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AITHISG OIFIGEIL

# Meeting of the Parliament

Thursday 1 December 2016

Session 5



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# Scottish Parliament

Thursday 1 December 2016

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

## General Question Time

### ScotRail (Meetings)

1. **Anas Sarwar (Glasgow) (Lab):** To ask the Scottish Government when the Minister for Transport and the Islands last met ScotRail and what issues were discussed. (S5O-00416)

**The Minister for Transport and the Islands (Humza Yousaf):** I spoke with the director of ScotRail this morning and our discussion centred on ScotRail's recent performance. I also received an update on the morning peak and initiatives that are being progressed with the performance improvement plan.

**Anas Sarwar:** Regulated rail fares are due to rise in the new year, with passengers expected to pay more for services that the transport minister himself believes are sometimes not of an acceptable standard. When he next meets ScotRail, will he enter into discussions regarding Labour's proposals to stop the new year fare hike going ahead and to freeze fares for passengers in 2017?

**Humza Yousaf:** I would reflect what the First Minister said in answer to Kezia Dugdale's proposal last week: we will give every proposal consideration.

Fare increases are at their lowest since we got the relevant powers in 2005. However, Mr Sarwar is correct to say that the performance is not at a standard that I find acceptable, so any proposal that is put forward by him, his party or other parties will be given appropriate consideration.

**Murdo Fraser (Mid Scotland and Fife) (Con):** The improvement plan that was published earlier this week contains some 250 measures. The plan is welcome, but some of those measures will not be delivered for two years. I am sure that the minister will appreciate that passengers do not wish to wait that long to see real improvements in the service. What deadlines has he given ScotRail for improvements, and what sanctions will apply if the deadlines are not met?

**Humza Yousaf:** Of the 249 points in the plan, around six have a long-term deadline. That does not mean that work will not start on them immediately—work will start on them immediately. All that it means is that there is a continual process of monitoring and continual work on, for

example, signal cable renewal and points renewal. I assure the member that the vast majority of the 249 measures that are in the performance plan are being worked on right now.

On sanctions, I am looking for immediate improvement. That is why, in the past eight-week period, performance on the performance and punctuality measure has improved from 89.5 per cent to 89.8 per cent. I want it to continue to improve further. I do not think that that performance will dip—I do not think that it will get to the break point of 84.3—but if it does, as the First Minister has said, every option is on the table and will remain on the table, within the specifications of the contract.

**John Mason (Glasgow Shettleston) (SNP):** As I understand it, the United Kingdom Government introduced rail franchising in the 1990s with legislation that precluded any UK public sector organisation bidding to operate a railway service. Can the minister outline what work is under way to ensure that a public sector operator could bid for a future rail contract?

**Humza Yousaf:** The member makes the fair point that previous UK Governments did nothing to allow a public sector operator to bid. It was this Government that brought forward the changes in legislation that removed the prohibition on public sector operators bidding.

I had a productive meeting with other political parties on the precise point that Mr Mason makes. Representatives of all the parties in the chamber came to that meeting with a constructive tone and, indeed, with some constructive suggestions. Rail unions were also represented at that meeting, as were regional transport partnerships, and the voice of the passenger was heard as well. The meeting was constructive. We agreed to enter into a formal engagement process early next year; we also agreed that Transport Scotland officials should come up with some options in relation to governance structures, broad principles and a few other points.

The issue was in our manifesto and we will deliver our commitment. I am pleased that we have paved the legislative way for a public sector operator to put forward a public sector bid.

### ScotRail (Performance)

2. **James Kelly (Glasgow) (Lab):** To ask the Scottish Government whether it will provide an update on what steps it is taking to improve the performance of ScotRail. (S5O-00417)

**The Minister for Transport and the Islands (Humza Yousaf):** As Mr Kelly will no doubt be aware from last week's statement to Parliament, I have instructed the production of a performance improvement plan. Details of the 249 actions in the

plan have now been published on ScotRail's website. I continue to closely monitor the effectiveness of the plan in improving the performance and punctuality measure figures so that they are on a trend towards our challenging and ambitious but achievable contract targets.

**James Kelly:** Today's discussions about a potential public sector bid are driven by concerns about performance. One of the barriers to an early public sector option for ScotRail is the existing contract with Abellio. What steps has the minister taken to assess how an early termination of the Abellio contract could be achieved at minimum cost to the public purse if performance does not improve?

**Humza Yousaf:** First, the reason why a public sector operator will be able to bid when a franchise opportunity comes up is not because the issue is driven by the current situation, but because we had it in our manifesto, we stood on that manifesto and we won the election. That is why the discussions are taking place.

Secondly, and to try to be helpful to James Kelly, I note that passengers would not thank us for starting the discussion by saying that, if our railways are failing, we should rip up the Abellio contract right here and right now. Instead, we should be asking how we can work with Abellio to improve performance for passengers right here and right now. That is why we have a 249-point improvement plan. In the meantime, let us do the constructive work that we are doing.

Neil Bibby, who is sitting beside James Kelly, was at the meeting that I mentioned and made some constructive suggestions around some of Labour's ambitions for a public sector operator. Let us work towards that while realising that it will take time for a public sector operator to make a bid. We have to have the right vehicle, to be sure that the right statutes and guidelines are in place, and to ensure that the right expertise is also on board. We are doing that work now because, as James Kelly knows, there is the potential to invoke a break clause in 2020. That work will continue in earnest.

Let us all get together to ensure that, right here and right now, we get the best performance from the company and the best experience for passengers and commuters across Scotland.

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** The ScotRail franchise contains the toughest quality regime for the United Kingdom in driving up standards for passengers. When standards fail to meet the prescribed level of service, what specific penalties can be levied against the franchise holder?

**Humza Yousaf:** The member might be aware that we have the toughest auditing regime on

these islands. The service quality incentive regime—SQUIRE—looks at a range of measures, from the cleanliness of toilets at stations right the way through to rolling stock issues. If ScotRail Abellio does not live up to those high auditing standards, it has to make a financial contribution, and the previous contribution was of the order of £500,000. The important point is that we ensure that that is invested back in the railways. Members from across the chamber have previously suggested where improvements could be made and I am open to those suggestions.

**Rachael Hamilton (South Scotland) (Con):** I recently received a number of complaints from constituents about overcrowding on the Waverley line. On Saturday 19 November, a football match and a rugby match coincided in Edinburgh, creating higher than normal demand. What action is the Scottish Government taking in the short term to ensure that sufficient capacity is provided to meet demand for transport to events?

**Humza Yousaf:** When a major event takes place, ScotRail has a special team that comes together to manage it. That includes considering the capacity on trains and moving passengers safely from the station to the venue.

Overcrowding tells a story of growth in passenger numbers. Since 2007, our railways have become 33 per cent more popular. On top of that, we have increased the amount of rolling stock, including the number of carriages, on our network. From 2007 through to our ambitious plans in 2019, 50 per cent more capacity will be added to the network. In 2007, 140 carriages were added, and between now and 2019, we will add another 200 carriages.

The member can be assured that we are doing what we can to increase capacity. We will always look for opportunities to increase capacity and add more rolling stock. I am more than happy for the ScotRail team that does the planning and co-ordination for major events to give the member a briefing if she would find that helpful.

### Public Transport Priorities

3. **Daniel Johnson (Edinburgh Southern) (Lab):** To ask the Scottish Government what its priorities are for public transport. (S5O-00418)

**The Minister for Transport and the Islands (Humza Yousaf):** We are investing over £1 billion annually in public transport and other sustainable transport options to encourage people out of their cars. A £5 billion investment programme in Scotland's railways is committed over the five-year period to 2019, including 70 new high-spec electric trains for delivery from 2017 and 75 new sleeper vehicles for delivery from 2018.

**Daniel Johnson:** Can the minister tell us how many of the action points that are set out in the infrastructure section of the performance improvement plan are new announcements and how many relate to undertakings that had already been given by the Scottish Government and its partners in the rail industry to improve public transport? Can he confirm that the actions that were scheduled to be delivered by the end of November have been delivered?

**Humza Yousaf:** I advise the member that £8 million of infrastructure investment has been accelerated. That is £8 million-worth of improvements that were going to take place later that have been brought forward as part of the improvement plan. During the last discussion that I had with ScotRail, I was told that work was well under way, so some of the improvement plan actions that have been committed to have been taken. Other actions are still to be taken, but I will be monitoring that.

The document on the ScotRail website is a live working document. Where there is an action point, there are a number of sub-actions below it that have to be taken. I will monitor that closely, as all of us, no doubt, will. I want to see an improvement in performance here and now, and we are on the right trajectory to achieve that.

**Richard Lochhead (Moray) (SNP):** My question is on the promotion of cycling. The minister may be aware of the community-led campaign in Forres to extend a cycle route alongside the A96 to Brodie. There appears to be a long-standing deadlock between Transport Scotland and the community campaigners. Is the minister willing to speak to Transport Scotland, to find a way past that deadlock so that we can improve cycling links along the A96 to Brodie?

**Humza Yousaf:** I am aware of that impasse—or deadlock, as the member describes it; he has written to me on the subject. I will look to intervene personally in the matter and will speak to Transport Scotland and then update the member.

Our commitment to active travel speaks for itself, given our record investment in it, which is beyond what any other Government has committed to cycling and walking. We will continue to make that investment, as it is important for the environment and for making Scotland healthier.

I give a commitment to have a look at the specific issue regarding the A96 between Forres and Brodie, which the member has written to me about, and I will get back to him in good time.

#### **Economic Development and Skills Funding (National Board)**

**4. John Lamont (Ettrick, Roxburgh and Berwickshire) (Con):** To ask the Scottish

Government when it will publish details of the proposed single national board to oversee economic development and skills funding. (S5O-00419)

**The Cabinet Secretary for Economy, Jobs and Fair Work (Keith Brown):** Phase 2 of the enterprise and skills review will include work to take forward the detailed consideration and planning of the new single strategic Scotland-wide statutory board, which is intended to co-ordinate the activities of Scottish Enterprise, Highlands and Islands Enterprise, Skills Development Scotland and the Scottish Further and Higher Education Funding Council. That work will also look at taking forward our commitment to establish a new vehicle to meet the unique enterprise and skills needs of the south of Scotland. The work began on 1 November 2016 and is intended to take around six months, until spring 2017.

**John Lamont:** I was heartened when the Scottish Government announced that it was implementing the Scottish Conservatives' idea of a south of Scotland enterprise agency. However, given the news that the HIE regional board is to go, I can only presume that south of Scotland enterprise will also be overseen by a national board. There is a real opportunity to create a local organisation to support economic development in the Borders and elsewhere in the south of Scotland, but I fear that the opportunity is being missed by the Scottish Government with its centralising agenda. What is the point of setting up a dedicated agency for the south of Scotland and then running that agency from the central belt?

**Keith Brown:** I am not sure whether that question implies that the Tories have withdrawn their support for the idea of a separate south of Scotland agency. It may well have been a Tory idea but, like many Tory ideas, it was never brought into force because the Tories never got round to doing it. It has taken an SNP Government to deliver it. It is to the credit of the SNP Government that, once again, we have taken action to help in the south of Scotland, whereas the Tories, in all the long years that they had the opportunity to do so, did not do it.

It is also important to understand that one of the workstreams in phase 2 of the review will look at the governance arrangements for the strategic board and how it relates to the individual agencies that will remain, all of which will be guaranteed a legal status. That work is on-going and will involve the people who are most closely involved in those agencies, with representation from south of Scotland interests. I am confident that the very high-calibre people who are involved in that work will ensure that we get the right governance arrangements for this new development that has

been delivered by the SNP—the establishment of a south of Scotland agency.

**Kate Forbes (Skye, Lochaber and Badenoch) (SNP):** Can the cabinet secretary provide reassurance to my constituents and me about the future of Highlands and Islands Enterprise, which is absolutely critical to the Highlands?

**Keith Brown:** I am happy to repeat the assurances that I and other colleagues have given about HIE and the retention of its Inverness headquarters, control over staffing, its non-departmental public body status and its chief executive. Crucially, the same people in HIE who provide services to businesses and individuals now will be doing so at the end of the review. The review made a specific recommendation to maintain HIE in that way, to offer just the assurance that Kate Forbes requested.

As far as the allegations of centralisation are concerned, there is a real problem with that given that we are establishing an agency in the south of Scotland—that does not sound much like centralisation to me. We are making sure that we have the right services for the right parts of Scotland. I give the assurance that HIE will remain as an agency—that will be enshrined in law.

**Rhoda Grant (Highlands and Islands) (Lab):** Given the widespread opposition to the proposed wrong-headed centralisation, will the Scottish Government listen to the people of the Highlands and Islands and change its mind about scrapping the HIE board, and keep management and decision making in the area?

**Keith Brown:** As I have just said, the management, the decision making and the services that are provided by HIE staff to individuals and companies in that area will remain.

As we go forward to discuss and agree the governance arrangements between the new overarching board and HIE, people who are involved in HIE at board level will be involved in—indeed, I hope that they will lead—the discussions. They will have an interest in making sure that HIE's particular interests are reflected in the governance structure that is agreed. That might take many different forms. The crucial point is that the people who are involved in HIE now will be involved in that process.

In addition, HIE will be able to access much more easily—it cannot currently do this to the extent that we would like—the services of Scottish Development International, Scottish Enterprise and the Scottish Further and Higher Education Funding Council. That alignment of all the various agencies in Scotland will enable us not just to build on what HIE has achieved over the past 50 years, but to improve it even further to the benefit of people in that area.

## Laurencekirk A90 Grade-separated Junction

**5. Mike Rumbles (North East Scotland) (LD):** To ask the Scottish Government whether it will provide an update on when construction will start on the A90 grade-separated junction at Laurencekirk. (S5O-00420)

**The Minister for Transport and the Islands (Humza Yousaf):** As I advised the member on 11 August in an answer to a written parliamentary question, work has already started on the A90 grade-separated junction at Laurencekirk in terms of consultants being appointed, but delivery of the scheme itself can commence only when the scheme is approved under the statutory procedures. Thereafter, a timetable for construction can be determined.

**Mike Rumbles:** In a letter to the Rural Economy and Connectivity Committee, the minister said that, despite a decade of waiting, he is to take the next three years for an assessment process and another year to draft the road orders. He does not plan to start work on construction for a further three years after that, if there are no objections and, in any case, he does not plan to do so before 2021.

What are local people to make of that? The process is being kicked into the period after the current Government will be long gone. If the minister is serious about saving lives at the Laurencekirk junction—[*Interruption.*] I say to the Minister for Parliamentary Business that it is not a laughing matter. If the transport minister is serious about saving lives at the junction, why will he not instruct Transport Scotland to get a move on?

**Humza Yousaf:** I remind the member that, when his party was in government, it did hee-haw—frankly—for those on the A90. It put forward temporary measures, whereas we are putting forward a permanent solution—a grade-separated junction—which is being backed by £24 million-worth of investment.

The statutory process is important because it involves the public in the consultation on the preferred option. If Mike Rumbles does not want the public to be involved, that is highly illiberal and highly undemocratic.

**Ross Thomson (North East Scotland) (Con):** Given that the Scottish Government promised a £200 million investment in rail improvements between Aberdeen and the central belt at the same time as it made the Laurencekirk announcement, can the minister provide a start date for that crucial project to improve journey times for train passengers?

**Humza Yousaf:** As Ross Thomson will know, discussions are already taking place. I am more than happy to write to him to inform him about how



they are progressing. I met the regional transport partnership yesterday to have that discussion. Work is under way. Of course, the member will understand that part of our additional investment is to ensure that we do a £5 million transport appraisal of the region. I look forward to working with the councils, the RTPs and local members.

I will write to Ross Thomson to give him a specific update on how the discussions are progressing.

## First Minister's Question Time

12:00

### Engagements

**1. Ruth Davidson (Edinburgh Central) (Con):** To ask the First Minister what engagements she has planned for the rest of the day. (S5F-00561)

**The First Minister (Nicola Sturgeon):** Today is world AIDS day so I say that, as First Minister, I am prepared to play my part in on-going efforts to challenge the stigma and myths that are associated with HIV.

Later today, I will have engagements to take forward the Government's programme for Scotland.

**Ruth Davidson:** I associate myself and my party with the statement that the First Minister made about world AIDS day.

Does the First Minister have complete confidence in our education agencies?

**The First Minister:** As Ruth Davidson is aware, we are undertaking a governance review right now. Our education agencies bring strengths and benefits to Scottish education and the curriculum for excellence, but we are asking fundamental questions about school education and the best way to empower schools to improve. That is why we launched the governance review, which is looking at the roles not only of the main agencies but of local government and, indeed, the Scottish Government. It is part of a wider set of reforms that are needed in light of the legitimate concerns that emerged last year from the findings of the Scottish survey of literacy and numeracy.

We are absolutely determined to raise standards for all and close the attainment gap for our poorest pupils. The reforms that we are undertaking to the roles and functions of the different parts of the school system will be a crucial part of achieving that.

**Ruth Davidson:** The First Minister says that fundamental questions need to be asked about those agencies. It is hard to disagree with that, but she might want to reflect for a second on who has been in charge for the past 10 years. Over the past few days, the Parliament's Education and Skills Committee and education experts have begun to shine a light on that record. For example, it emerged yesterday that teachers are swamped by no fewer than 20,000 pages of guidance on curriculum for excellence. Parents groups have pointed out that such documents are "totally inaccessible" to the average mum or dad and, worst of all, expert evidence has revealed that

parents and teachers have no way of knowing whether curriculum for excellence is even working.

As Professor Lindsay Paterson put it this week, that failure is “a dereliction of duty”. Someone has to be held responsible for that failure, so I ask the First Minister: who should it be?

**The First Minister:** I do not accept the characterisation of failure but, for the avoidance of doubt, I am responsible for taking forward the Government’s commitments on education with, of course, the Deputy First Minister and Cabinet Secretary for Education and Skills.

The guidance to which Ruth Davidson refers has built up over many years, and one of the priorities on which the Deputy First Minister has been working is simplifying the landscape in education and reducing the unnecessary bureaucracy with which teachers work. The efforts that he has been making have been broadly welcomed by the teaching profession.

On the wider thrust of Ruth Davidson’s questions, we were right to put in place curriculum for excellence, the development of which had, broadly speaking, cross-party support. However, I am determined to ensure that, as we go forward, we can measure our education system’s success and highlight where things do not work as well as we would like. That is why we have published a national improvement framework and will start to publish more data about school performance than has ever been published before. That is a sign of how seriously we take the issue and of our determination to improve standards for all in Scottish education.

**Ruth Davidson:** We keep hearing from the Scottish National Party about jam tomorrow, but that is from a Government that has spent 10 years failing to sort out endemic failures in Scottish education.

The Scottish Qualifications Authority has the important job of running our children’s exams. I will read out just some of the views that MSPs expressed about it at the Education and Skills Committee last week. Johann Lamont said that the SQA exists in a “parallel universe”. Richard Lochhead said that we are

“in danger of sinking in a sea of jargon”.

Liz Smith said that MSPs

“have seldom come across evidence that is so compelling in its concerns”.

Tavish Scott ended up saying:

“Please do not scare me any more.”—[*Official Report, Education and Skills Committee*, 23 November 2016; c 7, 14, 20.]

That shows criticism and a loss of confidence from across the chamber. I am absolutely sure

that SQA staff are attempting to do the very best that they can in pretty trying circumstances. My question to the Government is: how has it allowed that to happen on its watch?

**The First Minister:** First, I am sorry if this disappoints members, but I do not think that I am prepared to make not scaring Tavish Scott a key priority of Scottish Government policy, in education or any other matter.

Ruth Davidson does a disservice to the work that is going on in education. The governance review is intended to take a critical look at the whole governance of Scottish education—at the role not just of agencies such as Education Scotland and the SQA but of local government and, indeed, the Scottish Government. I hope that all MSPs, including those who expressed the views that Ruth Davidson quoted, and interested members of the public will take the opportunity—there still is an opportunity—to give views to that review. The review closes in the first week of January and the Government will set out its intentions thereafter.

At the heart of the governance review is our commitment to ensuring that as much power and responsibility as possible in education lies with teachers in schools. That is a key part of driving the improvement that we want to see. I would have thought that this was an opportunity for Ruth Davidson and her party to feed into the governance review. I am not sure whether they have done so yet but, if they have not, I encourage them to do so.

**Ruth Davidson:** I hear again the First Minister talking about all the things that she plans to do in the future but, to be frank, we have heard about reviews, commissions and listening exercises before. The evidence that is before the Parliament points to a broken system.

Let us spell out the consequences of 10 years of inaction from the Government. We have a stubbornly wide attainment gap that is not closing; we have numeracy standards that are falling; we have inspections at a five-year low; and we have some teachers telling us that the exams that they are asking children to sit are the worst that they have ever seen. A generation of pupils has been failed by the SNP, and teachers are trying their best but are swamped by bureaucracy.

The First Minister talks of a governance review, but it is clear that the issues are far more fundamental than just the area that that review tackles. How many more pupils have to be failed before we get a root-and-branch review of everything and get all the changes that we need?

**The First Minister:** Let me touch on a few of the things that—not surprisingly—Ruth Davidson did not mention. There is the fact that over the

past few years we have had record exam passes—a credit to teachers and our young people. I mention the fact that we have a record number of young people going into positive destinations—a credit to teachers and our young people. I also mention the fact that, yes, we have an attainment gap that I have made it very clear that we are determined to close, but we see signs of it already closing. Those are the positive things about education.

It does not surprise me that Ruth Davidson wants to talk education down, but—as I said in my original answer—we are determined to ask the hard and fundamental questions about how we make Scottish education better. That is why John Swinney has already taken steps to reduce the bureaucracy in our exam system, which I would have thought that Ruth Davidson would welcome. It is why we established the governance review. It is why we are getting on and implementing the national improvement framework, so that shortly we will have more information with which to hold the Government and all parts of our education system to account on the performance of schools than we have ever had before.

Those are the steps that parents around the country want us to take, because we are determined that we will have a world-class education system and rising standards for all and that we will close the attainment gap.

### Engagements

**2. Kezia Dugdale (Lothian) (Lab):** To ask the First Minister what engagements she has planned for the rest of the week. (S5F-00565)

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

**Kezia Dugdale:** The treatment time guarantee will ensure that eligible patients start treatment within 12 weeks of the treatment being agreed—that is what we were told by Nicola Sturgeon when she introduced a legal right to treatment for patients. Can the First Minister tell us how many national health service patients have not been seen within 12 weeks since that legal right was introduced in 2012?

**The First Minister:** Since the legal right was introduced in 2012, there have been 53,257 who have waited longer than 12 weeks, but there have been 1,267,000 treated within 12 weeks. Waiting times are lower than they were when we took office, but we have work to do because of rising demand in our health service. We are continuing to ensure that our health service has the investment and record numbers of staff so that we can continue to provide the best care and treatment for patients across the country.

**Kezia Dugdale:** That is a legal guarantee to 53,000 people broken. In fact, the past few months have been the worst on record, and these are not just statistics. They are pensioners in need of a knee replacement having to wait for months, or people waiting for eye surgery facing delay after delay. Each time I bring an individual case to the chamber, the First Minister promises to deal with it. It would take me centuries to work through each of those 53,000 cases. How bad do things have to get before she steps in to fix this mess?

