotland should be protected. At a stroke, the UK Government could give that assurance today, and I hope that it will consider doing so.

We will continue to plan for all eventualities, but in doing that, no matter what Ruth Davidson might want to see us do, I am not prepared as First Minister simply to ignore how people in Scotland voted last week. I am not prepared to shrug my shoulders and simply accept that a Tory Government that we did not even vote for here in Scotland can drag us out of the European Union against our will, and I think that a majority of people in Scotland agree with that position.

**Kezia Dugdale:** The First Minister is right to seek reassurance regarding the status of EU migrants living in Scotland, and I give her the support of members on the Labour benches for that specific ask, which should be given and given now.

Last night, the First Minister was asked by the political editor of STV news about the legal advice that she was in receipt of regarding Scotland's place in Europe. I know that the Government's convention is not to publish legal advice, but these

are not conventional times. The Tories' reckless gamble has left us in a political, economic and constitutional crisis unparalleled in modern times. People deserve to know—in fact, they need to know—what is going to happen next.

This is not about dragging up the arguments of the past; it is about our country's future. Will the First Minister publish the legal advice that she receives?

**The First Minister:** I start by agreeing with the premise of Kezia Dugdale's question. These are not conventional times that we live in, so we should not simply accept that the way in which things are normally done should be the way that things are done right now. We should also certainly learn lessons from what the Conservatives have just done, which is to bring not just Scotland but the whole UK to the position that we are in just now with clearly no planning.

When I heard the Prime Minister and other ministers during the referendum campaign saying that there was no contingency planning, I assumed that that was just something that they were saying for the benefit of the campaign. It now turns out that it was right; they did no planning and that, frankly, is unforgivable. We should all ensure that we learn lessons from that.

What I said to the political editor of STV last night I will say again here, and I have said it before in the chamber. I recognise the potential importance of some of the decisions that Scotland is going to be confronted with over the next period, and I am determined to be as open and as frank—not just with this Parliament but with the people of Scotland—as I possibly can be. I want us, if at all possible, to face up to and take in a unified way the decisions with which we might be confronted. Transparency and openness are absolutely paramount to that.

I stopped short, as I will do again today, of saying that the Government would publish every single piece of advice that it ever gets because, particularly when negotiations are at stake, that would not be a sensible thing for any Government to do. However, the commitment that I have to trying to find a path through the situation to lead the country forward in as open, transparent and frank a way as possible is absolute. We will face challenges—as well, potentially, as opportunities—over the next period, and it is important that we face those challenges in a spirit of openness. The Parliament has my absolute commitment to that.

**Richard Lyle (Uddingston and Bellshill) (SNP):** I am sure that the First Minister and members are aware of the recent serious accident that took place at M&D's theme park in my constituency, where a rollercoaster derailed,

crashed to the ground and caused 10 people serious injury. I thank colleagues for their kind words on social media giving support for my constituents. I also thank for their incredible response the public and, of course, our amazing emergency services. What is the Scottish Government's reaction to the incident at the park?

**The First Minister:** My heart goes out to all the people who are affected by the terrible incident that took place at M&D's theme park on Sunday afternoon. My thoughts are particularly with the children and adults who were injured, some of them seriously, and with their families and loved ones. I wish all of them a full and speedy recovery.

I also take the opportunity to thank our emergency services, who were quickly on the scene and provided help and support to the people who were affected with their usual courage and professionalism.

Police Scotland has been in touch with the Health and Safety Executive and both agencies are working together to ensure that the incident is fully investigated. It must be fully investigated and any lessons or recommendations arising from that investigation must be implemented. In the meantime, however, I am sure that the thoughts of the whole chamber are with everybody who was affected on Sunday.

**Ross Thomson (North East Scotland) (Con):** In light of the stark findings of the report on the investigation that was commissioned into the cremation of infants in Scotland, will the First Minister advise me what actions the Scottish Government is taking to ensure that there are no repeats of those abhorrent practices in Scotland? Is the Government considering taking any additional actions in relation to the report's conclusions on Aberdeen?

**The First Minister:** I thank Ross Thomson for raising an important and, for many families, difficult issue. I welcome the report that Dame Elish Angiolini published, which is the culmination of several years of work investigating why those mistakes were able to happen. I pay tribute to the courage and dignity shown by parents and families who have been involved with the investigation as well as with earlier investigations. The findings will not undo all the years of pain, but I hope that it will give families some comfort to know that changes have been made and will continue to be made to prevent the same things from ever happening again.

