



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Meeting of the Parliament

**Thursday 15 September 2016**

**Session 5**



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# Scottish Parliament

Thursday 15 September 2016

[The Presiding Officer opened the meeting at 11:40]

## General Question Time

### Economy (North Glasgow)

1. **Bob Doris (Glasgow Maryhill and Springburn) (SNP):** To ask the Scottish Government what action it is taking to boost the economy in north Glasgow. (S5O-00141)

**The Cabinet Secretary for Economy, Jobs and Fair Work (Keith Brown):** The Scottish Government is a full partner in the Glasgow city region deal and is contributing up to £500 million over the lifespan of the deal. The deal empowers Glasgow and its city region partners to identify, manage and deliver a programme of investment to stimulate economic growth and create jobs in the area. Scottish Enterprise works closely with 243 companies in the northern half of Glasgow across a range of different industries, from chemical services to food and drink, to support their growth ambitions, be that through entering new international markets, developing their people and their leadership skills or, indeed, investing in new product development.

**Bob Doris:** The cabinet secretary will be aware of Allied Vehicles in Possilpark, which makes a huge contribution to the economy of north Glasgow, employing around 600 people. The company's owners have invested £1.8 million of their own money in refurbishing Ashfield stadium, have helped to establish the Ashfield Development Trust and are seeking to boost the local economy by investing in the people who stay in that area. Local partners are applying to the Scottish Government regeneration fund with a £2 million bid to create a sporting hub at Ashfield stadium that would support young people who are least likely to be economically active to develop the skills that they require to gain employment. Does the cabinet secretary believe that getting those who are furthest away from the labour market to be economically active would be a very good use of the regeneration fund?

**Keith Brown:** I do, and I also point out that yesterday we got new employment figures from the Office for National Statistics that show the Scottish economy outperforming the United Kingdom economy, because the unemployment rate is 4.7 per cent here and 4.9 per cent in the UK. However, that still means, as Bob Doris points out, that it is important to get those who are

furthest away from the labour market into the labour market, which remains a critical aim for the Scottish Government.

I am aware of the support and help that Allied Vehicles provides locally and I commend the owners for the work that they are doing. In 2015, the owners of Allied Vehicles, Gerry Faccena and his brother, Michael Faccena—apologies if my pronunciation is not spot on—took on a major community redevelopment project in Ashfield stadium, as Bob Doris mentioned. I previously visited Allied Vehicles to see the work that the company does in converting vehicles into disabled-access taxi vehicles. Since then, Ashfield stadium has been taken over and has undergone a massive redevelopment. It now provides an important new facility for local community sports activities as well as hosting regular professional motorsports events. I am also aware that the owners of Allied Vehicles have founded a registered charity, the Ashfield Development Trust, and I am aware of its work. I wish the company and the charity every success in the future.

**Adam Tomkins (Glasgow) (Con):** Does the minister agree with the Joseph Rowntree Foundation report that was published last week that

“work represents the best route out of poverty”?

If he does, what action is he taking to boost job creation in Glasgow, given that figures from NatWest's regional economic tracker publication this week show that employment growth in Scotland is slower than that in any other region or nation of the UK?

**Keith Brown:** I disagree with that entirely. The ONS figures show that there has been a much greater reduction in unemployment in Scotland than there has been across the UK in the past three months. As I just mentioned, the unemployment level is 4.7 per cent in Scotland but 4.9 per cent in the UK. Given the situation here with youth employment, female employment and overall employment, I do not think that we have ever had more people employed in Scotland than we do at this time. I therefore disagree with the premise of Adam Tomkins's question.

I agree with Adam Tomkins's initial point about work being a route out of poverty and extremely important to people. To go back to the original question from Bob Doris, one of the biggest challenges that we have is the people who are furthest removed from the labour market. I concede that there is still structural unemployment in Scotland, as there is in the UK. That presents one of the biggest challenges, but the rewards for individuals who are furthest removed from the jobs market when they get into it are huge. We can see what that means for people in that situation if we

go to the Haven supported employment development in Falkirk, for example. On that point, I agree with Adam Tomkins.

**James Kelly (Glasgow) (Lab):** I am sure that the cabinet secretary agrees with me about the importance of local investment funding to support economic growth. Does he therefore agree that the cuts of £130 million that Glasgow City Council is having to endure are undermining its ability to promote economic growth in the city? In the forthcoming budget, will he agree to promote and support Glasgow being made a priority for funding to ensure that we promote jobs and growth in the city?

**Keith Brown:** I am bowled over by the commendations of the improved employment figures, which also show benefits in Glasgow.

I agree, of course, about the need for investment. I mentioned the £1 billion city deal investment by the UK Government and the Scottish Government, which is going precisely towards the purposes that James Kelly outlined. If he has an issue with the overall quantum of money that is available to the Scottish Government and thereby to local government, he knows where that quantum comes from. It comes from his former partners in the better together campaign—the Tories. Perhaps he should direct some of his ire towards them instead of continually attacking the SNP.

## Renewables

**2. Gillian Martin (Aberdeenshire East) (SNP):** To ask the Scottish Government what its response is to the recent survey suggesting that 61 per cent of people in Scotland would like to see the country generate all of its electricity from renewables. (S5O-00142)

**The Minister for Business, Innovation and Energy (Paul Wheelhouse):** We welcome the findings of the poll, which highlight the high level of support from the people of Scotland for the transition to a low-carbon economy. That follows on from previous polls showing broad support for investment in renewable energy.

The Scottish Government has set ambitious electricity targets to source the equivalent of 100 per cent of electricity demand from renewables by 2020, and we are pleased that provisional statistics for 2015 show that we are more than halfway, at 56.9 per cent.

Unlike the United Kingdom Government, which announced today that it will proceed with Hinkley C, we also believe that Scotland's long-term energy needs can be met without the need for new nuclear capacity. The nuclear strike price has been set at £92.50 per megawatt hour or £89.50 per megawatt hour if EDF investment at Sizewell

C goes ahead, and it will be subsidised by UK consumers until around 2060. That compares with onshore wind projects delivering at £82.50 in 2018-19. Money could be better spent on supporting onshore and offshore renewables that can come online quickly at a competitive price.

We will reinforce our continued support for a stable, managed transition to a decarbonised energy system in our energy strategy, a draft version of which is due to be published around the end of the year.

**Gillian Martin:** With regard to unleashing our considerable energy potential from wind, I ask the minister what effect the removal of wind farm subsidies by the UK Government has had on realising the stated wishes of the public in this regard. Does he agree that, in order to encourage and ensure continued investment in the renewables industry in Scotland, it is vital that we remain part of the European Union?

**Paul Wheelhouse:** Having a route to market for onshore wind and other renewable energy sources in Scotland is critical. The UK Government could certainly help to meet the wishes of the public who expressed their views in the survey by allowing the onshore wind industry to have certainty about its route to market. By providing a price stabilisation mechanism, the UK Government can ensure that developers have the reliability that is required for them to make the large financial commitments to build out projects that can provide us with low-cost renewable electricity.

However, it is not just in onshore wind that certainty is required. Offshore wind, too, needs clarity about future contracts for difference allocation rounds, delays to which are impacting on the industry.

I agree with Gillian Martin that our membership of the European Union is important given the role that it has played in supporting investment in renewables and helping with the statutory targets that it has put in place for all member state Governments to drive legislation at a domestic level and ensure that there is a double lock to support the development of renewable energy.

**Claudia Beamish (South Scotland) (Lab):** The poll is indeed encouraging on electricity generation. However, one of the continuing cultural challenges is the poor development of renewable district heating, on which we lag far behind Germany and some other European countries, as is highlighted in the UK Committee on Climate Change report. What is the Scottish Government doing to promote community and co-operative models, to work with local authorities to dispel the negative myths in this country about that essential technology and to support its installation?

**Paul Wheelhouse:** Claudia Beamish has asked an important question. More than half of the energy that we consume in Scotland is consumed in our production of heat for domestic and non-domestic purposes, and that will clearly be a major focus as we develop our draft energy strategy. I will welcome engagement with Claudia Beamish as we go through the process to ensure that we take on board the point that she raises. District heating will be reflected in the draft energy strategy. In recent meetings with the steering group, we have looked at the regulatory drivers that there may be for driving forward investment in the area, and I would be interested to hear the member's views on how we can do that to support local communities.

**Maurice Golden (West Scotland) (Con):** I refer members to my entry in the register of interests, particularly with respect to Zero Waste Scotland.

An increase in renewables, particularly wind, will lead to periods of peak supply that the transmission network cannot cope with. Will the Scottish Government consider commissioning a commercial feasibility study into an electric arc furnace to recycle steel and take excess electricity and avoid constraint payments?

**Paul Wheelhouse:** I agree that we need to find markets for the electricity and ensure that they maximise the return on investment in onshore wind, so I welcome Maurice Golden's positive remarks in that regard.

We are looking at how we can invest in storage to deal with the grid constraints that Maurice Golden referred to through new technology such as flow battery technology and through hydrogen storage as a means of using electricity to generate fuel. We have two pilot projects—one in Orkney and one in Fife—that I would be interested to show him. I will take the point about an electric arc furnace. Fergus Ewing, who represents rural economy interests, and I are in discussion about how we can support potential for recycling steel in Scotland.

### **Feminine Hygiene Products (Affordability)**

**3. Monica Lennon (Central Scotland) (Lab):** To ask the Scottish Government whether it will carry out an assessment of the impact of the affordability of feminine hygiene products on the health of women and girls. (S5O-00143)

**The Minister for Public Health and Sport (Aileen Campbell):** It is an unacceptable and uncomfortable truth that for some of the most vulnerable in our society, who are those most impacted by the United Kingdom Government's austerity programme, sanitary products can be unaffordable. Although we strain every sinew to ensure fairness and equality in the social policies

that we pursue, unfortunately we cannot stop all the impacts of reckless policies of a UK Government that is intent on slashing Scotland's budget.

We have worked hard in a number of ways to mitigate the impact of the UK Government's cuts, and I am determined to explore what more can be done to ensure that women across Scotland do not face the indignity of being unable to access sanitary products. I, or one of my ministerial colleagues, will meet Engender, associated groups and members of this Parliament, such as Gillian Martin, who has raised this issue in the past, to explore what more can be done to tackle this gendered inequality within the limitations of the current settlement.

**Monica Lennon:** Following a report in *The Herald* last month, we know that charities such as Engender, Scottish Women's Aid and Barnardo's Scotland have indicated that access to feminine hygiene products can be a real problem for women and girls living in poverty here in Scotland. International research has shown that lack of access to such products can lead to health challenges.

I welcome the minister's move towards assessing the impact on women and girls, and I ask whether she will commit to assessing the cost of providing free access to feminine hygiene products.

**Aileen Campbell:** I thank Monica Lennon and other members who have raised this issue. As I said in my initial reply, I or one of my ministerial colleagues will meet Engender and other groups, such as those that Monica Lennon mentioned in her supplementary question, to ensure that we can explore what more can be done, within the limitations that we have, to tackle this gendered inequality.

### **City Deals**

**4. Alison Harris (Central Scotland) (Con):** To ask the Scottish Government whether it will provide an update on the status of each of the city deals. (S5O-00144)

**The Cabinet Secretary for Economy, Jobs and Fair Work (Keith Brown):** Cities and their regions are the engines of our economy, which is why we are committed to working with all our cities to unlock investment and stimulate growth. The Scottish Government is a full partner in the Glasgow city region city deal, supporting all three strands and contributing £500 million over 20 years to the infrastructure investment fund. Heads of terms agreements have been signed for Aberdeen and Inverness city deals, and the Scottish Government has committed to supporting city region deals for Edinburgh and the south-east

of Scotland, and for Stirling city region. Dundee and Perth, together with Angus, in the north of Fife, are currently working on developing proposals for a Tay cities region deal, and the Scottish Government is committed to discussing and supporting the development of that.

**Alison Harris:** What safeguards are being put in place for communities that are close to but not part of city deals? In particular, I am thinking of Falkirk, which is sandwiched between Glasgow, Edinburgh and Stirling.

**Keith Brown:** In my first answer I mentioned the Stirling city deal. It was open to areas around Stirling to come together on that, but, as Alison Harris says, it looks as though Falkirk is not part of that deal. We have said to parts of Scotland that are not part of city deals that we are, of course, willing to listen to their representations. The example that I would give is that of the three Ayrshire authorities, with whom I will meet shortly. They are not part of a city deal but, like Falkirk, they have real concerns about how their interests are being taken forward.

We will maintain a listening mode to make sure that we take on board those concerns. If Falkirk wants to speak to the Scottish Government, we will be happy to meet its representatives.

**Kenneth Gibson (Cunninghame North) (SNP):** Unfortunately I was unable to hear the cabinet secretary's reply to the last question.

Will the cabinet secretary provide reassurance that other areas of Scotland, such as Ayrshire, will not be disadvantaged by the focus on city deals?

**Keith Brown:** I am sorry that Kenneth Gibson could not hear my response because I mentioned Ayrshire specifically. We know that all areas of Scotland need to flourish if we are to deliver on our economic ambitions to increase inclusive growth. A big step towards that was taken in the unemployment figures, which have not been mentioned by any other party this morning. We are outperforming the United Kingdom with 4.7 per cent unemployment as opposed to 4.9 per cent. That benefit is being felt across Scotland.

In addition, we are committed to working with regional partnerships and to encouraging regions that are facing economic challenges to work collaboratively with local partners. That is happening in Ayrshire, specifically, with the three councils coming together. The Ayrshire economic partnership brings together North, South and East Ayrshire and a range of other regional partners to consider how best to stimulate inclusive economic growth. They are in the process of developing proposals for an Ayrshire growth deal.

We welcome the work that is under way and I will meet that partnership to discuss it further.

**Lewis Macdonald (North East Scotland) (Lab):** The cabinet secretary will recall his pledge to fund the east coast rail improvements at the time of the launch of the Aberdeen city region deal, but he will know that no timetable for those improvements has yet been published. When will that timetable be shared, particularly with local partners in the Aberdeen city region joint committee?

**Keith Brown:** As Lewis Macdonald said, that was not part of the city deal. We wanted to make it so, but the United Kingdom Government would not go further than the city deal that was eventually agreed. We went substantially further. The UK contribution and the Scottish contribution to the Aberdeen and Aberdeenshire city deal was doubled by the commitments that we made to the transport projects, one of which Lewis Macdonald has mentioned.

Those projects had the same timescale as the city deal, which was within 10 years. Work is ongoing on the east coast main line project, so it is not necessarily the case that it will take 10 years, and the work that is being done will inform a proper timescale. As I have said already, we are happy to share that information with the partners in the city deal once we have it.

**John Mason (Glasgow Shettleston) (SNP):** Will the Government give an assurance as part of the Glasgow city deal that it will not support a rail link to Glasgow airport unless there is an assurance that there will be sufficient partners?

**Keith Brown:** It is worth outlining exactly the nature of the city deal. As asked for by the local authorities concerned, the city deal was to pass over the resources and powers for the partners to take forward work themselves—not the Scottish Government or the UK Government. We are fully supportive of the Glasgow city region deal. We want to see the Glasgow airport access project succeed. Glasgow and Renfrewshire councils lead that project on behalf of the city deal and they have the funding to deliver it. It is important that the project team continues with its work to produce a robust business case. The UK Government and the Scottish Government have put assurance frameworks in place that have to be satisfied in relation to any projects. It is important that the project team continues with that work. Given the fact that, as soon as the city deal was announced, Glasgow and Renfrewshire councils said that it was their first priority and was what the city deal was all about, it is important that they get on and deal with it. They have the resources and the powers, so it is up to them now to deliver it.



**“Supporting Scotland’s Economic Growth: The role of the Scottish Government and its economic development agencies”**

**5. Dean Lockhart (Mid Scotland and Fife) (Con):** To ask the Scottish Government what action it will take in response to the Audit Scotland report, “Supporting Scotland’s Economic Growth: The role of the Scottish Government and its economic development agencies”. (S5O-00145)

**The Cabinet Secretary for Economy, Jobs and Fair Work (Keith Brown):** We welcome this contribution to the debate on Scotland’s economy and will consider the recommendations as part of our enterprise and skills review. The review has already benefited from high levels of stakeholder interest; 320 responses have come in already. We have also commissioned two specialist advisory reports, which we will publish shortly, alongside a summary of the call for evidence.

There is no question but that the European Union referendum result has changed the context since we started the review and, to take account of Brexit, we have to build fully on stakeholder views. In light of ministerial review group views, expressed through that forum, ministers have decided to take forward the review in two stages. Stage one concludes shortly and will set out the key recommendations for change across a number of areas. Phase 2 will take forward consideration of the recommendations with key partners. The timetable for phase 2 will be set out alongside the phase 1 outcomes.

**Dean Lockhart:** I am conscious of time so let me briefly ask another question. If the Scottish National Party is serious about business development here in Scotland, why has it cut the budget of the Scottish Enterprise agency by 12 per cent over the past six years and why will the Government not listen to business organisations that are asking for the removal of the large business supplement, a tax that is forcing many businesses out of business? This week, the *Stirling Observer* carries an article saying that one of the major high street stores in Stirling is closing precisely because of that damaging tax.

**Keith Brown:** It is ironic for a Conservative member to ask why budgets are reducing. To go back to the point that he started with, the report that he mentioned from the Auditor General for Scotland says that the enterprise bodies are performing well. The evidence of that is in the employment figures, on which we have heard not a squeak from the Conservative Party. Every time the figures have been announced recently, Conservatives have said that they are evidence that Scotland is being outperformed by the rest of the UK. What are the Conservatives saying now? Scotland is outperforming the rest of the UK on

female employment and youth employment, yet they have nothing to say about that.

Of course we want to have our economic development and skills bodies performing as highly as possible. A look through the recommendations in the report will find that they are key to a review that we announced before we got the report and they will feature substantially in the outcomes. Dean Lockhart should be reassured that the Scottish Government is on the case, as demonstrated by the jobs figures that have come out this week.

**The Presiding Officer (Ken Macintosh):** Before we move to the next item of business, members may wish to join me in welcoming to our gallery the Hon Justin Muturi MP, Speaker of the National Assembly of the Republic of Kenya, and members of the Parliamentary Service Commission. [*Applause.*]

I also welcome the Hon Lechesa Tsenoli, Deputy Speaker of the National Assembly of the Republic of South Africa. [*Applause.*]

## First Minister's Question Time

12:02

### Engagements

#### 1. Ruth Davidson (Edinburgh Central) (Con):

To ask the First Minister what engagements she has planned for the rest of the day. (S5F-00202)

#### The First Minister (Nicola Sturgeon):

Engagements to take forward the Government's programme for Scotland.

**Ruth Davidson:** Doctors' leaders have warned this week that the national health service will experience pockets of meltdown this winter. Does the First Minister think that her Government is doing enough to maintain appropriate staffing levels in our hospitals?

**The First Minister:** Of course, staffing levels in our hospitals have increased dramatically under this Government. There are more than 11,000 additional members of staff working in our NHS now than was the case when this Government took office.

The Government plans intensively for the winter period. We make sure that our health boards are well resourced and supported as they plan to deal with the additional demand that faces the health service during the winter months. As we prepare for those winter months, it is encouraging to know that as of now our accident and emergency units are the best performing ones anywhere in the United Kingdom.

**Ruth Davidson:** I thank the First Minister for that reply, but she will know that the system is in trouble. If we take the situation with temporary staff, we were told by medics this summer that hospitals were having to turn to locums more and more to cover shifts. We asked every health board in Scotland to say how much that was costing, and the figure is £248 million. That is a quarter of a billion pounds spent last year alone on locum doctors and nurses. That figure is rocketing—it is up by £41 million in just one year. That is all because our hospitals do not have the staff needed to cover the rotas. Does the First Minister think that that is in any way satisfactory?

**The First Minister:** Health boards will make use of agency staff where that is required to deliver high-quality care for patients. We are very clear with health boards that they should minimise the use of agency staff and we have worked in past years to increase the use of bank NHS staff instead of agency staff. We are focused on making sure that we have record numbers of full-time permanent staff working in our NHS.

I mentioned to Ruth Davidson in my previous answer the increase that we have seen in whole-time equivalent staff since the SNP has been in government—the figure is up by more than 11,000 in that period. That is one of the reasons why, notwithstanding the rise in demand, waiting times are much shorter today than they were when we took office. As I said, our accident and emergency departments have performed much better than those in any other part of the United Kingdom, and that has been the case for a considerable time.

There will always be challenges in our national health service—I would be the first to concede that point—but, because of the resources that we are putting into the national health service, the support that we give to our health boards and the extra staff, patient satisfaction with our health service is at a record level.

**Ruth Davidson:** The First Minister will not admit it, but the problem is, in part, due to the SNP Government's failure to manage the NHS properly.

Four years ago, as the health secretary, Nicola Sturgeon cut the number of training places for nurses and midwives. At the time, she called it

“a sensible way forward”.

At the time, the nurses warned that the cut in numbers

“risks there not being enough professionally qualified nurses graduating to meet the demand for health services in the future”

and they believed that

“this cut will be bad for patient care.”

The nurses were right and she was wrong. Will the First Minister accept personal responsibility for the problems that her decisions have created?

**The First Minister:** The number of qualified nurses and midwives who are working in our NHS today is up by more than 5 per cent since the Government took office. Yes, I am happy to accept personal responsibility for that increase in the number of nurses who are working in our national health service. For completeness, I add that the number of doctors is up by 25 per cent, the number of emergency medicine consultants is up by 184 per cent, the number of geriatric medicine consultants is up by 38 per cent and the number of paediatric consultants is up by 84 per cent. There are more people working in our NHS today.