**The First Minister:** Kezia Dugdale talked about records when it comes to waiting times. It is worth pointing out that when this Government took office, only 85 per cent of patients were being treated within 18 weeks. Not only have we reduced waiting times from 18 weeks to 12 weeks, a higher percentage of patients are now being seen within that shorter waiting time. That is the progress that we are making.

We also see record numbers of staff working in our health service and record levels of investment in our health service. I know that Kezia Dugdale does not like me to point out this fact, but there is going to be more investment in our health service under this Government than there would have been in the admittedly unlikely event that Labour had won the election, because Labour promised the lowest increase in health funding of any party represented in the chamber. That is the reality.

We have rising demand for our health service. That is why we continue to invest to build up the capacity of our health service so that we can continue to ensure that more and more patients get seen within those shorter waiting times.

**Kezia Dugdale:** There she goes again, Presiding Officer, bringing up a 10-year-old record of a Labour Government and pointing at England. It just does not cut it with patients.

The First Minister likes to remind the chamber that she is going to spend £500 million more in the current session of Parliament. What she did not tell us is that Audit Scotland told us last month that she has to cut £500 million out of health budgets in this year alone through the health boards. That is a fact that she cannot avoid. In fact, it sums up the priorities of this Government. While Labour Party activists were out campaigning with NHS staff and patients at the weekend to protect the NHS, the Scottish National Party was out talking about independence. It is no surprise that the SNP does not want to campaign on the NHS, because here is its record: local services facing closure, missed targets and a growing workforce crisis. Is it not the case that, under the SNP, the NHS is stuck in the waiting room while the First Minister plots a second referendum?

**The First Minister:** Kezia Dugdale rightly asked about the performance of this Government and, when I am talking about the performance of this Government, it is perfectly reasonable to look at the situation that we inherited and the progress that has been made since.

Kezia Dugdale wants to quote Audit Scotland. Here is what it said in its recent report:

“Overall staff levels are at the highest level ever”

in NHS Scotland.

When we took office, as I said, 85 per cent of in-patients and day cases in Scotland were being seen within 18 weeks—those figures are from quarter 1 of 2007. Now, almost 90 per cent of patients are being seen within 12 weeks, so the waiting time is shorter and the percentage of patients being seen within it is higher.

That is progress in anybody’s language, but it is not enough progress, which is why we are committed to continuing to increase investment, not by £500 million in the current session of Parliament but by £500 million more than inflation in the current session of Parliament. Labour simply committed to inflationary increases for the national health service.

More investment, more members of staff and reform of our health service so that we get more investment into social care as well—those are the actions that patients across the country want to see and they are the actions that we will continue to take.

**The Presiding Officer (Ken Macintosh):** We have just one constituency supplementary question this week, which is from Jackie Baillie.

**Jackie Baillie (Dumbarton) (Lab):** On Monday evening, over 200 people attended a public meeting to express their opposition to the proposed closure of the Vale of Leven maternity unit. One of those attending said:

“If the cabinet secretary is not doing her job then I’m going to tell her and hold her to account. She has said she’s committed to the Vale. The problem is that we’ve got to make sure she sticks to that.”

Those were the words of the SNP group leader on West Dunbartonshire Council. Does the First Minister agree with him? Will she make sure that the Cabinet Secretary for Health and Sport sticks to the vision for the Vale?

**The First Minister:** The SNP Government is committed to the vision for the Vale. People have longer memories than Labour would like, so it is worth pointing out that, if Labour had won the 2007 election, it is highly unlikely that the Vale of Leven hospital would even be open today. The Government stepped in to save the Vale of Leven hospital, just as we saved the accident and

emergency services at Monklands and Ayr. We will continue to stand up for local services, because that is what people expect of our Government—and they know that that is not what they got when that lot were last in government.

### 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-00558)

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

**Willie Rennie:** Even though the Tory chancellor is in Scotland today to talk about Brexit with the First Minister, Ruth Davidson is too embarrassed to raise the issue in Parliament. In June, Ruth Davidson said that her priority was the European Union single market, but this week, her five tests on Brexit adopt the language of Nigel Farage about rekindling trade with the British empire instead. It is clear that the Conservatives will sign up to anything on Brexit, no matter how bad the deal is. It is a blank-cheque Brexit.

The Scottish Conservatives have given up, but we have not. When the First Minister meets the chancellor today, will she make the case for a United Kingdom-wide, Brexit-deal referendum, so that the public can have a say on the final Brexit deal?

**The First Minister:** It is nice to hear Willie Rennie talk about the benefits of referendums for a change. I agree with the broad thrust of his question. It is increasingly difficult to distinguish between the Conservatives and UKIP. Anyone who is in any doubt about that need only look at this morning’s reports about what are said to have been Theresa May’s views on denying education in certain circumstances to children from certain other countries who are living here.

I am absolutely consistent on the question of the single market: the United Kingdom should stay in the single market. There is no mandate or economic, social or cultural justification for taking the UK out of the single market. I will make that point to Philip Hammond this afternoon, as I have made that point to the Prime Minister and others in the UK Government. I hope that everybody in the Scottish Parliament will get behind the position of the Scottish Government on that.

**Willie Rennie:** Gently, I say that the First Minister did not answer my question. Momentum for a Brexit-deal referendum is building. I hope that, in time, she will come to support it. I am interested in what else she might say to the chancellor. Look at what we are facing: NHS boards are contending with unprecedented budget cuts and councils are facing a £500 million funding crisis. No doubt the First Minister will complain

bitterly to the chancellor about that—and so she should—but what else will she do?

This week the First Minister gained new income tax powers. I have a plan for a transformational investment of £500 million in education, from a modest penny on income tax. Will the First Minister join me, or will she bitterly point the finger at the Conservatives? [*Laughter.*]

**The First Minister:** I do not know whether Willie Rennie intended to turn First Minister's questions into a stand-up comedy routine, but he has perhaps been more successful on that front than he is successful normally.

There are serious issues underlying Willie Rennie's point and I should not glide over the fact that I agree with much of the thrust of his questions to me today—that is not something that I can say every week. The Government will set out its budget plans in a couple of weeks' time, when the Cabinet Secretary for Finance and the Constitution will set out the budget to the Parliament. That is right and proper.

We set out our income tax proposals in our manifesto and I remind Willie Rennie that we won the election on the strength of that manifesto. However, he is right that it is not acceptable that the Scottish Government's budget will be reduced by £2.9 billion—9 per cent in real terms—by the end of this decade compared with when the Conservatives took office. I will make that point very clearly to Philip Hammond this afternoon. I hope that Willie Rennie, the Labour MSPs and the Greens will back me on that. I am pretty sure that they will. I hope that, with the exception of the Conservatives, everybody in this chamber will get behind me on that message.

During the EU referendum campaign, we were promised, were we not, that a leave vote would deliver £350 million extra a week for the national health service? We heard last week from Philip Hammond that there would be not one single extra penny for the NHS or for social care. It was absolutely disgraceful. All we heard about were more cuts, extra borrowing and a bleak outlook for living standards and the economy. That is the price of a Tory Government at Westminster.

**The Presiding Officer:** There are a number of supplementaries.

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** Leaked Cabinet letters suggest that the Home Office under Theresa May wanted children of illegal immigrants to go to the bottom of the list for school places. Is that a chilling insight into where an increasingly right-wing Tory Government wants to drag the UK?

**The First Minister:** Unfortunately, I think that it is. I take a very simple view of this. There are

debates around immigration and some of those debates involve legitimate issues that we have to engage with. However, the simple view that I think all of us should take on this is that children are children and when children are in this country, we should support them and we should ensure that they get access to education. I hope that everybody would agree with that on the basic grounds of morality and human rights.

**Graham Simpson (Central Scotland) (Con):** Over the past six years, Scottish Government funding for councils has fallen by 8.4 per cent in real terms. That is a choice that the Government has made. Can the First Minister assure us that that trend will be reversed when the draft budget is published later this month?

**The First Minister:** We will set out our budget when the finance secretary stands up in the chamber on 15 December. We will outline our plans then for local government and for our other areas of responsibility.

On the issue of local government funding, we live in tough times and I recognise how tough it is and has been for local government. However, this Government has treated local government fairly. The Accounts Commission report that was published this week shows that the decline in local government funding is broadly in line with the decline in Scottish Government funding overall.

Some interesting figures were published this week that the member, given that he is a Tory member, might want to have a look at. The Institute for Fiscal Studies, which published council-level figures from across the UK, found that reductions in local government funding in Scotland—and in Wales, for that matter—were smaller over the period that the IFS looked at than they were in England. Perhaps the member should have a word with his own colleagues before he stands up in this chamber and talks to this Government about funding when it is the cuts from his party to this Government that are causing so many of the problems.

**George Adam (Paisley) (SNP):** Ruth Davidson said before the EU referendum that the leave campaign was based on lies. After the EU referendum, she still said that she wanted to remain in the single market. She has since sold out completely, demanding that the Scottish Government signs up for whatever hard-right Tory Brexit Theresa May decides upon. How will the First Minister ensure that Scotland is protected from the dishonest interests of Ruth Davidson's Tory party?

**The First Minister:** I think that Ruth Davidson's shifting position on these matters shows that she is more interested in standing up for the Brexiteers

in the Tory party than she is in standing up for Scotland's interests.

It is only two years ago, remember, that Ruth Davidson said that voting no would protect our place in Europe. A few months ago, she said that she wanted Scotland and the UK to stay in the European Union. After the referendum, she wanted Scotland to stay in the single market. Now she has sold out on that as well. We are learning that Ruth Davidson's position on these things, as is no doubt the case on many other things, is exactly what her bosses in London tell her it should be.

**Pauline McNeill (Glasgow) (Lab):** Franz Ferdinand, the Stone Roses, Calvin Harris, Blur and Beyoncé are just some of the acts that have headlined T in the Park, Scotland's award-winning music festival, which I am sad to say will not be a feature of next summer's live music programme.

Will the First Minister join me in recognising the huge contribution that DF Concerts, headed by Geoff Ellis, has made to Scotland's vibrant live music scene, not to mention the Scottish economy? What can the Scottish Government do to overcome the problems that are faced by the organisers, who say that there were many barriers that led to the event's cancellation? Indeed, anyone who wants to organise a live music festival faces such barriers. Scotland should maintain its track record of being a world-leading location for live music festivals. I hope that the First Minister agrees.

**The First Minister:** I welcome Pauline McNeill's question. She was not a member in the previous parliamentary session; she should maybe have a word with some of her colleagues about the attitude that they took when this Government tried to assist T in the Park to continue to be the success that it was.

I pay tribute to the organisers of T in the Park. If it makes Pauline McNeill feel any better, I can tell her that I got some grief on Sunday from my 16-year-old nephew, who went to T in the Park for the first time this year; he was looking forward to going next year and is bitterly disappointed that he is not going.

The organisers have set out why they have taken the decision that they have taken. It is a break; it is not the termination of T in the Park. I am sure that we all wish the festival every success in future. It has been incredibly good for Scottish culture and the Scottish economy, and I hope that we see it back before too much longer.

**Clare Haughey (Rutherglen) (SNP):** Does the First Minister share my concern about this week's comment from defence secretary Michael Fallon that United Kingdom shipbuilding needs rebalancing, which suggests that there is a risk to

jobs in Scotland? What representations will the Scottish Government make to the Ministry of Defence, to ensure that it keeps the promises that have been made to workers on the Clyde?

**The First Minister:** We will continue to argue the case for Scottish shipbuilding. The Clyde yards are—as I know from my past constituency experience—the best place in the whole of the UK to build ships. They have an expert and dedicated workforce, as well as world-class facilities.

The promises that were made to our shipyards during the independence referendum have been watered down since then, so the member is absolutely right to say that we cannot take for granted that the UK Government will look after the interests of our shipyards. We will have to continue to make the case, and this Government will certainly do that.

**Alex Rowley (Mid Scotland and Fife) (Lab):** I think that most fair-minded people agree with the First Minister in condemning the failed austerity of the Tory Government. Given the devastating impact that austerity is having on public services and communities up and down Scotland, will the First Minister think again about using the powers of this Parliament to protect the most vulnerable in our communities?

**The First Minister:** We will use the powers of this Parliament to protect public services and the most vulnerable in our communities. That is why, for example, we will take a different position from that of the Tory Government at Westminster over a tax cut for the 10 per cent highest earners in the country. We do not think that that is the right use of resources at this time.

We also have to be mindful of the squeeze on people's living standards. We learned from a report last week that we are about to see the longest period of wage stagnation in this country since the second world war. That is what the Tory Government is inflicting on people the length and breadth of this country.

We have to take a balanced view, protecting the vulnerable, as we have always done in our mitigation of welfare cuts, making sure that we protect our public services, which we are doing, for example, through record investment in the national health service, and making sure that we take action to protect the living standards of people across our country who are struggling to make ends meet.

#### Further Devolution

**4. John Mason (Glasgow Shettleston) (SNP):** To ask the First Minister, in light of comments by the Secretary of State for Scotland, what commitments the Scottish Government has received from the United Kingdom Government

regarding the devolution of further powers. (S5F-00569)

**The First Minister (Nicola Sturgeon):** We have received no commitments at all from the UK Government regarding the devolution of further powers. We saw the comments that the Secretary of State for Scotland made at the weekend, as a result of which the finance secretary has written to the secretary of state to ask him to explain exactly to what powers he was referring. We look forward to having a discussion on that.

We await that answer. I note that when he was asked about new powers for Scotland over agriculture and fishing, the Department for Environment, Food and Rural Affairs minister told the House of Commons that they would be part of a “UK-wide framework”. That does not sound to me like new powers—and let me say that that would be simply unacceptable. We cannot allow Brexit to become a Westminster power grab, and this Government will not stand back and let that happen.

**John Mason:** The First Minister’s answer confirms my concerns. We have had warm words about further devolution from David Mundell before. The First Minister mentioned agriculture and fisheries—does she share my concerns that the UK Government has in the past used fishing as a bargaining chip and that it might well use it again?

**The First Minister:** That is a reasonable concern. From official papers, we know that the UK Government has previously considered fishing to be—and I quote—“expendable”. It sacrificed the fishing industry in exchange for wider interests and I do not think that that betrayal will be forgotten by those in the fishing industry or in the north-east of Scotland more generally. That is why I take no comfort from the prospect of a UK-wide framework on fishing. This Parliament should have no doubts that the Scottish Government will do everything that it can to protect and secure Scotland’s interests in the discussions that lie ahead, which will include ensuring that any powers coming back to Westminster from Europe do not stay in Westminster and that, as far as possible, they come to Scotland. That is what people would want us to argue for.

**Adam Tomkins (Glasgow) (Con):** The First Minister mentioned agriculture a few moments ago. Given the fiasco of the Scottish National Party’s mismanagement of common agricultural policy payments in Scotland, many of us worry about agriculture falling under the SNP’s responsibility. Why would the First Minister prefer Scottish farming to be run by Brussels and not by this Parliament?

**The First Minister:** Agriculture is within this Government’s responsibilities. What I heard from Adam Tomkins there was exactly what John Mason was expressing concern about: we are hearing the ground being prepared for the Westminster power grab that I spoke about. If there are powers in areas of devolved competence coming back from Brussels to the UK, they should not stop at Westminster—they should come direct to this Government. I hope that nobody in this Parliament would argue for anything different.

**Mike Rumbles (North East Scotland) (LD):** As we know, First Minister, agriculture is already fully devolved to the Scottish Government, although common agricultural policy farm payments worth hundreds of millions of pounds will be paid to Scottish farmers through to 2020. Once that ends, we should be free to design our own system of farm payments. I have been asking this for a long time: will the Scottish Government now set up a specialist group to design options for how our funding should be spent in Scotland post-2020?

**The First Minister:** We will consider all options and we will talk to stakeholders in the agricultural industry and in other industries that are affected by the Brexit vote. We have given commitments to our farming community about CAP payments over the next few years.

There is a pretty fundamental question here that we have to settle first—I hope that we have the support of Mike Rumbles and the Liberal Democrats on it—as we do not even have a commitment that Scotland’s share of that funding will come to Scotland. Let us do things in good order and, as we fight those battles—I fear that some will be tough battles—I hope that we will have the support of everybody in this chamber, including the Conservatives. It will not be acceptable for powers to be taken away from this Parliament or for funding that should lie with this Parliament not to be given to this Parliament, and everybody in this chamber should resist those possibilities.

### Curriculum for Excellence

**5. Liz Smith (Mid Scotland and Fife) (Con):** To ask the First Minister what the Scottish Government’s position is on the ability of the education agencies to deliver the curriculum for excellence. (S5F-00563)

**The First Minister (Nicola Sturgeon):** As I said earlier, our education agencies bring strength and benefit to education and to the curriculum for excellence. As I said in response to Ruth Davidson, we are asking some hard, fundamental questions about school education and about the best way to empower schools to improve. That is why we launched the governance review, which will look at the roles and responsibilities of those

agencies, of local government and of the Scottish Government. That is the right way forward and it is a key part of our efforts to raise attainment for all and to close the attainment gap.

**Liz Smith:** First Minister, at the Education and Skills Committee last week and again this week, the Scottish Qualifications Authority and Education Scotland admitted that significant issues have arisen about subject choice in S4, S5 and S6. Many parents and teachers have expressed concern that there has been a narrowing of subject choice because of the structure of the curriculum for excellence. Those comments were acknowledged by John Swinney in a parliamentary answer that he gave on 9 June. What is the First Minister doing to address that concern, given the serious implications for college, university and job applications?

**The First Minister:** Subject choices are largely determined at school level. We want to make sure that all young people get access to the qualifications that they want and are able to take to best equip them for the further education, the higher education and the job opportunities that lie ahead. We will talk to and discuss any concerns about that with the SQA, Education Scotland, parents or any other part of the education system. As John Swinney has been doing—around the bureaucracy in and the governance of our schools, by getting extra money into areas of greatest need to help us to raise attainment—we will respond positively to all those issues.

**Jenny Gilruth (Mid Fife and Glenrothes) (SNP):** Although the governance review sets out to empower local communities and schools, thereby creating a clear national framework, as the First Minister has outlined, it also sets out proposals to strengthen the middle. What role is envisaged for local authorities in doing that?

**The First Minister:** The Organisation for Economic Co-operation and Development review that was published about this time last year recommended the strengthening of the middle—the tier of education governance that lies between national Government and schools. That means, among other things, considering the role of local authorities and agencies in leading and supporting improvement—exactly what we have been talking about.

I agree with the OECD that increased collaboration and greater leadership in the middle tier is essential to support our ambition of raising standards and closing the attainment gap. Consequently, the governance review has included the questions of, for example, how school clusters should operate and how councils can collaborate regionally to improve school performance and education.

All those live issues are being looked at under the governance review. I repeat my hope that all members with an interest in this policy area contribute to the review, because the Government looks forward to taking forward its findings early in the new year.

**Iain Gray (East Lothian) (Lab):** The First Minister has repeatedly prayed in aid the Scottish Government's school governance review. That review is about centralising control of schools and their budgets away from local authorities. Will she explain how that will address the problem of the dysfunctionality of the SQA, and of Education Scotland, which was laid bare in the Education and Skills Committee this week?

**The First Minister:** This is one of the really depressing things about these debates. We have a consensus—albeit that we might have disagreements about how to do things—that we need reform in our education system to tackle some of the problems and to drive up standards. We have published a review to have an open, honest and fundamental look at our school governance. At the heart of the review and the basis on which it is being progressed is a presumption—I think that it is on the front page; it might even be in the Deputy First Minister's foreword—that roles and responsibilities lie at individual school level. It is about the opposite of centralisation; it is about decentralising power down to individual schools.

I recognise the matter as a priority area not just for the Government, but for parties across this chamber, so let us have a grown-up debate about how to take forward our schools and education system and not immediately indulge in default opposition and sloganeering around it.

#### **National Health Service (Workforce)**

6. **Anas Sarwar (Glasgow) (Lab):** To ask the First Minister what steps the Scottish Government is taking to address workforce issues in the NHS. (S5F-00580)

**The First Minister (Nicola Sturgeon):** We appreciate the achievements of all our NHS Scotland staff in delivering safe, high-quality health and care services day in and day out to the people of Scotland. Staffing has increased to historically high levels, with more than 11,000 additional staff since the Government took office, including more than 2,000 more qualified nurses and midwives and more than 1,500 more consultants. We are also producing a national health and social care workforce plan to discuss with staff how we ensure the right numbers and mix of skills across acute and community health services. The plan builds on the creation of our nursing and midwifery workload and workforce



planning tools, which have helped to drive increases in the nursing establishment.

**Anas Sarwar:** Despite the First Minister's warm words, after 10 years of this Government, the reality is very different. Under this Government and this Cabinet Secretary for Health and Sport, nine out of 10 nurses say that their workload is getting worse and one in three nurses say that there are not enough of them to do their jobs properly. There has been a failure to plan the workforce properly. Nursing vacancies are up; midwifery vacancies are up; general practitioner vacancies are up; consultant vacancies are up; waiting times are up; the number of failed standards are up; and private spend is up, too. When will the First Minister wake up, take responsibility and act for our NHS?

**The First Minister:** Anas Sarwar may like to ignore the fact, or pretend that it does not exist, that 11,000 more people—including more than 2,000 extra nurses—are working in our NHS now than there were when this Government took office. Record numbers of staff are working in our health service.

Yes, those staff are working hard, and they work under pressure because of the rising demand for health services, which is largely due to the ageing population. That is why we are not saying, "Job done." We are continuing to invest more and more in our health service, so that we can employ more staff and reform services in order to build up social care, primary care and mental health services in the community and take the pressure off our acute services.

A lot of work has still to be done on that—I would not say otherwise. However, our health service is performing well. It is performing better on many key indicators than health services in any other part of the United Kingdom, so let us get behind those who work in our health services, get behind the Government's investment plans and get behind the Government's reform plans. Every time that we bring forward a proposal for reform, Anas Sarwar and his colleagues oppose it. Labour has no ideas. The level of funding that it promised is the lowest of all the parties and it is completely bereft of any positive contribution to the debate. As long as that remains the case, we will get on with doing the hard work for Scotland's patients.

### Dublin Visit

**7. Emma Harper (South Scotland) (SNP):** To ask the First Minister whether she will provide an update following her visit to Dublin. (S5F-00581)

**The First Minister (Nicola Sturgeon):** The purpose of the visit to Dublin was to build on the already strong economic, cultural and political links that exist between Scotland and Ireland.

Following a meeting with the Taoiseach, Enda Kenny, at the British-Irish Council last week, I met in Dublin Ireland's President, Deputy Prime Minister and Minister for Foreign Affairs and Trade to discuss continued co-operation on a range of issues.

I also engaged with more than 120 Ireland-based business chief executives at an event hosted by Ireland's national business confederation, to stress that Scotland remains open for business and will continue to be an attractive place in which to invest.

I had the privilege of addressing the Seanad, which is the upper house of the Irish Parliament, to stress again the close links between Scotland and Ireland that I hope we will see flourish in the years to come.

**Emma Harper:** Despite the howls of horror from Murdo Fraser and other Tories that Scotland would dare to engage directly with another country on matters of mutual interest, is it not the case that closer Irish-Scottish co-operation could create significant opportunities for both nations? Is it not clear that other European Union countries increasingly want to engage with an internationalist Scottish Government as the United Kingdom Government's focus becomes more narrow and isolationist?