We have already made a number of important changes, including the appointment of an inspector of crematoria and the introduction of the Burial and Cremation (Scotland) Act 2016. We accept all of the report's recommendations and will implement them as soon as possible. Aberdeen

City Council has taken steps to remove responsible individuals from their roles, and I hope that the organisational culture that led staff to conceal the practices is a thing of the past. The chief executive of the council apologised this week and pledged to take personal responsibility for improving procedures.

Changes are being made. That does not undo the hurt and pain that families have suffered but I make a commitment to Parliament that, as we move to implement all the recommendations, Parliament will be fully involved in the work.

**Iain Gray (East Lothian) (Lab):** The credibility of the Scottish child abuse inquiry is hanging by a thread. Professor Lamb, one of three panel members, has resigned, citing Scottish Government interference, which is compromising the inquiry's independence. We all owe survivors of abuse justice and redress. What is the First Minister doing to fix this before we fail them once again?

**The First Minister:** This is a matter of utmost importance to the Government. We all owe it to survivors of abuse to ensure that the inquiry is a thorough investigation of the abuse that they suffered.

We do not accept Professor Lamb's comments about the independence of the inquiry. Key decisions in relation to the direction of the inquiry, within the terms of reference, and its programme of work are taken by the inquiry panel, which is supported by the inquiry secretary. However, under the Inquiries Act 2005, the Scottish Government has an obligation to fulfil its responsibilities and I believe that we have acted appropriately in doing so. Our priority now remains to support the successful operation of the inquiry and to ensure that the current situation does not impact on its progress in the weeks and months to come.

To answer Iain Gray directly, we have instructed officials to begin planning for the appointment of a new panel member, with that process taking place over the summer. We will make sure that the focus is on the inquiry continuing. The Deputy First Minister is due to meet survivor groups next week to listen to their views about the inquiry's progress. He will no doubt keep Parliament updated on that work as it progresses, but I want members to be assured of the Government's commitment to making sure that the inquiry proceeds and does so well and smoothly.

### **Cabinet (Meetings)**

3. **Patrick Harvie (Glasgow) (Green):** To ask the First Minister when the Cabinet will next meet. (S5F-00125)

**The First Minister (Nicola Sturgeon):** The Cabinet will meet on occasion over the summer recess. It is worth pointing out that, since 2008, the Cabinet has met 42 times outside Edinburgh across 25 different local authority areas. I hope that is a signal of our commitment to openness and accessibility. Much of that engagement takes place during the summer recess and it is our intention that that will continue this year.

**Patrick Harvie:** That is all very welcome, and I hope that the members of the Cabinet take the train at every opportunity.

On Friday morning, after the chief fraudsters of the leave campaign stood in front of the cameras looking like rabbits caught in the headlights, the First Minister told us clearly that people who have done us the honour of choosing to live and work here in Scotland are welcome. Those remarks meant a great deal to a great many people. This must be the first time in generations that a political decision has resulted in so many of our friends and neighbours living in fear and uncertainty about something so fundamental as where they will be allowed to live, and I know that the First Minister shares that concern.

Does the First Minister agree that the way for the United Kingdom Government to allay those concerns is to introduce urgent emergency legislation to immediately give all EU citizens who are already in this country indefinite leave to remain? What actions can the Scottish Government take to offer practical assistance—legal support or additional resources to advice agencies such as citizens advice bureaux—to those who are currently struggling with the complicated process of applying for residency?

**The First Minister:** I thank Patrick Harvie for his question. He referred to the “chief fraudsters” of the leave campaign, who I see this morning have spent more time stabbing each other in the back than preparing for the consequences of their actions. That perhaps says more about the true motivations of certain individuals in the campaign.

I agree 100 per cent with the substance of Patrick Harvie’s question. I abhor absolutely the way in which the referendum has made people who have come to make this country their home feel about being here. On my way through Edinburgh airport when I was going to Brussels yesterday, I spoke to a number of EU citizens here who told me directly how they felt and how positive they had felt when they heard not just me as First Minister but the whole Parliament say clearly that they are welcome here. We cannot make that clear often enough.

In response to Patrick Harvie’s specific questions, I repeat what I said to Kezia Dugdale. The UK Government should now make it clear to

everybody who lives in this country and is from another European country that their right to remain here will not be affected by anything that happens during the Brexit negotiations. That would be an important step forward, and I hope that the declared candidates for the Conservative leadership will each make that clear during their campaign to be the new leader of the Tory party. We will continue to make that case.

