



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Meeting of the Parliament

**Tuesday 20 December 2016**

**Session 5**



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Pàrlamaid na h-Alba

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## Scottish Parliament

*Tuesday 20 December 2016*

*[The Presiding Officer opened the meeting at 14:00]*

### Time for Reflection

**The Presiding Officer (Ken Macintosh):** Good afternoon. The first item of business this afternoon is time for reflection. Our time for reflection leader today is the Right Rev Dr Nigel Peyton, the Bishop of Brechin.

**The Right Rev Dr Nigel Peyton (Bishop of Brechin):** Looking after people in their twilight years is particularly rewarding. It says everything about our humanity and our society. As we live longer, the number of elderly people in Scotland is increasing. While most of us will retain independent living, many will need residential care in the last lap of life. In the coming years, I believe that we will need to apply ever more imaginative compassion to caring for the elderly.

In Dundee, the Scottish Episcopal Church runs St Margaret's Residential Home for the elderly. It has deep historical roots and a 21st century outlook, having served the city for more than a century. Situated close to the city centre, it has stunning views over the River Tay and the transforming urban scene.

Lord Provost Bob Duncan remarked when he was visiting for a resident's 100th birthday that he had no idea such a welcoming home existed in his city.

St Margaret's provides a home for the vulnerable and their families who need reassurance and professional help. Nearly all of our 32 residents cannot self-fund. Long-serving and dedicated staff pride themselves on restoring hospital leavers to mobility, self-confidence and dignity. Respite stays often become residence.

As far as possible, we embrace the dementia and increasing nursing needs of our elderly residents. Our irrepressible activity staff have 1,001 ideas for every week of the year. Giving our residents choice is a key principle.

St Margaret's is full but never complacent. We are praised and challenged in equal measure by the Care Inspectorate. We have plans to add bedrooms and expand the social areas. We are always looking for ways to improve.

We welcome the Scottish living wage for care workers as affirming their important work, and we simply ask that local authority funding for our

residents keeps pace. As we are a registered charity, our business plan is very tight.

As you would expect, St Margaret's has a Christian ethos. As we approach Christmas, we retell the story that Christ made his home among us so that we might live with him. As our manager, Elaine Kerr, puts it,

"I don't see St Margaret's as my workplace so much as being invited in each day by the residents into their home."

Presiding Officer, members of the Scottish Parliament, thank you for the opportunity to address you today. May I wish you every blessing for the Christmas season, and success for your work in the coming new year.

## Motion of Condolence

14:03

**The Presiding Officer (Ken Macintosh):** It is now my sad duty to introduce a motion of condolence on the death of our parliamentary colleague, Alex Johnstone MSP.

I thank Alex's wife Linda, their two children, Alexander and Christine, and Christine's husband, Wattie, for joining us in the gallery today. Earlier this afternoon, I passed to Linda and her family the book of condolence that has been signed by friends, members and staff here at the Parliament. I hope that, in the weeks, months and years to come, you will take some comfort from the kind words that so many had to say about Alex. He was one of the original class of '99 and he did so much to help to establish the Parliament at the centre of Scottish political life.

For me, and I suspect for many who knew him, it is not his political legacy nor his public service that will be at the front of our minds today so much as his warmth, his humanity and his friendliness. Alex was one of the most big-hearted and engaging of colleagues I had the pleasure to work with. Even when fellow MSPs disagreed with him, no one could ever dislike him.

Across the political divide, we are united in our sense of loss and we share the grief that is felt so acutely by those he loved and who will so miss him.

14:05

**Ruth Davidson (Edinburgh Central) (Con):** I thank you, Presiding Officer, and so many members from all sides of the chamber for attending Alex's funeral last week. As I said at the service, Alex expressly instructed that he be buried on a Friday, so that the Scottish National Party could not win any votes while the Tories were away.

Alex was a big man. He was big-hearted, he had a big personality and he had a big set of lungs on him when he wanted to be heard in here. He was the last of our class of 1999, and that ever-presence and his heft made him seem impregnable, solid, vital—which is why his short illness and death at the age of just 55 is so shocking. We have been robbed of a good man far, far too early.

Alex learned his public speaking in the Young Farmers, long before he came to Parliament. He would walk into this chamber with two or three lines written on a scrap of paper and stand up and deliver a whole speech without pause. Nothing blew him off course; no blows landed. He would

go out to bat for us on any subject, stand his ground, speak with humour and clash with anyone—but buy them a drink afterwards.

I do not know anyone who did not like Alex. It was impossible not to like him. Even if you stood against everything that he stood for, his warmth, his decency and his sense of fun made him superb company. My favourite description of him after his death came from a Labour blogger, who said that he could disagree with Alex but could never find him disagreeable.

As much as Alex loved his politics and being an MSP, Holyrood was not where his heart lay. He was a Mearns boy, and his priorities from first to last were his family, his community and his faith. We welcome Alex's wife, Linda, to the public gallery, with his son, Alexander, his daughter, Christine, and his son-in-law, Wattie, and we offer our condolences to them and to Alex's mother, six grandsons and wider family. We have lost a friend, a colleague and an opponent; they have lost their world.

Because, in truth, Linda was more Alex than Alex was himself. They were a single, indivisible unit and had been for 40 years, ever since their introduction, at the age of 15, at the Drumlithie village hall disco. When Alex was first elected, it was Linda, along with son, Alexander, who took over the dairy farm. I do not like to cast aspersions, but I think that it is no coincidence that it took Alex leaving and Linda taking charge for the farm to win best Ayrshire herd in Scotland in 1999.

Once he was here, Alex set about his business like the workhorse that he was. Cheerily nicknaming himself the spokesperson for late nights and early mornings, he was always prepared to do the shifts that others would not do, because the party needed representing and that was the right thing to do.

But it was not all duty. AJ's sense of fun meant that he loved concocting stunts with his trusty sidekick, Jim Millar. From rehabilitating King Macbeth from the scurrilous slurs of Shakespeare—with one particular bard aficionado dealing out a death threat in the process—to dressing up as knights in full armour in a bid to win UNESCO world heritage status for Arbroath abbey, there was nothing that those two would not do to make a headline. Sometimes they even made headlines without meaning to. One night when the pair of them were in the pub, someone pulled a knife. They chased him down the street and disarmed him. *The Sun* ran it full page with a moody picture and the headline "Terror, Pair at Boozer", which Alex promptly framed and hung on his wall for the next 10 years.

Alex was good for another kind of headline, too. If a journalist needed a quote to elevate a story

from being halfway in to being the splash, Alex was your man. He would always take the call, and he would always have something to say, irrespective of the subject. In part, that was because of his breadth of knowledge. He was interested in everything. He had a love of gadgets and technology, and an appreciation of history, built heritage and travel. He was often victorious with his regular pub quiz team in Stonehaven, and he read as if books were suddenly endangered.

That is the thing about Alex. Lots of people thought first and foremost of his stature—which he would happily use to his advantage, whether it was when anchoring the multi-award-winning and still-undefeated Conservative Holyrood tug-of-war team, sitting one seat behind me and to my left to act as a physical and vocal barrier against Alex Salmond at First Minister's question time when I first became leader, or accompanying me to a meeting with a well-known political protester and disrupter. We held the meeting in the tiniest room that we could find in Parliament, so that Alex was practically sitting on the protester's knee—and, as it turned out, the protester was as good as gold.

However, Alex had so much more to him than his bluff exterior. He studied, he encouraged younger colleagues, he cared. His stunts and campaigns were not one-offs; he carried them through. He did not send a press release and forget; he built friendships over years and sometimes decades. Action on knife crime, veterans' housing, Scottish-Japanese relations, Arbroath, its abbey and the declaration, farming and his beloved north-east—all those things he championed again and again, year after year, making contacts, helping out and finding new branches, with one thing leading to another and another. It was not enough for him to be the only MSP to have spoken Japanese in the chamber; he continued his work on links between the north-east and Japan, earning himself the consul general of Japan's certificate of commendation.

Before his death, Alex had taken it upon himself to do a further strand of work with the forces community, tackling the Walter Mittys who wore medals that they had not earned. Alex saw it as a grave affront to those who had served and sacrificed—a way of cheating and devaluing the achievements of folk who had put in a proper shift. It went against his natural sense of justice and fair play. That was Alex all over: a man who never sought recognition for the work that he did but who would fight tooth and nail for the work of others to be properly recognised.

He was a big man in every sense and a friend to all. I take pride in moving the motion in my name. I move,

That the Parliament expresses its deep regret and sadness at the untimely death of Alex Johnstone MSP;

offers its sympathy and condolences to his family and friends; recognises the high esteem in which he was held by colleagues from all parties, and appreciates his contribution as a principled public servant dedicated to the people of the north east. [*Applause.*]

14:11

**The First Minister (Nicola Sturgeon):** On behalf of the Scottish National Party and the Scottish Government, I join in supporting Ruth Davidson's motion.

In our day-to-day exchanges inside and outside the Parliament, we might not always live up to this, but there is no doubt that politics at its best should be characterised by respectful disagreement—the ability to make our case forcefully and well while always recognising the integrity and good intentions of our opponents. Alex Johnstone exemplified that quality. That is one of the reasons why he was so widely liked and why his passing has been so widely mourned across the chamber and far beyond it. He was a good politician and an excellent MSP. Much more important than that, he was a thoroughly good person. Our condolences go to Linda, Alex's children, his wider family, his staff and his many friends.

Like me and a reducing number of members, Alex was one of the MSPs who were elected to the first Parliament, in 1999. He made an extraordinary contribution to the Parliament during all the years for which he was a member of it. First and foremost, that contribution was made in the chamber, but it was also made much more widely, in a remarkably wide range of roles. As Ruth Davidson just mentioned, for many years Alex was at the heart of the annual tug-of-war contest—a natural and largely unbeatable choice for the Conservative team. Many people in my party speak fondly of him in his role as the vice-convenor of the parliamentary Burns supper club, where his undoubted talents as a master of ceremonies were on full display.

In the Parliament, he argued his view robustly, and he always did so from a deep well of knowledge and learning. He brought passion to every subject that he addressed in the chamber. He also always brought good grace and good humour and, often, a welcome sense of perspective. I was on the receiving end of Alex's quick wit in the chamber on more occasions than I care to remember. Indeed, in the previous session of Parliament—in the days when the Conservatives sat on the other side of the chamber from where they sit now—I would frequently, during First Minister's question time, catch out of the corner of my eye Alex gesticulating wildly at me as I made some important point. I always assumed that that was deliberate, and it was usually a highly successful attempt to throw me completely off my stride.

When Alex made his maiden speech in June 1999, he began by saying:

"I come from the farming community of the north-east, where I was born and where I live to this day."—[*Official Report*, 16 June 1999; c 474.]

For every day of the next 17 years, it is fair to say that none of us was ever in any doubt about his passion for his home area. Alex was a proud champion of the north-east. He served his local area passionately and effectively, and he represented all his constituents with diligence and conscientiousness.

Given his interests and background, Alex was a natural choice to be convener of the Parliament's first Rural Affairs Committee, but he went on to serve his party and the Parliament in many other capacities, most recently as the Conservative spokesman for infrastructure, housing and transport. During the previous session, he was a member of the Welfare Reform Committee. As Ruth Davidson said, he was also a strong campaigner against knife crime over many years.

Alex Johnstone was a man of wide interests as well as high principle. In all of that, he exemplified the integrity, the dedication and the sense of public service that people expect of their elected representatives.

In many respects, the Parliament's single biggest achievement lies not in any specific piece of legislation but in how quickly and how completely we have become the centre of Scottish public life. People expect the Parliament to address their concerns, meet their priorities and reflect their hopes and dreams. That is not due to any individual party or Government; it is an achievement that belongs to all parties. It is a consequence of the way in which individual members have represented and championed the interests of the people they serve, and Alex Johnstone is a perfect example of that. Throughout his 17 years of service here, Alex made a huge contribution to the effectiveness and the stature of the Parliament, to the wellbeing of his constituents and to Scottish public life.

Today, we mourn the loss of a good friend and a dear colleague, but we also celebrate his life and honour his achievements. We hope that Alex's wife, his children, his family and his loved ones can find some comfort in seeing the affection and the respect with which he is remembered. [*Applause.*]

14:17

**Kezia Dugdale (Lothian) (Lab):** On behalf of Scottish Labour, I extend my condolences to Alex Johnstone's family and friends.

As members have heard and will hear many times today, Alex was a larger-than-life character. He was in the Scottish Parliament from the very start. He was an elder statesman with a permanent twinkle in his eye. He was one of the 1999 intake who had the task of lifting this place from the dry words of an act of Parliament to a living, breathing part of Scotland's political landscape, and he fulfilled that task admirably. I was incredibly moved to hear Willie Rennie's tribute when Alex passed away, in which he recalled the warmth that he brought to the chamber.

Those who were in my job before me found that they were often in Alex's eye line during a daunting session of First Minister's question time, but he did not try to put people off their stride or resort to faux outrage to make his point. Instead, he listened politely and intently and always cheerfully laughed along whenever a joke, or an attempt at a joke, was cracked.

Despite his vast experience as a parliamentarian, Alex never sought to belittle those who were new to the job. That was the mark of the man. When he spoke in the chamber, he often made his argument with humour rather than malice, and when he spoke in committees, he took the same approach. He was always confident and would make his argument with absolute—and sometimes brutal—clarity, using humour to great and devastating effect.

Alex sometimes found himself as the lone Conservative representative, but sitting in silence was not for him. He made sure that his views were heard, and he always looked to have a laugh with colleagues from other parties after the formalities were complete. He really was a true team player. That was never more the case than during the independence referendum campaign, when he was heavily involved with better together in the north-east. After the referendum, Alex took time out specifically to thank people in the Labour Party for their contribution and their efforts. Such kindness and generosity were the measure of the man.

Alex was passionate about not just the values that he stood for but the community that he represented. A son of the soil, he was intensely proud of the traditions and cultures of the north-east. His farming background brought a great deal of expertise to the Parliament, and the industry that he worked in before politics has much to thank him for.

The north-east has truly lost a local loon and one of its finest champions. However, Alex's influence extended far beyond these shores. As has been mentioned, he was the convener of the cross-party group on Japan and was passionate about his work to boost the relationship between



our two countries. He taught us the story of Thomas Blake Glover, a 19th century Scot who brought the first steam locomotive to Japan, introduced modern coal-mining methods and founded the first modern shipyard there, which later became Mitsubishi. In losing Alex, Holyrood has lost its very own Scottish samurai.

Alex will be missed by his colleagues here in Parliament, by his community and by those he met on the international stage, and I know that he will also be missed by his many friends in the media. As Ruth Davidson said, he was legendary for his quick—and, indeed, quick-witted—responses to requests for a quote. A slick and carefully choreographed political spin machine did not quite fit with Alex. He would say whatever he wanted to say or, indeed, whatever the journalist needed him to say.

We all knew and loved Alex as a parliamentarian, but first and foremost he was a family man. Our thoughts and prayers are with his wife, Linda, their two children and their six grandchildren. Everyone who knew Alex remarked on the strength of his marriage and his love for Linda. I hope that the knowledge that Alex has left an indelible mark on the Parliament will give her and her family some comfort. On behalf of the Scottish Labour Party, I extend our deepest condolences this Christmas. [*Applause.*]

14:21

**Patrick Harvie (Glasgow) (Green):** I am grateful to be able to add on behalf of the Scottish Green Party some thoughts to our debate on the motion of condolence, and to add our sincere sympathies for Linda, Alex Johnstone's wider family and all his friends and colleagues here in Parliament and around the country.