Ruth Davidson mentioned agency nurses. When we took office, there were 728 whole-time equivalent agency nurses working in the NHS. In 2015-16, the number was down to 276—a reduction of 61.9 per cent.

Yes, there are challenges in our national health service because of the increasing demand coming from an ageing population. That is why we have

pledged record funding for our health service. In the recent Scottish election, the SNP pledged the biggest increase in health funding of any party standing. We will increase the health budget by £500 million more than inflation, and we will reform our health service. We are transforming primary care, we are investing more in social care and community care and we are expanding elective treatment capacity. Investment and reform will ensure that we continue to deliver good results in our health service and continue to see good patient satisfaction.

**Ruth Davidson:** So it is now all the health boards' fault that they have to spend £0.25 billion on locums because they cannot get regular staff. It is always someone else's fault with this First Minister.

Here is the charge sheet for this week. This week alone, we have had a rural affairs secretary apologise—again—for the mess that the Government made of farm payments; we have had an education secretary desperate to salvage the named person policy but not willing even to speak to the people who dare to criticise him; and we now see an NHS that has become so stretched that we are shelling out £0.25 billion a year on costly locum cover.

The First Minister is on the slide because, instead of rolling up her sleeves, she is tearing up her promise not to hold a second referendum. Enough of the distractions. When is she finally going to get a grip on this failing Government?

**The First Minister:** Ruth Davidson wants to talk about independence as a smokescreen for the almighty mess that her party has created over the European Union. Let me go back to the national health service—Ruth Davidson was quite keen to get off the subject of the national health service after my last answer.

I am not sure what it is about a 61.9 per cent reduction in the use of agency nurses under this Government that Ruth Davidson did not quite grasp in my last answer. I am not sure what it is about an increase in all staff in the health service and a 5 per cent increase in the number of qualified nurses and midwives who are working in the health service that she did not grasp either. Such investments are delivering the results that we are seeing for patients in our health service, which is resulting in record patient satisfaction.

I recognise that there is more work for us to do, but I think that patients would probably prefer this Government to continue to build on the success of our health service than have the Tory Government in London, which has managed to force junior doctors out on strike.

## Scottish Association for Mental Health (Meetings)

2. **Kezia Dugdale (Lothian) (Lab):** To ask the First Minister when she will next meet the Scottish Association for Mental Health. (S5F-00226)

**The First Minister (Nicola Sturgeon):** Yesterday, the Minister for Mental Health met Billy Watson, the chief executive of SAMH, to discuss our plans for a new mental health strategy and to hear about SAMH's plans and services.

**Kezia Dugdale:** Today is wear it pink day, and the First Minister and I will leave the chamber and together don pink wigs and sunglasses to highlight the toll that cancer continues to take on families across Scotland. However, today's *Daily Record* highlights the reality of cancer treatment under this Government.

Anne Maclean-Chang is a mother of two, and a nurse with 20 years' service. She has secondary breast cancer and is very seriously ill. Anne wrote to the First Minister, pleading for help, because she has had to raise £90,000 from strangers to pay for her cancer treatment. I will say that again: in 2016, a woman with breast cancer has to crowdfund her own cancer care. That cannot be right.

Anne finishes her heartbreaking letter by saying:

"I don't know where to turn next."

I am turning to the First Minister now: what specific steps will she take to help Anne get the treatment that she needs?

**The First Minister:** I thank Kezia Dugdale for raising the issue. My heart goes out to Mrs Maclean-Chang. I have, indeed, received her letter. The drug in question is not generally approved for use on the national health service, and I understand that that is also the case in England. We have asked the company that manufactures the drug to bring forward a new application at a fair price, so that the drug can, I hope, be generally approved.

In the meantime, patients can seek to access, through the individual patient treatment request system, drugs that are not generally approved. I understand from Mrs Maclean-Chang's letter that, in this case, such a request was refused. However, I can advise the chamber that, this morning, following further discussions with her clinician, Grampian NHS Board has agreed to fund the drug for Mrs Maclean-Chang, who, I understand has been informed. I hope that now we can all wish her well in the future.

**Kezia Dugdale:** There is no doubt that that is wonderful news; it will come as a great comfort to Ms Anne Maclean-Chang, her family and her wider friendship network. However, it should not

have taken a *Daily Record* front-page story for that to happen.

I refer the First Minister back to Anne Maclean-Chang's letter to her, in which she says:

"I am not the only patient who has to battle this unfair and illogical system. For me and for them, I would like to meet you to find a way to fix this mess."

Labour recently set out five clear proposals for reforming the system for access to medicines, which it submitted to the Government's review. They include a call for greater transparency in decision making; the ability to negotiate on price; an end to the postcode lottery; the introduction of an interim accepted period; and closer working with other parts of the United Kingdom. Will the First Minister today commit to look at Labour's proposals and to respond to them in detail?

**The First Minister:** I assume that Kezia Dugdale knows that the review that is being undertaken by Dr Brian Montgomery is under way and has not reported yet. Proposals—whether they come from the Labour Party or any other quarter—will be considered by Dr Montgomery as part of the review.

There is a very serious issue here—and I have to say that I am slightly disappointed that Kezia Dugdale is choosing to politicise what is an extremely difficult issue. We have systems in place to make those very difficult decisions as fairly and as transparently as possible. In the past few years, we have seen significant improvements to those systems. For example, the changes that we have already introduced have seen a tenfold increase in the number of medicines accessed through the individual patient treatment request system. Dr Brian Montgomery's review will bring forward proposals to improve that system even further.

I would hope that everybody would agree that it is vital that we have such systems in place, because that is how we deliver fairness for patients in an age when new drugs are coming on to the market all the time. That is also how we deliver fairness for taxpayers. If we do not have robust systems in place, we effectively give drug companies a licence to charge whatever they want for the drugs that they bring to market. These are very difficult decisions, but we must have the right systems in place to make those decisions.

I hope that, no matter the sympathy that we all feel for every patient in a situation such as the one that Kezia Dugdale raises, everybody in the chamber agrees that it would be entirely wrong for politicians to start to substitute their judgment for that of the people who, having receipt of all the information, are trusted to make such decisions. We will continue to work to ensure that we have a fair and transparent system in place so that more

and more people can get access to the drugs that they need and want.

**Kezia Dugdale:** The only person who politicised the issue was the First Minister right there and then. The truth of the matter is that Anne Maclean-Chang had to find the courage and strength to tell her story on the front page of a national newspaper for the First Minister's Government to act. I ask the First Minister to think of all the people around the country who are waiting for that help. We know that Anne is not alone. The system must be reformed so that, in future, cancer patients do not have to hold bake sales to find the money for the cancer treatment that they need. I ask the First Minister again: will she assure members that, when the Government's review is published, cases such as Anne's will never happen again?

**The First Minister:** No, I cannot and will not give an assurance that no patient will ever again find that they cannot access a drug that they think, in all sincerity, they should be able to access. That is because, in any system that has to assess drugs, there will inevitably be hard decisions that are difficult for all of us, in which drugs are not accessible for a particular patient.

This is not a case of me and my Government intervening; it is a case of the system operating to get the patient the drug that I agree she should access. I go back to the point that it is about ensuring that we have robust systems in place. It would be entirely wrong for us to have a system that is based on politicians deciding to intervene in individual cases, and I hope that no politician in the chamber is seriously arguing that we should have such a system. We have to put in place a system that is robust and takes such decisions fairly. We have made improvements, we have vastly increased access to medicines because of the improvements that we have already made and we have under way a review that will report. If in that review there are recommendations for further improvements, we will not hesitate to make those improvements.

**The Presiding Officer (Ken Macintosh):** We have a constituency question from Oliver Mundell.

**Oliver Mundell (Dumfriesshire) (Con):** Does the Scottish Government condone Police Scotland's decision to push ahead with plans to close eight police stations in Dumfries and Galloway? More important, can the First Minister give any guarantees that she will intervene to protect those stations and to protect rural police stations throughout Scotland?

**The First Minister:** That consultation will take place and is on-going. I am sure that Police Scotland would be happy to meet the member to

discuss his concerns. That is the right and proper way to go about it.

### Cabinet (Meetings)

**3. Willie Rennie (North East Fife) (LD):** To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S5F-00205)

**The First Minister (Nicola Sturgeon):** Matters of importance to the people of Scotland.

**Willie Rennie:** When I questioned the First Minister in March last year about problems in Police Scotland control rooms, she said:

“where, for any reason,”

service

“falls short we will ensure that action is taken to rectify that.”—[*Official Report*, 26 March 2015; c 17.]

Why has she not done that?

**The First Minister:** We will take action to rectify any failures that are brought to our attention. Michael Matheson has made statements in Parliament reflecting on the changes that we are making and on the lessons that are being learned from reports by Her Majesty’s inspectorate of constabulary in Scotland. We will continue to take that approach. If Willie Rennie wants to raise any issues in the chamber, directly with me or with the Cabinet Secretary for Justice, he is perfectly entitled to do that.

**Willie Rennie:** I am surprised that the First Minister does not know about this matter. Today, we have seen figures saying that 78,000 calls to the national 101 police number were dropped. That is an appalling figure. Callum Steele from the Scottish Police Federation knew about it. He said that it is “simply unforgivable” and that

“there are significant challenges in many parts of the service.”

Sickness rates are high and morale is low. The i6 information technology system has been abandoned, and we have just heard about police stations being shut in Dumfries and Galloway. Now, we discover that 78,000 calls to the police were dropped. Will the First Minister not look again at the damage that she is doing to the people and services that we all rely on?

**The First Minister:** Now that Willie Rennie has told me the particular issue that he wants to raise, I am sure that he will know that Police Scotland has said that it is entirely

“misleading and inaccurate to suggest that in excess of 77,000 non-emergency calls are ‘unanswered’ by Police Scotland.”

He will also be aware that police call handlers respond to more than 2.5 million 101 calls and around half a million emergency calls every year,

and that Police Scotland reports that the average waiting time for a non-emergency 101 call is 12 seconds.

We will always work with the police to improve service levels, just as we work with our other public services to make sure that the quality of service to the public is high and improving. I remind Willie Rennie that ours is the Government that has protected 1,000 extra police officers on the street, which is part of the reason—not the whole reason—why crime is at a 41-year low across this country.

**Graham Simpson (Central Scotland) (Con):** Yesterday, the Scottish Government announced that it is not accepting in full the Local Government Boundary Commission for Scotland’s recommendations for next year’s council elections. We have boundary commissions because they are independent of political parties, so the Government’s rejection of those recommendations in five council areas—whatever people’s views on the boundaries—leaves a nasty stench in the air.

That unprecedented decision was taken by Joe FitzPatrick, whose constituency is in a council area that he has decided not to alter. Will the First Minister explain the decision? What can she say to convince Parliament that Mr FitzPatrick should not earn the nickname “Gerrymandering Joe”? [*Interruption.*]

**The First Minister:** I am not sure whether Graham Simpson is aware of what the Tory Government in Westminster is doing on boundaries at the present time. [*Laughter.*] He should perhaps have checked that out before asking his question.

We listened carefully to the concerns of communities before taking the decisions. The decisions deliver the commitment that we made to protect local communities by implementing changes only where communities have been adequately respected. The decisions not to implement some of the changes have cross-party support, including from every member of Dundee City Council. Opposition spokespeople who are only too quick to attack our decisions seem to be unaware that their own parties lobbied locally for the changes not to go ahead. [*Laughter.*] Therefore, as well as being unaware of what his Westminster colleagues are doing, Graham Simpson seems to be blissfully unaware of what his colleagues locally are doing and saying.

**Clare Adamson (Motherwell and Wishaw) (SNP):** The First Minister might remember that in February this year I raised with her the impact of the UK Government’s planned reductions in housing benefit on vulnerable people who stay in supported and Women’s Aid refuge accommodation. I highlighted the worry and

distress that the plans were causing. Does the First Minister welcome, as I do, this morning's news that the UK Government is abandoning those proposals?

**The First Minister:** Yes—I am extremely relieved by the UK Government's U-turn. It is ridiculous that so much worry and distress have been caused to people while the UK Government has dithered over making its decision. I take the opportunity to commend the work of Scottish Women's Aid and others who have campaigned on the issue.

Today's announcement offers welcome assurance that funding for the sector will be maintained at current levels, and that refuges are no longer at risk of closure as a result of the proposal. We should all welcome that, but we should all also regret that the issue was ever raised in the first place.

**Daniel Johnson (Edinburgh Southern) (Lab):** Last week, I held a general practitioners' summit for local GPs from Edinburgh Southern and health board officials, which revealed that half of the capital's surgeries could soon be refusing new patients. That is already true for south Edinburgh.

Will the First Minister or her Cabinet Secretary for Health and Sport arrange to meet me, local GPs and NHS Lothian to consider the steps that could be taken to avert this—in their words—"deepening crisis"?

**The First Minister:** I would be happy to ask the health secretary to meet the member. As he will be aware, we are investing to increase primary-care capacity—we have, for example, increased the numbers GP trainee posts that are being advertised. As I said in the chamber last week, at this stage in the recruitment round we are already ahead of where we were last year at the end of the recruitment round.

A range of investments are also being made to improve recruitment and retention of GPs and, of course, to ensure that we are helping GPs to deal with the workload that they face, including new community link workers, pharmacists in GP practices and new paramedics, for example. A strong programme of work is being taken forward by the health secretary, working with GPs. Of course, we will from next year also have in place a new contract to deal with demands on our GPs, who do a wonderful job for all of us.

I am sure that the health secretary would be delighted to meet Daniel Johnson to discuss the matter in more detail.

**Linda Fabiani (East Kilbride) (SNP):** What is the First Minister's reaction to the announcement by the UK Home Office that it plans to close the Dungavel house immigration removal centre next

year? Will she, with many other concerned people right across the country, renew calls on the UK Government for more humane treatment of asylum seekers who are based in Scotland?

**The First Minister:** I welcome the announcement that Dungavel is to close. I and many members from across the chamber have campaigned for its closure for very many years, so that is a positive development.

I have significant concerns about the alternatives to Dungavel that the UK Government announced last week. We will want to engage with it to see whether we can address our concerns. I think that we all want the system that replaces Dungavel to be more humane, not less humane, than it. The UK Government should think less about building walls to keep vulnerable people out and more about how we collectively support the most vulnerable people in our world and give them the support that they badly need.

#### Land Ownership

**4. Angus MacDonald (Falkirk East) (SNP):** To ask the First Minister how the Scottish Government will seek to make land ownership transparent. (S5F-00228)

**The First Minister (Nicola Sturgeon):** We are committed to improving the transparency of land ownership. Work by Registers of Scotland to complete the land register is under way, with all public land to be registered by 2019 and all land by 2024. In addition, the consultation on our proposals for a register of controlling interests in those who own land was published on 11 September. It will help to inform the regulations that we will bring forward next year. Those regulations will help communities, landowners, tenants and the wider public to know and understand more about decision making and land in Scotland.

**Angus MacDonald:** Does the First Minister agree that the area is highly technical and complex, and that improving transparency of ownership is no easy task? There is no doubt that there are powerful individuals who would like to see us fail, despite the clearly stated will of the Parliament. In light of that, does the First Minister welcome, as I do, the fact that the relevant sections of our Land Reform (Scotland) Act 2016 received cross-party support in the chamber?

**The First Minister:** I agree that the issue is highly complex. The consultation that I mentioned a moment ago will inform the detailed work that we need to do to develop robust and workable proposals.

Despite Tory opposition to the Land Reform (Scotland) Act 2016, our amendments that were lodged at stage 3 of the bill were supported by all

parties in the chamber. The area is very much one in which there is considerable consensus across the chamber. I hope that that will continue as we take the next steps in shaping our regulations, which will help to further improve the transparency of land ownership in Scotland.

**Edward Mountain (Highlands and Islands) (Con):** I refer members to my register of interests, where I have openly and honestly declared my land. I have no fear in doing so.

Will the First Minister accept an invitation to walk with me in the Highlands? We could then look and talk about the real land issues, which revolve around effective and sustainable, as well as productive, management—*[Interruption.]* Well, listen—rather than worrying excessively about who owns what.

**The First Minister:** I would also like to refer people to Edward Mountain's register of interests. *[Laughter.]* It may explain rather a lot.

While I would normally take up almost anybody's offer of a walk in the Highlands, if I can use the usual terminology, due to considerable diary pressures I may have to decline for the moment.

**David Stewart (Highlands and Islands) (Lab):** Does the First Minister share my view that the holy grail of land reform must be an open and transparent land register? Does she agree with my analysis that that means no front companies, no shoddy shell plcs and no multinational tax havens registered in Panama?

**The First Minister:** Yes, I agree with the sentiment behind that question, which is why we are putting so much emphasis on transparency. I refer the member to my initial answer, in which I talked about the work to complete the land register and the regulations that will introduce a register of controlling interests.

One of the reasons why we want to do that is to reduce the scope for the kind of revelations that we saw exposed in the Panama papers scandal. We will do as much as we can to make sure that our system of land ownership and the details of land ownership in Scotland are as transparent as possible.

Some of the changes that the member may like to see here are reserved to the Westminster Government. I hope that he will join us in seeking the powers we need to do everything that I think he would like us to do.

#### **Crown Office and Procurator Fiscal Service (Resources)**

**5. Douglas Ross (Highlands and Islands) (Con):** To ask the First Minister what the Scottish Government's response is to the Faculty of

Advocates' reported concerns that the Crown Office and Procurator Fiscal Service is underresourced. (S5F-00218)

**The First Minister (Nicola Sturgeon):** The Cabinet Secretary for Finance and the Constitution will continue to discuss the budget for the Crown Office and Procurator Fiscal Service with the Lord Advocate as the spending review process develops. The Scottish Government has provided the service with extra funding of £4.7 million over the last two years to allow it to investigate and prosecute three exceptionally complex cases. In addition, we are providing just under £3 million over three years for the prosecution of domestic abuse cases as part of the extra £20 million across the justice sector to tackle abuse against women and girls.

The Crown Office and Procurator Fiscal Service continues to meet all its operational targets. The Lord Advocate was previously the dean of the Faculty of Advocates, and I know that he is proud to lead the service and will continue the work to ensure that it delivers for all the people of Scotland in the quality of service that it provides.

**Douglas Ross:** Brian McConnachie QC, a former senior prosecutor at the Crown Office, has claimed that the Scottish Government cuts to the justice system have left the Crown Office and Procurator Fiscal Service underresourced. He said:

"If you are going to continually do that, then what you will end up with is a substandard justice system."

The First Minister rightly mentioned the additional funding for domestic abuse. As members prepare to debate this afternoon the Scottish Government's proposals to introduce a domestic abuse law, can the First Minister provide assurances that the Crown Office is sufficiently resourced to handle the increasing demands that are placed on it, to ensure that the victims receive the justice that they deserve?

**The First Minister:** It is important to point out that the Crown Office and Procurator Fiscal Service budget has not been cut. The budget has remained static over the past five years, with additional funding provided for the three complex cases that I spoke about and to improve the time taken to prosecute domestic abuse.

We—principally the finance secretary—will continue discussions with the Lord Advocate to make sure that the Crown Office has the resources that it needs to prosecute crime and to meet the targets that, as I said earlier, it continues to meet. It is an extremely high-performing public service, as the public have a right to expect it to be, and we will make sure that it has the resources to continue to provide that high quality of service.

**“Reducing emissions in Scotland—2016 progress report”**

**6. Claudia Beamish (South Scotland) (Lab):**

To ask the First Minister what the Scottish Government’s response is to the United Kingdom Climate Change Committee’s “Reducing emissions in Scotland—2016 progress report”. (S5F-00216)

**The First Minister (Nicola Sturgeon):** We welcome the progress report from the UK Committee on Climate Change. Roseanna Cunningham and I were delighted to meet Lord Deben, the chair of the committee, shortly after the report’s launch on Tuesday.

In the report, the committee recognises that Scotland continues to lead the UK in reducing greenhouse gas emissions, and it highlights the excellent progress we have made to date, including having exceeded the level of our 2020 target six years early.

We are considering the committee’s report and will respond in due course. Our new climate change plan, which will be published in draft this winter, will set out our priorities and commitments for delivering emissions reductions under the Climate Change (Scotland) Act 2009 and we will work with the committee to prepare a new climate change bill, with proposals to be outlined in early 2017.

**Claudia Beamish:** As the First Minister will know, many of the technologies that will be needed as we shift towards a low-carbon future are in their infancy or, indeed, do not yet exist. What assessment has the Scottish Government carried out of the state of research funding and commercialisation of support for new technologies in the heaviest greenhouse gas-emitting sectors—transport, energy, housing and agriculture—and the synergies between them? What reassurance can she give the chamber today that essential research funding will be available from her Government?

**The First Minister:** The environment cabinet secretary, Roseanna Cunningham, has just met research providers. We undertake assessments across all these areas, but I will ask Roseanna Cunningham to write to the member with more detail about the state of assessment with regard to the new technologies and the research that we require to do.

The member has made two points that I think merit being underlined, the first of which is the importance of new and emerging technologies. On Monday, I was up in Nigg to launch the first phase of the MeyGen tidal stream power project, which, when it is fully installed, will have the capacity to power the equivalent of almost 200,000 homes across Scotland. I mention that project today

because, of course, the UK Government has just given the go-ahead to Hinkley Point. I think that that decision is wrong, but my point is that, right now, the United Kingdom Government is continuing to dither on a contract for difference that would allow MeyGen to move into its second phase. I hope that it takes a decision on that very quickly and that the decision is a positive one.