On the practical support that we can provide, I am keen that we look at all options. On Tuesday, I said that next week I will convene a summit of all the EU consuls general. That will take place next week. One of the things that I want to discuss is the practical support that it might be useful for the Scottish Government to provide to anybody in the situation.

I am really angry and upset about many things about the referendum and its outcome, but above all others is the idea that somehow we are not the open, inclusive and welcoming country that I know we are. The Scottish Parliament has a duty to stand up and get that message out there, loudly and clearly. Scotland is open, inclusive and welcoming, and no Tory Government behaving in its own party interests should ever be allowed to destroy that.

**Patrick Harvie:** I very much welcome the positive response that the First Minister has given and I share her outrage—I think—at the irresponsibility of Mr Johnson, one of the central architects of a deceitful leave campaign, in abdicating his responsibility for the mess that he helped to create.

Let us turn to the options for Scotland as we look for a way forward. The First Minister and I voted the same way in 2014 and we voted the same way in this year’s referendum as well, but many people did not and do not want to be forced to choose between remaining members of one union or the other. Following her meetings in Brussels, can the First Minister tell us what other options exist to protect Scotland’s European Union status? Would those require treaty change, and is that realistic? Or does she believe that, ultimately, Scotland will be left with no option but to choose between remaining in the EU, as 62 per cent chose to do last week, and remaining in the United Kingdom, as 55 per cent chose two years ago?

**The First Minister:** It is too early to give a definitive answer to that question. My purpose in Brussels yesterday was to make Scotland’s voice heard and to raise awareness of Scotland’s case. We are at a very early stage—before we even know what the UK’s negotiating position is going to be—in determining what the different options might be. Within the Scottish Government, we are looking at and are starting to develop what those options might be, but we are a long way from

being definitive about them. I repeat what I said earlier this week: at this stage, all the options must be on the table. As we develop our work on that, Parliament must be fully involved, and I repeat my commitment that it will be.

Since Friday, I have made it very clear that the independence option is very much on the table—it has to be on the table—but it is not my starting point. My starting point is how we best protect Scotland's position. If we do get to the stage of having a second independence referendum—we are not there yet—a number of issues will be up for discussion and will have to be properly discussed and debated. It is very clear that if we got to that stage, the debate that we would have would be a very different debate from the one that we had in 2014, when many people—not me or Patrick Harvie—saw it as a choice between a step into the unknown, with independence, and the known quantity and stability of the United Kingdom. That will not be the case if we are in the situation in the future. Then, the choice will be between a potentially unstable and unpredictable United Kingdom and a choice that might allow us to preserve our stable position within the European Union.

Those decisions lie ahead of us, and it is important that we, as a Parliament and as a country, take them in good order. I am acutely aware that if—I keep stressing the word “if”—I, as the First Minister, get to the stage of asking people in Scotland to look again at the issue of independence, although it will be not just my responsibility, I will have the prime responsibility to persuade people of the case for independence. If I am in that position, I tend to do that openly and honestly, as I said to Kezia Dugdale.

### Cabinet (Meetings)

**4. Willie Rennie (North East Fife) (LD):** To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S5F-00108)

**The First Minister (Nicola Sturgeon):** We will discuss issues of importance to Scotland.

**Willie Rennie:** I do not know whether the First Minister felt the same, but I found it difficult to believe that Ruth Davidson showed no signs of embarrassment at all when she claimed a few minutes ago to stand up for our place in the United Kingdom. Within weeks of her becoming the leader of the—apparently—official Opposition, support for independence is at a record high. God help the union if it carries on like that.

After our discussions with the First Minister on Friday, she knows that I oppose independence but will support her efforts to maintain a strong relationship with the European Union. There are three specific EU measures that are especially

beneficial to Scotland. The European arrest warrant provides for speedy extradition of criminals back to justice; the Erasmus programme provides for students to complete their degrees in more than one country; and the European health insurance card gives a right to state-provided healthcare in Europe. As the legislative power in all three areas is devolved, does the First Minister believe that those could be the foundation of any new agreement between Scotland and the European Union?

**The First Minister:** That is a reasonable line of questioning from Willie Rennie. I absolutely agree that the Conservatives should feel deeply ashamed of themselves right now and a bit more humility from their benches this morning would have been in order.

On the substance of Willie Rennie's question, let me be clear again. I know that Willie Rennie understands this, but my priority—I do not pretend that this is easy—is to seek to see if we can find a way to protect Scotland's current relationship with the EU, because that is what people in Scotland voted for.