A lot has been said already about the need to disagree in good spirit and Alex Johnstone's ability to do that consistently. It is important not just because it makes our job more agreeable, but because on this stage that we share, we can demonstrate that Scotland is capable of disagreeing in good spirit and respectfully, which was always Alex Johnstone's style. He and I were on different sides of a great many debates over the years, with very little chance of convincing one another outright to change our minds, but on more than a few occasions both of us left those arguments with a deeper understanding of an opposing perspective.

I want to add a few thoughts about a specific issue that we worked on together: the Climate Change (Scotland) Bill in session 3. At the beginning of that process, Alex talked about some of his concerns about target setting. They were valid and justified concerns—given that all

Governments find it easier to set targets than to reach them. His emphasis on trading mechanisms might not have found agreement with all of us, but always through those early disagreements he was willing to listen, to understand and to explore what common ground existed. When members show that behaviour, they generally find that it is reciprocated.

When the then Transport, Infrastructure and Climate Change Committee organised a trip to Brussels to understand climate change policy there, I managed to make sure that no one was allowed to fly, so we all went by train—and that smile of humour that we all recognised on Alex Johnstone's face became a smile of disbelief. He managed then to spend a good part of the journey winding me up about Eurostar's contract for electricity from Europe's biggest generator of nuclear power. [*Laughter.*]

However, by the end of that long process of trying to understand one another's differing viewpoints, he called the day of the stage 3 debate on the bill "a great day". He emphasised the work that he had done to speak with those who did not fully accept the climate science, and his willingness to ensure that consensus was achieved. Partly thanks to Alex, we managed to avoid the confrontation and lack of agreement that beset many countries on climate change. All five parties in Parliament did things to strengthen rather than to undermine that legislation. Alex Johnstone is due credit for that.

In the final debate on the bill, he mentioned that he had been outside with the campaigners in front of Parliament. He said:

"I managed to get myself photographed beside two people ... one was dressed as a panda and the other as an orang-utan."—[*Official Report*, 24 June 2009; c 18793.]

I regret that Google images at the moment can find no copy of that picture, but I do not think that Alex would want me to leave it without its being found again. Sometimes that smile could be mischievous and sometimes, in response to some of my arguments, it could be a smile of incredulity, but most often it was a smile because he was just having fun. That is probably how I would like to remember him. [*Applause.*]

14:25

**Willie Rennie (North East Fife) (LD):** On behalf of the Liberal Democrats, I support the motion of condolence. I shall miss Alex Johnstone for his humour, his steadfast loyalty and his generosity.

I was a frequent debating partner of his at the University of Aberdeen debater—the debating society there—alongside Kevin Stewart, Mark McDonald, Lewis Macdonald and Richard Baker.

On one particular occasion when we were defending the Labour-Liberal Democrat coalition, my colleague the MP Sir Robert Smith said that the country had a choice between coalition with the Liberal Democrats or “unbridled Alex Johnstone”. Alex absolutely loved that and he thumped the table, as he would do—I do not know how many tables have survived Alex’s punishment of them—in absolute delight, and he wore with great honour the badge of being the “unbridled Alex Johnstone”. That is the Alex Johnstone whom we all loved.

I first met him at a housing conference a few years ago. It was not necessarily a sympathetic audience for a Conservative speaker, but that was of no concern to the likes of Alex Johnstone. When he was asked why the Government was recklessly abandoning the practice of paying housing benefit directly to housing associations, he paused and then responded. He asked: if landlords could not be bothered to collect the rent, why should the Government be bothered to pay it? There was a sharp intake of breath around the room, until people spotted the twinkle in his eye. That was the unbridled Alex Johnstone whom I liked.

Ruth Davidson described Alex as her “Praetorian Guard” at First Minister’s question time. I need to tell her that he was mine as well—we had our own coalition agreement for five years. He told me that no matter what I said and how much he disagreed with what I was saying he would thump his table in approval, and he did that for five years. No matter how offensive I was about the Conservatives, he would—true to his word—bang his table. He expected nothing in return, but he got a lot more than that: he got respect from everyone in the chamber.

Nicol Stephen told me at the funeral on Friday that he had had some bother during his by-election back in 1991 with stake boards going missing. After the by-election was over, Alex Johnstone sidled up to Nicol and said with a big grin on his face that he might know something about where they had gone. That was the kind of Alex Johnstone that I liked: the smile on his face, the twinkle in his eye and the mischievous humour.

Alex Johnstone looked like a Tory bruiser, but he was far more than that. He was intelligent, sharp, witty, loyal and principled. I shall miss the “unbridled Alex Johnstone”.

**The Presiding Officer:** I thank all members for their thoughtful and moving contributions. I am now going to suspend Parliament. We will resume at 14:45.

14:28

*Meeting suspended.*

14:45

*On resuming—*

## Presiding Officer's Statement

**The Presiding Officer (Ken Macintosh):** As Presiding Officer, I expect Government announcements on important policy issues to be made to the Parliament in the first instance. I was concerned to discover this morning that the First Minister was making a statement to the media on Scotland's place in Europe. Members of the media, therefore, had the opportunity to question the First Minister on the document before members of the Parliament did so.

The Parliamentary Bureau considered the matter at its meeting today and has agreed to consider the broader issues of announcements to Parliament in the new year. However, the Minister for Parliamentary Business wishes to update the Parliament on this afternoon's statement.

**The Minister for Parliamentary Business (Joe FitzPatrick):** Although this is not a change of business, it is appropriate to take this opportunity to inform the chamber that the First Minister will give the statement on Scotland's place in Europe.

## Topical Question Time

14:46

### National Health Service (Transvaginal Mesh Implants)

1. **Neil Findlay (Lothian) (Lab):** To ask the Scottish Government how many women have had transvaginal mesh implants since it requested that NHS boards suspend their use in June 2014. (S5T-00274)

**The Cabinet Secretary for Health and Sport (Shona Robison):** The independent review on transvaginal mesh implants is in the process of producing its final report, which will be published early in the new year and will contain the information for which Neil Findlay has asked. The Scottish Government has made it clear that health boards should consider suspending the use of synthetic mesh products in surgery for pelvic organ prolapse and stress urinary incontinence until the review makes its final report. The request to suspend procedures will remain until the review's recommendations have been put in place.

In the light of the Scottish Government's request, the number of women receiving mesh implants has fallen. However, I give my assurance that if women experience very distressing symptoms and still want to proceed with a mesh implant, all clinicians are expected, prior to a decision to proceed, to have a detailed discussion with their patient in which they explore and explain the risks, so that a shared decision can be made and fully informed consent can be given. I also stress that any woman who has concerns about her implant should call the national health service helpline that was specially set up last year or, alternatively, should not hesitate to contact her general practitioner or surgeon.

**Neil Findlay:** Organ damage, loss of a kidney, bladder removal, constant and excruciating chronic pain, pelvic inflammation, pierced vaginal walls, nerve damage, mental breakdown, reliance on wheelchairs and walking aids, husbands and partners injured during intercourse and family and marital breakdown: those are just some of the devastating and life-changing consequences that have been experienced by women who have received transvaginal mesh implants and who have been failed by some health boards, some health professionals, the Medicines and Healthcare products Regulatory Agency and manufacturers, whose arrogance and complacency on mesh have been startling. According to the media, another 400 Scottish women have had implants since the so-called Scottish suspension in 2014. What message does the Cabinet Secretary for Health and Sport have

for those women? Will she now make it clear to all NHS boards that they should follow the line of some health boards and ensure that no other women are fitted with mesh, pending the findings of the Government's working group?

**Shona Robison:** As Neil Findlay will be aware, the Scottish Government has no authority to withdraw the products. That is the role of the MHRA, and it has not done so.

The Scottish Government knows of nine health boards that have carried out the stress urinary incontinence procedures. As I explained in my first answer, and as we said way back at the beginning of the process—I think that I said it at the Health and Sport Committee at the time—if a woman wants to go ahead with the procedure, she can make an informed decision to do so in full consultation with her clinician and with absolute clarity and information about the risks. That is a discussion between the woman and her clinician, as has been clear throughout the process.

I hope that Neil Findlay welcomes the independent review that will be published early in the new year. We need to wait and see what it says but, in the meantime, it is important that women are fully informed of the risks. As I said, any woman who has concerns should phone the national health service helpline that was specifically set up last year in consultation with members of the patient group. As Neil Findlay has, I have met the group on a number of occasions. It has been extremely helpful in ensuring that full information is given to women so that they can make an informed choice about whether to go ahead with the procedure.

**Neil Findlay:** Given what we know about mesh and the complications that have been highlighted, does the cabinet secretary agree that it is not a procedure that she or I would recommend that someone should get?

**Shona Robison:** As I said, transvaginal mesh implants are not a banned product. The Scottish Government has no authority to withdraw the products and the MHRA has not done so. Therefore, it is important that the information that clinicians give to women who might be considering the procedure is such that they are fully informed of the risks. That is the proper way to proceed.

We are awaiting the outcome of the independent review on transvaginal mesh implants, which is coming in the new year. Once we get the information, I will be happy to meet Neil Findlay and the patient group, which has—as I said earlier—been extremely helpful in ensuring that women have the right information: it asked for the helpline that we set up. It is important that women make informed decisions; such decisions are not taken lightly.

As I said in my initial answer, where women are experiencing distressing symptoms and still want to proceed with the procedure, it is important that they do so having given informed consent. That process has been put in place and the chief medical officer has been ensuring that that is the case.

**Jackson Carlaw (Eastwood) (Con):** Because of the issues that we are discussing, we have tended to speak about the subject in the most careful tones. However, last month in the Australian Parliament, Senator Derryn Hinch gave an absolutely blistering speech in which he lambasted medical watchdogs and manufacturers for once again letting down women, and compared the scandal of mesh implants to that of thalidomide. I include the MHRA in my criticisms. I know that it is a United Kingdom body, but when the Public Petitions Committee took evidence from it, we learned that its detailed analysis amounted to three postgraduate students doing a desktop exercise for two weeks at a cost of £20,000.

All of us in this Parliament welcomed the Scottish Government's announcement of a moratorium and many health boards have respected that moratorium. Can we conclude other than that the health boards that have not done so have wilfully acted in a way that has put women's lives at risk?

**Shona Robison:** I do not think that that is fair. I noted what Jackson Carlaw said about the MHRA. He will be aware that on at least two occasions I have written to the MHRA making clear the strong views that have been expressed in Parliament about its role as regulator. However, we cannot get away from the fact that it is the job of the MHRA to regulate medical devices across the UK and that, so far, it has not issued a medical device alert regarding the implants. The Scottish Government does not have the authority to withdraw the products—it lies with the MHRA.

We find ourselves in the position that we find ourselves in. That is, of course, why Alex Neil issued the guidance that he issued and which I have supported. However, all along, we have made it clear that when a woman decides, in full consultation with her clinician, that because of distressing symptoms that she is experiencing, and despite all the risks that have been explained to her, she still wants to go ahead with the procedure, it has to be allowed to go ahead, because it involves an agreement between the clinician and the woman.

Again, as I said to Neil Findlay, it is important that we get the independent review in the new year. I would be happy also to meet Jackson Carlaw to discuss the findings and recommendations of that report, once we get it.

**Elaine Smith (Central Scotland) (Lab):** Having listened to the cabinet secretary's response to colleagues, I ask her whether she is confident that all the women who have been fitted with the mesh since the moratorium in 2014 agreed to the procedure after being fully informed of the many and often horrendous risks of the procedure?

**Shona Robison:** When the chief medical officer and I appeared in front of the Health and Sport Committee at the time it was made very clear that it was to be required that women be fully informed of the risks of the procedure. That is exactly what I expect every clinician to do. If Elaine Smith or anyone else has evidence that that has not been happening, I would be very concerned about that. The chief medical officer was very clear in her guidance to clinicians that that should happen in every case, so that women make informed decisions. If Elaine Smith has evidence to the contrary, I want to know about it.

### **Land and Buildings Transaction Tax (Revenue Forecasts)**

**2. Murdo Fraser (Mid Scotland and Fife) (Con):** To ask the Scottish Government for what reason it has downgraded its forecast of revenues from the residential element of land and buildings transaction tax. (S5T-00277)

**The Cabinet Secretary for Finance and the Constitution (Derek Mackay):** Forecast tax receipts from residential LBTT and equivalent taxes elsewhere in the United Kingdom are regularly reviewed in light of new data and improvements to methodology. The 2017-18 budget forecasts of residential LBTT for the next four years are lower than those in the 2016-17 budget in part because of wider economic trends over the past 12 months. The forecasts for LBTT that have been published for the 2017-18 draft budget have been independently scrutinised and approved by the Scottish Fiscal Commission. LBTT is forecast to raise more than £2.2 billion over four years, of which the residential element will raise more than £1.2 billion.

**Murdo Fraser:** The Office for Budget Responsibility has estimated that the take from stamp duty land tax in the rest of the UK is likely to fall by 5 per cent over the next three years. The Scottish Government predicts that LBTT residential receipts in Scotland for the same period are likely to fall by some 46 per cent. Given that that represents a potential loss to the public finances of some £833 million, why did the Scottish Government not listen to all the property experts who warned it that, by setting the rates too high, it would depress activity in the property market and therefore reduce the tax take? Will it now reconsider the level of tax rates?

**Derek Mackay:** Murdo Fraser has been consistently wrong on LBTT. In the previous financial year, we generated more resource than was forecast. It is in the nature of economic forecasts to give us a range.

The OBR has said that the UK equivalent of LBTT—stamp duty land tax—is one of the more volatile sources of receipts. In recent years, SDLT receipts have been a large source of fiscal forecasting errors. In line with that, we have revised our SDLT forecast proportionately more than that of any other major tax.

LBTT has been operating well. Murdo Fraser should not just take my word for it—he should take that of the Finance and Constitution Committee, of which he is a member.

**Murdo Fraser:** The Finance and Constitution Committee said that the system has been operating well but not that the tax take has been in line with expectations. As the cabinet secretary knows, for the first year, the residential tax take from LBTT was £32 million below the original prediction. He does not need to listen to just us. Why does he not listen to the First Minister's hand-picked chair of her growth commission, Andrew Wilson, who accepts the link between the rates of LBTT and the low and falling tax take? Perhaps the cabinet secretary can tell us, given that we face three quarters of a billion pounds less for the public finances from LBTT than we were expecting, which public services will be cut as a result of his Government's incompetence.

**Derek Mackay:** I say again that I have engaged with stakeholders and experts and I challenge what Murdo Fraser is saying about the composition of the tax.

It should be welcomed that more than 90 per cent of people who purchase properties pay no tax or less tax than they would have paid under the previous regime. There is economic growth. Our forecasts have been laid out clearly in our methodology document, and we will continue to analyse and monitor the housing market. Murdo Fraser will know that there is no evidence of distortion in the market, as the Finance and Constitution Committee agreed.

We will monitor the position and ensure that we are properly funding our public services, and we will refine our tax rates as required. That will be evidence based, and all the evidence to date has said that the system is operating well. Some of the financial impacts are a consequence of the economic situation.