**The First Minister:** Yes. Most people whom I spoke to in Ireland at the start of the week are horrified at the direction that the UK Government is taking. We must remember that the Brexit vote did not just disregard the interests and views of people in Scotland; it also completely disregarded the implications of Brexit for the Irish peace process and the Good Friday agreement, which are issues of real concern to the people of Ireland. They now have to work through them in order to deal with the negligence and recklessness of a Tory Government that was not interested in those issues during the referendum campaign.

Whether to Ireland or any other part of the EU, it is important that we give a message on Scotland's behalf that Scotland is open, internationalist and outward looking, and that we want to work with other independent countries for the common good. Right now, the Westminster Government is giving the completely opposite message, which is why it is more important than ever that we take Scotland's message to Europe and the world.

**Lewis Macdonald (North East Scotland) (Lab):** For the avoidance of doubt, will the First Minister tell us whether she had any formal discussions on Brexit with the Irish Government in Dublin this week?

**The First Minister:** Brexit featured in pretty much every discussion that I had: Government-wise, politician-wise, economy-wise and in every

other sense. The Irish Government, like other European Governments, is not formally negotiating with the UK or any part of the UK before the triggering of article 50. That position is, or certainly should be, well known.

In Ireland, as in other countries that we have been speaking to, it was recognised that it is important that Scotland's position is understood and that there is an awareness that in the United Kingdom we are not all right-wing Brexiteers like the Conservative Government and that there are people who want to continue to build relationships and to work co-operatively with other countries across Europe. I would be proud to continue to send that message across Europe, and I hope that, even if we do not get support from the Tories on that, we get support from the Labour benches.

## Small Business Saturday

**The Presiding Officer (Ken Macintosh):** The next item of business is a members' business debate on motion S5M-02359, in the name of Ash Denham, on small business Saturday. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament recognises 3 December 2016 as Small Business Saturday; acknowledges that Small Business Saturday UK is a grassroots, non-commercial campaign, which highlights small business success and encourages consumers to "shop local" and support small businesses in communities in the Lothian region and across Scotland and the UK; understands that, in 2015, customers spent £623 million with small businesses on Small Business Saturday, which was a 24% increase from 2014, and notes the calls on Members to encourage local businesses to get involved and register on the website for promotion, to share their support on social media in the lead up to the day, and to arrange visits to small businesses in their constituencies and request media engagement with these visits in order to raise consumer awareness locally.

12:47

**Ash Denham (Edinburgh Eastern) (SNP):** This Saturday marks the annual small business Saturday. Small business Saturday UK is a grassroots, non-commercial campaign that brings attention to and encourages consumers to support local small businesses in their own communities. First, I thank all members across the chamber who will support the motion by speaking about small business today. From my Scottish National Party colleagues, Gillian Martin will speak about the importance of local support networks to small businesses, and Ivan McKee will speak about how to promote and grow small businesses. I will speak about my connection to small businesses through some of the small businesses that my family have run.

As the small business Saturday UK campaign also offers workshops to help inspire and support newer start-ups as well as existing small businesses, it can provide business skills to local communities to help them develop. Participating in small business Saturday is completely free to all small businesses that wish to get involved, and the evidence suggests that doing so would be worth while. Indeed, the Federation of Small Businesses supports small business Saturday's aim of celebrating and supporting small businesses and local communities. The event originated in the United States in 2010 but, since the campaign began in the United Kingdom in 2013, there has been an increase in support for small businesses across the country as a result. In 2015, customers spent £623 million on small business Saturday, and 16.5 million adults went out to support small businesses.

Why do we need to encourage people to support the small businesses near them? They are a very important part of our economy. Ninety-eight per cent of businesses in Scotland are small; they employ more than 880,000 people and, in turn, generate more than £75 million for the Scottish economy each year. Small businesses account for 42 per cent of private sector employment and 27 per cent of private sector turnover. Moreover, they are growing: since 2010, they have created an additional 85,000 jobs.

Because of the expertise and culture that small business owners can bring to their communities, it is not a surprise that many local economies are being led by smaller businesses. The top four areas in Scotland with the highest percentages of small firms are Aberdeenshire, on 96 per cent; Orkney, on 95 per cent; and the Borders and Shetland, which are tied on 94 per cent.

After last year's small business Saturday, many small businesses saw major increases in their sales and publicity. Alice Malcolm Green, the founder of Wick & Tallow, which is a scented candle company, said that her takings on that Saturday were about £1,000, which is double what that company normally makes on a Saturday. The campaign director, Michelle Ovens, said:

"The British public has a great affection for small businesses and we continue to see that grow year on year ... Although the campaign focuses on one day, the goal is to have a lasting impact on small businesses by changing mind-sets, so that people make it their mission to support small businesses all year round."

I am planning a visit to a popular gift shop called Two Sisters in Portobello, which is a small business in my constituency. I am sure that many MSPs are planning to visit small businesses in their local areas.

My interest in and recognition of small businesses and the people who work to make them successful lie in the fact that some of my family members have run small businesses and that I worked in several small businesses that were run by others when I was at school and was a student. In fact, my first ever real job was in a small business—the Boathouse cafe in Instow, where I learned to take lunch orders from the customers and make creditable cups of coffee, I hope, when I was 14 years old. A few years after that, I worked for a small independent food store in Barnstaple.

Small businesses are in my blood. In the early 1980s, my father ran a video shop in Biggar. One side of the shop was for VHS videos and the other side of it was for Betamax videos. That makes me seem quite old. I think that that shop is to blame for the fact that I have a lifelong fear of sharks, as I snuck out a copy of the movie "Jaws" when I was probably much too young to watch it.

Around the same time, my parents had a kilt shop in Glasgow. My sister and I, who were quite young at the time, would spend our Saturdays in it. Sometimes, we were fed ice creams to keep us busy, and we watched people picking out kilts and accessories. That is the only explanation that I can think of for what happened a while later, when we moved down to England. My mother bizarrely decided to send me—a girl with red hair and a Scottish accent at that time—to my first day at my new school in Devon dressed in a kilt. I did not blend in quite as much as I had hoped to.

My mother finished up her working life running a small horticulture business with her husband. His horticulture skills and her design skills won them a Royal Horticultural Society gold medal, and they toured round the UK and France selling clematis at shows such as the Hampton Court flower show.

My grandparents also ran a successful small business for many years at the latter end of their careers. Anne's sweet shop in Cumbernauld was a popular destination for many Cumbernauld kids and adults in the 1980s and 1990s. As a young teenager, it was absolutely great to have a granny with a sweet shop. I sometimes worked there in the holidays serving customers. Sometimes, I went to the cash-and-carry to buy stock. I occasionally ate the profits.

Those experiences meant that I saw at first hand how much hard work, self-belief and determination are often involved in running a business, but also how much satisfaction and what a sense of achievement small business owners derive from their businesses.

We should all try to shop local as much as we can. We should try to support the businesses in our local communities, because the money that is spent on a locally owned business is much more likely to stay in the community. We know that independent shops and other small businesses can struggle to compete in a market that is increasingly dominated by the big players, such as the larger supermarkets and Amazon in the online marketplace. If we do not support our local businesses, we will lose them.

I urge anybody who is listening to go along to a small business this Saturday and have a look. They might well be surprised.

12:54

**Alison Johnstone (Lothian) (Green):** I congratulate Ash Denham on using time in the chamber today to speak about the importance of small businesses, and small business Saturday in particular.

I first learned about small business Saturday at a launch event in Edinburgh's city chambers a

year or so ago, at which we heard from different suppliers and from Michelle Ovens about why it is important to support this event. Many small businesses rely immensely on what happens this month in the run-up to Christmas. It really can give them a boost that sets the scene for the year ahead.

The small business Saturday campaign has conducted a UK bus tour. At the end of last month, the bus stopped in Edinburgh's Grassmarket and gave people an opportunity to learn more about it.

On last year's small business Saturday, there was a 24 per cent increase in business compared to the amount of business on that day in 2014. When polled, 46 per cent of people who shopped on small business Saturday in a small local business said that they had done so specifically because they wanted to support the event.

I had an absolutely fabulous time on small business Saturday last year. I went to a small shop in Tollcross called Dandelion & Ginger—I am wearing the scarf that I bought there on that day. Going to such a shop provides an experience that it is impossible to get in a chain store. I have to say that the refreshments that were provided on that day were first class, and I was introduced to a drink that I had not sampled previously—I will not go into further detail but, suffice to say, it has become a favourite at home. The choice of produce is remarkable. The shop has organic and sustainable goods, ethically traded goods, Fairtrade goods, handmade items and so on. The shop is beautiful and the really warm staff understand what they are selling and why they are selling it. It is one of my favourite shops, and I will certainly return to it.

In the Edinburgh Bookshop in Bruntsfield, we have one of the best bookshops that anyone could ever pop into. It won the UK children's bookshop of the year award in 2014, it was named Scottish independent bookstore of the year in 2014 and 2015, it won the Scottish independent retail award for the best bookshop in 2015 and who knows what will happen this year.

Those two stores serve as examples of what we have on our doorstep and what we miss out on if we pass them by. I think that more people are shunning big businesses in favour of small independent businesses in order to take advantage of that diversity and for many other good reasons—the small business will have paid its tax bill, or it would not be on the high street; people are able to get quirky, one-off gifts while helping to build a sense of community; and it is possible to get a better deal. Further, shopping in those stores certainly does the local economy some good—as Ash Denham noted, a pound that is spent in the local economy is far more likely to

stay in the local economy rather than ending up boosting some shareholder's bank account.

The New Economics Foundation has produced two fabulous reports in this area: "Ghost Town Britain", which dealt with the demise of the high street, and the recent "Clone Town Britain", which speaks about the deep unease that people have about the increasing uniformity of high streets. Ash Denham was right to say that if we do not use these businesses we will lose them. It is fair to say that, in terms of shopping, there is little to distinguish Princes Street from high streets across the globe. We have an opportunity to ensure that that does not happen to our local high streets. I will certainly do all that I can to encourage local businesses in Lothian to register with and take part in the campaign, and members of this Parliament can do all that we can to publicise the efforts of those whose friendship we will make this coming small business Saturday.

I thank the Presiding Officer for letting me speak early in the debate, and apologise for the fact that I will have to leave early due to another commitment.

12:58

**Rachael Hamilton (South Scotland) (Con):**

Today, we recognise the importance of successful local economies and the role of small businesses. Being small can lead to an inferiority complex, particularly for men, but that is not the case for thousands of businesses that are participating in small business Saturday—they love small, and they love being different.

This Saturday, high streets in towns and villages will join in small business Saturday. Shopping locally is so civilised compared to promotional events such as black Friday and cyber Monday, which consist of a scrum in a large chain store for cut-price goods or a disappointing hour spent shopping on a computer for items that will end up in a charity shop—that is if the website does not crash before the items go into the online basket. For some UK retailers, discounting over the last weekend in November has become an unwelcome addition to the sales calendar. Far from boosting net sales, it has dented Christmas trading.

I want to mention a couple of local businesses in the south of Scotland. A Hume is an award-winning outfitters based in Kelso that successfully sells ladies' and men's country clothing. It also has a global online presence with a packing and processing office based in the building. Small business Saturday represents what people like Karen and Archie Hume are about. They are independent, they offer a personal service and go that extra mile. They have friendly staff and lots of niche brands that are not readily available on the

high street. Shoppers can find something different, and they feel a sense of satisfaction about buying locally and knowing that, if they shop locally, they will support a sustainable community.

This Saturday, Kelso town centre will also offer the convenience of free and accessible town street parking. Retailers in Kelso support a variety of local community groups by giving raffle and auction prizes to local events and advertising at sports clubs.

Small retailers in the region that I represent have told me that they struggle to pay rents and bills, their cash flow is seasonal and weather dependent, and recruitment is difficult because many school leavers pack up and leave their roots to seek higher wages. It is this very lifeblood that we in the Scottish Parliament must support.

Retail employs 252,000 people in Scotland and is the country's largest private sector employer. Small businesses have a key role in bridging the gap between business and education to develop our young workforce. Small retailers such as Hume's provide most of the employment opportunities in rural locations and they believe that owning a business in a small community is a two-way process. Hume's way of giving back to the community is to offer work experience pupils from Kelso high school a chance to trial the world of retail.

The Scottish Government has a target of cutting youth unemployment by 40 per cent by 2021. According to a Federation of Small Businesses study, 60 per cent of small businesses do not engage with schools. On the other hand, 38 per cent of firms say that skills shortages are a barrier to growth. Small business Saturday can effectively open up opportunities for business owners to work with schools to communicate their needs.

On Saturday, I will visit a small business called Present Perfect in Melrose. This gift shop will benefit from small business Saturday because its business will be promoted on a larger platform than its normal advertising budget can afford. On that particular day, local authorities are fully supportive, and offer customers free parking, which will incentivise shoppers to shop locally. Many towns have serious parking issues. Since the decriminalisation of parking, finding a space has been difficult and, in frustration, shoppers have headed to places such as Fort Kinnaird retail park, ditching their local high street.

I fully endorse Ash Denham's motion, and I hope that more businesses will piggyback on the success of small business Saturday to build resilient communities. I hope that this UK-wide activity will maximise the potential of small businesses in the run-up to Christmas, create local

demand, sustain jobs and boost confidence in the retail sector.

13:02

**Jackie Baillie (Dumbarton) (Lab):** I start by congratulating Ash Denham on securing this timely debate and on her excellent speech.

Small business Saturday is a grass-roots campaign that is all about highlighting small business success and encouraging people to shop local and, in particular, to support small businesses in our communities. This is the third year of the campaign and I have participated in each and every year, and it has been more fun each time. I have no doubt that this year's small business Saturday will be an astounding success in my local community, across Scotland and across the UK.

Ash Denham spoke about the stand-out statistic, and it is worth repeating: of the 350,000 private sector businesses in Scotland, an overwhelming 98 per cent are small. Small and medium-sized enterprises are really important to the Scottish economy, employing something like 888,000 people. They are important to my local economy and to my high street.

However, we should acknowledge that it is hard out there. Our shopping habits are changing. Some people prefer to shop online or at out-of-town retail centres, and the consequence of that can be seen in our high streets and town centres. If we want to reverse that trend, we have a choice: to shop local, not just at this time of year but all year round. Let us not moan about the high street having too many empty shops and then go somewhere else to do our shopping; let us make a commitment to spend more of our money locally.

In my area, the councils are taking action. In Helensburgh last weekend, there was a hugely successful winter festival that was attended by thousands of people, and I confess that I spent far too much money. The event was organised by volunteers, many of whom came from the chambers of commerce and some of whom were elected members, and it took place in the heart of the town, which Argyll and Bute Council redeveloped. In Dumbarton, the council is moving its headquarters into the town, bringing new footfall from more than 600 members of staff to the town centre. Already, on the back of that promise, we are seeing new small businesses starting up. Those are just some of the practical things that councils in my local area are doing to help.

We also need to record our thanks to the FSB, to local chambers of commerce and to the volunteers who sit—day in, day out—on town centre forums to support small businesses and our high streets. We know that small businesses

provide jobs. They provide products and services, too, and they contribute to our local infrastructure and the diversity of shops on our high streets. Let us recognise the achievements of our small businesses in growing our local economies, let us encourage shoppers to return to our high streets and to use small shops, and let us put small businesses centre stage this Saturday.

Last year's event had a huge impact, raising support and boosting sales for local entrepreneurs across a wide range of sectors. Consumers spent £623 million with small businesses, which was an increase of a quarter on the year before. Let us do even better this year. Nationwide, small business Saturday trended number 1 on Twitter that day, with something like 100,000 tweets sent out, which reached more than 25 million people. Let us do even better this Saturday.

I will be live tweeting—although I might not have as many followers as other members—when I visit Callaghan's, a local butcher in Helensburgh where, I am told, I can get the best steak pie in the entire area. I am sure that Maurice Corry agrees with that. I will then visit Lily's florist, in Alexandria, whose blooms have graced many a celebration. Finally, I will visit Wilkie & Rider, a locally owned optician's in Dumbarton. I can tell you now that I will probably end up bringing home a steak pie, some stunning flowers and perhaps a new pair of glasses with which to read all our committee papers.

Wherever we are on Saturday, let us get everyone involved in supporting our small businesses—on social media, in the press and on our high streets. Let us celebrate the incredible work of small business owners and their staff, because small businesses do make a big difference.

13:07

**Ivan McKee (Glasgow Provan) (SNP):** I thank Ash Denham for bringing to the chamber this debate on a very important issue. I also thank small business Saturday UK for organising the event, which is now in its third year, and the Federation of Small Businesses for the support that it has given to the event and that it gives to small businesses in a variety of ways all year long.

As several members have said, the importance of small businesses to the Scottish economy is significant, with 98 per cent of businesses being classed as small—that is, having fewer than 50 employees, although across Scotland they employ almost 900,000 people. I will concentrate on, first, how we can grow more new businesses and, secondly, how we can work with existing businesses to help them to grow and contribute more to the economy.

The number of small businesses in Scotland has been increasing in recent years, and there are now more than 300,000 private sector businesses, but we have still got a way to go and can do more to encourage more people to start up their own businesses. Many small businesses are family concerns that are passed down from generation to generation, but many others are start-ups. Those could involve young people who have recently finished their education and have a good idea to pursue; parents who have raised their children, are returning to the labour market and want to start their own business rather than work in a standard job; or people who are made redundant later in life, have a bit more experience and have the opportunity to market their skills and talents. That happened to me at the age of 40 and I started my own small business. It was one of the best things that has ever happened to me.

Education is important to support that, and we could do more to encourage the development of entrepreneurial skills early in the education system, explaining the mechanics of how to start and operate a business. Young people might not go on to start a business immediately; they might decide to do so later in life, using the knowledge that they gained through that process. Such education gives members of the general population a better understanding of the issues that small businesses face.

Secondly, I want to talk about how we can help small businesses to grow. Not all small businesses want to grow to be world beaters; many are quite content to stay at their current size. However, many small businesses do want to grow, and we should encourage that. We must remember that all big businesses started off as small businesses. Through that growth process, we generate more jobs and more finance to support our economy.

It is important to understand that part of that process involves failure—I have been involved in a couple of business failures in my time. The process of trying something, it not working, learning from that and coming back to do something else is extremely important. That applies across a range of things, whether it be a high-tech start-up that some graduates have figured out, which leverages on the great academic institutions that we have in this country; somebody identifying a niche market, seeing an opportunity in an area in which no one is operating or figuring out a better way of delivering a product or service; or simply someone delivering on their small business ideas through instinct and hard work.

Small business Saturday gives us as MSPs opportunities to engage with small businesses in our community. As someone who comes from a business background, I have made a point of

doing that—I have visited many small businesses throughout the course of the year and not just at this time of year. The initiative allows us to keep the focus on small businesses and on the important part that they play in helping to grow Scotland's economy.

13:11

**Liam Kerr (North East Scotland) (Con):** I am delighted to speak in this debate on small business Saturday, and I thank Ash Denham for lodging her motion.

Napoleon once called this country a nation of shopkeepers as an insult, but it is a badge of honour, for nothing strikes at the heart of who we are as a people more than our traditional high streets, and it is the small business that makes our high streets what they are.

As Ash Denham said, 96 per cent of businesses in Aberdeenshire are classed as small. As a representative of North East Scotland, I am always delighted to walk through the high streets of Inverurie, Banchory, Stonehaven, Forfar and Peterhead, which are places where small businesses still dominate the retail landscape.

Many of those businesses have already visited [smallbusinessaturdayuk.com](http://smallbusinessaturdayuk.com) to sign their businesses up for free and without obligation. By visiting [smallbusinessaturdayuk.com](http://smallbusinessaturdayuk.com), they have been able to advertise their business using logos and the twitter hashtag #smallbizsatuk. That allows me, as a customer, to simply go to [smallbusinessaturdayuk.com](http://smallbusinessaturdayuk.com), type in the town that I am going to be in on Saturday and find a local business to support.

For example, I will be in Broughty Ferry this Saturday morning and, by visiting [smallbusinessaturdayuk.com](http://smallbusinessaturdayuk.com), I found Prego Boutique and Gregory Pecks Optician, which I shall be visiting among others. The same website also allowed me to plan on the way back up the road to pop by The Frockerly in Forfar and Fancy That? in Edzell for vintage fashion just in time for Christmas, and I will probably stop by Angus Video Games in Brechin to pick up something for my nephew. [smallbusinessaturdayuk.com](http://smallbusinessaturdayuk.com) has businesses all over my region, right up to Banff, where I am delighted to see my old friend Ian MacDonald of Buccaneer chandlery listed.

As a number of members have said, these are difficult times for our small businesses. Internet shopping rises year on year, and big chains offer ever more inventive discounts and sales. Black Friday, which did not even exist this side of the Atlantic three years ago, now stretches to a week, and the continued development of “shopping mall experiences” offers not only shops but a day out

for all the family, which includes a trip to the cinema and the like.

Our small businesses are the lifeblood of the UK—15 million people in the UK are directly employed by them and they have a turnover of £1.75 trillion—so let us congratulate the small business Saturday team, its corporate supporters and the Federation of Small Businesses on the incredible work that they do every year on the initiative.

I would like to look at some of the stats from small business Saturday last year, as Jackie Baillie did earlier. Across the UK, customers spent £623 million with small businesses, which represented an increase of £119 million, or 24 per cent, on 2014, and #smallbizsatuk trended at number 1 all day, with more than 100,000 tweets being sent in support of the day, which reached more than 25 million people. More than 75 per cent of local councils actively supported the campaign and delivered on-the-ground activities, including free parking, Christmas fairs and small business networking events.

All that is why I am delighted to support small business Saturday this weekend. I wish all small businesses a very successful day and urge every member of the Parliament—and everyone outside it who can—to go to [smallbusinessaturdayuk.com](http://smallbusinessaturdayuk.com) and support their local small businesses, not just this Saturday but the whole year round.

13:15

**Daniel Johnson (Edinburgh Southern) (Lab):** It is a huge pleasure to speak in this debate on small business, although it presents me with a small challenge: normally, we have to declare our interests and, given that my former job was being the managing director of a group of small shops, my whole speech will be something of a declaration of interests. To set your disquiet to one side, Presiding Officer, I should probably make a disclaimer: if I seem at any point to imply that there is only one small shop from which members can buy their Christmas presents, please be assured that there are plenty of other small businesses at which one can do one's Christmas shopping.

I thank Ash Denham for bringing the debate to the Parliament. Small business Saturday is a hugely important event, and I am hugely passionate about small businesses, which are hugely important. It is easy to talk in statistics and numbers, but I am passionate about small businesses because they are about people. They are creative, individual, interesting and—above all else—fun. They are fun places to work in and fun businesses to run.

I love my new job of being an MSP, but I have to say that a small bit of me misses my old job. I miss the ability to strike out and do new, creative things and to implement my innovations straight away without having to go through processes or check with other people.

However, I am hugely thankful that I represent an area that has such a rich variety of creative shops and businesses. Alison Johnstone, who is no longer in the chamber, namechecked the Edinburgh Bookshop, but there is a huge number of others. I will visit Tippi, which is also in Bruntsfield, and, later, Clementine Home and Gifts. I am also pleased that, as a member of the Scottish Parliament, I continue my membership of the FSB, because we should support small businesses more than once a year.

Small businesses bring much to our economy, in three key dimensions. First, they enable their owners to do new and interesting things. They empower people to strike out and realise their innovations and ideas. In that way, they are genuinely an engine of innovation. I was quite amused when, the other week, Keith Brown talked about his father's garage being stuffed full of all sorts of items that he was trying to sell. That struck a chord with me, because my dad was fond of describing how, in the late 1970s, he brought in Russia-made stools, sold them at a remarkable price and, in his own small way, helped with perestroika at an early stage.