However, there are a range of issues—Willie Rennie has run through some of them: the arrest warrant, Erasmus and the health insurance card—on which, notwithstanding what else might happen, we may well be in a position in Scotland to give early certainty. I can assure Willie Rennie that all those things are under our active consideration as we take forward the next steps in this process.

**Willie Rennie:** Thousands of criminals have been extradited to and from the United Kingdom, hundreds of thousands of students have benefited from the Erasmus programme and millions of holidaymakers have an EHIC card. Those are practical benefits that people could see the benefit of maintaining.

While the First Minister was in Brussels yesterday, her finance secretary explained that he had set aside a small contingency to protect Scotland's budget from the effects of lower revenues or cuts to the block grant as a result of Brexit. The First Minister knows that I already have concerns about the funding for colleges, schools and nurseries. That situation could get worse with Brexit. Will she consider a greater use of income tax powers to mitigate the effects of Brexit on our education system?

**The First Minister:** I will come back to that point in a second. To finish off on Willie Rennie's first point, I am not in any way stepping back at this stage from my commitment to seek to give effect to what people in Scotland voted for. However, there is a possibility that, even as we seek to do that, there will be issues where we can

give certainty right now. Willie Rennie has raised what some of those issues might be. While I cannot stand here and give definitive answers on each of those right now, Willie Rennie should know that those are all things that are under our active consideration.

On the wider financial and economic issues, if anybody doubts the irresponsibility of what the Conservatives have done to this country, they need only read the Economist Intelligence Unit report that was published yesterday, which laid bare the fiscal and economic consequences of the position that we are now in. Clearly, that has consequences for Scotland. We do not yet know fully what those consequences will be, so, as part of our preparations for dealing with those consequences, we need to ensure that we are taking the time and care to look at all elements of our budgetary planning. That will undoubtedly have an impact on our timescale for budgets and spending reviews over the next period. I am not saying that anything is on or off the table right now, but that is another aspect of the very careful work that we will have to do in the months ahead.

Again, I assure Parliament that, as we do that work, we will seek to do it in an open way, not just with Parliament but with the people of Scotland as a whole.

**Alex Neil (Airdrie and Shotts) (SNP):** Will the First Minister use the Scottish Government's involvement in the negotiation team between the UK and the EU to try to ensure that any draft agreement between the EU and the UK will be subject to explicit approval by this Parliament so that we can protect Scotland's interests in that situation, assuming of course that we are still not an independent country by that time?

**The First Minister:** Yes. We need to ensure, at every step of the way, that this Parliament's voice is heard. It is inconceivable that we would not require to give legislative consent to the many legislative issues that will arise from this process. We all know the boundaries of the legislative consent process—I am not overstating what that could deliver in terms of the overall UK position. However, although it would be for every party and every member of this Parliament to decide for themselves, I could not, personally and as First Minister, contemplate giving legislative consent to legislation that takes this country out of Europe against the express will of the Scottish people.

The direct answer to Alex Neil's question is that, of course, this Parliament, as well as this Government, should ensure that our voice is heard at every step of the way.

**Adam Tomkins (Glasgow) (Con):** Just to be clear on the point that the First Minister is talking about, over the course of the weekend the

impression was given that this Parliament has the legal power to block or veto the United Kingdom's withdrawal from the European Union. Does the First Minister agree that, as a matter of law, we have no such power?

**The First Minister:** What I have said is what the reality of the situation is. We have the power. Members will recall that, before the election, we had a debate—if I can put it as politely as that—with the UK Government over whether legislative consent was required for the Trade Union Bill. We said that it was, the UK Government said that it was not, and we got into a stand-off position.

My view is clear: legislative consent for legislation to take us out of Europe—given the enormous impact on our devolved responsibilities—would be required. I have never suggested that the impact of that would be more than it actually is. I believe that a UK Government that was seeking to act in devolved areas against the express will of this Parliament would, in an even further way, be taking itself into constitutional uncharted territory.

Frankly, all of that is just another illustration of how we have been taken to this point by a Government acting completely recklessly without any thought to the consequences or implications: no thought to the consequences for Scotland; no thought to the consequences for Ireland; no thought to the consequences for workers up and down this country. The referendum was brought about purely for the internal purposes of the Conservative Party. Each and every one of them should be deeply, deeply ashamed of themselves.