Very briefly, the member’s second point that I think should be underlined is the importance of our now upping our action in areas such as transport, housing and agriculture. Everybody, even our critics, will accept that we have seen considerable success, although there is still work to do on reducing emissions from electricity generation; however, we must now go into much harder areas such as agriculture, transport and the energy sector more generally. If we are serious—as we are—about not just continuing to meet our current targets but meeting the more ambitious targets that we intend to set in the new legislation, that is what we need to do, and I hope that when we put forward our proposals to achieve that, we will have support from right across the chamber.

**Mark Ruskell (Mid Scotland and Fife) (Green):** This week, the UK Committee on Climate Change highlighted once again that emissions from transport are holding us back and that there are zero actions—zero actions—in the Government’s climate action plan to address that issue. Is it not time for some big and bold ideas? Does the First Minister agree that in order to help cut road casualties, protect the vulnerable and make our communities healthier, low-carbon places to live, we should be saying “Twenty’s plenty” on all Scotland’s residential roads?

**The First Minister:** We would certainly encourage local authorities to consider that, where appropriate.

First, though, I agree with the member. As I think I have just said, we have had considerable success. It has not been easy to achieve, but in the area of climate change and reducing emissions, the further we raise our ambition, the tougher it gets to take action and, indeed, the more controversial some of those actions become. That is where consensus and support in the chamber are going to be so important. There is no doubt that transport falls into that much more controversial area, partly because it impacts directly on the lives of many people, but if we are going to continue to meet our ambitious targets and see them stretched even further, we are going to have to address it.

Finally, I do not argue for a second the fact that the member has real credibility on this issue, but the climate change report that was published this week lauded Scotland as a leader for having met our target ahead of schedule. Yes, it said that we



had much more to do, but I think that we should concentrate on the positive as well as pressuring and rightly challenging the Government to go further. I hope that we get some positive endorsement from the Green members of the chamber of the progress that, often with their help, we have managed to make so far.

**Maurice Golden (West Scotland) (Con):** The report in question makes it clear that emissions from heavy goods vehicles account for 17 per cent of Scotland's transport emissions and that the Scottish Government achieved no overall change in emissions in that sector between 2009 and 2014. Will the First Minister consider promoting urban consolidation centres—logistical hubs that reduce freight journeys—to reduce emissions in the transport sector and linking that to a transport sector-specific climate change target?

**The First Minister:** I am happy to ask the Cabinet Secretary for Environment, Climate Change and Land Reform to meet the member to discuss that suggestion and others, which I am sure that she will be happy to do. To continue to ensure that we have in place the plans to meet the current target and to extend that target, we will have to consider proposals such as that which the member just made, as I have said. The more cross-party consensus we can build across the chamber, the more chance we will have of succeeding. Roseanna Cunningham will be happy to meet Maurice Golden to talk in more depth about his suggestion.

### Broadband Coverage

**7. Kate Forbes (Skye, Lochaber and Badenoch) (SNP):** To ask the First Minister how the Scottish Government will achieve 100 per cent broadband roll-out across Scotland. (S5F-00232)

**The First Minister (Nicola Sturgeon):** As I announced in the programme for government, we intend to provide 100 per cent broadband coverage to domestic and commercial premises across Scotland. To do that, we will launch procurement activity in 2017. As a first step, we published a prior information notice on 9 September that launched a formal supplier engagement exercise to help to inform our delivery plan.

That activity builds on the £400 million of investment to deliver broadband coverage to at least 95 per cent of premises by the end of next year. As a result of our investment, approximately 640,000 premises had access to fibre broadband at the end of August this year.

**Kate Forbes:** In my rural constituency of Skye, Lochaber and Badenoch, there are still significant gaps in mobile reception. How does the Scottish Government intend to enhance mobile coverage

where the United Kingdom Government has failed to do so?

**The First Minister:** The question is important for everybody who lives in a rural part of Scotland. Mobile connectivity is largely a reserved matter but, notwithstanding that, we have been determined to take action where we can to improve mobile coverage across the country. Our mobile action plan shows clearly our commitment to working with the industry to improve mobile coverage across Scotland and particularly in rural areas. I hope that the fact that we are the only part of the UK to have such a plan in place demonstrates clearly the approach that we are taking, as does our willingness to work with the industry and providers to address the need to infill mobile coverage in remote areas.

Mobile coverage is a key priority for us as we take forward our work on broadband coverage. The Cabinet Secretary for Rural Economy and Connectivity would be happy to meet Kate Forbes to discuss our progress in more detail.

**Jamie Greene (West Scotland) (Con):** Does the First Minister accept that broadband access is far from adequate for many across Scotland? Will she heed Audit Scotland's recommendation that the Scottish Government should publish more information on the programme's performance and particularly data on speed and coverage?

**The First Minister:** We have already increased access to next-generation broadband. As I said, we are on track to deliver our commitment to 95 per cent coverage by the end of next year. I do not believe that other Governments across the UK have given the same commitment as our commitment to 100 per cent coverage by the end of the parliamentary session.

We are serious about ensuring that the commitment is for everybody and not just for some. It is true that, as I said last week, broadband coverage and digital connectivity are as fundamental to how people live their lives or run a business these days as electricity and running water are. That is how important connectivity is.

Information about the broadband project's performance has been published and I am happy to consider whether we can publish more information about progress towards the commitment. The commitment that we have made for the end of next year is being met—we are on track to meet it—and we are determined to meet our commitment to 100 per cent coverage by the end of the session.

**Rhoda Grant (Highlands and Islands) (Lab):** Just five months ago, the Scottish National Party's manifesto made a commitment to 100 per cent

broadband coverage by 2020. Why has that date already slipped to 2021?

**The First Minister:** The commitment is to be met by the end of the session and the commitment is as it has always been. I have reiterated it more than once today, as I did in setting out the programme for government last week. By the end of the session, we intend 100 per cent of commercial and residential premises across the country to have next-generation broadband access. I do not remember whether such a commitment was in the Labour Party's manifesto, but I know that it was in the SNP's manifesto and I am determined that we will deliver it.

## Glow Gold September

**The Deputy Presiding Officer (Linda Fabiani):** The next item of business is a members' business debate on motion S5M-0860, in the name of Jeremy Balfour, on glow gold September. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament recognises the work of the childhood cancer awareness raising campaign, Glow Gold September, which has been established by the parents of children with the condition; notes that it aims to ensure that the colour gold becomes synonymous with childhood cancer and that its awareness month is September; understands that it is asking for national and international buildings and landmarks to be illuminated in that colour for either the evening of 1 September 2016 or, if possible, for the whole month from dusk till dawn; believes that Edinburgh Castle, St Andrew's House and the Kelpies will take part in this and that the campaign is encouraging others to do likewise, and further understands that the campaign is also urging people to wear a gold pin throughout September to raise awareness and to show their support for the children.

12:46

**Jeremy Balfour (Lothian) (Con):** I thank all the members from different parties who supported the motion in my name. I welcome some of the members of the glow gold Scotland team to the Parliament today—they are sitting in the public gallery to listen to the debate. I congratulate them on all that they have done in the past few months. The glow gold Scotland campaign was set up only in February of this year. The purpose of the campaign is to highlight and raise awareness of childhood cancer.

When I was growing up, cancer was a word that people were reluctant to use. However, over the past few years, charities working in the sector, Governments of all parties and the media have raised awareness of cancer in Scotland, and people are far more willing to talk about it. Sadly, however, the same cannot be said for childhood cancer. Too often, people do not want to talk about it or are scared to think about it. The glow gold Scotland team came together to raise awareness of the issue and have persuaded many charities and others to come together to make this month the month when we remember and raise awareness of childhood cancer.

At the start of the month, many buildings across Scotland were lit up in gold as a memorial to children who, sadly, have died from cancer—the castle and the Royal College of Physicians building in Edinburgh, the Ness bridge in Inverness, the Custom House in Stranraer and the Falkirk wheel, to name a few. Also in Edinburgh, Lothian Buses painted a bus gold and used it to

take people around the city to show them the buildings that had been lit up. Glow gold Scotland is a remarkable campaign that is run by a small number of volunteers, and I am sure that it will grow in strength over the next few years.

Cancer is rare in children in Scotland, but it is still the biggest cause of death in children under 16 in the United Kingdom. Around 130 children under the age of 14—and around 60 children under the age of five—are diagnosed with cancer in Scotland every year. However, the survival rate is improving: three quarters of children who are diagnosed with cancer in the UK now survive more than 10 years after the diagnosis, compared with only a third in the 1970s.

However, there is still a need to raise awareness about what cancer does and how it comes about. Both when a child is born and as the child grows up, parents need to be given more information about childhood cancer. As many of us are aware, lots of information is given to parents about the different conditions and issues that might face their child, but my understanding is that little, if any, information is given about childhood cancer. That needs to change. Appropriate information must be given—and not just to parents but to general practitioners. Cancer is rare and GPs can often be slow to diagnose it because they think that it is some other condition. More training needs to be given, not just to doctors who are training to be GPs but to those who are in GP practices, to remind them of what to look for.

Children's cancers are biologically very different from adult cancers. Cancer normally affects older people because of the genetic errors that come about in healthy cells. Sadly, acute leukaemia is the most commonly diagnosed cancer in children, and brain tumours and cancers of the spinal cord account for around a quarter of children's cancers. However, the number of children surviving cancer has improved, and more research needs to be done on those children and the effect that cancer has on them later in life.

There has been huge progress in the genetic understanding of children's cancers, and technology has improved. However, we—as a Parliament and as a nation—need to commit to giving more funding to charities that are looking at the issue. We cannot simply concentrate on adult cancer and forget about children's cancer.

A couple of Fridays ago, I was honoured to attend a dinner organised by a family who lost their first child to cancer. The child was born with a tumour and, sadly, died after just a few months. Following that tragedy and sadness, the family has gone on to raise a fantastic amount of money. The money is given to support families throughout Scotland and, just as important, it is funding two PhDs into the issue. For the next four years, the

family is committed to raising money so that one PhD student can complete further studies into childhood cancer. There are only a small number of cases of children's cancer, so medicines need more testing and clinical research is harder. Often, medicines that are used in adult cancers simply do not work effectively for children under 16.

To lose a child is the worst thing that a parent can ever go through. To lose a child to cancer often brings about turmoil and hardship within the whole family. A mother or father sees their child suffer and knows that they can do nothing about it. That suffering can go on for months, if not years. We need to raise awareness so that cancer can be diagnosed as early as possible.

At the dinner that I referred to, a consultant at the Royal hospital for sick children inspired me and all those in the room through the commitment—emotional and intellectual—that is given here in Scotland. It is an example to us all.

More research needs to be done and awareness of the issue in Scotland needs to be raised. I am sure that, over the next few years, more and more people will become aware of not just the campaign but, more important, the issue behind it.

12:54

**Stuart McMillan (Greenock and Inverclyde) (SNP):** I congratulate Jeremy Balfour on securing the debate.

As we know, September is childhood cancer awareness month. It is a particularly poignant time as, just weeks prior to September, children go back to school after a fun summer. Other young children start school for the first time. At every school gate, parents wave their kids off to school on their first day, and social media is full of pictures of proud children and parents. It certainly is a wonderful day for most families but, unfortunately, not for others. Just under 12 children are diagnosed with childhood cancer every day, so many families will have a very different start to the school year. Of those 12 children diagnosed every day, three will die.

Today, childhood cancer remains, after accidental injury, the biggest killer of children and young adults. The eye-opening statistic is that one in every 285 children and young people will be diagnosed with cancer before their 20th birthday. However, in the past 20 years, only three medications have been licensed for childhood cancer, whereas in the past five years more than 80 medications have been licensed for adult cancers. That gives an idea of the void in research funding that childhood cancer faces and is the reason why the new glow gold September

awareness campaign for childhood cancer was started this year.

That growing campaign works to encourage iconic buildings globally to light up in gold as part of childhood cancer awareness month, to support awareness of childhood cancer. It is a grass-roots campaign that is having a global impact. I have been remarkably impressed by how many major landmarks are lighting up around the world, including the Beacon arts centre, the Victoria tower and the custom house in my constituency.

There is an inspirational story in my constituency of Greenock and Inverclyde involving Gillian Mowat, who is running a campaign and appealing to the whole of Inverclyde to light up gold in September as a visible show of support for all childhood cancer patients. Gillian and her husband Paul were devastated when their son Nathan was diagnosed with acute lymphoblastic leukaemia just before his fourth birthday. Nathan immediately had to undergo life-saving chemotherapy treatment and spent weeks in hospital. Since then, he has undergone hours of chemotherapy treatment to blast the cancerous cells and faces another two years of maintenance treatment. As a result, he has no way of fighting infections and has to be rushed to hospital if he has any spike in temperature. Even a cold could have devastating consequences for him, so everything needs to be monitored.

Gillian's bravery throughout has been apparent. She has spoken candidly about the impact that Nathan's fight has had on family life and especially on her three-year-old daughter, Annabel. Gillian touched the hearts of the people of Inverclyde when she spoke about their ordeal after little Nathan was diagnosed with the disease. The community has been 100 per cent behind Gillian's campaign, and Greenock Morton Football Club invited Nathan to be a mascot for the last game of the season in May, when fans held up cards to show their support for the glow gold campaign. As I said, the Beacon arts centre on the Greenock waterfront shone gold on 1 September—I was at the launch that evening. I am proud to support Inverclyde mother Gillian Mowat, her son Nathan and her family, as well as the wider glow gold campaign, and I thank them personally for doing such great work in highlighting the issue of childhood cancer to the wider public.

Although the number of children surviving cancer has improved, it is crucial that we research the long-term effects of the treatments on their health and wellbeing. A recent study showed that, although many survivors of childhood cancer have healthy lives, a number of children face long-term health issues such as disability and reduced immunity. Huge progress is being made in the genetic understanding of children's cancers, in

advances in technology, which Jeremy Balfour touched on, and in the development of personalised medicine.

Children are our future. They need us to fight for them as they are not yet old enough to fight for themselves. They are the doctors, teachers and scientists of the future, so we all need to do our bit to give them the chance that they deserve. I support the glow gold campaign and the calls for increased funding for research into childhood cancer.

12:59

**Brian Whittle (South Scotland) (Con):** I am grateful for the opportunity to speak in support of the motion brought forward by my colleague Jeremy Balfour, on what is a very emotive topic.

Cancer has to be one of the scariest words in the language. To be diagnosed with cancer has to be every person's nightmare, and to hear that a loved one has that terrible condition is something that too many of us have had to endure. We are certainly not alone in having to deal with the shock of family members or friends being diagnosed with cancer, but to be told that your child has cancer or has been born with cancer is a burden that none of us can contemplate bearing, and we hope that we never have to.

Several times in the chamber recently, I have advocated the need for us to focus more on preventable disease. Most members will know of my belief that encouraging an active healthy lifestyle through education will go a long way towards tackling the majority of Scotland's health issues and relieve some of the pressure on our health service.

However, although there is strong evidence that having an active healthy lifestyle can in some cases help to prevent certain types of cancer, and most certainly helps in the treatment of and rehabilitation following cancer, there is a long way to go before we understand the causes of early childhood cancers and the potential early indicators. I recognise the distinction that has to be made: that distinction is important as we endeavour to support patients and their families during what is a difficult time.

Although there is no understanding of why anyone has to face cancer, importantly, the really positive news is that, with research funded by the likes of charities and universities, cancer survival rates continue to grow, and there is a real ambition to eventually eradicate cancer deaths. Once the initial shock of diagnosis subsides, the recognition of the success rates that modern treatments can give must allow a certain comfort and the knowledge that the diagnosis is not the likely sentence that it used to be.

That said, it is crucial that the work on cancer treatments and prevention continues at pace if we are to realise the dream of 100 per cent rehabilitation from a cancer diagnosis. There are some amazing people out there doing incredible work, and we must keep their efforts at the forefronts of our minds. From people seeking sponsorship for fun runs and events—for clarity, I note that I am not volunteering myself here; I think that the fallout in terms of the cost to the NHS would be more than I could raise—to the issue being raised today in the Scottish Parliament, we will endeavour both to highlight the work that is being done in seeking a cancer cure and help to maintain the spotlight on that work until the day that the word “cancer” no longer holds the dread that it once held.

I am delighted to support the motion and to bring continued publicity to the glow gold September campaign and the continuing work in the field.

13:02

**Anas Sarwar (Glasgow) (Lab):** I congratulate Jeremy Balfour on lodging his motion and bringing the subject to the chamber for debate. I pay tribute to all the campaigners and the organisers of the glow gold campaign and thank them for their hard work and efforts in highlighting this really important cause.

I welcome the opportunity to speak not just in support of the glow gold awareness campaign but on the issue of childhood cancer. In recent years, we have seen the development of campaigns that have really touched people’s consciousness in their everyday lives. The pink ribbon campaign on breast cancer, Macmillan’s coffee mornings and world AIDS day are just a few examples. I hope that seeing iconic Scottish landmarks such as the Kelpies and Edinburgh castle glowing gold will similarly place at the forefront of our minds the issue of childhood cancer.

Every year, around 1,600 children across the UK are diagnosed with some form of cancer. That is 1,600 children and their families living every day with the consequences of a cancer diagnosis. Five children are diagnosed with cancer every day. That is one in every 500 children up to the age of 14. While cancer is mercifully relatively rare, it is still the biggest cause of death of children in the UK.

As a parent, I can only imagine the emotions and challenges that families go through in those really difficult circumstances. It cannot be easy. That is why we have to do what we can to help. It is vital that children get the clinical support that they need but, as we heard so powerfully at First Minister’s question time, there is a postcode lottery

on access to new medicines, and that also exists in Scotland for children with cancer. Access to innovative medicines is a key issue and one that the Scottish Government has to address. We all have a responsibility to address that.

It is also important for the families to get emotional support. It is easy just to think of the patient, but there is also an impact on siblings, parents and the wider family. A big part of that support is showing people that others are in their corner and are fighting to highlight the issue and raise awareness more widely. The sight of the magnificent Edinburgh castle or the Kelpies glowing gold in support of childhood cancer awareness will send to the affected families a powerful message that we are with them as they face this terrible disease. Indeed, the debate highlights the importance that we place on the issue.

We hope that increased public awareness will be followed by greater resources for research into better and more effective medical treatments. Given that children’s cancer risk factors are not well understood, in part because it is thankfully a relatively rare and diverse group of cancers, increased research into causes and treatment is essential—research that I hope one day will help rid us of this terrible disease.

I am surprised that our fellow parliamentarian Jeremy Balfour did not use the opportunity of the debate to make a direct request for us to have the Parliament glow gold. I am putting that request to you directly, Deputy Presiding Officer, and I hope that you will take that up with the Scottish Parliamentary Corporate Body. Perhaps we can do that as part of next year’s campaign, so that the Parliament can send a signal to all those families that we take the issue very seriously.

We are all proud to wear our badge and to support the campaign. I again thank the campaigners for their incredible work. I hope that in my lifetime we can find a cure for this terrible condition.

13:06

**The Minister for Public Health and Sport (Aileen Campbell):** I, too, thank Jeremy Balfour for securing this debate during childhood cancer awareness month. I also thank the glow gold campaigners who are here in the Parliament.

Jeremy Balfour’s motion gives us an opportunity not just to acknowledge the great work done by volunteers to raise awareness but to pay tribute to the children and young people who are dealing with a diagnosis of cancer and to pay tribute to their families. I thank Stuart McMillan for raising the inspirational work of his constituent Gillian Mowat and the story of her son Nathan. I am sure

that we all want Nathan to receive our very best wishes from across the Parliament chamber.

As members have said, cancer is thankfully rare in children and young people in Scotland: less than 1 per cent of cancers are diagnosed in children. However, any diagnosis of cancer is absolutely devastating and it seems particularly cruel when it is faced by the youngest in our society: our children.

Early diagnosis is critical with all cancers, regardless of age, and raising awareness is important to get to early diagnosis. That important point underpinned Jeremy Balfour's speech. To support GPs to refer and diagnose cancer as early as possible, we commissioned a full review of the Scottish referral guidelines for suspected cancer. The review, which was led by Healthcare Improvement Scotland in 2014, led to the inclusion of specific guidelines for identifying suspected cancer in children, teenagers and young adults. The guidelines have been supported by the distribution of more than 16,000 copies of the quick reference guide, and in February this year an app was launched. I hope that that goes some way to reassure Jeremy Balfour and others that we are actively working on raising awareness among our GPs and we want to continue to improve it to ensure that, when parents present at a surgery, their concerns are acted on by a GP with a complete knowledge and understanding.

Diagnosis is only ever the first step, and cancer services need to ensure that the right treatment at the right time is delivered to every child, regardless of their diagnosis or location. In recognition of that, in 2011 we set up the managed service network for children and young people with cancer. As many members will know, the network is charged by the Scottish Government with bringing about improvements to the treatment, care and support of children and young people with cancer up to the age of 25. In February, it launched its second cancer plan, which has an ambitious programme of work for the next three years. I wish to recognise the good work that the network has achieved since its formation. It has brought together different members of the cancer community who have the same aim of ensuring that Scotland's children get the best possible treatment and are at the heart of all their services.

We know that cancer poses a significant challenge for all of us, now and in the future, but there is good news: more people than ever before are surviving cancer. That is welcome, but we must always strive to do better. We want to be among the best in the world, which is why we have put in place our new cancer strategy.