Small businesses are great places for employees. Working in a small business is like working in a family. Small businesses can also provide empowerment. For example, in my business, every member of staff was able to be involved in ordering and buying. If members talk to people who work in large retailers, they will find that those people get locked out of those processes. To be frank, even store managers in large supermarkets do not have much input into ordering.

Above all else, small businesses are great places for customers. They are places where we can buy innovative products—things that we cannot find anywhere else. We find shops that are genuinely individual and tell their own story in a way that a chain store never does.

However, small businesses face challenges. It is worth reflecting on the fact that the name black Friday comes from the point in the year when many retail businesses start to make a profit. Throughout the rest of the year, they trade at a loss. Running a small retail business is tough. Rent, payroll and rates are all challenges. The small business bonus scheme is welcome, but because the savings are capped at £4,500, we still need a review of non-domestic rates.

Above all else, technology poses a huge challenge to businesses. I encourage the Scottish Government to look at ways in which we can support small businesses to adapt to and adopt technology, so that all our small businesses can take advantage of it.

I am running out of time—I could talk for ever about small businesses—so I will stop there, but I am pleased to be supporting small business Saturday this Saturday.

13:20

**Gillian Martin (Aberdeenshire East) (SNP):** I thank my friend Ash Denham for bringing this members' business debate to the chamber. It is good to see so many members taking part, using it as a good excuse to namecheck small businesses in their communities and, of course, repeatedly namechecking websites as well, Mr Kerr.

I will pay tribute to a small but growing group of female entrepreneurs who I have been happy to spend time with recently—they are the north-east Scotland ladies in business, or NESLIB for short. NESLIB was set up to provide support and networking opportunities to women who are setting up in business. The first steps into business are possibly the most important; such networks offer advice and support and play a vital role.

Further afield, I point to a recent project that Women's Enterprise Scotland ran Scotland-wide. Over 10 weeks, it worked with the spouses of soldiers in the Edinburgh barracks to assist them in setting up in business. Two of those women came to Parliament to tell us about their burgeoning trading businesses at the cross-party group on women in enterprise, which I convene, with Jackie Baillie as the deputy convener. The hothousing approach of WES in that scheme unlocked economic participation by people who would have found it difficult otherwise, and the organisation is looking to roll out more such projects to women who have entrepreneurial potential but who are currently economically inactive.

Perhaps among those women are potential small business successes such as Ellon's Johanna Basford, who was this week honoured with an OBE for her services to entrepreneurship and art. She is the pioneer of adult colouring books and her books sell worldwide. A simple idea that was born out of someone's talent and passion for art has turned into a global business that operates from a small studio near Ellon.

I pay tribute to Inverurie business association. Its efforts to support local businesses have kept Inverurie as one of Scotland's most successful market towns; it is a local shopping hub and has a



vibrant town centre, despite competition from the internet and the pull of the inner-city shopping centres.

Small businesses in Inverurie have launched a business improvement district programme. A BID is a collaboration of all local businesses, which work together to improve a town's environment for business and to improve the town centre. Businesses achieve that by agreeing to invest collectively to improve the trading environment over a fixed period, for the town's benefit.

I congratulate north-east businesses on their buy north-east campaign, which has been hugely successful in getting out the message that it is important to support local businesses, particularly in the run-up to Christmas. I have been particularly impressed by the work that Fennel Media has done in Inverurie. It has made terrific short films to encourage us all to support local small businesses through social media by using the hashtags #eatlocal, which has showcased all the local restaurants, and #shoplocal, which has showcased all the local businesses that have been involved. After the debate, I will share those films again on my social media pages. Other towns can learn a lot from that innovative approach.

Jackie Baillie mentioned that West Dunbartonshire Council will be moving its headquarters into the centre of Dumbarton. That reminded me of the potential move of Aberdeenshire Council's headquarters from Aberdeen city into Inverurie and of what that could mean for businesses in Inverurie. That would be a tremendous boost to our local economy and I will get behind and support moves to make that a reality.

Small businesses power the Scottish economy. I ask people to support small businesses as they begin their Christmas shopping this Saturday and throughout the year. Why not start by joining me at Glen Garioch distillery this Saturday? I am not going there for the reasons that members think—although that might be part of it. Glen Garioch distillery—which, incidentally, is the easternmost distillery in the whole of Scotland—is hosting a group of micro-businesses that will be showcasing all their wares in the rare fayre. That is what I will do this Saturday to support micro-businesses that work in my community.

13:24

**The Minister for Local Government and Housing (Kevin Stewart):** I thank Ash Denham for bringing this debate on small business Saturday to the chamber, and I also thank all the members who have taken part. I apologise to Mr Johnson for missing a bit of his speech because my back went into spasm. That shows that I

should visit a small business—Dana Blyth Therapies—because I have not been there for a while and Dana Blyth is the best at fixing my back.

We have had a glimpse today of the fantastic range of small businesses across Scotland, and the debate has helped to demonstrate their variety and the vital contribution that they make to the economy. I now know that Ash Denham is afraid of sharks, that Alison Johnstone will not tell us what she drinks and that there is an optician out there called Gregory Pecks—a big tick for humour there.

I come from a small business background. My father had an ice cream van when I was very young—it is one of the reasons why I do not eat ice cream any more—and then we had a family corner shop for a while, so I understand the difficulties that often exist in running small businesses and why it is so important for communities to support the businesses on their doorstep.

The Scottish Government welcomes small business Saturday—[smallbusinessaturdayuk.com](http://smallbusinessaturdayuk.com) to Mr Kerr—because the campaign encourages people to support the local businesses that are so important to all our local communities. It is a great example of partnership working across the public, private and community sectors and I welcome the commitment to the campaign of the Federation of Small Businesses, Business Improvement Districts Scotland and our local authority partners, including business gateway.

Last year, as has been mentioned, some £623 million was spent with small independent businesses on small business Saturday. That is to be applauded. However, beyond the spend on the day, we must ensure that folk are encouraged to buy locally all the time. Gillian Martin highlighted the current buy north-east campaign, but this is not all about shopping locally; it is also about supporting other local businesses throughout the year. Plumbers, electricians and other tradespeople also deserve our support.

Many folk work tirelessly on the campaign throughout the year. In September, we saw its Scottish launch in Haddington at Black & Gold, which produces cold-pressed rapeseed oil, and in October, the campaign bus made the first stop on its UK-wide tour in Aberdeen. I was there, along with Andy Willox of the Federation of Small Businesses, and we watched local artist Shelagh Swanson try to paint a picture on what was a very wet day—she did very well. The bus has also been to Edinburgh and Stirling and I know that there was much support there, too.

Small business Saturday highlights a range of small businesses throughout the year in the small

biz 100, and seven Scottish businesses have been featured—they are from Kelso, Falkirk, Durness, Inverurie, Glasgow and Edinburgh. The businesses operate in sectors that range from food and drink to beauty products.

Like other members, I plan to be out and about on small business Saturday, although I will not be in my constituency that day. I will be in Perth, so I will have to do lots of spending in my constituency tomorrow—I will probably start with Thain's Bakery. Members can be assured that I will also sample some of Perth's finest wares when I am there on Saturday. I know that the Minister for Business, Innovation and Energy has plans to visit businesses in his constituency, and he has been active in encouraging other MSPs to visit businesses in their constituencies.

I hope that this year's small business Saturday will build on the success of previous years in raising the profile of small businesses the length and breadth of Scotland. The debate has made clear what a vital part of our economy small businesses are. More than 344,000 small businesses operate in Scotland and provide an estimated 887,000 jobs across the country. Those jobs are in local communities and contribute to inclusive growth and prosperity.

We celebrate the successes of small businesses, but we know that it is not always easy to run a small business. We are well aware of the challenges that are faced every day. As a Government, we are committed to helping small business to grow. We want to ensure that Scotland is the best place to do business in.

We offer a range of support to help small businesses through the business gateway and our enterprise agencies. Business gateway offers a first point of contact for all publicly funded advice to all businesses in Scotland. Last year, it supported more than 9,000 businesses to start up, which is estimated to have created nearly 10,000 jobs, with an additional 11,000 businesses benefiting from growth and local expert support.

We are also delivering the most competitive business tax environment anywhere in the UK. The small business bonus scheme removes or substantially reduces rates bills for more than 100,000 properties. That is why the FSB has said that the scheme continues to give most Scottish small firms a competitive advantage over their counterparts in other parts of the UK.

We know that many of our small businesses are based in town centres. The independent national review of town centres in 2013 helped us to set a new vision for our town centres. We want to improve the vibrancy of our towns across the country and we recognise their central role in

community life as places for people to live, work, do business and socialise in.

As I am responsible for town centres and housing, I am always pleased to see new housing development in town centres, which boosts trade in those areas. I was recently in Alexandria, in Ms Baillie's constituency, to visit a new development that is in the heart of the town centre, on an area of ground that had been derelict for a long time.

I recognise the roles that Scotland's 36 operational business improvement districts play. I am glad to hear that Inverurie is also considering a BID. BIDs play an instrumental role in co-ordinating and supporting local activity, and BIDs across the country are enthusiastically supporting small business Saturday. Some have arranged special events to mark the day, including Barrhead town's first ever Christmas lights event. In my area, the Aberdeen inspired BID will bring together local businesses, elected representatives, the FSB, Aberdeen and Grampian Chamber of Commerce and business gateway to celebrate small businesses throughout the city this weekend.

I welcome the opportunity to recognise the small business Saturday campaign and to celebrate the success of small businesses across the country. I am sure that this year will build on the successes of previous years and recognise the vibrancy and vitality of our Scottish small businesses. I thank Ash Denham again for bringing the topic to the chamber and I thank all members who spoke in this important debate.

13:33

*Meeting suspended.*

14:30

*On resuming—*

## Minimum Age of Criminal Responsibility

**The Deputy Presiding Officer (Christine Grahame):** Good afternoon. The next item of business is a statement by Mark McDonald on the minimum age of criminal responsibility. As the minister will take questions at the end of his statement, there should be no interventions or interruptions.

**The Minister for Childcare and Early Years (Mark McDonald):** The Government is clear about the country that we aspire to be: a Scotland that upholds the rights of its people, including children and young people, so that they can play a full part in society. Our focus is on transforming the lives of our children and young people and on opening the doors of opportunity to all, and our aim is to make Scotland the best place to grow up and to give all our young children the best possible start in life.

That involves considering what more we can and should do to support our most vulnerable children and young people, which is why we recently announced a review of our care system. We will update Parliament on that in due course. Moreover, in last week's debate on adoption and permanence, I announced measures to help achieve secure, safe and loving homes for more children and young people more quickly, and we are leading work to improve Scotland's child protection system, including reviewing the law to ensure that it provides adequate protection against all forms of abuse, neglect, violence and harm.

For more than half a century, the legacy and influence of the Kilbrandon report have resonated through our children's hearings system and now underpin the getting it right for every child approach. We are rightly proud that, in Scotland, we continue to respond to children's deeds in the context of their needs. As our understanding of the impact of poverty, deprivation, abuse and neglect grows, we know that children and young people whose childhoods are compromised by their circumstances are also more likely to engage in risky behaviours, including behaviours that might risk their own safety as well as that of others and bring them to the attention of the police and other agencies.

That is backed up by recent research that was conducted by the Scottish Children's Reporter Administration into the backgrounds of 100 "offending" children under 12. The research showed that three quarters had previous referrals to the children's reporter; one in four had been victims of physical or sexual abuse; more than half had educational issues; and more than half had

previous long-standing involvement with children's services. The evidence tells us that children under 12 who engage in harmful behaviour are primary school-aged children who, through no fault of their own, tend to be disadvantaged, victimised and vulnerable.

We have already acted to address that by raising the minimum age of prosecution. In 2010, with support across the chamber, we changed the law to ensure that no one under 12 could ever be prosecuted or sentenced in the criminal courts. That significant reform has helped ensure that children are kept out of the criminal justice system, but those children have continued to face consequences as a result of their previous harmful behaviour, including through the disclosure of such behaviour via criminal record disclosures.

Moreover, the low age of criminal responsibility in Scotland—and, indeed, the United Kingdom—has continued to attract the attention of the United Nations Committee on the Rights of the Child, including in its most recent concluding observations from August, when it again called on UK Administrations to raise the minimum age of criminal responsibility in accordance with acceptable international standards. I can announce today that we will raise the minimum age of criminal responsibility in Scotland from eight years to 12, and we will introduce a bill in this session to do so.

The establishment last year of an advisory group by the Cabinet Secretary for Justice was a necessary and sensible step to examine in detail the implications of raising the age to 12, and I thank all the group's members for sharing their knowledge and insight. The group looked at four key areas: the management of risk in relation to children's behaviour; changes that might be required to the children's hearings system; police powers and issues in relation to disclosure certificates; and the weeding and retention of non-conviction information.

The advisory group represented a wide range of disciplines, including those working with children and with victims, as well as the police and the Crown Office, and it reported in March 2016 with a number of recommendations on which we have consulted. That consultation ran from March to June, with 95 per cent of all respondents supporting an increase in the minimum age of responsibility to 12 or above. That overwhelming support was across the board, including statutory agencies such as the police, organisations that support victims of crime and charities that support vulnerable children. We also undertook engagement over the summer with key groups that are likely to be affected by any change in the law, including young people themselves. Throughout June and July, we listened to more

than 200 children and young people, including those whose childhood experience resulted in early contact with the criminal justice system and those who have been victims of child offending. I thank them all for taking part, sharing their experiences, and providing valuable insight into the issue.

We have taken time to consider the content and implications of the advisory group's report, the springtime consultation and the summer engagement results along with the lessons from data and independent research.

The case for change is now clear and compelling, but it is important that we address remaining concerns that some might have about the law changing. There must be appropriate safeguards to deal with not only exceptional cases but all types of cases for under-12s, especially where the police and agencies do not get co-operation from parents and carers.

We therefore intend to bring forward a bespoke package of police powers to ensure that the police can investigate harmful behaviour involving children under 12 so that all necessary steps can be taken to keep them and others safe. We also intend to ensure that there are powers to allow the police to seek a warrant to take forensic samples to investigate an incident where a young person or their parent or carer has not provided consent.

To ensure the protection of other children and vulnerable adults, it will remain possible to disclose relevant information that relates to serious incidents involving children under 12. That disclosure process will provide the right balance between the best interests of the individual and the need to protect the public from harm. If young people have demonstrated harmful behaviour in early childhood and continue to do so as they move to adulthood, specific arrangements to manage and monitor risk will be put in place.

I assure members that raising the minimum age of criminal responsibility will not remove the need to maintain the current range of interventions that are used to address harmful and risk-related behaviour by children. Those interventions include our successful whole-system approach to youth justice and compulsory supervision through the children's hearings system, which includes the power to place a child in secure accommodation if that is considered necessary to protect the child or the public.

The advisory group rightly required to consider how the exceptional cases might be dealt with if the age of criminal responsibility was increased. Although the James Bulger tragedy 23 years ago continues to cast a long shadow, it is important to note that there has been no similar Scottish case in that time. The possibility of serious cases has to

be contemplated, but that should not distort our overall approach. Sensible and proportionate safeguards will be put in place to address those cases.

As the law stands, if a child under 12 killed someone, he or she would not be prosecuted in court but would instead be referred to the children's hearings system on offence grounds, with lifelong disclosure of the offence applying. However, in future, such a case would still be referred to the hearings system without reliance on finding offence grounds proved, but with all the current powers and interventions remaining available. Civil disclosure into adulthood would continue to be possible and will occur when there is a compelling justification to protect the public. The action that is taken to manage risks that are posed by young people who have shown a capacity for harmful behaviours will integrate seamlessly with the steps that are already available to manage risks that are posed by those who are over 18.

It is important to place the proposed change in context. Over the past 10 years, there has been a large and sustained reduction in youth crime referrals. The number of children under 12 who are involved in harmful behaviours is small and reducing, and only a handful require compulsory measures of supervision. Across Scotland in 2015-16, approximately four under-12s each week were referred to the reporter for offending. That is a tenth of the number 10 years ago and a quarter of the number five years ago.

As we take forward the reform, it is vital that we address the impact of changing the law on the victims of children's harmful behaviour. To be clear, the harm that is caused to victims, who may be children, will not be changed or undone by raising the minimum age of criminal responsibility. The needs of victims must continue to be met. Indeed, changing the law could offer a positive benefit to vulnerable victims. Victim Support Scotland's view is that

"Dealing with harmful behaviour using the civil standard of proof (through non-offence grounds) would enable facts to be established without the need for victims and witnesses to give evidence directly. This would minimise the impact on victims and witnesses."

I know that many members will welcome the change in the law, and I look forward to working with them to deliver that. However, I acknowledge that some will be concerned about the change and its impact. It should reassure them that children and young people, victims groups, and the police and prosecutors want it, and the United Nations has called on us to do it. We can sustain and build public confidence by anticipating and addressing the questions that will be posed by the sort of exceptional cases that I have referred to, but we

should not lose sight of the fact that they are very rare.

The reform signals our commitment to a smart, evidence-led and rights-proofed approach. It marks a major step forward in fulfilling a promise to our young people to be genuine corporate parents by treating them as children first and acknowledging that, in most cases, it is unmet needs that give rise to harmful deeds.

We have listened to children's experiences, considered the evidence and taken on board the views of victims and the expertise of justice agencies, and we have a vision of the kind of Scotland that we aspire to be. This is emphatically the right time and the right approach to raise the minimum age of criminal responsibility. I look forward to working with members across the chamber to deliver the reform in time for our year of young people in 2018.

**The Deputy Presiding Officer:** The minister will now take questions on his statement. I intend to allow around 20 minutes for questions, after which we will move to the next item of business.

**Douglas Ross (Highlands and Islands) (Con):** I thank the minister for the early sight of his statement. I also thank the advisory group and the stakeholders who contributed to the consultation earlier this year. Their feedback has been invaluable.

The Law Society of Scotland has emphasised that raising the age of criminal responsibility would bring it into line with the age of criminal prosecution. That seems a sensible approach that will create coherence and consistency in the law, but we on these benches will wait to see the full details of the Government's proposed legislation.

Can the minister confirm whether the Scottish Government will introduce a standalone bill on the issue, which is what the Law Society has recommended is the best approach?

I also welcome the minister's sensitivity with regard to the fact that some people will have concerns about the proposed change in the law. Can he advise how the Scottish Government will, as he says, build and sustain public confidence to ensure that the approach will not be perceived as diminishing the seriousness of child and youth offending?

The minister highlighted the horrendous death of James Bulger. I appreciate what he said about the fact that such cases are extremely rare, but safeguards must be in place. The minister mentioned safeguards with regard to police powers, but what other safeguards will be put in place for crimes such as that to ensure that the law continues to act as a deterrent and guarantees

that victims' families receive the justice that they deserve?

**Mark McDonald:** I thank Douglas Ross for his constructive approach to the issue. I will answer his questions in turn.

On whether we will have a standalone bill, the answer is yes—we will bring forward standalone legislation in relation to the minimum age of criminal responsibility.

On how we sustain and build public confidence, there obviously needs to be engagement as we progress with the legislation. That will happen at the stage at which we develop our understanding of how the legislation is to be drafted, as well as during the course of the legislation's passage. Those stages will provide opportunities for consultation.

In my statement, I have been clear that we want to work with members across the chamber to ensure that we deliver a package of legislation that not only meets the requirements that I have set out in the statement but is capable of securing the confidence of members across the chamber and of the wider public. I give a commitment that we will work on a basis that looks to sustain and build public confidence.

The advisory group set out a range of safeguards. It would probably stretch the Presiding Officer's patience if I were to list them all in turn, but I make a commitment to place a copy of that list in the Scottish Parliament information centre so that all members can see it. We will not necessarily take forward every safeguard on that list, but it provides us with a useful starting point for consideration as we look to draft the legislation. For example, where, in exceptional circumstances, there is no co-operation from parents, a safeguard would enable authorities to take a child to a place of safety, interview them and obtain—and potentially retain—forensic samples, and crave a warrant to obtain further forensic samples. Those measures would be rooted in child protection procedures and powers that the police already have available to them. That perhaps gives a flavour of the kind of approach that we would seek to take. However, as I have said, this will be very much an iterative process based on consultation across the chamber as we look to draft the legislation.

**Claire Baker (Mid Scotland and Fife) (Lab):** I thank the minister for the advance copy of his statement, and I welcome the announcement that the minimum age of criminal responsibility will be raised to 12. From the advisory group to the consultation submissions to the minister today, the argument has been persuasively made for such a raise, and the minister has the support of Scottish Labour in taking the proposal forward.

The minister will know that there is a debate around the extent of police powers. In relation to forensic samples, can he say how long forensic information will be retained?

On the issue of disclosures, can the minister inform Parliament whether there will be independent ratification, as called for by the advisory group?

Although a strong case has been made for raising the age of criminal responsibility, the Government will be aware that securing public confidence can at times be difficult. The minister must not underestimate the challenges that there might be in that regard. Although, in his response to Mr Ross, the minister talked about the legislative consultation that will take place, it is important to recognise that that might not be enough. What else is the Government prepared to do to win over people's hearts and minds when it comes to this significant change?

**Mark McDonald:** I thank Claire Baker for outlining Scottish Labour's support and I look forward to working with Ms Baker and her colleagues on the issue.

I approach with an open mind the questions on the extent of police powers and the length of time for which samples can be retained, and on independent ratification of disclosure. I am interested to hear the views of other members and experts.

We have a suggested package of powers and safeguards that the advisory group has outlined, and I will place that in SPICE. It provides us with a useful starting point, from which we need to consider what the best approaches will be to satisfy public concerns and to ensure that children's rights are paramount in our consideration.

Two things will help with public confidence. The first is the broad range of stakeholders, including Victim Support Scotland, who have come forward to say that they support the measure. If groups who represent victims say that the measure will bring benefit to the approach to children who come into the hearings system and to victims who might find that they do not have to give evidence directly, that will help to give confidence.

It will also build confidence if members of the Parliament speak in a supportive manner about the measure, take the message out to communities and demonstrate that there is broad political support for it. That will help to derive broad public support. I do not doubt that there will be those who have concerns and I am keen to ensure that we address those in as many ways as we possibly can.

**The Deputy Presiding Officer:** Ten members wish to ask questions so, as usual, can I have short questions and, if possible, short answers where appropriate?

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** I welcome the increase in the age of criminal responsibility, which is a progressive step that brings Scotland in line with other European nations.

Can the minister give further detail on why the decision was made to set the age of criminal responsibility at 12? What evidence is there that that is the most appropriate age? How will changing the law contribute to the Scottish Government's desired outcomes for children?

**Mark McDonald:** A number of factors were taken into account in making the decision. The age of 12 aligns with the minimum age of prosecution and it meets international expectation from the United Nations. It also reflects the age at which children are presumed to have the capacity to instruct a solicitor, as well as the existing presumptions about maturity, rights and participation in the children's hearings system.

The proposed approach is founded on clear evidence, including research from the SCRA on the vulnerable background of many under-12s who engage in harmful behaviour. The issues become more complex when children over the age of 12 are involved, with the risk of harm to themselves and others, and with the higher number of offences that are involved. Changing the law will allow us to continue to embed the GIRFEC approach into how we support the needs of our most vulnerable children, consider all the needs of children and make that a focus.