**Ivan McKee (Glasgow Provan) (SNP):** Does the cabinet secretary agree that, despite the Conservatives' dire predictions prior to the introduction of LBTT, the outturn data shows that, after the effect of forestalling is taken into account,

the number of transactions in all price bands has continued to increase year on year? In fact, the number of transactions in the highest property band has increased strongly, which shows that the decision to ask those in the most expensive properties to pay a bit more on property transactions to help to fund public services was correct.

**Derek Mackay:** It certainly is the case that the outturn figures show that LBTT raised £425 million in 2015-16, in comparison with our original pre-forestalling forecast of £381 million. It is fair to ask that we look at the nature and the composition of the transactions to see what is happening in the market, and I will commit to continuing to do that, to ensure that the tax system is having the right effect. The composition of transactions is largely unchanged compared with the composition before LBTT was introduced.

## Scotland's Place in Europe

**The Presiding Officer (Ken Macintosh):** The next item of business is a statement by the First Minister on Scotland's place in Europe. The First Minister will take questions at the end of the statement, so there should be no interruptions or interventions.

15:01

**The First Minister (Nicola Sturgeon):** I begin by expressing my condolences and sympathies to all those who have been affected by last night's appalling attack in Berlin. Our thoughts are very much with all those who lost their lives, those who sustained injuries and those who lost loved ones. I am sure that, as the Cabinet did earlier this morning, Parliament will want to express our solidarity with the people of Germany at this time.

I am pleased to have published today "Scotland's Place in Europe", which is a paper containing detailed and practical proposals to mitigate the very real economic, social, democratic and cultural risks that Scotland faces as a result of June's United Kingdom-wide referendum on European Union membership.

Let me clear: Brexit is a problem that is not of Scotland's making. Scotland voted overwhelmingly to remain in the EU, yet—notwithstanding the fact this problem is not of Scotland's making—the paper is the first and only detailed plan for dealing with the implications of Brexit to be published by any Government in any part of the UK.

Six months on, the fact that there is still no clarity, no plan, no direction and no leadership from the UK Government on an issue of such profound importance to every individual and every business across our country quite frankly beggars belief. That should be of particular concern to MSPs in this chamber, as there are many here who believe and argue that the case for leave was sold on a false prospectus.

As everyone knows, I believe that Scotland should be an independent country and that, as an independent country, we should be full members of the EU. Indeed, if we were independent, we would not now face being taken out of the EU against our will.

The manifesto on which I was elected as First Minister just eight months ago said expressly that, in relation to independence, the Scottish Parliament should have the right to hold another referendum

"if there is a significant and material change in the circumstances that prevailed in 2014, such as Scotland being taken out of the EU against our will."

That change of circumstances has occurred and there can therefore be no question about the legitimacy of the Scottish Parliament and the Scottish people considering afresh the question of independence, if that is necessary to protect our interests.

I have made clear—and do so again today—that the option of independence must remain on the table. Without that option, Scotland would simply have to accept the inevitability of whatever decisions the UK Government makes, no matter how damaging they are to Scotland's interests. In my view, that is not a position that any serious politician or party should ever be content for Scotland to be in, and as First Minister it is my duty to ensure that all options are open to Scotland in these unprecedented times.

However, as I have also made clear, independence is not the focus of the paper that we have published today. The paper that we published earlier today is about fulfilling in full the commitment that I made to the Scottish people in June. The day after the referendum, I promised to explore not just my preferred option of independence, but all options to protect Scotland's place in and relationship with Europe. The paper also delivers on the mandate given to this Government by Parliament on 28 June

“to explore options for protecting Scotland's relationship with the EU, Scotland's place in the single market and the social, employment and economic benefits that come from that”.—[*Official Report*, 28 June 2016; c88.]

I said specifically that we would seek to find a solution that would enable Scotland's voice to be heard and our interests to be protected from within the United Kingdom. This paper fulfils that commitment. Indeed, it goes further and sets out ways forward that I believe would also be in the interests of the rest of the UK and in the interests of other European nations. “Scotland's place in Europe” sets out practical proposals to keep Scotland in the European single market. It also details the additional powers that the Scottish Parliament will need to serve, protect and promote Scotland's economic and social interests in the post-Brexit landscape.

Let me be clear: the proposals fall short of what I consider to be the best option for Scotland and the UK—full membership of the European Union. In the unlikely event that the UK Government has a change of heart and decides to remain in the EU, it would have my support, but that is clearly not an outcome that is in my gift. I am therefore seeking to set out a sensible way forward for Scotland that respects the reality of the situation that we find ourselves in. In that regard, the proposals represent a significant compromise on the part of the Scottish Government, not a high bar for the UK Government to pass.

The proposals in the paper are a serious and genuine attempt to build consensus, to square the circle created by the referendum result and to unify the country around a clear plan to protect our interests. I hope and expect that the UK Government, in considering the proposals, will demonstrate the same flexibility and willingness to compromise.

I also hope that Opposition parties will consider the proposals seriously. To those who say that they want to protect Scotland's place in Europe, but will not get behind the proposals, the question will be: if not this plan, then what? Simply criticising the Scottish Government's proposals without coming up with alternatives will be tantamount to telling Scotland that it simply has to suck up whatever the Tory Brexit Government at Westminster decides, no matter how damaging. I suspect—they may prove me wrong, but I doubt it—that that will be the position of the Scottish Conservatives. However, it will be a much harder—I would suggest impossible—position for Labour and the Liberals to explain.

I turn to the detail of the paper. It sets out in some considerable depth why keeping our place in the single market matters so much. It matters principally to our economy and to jobs, trade, living standards and investment. It is estimated that being outside the single market could cost the Scottish economy 80,000 jobs, and workers could lose £2,000 a year after a decade of a hard Brexit. Being in the single market also ensures protection for workers' rights and consumer rights. It facilitates the flow of skills that our economy depends on and allows all of us to travel, work, study and live across Europe if we so wish. It will guarantee the rights of EU citizens already living here—something that, disgracefully, the UK Government has still not done six months on—and it provides a platform for co-operation on some of the major issues of our times, such as climate change.

The paper sets out the primary ways in which Scotland's place in the single market can be protected, and it has three principal strands. First, we propose that the UK as a whole should stay in the single market, by remaining a party to the European Economic Area agreement, and that the UK should also stay in the customs union. It is important to remember that membership of the EU and of the single market are not one and the same. They are, in fact, two distinct propositions, as the position of three of the four European Free Trade Association countries demonstrates.

I accept that there is a mandate in England and Wales to take the UK out of the EU. However, I do not accept that there is a mandate to take any part of the UK out of the single market. It would make no economic sense whatsoever for the UK to

leave the single market. In fact, it would be economic folly of the highest order, and it would be entirely democratically justifiable for the UK to remain within the single market, so the Scottish Government will seek to build consensus with others of like mind across the UK and will continue to argue for continued UK membership of the single market.

However, I reluctantly accept that, as things stand, given the rhetoric of the Conservative Government, that seems at this stage to be an unlikely outcome. The Tories—quite unbelievably, in my view—seem intent on placing a higher priority on cutting immigration than on absolutely anything else. The economy, jobs and living standards all lag way behind on their list of priorities.

As a result, the second strand of the paper proposes ways in which Scotland could stay in the single market through EFTA and the EEA even if the rest of the UK chooses to leave. The paper does not shy away from the challenges that are associated with such an option. On the contrary, it specifically identifies the key challenges that would be faced—for example, how continued membership of the single market could be achieved without Scotland being an independent country; the legislative and regulatory requirements; the issue of financial contributions; and the practical implications around the free movement of goods, services and people. Crucially, however, the paper sets out the basis of how each of those challenges could be overcome if the political will exists to do so.

It is very important to note—as many members across the chamber have emphasised—that that option does not prioritise membership of the EU single market over continued free trade across the UK. Talk of a hard border for Scotland has always rung hollow, and will continue to do so, from a UK Government that says that no such border will be required between a post-Brexit UK and the Republic of Ireland as a continuing member of the EU and the customs union.

That argument aside, the paper sets out clearly how free movement of goods, services and people would continue across the UK, even with Scotland in the single market and the rest of the UK not in it. In that respect, it is worth emphasising that what we propose would not see Scotland having a different relationship with the customs union from the rest of the UK.

We hope that the UK will stay in the customs union. If it does so, that proposal would enable Scotland to be in both the single market and the customs union. However, if the UK opts to leave the customs union, Scotland—in common with other EFTA EEA countries—would not be in the customs union either. There will, of course, be

disadvantages to Scottish business if we are not in the customs union, which is why I argue that the UK should stay in it, although those disadvantages would be minimised if Scotland remained in the single market. However, under that proposal, the border between Scotland and England would not be an external EU customs border. What is in effect a customs union now between Scotland and the rest of the UK would continue.

There will be those who say that a differentiated option for Scotland such as the one that we propose would be too difficult to achieve. As I have said, the paper does not underestimate the challenges. However, it is important, in response to that suggestion, to consider the following three points. First, there are already a range of asymmetric and differential arrangements in operation within the EU and single market framework. Denmark, Greenland and the Faroe Islands are one arrangement and the Channel Islands another, and there are many other such arrangements. The solution that we seek for Scotland would, of course, be different in detail and scale from many of those arrangements, but it would not be different in principle.

Secondly, the UK Government already appears to be open to a flexible Brexit approach in relation to different sectors of the economy, as we have seen with its approach to Nissan. It will also be necessary to take a flexible approach in relation to Northern Ireland and to Gibraltar. There is quite simply no good reason why such flexibility should not also apply to Scotland.

Lastly, as we are now seeing almost daily, everything about Brexit will be difficult, challenging and unprecedented. The negotiations ahead will be characterised in all respects—particularly if the UK intends to leave the single market and the customs union—by a need to find practical solutions to a whole range of complex issues. It is in that spirit that we seek to find solutions that will respect the voice, and protect the interests, of Scotland.

The final strand of the paper deals with the powers of the Scottish Parliament. It is, in my firm view, time for a fundamental reconsideration of the devolution settlement in light of Brexit. The paper argues that, in light of the removal of rights and responsibilities that are provided by EU law, and whatever the outcome of the Brexit negotiations, Scotland's interests within the UK demand considerably enhanced and strengthened powers for this Parliament. The paper looks at three broad categories of powers that must now be considered.

First, it looks at the powers that are set to be repatriated from the EU that currently sit within Scottish Parliament responsibility. Examples are fishing, the environment, justice and agriculture. I



hope that all members will agree unreservedly that those powers must remain firmly and unambiguously within devolved competence. If there is a need to agree UK-wide arrangements on any matter, such as animal welfare, it must be done by agreement and not by imposition. Brexit must not become an excuse for a Westminster power grab.

Secondly, powers to be repatriated that are not currently devolved should also be considered for devolution. Powers in areas such as employment law and social protection would allow the Parliament to protect key rights and avoid the risk of a deregulated race to the bottom by Westminster.

Thirdly, a much broader range of powers to protect Scotland's interests and support a differentiated solution of the kind proposed in the paper, such as, for example, power over immigration, must also be considered. Indeed, it is worth noting that growing support across the UK for greater flexibility over immigration is increasingly being expressed.

In short, the proposals in the paper are detailed, serious and reasonable. They are deliberately and unashamedly designed to respect Scotland's voice and protect our interests, while acknowledging and respecting the vote in other parts of the UK and the position that the UK Government now finds itself in as a result.

Let me now, briefly, set out how we intend to take forward the proposals. We accept absolutely that the negotiation that will start on the triggering of article 50 will be a negotiation between the UK and the EU. We are not seeking a separate, parallel negotiation with the EU institutions or member states. That is why the proposals are aimed, first and foremost, at the UK Government.

We want the UK Government to make clear when it triggers article 50 that it intends to stay in the single market and the customs union. If it will not do so, we want the UK Government to seek, as part of its negotiation, a differentiated solution for Scotland as set out here. We will submit these proposals formally to the UK Government through the joint ministerial committee framework for discussion in the new year. I intend that the Scottish Parliament will continue to be involved and informed at every step of the way just as it has been through 11 parliamentary debates on different aspects of Brexit to date

When I met the Prime Minister in Edinburgh in July, she pledged to fully and fairly consider the proposals that we brought forward. She repeated that commitment without reservation when I spoke to her yesterday and I welcome that.

It is beyond any doubt whatsoever that the Brexit vote with its different outcomes in different

parts of the UK has raised fundamental questions for all of us about our relationship with Europe, but also about how political power is exercised across the UK. To the Westminster Government, my message could not be clearer. Its response to these proposals will tell us much—perhaps it will tell us everything that we need to know—about whether the UK is, in reality, the partnership of equals that the Westminster Government claims it to be.

To our European partners, I today reaffirm our belief in and commitment to the core values of solidarity, co-operation and democracy that underpin the European Union.

To the people of Scotland I pledge this: I will continue to do everything I can to protect your interests as we navigate the challenging times ahead.

**The Presiding Officer:** The First Minister will now take questions, for which there will be around 40 minutes.

**Ruth Davidson (Edinburgh Central) (Con):** We want the best deal for Scotland in the Brexit talks that are to come. On this side of the chamber, we believe that that means coming together to negotiate hard in the interests of all of us in the UK, and not throwing up more divisions between Scotland and the rest of the United Kingdom. It is vital that the SNP Government begins to recognise that we achieve more by pulling together than by pulling apart. We believe that there is plenty scope to do just that. There is plenty of room for agreement between the UK and Scottish Governments—perhaps more than the SNP likes to think. Given that we are all part of the same country, perhaps that is not a surprise.

We all want the freest possible trade between the UK and the EU, we all want a deal that allows our firms to continue to sell and operate within the European single market, and we all want a deal that ensures that European companies can still do the same here. I am confident that the Scottish Government and the UK Government can work together to achieve that, but I have to question many other areas of the Scottish National Party Government's approach from today.

On proposals for EEA membership, the Scottish Government's paper in 2013 said of such a deal:

"Scotland's citizens would lose all ability to influence the laws and regulations to which they would be subject."

The First Minister said in July that to end up abiding by the rules of the single market while being unable to set them would be "giving up control". It breaks one of the SNP's five tests. Does the First Minister accept that that is the case?

On the plan for a separate deal, the First Minister claimed this morning that Scotland could opt to stay in the single market, with the UK being out, without damaging UK free trade. However, many firms have pointed out that that approach would mean, as the head of Scottish Engineering said today, that Scottish manufacturers would

“have to adopt two regulatory systems if they were to continue trading with the UK ... our largest market”,

which could lead to Scottish firms being ditched for firms elsewhere in the UK. Can the First Minister explain why that would be in Scotland’s interests?

Finally, the First Minister insisted this morning that she wants to find compromise and is not using the issue to manoeuvre for independence, but today’s paper says that one reason why the SNP supports membership of the European single market is that that would

“ease the transition to a full independent Member State”.

If the First Minister really wants compromise, could she start by ending all talk of another referendum? Is not it time to end the threat of a transition to something that people in Scotland do not want and have roundly rejected?

**The First Minister:** Ruth Davidson mentioned comments that we made in 2013. We did indeed make those comments about the EEA, but I remind Ruth Davidson that in 2013 we were not facing being taken out of the European Union against our will. In fact, around that time, Ruth Davidson said that voting no meant that we would stay in the European Union. The reality now is that if we stay in the UK the choice is not between the EU and the EEA but between the EEA and being out of the single market altogether, with all the damage that that will do. That is why what we are putting forward is a sensible solution.