"Beating Cancer: Ambition and Action", which the Cabinet Secretary for Health and Sport launched earlier this year, will help us to meet

some of those challenges. We have set out a range of ambitious actions to improve the prevention of cancer as well as detection, diagnosis, treatment and after care for people who are affected by cancer. The strategy is our blueprint for reducing health inequality, improving experiences of care and, ultimately, improving outcomes for people who have cancer.

We have backed up the strategy with investment of more than £100 million over the next five years, including funding of up to £2.5 million over that period to enable the managed service network for children and young people with cancer to lead on and deliver the improvements that are set out in its work plan.

The Cabinet Secretary for Health and Sport is due to meet the co-chairs of the managed service network next month to discuss progress and the network's priorities for the next year. The network also works closely with third sector organisations in the area and children and families are represented on its board. The Government is always keen to ensure that the voices of children are heard at every level. That gives valuable insight into how cancer care is delivered across Scotland and how it should be delivered in future.

For instance, I am interested in how we support the siblings of children who have cancer. When I was first elected back in 2007, I met some survivors of childhood cancer and that meeting and the messages that I got from those people have stayed with me. I was moved by a presentation from someone who had lost his sister to cancer and his candid emotions of devastation at his sister's diagnosis, the feelings of jealousy of his sister being given all the attention, the guilt he felt about that jealousy, the loneliness, the sadness and then the utter grief over his loss. We must be mindful of the need for a holistic look at the whole family when we are treating a child who has cancer. That point has been well made by Stuart McMillan, Jeremy Balfour and the other members who have contributed today.

I want to pick up on some of the points that Jeremy Balfour made about bereavement. We probably need to do a bit more in that area and we need to be a bit more open about how we talk about grief and loss.

Some of the discussion that we have had today underpins the need to ensure that the principles of getting it right for every child are understood by everybody who has a role in the care of our children. For example, that could be those who help with the education that is missed by some of the children who are undergoing treatment to get over their diagnosis.

Through our detect cancer early programme, we have also provided the Teenage Cancer Trust with

funding to support and extend the charity's work on delivering free cancer awareness sessions in schools, colleges and universities. The education programme provides information to encourage young people to give their older family members a nudge to make sure that they know about the benefits of early presentation.

I am pleased that, among the list of iconic buildings across Scotland that are glowing gold this month, the Scottish Government is playing its part, with St Andrews House and Victoria Quay being lit up gold to mark the campaign that we are here to celebrate and support today. I will wear my pin not just to raise awareness but to salute those brave children who are undergoing treatment as we speak. I and everyone here wish them all the very best on their journey. My thoughts are with them and their families.

I thank everyone who has participated in today's debate, including Jeremy Balfour for raising the issue, Stuart McMillan, Brian Whittle and Anas Sarwar. Parliament is at its strongest when it unites behind a common goal and, in this case, it is about ensuring the very best for our children and raising awareness of cancer in childhood. We are also united in our support for the campaigners and their selfless work. I again thank Jeremy Balfour, everyone who is involved in raising awareness and everyone who has contributed positively and constructively to this unifying debate today.

13:14

*Meeting suspended.*

14:30

*On resuming—*

## Domestic Abuse Law

**The Deputy Presiding Officer (Christine Grahame):** The next item of business is a debate on motion S5M-01434, in the name of Michael Matheson, on domestic abuse law.

From the outset, I inform members that—watch my lips—time is tight. There is no spare time.

**The Cabinet Secretary for Justice (Michael Matheson):** Domestic abuse blights the lives of too many people in Scotland. It might not be obvious because, in contrast with many other forms of crime, it is largely hidden, typically occurring behind closed doors and in private. However, it is widespread. In 2014-15, nearly 60,000 domestic abuse incidents were reported to Police Scotland. We know that that is likely to be a significant underestimate of the true extent of abuse. The 2014-15 Scottish crime and justice survey found that only a fifth of those who experienced partner abuse in the previous 12 months said that the police came to know about the most recent incident. That survey also found that 14 per cent of adults have experienced partner abuse since the age of 16, and that 3 per cent of adults have experienced partner abuse in the previous 12 months.

This morning, I had the privilege of meeting staff at Edinburgh Women's Aid to hear about the vital work that they are doing with women and girls who are affected by domestic abuse. I also met several of the service users and heard of their first-hand experiences. I am grateful to them for that.

Women are disproportionately likely to be victims of domestic abuse. Twice as many women as men report having experienced partner abuse in the previous 12 months, and incidents with a female victim and a male perpetrator represented 79 per cent of all incidents of domestic abuse that were recorded by the police in 2014-15. That is why tackling domestic abuse is a core part of equally safe, the Scottish Government's strategy for preventing and eradicating violence against women and girls.

Supported by the equally safe justice expert group, the Scottish Government is developing a delivery plan that will deliver improvements to the justice system for all victims of abuse, including women and girls. We are also taking immediate steps to improve the justice system's response to domestic abuse.

In March last year, the First Minister announced an additional £20 million over the period from 2015 to 2018 to tackle all forms of violence against women and girls and to put in place better support

for victims. That money is already being put to good use. For example, it has allowed additional investment to boost resources for our courts and prosecutors by £2.4 million each year in order to ensure that there are no undue delays in court waiting times for domestic abuse cases.

In last week's statement on our programme for government, the First Minister confirmed that in the coming parliamentary year a domestic abuse bill will be introduced that will make Scotland one of only a handful of countries around the world to have criminalised psychological abuse and coercive control. I will set out how we have arrived at this point and why we think that this new comprehensive domestic abuse offence will improve the justice system's response to domestic abuse.

As members might be aware, at the Crown Office's domestic abuse conference in 2014, the then Solicitor General, Lesley Thomson QC, called for the Scottish Parliament to consider the creation of a specific offence of domestic abuse. The case that she made for a new offence was compelling and I pay tribute to her and others, including Scottish Women's Aid and the advice, support, safety and information services together—ASSIST—project, which have been at the forefront of building support for a new offence.

In her speech, Lesley Thomson said that, in her experience of prosecuting domestic abuse, the existing law does not always reflect the experience of victims of long-term domestic abuse because it focuses on individual instances of threatening behaviour or assault and does not reflect the fact that domestic abuse is often experienced as a pattern of abusive behaviour that is sustained over time.

In March 2015, the Scottish Government published a consultation paper that sought views on whether a specific domestic abuse offence would improve the ability of the police and prosecutors to tackle domestic abuse. The response was clear. The vast majority agreed that the current law does not reflect the experience of victims who experience on-going coercive and controlling behaviour by partners and ex-partners. The collective view of respondents was that a specific offence could improve the justice system's response to domestic abuse.

The kinds of cases that consultation respondents highlighted as being difficult to prosecute using the existing law are those in which an abuser may not necessarily use physical violence against their partner, or even overt threats, but behaves in a highly controlling and abusive way towards their partner over a long period. Examples of what abusers may do to humiliate their partners are horrendous. For example, abusers may force them to eat food off

the floor; control access to the toilet; or repeatedly put them down and tell them that they are worthless. Abusers also try to control every aspect of their partner's life by, for example, preventing them from attending work or college; stopping them from making contact with family and friends; giving them no or limited access to money; or checking or controlling their use of their phone and social media.

However, where that is not accompanied by physical violence or overt threats—which can often be the case because, for example, the victim is in so much fear that their partner does not need to use threats to exert control—it may be very difficult to prosecute using the existing law in this area. Even where a prosecution is possible, the conviction for that offence may leave the victim feeling that the court process and the sentence imposed do not reflect the reality of their experience of abuse. The perpetrator will have subjected their partner to years of abuse but may have been convicted of only a single instance of assault or threatening and abusive behaviour.

While the vast majority of consultation respondents supported the principle of having a domestic abuse offence, there was a wide variety of views on how such an offence could operate, especially in relation to how coercive and controlling behaviour and psychological abuse in a relationship could and should be defined. While some behaviour is such that any reasonable person would consider it to be abusive, the point at which, for example, belittling comments or an unequal approach to financial decision making within a relationship can be said to amount to psychological abuse or coercive and controlling abuse will depend on the wider context in which that behaviour occurs.

We have worked closely with stakeholders to develop an offence that seeks appropriately and effectively to criminalise the kind of pernicious, coercive and controlling behaviour that I have described, while not inadvertently criminalising what might be described as the ordinary arguments and friction that can occur in many relationships. The approach that we have taken in the draft offence is to provide for a course of conduct offence that covers the whole range of behaviour that can make up a pattern of abusive behaviour within a relationship. That enables the perpetrator's whole course of abusive behaviour to be libelled in a single charge, allowing a court to consider the totality of the abuse that is alleged to have taken place.

It means that the courts can consider acts that would be criminal under the existing law, such as assault and threats, and psychological abuse and coercive and controlling behaviour, which can be difficult to prosecute under existing law.



The offence is committed when three specific conditions are met. The first condition is that the perpetrator engages in a course of behaviour that is abusive of their partner or ex-partner.

The second condition is that a reasonable person would consider the course of behaviour to be likely to cause their partner or ex-partner to suffer physical or psychological harm.

The third condition is that the perpetrator either intends to cause the victim to suffer harm or is reckless as to whether the course of behaviour causes the victim to suffer harm.

The draft offence provides a definition of abusive behaviour that includes behaviour directed at the victim that is violent; behaviour directed at the victim that is threatening or intimidating; and behaviour directed at the victim or any other person that has as its purpose, or that would be likely to have, one or more of the following effects: making the victim dependent on or subordinate to the perpetrator; making the victim isolated from friends, relatives or other sources of support; controlling, regulating or monitoring the day-to-day activities of the victim; making the victim feel frightened, humiliated or degraded; or punishing the victim. This part of the definition is intended to cover the kind of psychological abuse and coercive and controlling behaviour that it may not be possible to prosecute under the existing law.

The second condition—that a reasonable person would consider that the course of behaviour would be likely to cause the victim to suffer physical or psychological harm—sets the threshold for the offence to be committed.

The third condition—that the accused either intends by the course of their behaviour to cause the victim to suffer such harm or is reckless as to whether the course of behaviour causes such harm—ensures that a perpetrator cannot argue that they are not guilty of the offence solely because they claim that they did not intend to cause harm to their partner.

We are considering the responses that we have received to the consultation and Scottish Government officials have met a number of stakeholders in recent weeks to discuss the terms of the offence. One key issue raised by a number of stakeholders has been that the draft offence does not reflect the impact that domestic abuse can have on the children of an abused partner and the extent to which children can be, in effect, secondary victims of partner abuse. We are considering very carefully what changes may be needed to reflect this feedback.

We think that it is important to remember that it is a long-standing offence for any person to abuse or neglect a child in their care. Alongside that

existing offence, we want to ensure that the new offence operates so as to ensure that the impact of domestic abuse on children is recognised. Some stakeholders have also highlighted the need for additional protections for victims and we are considering what more may need to be done in that area.

We are seeking to introduce a domestic abuse offence that will make Scotland one of the first countries in the world to criminalise psychological abuse and coercive control of a partner or ex-partner. We think that there are clear benefits to introducing a new, comprehensive domestic abuse offence that will provide clarity for victims; send a clear signal that what their partner or ex-partner has done to them is not only wrong but criminal; improve the ability of the police to intervene in specific cases; and change societal attitudes to what it is that amounts to domestic abuse: that it is not only physical violence but psychological abuse, because exerting total control over a partner's every movement and action and forcing them to live in constant fear is criminal and unacceptable in our society.

I will listen with interest to the contributions made in the chamber this afternoon and I look forward to working with the Parliament to ensure that the offence is as effective as it can be in tackling the scourge of domestic abuse in Scottish society.

I move,

That the Parliament welcomes the announcement by the First Minister when delivering the 2016-17 Programme for Government that the Scottish Government will introduce legislation to create a specific criminal offence of domestic abuse; recognises that, in Scotland, there are approximately 60,000 incidents of domestic abuse reported each year, with the 2014-15 figures showing that 79% of such incidents having a male perpetrator and a female victim; recognises that, while physical abuse can be prosecuted under existing laws, it is challenging to prosecute psychological abuse and coercive and controlling behaviour under these; agrees that a new offence will both help the criminal justice system to deal more effectively with domestic abusers and, alongside access to appropriate advocacy services, allow better access to justice for victims, and notes that the Scottish Government is continuing to consider the exact terms of such an offence in the light of feedback to the recent consultation on a draft offence with the aim of ensuring that it appropriately and effectively criminalises the type of pernicious coercive and controlling behaviour that can constitute domestic abuse and that such an offence will have a significant impact on how society views domestic abuse by ensuring that there is clarity that psychological, as well as physical abuse, of a partner or ex-partner is a criminal offence.

**The Deputy Presiding Officer:** I call Douglas Ross to speak to and move amendment S5M-01434.1. Mr Ross, nine minutes please.

14:44

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

I am pleased to open for the Scottish Conservatives in the debate on the Scottish Government's proposal to introduce a criminal offence of domestic abuse. Since the announcement in the First Minister's programme for government, members on the Conservative benches—indeed, on all benches—have made positive remarks about the proposed legislation. I hope that people have noted the strong cross-party support for it, including perhaps people sitting at home today who are victims of domestic abuse. They should know that their Parliament is standing up for them on an offence that often takes place behind closed doors, and they can take some strength from the fact that they have backers in this Parliament and indeed across the country. That may help them to overcome many of the fears that they have experienced at the hands of a domestic abuser.

Domestic abuse is a monstrous and—as the cabinet secretary explained in his opening remarks—multifaceted crime. It is the ultimate betrayal of trust between two people who are intimately involved, one of whom is more vulnerable than the other, and its destructive effects can continue to reverberate long after the abuse has come to an end.

On that point, I welcome the cabinet secretary's comments about the impact on children. They are never forgotten by people in these relationships, but the law looks at the person who has been abused and not necessarily at the impact on others, even though they are often in the room at the time and, as we have read in some of the briefings for this debate, they are often used as a tool in the domestic abuse. The removal of a child may be put forward as a threat as part of the domestic abuse. That is a terrible scenario for people to go through. I look forward to discussing the issues in this debate and indeed in committee once the bill has been introduced to ensure that we protect children in the best way that we can.

Scottish Government figures show just how many victims are suffering at the hands of their abusers across the country. In Scotland, there were 59,882 such victims in 2015, which represents a rise of almost a third since 2005-06. In my area of Moray, the number of victims almost doubled in a year, from 377 in 2013-14 to 749 in 2014-15. In the Highland Council area, the number of recorded incidents of domestic abuse has risen by 55 per cent since 2005-06.

Against that backdrop, I applaud the excellent work that is done by Moray Women's Aid. The cabinet secretary mentioned that he had visited Edinburgh Women's Aid. In Moray, the service offers excellent support at its facility in Elgin to

women and children who are experiencing domestic abuse. However, there are concerns—I know that Rhoda Grant has raised them—about the future funding of that facility. We must ensure that Moray Women's Aid and similar organisations the length and breadth of the country continue to receive our support so that they continue to give their support to those who need it the most. I met members of Moray Women's Aid at Keith show recently when they were doing some fundraising there, and I look forward to visiting them in the community quite soon. We must do as much as we can to allow them to continue the great work that they do.

As the cabinet secretary said, the crime of domestic abuse is far too prevalent in our society. Although the statistics that I mentioned underscore the willingness of more victims to come forward, they are also a stark reminder that, potentially, many more people across the country are suffering behind closed doors. The message must therefore ring out loud and unequivocally clear from today's debate that, in our modern society, physical and psychological abuse will not be tolerated, and it is absolutely right that we explore ways to ensure that our criminal justice system is equipped to handle and prosecute such complex cases.

To that end, I note the publication by the Scottish Government of "Equally Safe—Reforming the criminal law to address domestic abuse and sexual offences", which ultimately led to the introduction of the Abusive Behaviour and Sexual Harm (Scotland) Bill, which was the final bill that the Parliament passed in session 4. Although Scottish Conservatives did not agree with every provision in that legislation, we very much welcome the help and the hope that it will provide to domestic abuse victims.

As members will be aware, the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 introduced a statutory aggravation for domestic abuse as part of a multipronged approach to tackling the issue. During the bill's stage 1 scrutiny, the Crown Agent confirmed that, as a result of the aggravator, abusers will likely get a tougher sentence, but it also means that serious individual offences including physical or sexual assault and stalking will be prosecuted with the addition of a domestic abuse aggravator where appropriate. That represents an important recognition of the fact that domestic abuse manifests itself in many different ways.

However, as a broad cross-section of stakeholders have recognised, there is a gap in the law that means that coercive control—a term adopted by Professor Evan Stark—is not criminalised under Scots law despite how damaging such behaviour can be for its victims. In

England and Wales, section 76 of the Serious Crime Act 2015 creates a new offence of “controlling or coercive behaviour” in relationships, and I am glad that the Scottish Government will make similar strides with the forthcoming bill.

The proposed law that we are debating today could provide a clear message to perpetrators of psychological abuse that society will not tolerate this kind of behaviour, but we need to ensure that we get our approach absolutely right. I therefore note with some concern that Catherine Dyer, the former Crown Agent, told the Justice Committee that a statutory aggravator of domestic abuse, rather than a specific offence, is the correct approach. She said:

“The issue is that domestic abuse surrounds particular actions and is not an offence in itself, which makes it difficult to establish. It is appropriate that it is an aggravator ... The approach of attaching a statutory aggravation rather than trying to define domestic abuse is probably the way to go.”—[*Official Report, Justice Committee, 17 November 2015; c 26.*]

Although I understand that 96 per cent of respondents to the Scottish Government’s “Equally Safe” consultation supported the possible introduction of an offence of domestic abuse, it is somewhat troubling that the Crown Office, which would be responsible for prosecuting under the proposed law, is on record as not being fully convinced of its utility. I would be grateful if we could get an update, perhaps from the minister when she closes, regarding the new Crown Agent’s position on the Scottish Government’s proposal.

**The Minister for Community Safety and Legal Affairs (Annabelle Ewing):** Will the member take an intervention on that point?

**Douglas Ross:** I am sorry, I have two and a half minutes.

**The Deputy Presiding Officer:** I can give you the time back if you want to take the intervention.

**Douglas Ross:** I will come back to it if I have time, but I have quite a bit to get through. [*Interruption.*] I was asking about the Crown Agent, if that helps the minister.

I turn to the structure of the proposed law. I extend enormous thanks to the 59 stakeholders that, as the cabinet secretary mentioned, took the time to respond to the Scottish Government’s second consultation on the draft offence, to ensure that it is as robust as possible. There is much food for thought in the analysis of the consultation responses and I look forward to exploring the terrain in greater depth after the draft legislation has been introduced in Parliament.

In the time remaining to me I will focus my remarks on the definition in the proposed law of “abusive behaviour”. It is vital that any law that is

introduced provides clarity and certainty, but some behaviours, such as coercive control, do not fall within fixed and neatly delineated parameters. In its response to the consultation, the Law Society of Scotland highlighted that

“any offence extending beyond physical abuse or offensive behaviour currently forbidden by the criminal law should be capable of definition and explanation”

and that it appears “essential” that

“the commission of such an offence will require appropriate *mens rea*”.

A workable definition will therefore be key to the law’s successful implementation. That is important because figures from the Scottish Government show that only 54 per cent—just over half—of the almost 60,000 incidents of domestic abuse that the police recorded last year resulted in conviction. As I argued during First Minister’s question time today, we must ensure that the Crown Office and Procurator Fiscal Service is sufficiently resourced to cope with the increasing domestic abuse case load. Domestic abuse is a crime that the Scottish Government, along with Police Scotland and the COPFS, has made a priority, and it is inherently complex.

I would like to say many more things. Some of my colleagues will mention Clare’s law and the other things in our amendment, which I hope will gain enough support from members.

We must get this right. It is an important piece of legislation that people will be looking at for many years to come. I welcome the fact that the cabinet secretary has launched the debate in a consensual way and that he wishes to hear the views of members across the chamber. I look forward to the rest of the debates and discussions that we will have on the legislation as it progresses through the Parliament; I anticipate that they will be broadly consensual and I look forward to hearing contributions from across the parties.

I move amendment S4M-01434.1, to leave out “victims” and insert:

“both male and female victims who have been in a heterosexual or same-sex relationship; urges the Scottish Government to continue to raise awareness of Clare’s Law”.

**The Deputy Presiding Officer:** Thank you—you moved your amendment just before I asked you to do so. I call Claire Baker to speak to amendment S5M-01434.2—you have seven minutes, Ms Baker.

14:53

**Claire Baker (Mid Scotland and Fife) (Lab):** The year 2016 marks 40 years since the establishment of Scottish Women’s Aid, which brought together a network of local organisations

across the country. Local women's aid groups were providing support and refuge for women and children who were fleeing domestic abuse and their communities, and the national organisation gave a focus for pushing for political and social change and worked to challenge and prevent domestic abuse. A significant part of that change has been how the legal system—the courts and the police—have changed their response to domestic abuse. The change was so significant that it also had to happen in families, communities and workplaces. No longer could there be an acceptance that domestic abuse was a private matter or that it was women's fault, or that women could leave if they really wanted to. It is in those areas that the work of Scottish Women's Aid and other campaign groups has been instrumental in shifting societal attitudes.

It can be easy to forget that turning a private problem into a public and political one was a struggle—indeed, it is still a struggle. Campaigners fought tirelessly to put domestic abuse on the agenda and bring perpetrators to justice. The establishment of the Scottish Parliament in 1999 gave a political focus to tackling domestic abuse in Scotland and it has played its part in changing attitudes in Scotland and modernising our legal system to respond to the challenge. The Government's intention to introduce a criminal offence of domestic abuse is to be welcomed and we look for the new offence to improve the ability of the police and prosecutors to tackle domestic abuse.