I recognise that some have called for the age to be raised higher than 12, but I consider that we have the balance right and should be guided by the evidence that we have gathered from our substantial engagement on the issue.

**Margaret Mitchell (Central Scotland) (Con):** The children's hearings system already deals with cases as appropriate, and the low number of referrals demonstrates that eight to 11-year-olds are held criminally responsible only in exceptional cases. If the age of criminal responsibility is to be raised to 12, will the minister confirm that the children's hearings system and any secure accommodation that might be required will be appropriately and properly resourced to deal with any exceptional cases of recognised crime, such as murder and other serious violent offences, that are committed by the under-12s?

**Mark McDonald:** Margaret Mitchell will be aware of the work that is being done on the children's hearings improvement programme. I have a meeting later this afternoon with Children's

Hearings Scotland at which we will discuss the programme and the implications of my statement. We are undertaking an approach that looks at the skills of panel members and the approaches that are taken in children's hearings.

To put some of this into context, in the 2015-16 data, the total number of referrals to the panel was 210. The number of hearings that took place on offence grounds was six. The number of referrals does not therefore necessarily relate to the number of hearings that actually take place—we are talking about exceptionally small numbers. Therefore, although I recognise the resource question that Margaret Mitchell has highlighted, it is worth reflecting on the number of referrals that we are talking about versus the number of cases in which hearings take place. Beyond that, the number of cases in which compulsory measures are taken is often much lower than the number of cases that are referred in the first place.

**Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP):** I welcome the minister's announcement of a move that, in my view, is long overdue. He will be aware that, if we want to achieve the fairer Scotland that he highlighted, in which children are treated equally, it is key that we embed the UN Convention on the Rights of the Child in all relevant policy areas. Can he advise me whether a child rights-focused approach was taken in exploring the issue and, if so, how that approach was achieved, and what the implications of changing the law are for children?

**Mark McDonald:** I confirm that the approach was very much a children's rights-proofed approach. A child rights and wellbeing impact assessment was commissioned as part of the review. I am happy to arrange for that document to be placed in SPICe, alongside the advisory group recommendations, which I committed to Douglas Ross will be placed in SPICe, so that members can be reassured that a child's rights agenda is absolutely at the heart of the policy.

**Mary Fee (West Scotland) (Lab):** I, too, thank the minister for the advance copy of his statement. As he is aware, I have a keen interest in children and families who are affected by imprisonment. The advisory group points out that children who get involved in serious harmful behaviour do so because of a range of difficulties in their home lives, including parental imprisonment. What actions will the Government take, in line with the statement today, to support children with such difficulties, to prevent them from having negative outcomes, including imprisonment, in later childhood and as adults?

**Mark McDonald:** I recognise Mary Fee's long-standing interest in the area that she highlights. She touches on areas that sit outside what I have

referred to in my statement but which are, nonetheless, just as crucial.

On the approaches that we want to take, I am heartened by the good work that is being done through our prison system to empower parents who are imprisoned and to ensure that they continue to play a positive role in their children's lives, both while they are in prison and their children come to visit and on release. I am also heartened by the approach that is being taken to support children to better understand the nature of the justice system, particularly when it relates to parental incarceration. A lot of good work is being done out there, which needs to be joined up and spread more widely. I am happy to work with Mary Fee in relation to that, given her depth of knowledge and interest in the subject.

**John Finnie (Highlands and Islands) (Green):** I thank the minister for early sight of the statement and for its evidence-based content. The Green Party will support the Government's direction of travel—particularly regarding the observations of the UN Committee on the Rights of the Child, which are very welcome.

In his statement, the minister talked about bespoke police powers, and police officers' experience is that it is very challenging to deal with young people in offending situations. Experience from the areas of domestic violence and child protection shows the benefit of collaborative working across agencies and with the third sector. Will a training package be put in place in support of any forthcoming legislation to ensure that the best practice of interagency working and work with the third sector continues?

**Mark McDonald:** John Finnie highlights an important point. We must ensure that the appropriate approaches are taken to the children involved. As I have said, we start with an open mind. We have a list of recommendations from the advisory group. That gives us a starting point, but it is not the end point. There is discussion to be had.

I am interested in the points that Mr Finnie has raised. There are good examples of such interagency working, and we should definitely try to ensure that it happens across all areas rather than in pockets. I am happy to work with Mr Finnie and to look at those examples as part of the process.

**Liam McArthur (Orkney Islands) (LD):** I, too, thank the minister for early sight of his statement. I warmly welcome the decision to raise the age of criminal responsibility and look forward to working with him on the detail. Perhaps he could have taken time to acknowledge the pivotal contribution of my former colleague Alison McInnes, whose amendments to the Criminal Justice (Scotland) Bill

led directly to the establishment of the advisory group, whom I thank and whose recommendations the Government is now rightly taking forward.

In relation to the proposals, how will the powers on disclosure avoid undermining efforts to address the concerns of many campaigners that the actions of a child aged between eight and 11 will result in that child having a record that follows them into adulthood and perhaps for the rest of their life? Will the minister's proposals have any retrospective effect for those who have a record on the basis of action or behaviour that they engaged in when they were between the ages of eight and 11?

**Mark McDonald:** I agree with Liam McArthur and put on record my gratitude to Alison McInnes for the work on the issue that she undertook in the previous session of Parliament. I know that Mr McArthur will understand that the Government chose not to accept Alison McInnes's amendments to the Criminal Justice (Scotland) Bill on the basis that the advisory group's work was on-going. We all received letters from the Children and Young People's Commissioner Scotland that asked us to allow the advisory group to conclude its work. However, I put on record my thanks to Alison McInnes, whom I think the Parliament misses greatly. Although she and I were often in disagreement, I never had occasion to find her disagreeable.

As regards how we should proceed on the disclosure powers, the disclosure of what would be classed as "Other relevant information" would be possible, but that would probably happen only in exceptional circumstances, depending on the seriousness of the offence. Work will have to be undertaken on that to ensure that we get the balance absolutely right.

As far as retrospective effect is concerned, we need to give the issue careful consideration. We need to determine whether retrospective application would be possible and what the outcome of that might be in relation to existing serious cases. I will be happy to look into those matters as part of the work that I want to do across the chamber, and I will be happy to discuss them further with Mr McArthur as we take forward the legislation.

**Gil Paterson (Clydebank and Milngavie) (SNP):** Can the minister give any further detail on the arrangements that will be put in place to ensure that there is monitoring and risk management of young people who have demonstrated harmful behaviour in early childhood offending and who continue to cause concern as they become adults?

**Mark McDonald:** Children can and do change—that is fundamental to the Scottish

concept of social education and our reintegrative model. As I outlined in my statement, we need a system that reflects that and furthers our approach to addressing needs as well as deeds. For young people who are nearing their 18th birthday, appropriate plans should be in place to manage risks and we should ensure that those plans are shared with all the relevant agencies that have responsibility for supporting them and managing any potential risks. That happens currently.

Additional safeguards will be put in place for a young person moving into young adulthood whose behaviour has been assessed as continuing to be a source of serious concern and in relation to whom compulsory risk management measures are considered necessary and proportionate. That is our starting principle, and work on that will be progressed as the legislation is drafted.

**Gordon Lindhurst (Lothian) (Con):** A very small number of children can be guilty of conduct of the most serious kind. The question in the public mind will be why, if they are capable of serious criminal conduct, they should not be dealt with on the basis of that conduct.

There is an issue on which I would like the minister to give a commitment to allay the fear in people's minds. If someone commits a crime as an adult, having at an earlier age conducted themselves in a certain way that would have been criminal but for this change in the law, will the previous conduct be taken account of for the purposes of sentencing, inclusion on the sex offenders register, imposition of lifelong restriction orders and so on? It might be that the general principle is all that the minister can commit to today and that the detail will have to follow.

**Mark McDonald:** As I have said, in exceptional circumstances, disclosure into adulthood will be a possibility.

In response to Mr Lindhurst's point, the approach that I take is that I do not think that it is acceptable to say that we should categorise all eight-year-olds as being potential serious criminals. I recognise that we need to do some work to ensure that we respond appropriately when exceptional circumstances arise, but the figures that I have given indicate that such circumstances are indeed exceptional, and I do not think that we should start from the premise that we should categorise all children between the ages of eight and 12 in that manner.

**Iain Gray (East Lothian) (Lab):** In his statement, the minister explained how a child who killed would be dealt with now and under the proposed legislation but he also pointed out how rare that is. With the increased early sexualisation of children, a more likely case might be of a child under 12 but over eight who committed a sexual



offence. Will the minister elaborate on how that would be dealt with and how, if necessary, there might be appropriate protection against further offending?

**Mark McDonald:** That comes back to the identification of the vulnerability of children and the fact that the deeds are dictated by those needs. I accept that interventions will be needed in the circumstances that Iain Gray described. As I outlined in my statement, the full range of interventions would remain available to the children's hearings system. However, work also needs to be done on the areas that he identified. In other Government streams, work is taking place on, for example, child sexual exploitation, the sexualisation of children and the behaviours that arise as a consequence of those. We need to join up those approaches to ensure that children are prevented from adopting such behaviours; that if they arise, they are dealt with appropriately to keep the child and other members of the public safe; and that we take the time to address the needs that underlie the deeds.

**Ben Macpherson (Edinburgh Northern and Leith) (SNP):** In his statement, the minister referred to a "bespoke package of police powers". Will he elaborate on whether that package will give the police new powers to address harmful behaviour by children?

**Mark McDonald:** As I outlined in my answer to Mr Ross, the police currently have many of those powers. Further detailed work on the matter is obviously required before legislation is introduced. As I said, I am keen to involve stakeholders and members in that work. As a starting point, I will place the advisory group's recommendations in SPICe to allow members to examine them in more thorough detail. However, as I confirmed to Ms McKelvie, a child rights and wellbeing impact assessment was commissioned as part of the process, which demonstrates that the proposals and safeguards on police powers have been rights-proofed at the design stage and that screening will continue as proposals are developed.

## Ending Violence Against Women and Girls

**The Deputy Presiding Officer (Linda Fabiani):** The next item of business is a debate on motion S5M-02820, in the name of Angela Constance, on recognising 16 days of action to end violence against women and girls.

15:03

**The Cabinet Secretary for Communities, Social Security and Equalities (Angela Constance):** Violence against women and girls is a blight on our society—[*Interruption.*]

**The Deputy Presiding Officer:** Are you all right there?

**Angela Constance:** Yes, we are switched on.

**The Deputy Presiding Officer:** I am terribly glad that you are switched on, cabinet secretary.

**Angela Constance:** That is for the avoidance of doubt.

In all seriousness, I start by making a clear statement that violence against women and girls is a blight on our society. It must not, cannot and will not be tolerated. It is a fundamental breach of human rights. That is more widely accepted in Scotland today than it was previously. There is also a cross-party consensus on how vital it is to tackle effectively violence against women and girls.

As a country, we have made significant progress in recent years, but we all know that there is much more to do to prevent and eradicate violence against women and girls. Reflecting back, I am struck by the substantial contributions of individuals and organisations over the past years and decades—people and organisations that have brought us to this point.

It was more than 20 years ago that Hillary Clinton told the United Nations fourth world conference on women in Beijing that the issues facing women and girls are often either ignored or silenced, and argued against practices abusing women around the world. She put the issue firmly on the agenda, where it has since remained, when she said:

"If there is one message that echoes forth from this conference, let it be that human rights are women's rights and women's rights are human rights once and for all."

From 25 November to 10 December, the 16 days of action against gender-based violence is a time to reflect on how, together, we step up the pace to turn more words into more actions, and make more progress on ending violence against women and girls here in Scotland and around the

world. It is also a time for recognition of those who have been working day in and day out, year after year, to keep women and children safe.

Scotland was one of the first countries in the world to have an action plan to tackle domestic abuse, and today we have the equally safe strategy, which is described by some as the best in Europe. Today our police and our prosecutors are clear that they take a zero-tolerance approach to domestic abuse and, indeed, all forms of violence against women and girls.

We are strengthening the law in this area, from the Abusive Behaviour and Sexual Harm (Scotland) Act 2016, passed in March, which supports efforts to tackle domestic abuse and sexual violence, to the forthcoming specific offence of domestic abuse that we will introduce in this parliamentary year. That will recognise domestic abuse for what it is about—power and control, purely and simply—and it will embed that understanding in the law of the land and give the police and prosecutors the powers to tackle it and to hold perpetrators to account.

I very much commend those who work in local women's aid organisations the length and breadth of the country who, day in and day out, support women and children who have experienced the trauma of domestic abuse. This morning I heard about the excellent work of the national domestic abuse and forced marriage helpline that is being delivered by Scottish Women's Aid.

I also commend the work of the network of local rape crisis centres, which provide front line support for those who have gone through that most traumatic and barbaric act. I was very privileged to attend the 40th anniversary of Rape Crisis Glasgow last week. That was the first centre in Scotland and it is actually the oldest in the United Kingdom.

The 16 days of action must acknowledge those accomplishments, but it is also a reminder to us that we have much further to go. We have made great strides in tackling violence against women and girls. Domestic abuse, which was once seen as a matter to be hidden and kept private, is now widely recognised for the gender-based violence and abuse that it is, and there are laws, policies and funding in place to prevent it and to support survivors.

In 20th century Scotland, few had even heard of female genital mutilation or forced marriage. Now, we have legislation to protect people from honour-based violence and a national action plan to prevent and eradicate FGM.

Decades ago, a commonplace view was that if a woman was raped it was her fault. Since then, we have seen a major cultural shift, with rape and sexual violence now overwhelmingly recognised to

be one of the most abhorrent things that a woman can experience. We have strengthened the law in that area, and there is now a network of effective specialist services to support victims.

Although much has changed, we know that those attitudes still exist within our society; we know that some people continue to believe those rape myths that somehow the woman was asking for it; and we know that some people still think that it is reasonable for a man to control his wife and treat her as his property. Women continue to be objectified in the media for sexual gratification, and they experience a double standard when it comes to their competence, demeanour and choice of clothing. We know that every hour of every day, women in our society experience sexism, discrimination and misogyny as they go about their daily lives.

That may paint a bleak picture, but it is right that we are open and honest about the society that we live in. We cannot pretend that everything is rosy, when the experiences of women and girls, and children and young people, quite clearly tell us that it is not.

It is those myths and attitudes that we must continue to challenge as a society and work hard to shift as a Government and a Parliament. We need a fundamental shift in culture that ensures that women and girls have equality of access to power and resources economically, culturally and politically. Earlier this week, we published a survey on the attitudes of young people that tells us that we have work to do in that area. The broader economic structures that can constrain women also need to be addressed. Occupational segregation needs to be tackled and we must do more to close the gender pay gap, amongst many other things.

We must also tackle sexism in society through education and by advancing equality. That includes tackling gender stereotypes, which can impact negatively on men, too.

Next week, I will attend the annual Zero Tolerance write to end violence against women awards—an event that celebrates both the best and the worst of writing about women in the media.

Next year, we will bring forward a delivery plan for equally safe, to give a sharp focus to the practical actions that we can take to realise our ambitions in this agenda. I am clear that that must focus on making meaningful changes to the lives of women, girls, children and young people, and I know that Parliament shares that ambition for change.

Everyone in the chamber agrees that violence against women is a fundamental violation of human rights, and we must do everything that we

can to stop it. That principle is enshrined in the Istanbul convention—or, to give it its full title, the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence. The convention is supported by this Government and the United Kingdom Government, which signed the convention alongside a total of 42 other countries. However, the UK Government has yet to formally ratify the Istanbul convention.

In May, I wrote to the Home Office to ask the UK Government to lay out a clear timetable for ratification and to engage with the devolved Administrations on that. No response was received, so I have therefore written again to the new Home Secretary, Amber Rudd, seeking engagement on the issue so that we can take action together to ratify the convention and show our support for its aims.

It is more than four years since the UK Government signed that important convention and two years since it came into force, so I call on the UK Government to stop dragging its feet, to confirm that it will ratify the convention, to provide a clear timetable for doing so and to engage with the Scottish Government on the practicalities of that. If we are all committed to ending violence against women and girls, let us take this next step.

**Kezia Dugdale (Lothian) (Lab):** The cabinet secretary will be aware that the Tories' amendment for this debate asks us to acknowledge that

"measures are already in place to protect women and girls from violence".

Does she think that that smacks of a degree of complacency? Does she believe that the UK Government is going far enough? If not, why does she think it is holding back on ratifying the convention?

**Angela Constance:** It is for the UK Government to account for its actions or indeed inactions, but let me be clear from a Scottish Government perspective. We have the equally safe strategy, which broadly meets the Istanbul convention, but we are not complacent. We have mapped the Istanbul convention across the actions that we are taking under equally safe, but we recognise that there are two or three areas in particular that we would have to improve on. However, it is unacceptable that, four years after signing the Istanbul convention, the Tories are still dragging their feet. I look forward to the response from the Conservative Party today and call on it to explain the inaction of its Government.

As we are focusing on the Istanbul convention, I will read a quotation on it from Marsha Scott, the chief executive of Scottish Women's Aid. She says:

"The Istanbul Convention is probably the very best piece of violence against women policy that has been written ever, anywhere ... It's the culmination of years of hard work and difficult negotiations resulting in an incredible piece of policy, that is often described as the codification of best practice for Government responses to victims and survivors of violence against women. The Istanbul Convention is a blueprint for how we move from small change at the margins, services that are picking up too few people, too late, to a system that is designed to end domestic abuse and violence against women."

She ends by saying:

"The UK Government has within its grasp the opportunity to make history, we are urging them to seize it."

We on the Scottish National Party benches urge the UK Government to grasp history and take us a step forward on the journey towards what we all seek: the eradication of violence against women and girls.

I move,

That the Parliament recognises and welcomes the International Day for the Elimination of Violence against Women, which marks the start of the UN's 16 days of activism to end violence against women and girls; commends the ongoing contribution of people and organisations across Scotland and the wider world toward providing front-line support for survivors, raising awareness of the problem and changing the outdated attitudes that still persist in society in relation to violence against women and girls; reaffirms the cross-party support for Equally Safe, Scotland's strategy for preventing and eradicating all forms of violence against women and girls; welcomes the work of justice agencies in pursuing a zero tolerance approach to gender-based violence; commends the invaluable work of local women's aid organisations and rape crisis centres that support survivors on the front line; calls on everyone in Scotland to play their part in creating a strong and flourishing country where all individuals are equally safe and respected, and where women and girls live free from all forms of violence and abuse and the attitudes that help perpetuate them; supports the principles of the Istanbul Convention on violence against women, and calls on the UK Government to set out a clear timetable for ratification.

15:16

**Douglas Ross (Highlands and Islands) (Con):** I am pleased to open this afternoon's debate for the Scottish Conservatives, marking 16 days of action to end violence against women and girls. It is an annual debate, which gives us an important opportunity to take stock of the progress that has been made over the past 12 months as well as looking at areas where progress is still needed.

It goes without saying that violence against women and girls is a deeply complex and pernicious problem. In Scotland, there is a multifaceted approach to tackling the problem, with a statutory response working in tandem with the excellent efforts of the third sector and grass-roots organisations to support and secure justice for victims.

I pay tribute in particular to Scottish Women's Aid, an organisation that can have a transformational effect on the lives of women who have suffered at the hands of abusers. I commend the SWA for advocating not only on behalf of women but on behalf of children. Children are often the forgotten victims of domestic abuse. I was struck by hearing that, in one single day in Scotland, 859 women and 400 children and young people were supported by women's aid groups across the country.

A recent visit to Moray Women's Aid in Elgin showed me the fantastic work that Women's Aid groups do locally the length and breadth of Scotland.

**Kezia Dugdale:** Douglas Ross will be aware that I am from Elgin, so I am interested to hear why, when he was on Moray Council, he cut the money for Moray Women's Aid, and why his council administration is currently tendering out all of Moray Women's Aid services. In the context of today's debate, that is not particularly helpful.

**Douglas Ross:** I hope that it is helpful if I tell Kezia Dugdale that, during my visit to Moray Women's Aid, I sat down with it and went through all these issues. It was looking for a champion to take its case to the council on its behalf. *[Interruption.]* I have committed to doing that, and I am sorry if Ms Dugdale does not think that that is appropriate. Politicians are elected to the chamber to represent their constituents and local groups from their constituency and that is what I am going to do. The response that I had from Moray Women's Aid was far more welcoming than that response from Kezia Dugdale. I hope that she will reconsider her remarks, given that politicians are trying to do their best for their local communities.

As I have previously said, we must do what we can to ensure that invaluable support continues for women's aid groups the length and breadth of Scotland. The latest figures show that, over the last year, 58,104 incidents of domestic abuse were recorded by the police. We know from the Scottish crime and justice survey that over a quarter of those who experienced partner abuse in the previous 12 months appeared to tell no one about those experiences. Those people should not and must not suffer in silence. We must continue to increase awareness of organisations such as the SWA and the help that they can offer.

I welcome the comments that Annabelle Ewing made earlier this year, suggesting that the Scottish Government intends to introduce three-year rolling funding where that is possible, and the Scottish Government announcement in September 2016 of an extra £1.85 million for Rape Crisis Scotland, which will be used to develop new local services in Orkney and Shetland. Providing those organisations with greater budgetary certainty in

the medium term can only help them to provide further assistance to victims.

It is fitting that the final bill to be passed by the Scottish Parliament in session 4 was the Abusive Behaviour and Sexual Harm (Scotland) Bill. The cabinet secretary and others will be aware that my party did not support every aspect of the bill, but we were pleased to see the inclusion of a statutory domestic abuse aggravator and the creation of an offence of sharing private images without consent. As technology and social media evolve at a rapid pace, it is right that we ensure that the law is equipped to handle developments that, with one touch of a screen, can have devastating emotional repercussions.

In this parliamentary session, the Scottish Government is adding to the tools for police and prosecutors with the creation of a new offence of domestic abuse, and we echo the Labour amendment's support for the forthcoming domestic abuse bill. That is legislation that we will need to get absolutely right so that it adequately captures the violent emotional and mental abuse that can occur in relationships and the experiences of victims. However, a statutory response cannot be effective if those on the front line and at the sharp end of the criminal justice system do not have the appropriate level of resource to implement it in practice.

Members will be aware that the Justice Committee is currently undertaking an inquiry into the Crown Office and Procurator Fiscal Service and we already know from organisations such as the Procurators Fiscal Society section of the FDA that the increasing complexity of domestic abuse cases means that it will take a legal member of staff more than three days to carry out checks to serve an indictment on a domestic abuse task force case compared with just over one day in most other circumstances.

Meanwhile, the Scottish Women's Aid board has observed in relation to the Crown Office that

"what seems to be lacking is adequate infrastructure both to support change and implementation of new policies and to sustain that improvement once achieved."

I hope that the committee's inquiry will suggest a constructive way forward for the Crown Office and Procurator Fiscal Service as more legislation is introduced to tackle violence against women.

The Scottish Government motion refers to the Istanbul convention and I understand that the cabinet secretary has written to the new Home Secretary, Amber Rudd, to seek a clear timetable for the ratification. As Angela Constance will be aware, the UK Government is very much committed to the ratification of the convention, which has three aims—to prevent violence against

women, to protect women from violence, and to prosecute offenders.

**Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP):** Douglas Ross mentioned the Istanbul convention and the cabinet secretary's pleas, which she has made not just to Amber Rudd but to the previous Home Secretary. Will the Scottish Tories join the cabinet secretary and everyone else in this place in pushing Amber Rudd to ratify the Istanbul convention? It has been a long time in coming and it should happen now.