The contempt that I hear from Conservative members for the views of the Scottish people—given that the divisions around Brexit were created by the Conservatives—is, to be frank, staggering. Ruth Davidson’s views might have more credibility if they were remotely consistent with anything that she had said not just before but in the immediate aftermath of the EU referendum. Do members remember the lion roaring at Wembley stadium about how Brexit would be a disaster and how people were not being told the truth and deserved the truth? That roaring lion has been replaced by a meek mouse, which tells Scotland that it must simply accept whatever damage Brexit is going to do. That is the transformation in Ruth Davidson.

The week after the referendum, on 30 June, Ruth Davidson said in this chamber at First Minister’s question time:

“Retaining our place in the single market should be the overriding priority.”—[*Official Report*, 30 June 2016; c 24.]

She then asked me what I was going to do to secure that place. Today, I have put forward proposals that would secure Scotland’s place in the single market. The question for Ruth Davidson is this: is she on the side of the people of Scotland in trying to protect our place in Europe and stop the damage that Brexit will do, or is she simply on the side of the hard Brexiteers in London? I suspect that we got the answer to that question today.

**Kezia Dugdale (Lothian) (Lab):** I associate myself with the First Minister’s remarks on the atrocious events in Berlin over the past 24 hours.

Scottish Labour has been, and continues to be, supportive of the Scottish Government’s right to be fully involved in the negotiations about our future in the aftermath of the EU referendum. Today, we welcome the starting point of the Scottish Government’s approach, and we agree that the best outcome of Brexit would be for the whole United Kingdom to continue to enjoy the benefits of the European single market and the EU customs union.

I think that we have had 13 debates on Brexit in this Parliament, and Labour has voted with the SNP on 12 of those occasions. The only time that we diverged was when the SNP suggested that the European single market is somehow more important to Scotland than the UK single market. That is clearly wrong. The First Minister should accept that and, by ruling out a second independence referendum, end the uncertainty that our economy faces.

As we work out the future for our relationship with Europe, it is important to recognise that it is a decision not just for the Tory Government at Westminster, as Alex Salmond tried to suggest at the weekend. There are 27 other nations of the EU that also have a say. That is the very nature of the European project.

The Scottish Government’s document refers to the need for

“a reshaping of the UK constitution”.

The United Kingdom is leaving the European Union, and we therefore need to start to develop a plan for what will happen when powers are repatriated from Brussels to Britain. I note that much of the Scottish Government’s paper sits well with what Labour proposed two weeks ago—in particular, regarding powers over agriculture, fisheries, employment law and workers’ rights.

I therefore ask the First Minister whether she agrees with me that we need a people’s constitutional convention across the United Kingdom to talk about power, where it sits and how it is exercised.

**The First Minister:** No, I do not. What Scotland really needs now is politicians who will stand up for its interests and make sure that Westminster does not walk all over those interests. By the time that a people's convention had met, deliberated and decided, we would already be out of the European Union and the single market, and jobs would be on their way to being lost. We need action now.

I welcome some of what Kezia Dugdale has said. I welcome her support for what we said about the need for more powers, but let us get on with pressuring the UK Government to deliver them. I welcome what she said about the UK staying within the single market, but she did not comment on our proposal to try to keep Scotland in the single market. Kezia Dugdale has said to me on more than one occasion that she wants Scotland to stay in the UK and in Europe. We have put forward a plan that sets out a way for us to achieve that. Is she going to back it or not?

We know that Kezia Dugdale does not support independence—although I am not sure whether, in her heart, that is really her position, I suspect that she knows that I suspect that it is not. However, that is the position of the Scottish Labour Party. If she does not support independence and is not prepared to get four square behind the proposals in the Scottish Government's paper, she needs to come up with proposals of her own. The only other alternative is to do what the Tories are doing and say that it is all down to Westminster.

I hope that we can work together, but it is time for the Scottish Labour Party to get off the fence and to start backing Scotland unequivocally.

**Willie Rennie (North East Fife) (LD):** All our thoughts are with the families and the victims in Berlin.

I thank the First Minister for providing us—along with the rest of the country—with an advance copy of her statement. It is regrettable that, despite committing to exploring all the options, the First Minister has given up on the UK remaining part of the European Union—that is not one of the three options that are set out in her report. We will not give up on the UK remaining in the European Union, even if others have given up.

The First Minister's differentiated option of Scotland remaining in the single market is confused and complex. However, independence is at the front and back of the document, and it is clear that independence is front and centre, as it has been for the First Minister's entire political life. Is it not a fact that the First Minister does not want any other option to succeed, as she wants only Scottish independence?

**The First Minister:** Everything about Brexit is confused and complex; I would have imagined that

Willie Rennie would have noticed that by now, as everybody else has. In a situation in which everything is confused and complex, surely our duty is to get the best deal for Scotland and to navigate the best path through that for Scotland. I had hoped that the Liberal Democrats, who are enthusiastic in their support for our place in Europe, would be able to get behind our proposals.

Does Willie Rennie not understand how ridiculous the first part of his question sounded? He said that I have given up on the UK staying in the EU, but I would love the UK to stay in the EU. I did not want a referendum on EU membership and I want the UK to stay in the EU. If the UK Government has a change of heart and decides that it wants the UK to stay in the EU, it will have my whole-hearted and enthusiastic support for that option, but that does not appear very likely at the moment.

I must set out a path that deals with the reality of the situation that we are in. That is what we are doing—we are setting out serious, reasonable and sensible proposals. I say in all sincerity to all the parties in the Parliament that, if they think that there are flaws in our proposals or that there are areas in which they can be strengthened, they should put forward their ideas and suggestions, because simply sitting there on the sidelines criticising the only Government that has produced a plan for Brexit is not good enough. If they want to put forward their suggestions, I am all ears.

**Bruce Crawford (Stirling) (SNP):** Does the First Minister agree that many sectors are highly dependent on EU citizens who choose to live and work in Scotland? For example, the tourism and agriculture industries rely heavily on workers from other EU countries and, in the health and social care sector, about 1,400 doctors from other EU countries are working in Scotland.

What comfort can the First Minister provide to those EU citizens as a result of the proposals that the Scottish Government has published today? Does she agree that the impact on our economy and, indeed, our society of those EU citizens not being able to remain in Scotland would be as dramatic as it would be unacceptable?

**The First Minister:** I agree. On what our proposals mean for EU citizens who are already living here, Scotland staying in the single market, either with the whole UK or separately from a UK that chose to leave the single market, would secure the rights of people who already live here. Scotland staying in the single market would also do more than that—it would mean that freedom of movement could continue, which is important to our economy. That is so often missing from much of the debate on immigration.

Bruce Crawford was right to talk about the sectors of our economy and the parts of our public services that rely heavily on people from other parts of the EU who choose to live and work in this country. I want that to continue, just as I want the ability of people from Scotland and the rest of the UK to visit, study, work and live in other European countries to continue. That is good not only for economies across Europe but for our culture, for our societies and for increasing the mutual understanding between different countries. We should give that up extremely reluctantly.

Our paper sets out clearly how that can be continued. That is one of the reasons why stakeholders across Scotland have today made many supportive comments about it. It is striking that many of them, whether they are in the private sector, our university sector or our public sector, specifically mention the importance of freedom of movement. I hope that that is one of the reasons why people will get behind our plan.

**Murdo Fraser (Mid Scotland and Fife) (Con):**

The First Minister and her front-bench colleagues have been on a charm offensive across Europe over the past six months. Given that any differentiated deal for Scotland would require the unanimous support of the other 27 Governments in the EU, can she tell us how many other EU Governments have signalled their in-principle support for her proposal?

**The First Minister:** If Murdo Fraser ever wants any lessons on charm offensives, I would be happy to arrange for my colleagues to provide them.

That is barely a serious question. Anybody who asks that question has not read the serious proposals that we have put forward. We have said clearly that, at this stage, we are not seeking a parallel negotiation with the EU. We recognise that, for our proposals to work, of course they will in due course require the agreement of other European countries but, first and foremost, we require to persuade the UK Government to make them part of its negotiating strategy. That is another example of how we are acting in a logical and sensible way that puts the interests of Scotland first.

I readily accept that there are members who disagree with aspects of the Scottish Government's approach and there is of course disagreement on independence but, as we seek to navigate a way that is right for Scotland through the complex and unprecedented situation that we find ourselves in—which we did not create—surely we should expect the Parliament to get behind us.

**Lewis Macdonald (North East Scotland) (Lab):** The First Minister said that, if people see flaws in her proposals or have different ideas, she

is all ears. It is a pity that that was not the tenor of her response to our suggestion of a constitutional convention, even though her paper recognises clearly the need for constitutional change across the UK.

I will give the First Minister the opportunity to respond in the way that she described. Paragraph 157 of her paper states that the conditions of membership of the single market would make no difference to trade to and from different parts of the UK, even though the European single market dictates common rules and standards. Paragraph 149 appears to say that the application of

“different conditions of sale of goods and services”

in different parts of the UK would be merely an administrative matter, even though it is surely the single hardest question that her proposals have to address. As she clearly understands that the single market and the customs union are not the same thing, will she explain how Scotland can belong to two different single markets at one and the same time and will she attempt to build support for her proposals rather than simply seek to divide?

**The First Minister:** The paper sets out much of the detail, but there will not be a difference of approach to the customs union between Scotland and the rest of the UK under our proposal, so the Scotland and England border will not be an external EU customs border. The customs union that in effect exists across the UK now will continue. Regardless of what happens with a differential solution for Scotland, if the UK is out of the single market and the customs union, there will require to be around the external UK border administrative arrangements to assess tariffs and standards. If Scotland had a different relationship to the single market from the rest of the UK, those external border arrangements would have to take account of that to make sure that the correct tariffs or arrangements were applied to goods and services, depending on where in the UK they originated or where in the UK they were intended to be sold. However, none of that applies to the border between Scotland and England—the paper sets that out in detail.

I am more than happy to engage and to have my officials engage with any member of the Parliament who wants to discuss those issues of practicality in greater detail. The paper readily concedes that all those issues will require to be discussed with the UK Government in greater detail.

Aside from all that, I will make a point that is—to be fair—probably better directed to the Conservative side of the chamber than to the Labour side. The UK Government is saying that there will be no requirement for a hard border

between a post-Brexit UK and the Republic of Ireland, which will still be in the EU and the customs union. David Davis went to Ireland not long ago and explicitly said that Ireland will not have to choose between the EU and the UK. I know that different circumstances pertain to Ireland but, in a practical sense, if the UK Government could say that with such certainty for an independent country that is still going to be in the customs union, why on earth would we not be able to continue to continue free trade within the UK, where Scotland and the rest of the UK would have a common position on the customs union? Let us continue to discuss the detail, but if there is political will to do what we propose, those points of detail can be resolved and the challenges can be overcome.

On the constitutional convention, I say that I want to work with others across the chamber who are willing to work with us. I know that there are areas of common ground between the Scottish Government and Labour, and I am genuinely and sincerely keen to work on them. However, putting everything into a constitutional convention would be kind of like fiddling while Rome burned. We need to address the issues now and get on with it. I do not think that it is a mystery what powers the Parliament needs to protect Scotland's interests. Let us get on with it—that is what the interests of Scotland demand.

**Ross Greer (West Scotland) (Green):** The Greens welcome that the Scottish Government is proposing options for Scotland's continued relationship with Europe, but today's proposals make a significant compromise. They are not what our electorate voted for and amount to damage limitation, not a positive solution for Scotland. We acknowledge the attempt to find a compromise with the UK Government, but will the First Minister confirm whether that is the greatest extent to which the Scottish Government is willing to compromise, given that further concessions would result in unacceptable damage to Scotland?

In addition, today's publication makes clear the Scottish Government's commitment to the free movement of people. The UK Government, on the other hand, seems committed to prioritising the free movement of capital over that of people. Will the First Minister confirm that that is not an area where the Scottish Government is willing to compromise with the UK Government?

**The First Minister:** When it comes to the free movement of people, the Scottish Government's position cannot be in any doubt. Even our sternest critics would have to concede that the Scottish Government has always stood up for the principle of freedom of movement, often in the face of criticism and quite tough challenge, and it has never been prepared to be part of the anti-

immigration rhetoric that, regrettably, we have seen from some—not in this chamber, but in other parts of the UK. I hope that our position is beyond any doubt.

On the question of compromise, I have said, and the paper says very explicitly, that this is a compromise position. It is not my preferred option. I want Scotland and—for the benefit of Willie Rennie—I want the UK to stay in the European Union. That is what I argued for and, unlike some in the chamber, I have not changed my mind or my position on that. I think that the best option is for Scotland and the UK to be in the European Union.

I will make two further points. I have to deal with the reality of the situation that we find ourselves in. That is what I am seeking to do. I recognise that as First Minister, not just as leader of the Scottish National Party, I have a duty to try to find a way through this situation—which is not of our making—that tries to bring as many people as possible across Scotland together in consensus. That is what I am trying to do and it is what I will continue to try to do.

I hope that I can persuade people across the chamber—or at least, across most of the chamber—to get behind us on this and to be part of the discussion that will be required on the detail. Outwith the chamber, I will continue to seek to persuade people across the country that this is the way forward that we should embrace. I hope that I will have the Greens' support, recognising absolutely that Ross Greer and I share a view when it comes to independence for Scotland.

**Ivan McKee (Glasgow Provan) (SNP):** I welcome the proposal from the Scottish Government that would enable Scotland to stay in the single market after Brexit. That would do much to mitigate the economic damage of Brexit to individuals and businesses, in Glasgow Provan and across Scotland. The proposal would also be good for businesses across the UK, enabling them to trade in the EU single market after Brexit, using Scotland as a base. I ask the First Minister what evaluation has been done of the economic benefits to Scotland and the rest of the UK of this proposal, compared with a hard Brexit.

**The First Minister:** That is a really good question. It is challenging at the moment—*[Interruption]*. Given that the Tories have put Scotland into this position, their contempt for this entire debate is quite disgraceful. These are serious issues for every individual and every business across this country, and they are being treated with contempt by the members on the Conservative benches. I do not think that that will be lost on many people.

It is challenging to do specific analysis and modelling while the position of the rest of the UK is so uncertain and unknown. It is important that we should continue to model the economic impacts of the options as they take shape. There is a point here, and I hope it is one that is not lost. It is why I said that, while these proposals are unashamedly motivated by Scotland's best interests, they are in the best interests of the rest of the UK as well. For even just part of the UK still to be within the single market will, I think, have economic benefits for the whole of the UK. I hope that that is something that the UK Government will look at when it gives its wider consideration to these proposals, and I think that it is a very important point to have raised this afternoon.

**Ross Thomson (North East Scotland) (Con):**

The First Minister categorically states in the paper that, in her view,

“the best option – is to become a full member of the EU as an independent country.”

As the First Minister will no doubt be aware, for a new member to accede to the EU there is a comprehensive approval process including the adoption of EU standards and rules in 35 different policy fields, known as the *acquis communautaire*. That includes, in chapter 13, full participation in the common fisheries policy. Fergus Ewing stated on 7 December in a debate on fisheries negotiations:

“The common fisheries policy has not been a success for Scottish fisheries, and I recognise that there are opportunities for our industry outside the EU. ... and I fully intend to press the UK Government to make the most of those opportunities.”—[*Official Report*, 7 December 2016; c 19.]