**Anas Sarwar (Glasgow) (Lab):** The First Minister will be aware that neo-Nazi stickers have appeared in Glasgow proclaiming “white zones”. There are also reports that first, second and even third-generation migrants are being told to go home. Can we therefore send a unified message from this Parliament to our immigrants directly that, “This is your home”, and to the spreaders of hate, “The people who are not welcome here are not migrants but you and your hateful message”?

**The First Minister:** Absolutely. I could not agree more with Anas Sarwar. Let every single one of us, regardless of our party, regardless of our disagreements, make this clear. If someone has done us the honour of choosing to make Scotland their home and they contribute to our economy, our society, our culture and our very sense of who we are, it does not matter whether they are first, second, third or fourth generation and it does not matter whether they come from a European country or a country outside Europe, the message is, “This is your home and we are proud to have you here.” We will never, ever stop saying that. For those who say anything else, Anas Sarwar is right. It is them who do not speak for

Scotland, not those who have chosen to make this their home.

**Colin Beattie (Midlothian North and Musselburgh) (SNP):** What contingency plans might the UK Government have put in place following the referendum to ensure that technology and other resources are in place to continue seamless payments to farmers and other recipients of EU financial support after the expiry of the two-year exit period?

**The First Minister:** The Conservatives are laughing at that question. They would rather do that than face up to the fact that their colleagues in Westminster got us to where we are now without any contingency planning whatsoever—no contingency planning for the issue that Colin Beattie raised and no contingency planning for anything else. We are not going to get any over the next few weeks, either, as they immerse themselves in an internal leadership election. That is the shameful position that we have been put in.

In Scotland, we cannot undo that and we cannot resolve all that. Our responsibility, whether in the Government or across the Parliament, is to seek to provide the leadership here that is so sadly lacking at Westminster, to find our way through this and to navigate a path that is in Scotland's best interests. That is what I am determined to do and I hope that I have the backing of the whole Parliament as I do it.

**Tavish Scott (Shetland Islands) (LD):** Does the First Minister accept that fishing people in Scotland, and indeed in Shetland, voted leave last Thursday and that that reflects the manifest failures of the common fisheries policy over many decades? Therefore, is it not important that, in whatever option is now pursued, that fact is recognised and acted upon?

**The First Minister:** Yes, I accept that. I recognise that many people in the fishing communities voted leave because of their frustrations with the common fisheries policy—my party and, indeed, Tavish Scott's party have expressed those frustrations over many years. As there have been reforms to the common fisheries policy in recent years, so too must we continue to argue for further reforms in the future.

However, I find it impossible to forget the fact that it was a Conservative Government under Ted Heath that thought that our fishermen were expendable when it came to European negotiations.

On the wider issue—there is a wider issue, if Tavish Scott will forgive me for broadening this out—a million people in Scotland voted to leave the European Union. I and all of us have to listen to that, respond to it and understand their reasons. Although I am focused on trying to give effect to

majority opinion in Scotland—people would expect me to be focused on that—let me make it clear that I see it as a key responsibility of mine to understand, engage with and respond to the concerns of those who voted the other way last week.

### **School Leavers (Positive Destinations)**

**5. Jenny Gilruth (Mid Fife and Glenrothes) (SNP):** To ask the First Minister what steps the Scottish Government is taking to ensure that school leavers gain a place at college or university, or gain employment, training or an apprenticeship place. (S5F-00133)

**The First Minister (Nicola Sturgeon):** Our education policies are all focused on improving outcomes for our young people, and I am determined to ensure that all our young people have equal chances to succeed beyond school. Under this Government, the percentage of young people who leave school and go on to positive destinations has increased from 84 per cent to a record high this year of 92 per cent. The education delivery plan, which the Deputy First Minister and Cabinet Secretary for Education and Skills published on Tuesday, sets out more than 50 actions to further transform the education system, including supporting all young people into positive destinations.

**Jenny Gilruth:** The first chances and reach projects at the University of St Andrews are both currently engaged in a partnership with Glenrothes high school, in my constituency. This year, 23 pupils from that school are being supported by the projects, and last year eight pupils went on to study at the University of St Andrews. Does the First Minister agree that strong partnerships between higher education institutions should and must be used as a mechanism to support the Government's ambitions to close the attainment gap by encouraging ambition, aspiration and achievement?

**The First Minister:** Yes, I agree absolutely with that, and I hope that all members do.

In its final report, the commission on widening access made a series of recommendations about how we can strengthen partnerships between schools, colleges and universities, which included the expansion of academic bridging programmes, a national network of summer schools, and academic programmes that target early and sustained support for the most able disadvantaged learners. I have made it very clear, as has the Deputy First Minister, that accelerating progress on fair access is a priority. Some of what we require to do to achieve that will be challenging for the university sector, but I welcome its positive response to that challenge. We are already

working closely with the sector, and that work will continue over the summer.