**Douglas Ross:** I will address that last point by Christina McKelvie—I will come on to it and I will explain why we have not ratified the convention yet. There is UK Government support for it; there has been consistent support for it. [*Interruption.*] Maybe Christina McKelvie can just give me a moment to come on to that point.

In most respects, measures are already in place to protect women and girls from violence that comply with or go further than the requirements of the convention and that is very much welcomed. The UK Government has confirmed—it has said this repeatedly—that ratification will take place once the approach to implementing the extraterritorial jurisdiction is agreed, given that article 44 of the convention requires states to exert legal authority beyond their territory for forced marriages and other offences. That will require primary legislation. In that vein, the Scottish National Party MP Dr Eilidh Whiteford has secured parliamentary time later this month for the second reading of her private member's bill calling for the ratification of the Istanbul convention, which will offer the opportunity to address these issues directly in the UK Parliament.

I hope that much of the debate will be consensual in nature. Scotland and the United Kingdom have done a great deal to protect women and girls from violence, whether it is domestic or sexual abuse, forced marriage or female genital mutilation. All that hard work must not stop here. I have focused my remarks on the criminal justice landscape in Scotland in this context, but I know that my colleagues Margaret Mitchell, Annie Wells and Oliver Mundell will bring in the international dimension.

Human Rights Watch has said:

"From historic convictions to impunity for gang rapes, 2016 has been a year of highs and lows when it comes to efforts to stem violence against women."

Let us hope that in the next year we will be able to make far greater progress both at home and abroad.

I move amendment S5M-02820.1, to leave out from "and calls on" to end and insert:

“; notes that measures are already in place to protect women and girls from violence, which comply with or go further than the requirements of the convention; welcomes the UK Government's commitment to ratify the convention, and further welcomes the parliamentary time secured in the House of Commons by SNP MP, Dr Eilidh Whiteford, to debate this important issue in December 2016.”

15:23

**Kezia Dugdale (Lothian) (Lab):** It is a great pleasure to open this debate for Labour. Like the cabinet secretary, I commend all the activists and people across the country who are taking part in events and organising events and who have been involved with everything to do with the 16 days of action.

It is probably worth recognising the diversity of the events that have taken place over the 16 days, from the reclaim the night marches at the weekend here in Scotland, where women took to the streets to talk about how unsafe they felt in their communities, to events that are happening in the Parliament tonight, hosted by organisations such as Action Aid, which are fundamentally about the basic rights of women in the developing world that still need to be recognised.

Labour supports the equally safe strategy. We pay tribute, in particular, to Lily Greenan for all her efforts to push the boundaries of that work and encourage speedy implementation of the strategy—something that we would very much like.

Likewise, we fully support the principles of the Istanbul convention on violence against women and the calls for the UK Government to set out a clear timetable for ratification. We will support the Scottish Government's motion, as the Government would expect us to do on this issue. There is a focus in the motion on raising awareness of the problem and changing the outdated attitudes that persist in society, which we all know perpetuate violence against women and girls.

I want to make three distinct points: on inequality; on the impact of austerity; and on what we can do in the context of austerity. It is worth recognising that, for as long as there is inequality in society—for as long as women are unequal—there will be domestic abuse and violence against women, which are ultimately about power and control and the imbalance of power and control. In everything that we talk about and do in providing services for women who have been affected by abuse, we have to recognise that we are addressing a symptom rather than a root cause of the problem.

The way to address that inequality is to fight for women's rights, whether we are talking about political, social or cultural rights and whether we are talking about equality in politics or in our most

deprived or remote communities. It is why, every time we make the case for quotas in this Parliament and every time we make the case for women in science, technology and engineering subjects or for women in business, we are fighting for women's rights and against violence against women. It is worth recognising that overarching issue.

It is all the harder to do that in the context of the austerity that so many communities across Scotland are experiencing—austerity that is perpetuated by decisions of the right-wing Tory Government; there is no escaping that, I am afraid. We know that the cuts that the Tory Government is pursuing impact disproportionately on women. We know that cuts are keeping poor women poor and making it even harder for women to escape abusive relationships, whether we are talking about the UK Government's cuts to tax credits and benefits or the Scottish Government's cuts to student grants and access to part-time college places, which help women to access routes out of poverty and disadvantage.

Another issue in that regard is general investment in housing. If we are serious about helping women to escape violent relationships, we have to talk about housing. The last time I spoke in the Parliament about violence against women, I talked about the terrible state of temporary accommodation in Edinburgh and what we need to do to address it, but when I visited Edinburgh Women's Aid recently I was able to see one of the best facilities in the country. When I met a woman who had been in the refuge with her children for 18 months, I thought, "Wow, what a fantastic thing it is that she has had her own place for 18 months." However, when I asked her how she felt about that, she told me that she was actually very sad, because although for six or seven months she had absolutely needed her refuge place, in the year after that she had been able to piece her life back together and she wanted to move on and start to rebuild, but she could not get out of the refuge because she could not get a house. She is stuck in the refuge, held back by the horrors of her history, when she just wants to move on. The issue is the absence of affordable social housing. We cannot ignore the importance of that in the wider picture.

That brings me to consider what we can do in the context of the austerity that we currently face. The Labour amendment introduces two new points. First, it references the Scottish Government's forthcoming domestic abuse bill. We support the Government's ambitions in that regard and look forward to working with it to develop the approach—I will say something about a particular constituent in that context.

Secondly, our amendment refers to the consistency of decent long-term funding for women's aid groups and rape crisis centres. I can pull up Douglas Ross's record locally in Moray; it is important to recognise that there are threats to women's services throughout the country, because there is no statutory requirement to provide such services. Councils are having to make cuts.

**Douglas Ross:** I have just read the member's rather pathetic political attempt to criticise me on Twitter. Will she tell me what Labour councillors in Moray are doing to address the cut? What have they done since Moray Council took the decision a number of years ago, and what are they doing now to address the concerns of Moray Women's Aid, which I am taking on board?

**Kezia Dugdale:** Earlier today I spoke to the Labour councillor in the ward that Mr Ross represents, and he told me that he fought vociferously against the cut that Mr Ross voted for in the council chambers.

**Douglas Ross:** And since then?

**Kezia Dugdale:** I would like to make my wider point about funding for services around Scotland, Mr Ross.

We have to recognise that councils have to double down on cuts to services that are not statutory requirements. That is why women's aid services are facing cuts just now, which I find unacceptable. I strongly urge the Scottish Government to put those services on a three-year funding cycle at the earliest opportunity, because I have seen first hand in Edinburgh what happens if we fail to do that. The Edinburgh Rape Crisis Centre gets only a one-year funding cycle, so it can provide only a nine-month service for that year. It provides 12-week counselling courses for women who are affected by violence and abuse, but it stops providing those services to individual women for fear of not having enough money to help them to complete the 12-week process. If the centre had a three-year funding cycle, it would be able to increase the amount of support that it provides to individual women on a year-by-year basis. That is one practical example of why three-year funding is so important.

It is important for us to recognise that, while we applaud women's aid groups in the chamber this afternoon, many of the women who work in those organisations are currently threatened with redundancy notices, as the organisations do not know how much money they will have next year. We should be honest about that.

I said that I would mention one particular constituent who came to see me and who is a victim of a violent partner. The perpetrator of that violence faced 13 charges in court and was

convicted on 10 counts with three not proven verdicts. He was bailed before sentencing, which put the fear of death into her. While he was bailed, he absconded and he was found months later in Newcastle. He was arrested and, once again, he was bailed. He is still out there somewhere, either in the Lothians or beyond.

Although we have come a long way in improving the justice system, it is not perfect—I know that it is hard to seek perfection for the justice system—so we have to recognise and give voice to the experiences of the women who walk into my surgery and, no doubt, into the cabinet secretary's surgery, too. This is a constructive debate and it is great to celebrate the 16 days of action, but let us get real about the challenges that many women's aid groups, domestic violence groups and rape crisis centres face around the country. Let us do everything that we can to support their vital work.

I move amendment S5M-02820.2, to insert at end:

“; welcomes the forthcoming Domestic Abuse Bill, which will create a new offence of domestic abuse to further tackle violence against women and girls, and agrees that the introduction of three-year rolling funding for local women's aid organisations and rape crisis centres must be prioritised to help secure these support services and deliver on the 2016 campaign theme of sustainable financing for initiatives that tackle violence towards women and girls in Scotland.”

**The Deputy Presiding Officer:** We have a bit of time in hand so I am relaxed about giving time back after interventions. Of course, that might change later when my co-Deputy Presiding Officer gets in the chair.

15:32

**Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP):** As we have heard today, the Scottish Government has responded commendably to the need for far greater awareness of violence against women and girls. Already, we are on our way to outlaw revenge porn, and we have introduced Clare's law across the country. We introduced the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 and I am looking forward to working with the Government on a domestic violence bill. We are fighting constantly against human trafficking and all forms of exploitation of women and girls, and we are now striving to develop a social security system that respects human rights and treats people—especially women—with dignity and respect. I hope that it will be one without a rape clause.

Although we can congratulate ourselves, we must always be vigilant and thoughtful about how we tackle some of the most heinous crimes, of which roughly one in every three women is a victim.

None of us is born with a desire to do violence to anyone nor are we born with innate prejudice. I visited a primary school in Wishaw the other day as part of my committee duties and I talked to some children in primary 4 to primary 7. They were undertaking a project on human rights and they were given red, amber and green cards in order to tell us—the Scottish Government and the Scottish Parliament—what we were doing well, what we could do better and what we were not doing well. They were absolutely fantastic at their task, which was to rate how they thought the Scottish Government had performed on certain issues, including the idea of fairness. One little boy, when he was asked what he thought was unfair, had very clear ideas: “It is not fair the way people treat immigrants and refugees,” he said. He was very confident in his assertion—the children did not like inequality.

Sexual violence—physical or mental—is an equality issue and we need to do everything that we can to embed that idea in the classroom where receptive children will readily absorb the concept. That is where a cultural belief in the value of fairness begins.

In the summer, the Educational Institute of Scotland produced new guidance for teachers on challenging misogynistic attitudes among children and young people. The guidance—get it right for girls—will help teachers to embed good positive attitudes at the earliest stage of a child's development. At the launch, one speaker told us that inequality starts when the midwife says, “It's a girl.” I am the mother of two sons and that really struck home with me. I hope that my sons have clear feminist values.

Further along in life, the standing safe campaign, mounted in universities, which Margaret Mitchell and I supported at the University of the West of Scotland, shows that young people are determined to bring an end to all violence visited on women and girls.

The UNiTE campaign is, in one sense, knocking at an open door, especially in Scotland. No normal person would support the promulgation of violence, yet there remains a major job to do. According to Zero Tolerance, violence against women and girls

“is a significant social problem in Scotland which prevents the country being as safe, healthy and productive as it could be.”

We want our country to be safe, healthy and productive for our women and our girls.

“It remains very prevalent, both in Scottish society and globally, and is still widely tolerated.”

The fact that violence against women and girls is tolerated is mind-blowing, but when the new leader of the free world suggests that it is okay to

sexually assault women, we all know that we have work to do.

“It is rooted in women’s inequality—unequal pay and economic, social and political power; sexual harassment; objectification of women and unequal distribution of caring responsibilities.”

We all need to step up. All that is preventable, but it takes commitment and resource, which might not be the easiest aspect to sell.

Therefore, I respect this year’s campaign theme of acquiring increased, sustained funding for organisations working to end violence against women and girls. Governments globally need to step up their support if we are to succeed in outlawing this aggressive and damaging behaviour.

At the UN’s official launch of the annual campaign, attendees draped themselves in scarves of orange—the colour that the UN has chosen to mark action against violence. I see that my colleague, Claire Baker, is resplendent in orange, putting the rest of us to shame. The UN secretary general, Ban Ki-moon has said, like me, that Governments need to step up their support of women’s movements and civil society groups to address what is a human rights violation—women’s rights are human rights; human rights are women’s rights—a health concern and a major obstacle to women’s development not just here but around the world.

It is time to see the whole issue in the wider context of the damage that violent behaviour causes. It is not confined to the bedroom or behind closed doors; it is not confined to some far-off land. It is here; it is now. If we can ensure equality for women and girls nationally and globally, we would ensure a safer, more equal world for our boys and men.

The UN’s 16 days of action against domestic violence is aimed at businesses, supporting them to take action against domestic abuse and the violence that takes place. We all have a duty—businesses, parliamentarians, the Government and parties—to end gender-based violence now and for all. Today, we could be fearless and end it.

15:38

**Margaret Mitchell (Central Scotland) (Con):** I welcome today’s debate highlighting the United Nations’ global campaign for 16 days of activism to prevent violence against women and girls.

Ending violence against women has been an issue debated in the Parliament since its inception. There has been significant progress since then. That includes local initiatives such as the University of the West of Scotland’s standing safe campaign, referred to by Christina McKelvie. It is a

student-led initiative, facilitated by staff in consultation with key stakeholders. The aim is to encourage students to reflect on and change the harmful attitudes that underlie gender violence. In addition, practical measures are suggested, such as training in safe bystander intervention and the provision of a toolkit to ensure that students know how to access support.

However, as Secretary-General Ban Ki-moon stated at the launch of the UN campaign, globally, one woman in every three will be sexually or physically abused in her lifetime. It is, indeed, sobering to hear that the UN office on drugs and crime estimates that of all the women who were the victims of homicide globally in 2012, almost half of them were killed by intimate partners or family members, compared with less than six per cent of men killed in the same year.

Furthermore, it is now widely acknowledged that sexual violence against women is used as a tool of war. Today, when Rona Mackay, Johann Lamont and I met the Iraqi delegation, the organised rape, sexual assault, sexual slavery and forced marriage that are perpetrated on Yazidi, Christian and other women by Islamic State forces were highlighted as a potent, immediate example and a stark reminder of the on-going atrocities committed against women in conflict zones.

Here, the Commonwealth Parliamentary Association and Commonwealth Women Parliamentarians have in recent years focused on parliamentarians sharing information and expertise on how Parliaments can contribute to the eradication of this pervasive global issue.

To mark Commonwealth day last year, the CPA Scotland branch executive committee decided to hold a round-table discussion with students from Commonwealth countries who were studying here in Scotland on the topic of “Violence against women and girls: Scotland’s response.” The dialogue proved to be revealing and included a focus on female genital mutilation, with a young girl from the middle east sharing her knowledge of the custom. The students emphasised the point that violence against women includes stalking, commercial sexual exploitation, forced marriage, coercion, so-called honour-based violence and revenge attacks, such as assaults with acid.

In the last 12 months of session 4, in response to statistics revealing a continuous increase in incidents of sexual violence in Scotland, the Scottish Government introduced, through the Justice Committee, legislation on domestic abuse, forced marriage, human trafficking and non-consensual sharing of indecent images. In addition, a bill on domestic abuse is expected next year.



Bearing in mind the comments from the students at the CPA round-table discussion, the police operation in Glasgow two years ago that found that 97 children and teenagers were or were at risk of being victims of sexual exploitation and, more recently, Police Scotland's online child abuse investigation, which identified 523 children as potential victims of online sexual abuse, I believe that it is absolutely crystal clear that while we are addressing domestic abuse and the other aforementioned issues, much more needs to be done to proactively combat the online abuse and sexual exploitation that are happening here on our doorstep.

I want to end with this thought: the abuse that happened in Rotherham over 16 years involved young people reporting incidents and not being believed; there were various occasions when the perpetrators could have been pursued but were not. Basically, it is a devastating, heart-wrenching example of all the checks and balances that are allegedly in place to protect children and young people proving worthless in tackling the insidious, highly organised and systematic sexual abuse of hundreds of vulnerable young girls.

Here is the crunch: are any of us 100 per cent confident that the same could not happen right under our noses, here in Scotland today, given that perpetrators of sexual violence include the most devious, cunning and manipulative individuals, who are adept at using modern technology in an attempt to remain one step ahead of the forces of justice? Self-evidently, there is an immediate and constant challenge to overcome to combat the various forms of violence against women, both globally and here in Scotland.

15:44

**Gil Paterson (Clydebank and Milngavie) (SNP):** Presiding Officer, 25 November marked not only the international day for the elimination of violence against women but the beginning of 16 days of activism against gender-based violence. The campaign ends on 10 December, which is appropriate, given that that is human rights day.

Domestic abuse is unacceptable. Rape and other sexual offences are among the most abhorrent crimes in our society, and I am pleased that we have a Government—and indeed a Parliament, and the parties in it—committed to taking a zero-tolerance approach and to ending violence against women and children. As someone who previously sat on the board of Rape Crisis Central Scotland, I am pleased indeed that the Scottish Government is working closely with Rape Crisis Scotland to strengthen Scotland's overall approach to tackling rape and sexual assault, providing funding for 14 local rape crisis

centres across the country and a rape crisis helpline.

Working with partners who have local connections highlights the importance of bringing on board all levels of government to prevent and eradicate violence against women and girls. Equally safe, the joint strategy by the Scottish Government and the Convention of Scottish Local Authorities, sets out a shared understanding of the causes and scale of and risk factors related to the problem; it highlights the need to prioritise prevention and sets out how we will develop a performance framework that allows us to know whether we are realising our ambitions.

That co-ordinated approach, working with partners, and the £2.4 million investment in our courts and prosecutors to ensure that domestic abuse criminal cases are heard without undue delay will ensure that the perpetrators of these crimes are brought to justice and that the victims receive the help and support that they need. It is worth noting that, between 2010-11 and 2014-15, the number of individuals with a domestic abuse aggravator who were given a custodial sentence increased by 53 per cent from 1,017 to 1,560. Over the same period, the average sentence length in such cases increased from 184 days to 257 days. Those are statistics that we can all welcome.

In this period in which we recognise action to end violence against women and girls, it is worth highlighting on-going legislation. I have spoken in many debates related to that issue, including on legislation to create a specific offence of domestic abuse covering not just physical abuse but also other forms of psychological abuse and coercive and controlling behaviour that cannot easily be prosecuted under existing criminal law. The creation of that new offence will bring clarity to victims and allow them to see clearly that what their partner or ex-partner has done to them is wrong and can be dealt with under the law.

As I have said, domestic abuse is unacceptable and sexual offences are abhorrent crimes. Violence against women and girls—and indeed any individual—is, as has been recognised both nationally and internationally, a fundamental violation of human rights. The Istanbul convention commits nations and states to addressing violence against women, and its aspirations are in full accordance with the Scottish Government's own approach and our definition of gender-based violence, which is itself based on the United Nations' definition. As of 1 November 2016, 42 countries have signed the convention, including the UK, which signed on 8 June 2012; it has been ratified by 22 of them.

Unfortunately, the UK Government has yet to ratify it. We should send a message from the

Parliament to encourage it to do so, particularly as we have heard and considered the statement from Scottish Women's Aid, which the cabinet secretary quoted and which has a potent message for all of us to act on. I have talked about national and local approaches; that is a commitment to an international approach. Like the Scottish Government, I urge the UK Government to lay out a clear timetable for ratification that includes full engagement with the other devolved Administrations.

Let us mark the 16 days by passing the cabinet secretary's motion, which I commend to the Parliament.

**The Deputy Presiding Officer:** We still have a little time in hand.

15:50

**Rhoda Grant (Highlands and Islands) (Lab):** The 16 days of activism against gender-based violence always provide us with an opportunity to debate violence against women. Although we have debates over the year on different aspects of violence against women, we have the opportunity to use this debate to highlight gaps in services and ideas for improved support and service provision.

I have campaigned for some time on access to domestic abuse courts in the Highlands and Islands. We have seen how they have worked well in other places, allowed practitioners to build up knowledge and understanding and allowed services to be put in place to support victims on the day. A court can be daunting enough for anybody, but especially if they are to come face to face with someone who leaves them afraid and diminished. We need that level of support to be available to every victim. In our more remote rural areas, we cannot have separate buildings and a separate court, but we can have days set aside to deal with domestic abuse cases.

Our amendment calls for three-year funding. That is really important for women's aid groups, whose national and local funding is being cut at a time when we are asking them to do more. If they knew when cases were to be in court, they could use their resources better to support their clients while reaching out to others who have not yet accessed their services. That would save them money and mean that one support worker could spend a day in court to cover all the cases. Currently, different support workers may need to be at court on every sitting day, but that is impossible with decreasing resources.

It must be incredibly disheartening for support workers to do that often harrowing work while they carry around their redundancy notice. That happens all too often. Although most workers are used to that annual occurrence, others are not,

and they often move to more secure jobs. If they have experienced the redundancy situation before, they may be used to it, but as funds get tighter, they begin to wonder whether this is the day when redundancy will really happen for them.

In the past two years, people have been within days of losing their jobs before the Government announced the budgets. That needs to stop. If we add to that the lack of pay rises for many people as budgets are cut, we are asking people to do the most difficult jobs while we mostly take them for granted when it comes to rewards, security and pay rises.

We are all signed up to equally safe. Tackling every aspect of violence against women is equally important. We recognise that commercial sexual exploitation is violence against women—that is recognised in "Equally Safe"—but we have no laws to deal with the perpetrators of that form of gender-based violence, and that is simply wrong.

I recently read a book by Kat Banyard in which she says:

"The resistance faced by those working to abolish the sex trade can sometimes simply be the quiet brute force of mass indifference".

To be frank, that is often what the Parliament feels like. We know that the sex trade is wrong and we know that it is violence, but the

"brute force of mass indifference"

means that we do not act. We must act now. There was supposed to be a workstream on that in the equally safe approach, but there is no strategy.

Some time ago, I spoke to people from an organisation that had services to help survivors of child sex abuse, which we all take seriously. When they set up the service, they were quickly struck by the number in their client group who had been involved in prostitution. The abuse that those people suffered as children carried on into adulthood, which left them with complex problems. We rightly condemn the abuse of a child, but we seem indifferent to the abuse of an adult, even when they are the same person. That is not a unique pattern; it is commonly known and recognised. I hope that the Scottish Government will now act. It must protect the exploited, whether or not they are trafficked, because they are all abused.

I make a final plea with regard to parental access when there has been a history of domestic abuse. Far too often, the courts allow children to be used as weapons by an abusive partner. Surely an abuser should automatically lose all their parental rights because of their abuse. They have damaged the children already, and that damage will be with the children for the rest of their days. Parental rights should be returned only when the

person can prove that they are a fit and proper parent—nothing else will do.

We have come a long way in the Parliament on dealing with violence against women. Sadly, we have some distance yet to travel before we eliminate it altogether, but I hope that we are all ready to finish that journey. Let us see mass action on violence against women rather than mass indifference.

15:56

**John Finnie (Highlands and Islands) (Green):**

The Scottish Green Party will support the motion and the Labour amendment. However, every day—not just 16 days a year—should be a day of action to end violence against women and girls. It is important to focus on the issue at a certain time, but the problem is a daily nightmare for many women and girls. The cabinet secretary and others are right to describe that as a human rights issue and an issue of abuse.

We have spoken many times in the chamber about the matter, and I suspect that we will speak about it many more times. The issue is one of gender-based violence. As Kezia Dugdale said, it is also one of inequality and a power imbalance that will be addressed only if we enhance women's rights. I am grateful to the organisations that provided briefings for the debate, some of which are represented in the public gallery, and I acknowledge the commitment that the individuals in those organisations make to a demanding task and the challenges that they face.