With that clear contradiction at the heart of Government, and given that the First Minister called new powers to this place

“a fib and a half”

during the referendum campaign, how does the First Minister intend to represent our coastal communities, as well as the one million Scots who voted “Leave”, including 400,000 SNP supporters, who currently feel that their voices are being ignored and that they are simply being air-brushed from history?

**The First Minister:** All that Ross Thomson has managed to demonstrate in that long and winding question is that he has not actually read the proposals that we published today, because one of the things that the paper says is that the option that we put forward for staying in the single market through EFTA and the EEA would mean that Scotland was not within the common fisheries policy, giving this Parliament much greater flexibility over fishing policy.

I appreciate that Ross Thomson is far too young to remember what I am about to cite—I am almost too young to remember it—but it was a Conservative Government that treated the Scottish fishing industry as “expendable”. That is the word that the Conservatives used. It is really important now that we do not give a Tory Government a free hand to treat the Scottish fishing industry as expendable all over again.

Finally, I say to any Conservative who, after everything that has happened over the past two years, still stands in the Parliament and talks about the difficulties, according to them, of an independent Scotland getting into the European Union, that we should remember that it was the Conservatives, joined by some of their colleagues across the Parliament, who said that voting no was the only way to secure our membership of the European Union. Scotland voted no, and we are facing exit from the European Union. That is why we should never, ever again listen to a word that the Conservatives have to say on the matter.

**Emma Harper (South Scotland) (SNP):** I welcome the publication of “Scotland's Place in Europe”. Will the First Minister outline what the reaction to it has been? Does she agree that it is disgraceful that, six months on from the vote, the UK Government has produced nothing but meaningless soundbites on its plan for Brexit?

**The First Minister:** The reaction that I have managed to see so far from stakeholders across Scotland—I have to concede that I have not seen all the reaction yet—has been very positive. Not everybody will agree with everything in the document, and I would not have expected that to be the case. Many people will recognise the real practical, technical and legal challenges around the delivery of some of the options—as do we—but across all the reaction that I have seen, there is quite a warm appreciation of the fact that the Scottish Government alone in these islands at the moment is coming up with some kind of plan to try to get our way through the situation. I look forward to working with people across civic Scotland and others in the chamber as we take the proposals forward.

It is the case—every time that I say this, I find myself thinking that it surely cannot be the case—that, this week, we are six months on from the EU referendum and nobody yet knows any more about what “Brexit means Brexit” means than we did on 24 June. If that was just a political debating point, that would be bad enough, but it has implications for the lives and livelihoods of every single person across the UK. That is an absolute disgrace and the UK Government really needs to get its act together soon.

**Neil Findlay (Lothian) (Lab):** In paragraph 145 of “Scotland's Place in Europe”, the Government

emphasises its desire to stick to current EU rules on procurement, competition law and state aid. Why on earth would we want to stick to rules that prevent industries from being supported by Government, force our railways and ferries to go out to tender, and prevent the living wage from being paid to all public contractors? Those are three areas of EU law that the Government has previously claimed have frustrated it from taking progressive policy choices. The First Minister now appears to be preparing to die in a ditch to keep them. How is that stronger for Scotland?

**The First Minister:** Right at this moment, every member of the Labour front bench is studiously looking at their phone to try to avoid the suggestion that that is the official Labour line. I suspect that it is not. In fact, having just expressed such views, Neil Findlay might feel more comfortable sitting on the Conservative side of the chamber.

The substantive question that Neil Findlay asked is an important and legitimate one. There are many aspects of the European Union's rules and regulations that I do not agree with. Neil Findlay mentioned some that I have long argued should change, and I will continue to argue that they should change. However, we should argue for changes from within the European Union. There have been some changes to procurement regulations over the past few years, but Neil Findlay's approach appears to be that we should throw the baby out with the bath water because we do not agree with some regulations and that we should give up all the benefits of EU and single market membership.

With the greatest respect, that is just a difference of opinion between us. The real danger of where we are just now is in the compromising of workers' rights that we will see if we leave powers that are currently regulated by Europe in the hands of a right-wing Tory Government at Westminster. I do not want to do that. That is why I would rather that we stayed in Europe and that those powers were in the hands of the Scottish Parliament and not in the Tories' hands.

**Alex Neil (Airdrie and Shotts) (SNP):** Obviously, I am in favour of all those powers coming to the Scottish Parliament, with or without Brexit.

I have a couple of factual questions for the First Minister on the proposed arrangements in the paper. Value added tax is the most important taxation aspect of the single market, but it is not included in the list of powers that the Scottish Government demands be transferred to this Parliament. Will the First Minister look at the issue of value added tax? According to the UK Treasury, it has not been devolved so far because, under EU rules, VAT cannot be varied within a state. Under

the arrangements set out in the paper, would that rule still apply, or would we be able to take full control over all aspects of value added tax policy in Scotland?

**The First Minister:** There is absolutely no reason why VAT cannot be devolved to the Parliament. As Alex Neil rightly says, the reason that it cannot be devolved and why we can only be assigned a share of VAT revenues rather than have the power to decide what the rate should be is because of European Union rules. With or without the proposals in the paper, with the UK leaving the European Union there is no reason why that argument would continue. I will look more closely at the matter and any other issues of detail that anybody raises.

I repeat that, for all the undoubted imperfections in the proposals—there will be imperfections; they are not our ideal solution—the plan is about protecting jobs, trade, investment and living standards in Scotland. The implications of being taken out of the single market for all those areas would be devastating. When members have had more of a chance to look at the detail in the paper they should, by all means, come forward with questions and suggestions, but I hope that people across the chamber will get behind it.

**Adam Tomkins (Glasgow) (Con):** I welcome the document that was published by the Scottish Government this morning. Much of it is a thoughtful piece of work that deserves to be taken seriously. In that spirit, I have a question on what the document says about EEA membership.

Paragraph 99 says:

"We"—

that is, the Scottish Government—

"are advocating that the UK should remain a full member of the European Economic Area".

Yet, only three years ago, in a document that was signed off by the then Deputy First Minister, Nicola Sturgeon, the Scottish Government said:

"The argument that membership of the EEA is desirable because it allows members to gain access to the Single Market but without having to adopt all of the regulations that full EU membership requires is simply wrong."

That same document went on to say:

"The Scottish Government therefore does not consider that EEA membership is a desirable option from a democratic perspective".

Those are not my words but the words of Nicola Sturgeon.

The Scottish Government was correct in 2013, so why has the First Minister U-turned? Why does she now advocate membership of the EEA, despite it manifestly failing to meet her own tests of what is in the democratic interests of Scotland?

**The First Minister:** Let me be the first to advise Adam Tomkins of a significant event that has happened in the UK since the time of that comment. In June, a referendum on EU membership took place across the UK. Scotland voted to stay in, but the rest of the UK voted to leave and Scotland faces being taken out of the EU against our will.

If it was still a choice between the EU and the EEA, my view would be exactly as Mr Tomkins has just cited, but that is no longer the choice for Scotland if it stays within the UK. The choice is now about trying to secure our place in the single market through the EEA or being taken out of the single market altogether by the Tories. His leader asked the same question and I gave the same answer. I advise the member that he should probably listen more to his leader and adapt his questions accordingly.

**The Presiding Officer:** I encourage members to be as brief as possible, and we will try to fit in as many members as we can.

**Joan McAlpine (South Scotland) (SNP):** The Culture, Tourism, Europe and External Relations Committee has heard evidence and received briefings on how the provinces of Canada and the regions of Belgium are recognised and involved in striking international agreements; even the cantons of Switzerland set their own immigration policy. There are many more such examples.

Given such examples, does the First Minister agree that a differentiated solution for an empowered Scotland will get a hearing in the EU as long as the UK Government accepts and proposes such a differentiated deal for Scotland?

**The First Minister:** Yes. That is why we have directed the proposals first and foremost at the UK Government. People talk about the response that we have had from other European countries. That response has been warm and sympathetic and they are keen to help, but the one consistent thing that they have said is that the negotiation will be with the UK and therefore, if we want proposals for different solutions for Scotland to be considered, we must steer them through the UK process. We have listened to that advice and we are acting accordingly. Joan McAlpine is absolutely right about that.

Joan McAlpine is also right to cite examples of countries across not just Europe but the world where some of what is proposed in the paper already happens. For example, that applies to Canada and to Belgium, where the devolved areas have the kind of treaty-making powers that are talked about in the paper. We are often told by those on the Opposition benches that the Scottish Parliament is the most powerful devolved

Parliament in the world, but some of those other examples actually give the lie to that.

We have an opportunity. In seeking to find a solution, as I am trying to do within the UK, to try to get some of those powers and give ourselves much greater ability to protect the interests that are at stake because of Brexit, we will find plenty examples of that. There is probably nothing in the paper that in some way, shape or form—albeit different in detail and scale—does not apply in another part of Europe or the world. That should give us great confidence that, if there is the political will, there is no reason why we cannot achieve the ambitions that are set out in the paper.

**Alexander Stewart (Mid Scotland and Fife) (Con):** The UK is the fastest-growing economy in the G7 and is one of the strongest advanced economies in the world. That benefits Scotland four times as much as the EU single market does. The SNP has set out plans for a separate deal for Scotland, but Professor Michael Keating of the Economic and Social Research Council has said that, if we were to harmonise our regulations with Europe and not the rest of the UK,

“it would be very difficult to have free trade with England, particularly in services.”

Does the First Minister agree with him, or is he wrong?

**The First Minister:** No, I do not agree with him. I am not sure whether Professor Keating has read the document, but I would be perfectly happy to discuss his views, as he is a respected academic. However, I do not agree. In fact, the paper sets out in detail how it is possible, with the political will, to ensure continued free trade across the UK while protecting Scotland’s continued place in the single market.

I again ask the Conservatives why David Davis went to Ireland and said to the people of Ireland that they do not need to choose between the EU and UK, but the Conservatives here say the polar opposite of that to Scotland. In the days of the internet and modern technology, people hear what is being said in other parts of Europe right now, and they will come to the conclusion that the Conservatives’ arguments are not based on anything other than not wanting to rock the boat for their colleagues at Westminster.

**Richard Leonard (Central Scotland) (Lab):** The paper that has been issued today suggests that employment law and health and safety law be devolved to the Scottish Parliament. How does the First Minister’s Government plan to consult on that suggestion and with who? To what extent does the Scottish Government consider that there is a Scottish labour market, a UK labour market and a European Union labour market?



**The First Minister:** I want those powers to be devolved to the Scottish Parliament. The starting point of consulting on that is the document that we have published today, which proposes that the powers should be devolved to the Scottish Parliament. I hope that Richard Leonard supports the proposals in the paper, certainly in that regard.

The inescapable point is that the powers might already have been devolved to the Scottish Parliament if Labour had not argued against them being devolved in the Smith commission process, which is what I seem to recall happened. We argued for employment law and rights over trade union regulation—if we had those rights, we would not have the Trade Union Act 2016, which recently went through Westminster. My party and I have been absolutely consistent in arguing for the powers to be devolved to the Parliament. If Labour now backs us on that, I absolutely unreservedly welcome that and I look forward to that support being vocal.

**John Mason (Glasgow Shettleston) (SNP):** Does the First Minister agree with some of the evidence that we have had at the Economy, Jobs and Fair Work Committee about the importance of free movement of labour, particularly for certain sectors of the economy? For example, we heard from Angus Soft Fruits that, if it did not have access to labour from other European countries it might have to

“scale ... back and try to match production to the available labour.—[*Official Report, Economy, Jobs and Fair Work Committee*, 22 November 2016; c 10.]

We heard that, alternatively, it might have to move production overseas.

**The First Minister:** Absolutely. I specifically saw the evidence that was given by Angus Soft Fruits. In many ways, that encapsulated the fear that employers in many different parts of the economy have right now. Their fear is that, if their access to labour from other parts of the EU is cut off, that will have a direct and serious impact on their ability to do business. Angus Soft Fruits set that out very starkly. That is why freedom of movement is so important.

I know that people have legitimate concerns about immigration but those of us who believe in the benefits of people from different countries getting to travel to, live in and work in other countries must be able to stand up, have the courage of our convictions and argue the case. It is right in many ways, but it is absolutely right for our economy. The quotation that John Mason just read out says that much more starkly than I or any other member of the Parliament ever could.

**Jackson Carlaw (Eastwood) (Con):** The First Minister is right to draw attention to the population demographic that demonstrates the need for

migratory labour in Scotland. She places undue emphasis on the EU, as only 3 per cent of EU nationals who work in the United Kingdom choose to settle in Scotland; the other 97 per cent choose to settle elsewhere. Given that we will depend upon a migratory workforce from the rest of the United Kingdom, does the First Minister not understand that, by placing obstacles between Scotland and the rest of the UK, she potentially undermines the workforce that we need? Will she tell us what it is about her style of government and economic management that is deeply unattractive to the other 97 per cent of EU migrants, who choose not to settle in Scotland?

**The First Minister:** I have enormous respect for Jackson Carlaw. We used to cross swords when I was health secretary and he was Opposition health spokesperson. Although we disagreed—often passionately—I always had real respect for the understanding and analysis that underpinned those disagreements. However, the question that he has just asked me demeans him in many respects.

There is absolutely nothing in the paper that would put a single obstacle in the way of somebody from another part of the UK who wanted to live in Scotland or somebody in Scotland who wanted to live in another part of the UK. As I have said often inside and outside the chamber, my grandmother came from England and many of my family live in England. No matter our political disagreements, the idea that I would put or am putting any obstacles in the way of free movement across the UK is completely without foundation.

Let us disagree where there are real disagreements—I have and can have no quarrel with that—but, for goodness' sake, let us raise the quality from the question that we just had and debate the real issues that currently face Scotland.

## Improving the Care Experience for Looked-after Children

**The Deputy Presiding Officer (Linda Fabiani):** The next item of business is a debate on motion S4M-03190, in the name of Mark McDonald, on improving the care experience for looked-after children. I ask members who wish to speak in the debate to press their request-to-speak button now, and I warn everybody that we are running short of time already.

16:03

**The Minister for Childcare and Early Years (Mark McDonald):** It is fair to say that, when the First Minister announced the commitment to carry out an independent, root-and-branch review of the care system in Scotland, there was not a dry eye in the conference hall. That is because she talked about that most vital of issues in a way that we can all understand.

There are three fundamental aims at the core of that commitment. First, uniquely, the review will be driven by people who have experience of care. I advise the Parliament that the group that will be appointed to drive forward and lead the review will include people with care experience so that their voices and views are heard at its heart. The review group will be asked to ensure that the varied experience of other children, young people and adults in all the many parts of the care system influence the review's scope and outcome, because Scotland's care system is not a single entity but a complex network of interlinked supports that were often designed in isolation but which try to work together for children and families.

Over the decades, we have learned a lot about what works when it comes to intervening in the lives of children who have been neglected, abused and traumatised. We are making real progress through the getting it right for every child approach and are changing culture and practice to prevent children from coming into care and to intervene early when they are at risk of becoming looked after. That work is vital and must continue, which is why I can announce that the Government will invest £3.3 million in 2017-18 for organisations that work alongside statutory agencies to directly support better outcomes for looked-after children and to provide support for vulnerable families to help to prevent children from becoming looked after.