The consultation and responses raise questions for debate, such as the extent of the bill and the definition of the term "reckless". We will scrutinise and look for opportunities to improve the bill as we get into the legislative process. However, we are supportive, in principle, of introducing the new offence and of the intention to include those who commit psychological abuse and engage in coercive and controlling behaviour. While the Government motion highlights that the majority of cases involve a male perpetrator and a female victim, the law will provide protection for all adults who are in an intimate relationship. A similar law has already been introduced in England and Wales and we should look to learn any lessons from that process.

While the legislation is important, it also gives us the opportunity to reflect on what more can be done to end domestic abuse in Scotland. Labour's amendment highlights the progressive work of the domestic abuse courts and asks how we can extend the service. If we are to introduce a specific offence, it seems to me that an extension of specialist courts could be a logical conclusion.

Concerns have been raised about recent court decisions. I am aware of cases in which the

alleged victim has been sentenced to prison for their reluctance to answer questions in court. During the summer, Scottish Women's Aid expressed anger about the recent case of a surgeon who, after spending four nights in custody and facing six domestic abuse-related charges over a period of three years, was granted an absolute discharge when he changed his plea before trial and admitted one charge of threatening and abusive behaviour towards his wife. There was no criminal conviction. In response to that case, Scottish Women's Aid chief executive Dr Marsha Scott said:

"we need to end the post code lottery of justice that women and children experience in Scotland, depending on where they live and how justice is performed in their community."

It could be judged that, if such cases had gone through a specialist domestic abuse court, the outcomes might have been different. The extension of specialist domestic abuse courts would also look to better reflect the new offence and I urge the Government to work with relevant agencies to make progress on the issue.

The legal process is only one part of the process for victims of domestic abuse. Advocacy, refuge accommodation, counselling, vital one-to-one support and critical emergency out-of-hours services are all crucial for supporting victims. The cabinet secretary will emphasise the resources that the Government has put into such services but he must also recognise the pressure that the services are under. I have received reports of victims being turned away from support and that is a situation that none of us wants to see. However, it is a consequence of a squeeze on local authority funding and I make a plea to the Government to enable local authorities to protect those vital services.

It was good news today that the United Kingdom Government has agreed to defer the application of local housing allowance rates to supported housing until 2019-20, with the intention of introducing a new funding model. The impact of that on refuges will be to develop further options to protect short-term accommodation, providing the same protection as supported housing in general. I recognise the work of all the campaigners in achieving such a positive result.

We also know that domestic abuse can have serious and long-term consequences for children. Children who witness domestic abuse are at increased risk of experiencing mental health problems, of developing alcohol and substance abuse problems and of entering into abusive relationships. As we progress the legislation, we need to consider the issues that are raised by Barnardo's, Children 1st and the National Society for the Prevention of Cruelty to Children, and the

potential for the bill to address some of those concerns.

Crime is at a 40-year low but the trend in domestic abuse is upwards. The most recent figure for incidents recorded by the police show a 2.5 per cent increase and, while the figures on request for information through Clare's law show that the law is effective, they are worrying. I accept that the improvements in police response, increased awareness and confidence in reporting, and the presumption in favour of prosecution all provide some explanation for that, but when other crimes are on a downward trajectory, we all want to see domestic abuse going the same way.

We need to see more investment and commitment to preventative work. I recently met the violence reduction unit, which was established at a time when gang culture and knife crime were increasing. The unit's focus is changing and its work on challenging notions of masculinity and working with young men and families is important in addressing some of the root causes of behaviour that is complex and cultural. I want to see perpetrators being brought to justice and the proposed law aims to increase confidence in convictions. I also want to see fewer perpetrators and we must do more to root out the deep causes of domestic abuse that remain in our society.

I move amendment S5M-01434.2, to insert at end:

“; recognises the important role of domestic abuse courts in dealing with the offence, and looks to extend the provision of these as part of proposals for tackling domestic abuse in Scotland.”

**The Deputy Presiding Officer:** My apologies to Ms Baker: I was giving my signals and she was due seven minutes. I will need to get my glasses on more often. We move to the open debate.

15:00

**Kate Forbes (Skye, Lochaber and Badenoch) (SNP):** I address every individual in Scotland today whose home is a torture chamber, who conceals physical and psychological scars and who lives in fear of a tyrant—a tyrant who threatens, intimidates and hits, who controls and isolates, who humiliates and degrades, who controls what is spent, what is watched and what is worn, and who makes another human being feel like nothing and nobody. For those who are subjected to such abuse, I hope that our debate today and the Scottish Government's proposed domestic abuse bill send a loud and strong message that such behaviour is not just a wee spat, it is not just a wee mistake and it is not just a wee one-off: it is criminally wrong and utterly immoral.

I can quote the numbers of reported domestic abuse incidents in Scotland—nearly 60,000 last year—but only a fifth of those who experience partner abuse actually tell the police, so we can safely assume that that figure is not correct.

Quoting numbers does not tell the individual stories, either. Last month I met members of Lochaber Women's Aid, who do an incredible job. They shared details about specific women whom they have helped. I was so angry to hear about the cowardly and creatively dehumanising cruelty of the perpetrators, but at the same time I was full of admiration for the women who relive their experiences in an effort to get justice as they give evidence to police, the courts and support groups, and who care for children, as well as for themselves.

I was also frustrated that the current law does not provide the police, prosecutors and courts with sufficient powers to bring perpetrators to justice, and by the fact that, most crucially of all, it does not give confidence to victims to come forward. That is why we need the Government's radical and groundbreaking proposals and why we need cross-party support.

So, what do I welcome in the new proposal? First, I welcome that the new offence will improve the ability of the police to intervene in specific cases, and that the Scottish Government promises to work closely with Police Scotland to ensure that training is in place. Training is absolutely vital. In one part of the Highlands, every student community nurse is given at least an hour's training with the local Women's Aid group. They are briefed on some of the big issues, on how to identify signs of potential domestic abuse in women, men and children and—almost most important—on how to make contact with the Women's Aid groups that are at the coalface of caring for and representing victims. Currently, new recruits in the police service are given some training at Tulliallan as part of their induction, but I would love to see refresher courses, especially in the more remote areas of Scotland, and strong encouragement to work collaboratively with local Women's Aid groups and other support groups.

Secondly, the bill will develop a more joined-up approach and will provide police, prosecutors and the courts with sufficient powers to bring perpetrators of abuse to justice. In a recent Scottish Government consultation, more than 90 per cent of respondents believed that that is not happening under the current law.

In my discussions with Women's Aid, I have been shocked to hear that on many occasions, those who have been abused can sometimes on the day of a trial sit in the justice centre from first thing in the morning until the end of the afternoon, but be none the wiser as to whether the abuser

has been found not guilty, is out on bail or has been sent to prison. I know that that is not the case everywhere, but we have to get the basics right. There should be an agreed communications plan from the court, procurator fiscal or police for the victim. It is an utter travesty to have vulnerable women anywhere in this country agonising about whether they will bump into their abusers.

Thirdly, the new offence will give the courts the powers that they need to impose tough maximum penalties on perpetrators. Domestic abuse courts have been mentioned; I would like a travelling domestic abuse court that could visit rural locations for one or two days a month, with a sheriff who specialises in domestic abuse cases, in order to ensure that cases of abuse in the Highlands get justice. The heinous but hidden crime of domestic abuse is a national issue, and any changes to the law must account for remote and rural Scotland so that there is no postcode lottery.

Legislation is, of course, not the only answer, but it sends a very loud message to perpetrators that their actions are inexcusably immoral. I hope that it will also go some way towards giving victims greater confidence in the justice system so that they come forward and can make sure that justice is delivered. For that reason, I welcome the debate and strongly welcome the Government's priority of ensuring that a domestic abuse bill is introduced early in this parliamentary session.

15:06

**Margaret Mitchell (Central Scotland) (Con):** When I was first elected to the Parliament, in 2003, one of the first debates in which I spoke was on domestic abuse. I referred to a song by Charlie Rich that was written in 1973, which contained certain lyrics that neatly sum up the problematic and complex nature of domestic abuse—namely that

“no one knows what goes on behind closed doors.”

That song was written 43 years ago but, sadly, the problem is very much still with us today, although progress has undoubtedly been made.

That progress has included Police Scotland focusing on domestic abuse as a priority and adopting a proactive approach to tackling it. That makes sense on two levels. First, it sends out an uncompromising message about the gravity of the crime, to deter perpetrators. Secondly, on a practical level, reducing instances of domestic abuse by adopting early intervention has proved to be effective preventative spend, as it cuts the—on average—approximately 6 hours that it takes officers to deal with such cases.

In addition, the establishment of a specialised domestic abuse unit within the Crown Office and Procurator Fiscal Service has helped to ensure that more prosecutions can be secured. However, the union that represents procurators fiscal has noted during the past two years' budget scrutiny that the complexity of domestic abuse cases is having a subsequent adverse knock-on effect in the courts and in the Crown Office and Procurator Fiscal Service.

Another welcome measure is Clare's law, which was introduced in Scotland on 1 October 2015. It allows people who have doubts or reservations about their new partner's behaviour to apply to the police to find out whether that person has a history of domestic abuse. It makes sense that the Government continues to make victims and potential victims aware of Clare's law, which—crucially—could be a preventative measure,

The Abusive Behaviour and Sexual Harm (Scotland) Bill, which was passed in March, introduced a statutory aggravator that allows judges to take into account any domestic abuse circumstances in deciding on an appropriate sentence, which could result in the perpetrators of domestic abuse receiving tougher sentences. The Law Society of Scotland expressed reservations, which I shared, about the aggravator applying to a first offence as opposed to second and/or subsequent offences for behaviour that is categorised as reckless. Only time will tell whether the statutory aggravator will result in secure prosecutions in cases of recklessness.

As many members have said, domestic abuse manifests itself in many forms, the most tangible being violent behaviour resulting in physical abuse. The women and children who do not come to organisations such as Women's Aid need not only emotional support: assistance with practical issues such as housing, safety planning, finance and legal protection are all vital and often present barriers to women who are seeking to move away from an abusive situation. Leaving an abusive partner can have many implications for women; many lose their homes, are forced to move around, are alienated from support networks and friends, lose access to childcare, are forced to disrupt their children's routines and education and often incur financial hardship—to name only a few implications.

More elusive and difficult to establish is verbal abuse, which is often coupled with financial and/or emotional manipulation and control. That latter aspect—the psychological aspect of abuse—is often the most insidious. The proposal to create a specific domestic abuse offence seeks to address that. It is a laudable objective and one that we on this side of the chamber support, in principle.

However, as has been evidenced by the responses to the Scottish Government's two consultations on the draft offence dealing specifically with psychological abuse and engaging in coercive and controlling behaviour, the devil is in the detail. For example, there were in the consultation conflicting views on a number of provisions, including the following: the reasonableness test and whether it is open to manipulation; prosecution of a course of behaviour as opposed to a single event; providing the defence of intent being well intentioned; how to evidence harm caused; the definition itself being non-exhaustive; the 10-year penalty being sufficient to reflect the seriousness of a charge that has been brought on indictment; and, which has already been referred to by the cabinet secretary, the absence of any reference to the impact on children. The list goes on.

Suffice it to say that there is a concern that the draft offence would not be robust enough to provide legal certainty of prosecution and criminalisation. That concern is coupled with questions about the sufficiency of resources to ensure effective prosecution. Clearly, there is much to be done before there is confidence that the new offence will be fit for purpose to deal with that insidious aspect of domestic abuse.

In the meantime, I urge the cabinet secretary to address any potential problems and to raise awareness about the ways in which victims of domestic abuse can protect their anonymity and identity when registering to vote. That fundamental freedom is often denied to victims because they fear that their whereabouts will become known. I will be grateful if the Minister for Community Safety and Legal Affairs addresses that specific point in her closing remarks.

15:12

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** I welcome the proposed legislation and believe that it is a huge step on the way to tackling the true nature of domestic abuse. As many other members have said, domestic abuse is traditionally thought of as involving physical violence. However, non-physical forms of abuse including emotional abuse, controlling behaviour and coercive behaviour can have deeply damaging impacts on families. As the cabinet secretary said, until now it has been considered to be difficult to prosecute people who commit those types of behaviour, which has meant that abusers are often not brought to justice. With the bill, victims will be much more likely to have their voices heard by the justice system and perpetrators will no longer find it possible to slip through the net.

The investment of £20 million between 2015 and 2018 is vital in ensuring that people who suffer from all forms of domestic abuse are given the support that is needed. I have witnessed initiatives such as the change programme in South Lanarkshire proving to be very effective and making a difference to victims, perpetrators and families. The extra investment has also provided additional community-based sentencing options to the courts, and has helped to make it clear that no form of domestic violence will be tolerated.

With the changes in law and the new support that is being given to the police and prosecutors, the Government will be helping to change the lives of many women and children who have been living with abuse for a long time. About 60,000 instances of abuse are reported to the police each year—a figure that we have already heard—and 79 per cent of those instances involve a female victim and a male perpetrator. Although many women and children who experience domestic abuse now report instances of abuse to the police or access the services of brilliant organisations such as Women's Aid, ending violence and abuse, or EVA, services or the ASSIST—advocacy, support, safety and information services together—project, many do not feel that they are in a position to do that and so continue to suffer in silence, often with highly damaging and tragic consequences.

Currently, Women's Aid in Scotland deals with somewhere in the region of 25,000 new cases a year of women, children and young people being in need of support after experiencing domestic abuse. That breaks down to about 475 new cases each week, which shows both the prevalence and the extent of the impact of domestic abuse on so many lives. Let us stop to think about that for a wee second: 475 women who had not previously identified themselves are approaching that one charity every week to seek support. That is a startling figure and another reason why I welcome the proposed legislation.

Earlier this week, we had a debate about the Government's pledge to build 50,000 new affordable and social homes. That is a much-needed commitment, because many people experience homelessness. I mention that because almost three quarters of people who declare themselves to be homeless are women, and the third most common reason for homelessness applications in Scotland is violent or abusive disputes in the household. From my experience as a social worker, I know that many women and children risk a lot just by leaving. They often become homeless, lose their possessions and suffer financial destitution in a bid to escape the everyday terror of their abusers.

Although the figure of 79 per cent shows that the overwhelming number of victims are women, it

is important that we take the time to recognise—as other members have done—that men can also be victims of domestic abuse. Figures from the male domestic abuse support service, which is part of the Edinburgh-based organisation Abused Men in Scotland, show an increase in the number of men who have sought support over the past two years. In my area, North Lanarkshire, the number of men seeking support has almost doubled in the past 12 months. However, it is worth noting that male victims are even less likely than female victims to seek support, so I encourage more investment in raising awareness in that regard.

I recently visited Monklands Women's Aid to learn more about the work that it does in my constituency to support women and children whose lives have been affected by domestic abuse. While I was there, I met victims of domestic abuse, including some who had used the three refuge centres in Coatbridge, and heard of the horror of their experiences and the continuing support that Monklands Women's Aid seeks to provide. Many women were not initially aware that they were victims of abuse, due to the controlling and isolating actions of their partners, so I welcome the fact that the new offence will provide clarity for victims that what is happening to them is a criminal act.

When we discuss domestic abuse, we forget that there are other victims in the household, although it has been mentioned in the debate. When an adult suffers at the hands of his or her partner, the children of the relationship suffer also. Even simply witnessing physical or mental abuse of a parent can have a long-term negative impact. Many children who are in that position are referred to the children's reporter or to social work, and may even be subject to child protection regulation. In my time as a social worker, I worked with many families in which the children had experienced domestic abuse.

Although good progress has been made, it is clear that there is more to be done to change the perceptions of what constitutes domestic violence. Psychological abuse—the exertion of control over all aspects of a partner's day-to-day life—is completely unacceptable, so I welcome the proposals to ensure that it will be a criminal offence.

15:18

**Rhoda Grant (Highlands and Islands) (Lab):** I am grateful for the opportunity to debate domestic abuse and how we improve the legislation to better protect victims. It was disappointing that the Scottish Government was unable to complete that work in the previous parliamentary session, but it is welcome that it is bringing the matter back to the Parliament so early in this session.

It is essential to legislate to make all aspects of domestic abuse a crime—not just physical violence, but the emotional abuse and controlling behaviour that perpetrators display. As part of that, we must deal with how the state is used to continue abuse, especially when the victim has taken steps to protect themselves. Far too often, I have cases where the court rules that an abusive parent should also have access to their children. That takes no account of the fact that that access can be used to control the victim further or of the damage that domestic abuse does to children. A number of members have mentioned that, and we received an excellent briefing from Barnardo's, Children 1st and the NSPCC.

We know that children do not thrive in abusive environments. Abuse affects their ability to concentrate because of the fear that it generates. It also impacts on their self-esteem, which means that it can go on to have a negative impact on them throughout their lives. The Scottish Government apparently accepts that—it funds children's workers for young people who have witnessed domestic abuse—but it still allows the courts to give the abusive partner access to those children, which enables them to continue to abuse the victim and children.

When it can be proved that children have been physically abused, child protection measures obviously come into play, but that is not the case for emotional abuse. A child who is on a contact visit can be plied for information about their other parent even when the visit is carried out through a contact centre. I have had numerous cases in which a mother has had to move repeatedly because the father has forced the children to divulge where they are living and has used that information to put the family in a state of fear and alarm. That has a huge impact on the child. They feel guilty for having divulged the information in the first place, but they also suffer the insecurity of having to leave friends, school and the like while their mother tries to make them all safe again. It is clear to me that an abusive partner should not have access to their children until they can prove that they are no longer a threat to their ex-partner or to the children.

The same is true of schools. I had a case in which a headteacher told a mother that, if she really cared about her child, she would put her own needs aside and attend a parents night alongside her abusive ex-partner. I find that absolutely unbelievable, but it gives a sense of the scale of the ignorance of domestic abuse that is prevalent in our society. If we are to tackle domestic abuse and coercive control, the state's role as a tool in that abuse needs to be dealt with, too.



We have seen that domestic abuse courts make a real difference in dealing with victims and perpetrators in such cases. Those involved have a real understanding of abuse and are not so easily fooled by a smart lawyer or a manipulative client. We need that expertise to be rolled out to all courts, even if that would only involve having certain days set aside exclusively for domestic abuse cases. As well as allowing organisations such as Women's Aid to support their clients in court, it would give them the ability to reach out and support others who have not previously accessed their services.

At the moment, Women's Aid groups can have different staff members in court every sitting day supporting just one client. While those staff members are in court, they are unable to help others. If they had to be in court for only one day, that would be more efficient use of resources and would free up staff to do the work that they are there to do. That is even more important given the funding cuts that Women's Aid groups face.

Setting aside days for domestic abuse cases would allow prosecutors and sheriffs to gain a knowledge of domestic abuse, which is sadly lacking in some quarters, and would allow arrangements to be made to keep victims and their families separate from the accused and their families, thereby avoiding chance meetings, which can be particularly terrifying for victims and can provide the opportunity for the perpetrator to undermine the victim.

I am disappointed that the Government has not proposed a bill to give legislative strength to all the aspects of "Equally Safe". We are all signed up to the strategy, but at times the Scottish Government hardly pays lip service to the provisions within it. I am speaking specifically of commercial sexual exploitation, which is recognised in the strategy as violence against women and girls, but which is left unfettered in Scotland. I ask the Scottish Government to take a serious look at protecting some of the most vulnerable people in our country, many of whom have already been let down by the state. If we take the strategy seriously and act to put measures in place to protect women against violence, we will all be the better for it.

15:23

**Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP):** I think that the phrase "domestic abuse" has become a bit of a fig leaf. Society has pulled a veil over the reality so that it does not upset us too much or make us feel too uncomfortable. We must not fall for that get-out; we must face the issue head on.

As we have heard, the fact is that in 79 per cent of domestic abuse cases it is men who are treating

their partners with a level of violent physical and mental abuse that is not only evil but soul and family destroying. We should not lose sight of the reality that around one in five women—the figure is probably even higher than that—will be victims of such physical and emotional attack.

I ask everyone present, regardless of their gender or orientation, to think for a moment about what the term "domestic abuse" means to them. I cannot offer a right to reply at the moment, but I would like everyone to take a bit of time to look in their mind's eye and think about what domestic abuse means to them. Does it mean a drunk football supporter coming home after a football match in which his team has lost and waving a knife drunkenly in his wife's face while threatening to give her it, or does it mean a child abused in her bedroom by an apparently doting relative? Inequality is at the heart of the issue. For women, that can start as early as when the midwife says, "It's a girl."

Domestic abuse is happening now. It shocks and horrifies us all, but that is the tip of an iceberg. The real story lies in the thousands of homes across Scotland—there are no social or wealth boundaries—in which women are physically and mentally assaulted, alarmed, distressed and entrapped continually. They are too frightened to take any action and are so threatened by the fear of more of the same that they just seem to hang on. That is the catch-22 situation that we are caught in. We are aware of the headline-grabbing major attacks, but we have no real sense of what or how much takes place behind closed doors.

In the Scottish Government's "Equally Safe" publication last October, the authors emphasised why a specific new offence is required. The then Solicitor General for Scotland, Lesley Thomson, called on the Parliament to create a bespoke offence of domestic abuse, and we agreed with her. I and many of the organisations on the cross-party group on men's violence against women and children agreed with her. I very much welcome Claire Baker filling the substantial shoes of Malcolm Chisholm on that group. I learned a lot from Malcolm Chisholm, and I look forward to working with Claire Baker. I agree that we need a specific offence that provides recognition of the impact and consequences of all types of abusive behaviours, including non-violent tactics of control and abuse, and that makes clear to the public and to law enforcement that such conduct is not acceptable.