We keep returning to a number of areas. Although progress has clearly been made, we have not yet got resolution. I welcome the fact that an increasing number of front-line staff in various walks of life receive training on domestic violence. For example, in its briefing, the British Medical Association talks about the training that is available to administrative staff to enable them to look for certain signs and to offer support. It also says that, because of the surveillance and the coercive behaviour that victims are subject to, any leaflets that are made available have to be placed discreetly. That is a sign of the pernicious behaviour that we have to deal with.

In recent weeks, there has been quite a bit of discussion about the police response to domestic violence. It is certainly true that it is robust, and that level of response is clearly merited, but it is not without its challenges. As someone who wants a rights-based approach to be taken to everything, I think that the work that Police Scotland has done on domestic violence is highly commendable.

As a number of colleagues have said, the Justice Committee, of which I am a member, is examining the role of the Crown Office and

Procurator Fiscal Service. As part of that, we took evidence from Police Scotland. I asked Assistant Chief Constable Higgins about the work that Police Scotland has done to identify repeat offenders and the protocol that is gone through when a victim comes to light. Again, the work that has been done on that is significant and good. A bully does not stop being a bully because they move to a new partner; instead, the new partner becomes a new victim. It is deeply distressing how some men's criminal behaviour continues over a considerable time.

There have been high-profile prosecutions—I can think of one in the Highlands—that have sent a clear message, and we know that that has come about because of collaborative working with Scottish Women's Aid and victims groups and because of the diligent inquiries of Police Scotland, which is supported by dedicated specialist prosecutors, whose role is important. The issue remains, but I say to those cowards that the police are coming to get them, and I hope that the police get them in numbers.

A challenge in our legal system is ensuring that our legal processes do not revictimise people—I am talking about the number of interviews and court design, which has been referred to. There is a role for domestic abuse courts, as my colleague Rhoda Grant said, and I have raised the issue with the sheriff principal in my area. That is not about buildings but about case management and making the best use of resources.

One thing that has developed in recent years is special measures. We have the technology to help but, sadly, it is not always understood and its potential to be used has not been realised. I still hear of cases in which women would have benefited from that technology but it has not been applied.

In a recent debate in the Scottish Parliament, we talked about the role of children's evidence. Perhaps a different route can be taken to secure that while ensuring that child victims and witnesses are not put through the ordeal of court. There could be a pre-trial agreement about that.

Education is absolutely key. We also have to understand the concerns that have been voiced about the objectification of women and girls and the pressures that they feel from social media. We must promote positive role models, some of whom are in the chamber.

Men know the power that they have. It is disgraceful that, on the back of accusations of misconduct involving women, the President-elect of the USA was elected. On one occasion, I watched him prowl behind his female opponent in a television studio. Some have suggested that that was because of a lack of self-awareness on his

part, but I think that it was quite the reverse and that that is far too generous. He showed a sad contempt for his opponent because she was a woman. It is gender-based violence.

We have talked about legislation that has gone through recently, and the previous Justice Committee scrutinised the Abusive Behaviour and Sexual Harm (Scotland) Bill. We also looked at human trafficking, which must be addressed. Positive progress has been made and I hope that it will not be affected in any way by Brexit.

Slavery, forced marriage and the role of rape crisis centres are also important issues to address. I am not enthusiastic about the term “honour-based”. Thuggery is thuggery and it does not matter how it is dressed up. We afford it too much credibility by giving it that name.

Other members have talked about female genital mutilation. The former Equal Opportunities Committee did an inquiry into that and found that the term means nothing to most of the victims. There are various euphemisms for the vile treatment that those women are subjected to and we must do everything that we can to break down the barriers to confronting the issue and to empower women and girls.

Another aspect that has been talked about is gender segregation, which comes up in all walks of life.

We must ensure—this will come up in the Justice Committee’s inquiry into the Crown Office and Procurator Fiscal Service—that criminal law and civil law work in tandem. When an offender is convicted and bail conditions are immediately lifted, the victim is once more at that individual’s mercy, which is completely unacceptable. There are questions about access to justice; if that happens, that is not justice. Access to justice might—unfortunately—be a cliché, but we should adopt the equally safe approach.

People have mentioned how the UK welfare system—not the one that we are going to put in place—disproportionately targets women and children.

I throw my weight fully behind the remarks that Scottish Women’s Aid made about the Istanbul convention. I have enjoyed the debate.

16:03

**James Dornan (Glasgow Cathcart) (SNP):** I do not know what it is like to live in fear of being beaten in my own home. I do not know what it is like to have to hide with small children under a bed, in case someone chooses to abuse me, or worse, the children. I do not know what it is like to have to tell my children to turn the music up really loud in order for them not to hear the slaps or the

screams. I do not know what it is like to have to pack up all my belongings, and the belongings of my family, to flee into the dark night, not knowing where I will go or who to turn to. I might never have faced that, but far too many women in my constituency and throughout Scotland do. That is why this motion is so vitally important.

In my constituency, there are fantastic projects working to support those who are affected by domestic abuse. WAVES (Women Against Violent Environments) and Daisy Project are run in Castlemilk by local people and they are changing the lives of many victims who pass through their doors. I have been fortunate enough to work closely with those groups and get an insight into the lives of the women. I would like to mention Janice and Trisha from the Daisy Project and Bessie, Helen and Cathy from WAVES, all of whom have committed so much of their time to make life that bit better for women and their children.

Sadly, the stories are often all too similar. However, I will take the opportunity to be the voice of the women whose stories go unheard. Some of the women present with holes in their shoes. They have no food, no heating and very few clothes because their partner withholds money or they have lost their earning potential due to on-going issues that have arisen because of the abuse. Even after fleeing abuse, many women struggle. One woman and her children spent last Christmas in temporary accommodation in a house with no television, no Christmas presents, no Christmas dinner and no hope. That is why many of the toys from my annual toy appeal go to the children who WAVES and the Daisy Project deal with throughout the year. The women who are looked after by those projects are often seen to be getting frailer and frailer as stress, worry and fear—along with months or years of abuse—take a physical toll on their body. They become mentally unwell, and their self-esteem is often so low that they cannot even find love for themselves.

While those things have an untold effect on a woman, we must never forget the many children who are damaged in the short and long term as a result of domestic abuse. Many leading children’s charities across Scotland and the UK acknowledge that if a child witnesses domestic abuse that is, in itself, a form of child abuse. Children can experience domestic abuse in many different ways: seeing the abuse, hearing the abuse from another room, seeing the parent’s injuries and distress after the attack and—worst of all—being physically caught up in the attack or getting injured trying to prevent an attack when, in reality, there is nothing that a child can or should have to do to protect his mother.

Often, children never tell an outside adult about the abuse that is taking place in their home situation because they either believe that the experience is normal or they are far too terrified of the consequences to alert an adult. If a child is forced to flee their home with an abused parent, that, too, can have a profound effect on their life. They often end up in a strange environment with a distressed parent, and the child can be the parent's only source of care and comfort. They may have to live in unstable or unsuitable accommodation that is miles from their place of education and with no other family member for support.

In a conversation this morning with Shelter Scotland, which is often at the front line of rehoming families that are fleeing domestic abuse, I was told that the average child who is in unstable accommodation or who is homeless will miss 55 days of school in a year. As the convener of the Education and Skills Committee, I find that unacceptable. On top of that, the child is more likely to experience bullying and to become isolated in the learning environment. When the child experiences those things alongside the emotional and mental turmoil that they face, it can seem to that child that the future is bleak indeed.

Police Scotland describes domestic abuse in the following way:

"Any form of physical, sexual or mental and emotional abuse which might amount to criminal conduct and which takes place within the context of a relationship. The relationship will be between partners (married, co-habiting, civil partnership or otherwise) or ex-partners. The abuse can be committed in the home or elsewhere."

There is a common misconception that domestic abuse is just physical abuse. That is clearly not the case. Domestic abuse can be physical, sexual and emotional or mental abuse—and there is sometimes a longer-term impact when the abuse is emotional or mental. I recognise that, in Scotland and across the world, gender-based violence can take on many forms, but none of them is acceptable and we must do everything that we can to combat it. The "Equally Safe" report states that, on a practical level, the cost implications of failing to address the prevalence and implications of violence against women and girls are significant, amounting to an estimated £1.6 billion for domestic abuse and £4 billion for violence against women in all its forms. My hope is that we can end all forms of gender-based violence and that that money can be used in other areas.

We are making strides towards change, and the projects that I mentioned earlier are doing huge amounts of work. For example, the Daisy Project helps the women with food banks; gives them emergency support when it is needed, including supermarket gift cards; refers them to money and

debt advice; passes on clothes, toys and so on that are donated; and attends their meetings with lawyers and their court appearances. It also—it is horrible that this has to be done—arranges safe entry to and exit from court for the women and children. The project has started a civil court support group to find where the main issues lie for the women, and it provides unlimited support especially for civil court cases that can go on for many years.

The projects that I have mentioned provide drop-in centres, outreach support, group sessions and one-to-one care, and they educate women on their rights. Sadly, like many of the children, the women sometimes do not even realise that they are a victim of a crime because the perpetrator is someone whom they love and trust. Victim Support Scotland does great work in helping women who report the crimes, but it is the projects on the ground, such as the Daisy Project and WAVES, that help women to find the courage to report the abuse in the first place. The projects have my deepest admiration. They are not just a lifeline for women; they are often the salvation of whole families.

It distresses me deeply that, in 2016, we are still having to debate the horrors of violence of any kind against women. Until that violence is eradicated across the globe, it is the job of this Parliament to stand up for and be the voice of those who cannot speak for themselves without fear.

16:10

**Alex Cole-Hamilton (Edinburgh Western) (LD):** I echo the sentiments of previous speakers from all parties and welcome the respectful tone that has been fostered.

I must declare an interest, in that before I entered Parliament, I served on the ministerial expert group on violence against women and children, and on the ministerial task force on child sexual exploitation. My work on both bodies has fostered in me a deep understanding that violent abuse, whether gendered or otherwise, spans an insidious spectrum in our society and that, along with it, there exists an intersectionality of issues, social problems and marginalisation, ranging from the dark realities of human trafficking in this country to the existence of horrific practices such as female genital mutilation and honour crime, and which include our own centuries-old destructive relationship with alcohol—there is a massive empirical link between drink and domestic abuse.

So complex is the agenda that the Scottish Government has rightly embarked on a range of programmes and strategies to address those stains on the fabric of our society, whether through

the equally safe strategy, the FGM action plan or the forthcoming domestic abuse bill, all of which shape our response to the challenge of the Istanbul convention, and they have our full support. I have referred to two such approaches in which I have been involved. All those initiatives have rightly received full-throated cross-party support.

However, the complexity that I have described has made it manifestly difficult for us collectively to answer the challenge of violence in our society. Indeed, the first iteration of “Equally Safe”, the violence against women and girls strategy, was drafted without the contribution of the children’s sector. That oversight led to a delay and a welcome redraft, which speaks to the intersectionality that I described earlier. We must be vigilant in ensuring that, when we draft strategies and approaches, victims do not slip through the cracks. Although violence is often gendered in nature, the original equally safe strategy neglected the concerns of the many organisations that pointed to the symmetry with and relevance of the needs and interests of little boys. To put it simply, we cannot allow the approach to become too siloed.

Regardless of the strategies that we employ, we must ensure that they are always implemented from a rights-based perspective, with a child rights and wellbeing impact assessment being conducted at every stage of our journey. Our approach must be preventative from the outset. We must teach children from an early age what a safe, respectful and appropriate adult relationship should look like while building their self-esteem and giving them the tools and understanding to manage their anger. That is why it is vital that our efforts on this agenda must also underpin those on commensurate agendas, such as the nascent relationships, sexual health and parenthood education guidance.

As well as taking a preventative approach, we must look to address the acute end of the problem and the symptoms of it. The availability of trauma recovery services is still entirely dependent on geography. Similarly, teacher training on the specific behavioural needs of children who are affected by attachment disorder, trauma and loss is currently inadequate and it risks further hampering life chances.

The “State of Children’s Rights in Scotland” report, which was published last month by Together—the Scottish Alliance for Children’s Rights—of which I am a past convener, further delineates the task before us. It clearly lays out that the United Nations Committee on the Rights of the Child is concerned by the high prevalence of domestic and gender-based violence in our

country and the particular impact that that has on children, both as victims and as witnesses.

It is on the issue of equal protection for children that the Parliament and the country have the greatest distance still to travel. The Government has today righted a wrong in the age of criminal responsibility that has stood as a demerit among the UNCRC rapporteurs for many years, and we welcome that. It is a lasting testament to the work of my good friend Alison McInnes. However, we shall forever fail in our efforts to eradicate any form of violence in our homes while we continue to sanction the use of violence as a corrective sanction against our children. That view is endorsed by Marsha Scott of Scottish Women’s Aid.

The antiquated legal defence of justifiable assault used to apply to the physical punishment of servants and of women. Its use in those contexts has rightly long since been repealed, but it still endures in relation to children. To put it simply, we shall never achieve our cross-party ambition to make Scotland the best place in the world to grow up while we remain one of only four countries in the Council of Europe to permit the physical punishment of our children. The UN committee repeatedly and rightly admonishes us for that. In not one country in which equal protection has been afforded to children has there been the mass criminalisation of parents—a factor that the Government cites for its reluctance to move on the matter.

As we work collectively across the parties to take forward the laudable steps that the Government has taken on violence, equal protection for our children is the last frontier on that agenda. We will support John Finnie’s efforts in the Parliament to change the law on that. The former head of the Strathclyde Police violence reduction unit, John Carnochan, was asked at a conference in 2007 how we begin to reduce domestic and gendered violence in our society; he responded, “For a start, I don’t think we should be assaulting our children.”

**Johann Lamont (Glasgow) (Lab):** I respect the points that Alex Cole-Hamilton is making about violence against children but does he not acknowledge that violence against women knows no borders, boundaries or classes and, regardless of whether children are permitted to be smacked in our communities, violence against women is a global issue? Does he also accept that, although the campaign on violence against children is important, it is not the last frontier of protecting women against violence?

**Alex Cole-Hamilton:** I thank Johann Lamont for her intervention. I absolutely agree with her remarks on the global fight against violence against women. When I say that equal protection

for our children is the last frontier, I mean that it is the last frontier on which we are to make any meaningful policy progress in the Parliament. If we get the early years right, much of the rest will follow. We need to start by setting an example for our children and theirs to come.

16:16

**Colin Beattie (Midlothian North and Musselburgh) (SNP):** I am pleased to support, and speak on, this year's 16 days of action campaign. The international campaign calls for the total elimination of violence against women and girls. It was born in 1991 at the first women's global leadership institute and is co-ordinated by the centre for women's global leadership at Rutgers University. Each year, it runs from 25 November, which is international day for the elimination of violence against women, until 10 December, which is international human rights day. It has as its mission the aim of reframing women's rights as human rights.

Over the past 25 years, much has been achieved to stop violence against women as a result of the 16 days campaign and the hard work of other organisations. However, recent inappropriate statements by certain prominent presidential candidates have highlighted to the world the reality that we still have much work to do. For all the good that has been done, perhaps we are not as far along with ending violence against women as we thought that we were. It is indicative of that reality that recent estimates by the UN suggest that one woman in three will experience some form of physical or sexual violence at some point during her life. Similar figures are approximated specifically for domestic abuse and even the sexual abuse of girls during childhood.

However, in Scotland, reports on our progress to end violence against women appear positive. I firmly believe that we are headed in the right direction. Last week, Police Scotland reported that four out of five domestic abuse charges lead to a conviction and, only last month, the Scottish Government released figures from 2015-16 showing that incidents of domestic abuse decreased by 3 per cent from the year prior, with a lower total of 58,104 incidents. On top of that, there was an additional 3 per cent decrease in incidents resulting in at least one crime or offence being committed. Those reports are positive, but 58,104 incidents is still 58,104 incidents too many.

Violence against women and girls, in any form, has no place in Scotland or in any nation. When I speak of violence, I mean violent and abusive behaviour that is directed at women and girls precisely because they are women and girls. It comes as no surprise that such acts are

perpetrated predominantly by men or that such behaviour is a result of the longstanding and continuing inequality between men and women. It includes domestic abuse, rape, sexual assault, forced marriage, female genital mutilation and prostitution. Whatever form it takes, it permanently impacts every individual and family involved.

Children and close relatives are often drawn into the terrible circumstances that so often arise. The knock-on effect is incalculable. People's lives are affected for many years and sometimes for all of their lives. People survive domestic abuse and learn to cope with the consequences, but it has to stop.

Studies indicate that women who are experiencing violence are 15 times more likely to use alcohol and nine times more likely to use drugs than other women. They are more than twice as likely to have an abortion, almost twice as likely to experience depression, and, in some regions, one and a half times more likely to acquire HIV.

Perhaps the starkest figure is that, globally, of all the women who were the victims of homicide in 2012, almost half were killed by intimate partners or family members as compared to only 6 per cent of men who were killed in the same year. It is an issue that, by any definition, must be close to the homes and hearts of people across Scotland and across the world.

It is 25 years since the 16 days of action campaign was launched and 23 years since the UN General Assembly issued its declaration on the elimination of violence against women. We can and must commit to do better, each year, until such violence is eradicated. The 16 days campaign is a time to mobilise our communities and get them into action; it is a time to band together and stop this epidemic now.

One of the major challenges to international efforts to prevent and end violence against women and girls is the substantial lack of funding available. Often, if funding is awarded at all, it is desperately difficult to renew. That is why this year's campaign, sponsored by the UN, emphasises the need for sustainable financing for all organisations involved in that effort.

Happily, the Scottish Government has been very active in its efforts to fund women's aid organisations and last year provided over £12 million, backing over 90 organisations dedicated to ending this violence. Those groups include Scotland's regional women's aid organisations, Rape Crisis Scotland, Barnardo's and a host of local and grass-roots organisations. In fact, dedicated funding for violence against women and girls is at an all-time high in Scotland and has been for several years now.

**Johann Lamont:** Does Mr Beattie agree with a point that was made by my colleague Kezia Dugdale and has often been made, not just by women's organisations but more generally by voluntary organisations, that the security of three-year funding allows for the better use of resources, ability to plan and prepare, and gives confidence to people who want to use those services? Will he support our amendment?

**Colin Beattie:** I agree that funding is always a challenge for all those organisations.

One of the less enjoyable parts of being a member of this Parliament is dealing directly with some of the fallout related to domestic abuse. Fortunately, organisations such as Women's Aid are there to help pick up the pieces. As an MSP I have met many women over the past few years who have spoken very highly of Women's Aid—usually based directly on their own experiences. I would, however, like to highlight that in many cases that I have encountered the abuse suffered is not physical, but verbal or mental. Just because there are no physical scars, that does not mean there is no wound. Personally, I have found the cases of mental abuse by far the most difficult to deal with.

As I said a few minutes ago, fortunately we have organisations such as Women's Aid to provide the expertise and support needed to the women of our communities. I have been fortunate enough to work with a number of those groups in their missions to promote, protect and empower women and girls across Scotland. Those have included the internationally acclaimed white ribbon campaign, the pink ladies 1st organisation, the Edinburgh and Lothians Regional Equality Council and, of course, local women's aid groups in Midlothian and East Lothian. They all, to my mind, provide an absolutely essential service in the battle against domestic abuse, and it is our job to strengthen and enhance them so that they continue to be able to provide their services well into the future.

I hope that my colleagues in Parliament will join me in getting involved with and actively supporting all such groups in their constituencies. I hope that we will all redouble our efforts, not just during the 16 days campaign but day in, day out seeking new ways to help end violence against women and girls in our local communities and across our country.

16:24

**Oliver Mundell (Dumfriesshire) (Con):** I am pleased to be able to contribute to this important debate and I very much welcome the parliamentary time that this cause has secured both in this chamber and at Westminster. More

important, I am also pleased to have the opportunity to thank the activists, organisations, individuals and volunteers across Scotland, including in my Dumfriesshire constituency, who work day in, day out—and not just for 16 days of the year—to help women to overcome the challenges that violent behaviour from men still brings.

As I said in a previous debate on domestic abuse, we must not underestimate the significance of shining a light on the abhorrent abuse of which women are victims. It is very important that we send that message out from this Parliament today. Indeed, in our fractious and often too-divided politics, it is imperative that individuals and families who have carried the burden and suffered the consequences of this scourge see politicians united both in common cause and in action.

There have been many great strides forward and the Scottish Government deserves credit for the work that it has done, particularly around domestic abuse. However, there is much more to do. We cannot afford to pat ourselves on the back when our criminal justice system is still less than perfect and when outdated and unacceptable social attitudes still prevail. I therefore welcome the tone of the cabinet secretary's opening speech.

If truth be told, it is the second aspect that I mentioned—social attitudes—that remains the most challenging. I say that not because I discount the importance of seeing justice being done but because we can prevent offending and violent behaviour only by tackling its roots in our homes, our schools, our families and our communities.

I hope that, before my involvement in politics is over, we will reach a point at which debates such as this are no longer needed, but that day seems further away than ever with the continued sexualisation of women both online and offline, challenges around female genital mutilation and the much talked about but all too often dismissed discrimination against women in the workplace.

I look at my own family and back to my grandmothers, who lived through the second world war—a conflict that many acknowledge radically realigned our society and changed through necessity the traditional view that a woman's realm was domestic and almost exclusively within the home. I think of my grandmother going off in her late teens to join the war effort and how alien that must have seemed in a small rural village. This might seem to be a slight departure from the motion, but the point that I am trying to make is that we have within relatively recent history—within the lifetimes of many who are alive today—made significant advances in challenging stereotypes and misplaced conceptions about the role of women.



We have seen and we see again now in our own field of politics that women can aspire to and hold the highest office, be that First Minister or Prime Minister, but unfortunately the challenges that hold back full and equal representation stubbornly remain. I might be badly placed to make this point having, through no fault of my own, removed an exceptionally capable, dedicated and experienced woman from this Parliament but, alongside achieving greater economic freedom, I still believe that ensuring that more women help to shape our public discourse is key to tackling more extreme discrimination and, ultimately, the truly unacceptable levels of physical and psychological abuse that women are all too often the victims of, and to changing attitudes more generally.

**Kezia Dugdale:** It is great to hear the member's support for more women being actively involved in politics. Will he therefore back the women 50:50 campaign, which requires this place to have equal numbers of men and women within it?

**Oliver Mundell:** I would like to see a Scottish Parliament where we saw 50:50 representation, but I think that that is better achieved by ensuring that young women are given encouragement to get involved in politics. There are different opinions on that and I do not think that this debate is the best place to go into that in detail.

It not just a task for women—it is incumbent on us all to play our full part. The problem for many of us, particularly those of us who are younger, is that we have become, unknowingly, a little bit complacent—as a whole, we are not as radical as some of the generations who came before us. Instead of pushing for systematic change, we have all too readily accepted that the fight is to be won through incremental change. We need to grasp the opportunity before us to redouble our efforts to build a fair and tolerant society. If we do not do that, we will all pay the social, economic and cultural price.

Finally, I want to turn back to the issue of justice. I make a short, unpartisan, plea to the Scottish Government to keep a close eye on the work that the Justice Committee is doing as part of its review of the Crown Office and Procurator Fiscal Service. The evidence that we have received so far makes it clear that not only are legislative changes required to ensure that all domestic abuse crimes are captured by the law, but that, owing to a lack of resources, there are often very serious failings in the way in which many victims of violent crime are served by the current system.