We know that we also need to better protect the most vulnerable children and young people, and I will report to Parliament on our programme to improve child protection early next year. Our work

at both ends of the care spectrum will involve the wider care review.

The second fundamental aim of the review will be to explore not what more we need to do to stop things happening to children and young people but, instead, what we can do to enable things to happen for them.

We need a care system that actually makes a real and positive difference to the life chances of vulnerable and disadvantaged children. We can point to progress in some areas: looked-after young people now do better at school and are more likely to leave school with qualifications; and, under this Government, we have the lowest-ever number of young people who are not in employment, education or training after school. However, evidence persists that our system does not result in children and young people in care having the same choices and chances to succeed at school and in life as their peers. Therefore, although the review group will determine the scope of its work, I want it to consider how to change the care system so that it achieves that.

Since October, I have sought views from individuals, care-experienced young people and organisations throughout the sector, not to pre-empt any of the decisions but to galvanise my thoughts on what the review must seek to achieve.

The approach to the review is truly experimental, so participants will need to work together in a safe and supportive spirit to gain insight from one another and appreciate the balance of perspectives.

**Joan McAlpine (South Scotland) (SNP):** The minister will be aware that, in the previous session of Parliament, the Education and Culture Committee conducted two inquiries into young people in care—the first on their attainment in school and the second on when to take young people into care. Will he be considering those inquiry reports as part of his review?

**Mark McDonald:** I have announced that there will be a group that will drive forward the review. I would expect the members of that group to consider the totality of evidence in terms of the system that currently exists, including, as Joan McAlpine highlights, the reports that have been produced in previous sessions of the Parliament.

The review will need to be inquisitive and genuinely curious about why things are the way that they are, and must challenge systems, culture and behaviours. It should consider what works here and in other countries. In particular, I want the review to consider how we might continue to build on the permanence and care excellence programme, which has successfully used improvement methodology to reduce drift and

delay in the system, and to advise on how to realign children's services for long-term impact.

I am happy to accept the Conservative amendment in order to acknowledge the fact that elected members have a significant role to play in the care system as corporate parents of looked-after children. They need to hear what care-experienced young people have to say about how they are currently being parented corporately and what needs to change. I want to include elected members in the review, but I expect them to play an active role and to come ready to consider fully how they can fulfil their statutory obligations differently and more effectively. I am sure that they will want to contribute their thoughts on how we can free up resources—people, budgets, facilities and services—in order to encourage more innovative thinking and more empowered leaders.

Where the review group identifies opportunities for change, I make this commitment: I will not wait for the review's final report but will act to implement those changes as soon as they are recommended.

I hope that we can agree across the chamber that we should be seeking to create a 21st century care system that has the needs of children and young people at its core. Listening to the voices of care-experienced people will be key to that. However, we have listened to their views and experience before and, frankly, with each legislative reform, new policy and change in practice, we have failed to hear what children and young people in care tell us—or, at least, we have failed to create a system that delivers the one thing that they crave more than anything else.

Children and young people do not just want a care system that supports them. Yes, they want to feel safe and secure—and there are many parts of the system that achieve that—but they also want to feel and be loved. It is the most simple and basic notion, yet the most complex thing to achieve, and that is the third fundamental aim of the review: to consider not only how to give our most vulnerable children a care system that better supports their needs and enables their interests, but how to ensure that that system gives them a sense of family and of belonging.

In moving the motion in my name, I ask Parliament to agree that we commit today to working together and to sharing with the review the ideas and views that exist across the chamber in order to create a care system for Scotland in which children are loved, so that we can give them the childhood and life chances that they deserve.

I move,

That the Parliament welcomes the first-ever independent review of Scotland's care system; agrees that the approach will be collaborative, working with care-experienced young

people, relevant professionals and carers to gain insight and develop meaningful improvements; agrees to inform the review through the voices of care-experienced young people; acknowledges that recommendations should be achievable, and supports the need to embed sustainable, ongoing improvement so that every child who experiences the care system has their needs fully met and feels loved.

**The Deputy Presiding Officer:** I call Jeremy Balfour to speak to and move amendment S5-03190.2. No more than six minutes please, Mr Balfour.

16:09

**Jeremy Balfour (Lothian) (Con):** Thank you, Presiding Officer. I remind the chamber that I am a city councillor in Edinburgh.

I thank the minister for bringing the debate to Parliament. There is no more important matter than the care and safety of our children. We have to address the issue in the knowledge that if we fail, the results can be heartbreaking for young people, families and society. Research shows us that those who have a vulnerable start in life are far more likely to experience neglect and abuse, which can lead to attachment issues and adverse outcomes in adulthood.

As the minister said, the statistics for looked-after children are improving. However, the Scottish Government acknowledges that the life chances of children and young people who have been looked after remain poor, particularly with regard to employment after age 16. The review group needs to look at what happens to those children not only when they are younger but once they leave the care system, particularly with regard to further education or employment.

My party welcomes the independent review of Scotland's care system and supports the Government's intention that, as the minister said, the review should include all stakeholders. It is important that the review looks across the whole system to understand how agencies can successfully collaborate—because sometimes, unfortunately, they are unsuccessful—to develop a system of care that is based on a child's individual needs and background and how that experience can shape them in adulthood.

It is vital that, at its heart, the independent review listens without prejudice to care-experienced children and young people. They are the care system experts and it is imperative that they are involved and provided with a platform so that they can describe both the positive and adverse experiences of their journey through the system.

As I said, I am a city councillor in Edinburgh. I have to confess that I think that there is a lack of understanding about the crucial role that elected

councillors play in the care of looked-after children. When a councillor is elected, he or she becomes a corporate parent to any looked-after child in that local authority. Councillors have a duty to take an interest in the wellbeing and development of those children as if they were their own. Although the lead member for children's services has a particular responsibility in that regard, all councillors are the corporate parent, regardless of their experience or role on the council. They are there to scrutinise, set policy and ask searching questions about what a range of service providers are doing. I am not sure that most councillors take that seriously enough. They delegate that role, perhaps to a small committee or group of councillors.

I wonder whether enough training is being given to local councillors. As we approach the elections next year—with, no doubt, lots of Conservative councillors being elected for the first time throughout Scotland—I hope that each local authority gives the appropriate training to all councillors, of whichever party, to ensure that they understand their responsibilities. Perhaps we need to encourage council leaders or deputy leaders to be the chief spokesperson in the area.

On a recent visit to a school that provides education and care to boys with additional support needs, I was informed by the director of the school that, once a child has been placed in the school from outwith their area, the local authority concerned has little interest in that child's academic progress. I doubt that that would happen if that was a councillor's own child. Councillors need a challenging attitude when scrutinising and they need to ensure that those who are in their control are given the best services and the best start to their life.

Staff who have worked in the care system know what is going on. In my short time as an MSP, I have been hugely impressed by, and am full of admiration for, the staff and adults who look after cared-for children. For many of them, it is not a job but a vocation. They go way beyond the extra mile. They deal with children who have disorders and are in emotional chaos, and they provide them with somewhere safe and a loving and caring relationship that helps that child to thrive—we hope—in later years.

We will support the Government's motion, and I look forward to the debate.

I move amendment S5M-03190.2, to insert after "working with":

"councillors in local authority areas, who have a duty of care for looked after children,".

16:15

**Monica Lennon (Central Scotland) (Lab):** The First Minister's announcement earlier this year that the Government would be launching an independent "root and branch review" of the care system was very good news. Scottish Labour therefore welcomes Mark McDonald's Scottish Government motion, which we will be supporting along with the amendment in Jeremy Balfour's name.

Kezia Dugdale has long been a champion for the rights of young people in the care system. I was looking back at Kezia's column in the *Daily Record* from Christmas 2014, in which she spoke of the thousands of children and young people who would be spending Christmas without the love and security that so many of us take for granted. She made two points that have stuck in my mind in preparing for the debate, which remind us why the review is so important. They are:

"The stigma of kids in care continues"

and

"the life chances of those leaving care are too stark."

Two years on, the independent care review promises to look at the care system's underpinning legislation, culture and practices. Scottish Labour looks forward to working collaboratively with all parties in the review to ensure that it leads to care-experienced young people having both the love and the life chances that they deserve.

I want to pay tribute to the determination of care-experienced young people and the people who support them, including Who Cares? Scotland. They are making those who have the power to do something about it actually listen to what the solutions are, which has led to the great strides that we have seen in recent years in improving the care experience.

There is, however, much more still to do. We owe it to all our care-experienced young people and the carers who have told us their stories to get it right. We welcome the Government's pledge to inform the review with the voices of care-experienced people, and we hope that the Government will be able to provide more details of how that will be taken forward. I welcome what Mark McDonald said today about properly hearing what young people are saying. It is important that we proactively seek out voices that might not otherwise be heard.

The review must be inclusive in terms of not only those from whom it will take evidence but of the scope that it considers. A whole-system approach should look at the experiences of children and young people before, during and after care. The care system does not exist in a vacuum,

and for that reason neither can the review. It must be linked to more general work to tackle poor mental health and attainment, and reform must be linked to additional resources.

The poor outcomes that children in our care system experience are complex and are often linked to their early experiences of abuse, neglect or parental alcohol and substance misuse. It is simply heartbreaking that children in care are more likely to go to jail than to university and that they are four times more likely than their peers to have a mental health problem. That type of inequality is unacceptable, which is why Scottish Labour supports positive measures including providing free bursary support for looked-after children who go on to higher education, and qualified counsellors for all secondary schools.

This week, I heard from a foster carer of more than 20 years' experience who told me that the one thing that she feels is vital to the review is that we ensure that changes are backed up by the necessary resources. Local authorities and social work services play a vital role in providing support and care for looked-after children. Earlier this year, Audit Scotland reported that social work services in Scotland are struggling. Last week's budget announcement that local authorities will be squeezed by another £327 million pounds in the coming financial year will be a real worry to all those who are involved in the system.

Reforming the culture and practice of our care system is welcome, as is the £3.3 million for the third sector that Mark McDonald announced today. However, it is vital that local authorities are given the ability to fund social services at the front line of the care system properly. We need to reform the care system so that the children at its heart are given the love and support that they need to grow and flourish, rather than merely keeping them safe on a conveyor belt of bureaucracy until they reach the legal age of adulthood.

Laura Beveridge from *Who Cares? Scotland* recently gave a powerful account in *Holyrood* magazine of her own experience of care. It moved me greatly and underlined exactly how vital it is that the review works for people in care. She wrote:

"Everything I did was written down, recorded and analysed. I was taken out of school to attend reviews and children's hearings, where big decisions about my life were being made by people that I didn't know.

I can't remember much about what was said at these meetings, but I can tell you what the colour of the carpet was because that was my focus."

We need to change the system so that children like Laura are given back control over their own lives and are allowed to form loving relationships with adults who are invested in them, and not just to be the subject of endless meetings with workers

with whom they have no real connection. That is no way for any child to have to grow up. I hope that the points that have been raised today can be fed in to the on-going review process, so that a positive outcome can be achieved for all care-experienced young people.

**The Deputy Presiding Officer:** We move to the open speeches. If no one exceeds four minutes, later speakers will not be penalised.

16:21

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** I come to the debate having some experience of working with looked-after children. I have seen at first hand the effect that spending time in the care system can have, so like other members, I am delighted that the Government is committed to a full root and branch review of the system. I also welcome the decision to include at the core of the review people who have been looked after in the past and those who are currently in care. It is important that all viewpoints are heard in order to ensure that the correct changes are made to care in Scotland: no one knows what improvements are required more than those who have been at the heart of the system. I am therefore pleased that, as Monica Lennon mentioned, *Who Cares? Scotland* is backing the review.

Many hard-working individuals in Scotland devote their lives to helping children in care and, sometimes, make great personal sacrifices in order to better their lives. They are the foster carers and adoptive carers who welcome children into their homes and families, and the children's unit workers who work unsociable hours, often in challenging circumstances. I am glad that that has been acknowledged by colleagues across the chamber.

However, the review will rightly focus on the views of the people who have experienced care, so I hope that it will serve to build upon and improve those services now and for the generations to come. As has been said, we would all agree that every child deserves to feel loved, so any improvements that we can make to the care system that would make that happen should be welcomed.

I pay tribute to all the organisations that have been involved in the sector and will contribute fully to the review. Many have sent us briefings, which are much appreciated. As Mark McDonald said, the Government is committed to supporting agencies coming together. There have been successes from recent policies, with 70 per cent of children in care now going on to positive destinations, which is up from 30 per cent five years ago. However, I am sure that everybody

agrees that more can and must be done, so I hope that this issue is one that will cross the political divide and that all parties will work together—not just today in the chamber, where everybody is making the right noises, but as we move forward.

As has been well documented—and as I, for one, have said in previous debates—the outcomes for children in care are still not great, as education, health and justice indicators show. Monica Lennon mentioned something that I had also noted about increased problems in respect of mental health, so I will not go over that again, although it is an area of real concern that we need to address. We need a care system that provides for young people who are often already traumatised when they enter it. When we take on the responsibility for them, we are the ones who must provide a sense of family and belonging, and love and support.

I have found that placements that have most success have robust therapeutic and counselling plans in place. I would like to mention Edwina Grant, who is the chair of Scottish Attachment in Action, with whom I have worked in the past and who is seeking to be involved in the review. She supports the argument that all children in care should have a strong therapeutic relationship that builds a foundation between the child and the new attachment figure, whether that person is a foster carer or a link worker in their unit. I have seen Edwina Grant put that approach into action in her work with families. Essentially, it lays the ground for building the love that we are talking about.

Looking forward to the review, I believe that children will tell us some very simple things, which was my experience as a social worker. They might talk about the importance of contact with their family—if they are not getting any contact, why not? Another consideration might be presents at Christmas and birthdays. At this time of the year, many children will be expecting presents. Contact with pets is another consideration. Many people forget about those things. The need for things such as haircuts and holiday consent is also important. A social worker may spend a lot of their time roaming around getting consent for a haircut, for example, for a child who is in a children's unit or a foster care placement—

**The Deputy Presiding Officer:** You must close now, Mr MacGregor.

**Fulton MacGregor:** The review may find room to address the need for improvements in that area.

I had a lot more to say, Presiding Officer, but my time has elapsed. The review is the first of its kind anywhere in the world. It is ambitious and it will throw up questions.

**The Deputy Presiding Officer:** You must close now, Mr MacGregor.

**Fulton MacGregor:** Okay. Thank you.

16:25

**Miles Briggs (Lothian) (Con):** I am pleased to take part in this extremely short debate. I thank the organisations—including Barnardo's Scotland, Who Cares? Scotland, the National Society for the Prevention of Cruelty to Children Scotland and the Life Changes Trust—that have provided briefings for the debate. As my colleague Jeremy Balfour said, the Scottish Conservatives welcome the review of the care system. We can all agree that we need to do more for children in care and seek to improve the current system, which sadly lets down too many of Scotland's children.

The statistics for looked-after children across the broad range of outcomes indicate starkly how big the challenge is. Seven times as many looked-after children will leave school with no qualifications, in comparison with the average for all school leavers. Only 8 per cent will receive one or more qualifications at Scottish credit and qualifications framework level 6 or higher, in comparison with a national average of 60 per cent. The number of looked-after children who achieve positive destinations after school remains significantly below the national average, and people in care are much more likely to suffer from poor health and to become homeless.