The new bill will set out to tackle the underreporting of abuse across its different faces, which we all welcome. There is a growing understanding of the damaging impact that comes from controlling and coercive behaviour that eats into the mind. Women have no control over

finances, what they wear, their friends, when and with whom they go out or even whether they get to go out. The impact on health and self is profound.

We have heard that Women's Aid groups in Scotland deal with around 25,000 new cases of women, children and young people needing support but, as we know, the true figure may be much higher.

As well as the impact on women, the impact on children is huge, as we have heard. We must have a compassionate and caring system with access for women who are often literally forced on to the street with their children. There is a whole invisible sea of knock-on effects far beyond the immediate crisis.

The withdrawal of the threat to refugees from the UK Government is very welcome, but we need to keep an eye on that.

Although voluntary organisations such as Women's Aid and the Rape Crisis centres do everything that they can, the system remains disjointed and often unsympathetic to the victims. We need proper specific housing options to be made available for families who are fleeing violence. When it comes to housing, there should be something similar to the courtesy that is given to our veterans. The model already exists; let us see whether we can use it for domestic abuse. Women and children must have accommodation in which they feel safe and secure, as safety and security are paramount.

As I said, we need an improved legislative framework that singles out a specific domestic abuse offence and holds criminals who have been convicted under it up to the public eye. In conjunction with the Abusive Behaviour and Sexual Harm (Scotland) Act 2016, that will achieve a great deal. It is a vital additional weapon in the on-going fight against the brutal and criminal abuse of women, and I look forward to working with everybody across the chamber to bring it about.

15:28

**Gordon Lindhurst (Lothian) (Con):** We no doubt all agree that domestic abuse that is carried out against anyone for any reason is wrong. People who carry out domestic abuse give love a bad name. The subject is serious, but it is certainly not simple, and nor are the answers simple.

We are here to discuss the Scottish Government's intention to bring forward a bill to create a specific offence of domestic abuse. That means, of course, an act of Parliament that is intended to criminalise certain behaviour. It is important to set that in context. To put it bluntly, the law on its own is a blunt instrument by which to

bring about change in an individual's undesirable conduct.

The law or a specific act of Parliament may have an intention, but that does not mean that it fulfils that intention once it becomes law. Perhaps one of the most important things to remember in a civilised country is that individuals need to treat others as they would like to be treated themselves. To put it simply, they need to love their neighbour as themselves. It is important to keep such basic principles in mind as a framework, at the same time as we recognise that there is a problem that may need to be addressed in a specific area.

As someone who has both prosecuted and defended in the courts of Scotland on many occasions, including in cases involving domestic abuse, I know that simply making a law is not enough. How often is a prosecution brought only to fail to succeed before the court? That can be for a variety of reasons, such as that the circumstances are not clear, the victim does not give evidence or the law is unclear. Those are all questions that need to be asked and answered.

Resources need to be available to the police to deal with any new offence, to the prosecution service to prosecute and to the courts and prison services to deal with the cases that come to them. That issue has already been raised by others. The question that arises is whether those resources could be better spent elsewhere, in support of the victims of domestic abuse and in seeking to change the attitudes and actions of offenders. As has already been eloquently put by a fellow member of the Scottish Parliament, a victim of abuse may not give evidence in court, having made the call months before to the police, because of a fear of losing a person and a relationship that they have long since returned to because of a much deeper emotional reliance. Will the creation of a new offence help if adequate support is not available to victims in their circumstances? By that, I mean support outwith what the law seeks to provide through the criminal offence.

That is surely one of the most important issues in the whole matter. If victims give evidence, they need to know that they do not do so in vain and that the law is clear so that a conviction will follow when an offence is proven. Of course, there must always be a balance: the law must be fair to alleged offenders as well. Clarity in the law is one of the first steps in that. However, equality of treatment for all individuals should be evident.

According to the motion before the Parliament, figures from 2014-15 show that 79 per cent of the incidents of abuse involve a male perpetrator and a female victim. Although there is therefore an understandable focus on female victims, which has already been evident in some of the

speeches, male victim and female perpetrator cases have reportedly risen from 11 per cent back in 2005-06 to 18 per cent in 2014-15. That aspect should not be forgotten in the discussions on the issue.

All of these issues and many more play an important part in getting the approach to domestic abuse right. Is a new law all that we need? I think that most people would agree with me that it will certainly not be enough. However, as has been said, if there is to be a new law, we need to get it right. The proposed draft offence as set out in the Scottish Government's consultation on the criminal offence of domestic abuse is just that—a draft—but detail is important.

Before anyone's eyes glaze over at the thought of legal detail, as I indicated, I point out that I am an advocate—if that needs to be declared as an interest—but I was not involved in the Faculty of Advocates' response to the consultation document. I agree, at least in part, with the position of the Law Society of Scotland, specifically when it said:

"New legislation will require clarity, to ensure that it can be effectively implemented in practice."

It is precisely that which seems to me to be lacking in the draft offence that is set out in the consultation paper. It contrasts sharply with the careful wording of its English equivalent in section 76 of the Serious Crime Act 2015.

Laugh not, for definition is the stuff of statutes, as engineering formulae might be the stuff of bridge building. I am not seriously suggesting that I, as a non-qualified engineer, be put in charge of the new Forth bridge project but, as a lawyer, I think it important for any new offence to be clearly defined to ensure that it fulfils its intended purpose instead of failing and resulting in the disappointment of those whom it is meant to protect.

There are many examples in the draft, but let me conclude—

**The Deputy Presiding Officer (Linda Fabiani):** Please, Mr Lindhurst.

**Gordon Lindhurst:** I have made my point. We need to remember that, when it comes to statute, it is not enough to say

"a rose

By any other name would smell as sweet".

Language matters, and the detail of the language of this law will matter.

**The Deputy Presiding Officer:** Please close now, Mr Lindhurst.

**Gordon Lindhurst:** If we fail to get it right, the Parliament will give law a bad name.

15:35

**Gil Paterson (Clydebank and Milngavie)**

**(SNP):** This Parliament—and indeed Scotland—can be proud that in nearly every session since the Parliament was reconvened, domestic abuse in its different forms has been addressed by members. More important, it is a topic that tends not to be used as a political point scorer, because of the broad consensus that domestic abuse requires not just a political but a social solution and work with key partners and agencies to ensure that everyone who experiences domestic abuse knows where to go, knows that they will be listened to and ultimately knows—I hope—that action will be taken. More of the politics can be removed from this issue when we think how likely it is that all of us in the chamber know someone who has been in this difficult and distressing situation—although the manner and form of the abuse might be somewhat different.

It has been recognised that domestic abuse is not carried out exclusively by men; women have engaged and do engage in violence in the home. That said, the vast majority of incidents are, without a shadow of a doubt, carried out by men and, crucially, the level and severity of physical attacks on women and children are significantly greater. As a result, my main focus today is on men's behaviour.

We must remember that abuse does not require bruises or physical marks; it can be hidden and long-standing. Furthermore, there can be other victims who might not be the direct target of the abuse. Children can become involved by witnessing the abuse, by being a secondary victim in the wider abuse, or by being used in some way as part of the mental abuse of the mother, which relates to today's debate.

The introduction of the new offence has positive implications for children in other ways. Section 67(2)(f) of the Children's Hearings (Scotland) Act 2011 makes it a ground for a child to be reported to the children's panel if

"the child has, or is likely to have, a close connection with a person who has carried out domestic abuse".

By widening the definition of—and recognition of—domestic abuse, we can use our already established and well-renowned children's hearings system to protect our children.

As for other already established systems, last year Police Scotland rolled out nationally its disclosure scheme for domestic abuse. The addition of modern abusive factors will also improve that scheme by empowering those who use their right to ask for important further information on their partner.

I believe that, today, we are seeing the beginning of a new chapter in Scotland's fight

against domestic abuse and in our understanding of it. The introduction of this domestic abuse legislation is an attempt to acknowledge the modern issues that surround abuse and to recognise that abuse can go beyond the physical and can involve the psychological abuse of partners. Perpetrators can use a range of tactics to psychologically abuse victims, including controlling their finances, what they wear and their use of social media and threatening to harm others, including children.

Such an offence will also have a significant impact on how society views domestic abuse by ensuring clarity about what is unacceptable under the law. It will help to change societal attitudes about what amounts to domestic abuse, which comprises not only physical violence but psychological abuse that can involve exerting total control over a partner's every movement and action and forcing a partner and children to live in constant fear, which is criminal and unacceptable.

I understand that it is challenging to use existing laws to prosecute those who carry out psychological abuse such as coercive and controlling behaviour, and the new offence will help the Scottish Government's justice partners, such as Police Scotland and the Crown Office, to deal with domestic abusers more effectively. The proposed bill will bring clarity for victims and let them know that the justice system is focused on their needs.

The Parliament has started to address wider and growing modern issues of domestic abuse. In March, the Parliament passed the Abusive Behaviour and Sexual Harm (Scotland) Act 2016, which creates a specific offence of sharing private intimate images without consent, which is often referred to as revenge porn. The act also introduced a new statutory domestic abuse aggravator, to ensure that the courts take domestic abuse into account when sentencing an offender, and statutory jury directions, which I very much support, for certain sexual offences.

The new offence will add to our understanding and recognition of the modern challenges of domestic abuse. I very much welcome and support the motion.

15:41

**Monica Lennon (Central Scotland) (Lab):** I welcome the motion in Michael Matheson's name and I am encouraged that the Scottish Government is committed to tackling domestic abuse as part of a wider strategy to prevent violence against women and girls. I hope that the Government will consider supporting Claire Baker's amendment, which refers to extending the provision of domestic abuse courts to ensure that

cases are dealt with as a priority and that survivors receive the support that they need through the justice system.

Creating a specific criminal offence of domestic abuse is a bold move, but it is much needed. A widespread consensus exists on the need to create a specific domestic abuse offence. Too often, the behaviours that constitute abuse cannot be effectively pursued by the justice system under our existing laws.

A narrow definition of domestic abuse that accounts only for physical harm or threats fails to capture the sad and disturbing reality that abusers use a wide spectrum of controlling behaviours that have a devastating impact on the lives of women and their children. Coercive and psychological abuse might not always leave bruises or other physical marks, but that does not make it any less damaging.

It is therefore appropriate that the justice system should gain the powers that it needs to tackle such harmful behaviours, in the same way as it is able to prosecute those who commit physical assaults. That has long been recognised by support services such as Scottish Women's Aid, which plays an integral role in supporting survivors of domestic abuse.

The creation of a new specific offence is welcome, but eradicating domestic abuse requires an approach that reaches beyond the legal system to encompass and recognise the role that support agencies play. Through my work as a local councillor in Hamilton, I learned of the vital but stretched services that are provided to survivors of domestic abuse. Women's Aid South Lanarkshire and East Renfrewshire provides immeasurable support to survivors—from the refuge service to the children experiencing domestic abuse recovery, or CEDAR, project, which provides longer-term support to children and families who are affected by domestic abuse.

I organised a small fundraiser for the organisation last year when I hosted a screening of the film "Suffragette" at Hamilton cinema. I was pleased to help in a small way, but front-line staff consistently raise as a major priority the need for the continuation of sustainable funding to enable them to deliver the level of service that is required. It is therefore concerning that cuts to local authority budgets are negatively impacting on the organisation's ability to identify and deliver support to women and children who are at risk of abuse. I hope that the Government will note that as it develops the legislation.

Nevertheless, the creation of a specific offence of domestic abuse is an important step in the right direction, especially because of how it will change the way in which society views domestic abuse.

The 2014 Scottish social attitudes survey conducted a study of public attitudes towards violence against women. On the issue of coercive control, only half of respondents thought that it was “very seriously wrong” for a man to try to stop his wife or partner from going out with friends; only 39 per cent thought that it was “very seriously wrong” for a man to get his wife to change her clothes before going on a night out; and only 27 per cent thought that such actions would cause a “great deal of harm” to the woman. Those figures are worrying, and they show that there is a long way to go before there is broader understanding about the harmful impact that coercive control can have on the lives of domestic abuse survivors.

To live in a truly equal society in which women and girls can live free from gender-based violence, we must go much further than giving the justice system the levers that it requires to go after abusers; we must also work at every level of society to dispel harmful gender stereotypes in order to prevent violence from ever occurring in the first instance. Violence against women, and specifically domestic abuse, does not occur in a vacuum; it is the disturbing and most extreme end result of misogynistic behaviour and attitudes.

The recent report that was published by the Educational Institute of Scotland, “Get it Right for Girls”, reveals the extent to which the problem still persists in Scotland in 2016. EIS focus groups reported worrying examples of misogynistic behaviour in schools, including instances of casual misogyny, such as “girly” being used as an insult, the negative use of the word “feminist” and assumptions that women and girls should have responsibility for domestic chores.

The link between those damaging early preconceptions and gender inequality later in life is undeniable. Research from the World Health Organization indicates that men and boys who hold preconceived traditional notions about gender and the role of women are also more likely to have hostile and victim-blaming attitudes to women. That presents a real and pressing problem.

The vision of Scottish Women’s Aid that it is possible to create a world without domestic abuse and to eradicate violence against women is one that I share. However, it can be achieved only if we do more to tackle sexist attitudes at every level of our society, including in our schools. I therefore hope that the minister will keep in mind the recommendations of the EIS report and of Zero Tolerance when taking forward the proposed legislation to ensure that we are doing all that we can to tackle violence against women at its root.

15:47

**John Finnie (Highlands and Islands) (Green):** The Scottish Green Party welcomes the proposed bill. Tackling domestic abuse is, rightly, a priority for the criminal justice system, for society and for those who are affected by such abuse—the victims, who are overwhelmingly female, and their children. If we get the legislation right, we will go some way towards addressing gender-based violence and a little way towards addressing gender-based inequality.

It is not my gender that is suffering that inequality. For too long in our male-dominated society, the issue was not discussed, and I welcome the fact that we are now having discussions out in the open, particularly about the complex area of psychological abuse and coercive control.

Societal action is required, too. Action can bring many challenges and confrontations with certain groups in society, and it can also bring geographic challenges. I would say nothing that would identify an individual case, but I dealt with a victim of appalling psychological abuse and coercive control whose male partner was regarded as a highly respected member of their rural community and, very alarmingly, was someone to whom victims might turn. There are particular challenges for rural communities that we need to be conscious of.

It is important that we move the discussion forward on an informed basis, and it is important to say that the behaviour that we are discussing is not restricted to one socioeconomic group but is present across society.

I am grateful for the various briefings that we have received, such as the one from Scottish Women’s Aid. A number of members have talked about the pivotal role that that organisation has played in progressing the agenda and the informed background that it can bring to our discussion.

Mention has been made of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016, which my colleague Margaret Mitchell and I, among others, were responsible for scrutinising in the previous parliamentary session. During that scrutiny, we took evidence in private from a woman who lived in a state of fear and alarm—essentially, a state of psychological siege—in her own home. It was an appalling situation. That woman was extremely grateful to the police for their diligent investigations, their support and their thorough work. Her partner continually breached bail. He was banned from her home but often, when she returned home from being out, he would be in the vicinity. The system failed her and her children.

If we are going to get this right, we need good law. The Law Society has talked about the need for certainty in law—Gordon Lindhurst made an extremely helpful contribution in that regard—and Margaret Mitchell talked about the complexity that exists. We are seeking to deal with a much more complex set of circumstances.

The perpetrators of such behaviour are highly manipulative, which is why there is no role for mediation, although there can be a role for advocacy for the victims. Scottish Women's Aid talks about understanding the dynamics and the impact, and about the important role of training for decision makers throughout the system.

In respect of getting it right for every child, many members have talked about the children who are involved in domestic abuse cases, and the cabinet secretary talked about recognising the impact on children. It is vital that children's needs are met. I know that there have been preliminary discussions about the Nordic model of noting statements from child victims in an agreed manner, which means that there might be no need for them to be at court, and certainly no need for them to be cross-examined. There is potential in that model, and I hope that it can be followed up. Indeed, with new personnel in place, it might be possible that the only things challenged in court will be the facts under dispute.

Members have talked about domestic abuse courts. The Green Party will support Claire Baker's amendment, which mentions their role. Along with Ross-shire Women's Aid, I have been involved for a while in discussions with the sheriff principal about such courts. Kate Forbes suggested some sort of roving role for domestic abuse courts. The public may think that that is about new buildings, but it is about case management and the opportunity to bring professionals together. That is important, because it would build up judicial expertise. Furthermore, a sufficient cohort of cases would make that a very practical approach.

Members have talked about the vital issue of funding. I acknowledge the £20 million that the Scottish Government put in, but if we are really committed to dealing with the issue, we cannot have all the various groups lobbying us because they have no certainty about their future. It is important to consider that that might mean a different source of funding or a different way of looking at funding.

Legal support is an important issue. In the case that I alluded to, because of the geography and a number of other reasons, the appropriate legal support was hard to get. We need to look at that.

Although it is unpalatable to some, we must look at the statutory defence and the legal burden on the accused. The Law Society reminds us of the

presumption of innocence and the obligation on the prosecution to prove the guilt of the accused, and proposes an amendment to the statutory defence. According to my information, a number of proposed amendments have come in. Ross-shire Women's Aid, for instance, suggests that the statutory defence is open to manipulation by perpetrators and that there will be frailties around it in connection with women with disabilities where the abuser is a carer. Furthermore, it does not fully cover behaviour that is directed at children, pets or property. There is also a clear view that the penalties are not sufficient. Once again, there is talk of non-harassment orders. The link between the criminal and the civil is very important.

This is about gender violence and inequality. As a member of the Justice Committee, I look forward to thoroughly scrutinising the bill to ensure that we get good law in place.

15:53

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** This is a debate that I sincerely wish that we were not having. Domestic abuse is repugnant on every level, which is why I am pleased that the Scottish Government is introducing the domestic abuse bill, which will show just how seriously we take our zero tolerance approach. The bill is an important part of the Government's approach to tackling violence against women and children, as set out in the equally safe strategy. It will ensure that the true nature and severity of domestic abuse is recognised on every level—physical abuse and, crucially, emotional and psychological abuse.

Until recently, there has been a common misconception that domestic abuse is just physical abuse. Over the years, we have all seen the campaign posters of battered and bruised women. That is why I am pleased that the Scottish Government has recognised that abuse can be psychological, too, as such abuse results in concealed bruises that are just as painful but far more difficult to detect.

Domestic violence exists in all sections of our communities and across all levels of society. Abusers and victims can be male or female, from any race or religion and from all types of background.

As we have heard, some 60,000 incidents are reported to the police in Scotland each year, of which 79 per cent involve a female victim and a male perpetrator. Shockingly, the number of women in prisons who have suffered brain injuries is almost double the number of men in prisons who have done so, and it is known that domestic violence is to blame for that figure.

Mental and emotional abuse includes threats, including threats of violence, criticism of appearance and intellect, name calling and control of what the victim can do, where they go, how they dress and who they speak to. The cowardly abuser knows no bounds: they threaten the victim's children, isolate the victim from their friends and family, accuse them of being unfaithful, threaten to out their sexual orientation to their family, friends or employer, and much more. It is all about control—control by fear.

Children are often the forgotten victims of domestic violence. For example, there are children who cry when they hear someone laugh because they think that the fighting has started again. Children's innocence can be stolen by a brutal, inadequate coward who is intent on expressing themselves through violence. Research has shown that children in a home where the mother is being abused are also at greater risk of being abused themselves. The ways in which children can be harmed by domestic abuse are wider than simply witnessing the abuse itself; the trauma is long lasting and far reaching. Giving evidence in domestic abuse cases or in any court setting can be extremely stressful and traumatic for children. I am fully supportive of Children 1st's manifesto proposal to radically change the way in which children give evidence—my colleague John Finnie alluded to that. However, that subject merits an entire debate, which I hope that we will have in the chamber sooner rather than later.

Our Government can take measures to help adult victims of domestic abuse by giving them greater access to justice. As the cabinet secretary outlined, the Scottish Government is making huge changes to the status quo through the work of the equally safe expert group on justice, which is developing an action plan that will look at both medium-term and longer-term improvements that can be made to the justice system for all victims of domestic violence.

Today, we heard the news from the UK Government confirming that refugees will be exempt from changes to the housing benefit cap until 2019 and from the 1 per cent rent reduction, which will ensure that refugees remain financially sustainable and, crucially, open for women and children who are fleeing violence.

The Scottish Government has committed to a welcome funding boost to tackle the scourge of domestic abuse across Scotland. That has allowed additional investment of £2.4 million each year to boost resources for our courts and prosecutors, ensuring that there are no undue delays in court waiting times in domestic abuse cases. Of course, as has been discussed during the debate, we have excellent organisations that offer support to victims, such as Scottish Women's

Aid, the national domestic abuse and forced marriage helpline Scotland and Rape Crisis Scotland, to name but a few. Incidentally, anyone who visits those organisations' websites will see the chilling statement, "Click here to leave this site quickly", which surely speaks volumes about fear and control.

East Dunbartonshire Women's Aid is an example of an organisation that offers support, information and advice on welfare rights and benefits, housing options and legal issues; it also offers refuge accommodation for women and their children, an outreach service for children and young people, and follow-on support for women after they leave the refuge. Women's Aid groups throughout Scotland deal with around 25,000 new cases of abuse a year, which is a chilling statistic, and help children and young people through those crises.