### **National Health Service (Sustainability)**

#### **6. Donald Cameron (Highlands and Islands)**

**(Con):** To ask the First Minister what long-term plans the Scottish Government has to address concerns about the sustainability of the NHS in Scotland that were raised recently by the British Medical Association. (S5F-00126)

**The First Minister (Nicola Sturgeon):** Over the parliamentary session, we will increase the health resource budget by £500 million over inflation. That was the highest proposed increase of any party in the recent election. We are also working to shift to ensure that it is equipped to respond to some of the challenges that the member rightly raises. Further the balance of care from acute to primary and community settings. That is why, as well as increasing the health budget, we are committed to increasing the share of it that goes to primary care, community care, social care and mental health services in each year of the session. "Investment" and "reform" are the key watchwords of our plans for the session ahead.

**Donald Cameron:** One point that the BMA made forcibly last week was about the pressure that doctors feel as a result of the rising demands and workloads that are being placed on them. There are not just funding issues; there is an ageing population and there are on-going staffing problems. Those are long-term challenges that require long-term solutions.

The First Minister was health secretary for over five years. Does she accept that she bears some personal responsibility for not preparing for the current crisis? Can she commit the Scottish Government to meaningful reform of the national health service so that it has a sustainable future for the next generation?

**The First Minister:** I take some personal responsibility for the fact that we have a record high workforce in our national health service, and many more doctors, nurses and allied health professionals—a wide range of professionals—working in our health service. My job is to ensure that we continue not just to invest in the health service, but ensure that it is equipped to respond to some of the challenges that the member rightly raises. That is why our manifesto talked about five new elective treatment centres to deal with the growing number of elective operations that come with an ageing population. It is why we have already taken steps to integrate health and social care, it is why we are already transferring resource from the health service into social care, and it is why our primary care transformation plan is under way.

We will continue to invest the money that the health service needs, and to take the steps to ensure that it is a modern and fit-for-purpose service that can meet all those challenges of the future.

### **Rail, Maritime and Transport Union and ScotRail (Industrial Dispute)**

**7. Neil Bibby (West Scotland) (Lab):** To ask the First Minister what the Scottish Government's position is on the industrial dispute between the RMT and ScotRail. (S5F-00138)

**The First Minister (Nicola Sturgeon):** I am extremely disappointed that we are seeing industrial action on our railways; it is, after all, the travelling public who lose out in such situations. I once again urge both parties to reopen meaningful discussions and to work towards an agreement that prevents further strikes from going ahead.

Safety is paramount in our rail network. Scottish ministers do not set ScotRail's operational policy, but we expect employers and unions to arrive at a safe, efficient and customer-focused solution, and we believe that that can be done with no further strike action.

A multi-agency response team has operated on each of the strike dates and will do so if any more go ahead, and all modes of transport have continued to perform well.

**Neil Bibby:** The First Minister knows that conductor operation guarantees that a rail worker in addition to the driver will always be on a train to assist passengers, including in the event of an emergency. Can she tell us whether the Government believes that passengers will be at more risk or at less risk if there is an accident or incident and there is no longer a second rail worker to assist?

In addition to safety concerns, does the First Minister believe that disabled passengers will be disadvantaged if they no longer have the guarantee of the assistance of a rail worker?

**The First Minister:** Therein lies the complete misunderstanding of the issue that we are dealing with. The franchise mandates ScotRail to have a second member of staff on board each and every single train, unless there are exceptional circumstances. That is audited regularly.

The issue is not about whether there will no longer be a second member of staff on the train; it is about whether drivers open the doors. That policy of having driver-controlled doors has been in operation on many of our rail services with no safety concerns for about 30 years. When I travelled from Irvine to Glasgow in my university days, the train was operated in that way. I repeat: this is emphatically not about there not being two



members of staff on trains. If Labour wants to be helpful in the matter, it could start by understanding the issue and putting the right information—not the wrong information—out there.

**The Presiding Officer:** Before I close this meeting of Parliament and introduce summer recess, I say that I look forward to welcoming members back on Saturday morning, along with their guests and their local heroes, when the Parliament will open its doors to the people of Scotland for our opening ceremony.

*Meeting closed at 12:47.*



This is the final edition of the *Official Report* for this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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