Improving education for looked-after young people and helping them to go on to training and employment opportunities must be a real priority. Support for children at the point when they leave care is another area that must be improved, so I welcome what the minister has said today. It is unacceptable that, despite local authorities' statutory duty to offer aftercare to young people who are leaving their care, 26 per cent of children who leave care continue to have no pathway plan, and one in three has no aftercare whatsoever.

Listening to the voices of care-experienced young people is a key part of the motion. I very much agree with that and welcome the minister's comments in that respect. As Barnardo's has suggested, listening to the views of young people at different stages of their journeys should include hearing from the children and young people who have had positive experiences in the care system. We should build on the successes in the system and try to replicate them. The views of the professionals who work in the care system are also vital.

The mental health of looked-after children is a major concern for me, and I have been working on that area as my party's spokesman on mental health. It is a shocking indictment of the system that looked-after children are more likely to self-harm and to attempt suicide. I hope that the new

mental health strategy will look at how we deliver significant improvements in access to social prescribing and counselling services, and at how we provide appropriate signposting to services to do with self-harm—an issue that was raised with me on a recent visit to the Edinburgh crisis centre that is run by Penumbra.

It is estimated that children in care are more than four times more likely than their peers to have a mental health difficulty. As has been said, 45 per cent of children in care in Scotland are suffering from a mental health condition. Like other young people, looked-after children face waiting times for mental health services that are far too long, and we have not seen any real improvement in that under the current Government. Better and swifter access to counselling and talking therapies in care settings, and additional age-appropriate acute in-patient mental health services are badly needed.

I hope that the care review will involve the voluntary sector as much as possible, because third-sector stakeholders and partners are doing a lot of good work. Barnardo's, Aberlour Child Care Trust, Action for Children and many others have built up a great deal of expertise, and their input is essential and incredibly valuable.

In conclusion, I look forward to the results of the care review, and I hope that its recommendations will include a range of practical measures and allow for improvements to be made throughout the care system. I hope that the review and implementation of its recommendations will mean that, in the future, children in care enter their early adulthood with the same support, choices and chances that other young people in Scotland have.

16:29

**Pauline McNeill (Glasgow) (Lab):** As Labour's spokesperson on social justice, I am particularly interested in today's debate.

I have taken to heart the words of Naomi Eisenstadt, the Government's independent adviser on poverty, on the need to focus on the 16-24 age group. I realise more than ever that she is right to say that that is the most important stage in life to shape life chances. If someone has faced on-going disadvantage in their life until then, what chance do they have to make the most of that key stage? What if their childhood has not given them the strong foundation of love, support and nurturing that every child needs and which is encapsulated in the Government's motion?

As other members have said, the more we look at the statistics, the more we see that they are very shocking. For looked-after children, they reflect the fact that the life chances of a person who is in the care system is severely hampered by the fact that he or she is one of those 15,000

children. Half of five to 17-year-olds who have been in care have been diagnosed with mental health disorders, and evidence on self-harm, death by self-harm and suicide shows an extremely bleak picture.

Care-experienced children are significantly more likely to go to prison than to university. That is the statistic that shocked me the most, and it tells me that something needs to be done for them. They are far less likely to leave school with qualifications, and only 4 per cent of looked-after young people go straight on to higher education. Attainment rates for those children are lower than in any other disadvantaged group.

Research also suggests that a person who has been in care has a 50:50 chance of becoming homeless—another shocking statistic. Through an accident of fate, looked-after children in our care system will almost certainly have fewer opportunities in every aspect of their lives.

The review is therefore long overdue, so I have to ask: what have we been doing? I mean that "we" collectively—it is not a slight on this or any other Government. It is staring us in the face that we have, as a country and as a society, failed an awful lot of young people. I am in no way overlooking the successes in our care system, but we clearly need to make a great deal of progress to make up for some lost time.

In my final minute, I want to address the question of access, because it is a key part of the debate that needs comprehensive discussion. The need to decide on the consistency of university offers for care leavers across institutions requires a debate in itself. Recommendation 21 of the commission on widening access's report from March says:

"By 2017, those with a care experience, who meet the access threshold should be entitled to the offer of a place ... assessed against minimum entry level in 2017 and the access threshold thereafter."

I am interested to hear the Government's response to that. On checking with one of my local universities—the University of Glasgow—I found that it uses a system of adjusted offers. That simply means that if someone requires five As to get into medicine at Glasgow, a child or young person who is leaving school and who has been in the care system will get adjusted grades so that they will not have to reach five As; they might have to get three As and two Bs. The University of Glasgow sets that out specifically. It is, arguably, a clearer system than the contextual system that simply makes adjustments for someone who has been in the care system.

**The Deputy Presiding Officer (Christine Grahame):** I am sorry, but you must close.

**Pauline McNeill:** I will leave it there.

16:34

**Alison Johnstone (Lothian) (Green):** I am grateful for the opportunity to take part in today's debate. When we in the chamber debate care, we often focus on the systems through which we provide support for some of the most vulnerable children in our society, yet we also know that caring is, fundamentally, a very human activity—we cannot truly care without building emotional connections with those whom we care for.

Such relationships are at the heart of providing the best care and outcomes for our looked-after children. Research by the University of Strathclyde's centre for excellence for looked after children in Scotland shows that building genuine, long-term, positive relationships with carers and professionals is key for the children and young people who go on to lead successful lives outside the care system. We must design a care system in which such nurturing relationships can flourish.

I therefore welcome the Government's proposed review to improve the care experience for looked-after children. By putting the young people's voices at the centre of the review, we can design a care system that allows nurturing and stable relationships to thrive. If we are to do that well, it is essential that policy makers understand the environments in which looked-after children and young people live; putting the voices of 1,000 children centre stage is a key way of getting our approach right for every looked-after child.

We have spoken recently in the Parliament about the increased difficulties that looked-after children face, but they are worth repeating. Looked-after children are eight times more likely to be excluded than their peers, so they miss out on not only lessons but opportunities to build relationships with classmates and staff. They are less likely than their peers to be in a job or enrolled in further education or training after they finish school. As members have said, half of all children who are in custody have been in care at some point, and people who have been in care are more likely to experience homelessness and poor mental health.

Those outcomes are not inevitable. It is essential that we give looked-after children as secure a start as we can. Only last month, we spoke in the chamber about the need to reduce drift and delay in adoption and foster placements, because such delays leave many young people in a state of insecurity and limbo.

Crucial to giving children the confidence to speak about their experiences and desires for their future is giving them a positive vision and aspiration. The 2006 report "Celebrating success: what helps looked after children succeed" presented the stories of 30 care-experienced

young people who had gone on to have remarkable success as adults. The young people told the researchers that having stability in their care placements enabled them to develop strong relationships with the adults in their lives, who, in turn, encouraged their aspirations for the future. It is clear from the report that when young people know that they will be listened to they are emboldened to build fulfilling lives for themselves.

There are other voices that will ensure that the review makes the necessary difference and, in that context, I welcome the collaborative and inclusive tone of the motion. Parents, carers and professionals all have their own experience of where the system is working well and how it can be improved. Strathclyde's centre for excellence found that many parents struggle to navigate the system and to put their view across at hearings. That should be investigated so that appropriate support can be made available.

Carers must form a key part of the review. A previous review of foster care, which was completed in 2013, recognised that carers found benefit from on-going training. I would like the findings of the Scottish Social Services Council's consultation on providing learning and development training for foster carers to be considered in the root-and-branch review, and I support Jeremy Balfour's call for on-going training for all corporate parents, who have a really important responsibility.

If carers are to provide stability for the children in their care, they need to be able to afford the costs of running a loving home. By ensuring that foster and kinship carers have the financial resources to buy clothing and food, as well as provide a bit of pocket money, we can give children and their carers peace of mind. I have previously asked the minister—

**The Deputy Presiding Officer:** You must close now.

**Alison Johnstone:** If I could just ask the minister to talk about a minimum allowance—

**The Deputy Presiding Officer:** No—I am sorry; you must close. We are really tight for time. I call Alex Cole-Hamilton, who can have a tight four minutes.

16:38

**Alex Cole-Hamilton (Edinburgh Western) (LD):** I give full-throated support to the Government's motion and to the amendment. I declare an interest: before I was elected to this place, I served for eight years as the head of policy at Aberlour Child Care Trust. Aberlour has provided us with an excellent briefing, which was authored by my successor, Martin Canavan, and



which clearly sets out the work of the organisation over its 140-year history of giving comfort and a safe upbringing to Scotland's looked-after children, from the early days of orphanages to family group homes in the sycamore cluster and the social pedagogy approach. We have much to learn from that experience.

On Christmas eve in 2013, I received a telephone call from Elisabeth Campbell, who was team leader for the Children and Young People (Scotland) Bill. She confirmed that the Scottish Government had listened to the two-and-a-half-year-long campaign on the part of Aberlour, Barnardo's and Who Cares? Scotland—and, with them, to the voices of hundreds upon hundreds of young people in care and people with care experience—and had agreed to lodge an amendment that would change the age of leaving care in Scotland from 16 to 21. The approach met the challenge that Kathleen Marshall had set a decade earlier in her report "Sweet 16? The age of leaving care in Scotland", when she was Scotland's Commissioner for Children and Young People.

The change is transformationally important to the lives and outcomes of those in care, and here is why. The average age of a young person who leaves a stable family home is 24 but, until the change came in, we expected the most vulnerable group of young people in our society to leave their homes a full eight years before that. At a time when they and their peers should have been focused on sitting life-qualifying exams, they were expected to take on a tenancy. It is small wonder that—as we have heard in the debate—educational attainment among looked-after children is the worst of any demographic in Scotland, with only 6 per cent going to university; that half of our adult prison population has been through the care system; and, worse, that a young person with care experience is 20 times more likely to die before the age of 25 than other young people.

I am confident that history will reflect that the change in the care-leaving age was the single most important thing that we could do in our care landscape. Nevertheless, I am grateful to the Government for announcing its review, as there is still much more to do. On many occasions, I have publicly thanked Aileen Campbell, and I do so again today. I would also like to break with convention and thank the civil servants involved: Elisabeth Campbell, David Blair, Cat Duggan, Sheelagh Carradice, Carolyn Younie and the special adviser to the First Minister, Colin McAllister. Among other civil servants, they worked with a quasi-religious fervour, so compelled were they by the testimony that they heard from the young people with care experience. Each of them acted in the finest

traditions of public service and deserves our thanks.

I am heartily glad that the Government has sought to build on that cross-party achievement in the review that formed the centrepiece of the First Minister's conference speech in Glasgow. Such a review is as timely as it is necessary. It shall be conducted with the full co-operation of the Liberal Democrats, because—as we have heard today—there is still a yawning gulf in provision at first contact. There is still an unacceptable drift and delay in many areas of Scotland between a child first becoming known to social work and a supervision order being put in place.

We need to do more for young people who are looked after at home; they are the biggest cohort of looked-after children yet they still manifestly experience the worst life outcomes. We also need to do more to equip our teachers with a full understanding of the impacts that trauma, attachment disorder and loss can have on a child's behaviour in the classroom.

I can think of no higher calling in our role as parliamentarians than the discharge of the duties that we all share towards the 15,000 children who, on any given day, may find themselves in care in this country. It should—rightly—be a subject that we visit time and again in the chamber and with the utmost regularity. I congratulate the Government on lodging the motion and assure members of our support for it.

**The Deputy Presiding Officer:** Thank you very much, Mr Cole-Hamilton. That was exemplary in keeping to time.

16:42

**Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP):** Caring for our children—all of them, in whatever circumstances—is the responsibility not just of the immediate family but of the Government and of local government, as we heard from Jeremy Balfour. If we recognise, as we do, that our children hold in their hands the future wellbeing of society, we need to do everything that we can to equip them for that task.

Care is a vital part of the child protection system, and many young people I have spoken to who have been in care have said that their experience was good and was the right choice for them at the time. Nevertheless, more needs to be done to ensure that all children in care are healthy and safe, have the same opportunities as their peers and can move successfully into adulthood.

Children's early experiences have a significant impact on their development and future life chances and, as a result of their experiences before and during care, looked-after children are

perhaps at greater risk than their peers. According to the Life Changes Trust, the root-and-branch review of the care system

“signals one of the most profound commitments towards improving the care and protection of our children and young people—by putting young people at the heart of change”.

That is the key, although we also recognise the need for and champion a loving and stable relationship.

We have all seen the past failures that have led to the deaths of children in care, including Baby P and Victoria Climbié. I was shocked by those cases in my career in social care. Closer to home, 30 looked-after children—an astonishing number—died in Scotland between January 2009 and the end of 2011. The reason for those deaths was not necessarily violence, although some of the children were murdered, which is horrifying. Some had life-limiting conditions, but many were lost to suicide and addictions, which should not let us off the hook when it comes to looking after such children.

How can we do better? We should bring in the young people who have already shown their courage and strength and let them use their personal experiences to make changes in the legislation. As adults, we should not say that we know what is best, when they know what is best for them. Allowing them to do that would be a good start. They have already played a part in shaping the Children and Young People (Scotland) Act 2014. They are the people who understand what being looked after actually means, from a positive and a negative point of view.

I draw the minister’s attention to the issue of supported accommodation, which I have drawn other ministers’ attention to over the past few months. I have a Blue Triangle facility in my constituency. One action that the Scottish Government could take, because it now has the power to do so, is to ensure that young people who are in supported accommodation and who receive enhanced housing benefit do not lose that benefit if they take up a modern apprenticeship or a low-paid job, go on a training course or go to college or university. At the moment, they lose that support, which means that they lose their supported accommodation. They need the two years of that loving and holistic relationship to allow them to thrive. I impress on the Scottish Government the need to take action on that, if it can.

We need to turn the telescope around—we need to stop thinking in terms of the system’s needs and to put the needs of the children and young people at the core of the system. Most—though probably not all—of us here in this place have been blessed with caring families and a

positive home life, and we recognise how important that has been to us. I ask members to imagine for a moment what it would have been like if their home life had not been like that and to guess how they would have felt. Would they have felt angry, bitter, lost, isolated and unloved? Even people who have never experienced love recognise the magnitude of what they are missing.

The Scottish Government has a plan, which it must populate with actions. We must ensure that every child in care feels loved, accepted, valued, wanted and—most important—listened to. Of course they should—every child should get that opportunity. Please let us make that happen.

**The Deputy Presiding Officer:** We come to closing speeches. Daniel Johnson can take up to four minutes.

16:46

**Daniel Johnson (Edinburgh Southern) (Lab):** I would not dare to do otherwise, Presiding Officer.

**The Deputy Presiding Officer:** Let us see you put words into action.

**Daniel Johnson:** You are using up my time.

**The Deputy Presiding Officer:** While you are at it, do not say anything back to the Presiding Officer.

**Daniel Johnson:** On that note, the first thing to say is that we have done a fantastic job of doing justice to such an important subject in such a short time. When we discuss matters that are to do with children and future generations, it is notable that there always seems to be a degree of consensus. The way in which we as individuals bring up children is clearly important but, as policy makers, we are talking about future generations and the future of our country.

The idea that we cannot tolerate accidents of birth giving rise to differences in people’s opportunities and life chances seems to find common cause across the parties in the Parliament. Monica Lennon mentioned a point that Kezia Dugdale often makes, which is that it cannot be tolerated that a child who has experienced care is more likely to go to prison than to university.