As my colleague Fulton MacGregor highlighted, homelessness is also exacerbated by domestic abuse, with 46 per cent of women victims having been made homeless more than once because of domestic or sexual abuse; 39 per cent of them have suffered homelessness more than twice. When women leave their family home, they often move house multiple times, which leaves them feeling isolated from friends, neighbours and belongings, and often having to cope with huge financial debt. The abuse often continues even after they have moved out of their home, but most of the women do not feel that they have a choice: they move because, as is the case for all refugees, it is not safe for them to stay. Scottish Women's Aid would like to see the onus being put on the perpetrators of violence to move out of the home, rather than the women and children, and I agree with that view.

We cannot put a price on what those organisations do for the victims of domestic violence. Scotland is leading the world with the work that is being done on tackling domestic abuse. I know that, realistically, our work to rid our country of this hateful crime might never be finished, but I am convinced that our determination to tackle this vile problem will have a positive impact.

15:59

**Annie Wells (Glasgow) (Con):** There is no doubt that everybody deserves protection from an abusive partner, and I welcome the Scottish Government's commitment to enacting and enforcing a law that aims to ensure physical and psychological security in the home.

The Scottish Conservative Party is sympathetic to the Government's intention to create a new domestic abuse law, but is determined to be

vigilant in looking for possible complications, which I will talk about later.

As Douglas Ross pointed out in his speech, we need to be inclusive of all victims of domestic abuse, and that includes victims from the lesbian, gay, bisexual and transgender community as well as male victims. It is estimated that as many as one in four LGBT people in Scotland may experience domestic abuse, and I specifically want to raise awareness of that today.

I am pleased that LGBT Youth Scotland has a specific LGBT domestic abuse project, which has identified that the issue is rarely spoken about in the community. Its website identifies LGBT-specific warning signs, which might include the threat of outing to family, friends and work colleagues and isolating the victim from the LGBT community by not allowing them to become integrated with the scene. I was concerned to see from research by the project that 79 per cent of young people believed that someone who had witnessed domestic abuse in their family or home would feel less confident about coming out as a result.

I welcome the fact that the motion covers ex-partners as well as current partners. In the modern world, where we are bound to social media at all hours of the day, we now see cases of abusive and threatening behaviour online even after a relationship has ended. That is why I congratulate Scottish Women's Aid on its research and action on domestic abuse. Worryingly, the research highlights that a third of those who experience online domestic abuse from a partner or ex-partner experienced the use of global positioning system locators or spyware on their phones or computers, and that a third of those who experienced that abuse said that the threats were actually carried out. The charity subsequently produced information on how to identify such behaviour and how people can protect themselves online.

In my home town of Glasgow, the community has made great strides in contesting domestic violence and providing aid to victims. Other members have spoken about Women's Aid, which has been supporting women and children who suffer from domestic abuse for 35 years. It provides a number of services to support victims including advice on housing issues and letters of support to housing associations. Last year, 12 per cent of the 4,000 housing applications in Glasgow were from people who had suffered domestic abuse or violence in the home. Women's Aid also offers financial advice, which is very welcome when people are facing other difficulties.

I have also been pleased to see the work of Hemat Gryffe Women's Aid—a charity based in Glasgow that was founded to provide for the

specific needs of Asian, black and minority ethnic women who may experience domestic abuse that is influenced by culture and tradition, such as so-called honour-based abuse or forced marriage. The charity has been providing safe refuge accommodation in the city for more than 30 years and it assists women with emotional and practical support.

Organisations and charities in Glasgow are making a concerted effort to combat the effects of domestic abuse, but I also want to make a point about prevention. As Douglas Ross highlights in his amendment, the Scottish Government should continue to raise awareness of Clare's law, which allows people to identify those who have been convicted of domestic abuse before they form a relationship.

It is also important to look more broadly at societal issues such as the mainstreaming of pornography and the ease with which it can be accessed online. Charities such as Women's Aid have pointed out that the representation of women in the media can influence the way that young boys and girls think not only of themselves but of others and can create problems further down the line.

I return to the potential complications in implementing the proposed law. First, I highlight the issue of corroboration and the requirement for two pieces of evidence in criminal justice cases. I would like further discussion of that in the Parliament so that the law can achieve what it sets out to do.

Secondly, we need to provide more education on what we deem to be domestic abuse, particularly when it comes to identifying coercive and controlling behaviour—something that the Home Office raised before the introduction of the controlling or coercive behaviour offence in the UK Government's legislation last December.

I welcome the Scottish Government's commitment today to making domestic abuse a specific statutory offence and its broadening of what we deem to be domestic abuse to include coercive and controlling behaviour. As I mentioned, however, I would like further debate about how we can best implement such a law.

16:04

**Ruth Maguire (Cunninghame South) (SNP):** I welcome the opportunity to speak in this debate and I commend the Scottish Government and Parliament for their commitment to improving how the justice system responds to violence against women.

The importance of the proposed law, which will criminalise psychological abuse, control and



coercion, cannot be emphasised enough. It will create clarity for survivors and potential victims of domestic abuse and improve the ability of the police and justice system to intervene. Although I welcome the proposed law, I acknowledge that other issues in the legal system must be addressed. Today I will touch briefly on court-mandated contact.

There is a real danger that if it is not handled in a holistic and child-centred way, court-mandated contact causes harm to children and risks continuing abuse to both the survivor and the child. The potential consequences cannot be overstated. In January, Women's Aid published a disturbing report called "Nineteen Child Homicides", which tells the stories in 19 cases of children who were intentionally killed by a parent who was a known perpetrator of domestic abuse. The killings were made possible through unsafe child contact arrangements, both formal and informal, over half of which were ordered through the courts.

It is crucial that domestic abuse is identified and its impact fully considered by the family court judiciary. Child contact arrangement orders must put the best interests of the child or children first, and they must protect the wellbeing of the parent with whom the child is living. Lord Justice Wall says:

"It is, in my view, high time that the Family Justice System abandoned any reliance on the proposition that a man can have a history of violence to the mother of his children but, nonetheless, be a good father."

The proposed bill is an important signal of our determination to tackle violence against women in all its forms and will make an important contribution to our aim of achieving true gender equality. As well as ensuring that coercive and controlling behaviour can be dealt with more effectively, the proposed bill will also help to shape public attitudes by explicitly acknowledging that psychological abuse is unacceptable and criminal. That is important, because preventing and addressing violence against women and domestic abuse demands a fundamental change in societal attitudes. As well as raising awareness of and promoting an attitude of zero tolerance towards domestic abuse specifically, we must tackle the wider issue of gender inequality, which underlies all forms of violence against women.

Attitudes can be changed. Until just a few decades ago, it was accepted—as it had been for centuries—that a man had the right to rape his wife. It was only in 1989 in Scotland and 1991 in England that the courts abolished the legitimacy of marital rape. We should take heart and courage that, just over two decades later, marital rape is considered by the vast majority of our society to

be as unacceptable and contemptible as rape by a stranger.

Domestic abuse, however, remains far too familiar, with roughly one in four women experiencing some form of domestic violence during their lifetime. The chief constable of Police Scotland has said that more than 20 per cent of all police operational time is spent dealing with domestic incidents. On average, a domestic incident is reported somewhere in Scotland every nine minutes. It is estimated that, as well as the women directly involved, around 100,000 children in Scotland live with domestic abuse.

To get to a stage where those figures are as unthinkable as a woman being legally raped by her husband, we as a society need to accept our collective responsibility for ending the scourge of domestic abuse. That is the point—women cannot do it on their own; if we could, we would have sorted it out by now. We need everyone—women, men, adults, children and young people—to work towards creating a society in which the protection of women from violence is everybody's business, in the same way that child protection is at the moment, and in which the right of a woman to be safe in her home and community is as deeply embedded and unquestioned as that of a child.

We need to create a society in which men, women, adults, young people and children know and understand what a healthy relationship is and where to get help for themselves, their family members or loved ones if they have concerns. I take heart from the thoughtful contributions from men and women on all sides of the chamber today and I look forward to us working together to make a real difference.

16:09

**Kezia Dugdale (Lothian) (Lab):** When I speak to journalists outwith Scotland, the first question they often ask is about what it is like to be in a Parliament in which three of the parties are led by women. Does it mean that we talk more about gender equality? Does it mean that different issues come to the fore?

I think that it probably does, but we can sometimes be quite complacent in how we talk about gender equality in Scotland because we have three female leaders. I have never in my life felt under more of a duty to try to deliver for women, because I am in a position of leadership. That is why I felt a responsibility to speak this afternoon.

Listening to members around the chamber read statistic after statistic, it is clear that we have a long way to go to achieve gender equality. I listen to Kate Forbes speak about how distant the Scottish Parliament can seem to a working-class

woman in Lochaber who is trying to flee a violent partner, and I wonder what that must feel like. The stories are so powerful.

I completely support the Government's objective to legislate in this area. However, we could get the judicial system 100 per cent right and make it the perfect experience for a victim of these crimes, and it would not address domestic violence and abuse; they would still exist in our society. As long as women are unequal in society, we will have domestic abuse.

That is why I want to broaden out the debate and explore some other issues, such as the commercial sexual exploitation of women, which Rhoda Grant raised, and everyday sexism. Ultimately, we are talking about power and control and, as long as we live in a society in which women are unequal, we will face those challenges.

Rather than repeating points that have already been made, I want to make three new ones. I will say something about austerity and its impact on women. I want to talk about the sustainability of services, particularly the advocacy services that are mentioned in the Government's motion. Finally, I will talk about tendering and the way in which we organise services for women going forward.

First, we have to accept the impact that continuing austerity has on women. It is forcing more and more women into a position of crisis through cuts to social security and the welfare system, and it is perpetuating a culture of insecure work in which women are kept in low-paid work and are unable to escape the cycle. The less financially independent that women feel, the harder it is for them to flee violent relationships—there is no escaping that brutal reality. Austerity also leads to substantial public service cuts; we know that.

A few speakers, from Fulton MacGregor to Christina McKelvie, referred to the impact on housing, particularly temporary accommodation. I have been an MSP across the Lothians for the best part of five years and have spent a lot of time exploring the issues around homelessness. I would not let a dog sleep in some of the temporary accommodation that I see in my own capital city. I say that not to make a party-political point, because I am immensely proud that we have a Labour and SNP council in Edinburgh. It is a thoroughly good thing because it means that 80 per cent of the citizens in this city have a council administration that they voted for, and that is good politics. However, the reality is that we are failing women who live in temporary accommodation because of the places in which we leave so many of them to sleep. Fundamentally, that is about how

we fund public services and the impact of austerity.

My second point is about the sustainability of funding in general. How many times in the chamber have we talked about the fact that we need three-year funding for vital public services? I was in Edinburgh Rape Crisis Centre during the summer months, which is on a one-year funding cycle. That means that, for three months of the year, the staff stop providing the vital services that women need. All the workers in the organisation get a redundancy notice at Christmas—it is standard—and then they find out two weeks before the end of the financial year that they are back on the payroll. However, they will not bring on any new clients or speak to any new women in that three-month period between Christmas and the end of the financial year, because they are worried that they will not be able to give them the 12-week support package that they need. They stop doing what they are supposed to be doing, so it is not a one-year service; it is a three-quarters of the year service because we will not guarantee the organisation the three-year funding that it so desperately needs. I hope that that can be addressed.

We must also recognise some of the services that exist to support black and minority ethnic women: Shakti in Edinburgh, Amanah in Glasgow and organisations such as Sikh Sanjog on Leith Walk. Sikh Sanjog gives Sikh women, in particular, avenues out of the family home, so that they can go and do things that will let them escape the type of relationships that we are talking about today. The issue is much broader than just funding of services for domestic abuse; fundamentally, it is about how we fund services to help vulnerable women, full stop.

The final point that I want to make is about tendering. I see this happening in Edinburgh and across Scotland—indeed, I watched it happen to homelessness services in Edinburgh. We had lots of little homelessness organisations who were doing tremendous work in their own communities, but then the council decided that, to save money, it would tender those services out. What happened was that all those individual homelessness services were set against each other to fight for the contract to deliver the service, and then they disappeared altogether.

Edinburgh City Council—Labour and SNP—is about to tender for the services for vulnerable women, and we are going to end up closing down some of the best services we have. Housing associations will pick them up, because they will be able to do it cheaper, but we should not be providing services for vulnerable women on the cheap. Such services are fundamental in giving every woman the best possible start in escaping

violent relationships and there is a duty on everyone in this chamber to recognise that, while we may get the justice system right, there is so much more that we must do to help women who are affected by domestic abuse.

**The Deputy Presiding Officer (Christine Grahame):** It is refreshing to hear somebody speaking who does not normally get a turn in debates.

16:16

**Richard Lyle (Uddingston and Bellshill) (SNP):** What is domestic abuse? For many, the initial thought is that it is physical abuse or even sexual abuse; yet, for many abuse victims, it can be emotional, mental or even financial abuse. The Government might wish to look at the wider implications of abuse, and I would encourage it to look especially at the effects on children and some changes that are needed in the family court.

Who is subjected to abuse? By far the majority are women, but we must not forget that men are not excluded, and is it not sad that children are often described as the forgotten victims of domestic abuse? Children living within a home environment who witness direct abuse then become at higher risk of being abused. That can occur by physically witnessing the abuse, or even when they are being protected in the arms of their mother as she is being physically assaulted. They can be subjected to extensive emotional abuse if they are listening to what the abuser is saying and to the verbal threats. For a child's ears to hear that their dad is going to kill them—how can that not have an effect on the child? When we think about domestic abuse, we must not forget the children, who have often been subjected to as much as the person who is being abused.

Therefore, I welcome the cabinet secretary's comments. Domestic abuse poses a serious threat to children's emotional and physical well-being, as it does to that of the victim of abuse. We must not forget the traumatic impact that domestic abuse can have on children who have been subjected to it.

There is a film clip, "ReMoved", which is about a young girl who has witnessed abuse and been subjected to abuse herself. Her opening lines are:

"Sometimes someone hurts you so bad, it stops hurting at all until something makes you feel again, and then it all comes back: every word, every hurt, every moment."

The child's story develops and she is placed in care, which echoes the child witnessing abuse and being abused herself. Domestic abuse has a massive impact upon a child.

Many women who are able to seek help and support often have to relive the experiences with a

number of different professionals. Those who seek help for emotional abuse can feel let down, because when they gain the confidence to speak out, the abuse often continues, with the partner or ex-partner claiming the opposite of what they say. Many studies show that the abusers then question the mental health of the individual who is being abused.

For many mothers who are able to leave the abuser and start to rebuild a nurturing and caring home for their children, the feeling of stability and safety can be short lived. Those same mothers who have been subjected to abuse have to attend a family court, in a court system in which no physical support is given to those subjected to abuse. They find themselves having to go into a court and sit across a table from the very person who abused them, with only their lawyer by their side. There is no one to hold their hand—a simple act that would give them the courage that they need to state, when they are asked, why they do not believe that contact between the abuser and the child is in the child's best interests. They then have to vocalise the traumas that they have been subjected to, with their abuser sitting less than 10 feet away from them. In court, the abuser's lawyers will argue that everything that the mother has just said is completely wrong and, once again, the abuser will be allowed to speak against the mother, leaving her feeling a failure, questioning her own abilities and feeling her fears and anxieties return.

In my opinion, the way in which family courts are run allows the abuse to continue, and that must be urgently reviewed to ensure that the courts meet the needs of the child. I also agree with Ruth Maguire's comments about courts. The family court system should, at all times, be mindful of the rights of the child to feel safe and secure rather than be the subject of any form of abuse. Ultimately, it is about getting it right for every child—GIRFEC.

Yes, the whole process should be child focused, but for many families that are subjected to domestic abuse that is not the case. Attempts to discredit a mother during a child contact process are an indication that the father is not engaging with their child and that, in reality, the focus is on the rights of the father to have parental responsibilities for a child who has witnessed domestic abuse and, most likely, been subjected to abuse. When a case is brought before a sheriff in which it is documented that abuse has taken place, we should be mindful of the way in which the case is handled, as the manner in which mothers are questioned often leaves them feeling back in the dark place they were in when being abused.

Not everyone who leaves an abusive partner has the strength to speak out; not everyone is capable of being back in the same room as their abuser; and not everyone is in a position to feel safe to speak out. Victims who have been subject to domestic abuse have often fled a home and any friends they have in an attempt to ensure their safety, yet the court process takes no note of that.

The children are the forgotten victims when a mother does not have the strength to highlight concerns. On a number of occasions, it has been reported that sheriffs have commented that the abuse was aimed at the mother, not the child. When mothers have the strength to provide an update on what has been happening to the child, they often say that the child is reserved, lashes out, does not want to leave her mother, does not want to go to a contact centre or cries out. When the family court asks the father how they feel the contact has been, they report that it is going very well although, in fact, the child is scared to go. Domestic abuse then continues repeatedly in the family.

Who listens to that child? Who will support that child? I want the Government to do so, and I want the Government to take time to study the matter carefully.

**The Deputy Presiding Officer:** I call Liam McArthur, to be followed by Clare Adamson, who will be the last member to speak in the open debate. We will then move to winding-up speeches. All members who have taken part in the debate should be in the chamber for those speeches.

16:22

**Liam McArthur (Orkney Islands) (LD):** As this is my first justice-brief speech, I acknowledge the contribution of my predecessor, Alison McInnes, who enjoyed a great deal of respect for the work that she did on justice, human rights and civil liberties issues. [*Applause.*] I know that she will pay close attention to our deliberations today. Like me, she will warmly welcome the Scottish Government's commitment to introducing legislation that will create a specific criminal offence of domestic abuse. In particular, the bill will be welcome in encouraging us to look beyond physical abuse in order to ensure that psychological abuse and coercive and controlling behaviour are also tackled. It is part of sending out a strong signal about the kind of society that we want to be—a society in which domestic abuse, in all its forms, is simply not tolerated.

Progress has been made, but as most colleagues have acknowledged, we are far from where we need to be. There has been a steep rise in the number of reported cases of domestic

abuse, yet we all accept that the actual number of cases is severely underreported, whether because of fear and intimidation, because of a lack of confidence about being believed, or because the individual is simply inured to the abuse.

The impact of domestic abuse on victims can be devastating—it can be obvious but it can also be insidious and pernicious. Fulton MacGregor, Douglas Ross and others were right to highlight the fact that there are male victims, but we cannot lose sight of the fact that the victims of such abuse are predominantly women. The gendered approach is, therefore, the right one to take.

As many members have said, it is also important that we do not lose sight of the impact of the abuse on children. The effects can be wide ranging, as Barnardo's, the NSPCC and Children 1st have pointed out, and exposure to the abuse can contribute to undermining attachment, to addiction issues and to a heightened risk of physical and sexual abuse for the child. That needs to be picked up in the bill, as we go forward.

I welcome the robust cross-party consensus that exists on the need to tackle the issue. It sends out a clear message—and shows our determination to give effect and force to the message—that domestic abuse is simply not acceptable in our society and will be rigorously pursued and prosecuted.

There are risks to the consensus, particularly in an area of law as complex as this. I am sure that the cabinet secretary would agree that Parliament and its committees must now fulfil our duties to scrutinise robustly and test the proposals. We all whole-heartedly agree on the objective and want our action to be effective, so we must also challenge the proposals so that we and the public can have confidence that the steps that we take will have the desired effect.

As Claire Baker pointed out, domestic abuse law south of the border came into effect last year, but I regret that it is probably too early to draw many conclusions from it. Although we should proceed as we see best in circumstances that befit our legal system and our requirements, it will clearly be worth our while to look at the deliberations south of the border.

Attention has rightly focused on how the legislation will address psychological abuse and coercive behaviours. Those issues will be absolutely fundamental in the new legislation, but they present challenges in terms of clarity in the law. The Law Society of Scotland has said that

“no one should be punished under a law unless it is sufficiently clear and certain to enable him or her to know what conduct is forbidden”.

The reasonableness test is a sensible approach, but even on that there is concern about how it

could be open to abuse by perpetrators. John Finnie mentioned exploitation of the vulnerabilities of women who have substance or health problems, for example.

The final issue that I will raise is resourcing of the system. Again, a number of colleagues picked up on the issue in its various guises. I will not comment on the proposal to have a maximum sentence of 10 rather than five years, but we cannot lose sight of the need for perpetrator programmes. They may need further funding, as may the advocacy and support organisations and refuges that we have heard so much about in the debate. I express my gratitude to Women's Aid Orkney for its excellent work. Kate Forbes made a very salient point in her excellent speech about the specific challenges of tackling domestic abuse in rural and—I have to say—*island* areas.

The prevalence of domestic abuse in our society shames us all. For too long it has been hidden, ignored or even—I am appalled to say—accepted. That simply cannot continue. I am delighted—in my first speech in the chamber as my party's new justice spokesman—to offer my whole-hearted support, and that of the Scottish Liberal Democrats, to the Government's proposals. We must ensure that they are workable and effective, but I firmly believe that they will send a powerful and unmistakable message about our determination as a society to put an end to domestic violence, however it is perpetrated.

16:28

**Clare Adamson (Motherwell and Wishaw) (SNP):** On Monday, I visited my local police Q division domestic abuse unit in East Kilbride. I thank Police Scotland and Detective Inspector Scott Douglas for their time and the comprehensive briefing on the unit's work. The unit is an outstanding example of the modern policing approach to domestic abuse. Uniformed officers can pass on a concern to the specialist unit, whose detectives will investigate thoroughly. That is a mark of how far we have come in tackling domestic abuse. I hope that the cabinet secretary and the minister will, when they come to rolling out measures across the country, consider that model as they look for centres of excellence in order to ensure that everyone is getting the same service from our police.