I commend the work that people do, when they go above and beyond the call of duty, but they also need to know that the Government is on their side. We need to look very carefully at what practical steps can be taken to ensure that justice

is being done and that perpetrators, rather than victims, are the ones who are punished.

**The Deputy Presiding Officer:** Ben Macpherson will be the last speaker in the open debate before we move to closing speeches.

16:31

**Ben Macpherson (Edinburgh Northern and Leith) (SNP):** It is an absolute privilege to speak in this incredibly important debate, which recognises the 16 days of action to end violence against women and girls and galvanises all of us to help reduce those terrible crimes.

I take this opportunity to recognise the work of my predecessor, Malcolm Chisholm. I was delighted to see that, having been appointed as patron of Edinburgh Women's Aid, he will continue that great work.

This week I wrote an article for Circle Scotland, a charity that is based in West Pilton in my constituency. The charity supports families in a variety of ways and does fantastic work across many parts of Scotland. I used to volunteer with Circle when I was a teenager, mentoring young children who lived in challenging circumstances. One day when I was at the centre, there was a disagreement among the six-year-olds the other volunteers and I were looking after. The boy I mentored was upset because the other children said that his dad was not a hard man. He was upset and worried about that and spent the rest of the day trying to persuade me that his dad was hard. It reminded me of when I was at primary school—in P1 and P2 there were already debates about who was the toughest in the year or in the school.

I think about those moments often—and today in particular—because they encompass many of the problems that we have in Scotland around community cohesion and reducing violence in general. I think about how notions of toughness are misunderstood as demonstrations of strength, and how, too often and for too long in our society and in other societies around the world, the concept of strength has wrongly been viewed through a prism of physical prowess or as an aggressive approach to assertiveness.

It has been 15 years since that moment in Pilton, but even today we know from our own individual experiences that young boys and men in our communities are still growing up with misguided and sometimes unethical societal expectations of how they should behave and what they should aspire to. Those expectations are so damaging, particularly when it comes to violence against women in all its forms.

Today, violence against women in Scotland and around the world stems back to patriarchy and a historical sense of entitlement and superiority among too many men. As individuals and MSPs, and together as a society, we need to play a role in challenging and changing that. That is why today's debate has been useful.

There are three main ways to challenge that outdated and immoral violent behaviour: through legislation, through financial support and through changing attitudes. On legislation, I support the Scottish Government's aspirations to implement the equally safe strategy to tackle all forms of violence against women and girls, working with COSLA. I also support the introduction of legislation in this session to create a specific offence of domestic abuse that will cover not just physical abuse, but other forms of abuse, such as psychological abuse and coercive and controlling behaviour that cannot easily be prosecuted using existing criminal law.

I support, too, the Government's determination to support services that work with survivors, such as the remarkable Edinburgh Rape Crisis Centre in my constituency, which Kezia Dugdale mentioned and which I have visited. I welcome the Scottish Government's commitment to funding such services and I acknowledge Kezia Dugdale's point—it is mentioned in the Labour amendment—about the security of three-year rolling funding. That point has also been raised with me, and I will support the Labour amendment at decision time for that reason.

I return to the point that I touched on in my initial remarks about what we can all do to support the need to seek, at every opportunity, a shift in consciousness, to change social attitudes and to develop a culture of gender equality and non-violence.

The motion states that we must tackle the underlying attitudes and inequalities that create the conditions for violence against women and girls, and I could not agree more. The cabinet secretary spoke powerfully about how the debate encompasses equality of opportunity as well as social and economic aspects. Those points were covered in other speeches.

I would like to focus on tackling gender stereotypes because, for me, they are a major part of the problem. The cabinet secretary referred to the research that was done into young people's attitudes to violence against women. I think that it is in all our interests to read the research report, because it lays down the challenge for us. The report focuses on the need to target our message at boys: we must not just challenge misogyny in schools but—this is important—really get boys to think about gender stereotypes and what it means to be a man or a boy.

For too long, we have pushed young men to be hard, dominating and tough, to have no emotions and to be in charge. We say, "Be like a man," and "Man up"—even in Scottish politics sometimes. We need to stop using those meaningless and unhelpful phrases. Instead, let us do all that we can to move towards a society where the common view is to encourage young men to be respectful, to act with integrity and to believe that real strength is found in equality and in treating others—all others—with dignity, decency and respect.

Whether as a parent, a teacher, a sports coach, a boss, a sibling, a friend, a person who works in the media or a politician, let us challenge the gender stereotypes in our society. Let us create a Scotland where a boy of six or 16, or a man of 26, 36, 46 or 56—or an older man—all relate to women as equals. Let us create a Scotland where that sense of being hard or tough is not what it means to be a boy or a man.

16:38

**Claire Baker (Mid Scotland and Fife) (Lab):**

The debate has been very welcome and gives us an opportunity to affirm our commitment to ending violence and abuse against women and girls.

We have heard accounts of the violence and abuse suffered by women and girls here in Scotland and around the world—accounts of actions that damage, seek to destroy and demean women and girls. Some actions are systematic and sanctioned; other actions take place in a culture of acceptance or a culture that turns a blind eye to those activities and does not recognise the problem—societies where women continue to be unequal in social, economic and political realms.

However, we have also heard of courage, challenge and fightback from men and women and from boys and girls who no longer want to live in a society that treats women and girls as inferior and subsumes violence and abuse into our everyday existence.

The 16 days of activism against gender-based violence shows the global importance of the campaign, and we have had a wide-ranging debate this afternoon. The cabinet secretary is right to push the UK Government to confirm that it will ratify the Istanbul treaty and to give us a clear timetable for that.

Kezia Dugdale raised the importance of human rights, which are fundamental to changing society's attitudes to gender-based violence. Margaret Mitchell was right to raise sexual assault as a tool of war—women and children are hugely vulnerable in such situations. They are often the unacknowledged victims of war and conflict, and they are often doubly assaulted, as they can be

excluded and stigmatised by their own communities. In this afternoon's debate, many members talked about what goes on in their constituencies, but we must also recognise our global responsibilities and aspirations.

As I travelled into work this week, I heard reports on the news of two serious rape cases in Scotland: one in a public park and one in a woman's own home. Those are horrific cases but they are not isolated. Scotland's crime statistics show a worrying trend of rising numbers of cases of domestic abuse, sexual assault and rape, which shows that we have a serious problem to deal with. Such crimes are associated with feelings of shame and fear on the part of the victim about how they will be treated or put under scrutiny.

We cannot be a society that fosters degradation and violence. There is no doubt that we have come a long way, but I am concerned that on some of those advances we are going backwards, for a number of complex reasons. I am concerned that gendered attitudes are becoming more common, that everyday sexism is increasing and that women and girls are still disadvantaged in relation to status and privilege. In communities and families, women and girls need to be empowered to go further and change our society, in the interests of us all.

Rhoda Grant talked about commercial sexual exploitation of women. I know how much work she is doing on the subject. I recently attended an event that she organised in the Parliament about changes to the law in Canada. I hope that the Scottish Government will respond to the points that Ms Grant made today.

Many members talked about the importance of the equally safe strategy. It is the job of all members to ensure that the strategy is delivered. In its briefing for the debate, Zero Tolerance was right to highlight the need for a robust delivery plan. What we currently have is welcome, but we need to move on and develop and implement an effective plan that is properly resourced and supported.

A number of members have mentioned the comments and attitudes of the President-elect of the United States. Such comments and attitudes are unacceptable, but they are more common than we like to think that they are. The response needs to be sustained and it needs leaders—it needs a movement—to challenge and change such attitudes. I give credit to all the grassroots movements that seek to do that, including reclaim the night, the everyday sexism project and Zero Tolerance.

An example of the response that is needed was given by both Christina McKelvie and Margaret Mitchell. Students from the University of the West

of Scotland are challenging unacceptable behaviour on campus that puts women at risk. The National Union of Students has expressed concern about the growth of lad culture, which has led to an acceptance of everyday sexism that is expected to be accepted and laughed off, leaving women—often young women—being verbally harassed and sexually molested. There have been high-profile reports of sexual assaults on campuses internationally, such as the case of Brock Turner in America, but here at home there have also been high-profile cases, involving celebrities and footballers, which have pushed into the spotlight the way in which society reports cases and judges women's behaviour.

Christina McKelvie, Ben Macpherson and Alex Cole-Hamilton talked about the need to challenge gendered attitudes among young people. If we can do that successfully, we can have a huge impact on people's lives and future relationships. More support is needed for prevention work, particularly in relation to teen abuse and exploitation and young people's attitudes to pornography, sex and relationships.

Kezia Dugdale talked about the need for stable and predictable funding for Women's Aid and rape crisis centres. I hope that we can unite around that call. Rhoda Grant talked about the unacceptable threat of redundancy for women who work on the front line. Sustainable funding is a theme of the 16 days of activism campaign, so I hope that the Labour amendment receives support.

I have concerns about some of the language that has been used during the Justice Committee's inquiry into the role and purpose of the Crown Office and Procurator Fiscal Service, which members mentioned. I want to emphasise that although people might have concerns about how we deal with domestic abuse cases—I do not share those concerns—how they conduct the debate and the tone of the exchanges are important. Domestic abuse is still a hidden and underreported crime, and some of the claims that have been made to the committee risk trivialising domestic abuse. Some comments on social media, from people who really should know better, have been inappropriate and unhelpful.

This afternoon, the Parliament can send a strong and united message that we will do everything that we can do to provide the proper legal framework and the right resources to empower women and girls. We can send a strong message that violence and abuse, whether it is physical or psychological, is not acceptable in our society and will not go unchallenged.

16:44

**Annie Wells (Glasgow) (Con):** I am pleased to be taking part in today's debate on gender-based violence. Like other members, I take the opportunity to commend the UN's 16 days of activism against gender-based violence campaign.

As we all know, it is not only in the UK that we are responsible for trying to eradicate violence against women and girls; it is also our duty to do our bit globally. The UK Government has been influential on that issue and, earlier this year, it received recognition from the Independent Commission for Aid Impact for its efforts to eliminate gender-based violence.

The Department for International Development has rapidly expanded its violence against women and girls programming over the past five years. It now has 23 programmes, with a total budget of £184 million. The money is dedicated to addressing a number of gender violence issues, including trafficking, female infanticide and FGM, to name a few. I am also pleased that the UK has committed £6 billion to the United Nations trust fund to end violence against women. The grant, which reached more than 1 million people in 2015 alone, is specifically for small women's and civil society organisations to tackle violence.

However, I acknowledge that there is much more to be done domestically and internationally and, as Oliver Mundell rightly pointed out, there is no room for complacency. The issue is deeply rooted in cultural norms and in unequal power relations between men and women. One in three women in Africa, south Asia and the middle east still experiences intimate partner violence, which highlights how engrained the global epidemic is, and that is why collaborative campaigns such as that of the UN are so fundamental.

I welcome Margaret Mitchell's emphasis on collaborative international efforts. As well as the work of the UN, the work of the Commonwealth Parliamentary Association and Commonwealth Women Parliamentarians is important. Margaret Mitchell's contribution about sexual violence against women being used as a tool of war was a stark reminder of the abuse that is inflicted on women and children during wars.

As Douglas Ross stated in speaking to his amendment, the UK Government is in the process of agreeing the approach to implementing extraterritorial jurisdiction. As he said, article 44 of the Istanbul convention requires states to exert legal authority beyond their territory for gender-based violence and other offences. That is why we welcome the fact that SNP MP Dr Eilidh Whiteford has secured parliamentary time this month to debate that important issue and that the UK

Government has already stated its commitment to ratifying the Istanbul convention.

We all know that the UK is not immune to gender-based violence. Statistics here are still surprisingly high, with one in four women and one in four people in the lesbian, gay, bisexual, transgender and intersex community experiencing domestic abuse.

We now see new forms of gender-based violence that carry their own unique challenges. Revenge porn and online abuse are on the up and we are increasingly starting to recognise that the stereotyping and sexualisation of women in the media and the commercial world can act as a precursor to unhealthy attitudes towards women. We are also hearing more from previously unheard voices in the LGBTI community regarding abuse in same-sex and transgender relationships and marriages.

LGBT Youth Scotland carried out its own research through the voices unheard project and reported that 52 per cent of respondents said that they had experienced some form of abusive behaviour from a partner or ex-partner.

**Clare Adamson (Motherwell and Wishaw) (SNP):** Does the member share my support for the fearless campaign, which has been launched by Sacro with support from Shakti Women's Aid, Respect and LGBT Youth Scotland and which offers support to all victims and survivors of domestic abuse?

**Annie Wells:** I absolutely share the member's support for that. It is fantastic that we have such organisations standing up together.

Young LGBTI people might find themselves in the unique position of being victim to homophobic, biphobic or transphobic abuse and to other types of controlling behaviour such as outing or the threat of outing. Government and society action on domestic violence should therefore always try to cater to those unique needs, too.

I welcome any action that the Scottish Government takes to tackle violence against women and girls here in Scotland. That includes its equally safe strategy, as well as its plans to legislate on a domestic abuse law that takes account of psychological abuse—including coercive and controlling behaviour—and physical abuse, which was debated in the chamber in September. I reiterate Oliver Mundell's words about the cross-party, non-partisan need to look at how we can improve the criminal justice system for the better, so that all cases of domestic abuse can be captured.

I thank all those on the front line who work extensively towards eradicating violence against women and girls, but I bring special attention to

the work of the voluntary organisations in the region that I represent, Glasgow: SAY Women, Glasgow Women's Aid and Hemat Gryffe Women's Aid, to name but a few.

As I have mentioned, it is key that we have exclusivity and a spread of services that cater for a variety of needs. It reassures me to see that different needs are being identified. Although SAY Women specialises in supporting young women who have been the subject of sexual abuse, long-standing women's aid group Hemat Gryffe specialises in helping Asian, black and ethnic minority women, who may experience very different forms of abuse.

I will raise concerns—they were, again, raised by LGBT Youth Scotland—on a subject that is very close to my heart. Despite a wide range of services, domestic abuse support that is specifically targeted at LGBTI people in Glasgow is lacking. That is no criticism of anyone at all, but it is an issue that I will certainly seek to look into further.

I reiterate my thanks to the organisers of the 16 days of action for putting the issue of gender-based violence so strongly under the spotlight. It is such an all-encompassing issue, with so many variants that, undeniably, its eradication on a global scale can seem somewhat overwhelming. With so many women now in high profile, powerful positions—both in Scotland and in the wider UK—it is time to take decisive action on the issue.

16:51

**Angela Constance:** Today's debate demonstrates strong consensus and collaboration across the chamber; also symbolic is the sense of challenge. Indeed, challenge is needed, along with consensus, because those both spur us on to make the necessary changes.

I, too, echo Claire Baker, who spoke of the courage of women who have had to endure unnecessary violence and oppression in all forms, and said that we have to commend and support the survivors who have had to endure things that we can only imagine.

It is heartening that there is consensus on the approach to take. Violence against women and girls is a symptom and cause of wider gender inequality. Indeed, it is underpinned by gender inequality. In order to prevent and eradicate it, we need to focus on delivering greater gender equality, as well as tackling perpetrators and intervening early and effectively not only to prevent offending behaviour, but to change those underlying attitudes.

Our equally safe strategy provides a shared understanding of the causes, the risk factors and

the scale of the problem. In 2014 and 2015, we had nearly 60,000 recorded incidents of domestic abuse. That is testimony to the scale of the challenge that we have still to overcome. The strategy also highlights the need for prevention. It sets out how we will develop the performance framework, which will allow us to know how well we are or are not doing.

I echo John Finnie's words. Our work to eradicate and prevent violence against women and girls has to be all year round—and it is. However, the purpose of the 16 days of activism is to enable us to reflect on what more we need to do to make the required changes. In recognising our collective progress and achievements, I do so only to increase our collective resolve to continue on the journey—a journey that we are still to complete.

There is much ground to cover and to respond to in the debate, but I do not want to leave the chamber without focusing on two vital issues: funding and children.

I say gently to Douglas Ross that the issue is not just about the organisations and people we visit. At the end of day, it is about how we vote, and we will be held to account for how we vote.

**Douglas Ross:** Will the cabinet secretary give way?

**Angela Constance:** Maybe later. [*Interruption.*] It is my prerogative to decline. Mr Ross can try again later.

The point that I want to make about this Government's record is that we have invested record levels of funding, with nearly £12 million from the equality budget. Investment has held since 2012, despite the challenges of shrinking public sector finances that have been experienced locally and nationally. It is important to recognise that there has been an extra £20 million from the justice budget over a three-year period. I say to John Finnie that a portion of that money is being invested in the court system to make it more effective, reduce court waiting times and increase the advocacy that is available to survivors.

The Government has a clear manifesto commitment to the voluntary sector as a whole, which includes organisations such as Scottish Women's Aid and rape crisis centres. We want to move to three-year funding as soon as we can, to provide certainty and clarity. In that spirit, we will support Labour's amendment tonight.

**Douglas Ross:** The cabinet secretary alluded to decisions that I have taken as a Moray councillor. Will she remind me of the decision that the Moray SNP group took on funding for Moray Women's Aid at that budget meeting and at the subsequent budget meeting?

**Angela Constance:** I am here to account for how I voted and for my Government. As I understand it, Douglas Ross continues to be a councillor—or has been a councillor until very recently. I will not demur from talking about my decisions or my voting record, but I suspect that Mr Ross is doing a bit of a shuffle to avoid talking about his.

**Neil Findlay (Lothian) (Lab):** Will the cabinet secretary take an intervention?

**Angela Constance:** No thanks. Neil Findlay has not spoken in the debate. He has been absent from the debate, so I will not take an intervention from him.

The point that I want to make—[*Interruption.*] Mr Findlay can shout at me all he wants—it'll no work.

Local government is an equal partner in our equally safe strategy. We jointly chair the joint strategic board on violence against women and girls. It is important to stress that the Convention of Scottish Local Authorities is working closely with Scottish Women's Aid on producing guidance on the commissioning of local domestic abuse services. I hope that the guidance, which will be published before the end of the year, will go some way towards providing certainty for local organisations.

Kezia Dugdale rightly raised an important point about housing. Many aspects of the domestic abuse debate touch on the provision of housing. The Government has a commitment to deliver at least 50,000 affordable homes, and despite uncertain financial times and the post-Brexit world that we are about to encounter, we have not rolled back from our commitment to invest £3 billion in delivering affordable housing.

**Kezia Dugdale:** Is the cabinet secretary aware that if a victim of domestic abuse lives in East Lothian, they get additional points in the housing system? Does she welcome that approach and would she encourage other local authorities to follow it?

**Angela Constance:** I was about to come to that point. Kevin Stewart, the housing minister, has been actively involved with both Scottish Women's Aid and local authorities on the variable practice that exists in the implementation of housing policy, and homelessness policy in particular. There is work to be done to ensure an acceptable standard of practice across the country.

I want to move on. On the important issue of children, I echo the words of Alex Cole-Hamilton, who said that the voice of our children must be heard. We have reflected on that and have adapted how we work in relation to input to the equally safe programme, in which the voice of young people and their organisations has been

supported and enhanced, and the delivery of equally safe. It is imperative that we recognise that one in five children will have experienced domestic abuse by the time that they are 18 years of age.

We cannot demur from the impact of domestic abuse and wider violence against women and girls on children. When my son is a little bit older, I will give him Ben Macpherson's speech on what it really means to be a man. One of the issues in supporting and nurturing our children's growth is that of really getting to grips with negative stereotyping and attitudes. It is absolutely imperative that we do that. It is important that we raise our girls to be empowered, but it is equally important that we raise our boys to know what it really means to be a man in an equal world.

Violence against women and girls takes place across the world every minute of every hour of every day. Although we have not always recognised that violence for what it is, I believe that the situation is changing, and taking steps to ratify the Istanbul convention is important in ensuring that change continues. Again I quote Marsha Scott of Scottish Women's Aid, who said:

"The Istanbul Convention is probably the very best piece of violence against women policy that has been written ever, anywhere ... The UK Government has within its grasp the opportunity to make history, we are urging them to seize it."

We, too, are urging the UK Government to make history, seize this opportunity, stop dragging its feet and make more progress. It has had four years to do so.

I, too, commend the work of Dr Eilidh Whiteford in bringing forward her bill, but it is a shame that she has had to do so. It is now time for the UK Government to ratify the Istanbul convention. If it does, it will have this Government's full and hearty support.

## Business Motion

17:01

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of business motion S5M-02898, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a revised business programme.

*Motion moved,*

That the Parliament agrees to the following revisions to the programme of business—

(a) Tuesday 6 December 2016

after

*followed by* Topical Questions

insert

*followed by* Ministerial Statement: Excellence and Equity in Scottish Education

(b) Thursday 8 December 2016—

delete

2.30 pm Finance and Constitution Committee Debate: Written Agreement between the Scottish Parliament and Scottish Government

*followed by* Scottish Government Debate: Creating a Fairer Scotland: Our Disability Delivery

and insert

2.30 pm Scottish Government Debate: Creating a Fairer Scotland: Our Disability Delivery

*followed by* Finance and Constitution Committee Debate: Written Agreement between the Scottish Parliament and Scottish Government—[*Joe FitzPatrick.*]

*Motion agreed to.*

## Decision Time

17:02

**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-02820.1, in the name of Douglas Ross, which seeks to amend motion S5M-02820, in the name of Angela Constance, on recognising 16 days of action to end violence against women and girls, be agreed to. Are we all agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Corry, Maurice (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (West Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Hamilton, Rachael (South Scotland) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Thomson, Ross (North East Scotland) (Con)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

**Against**

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Evans, Mairi (Angus North and Mearns) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)

Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDonald, Mark (Aberdeen Donside) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 Scott, Tavish (Shetland Islands) (LD)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 Wightman, Andy (Lothian) (Green)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 28, Against 86, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The second question is, that amendment S5M-02820.2, in the name of Kezia Dugdale, which seeks to amend motion S5M-02820, in the name of Angela Constance, be agreed to.

*Amendment agreed to.*

**The Presiding Officer:** The final question is, that motion S5M-02820, in the name of Angela Constance, as amended, be agreed to.

*Motion, as amended, agreed to.*

That the Parliament recognises and welcomes the International Day for the Elimination of Violence against Women, which marks the start of the UN's 16 days of activism to end violence against women and girls; commends the ongoing contribution of people and organisations across Scotland and the wider world toward providing front-line support for survivors, raising awareness of the problem and changing the outdated attitudes that still persist in society in relation to violence against women and girls; reaffirms the cross-party support for *Equally Safe*, Scotland's strategy for preventing and eradicating all forms of violence against women and girls; welcomes the work of justice agencies in pursuing a zero tolerance approach to gender-based violence; commends the invaluable work of local women's aid organisations and rape crisis centres that support survivors on the front line; calls on everyone in Scotland to play their part in creating a strong and flourishing country where all individuals are equally safe and respected, and where women and girls live free from all forms of violence and abuse and the attitudes that help perpetuate them; supports the principles of the Istanbul Convention on violence against women; calls on the UK Government to set out a clear timetable for ratification; welcomes the forthcoming Domestic Abuse Bill, which will create a new offence of domestic abuse to further tackle violence against women and girls, and agrees that the introduction of three-year rolling funding for local women's aid organisations and rape crisis centres must be prioritised to help secure these support services and deliver on the 2016 campaign theme of sustainable financing for initiatives that tackle violence towards women and girls in Scotland.

*Meeting closed at 17:03.*



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