It is absolutely clear that intelligence gathering and intelligence sharing with partners are key. The Scottish Police Service has gone some way towards ensuring that the database is available to allow comprehensive data collection and for that information to be stored and used, where appropriate, by the detectives to ensure that perpetrators are caught.

One of the most disturbing things that I heard on Monday was about serial abusers who go from one partner to another and the importance of gathering and holding information that could be used further down the line in catching serial perpetrators.

Many members have mentioned topics that I have in my speech. Fulton McGregor mentioned how closely the police work with, for example ASSIST, EVA services, Women's Aid and, in my area, Lanarkshire Rape Crisis Centre in supporting victims, because it can be a really long process. Building the relationship with a victim can take several visits. The visits are often not at the victim's home but are organised to be at a neutral place so that trust can be built up to such a level that they feel confident that they can give their evidence to the police and allow them to act on the information.

Detective Inspector Douglas said to me that he wants more than anything to be not a detector of domestic abuse but a preventer of it. The proposed bill will provide the final tool in the box and complete the legislation that is necessary to ensure that all forms of domestic abuse, including control and coercion, can be reported and investigated and that, where appropriate, criminal charges can be brought against the perpetrator. The way forward is prevention. As many members said, that involves societal change.

I, too, thank Scottish Women's Aid for its comprehensive briefing for the debate, which highlighted the many types of domestic abuse that victims and their children suffer. It also highlights the societal support mechanisms that can be in place to support victims.

As Rona Mackay and the First Minister have done, I welcome the fact that the UK Government has reconsidered its change to housing benefit, which would have capped local housing allowance and meant that many refuges could have become unsustainable in the future.

However, there is a bigger issue. Although that change has been reversed, I question how much equality impact assessment is done when we introduce new legislation because there was concern not only about that change's effect on women's refuges but about the payment of universal credit to a single member of a family. I am thankful that, with the new powers that are coming to the Parliament, we will be able to build a social security system that has the flexibility to allow payments to be made to several members in a family. However, I have concerns for the rest of the UK, which does not have that flexibility within UC, because financial control is one of the big issues that people face from an abuser.

Many members mentioned societal change. It is a huge issue, so I will highlight some of the work that we can all do. Domestic abuse used to be the hidden crime—the one that happened behind closed doors—but it is now everyone's responsibility to deal with domestic violence. I highlight the work of Dr Barbara Gerbert from the University of California, who started work in her area getting dentists to ask clients about abuse when the dentist suspected that damage to the teeth had resulted from a violent action. That work also included validating the message, documenting the incident and referring victims to domestic abuse specialists in the community.

I am also very pleased to highlight the domestic abuse veterinary initiative, which is a Scottish initiative by Medics Against Violence. It was launched in 2014 and the people involved train vets and veterinary support workers to identify violence because there is a pattern. Often, it is not only about abuse of a person: the pet in the family can also be a victim of abusive control. That initiative is a positive move. The last time I spoke to Christine Goodall, the founder of Medics Against Violence, she said that they were rolling the training out to hairdressers and support workers.

That is how we should make progress. It is society's problem; it is everybody's responsibility.

16:34

**Mary Fee (West Scotland) (Lab):** I thank all members who have taken part in this worthwhile debate and emphasise to the Government that we fully support its aims in creating a specific domestic abuse law. We have heard many thoughtful speeches in support of the Government. Although we will vote in favour of the motion, we ask for support for our amendment, which seeks to roll out domestic abuse courts across Scotland.

In my closing remarks, I will reflect on the issues that have been raised in the debate and will echo many of the points that have been made.

We have specific domestic abuse courts in Glasgow, Edinburgh and Midlothian, which have proved to be very successful in dealing with what are highly complex and sometimes quite delicate cases. Ensuring that victims of domestic abuse across Scotland are supported to come forward and have the support that they need is a must for the Parliament in the coming months and years. When the First Minister outlined her programme for government, I welcomed the announcement that the Government will tackle domestic abuse and revenge porn, and I repeat my support for that. The proposal to create a specific criminal offence of domestic abuse received wide support from the organisations and individuals who

responded to the "Equally Safe" consultation. On behalf of Scottish Labour, I thank everyone who took part in the consultation, and I hope that, when the bill is finally introduced in Parliament, it mirrors the aspirations of the organisations concerned and the need of the victims of domestic abuse to seek justice.

The Government's motion states that almost four out of five victims of domestic abuse are women. That does not mean that all cases of domestic abuse involve heterosexual couples. Domestic abuse in same-sex relationships is a problem, as the Equality Network has highlighted to me. Given the delicate nature of domestic abuse generally, the need for domestic abuse courts grows when cases involving same-sex couples and transgender victims are taken into account, because of the sensitivity and greater support that may be required in those cases.

A total of 3 per cent of domestic abuse reports are from people in same-sex relationships. Women are more likely to report emotional abuse and men are more likely to report physical abuse. Trans people are particularly at risk of domestic abuse: 80 per cent of respondents to a recent study by the Scottish Transgender Alliance reported that they had been abused by a partner or an ex-partner, and 73 per cent of respondents said that they had suffered emotional abuse. LGBT Youth Scotland reports that 61 per cent of young LGBT people suffer abuse in their families. Those are shocking statistics, and we as a Parliament must ensure that the legislation works for all victims of domestic abuse.

Prosecuting psychological abuse and coercive and controlling behaviour will be a delicate matter for the police and courts to take on, and we must make sure that the right guidance and structures are in place to make that achievable. Such abuse and manipulation will also have a devastating impact in situations in which children, young people or vulnerable people are involved, or are witnesses to such behaviour. As we progress further with this debate in the coming months, I look forward to working with the Government to ensure that the right support is available to all victims and witnesses of domestic abuse.

That leads me on to the calls of Scottish Women's Aid, which distributed a briefing on key issues in advance of today's debate. As well as detailing what the organisation believes the new law needs to address, the briefing outlines other key issues to do with domestic abuse prevention and the effects of domestic abuse, such as homelessness and poverty.

A specific area that gives me cause for concern is funding, which Kezia Dugdale and Monica Lennon highlighted. As a society, and especially as politicians, we depend on the compassion, the

creativity and the dedication of our third sector organisations to provide valuable and reliable care and support, so we must ensure that to enable organisations such as Scottish Women's Aid to continue to deliver the support that they provide, they are given stable and adequate long-term funding to reflect their strategies and ambitions.

We look forward to the Government publishing the draft legislation, and I repeat Scottish Labour's offer of support for an effective and robust new domestic abuse law.

In closing, I want to quote what the US Vice-President, Joe Biden, said when he commemorated the 20th anniversary of the Violence Against Women Act of 1994:

"the true character of our country is measured when violence against women is no longer accepted as society's secret, and where we all understand that even one case is too many."

I think that that quote reflects Scotland's ambition to become a more equal and fairer country by tackling the stigmatisation and abuse of all victims, regardless of gender or sexuality.

16:40

**Oliver Mundell (Dumfriesshire) (Con):** I will start by reflecting on the debate. On the issue of domestic abuse, we find a real strength of feeling across the chamber and a recognition of how far we have come on it. When we hear Claire Baker talk about 40 years of Scottish Women's Aid and Ruth Maguire refer to the relatively recent criminalisation of marital rape, we see what momentous steps have already been taken. This debate and the proposed legislation are best seen not as a simple solution but as the next step in the journey. The cabinet secretary's remarks at the start of the debate certainly outlined his commitment to seeing the legislation through.

I am still a relatively new MSP, and the debate has gone a long way to restoring my optimism about the work that we do in the chamber. At times, we have been unable to find consensus. That highlights the very divisive nature of our politics, and it has left me wondering how we can all hold such passionate and strong but different views on the future of our country. Most important of all, the debate sends out a clear message, on an important and sensitive topic, that our Parliament stands united and is ready to act. That is why the Conservatives particularly welcome the early opportunity to debate the Scottish Government's proposed bill. In that spirit, our amendment in the name of my colleague Douglas Ross seeks to strengthen the message that Parliament sends out.

Considering the fact that, as we have heard, domestic abuse is still on the rise in Scotland, we

certainly cannot afford to be complacent. Indeed, as we heard earlier, recent figures show that the number of offences was up by 2.5 per cent between 2013-14 and 2014-15. In my Dumfriesshire constituency alone, figures show that 1,411 incidents of domestic abuse were reported to the police in 2013-14. As the motion states, in Scotland as a whole, there were almost 60,000 incidents of domestic abuse in 2014-15. As we heard from Monica Lennon, some of the statistics and research on attitudes to coercive and controlling behaviour make for shocking listening and reading.

It is not just the hard facts that demand action; the changes that we have seen elsewhere in the UK and in the handful of countries that have already legislated on the issue demand it. When we look at the UK Government's legislation that was implemented last December, we see that it is right that the Scottish Parliament is now considering a law that will treat domestic abuse as a specific statutory offence and will recognise that controlling and coercive types of behaviour are absolutely unacceptable.

Later, I will touch briefly on some of the concerns about implementation that have been mentioned by colleagues in my party and across the chamber. However, I first want to echo some of the sentiments that we have heard.

We should avoid stereotyping those who are considered to be victims of domestic abuse. The motion acknowledges that

"79% of such incidents"

have

"a male perpetrator and a female victim"

but, as our amendment rightly points out, men can also be victims of domestic abuse. We should take a zero tolerance approach and make that very clear. We are talking about 21 per cent of potentially 60,000 people or more, which takes the number of men affected by the issue to over 10,000. It is really important that we are seen to speak for those men today as well.

Although I welcome the First Minister's announcement last year of an additional £20 million to raise awareness of domestic abuse among the public and improve the justice system, as the cabinet secretary said, that money was specifically targeted at women and girls only. We need to take a holistic view and make sure that every single incident of domestic abuse in Scotland is stamped out.

I am pleased to see the existence of a number of charities in Scotland, such as Abused Men in Scotland, that seek to address the gap in service provision and campaign for men to be fully included in those whom we consider to be the

victims of domestic abuse. I welcome further work in that area.

I point to comments from domestic abuse groups that there appears to be a gap in up-to-date research concerning male victims. Particularly when we are looking at expanding what the law considers to be criminal, we may find other factors that affect men that have not fully come to light today.

Furthermore, as my colleague Annie Wells pointed out, we need to look at some of the issues—Mary Fee touched on them—round transgender and LGBT issues more generally. We need to be clear that in whatever type of relationship and circumstances domestic abuse takes place, it is unacceptable.

We also have to be conscious, as Gil Paterson mentioned, that in a modern society the internet creates new opportunities for abusive behaviour from ex as well as current partners. As Kezia Dugdale mentioned, there are communities for which there are very specific forms of domestic abuse.

More generally, I am pleased to hear about the excellent examples of services that are working well throughout Scotland. We as a Parliament can take a lot of heart from that. In my constituency, I am pleased that services for victims of domestic abuse are provided across what is a large and challenging rural area, most notably by Dumfriesshire and Stewartry Women's Aid, which is based in Dumfries, and the Dumfries and Galloway domestic abuse and violence against women partnership. That body brings together expertise from a number of organisations and works in partnership with, for example, White Ribbon Scotland, an organisation involving men that aims to tackle violence against women, and Queen of the South Football Club to promote positive relationship messages. In 2014, during a special White Ribbon game, Queen of the South players wore white ribbons and more than 3,000 were passed to fans and supporters while announcements were made about the campaign.

There are a lot of good things going on and it is important that we see the proposed legislation within that framework and as a chance to improve things further. Central to the whole policy is ensuring that the population is educated as to what determines whether something is coercive or controlling behaviour. If we are to tackle some of the points that have been made and ensure that, as Kate Forbes said, victims have the confidence to come forward, we need the definition to be clear.

As Margaret Mitchell highlighted, prevention through Clare's law will continue to be important, no matter what point we reach. I also highlight

some of the professional expertise that we have heard from Gordon Lindhurst, as an advocate, and Fulton MacGregor, through his experience of social work. If we are genuinely going to tackle domestic abuse, we need to be inclusive about who we regard as victims, we need to listen to all the views of all the stakeholders who work so hard on the issue and, most important, we need to go beyond rhetoric to ensure that the law is implemented effectively.

16:50

**The Minister for Community Safety and Legal Affairs (Annabelle Ewing):** Just in case it is required, I start by referring members to my entry in the register of members' interests, where members will find that I am a member of the Law Society of Scotland and hold a current practising certificate.

At the outset, I welcome the very positive contributions that have been made right across the chamber to what has been a very reflective, interesting and informative debate. I hope that I am not traducing any individual member when I say this, but I think that what the debate has shown is our agreement that everything we can do must be done to challenge domestic abuse and tackle it effectively. Indeed, many members from many parties have concluded that that means responding by way of this proposed new offence of domestic abuse to deal with long-term psychological abuse and coercive and controlling behaviour. Some members have highlighted the fact that framing a law on domestic abuse that covers coercive and controlling behaviour and psychological abuse is indeed a challenge, but I hope that through working constructively on a cross-party basis—and through a lot of work by the Justice Committee—we can come up with a statute that is workable and which meets the needs of victims right across Scotland.

We have taken a very inclusive approach. I point out to Mr Mundell that, thus far, we have had two separate consultations, the first on whether a new offence should be created and a more recent second one on what such an offence should look like. We are still reflecting on the results of the second consultation and, through our continued work with stakeholders and in light of the contributions of the members who have spoken this afternoon, we will continue to reflect on how we shape the bill to be the best it can be and to be effective. Of course, that is what the victims want and what they are entitled to expect.

With regard to the point that was made about the Crown Office's position, my officials have handed me a very clear statement from the Crown Office, saying:



“COPFS remain very supportive of and fully welcome the Scottish Government’s proposal to create a specific criminal offence of domestic abuse.”

The statement also refers to Ms Dyer’s comments, but it points out that they were

“made by the previous Crown Agent ... in the context of considering the creation of a domestic abuse aggravator”.

I hope that that is helpful to Mr Ross.

Of course, it was the then Solicitor General—

**Douglas Ross:** Will the minister give way?

**Annabelle Ewing:** I think that I will make a bit of progress. I do not recall Mr Ross himself taking an intervention during his speech.

As the cabinet secretary has rightly highlighted, in 2014, the Solicitor General at the time, Lesley Thomson QC, called for the Parliament to consider the creation of a specific offence of domestic abuse.

It is important that we are confident that the offence includes within its scope the many different forms that domestic abuse can take and which we have heard about in horrific detail from many members this afternoon. However, at the same time, the offence should, as other members have rightly pointed out, provide sufficient clarity on what amounts to criminal behaviour, to ensure that people know what behaviour amounts or does not amount to a criminal offence.

Before I respond briefly to some of the other points that have been raised, I confirm that the Government is happy to support Claire Baker’s amendment. We acknowledge the valuable role that domestic abuse courts can play as part of an overall effective court programming approach to dealing with domestic abuse cases. However, members will also be well aware that it is the statutory responsibility of the senior judiciary to arrange the court programme in their areas, including whether domestic abuse courts should be established or whether domestic abuse cases should be clustered.

I point out to the chamber—and, indeed, to Kate Forbes, who might well be happy with this information—that the Scottish Courts and Tribunals Service will be working with justice partners and the sheriff principal in Grampian and the Highlands to explore whether a new pilot domestic abuse court can be established for those areas. I hope that that is good news.

As for specialist sheriffs, it is important to say that sheriffs and summary sheriffs across Scotland are well equipped to deal with domestic abuse cases. A range of dedicated courses provides intensive domestic abuse education for all sheriffs, and domestic abuse features in the induction training of all new members of the judiciary.

The Government is happy to support Douglas Ross’s amendment. The draft offence that we consulted on and the bill that will contain the new offence will of course apply to all victims of domestic abuse—female and male. As has been said, the latest figures show that 79 per cent of all recorded domestic abuse incidents in 2014-15 involved a male perpetrator and a female victim. Our new offence will benefit all victims but, as many members have highlighted, the effect of such heinous conduct is felt disproportionately by women.

Douglas Ross’s amendment mentions the importance of Clare’s law. The Scottish Government fully supports that Police Scotland-run disclosure scheme, which allows anyone who is concerned that they are at risk of abuse from their partner to ask the police for information about their partner’s background. The Scottish Government provided additional funding to Police Scotland to help to raise awareness of the new scheme when it was launched last year. We will continue to seek to raise awareness—that was the key ask of Mr Ross’s amendment—to ensure that people who feel that they might be at risk of domestic abuse know that they can seek information from the police about their partner.

**Kezia Dugdale:** Will the minister give way?

**Annabelle Ewing:** I am afraid that I do not have time to give way; I have limited time to respond to the points that have been raised.

Many other issues were raised, but I have little time left. We are conscious of the need for clarity and the desire to frame the offence in such a way that it captures controlling and coercive behaviour, which causes such psychological damage. We are still reflecting on the final drafting and, as I said, all members’ contributions will help with that.

The position south of the border has been mentioned. I understand that what we propose to do in Scotland is more comprehensive in scope, because we seek to bring within one offence both the physical and the psychological elements.

How corroboration will work with the new offence was raised. Corroboration is not required for every piece of the specification in a charge if the core elements of the offence are corroborated, as is the case with other course of conduct offences, such as stalking.

The important issue of how the offence will deal with children as secondary victims of domestic abuse has been raised by many members, including Rhoda Grant and Richard Lyle. The Cabinet Secretary for Justice indicated that we are carefully considering the changes that might be needed to ensure that the offence reflects the impact that domestic abuse can have on the children of an abused partner.

On children giving evidence, it might interest members to note that workstreams will get under way on prerecorded evidence from child witnesses.

Issues were raised about ensuring that all victims of domestic abuse receive support. I point out that various advocacy services are available to male victims, too.

Liam McArthur asked what we are doing to deal with perpetrators. He may be aware of the Caledonian system, which was recently the subject of an independent evaluation that I hope will be published this month, when we can reflect further on it.

Issues were raised about wider support and funding. The £20 million funding stream that the cabinet secretary referred to includes many strands. The funding is over three years and, to reply to Kezia Dugdale's point about seeking to have three-year funding streams in general, I assure her that we intend to lead by example and to introduce three-year rolling funding when that is possible. I hope that that is good news for her.

When the First Minister announced our programme for government last week, Dr Marsha Scott, the chief executive of Scottish Women's Aid, said:

"Domestic abuse encompasses a great deal more than physical violence and it is right that the patterns of coercive and controlling behaviour are reflected in Scottish legislation."

That is what we seek to do with the new offence. As has been clear from the debate today, this is a complex area of law, but it is heartening to know that we have support right across the chamber and that we can work hard and constructively together to make this new domestic abuse offence as effective as it can be, because we have a duty to do so in order to protect victims, to bring perpetrators to justice and to help to deliver the societal change in attitudes that is needed to ensure that we consign domestic abuse to the dustbin of history.

## Decision Time

17:00

**The Presiding Officer (Ken Macintosh):** There are three questions to be put as a result of today's business. The first question is, that amendment S5M-01434.1, in the name of Douglas Ross, which seeks to amend motion S5M-01434, in the name of Michael Matheson, on domestic abuse law, be agreed to.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that amendment S5M-01434.2, in the name of Claire Baker, which seeks to amend motion S5M-01434, in the name of Michael Matheson, on domestic abuse law, as amended, be agreed to.

*Amendment agreed to.*

**The Presiding Officer:** The final question is, that motion S5M-01434, in the name of Michael Matheson, on domestic abuse law, as amended, be agreed to.

*Motion, as amended, agreed to,*

That the Parliament welcomes the announcement by the First Minister when delivering the 2016-17 Programme for Government that the Scottish Government will introduce legislation to create a specific criminal offence of domestic abuse; recognises that, in Scotland, there are approximately 60,000 incidents of domestic abuse reported each year, with the 2014-15 figures showing that 79% of such incidents having a male perpetrator and a female victim; recognises that, while physical abuse can be prosecuted under existing laws, it is challenging to prosecute psychological abuse and coercive and controlling behaviour under these; agrees that a new offence will both help the criminal justice system to deal more effectively with domestic abusers and, alongside access to appropriate advocacy services, allow better access to justice for both male and female victims who have been in a heterosexual or same-sex relationship; urges the Scottish Government to continue to raise awareness of Clare's Law; notes that the Scottish Government is continuing to consider the exact terms of such an offence in the light of feedback to the recent consultation on a draft offence with the aim of ensuring that it appropriately and effectively criminalises the type of pernicious coercive and controlling behaviour that can constitute domestic abuse and that such an offence will have a significant impact on how society views domestic abuse by ensuring that there is clarity that psychological, as well as physical abuse, of a partner or ex-partner is a criminal offence, and recognises the important role of domestic abuse courts in dealing with the offence, and looks to extend the provision of these as part of proposals for tackling domestic abuse in Scotland.

**Clare Haughey (Rutherglen) (SNP):** On a point of order, Presiding Officer.

Under rule 7.3, I seek your guidance on the comments that were made by Ruth Davidson during First Minister's questions this afternoon. She quoted a warning from a representative of the Society for Acute Medicine that there would be

“pockets of meltdown” in the national health service this winter. What Ruth Davidson failed to mention was that that assessment related to a report that examined 94 hospitals, only three of which are in Scotland and 87 of which are in England.

As I am a new member, perhaps the Presiding Officer could advise me whether it is possible for Ruth Davidson to be given the opportunity to correct her remarks, for the purposes of the *Official Report*, in order to make clear that the warnings of meltdown are aimed squarely at the Tory Government’s terrible handling of the NHS in England.

**The Presiding Officer:** I consider that to be a debating point rather than a point of order, but you have made the point.

Parliamentary business is now concluded.

*Meeting closed at 17:03.*



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