That Scotland has brought forth the concept of corporate parenting is to be celebrated. It is right that we understand parenting as a collective duty, not just an individual one, but we need to recognise that we must go much further. In a sense, the things that we almost take for granted in parenting are the things that we need to look at improving in corporate parenting. I am talking about the individual contact and attention that a parent can give a child and the unconditional support that they provide, regardless of what the

child might do. I am also talking about physical affection—hugs—and, indeed, love. We need to address the emotional aspects of attachment and bonds in looking at the issues that surround care-experienced children.

Mark McDonald was right to highlight the three key pillars, which are the correct ones. The review should be driven by the experience of care. We can get to the bottom of the issue only if we bring on board people's experiences and put them at the heart of the review. The minister was right to say that we must look at how we enable and empower people who experience care. We should also foster a sense of family. The word "love" has been used a number of times, and rightly so, because that is the missing element from the lives of many of the children who experience care.

Labour members warmly welcome the review and the Conservatives' amendment. It is right for us to have the review now. I think that it is a world first to have such a holistic root-and-branch review of the care experience.

I will make some remarks on a few of the themes in the debate. There are four or five key themes that are important to take on board, the first of which is the child-centred nature of the review. Mark McDonald highlighted that and it was echoed by Fulton MacGregor, from whose professional experience we benefited. Monica Lennon gave the example of a child who had a memory of a carpet in the room where the decisions were made, which was a powerful evocation of the issues that such children face and of their experiences. Alison Johnstone put it very well when she said that we focus all too often on systems but need to focus on nurturing.

Likewise, we need to look at stability and permanence. Alex Cole-Hamilton talked, almost as rapidly as I am speaking now, about attachment disorder, which is a key and pivotal issue. Figures show that 15 per cent of care-experienced children have more than one placement in a year and 6 per cent have three placements in a year. That cannot be right, and we need to look at permanence.

We also need to look at support. Alex Cole-Hamilton referred to the typical age for children leaving home being 24 in normal—

**The Deputy Presiding Officer:** You must conclude, Mr Johnson—I am sorry.

**Daniel Johnson:** I conclude on the point that we welcome the motion and the amendment.

**The Deputy Presiding Officer:** You must conclude because one of your party's members took an extra minute—that is why you are being cut short.

16:51

**Liz Smith (Mid Scotland and Fife) (Con):** I congratulate the Scottish Government on bringing forward the independent review and on the tenor of the debate, which has been consensual. In a very short time, members have delivered poignant remarks about why the care experience of looked-after children is so important. Pauline McNeill is no longer in the chamber, but she raised an important point for those who have been members of the Scottish Parliament for some time. I well remember when the Scottish Children's Reporter Administration report came in 2011 to the then Education, Lifelong Learning and Culture Committee, and there was another report from SCRA in 2015. We are now in 2016, so I warmly welcome the minister's determination to move things on.

I particularly welcome what the minister said about using in the process those who are most experienced. In that regard, I pay tribute to Fulton MacGregor and Alex Cole-Hamilton for the experience that they have brought to the chamber this afternoon. Their experience on the issue of looked-after children is perhaps greater than the experience that the rest of us have, and that is an important point to put on the record. When I look back at the previous two sessions of Parliament, I think that the lack of experience is maybe where we have gone wrong.

I take the point that Jeremy Balfour made about councillors not feeling particularly comfortable in the environment of debates on looked-after children. I could say the same about myself, because I did not know terribly much about the issue, although it is obviously extremely important. To pick up the point that Christina McKelvie raised, the issue is important because it matters so much to the young children involved.

Alison Johnstone raised an important point about systems management. We often talk about systems in the Parliament, but the issue that we are debating is so much about people. I commend the Government for recognising that and making it the central principle that will underpin what we do from now on.

Monica Lennon referred to a vacuum, which is a good way of describing what can often happen to youngsters in care. They often feel that they are in a vacuum that there is no way out of and which has no link with the outside world. We need to pay great attention to that.

I know that I have very little time left, Presiding Officer, and might even be cut short. However, when I look back at what we have achieved in the Scottish Parliament over a 10-year period on the care experience of looked-after children, my view is that we have understood the principles and what

we should do but that, sadly, we have not been very good at putting all that into practice. The collective determination that we have now, driven by the Scottish Government, is very much appreciated and is certainly appreciated by the youngsters concerned.

I will finish there, Presiding Officer, and keep my speech to three minutes.

**The Deputy Presiding Officer:** That is kind of you; thank you very much. Believe me—everybody is getting cut short. I call Mark McDonald. You have up to 5 o'clock, so you have lost some time, too, which is only fair.

16:54

**Mark McDonald:** To be honest, I feel that Liz Smith's brevity has gained me some time, Presiding Officer, so let us use it, not lose it.

This afternoon's debate has been consensual, but most importantly it has allowed us to examine in some depth some of the issues that we need to probe as part of the review.

As I said, we will support the Conservative amendment at decision time.

Councillors are offered corporate parent training and my expectation is that they will avail themselves of that opportunity. Following the local elections in May, I will be seeking to ensure that councillors not only receive the offer of corporate parent training, but take up that opportunity when it is provided to them. I also made it clear during the recent adoption and permanence debate that I would offer the opportunity for some corporate parent training to MSPs early in the new year. I hope that MSPs will avail themselves of that opportunity.

Monica Lennon highlighted a couple of important points. One was the issue around the continuation of stigma. That is a fair point and one that we should reflect on. As well as addressing the issues that exist in relation to the system, there is the wider societal attitude that can exist towards individuals in the care system and there is work that needs to be done on that.

Monica Lennon also spoke about ensuring that resources are available when it comes to social services. As I said previously, the Audit Scotland report "Social work in Scotland" highlighted that since 2010-11 there has been a real-terms increase of 3 per cent for social work funding. It is clear that local authorities are taking that role very seriously indeed.

Fulton McGregor made one of the most powerful points in the debate when he spoke about everyday things that the rest of us just take for granted. We take it for granted that we will go

and get our hair cut when it needs it—or at least some of us do. He mentioned that gifts at birthdays and Christmas time are something that we just take for granted, along with holidays and going to doctor's and dentist's appointments. However, for children in the care system, those are often tasks that require forms to be filled in, risk assessments to be undertaken and all kinds of onerous burdens that result in the experience being somewhat less than everyday. It was a very powerful point, and one that I am sure will be a consideration as part of the work that the review group takes forward.

Miles Briggs spoke about the difficulties faced in relation to pathway plans for the achievement of aftercare. From the latest statistics that we have available, 95 per cent of looked-after children have a current care plan and there are requirements under the 2014 act around their continuing care. There are also requirements around aftercare, and I am keen to ensure that we have better understanding of that.

Pauline McNeill asked about the issues around widening access. This Government accepted all the recommendations of the widening access commission, and on Friday we appointed a commissioner who will be responsible for ensuring that those recommendations are delivered upon. Pauline McNeill also touched on homelessness and Christina McKelvie touched on issues around housing support for those in supported accommodation, many of whom will have come from a position of being looked after. I have had discussions with my colleague Kevin Stewart, the Minister for Local Government and Housing, about how the housing system addresses support for individuals from looked-after status. I am happy to pass a copy of Christina McKelvie's speech to both the Minister for Local Government and Housing and the Minister for Social Security, who have responsibility for looking at the areas that she highlighted.

Alison Johnstone finished her speech by talking about what is in the text of the Greens' proposed amendment. I can say that, had that amendment been selected for debate, we would have agreed to it. I am keen to explore how the issues that it raised can be factored into the review. It sits well with my expectation that, rather than our waiting on a final report some years hence, we will take this forward as a kind of iterative process. Recommendations that can be acted upon in the here and now will be acted upon, rather than our waiting for them to come as part of a final report.

Alex Cole-Hamilton acknowledged the role of those who work alongside, but also for, the Government on delivering the objectives. His speech highlighted that a truly collaborative approach is the best way forward.

There is clearly a lot of good will across the chamber for the review that we want to take forward, but I will finish on the point that I made in relation to Monica Lennon's speech, about the stigma that often attaches to looked-after children and children in the care system. She mentioned Laura Beveridge, who delivered a technology, entertainment and design—TED—talk in Glasgow; I highly recommend that members look for it on YouTube if they have the opportunity. It is a very powerful seven minutes that crystallises the issues that are at the heart of the review.

Laura Beveridge also spoke about an experience at a public meeting in Musselburgh at which huge numbers of people from the community had turned out to voice their opposition to the building of a residential home in the community.

It struck me that, as well as our efforts to review, assess and challenge the system and to reform it to ensure that it meets the needs and requirements of young people, we have to ensure that, in parallel with that, we work as politicians and community leaders to drive change in society's attitudes to children in care and the stigma that attaches to them. That will not be an easy task, but if we apply ourselves to it collectively—this debate has shown that we are willing to do so—there is no reason why we cannot do that. After all, the only reason why ambitions are limited is that a ceiling has been put on them.

## Higher Education and Research Bill

17:00

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of legislative consent motion S5M-03181, in the name of John Swinney, on the Higher Education and Research Bill, which is United Kingdom legislation.

*Motion moved,*

That the Parliament agrees that the relevant amendments to the Higher Education and Research Bill, introduced in the House of Commons, relating to extending the power of the Office for Students (OfS) to make arrangements under clause 25 of the Bill so as to also include Scottish higher education providers where Scottish Ministers consent; to allow joint working with Research England (UKRI) and the OfS and the Scottish Further and Higher Education Funding Council and clarify the Secretary of State's powers to fund research, to ensure that they are as broad as the Research Councils, so far as these matters fall within the legislative competence of the Scottish Parliament or alter the executive power of Scottish Ministers, should be considered by the UK Parliament.—  
[John Swinney.]

**The Presiding Officer:** The question on the motion will be put at decision time.

## Business Motion

17:00

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of business motion S5M-03222, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a revised business programme for tomorrow.

*Motion moved,*

That the Parliament agrees to the following revision to the programme of business for Wednesday 21 December 2016—

delete

4.45 pm                      Decision Time

and insert

5.00 pm                      Decision Time—[*Joe FitzPatrick.*]

*Motion agreed to.*

## Decision Time

17:01

**The Presiding Officer (Ken Macintosh):** We come to decision time.

The first question is, that motion S5M-03173, in the name of Ruth Davidson, a motion of condolence, be agreed to.

*Motion agreed to,*

That the Parliament expresses its deep regret and sadness at the untimely death of Alex Johnstone MSP; offers its sympathy and condolences to his family and friends; recognises the high esteem in which he was held by colleagues from all parties, and appreciates his contribution as a principled public servant dedicated to the people of the north east.

**The Presiding Officer:** The next question is, that amendment S5M-03190.2, in the name of Jeremy Balfour, which seeks to amend motion S5M-03190, in the name of Mark McDonald, on improving the care experience for looked-after children, be agreed to.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that motion S5M-03190, in the name of Mark McDonald, on improving the care experience for looked-after children, as amended, be agreed to.

*Motion, as amended, agreed to,*

That the Parliament welcomes the first-ever independent review of Scotland's care system; agrees that the approach will be collaborative, working with councillors in local authority areas, who have a duty of care for looked after children, care-experienced young people, relevant professionals and carers to gain insight and develop meaningful improvements; agrees to inform the review through the voices of care-experienced young people; acknowledges that recommendations should be achievable, and supports the need to embed sustainable, ongoing improvement so that every child who experiences the care system has their needs fully met and feels loved.

**The Presiding Officer:** The final question is, that motion S5M-03181, in the name of John Swinney, on the Higher Education and Research Bill, which is United Kingdom legislation, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the relevant amendments to the Higher Education and Research Bill, introduced in the House of Commons, relating to extending the power of the Office for Students (OfS) to make arrangements under clause 25 of the Bill so as to also include Scottish higher education providers where Scottish Ministers consent; to allow joint working with Research England (UKRI) and the OfS and the Scottish Further and Higher Education Funding Council and clarify the Secretary of State's powers to fund research, to ensure that they are as broad as the Research Councils, so far as these matters fall within the legislative competence of the Scottish

Parliament or alter the executive power of Scottish Ministers, should be considered by the UK Parliament.

## Tackling Mesothelioma

**The Deputy Presiding Officer (Linda Fabiani):** The next item of business is a members' business debate on motion S5M-02554, in the name of Kezia Dugdale, on tackling mesothelioma in Scotland. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament recognises the need to tackle mesothelioma, which is a cancerous disease linked to heavy use of asbestos in Scottish industries between the 1940s and mid-1970s; welcomes the publication of Mesothelioma UK's five-year strategy, *Dedicated to Making Mesothelioma Matter*; notes the extraordinary work of support groups, campaigners, trade unions and charities in supporting those affected by mesothelioma in the Lothian region and across Scotland, and believes that, with Scottish Government support, Scotland can be a world leader in improving research, care and access to support for those affected by mesothelioma.

17:03

**Kezia Dugdale (Lothian) (Lab):** I am very grateful to all members who have decided to stay in the chamber to listen to or participate in this debate on how we tackle mesothelioma in Scotland.

Mesothelioma is, of course, a cancerous disease that is heavily linked to asbestos exposure. In its final stages, it leaves sufferers in a great deal of pain and with a feeling that they are suffocating to death.

My Labour colleagues will speak on behalf of many of the groups and individuals who have campaigned on the issue for a long time, but I will begin the debate by highlighting the efforts of one woman: Julie Roberts. I am delighted to say that she has joined us in the gallery with her friends and family, including her mother, Wilma.

I first became aware of Julie's story through our mutual support of Hibernian Football Club. It was there that Julie told me of the terrible experience that her family had suffered at the hands of that deadly disease. Her father, Gordon, was a diehard Hibe. He was a season ticket holder in the upper west stand at the famous Easter Road. He was a joiner by trade and had worked for one of Edinburgh's biggest housebuilding firms. It was during that time that tiny, deadly asbestos fibres, innocently inhaled, embedded themselves in the lining of his lungs and began slowly poisoning his body.

It was only after Gordon's retirement that a shortness of breath became pronounced and a tiredness that had little to do with physical activity laid him flat. A secret visit to his general practitioner and a gamut of tests done without his

family's knowledge brought the answer: stage 3 mesothelioma, a cancer of the lungs.

Gordon's devastated wife mentioned it to her brother, Jim. He had been a plumber in the city's building trade for years. Suddenly, the pain in his back, which he had written off as a golf-swing problem, became more urgent. The tests were done, and like Gordon's tests, they were positive.

In February last year, 68-year-old Jim died. On Easter Sunday, his brother, 69-year-old Gordon—Julie's dad, a granddad and a lifelong Hibs fan—passed away at St Columba's hospice. Both were killed by this devastating disease.

To Julie's great credit, she wanted to ensure that others did not suffer as her father and uncle had suffered, so she fought back with her campaigning efforts. I thank her for sharing her story; I also thank the *Edinburgh Evening News* and the *Sunday Mail* for highlighting it.

Scotland has the highest global incidence of mesothelioma, with 175 cases diagnosed in 2014. Because of our proud shipbuilding history—among many of our other industries—workers such as Gordon were, sadly, left with no idea that the materials that they were working with each day would plague their bodies in years to come.

Thankfully, we saw the use of different types of asbestos banned in the UK throughout the 1980s, with white asbestos finally banned in 1999. However, that came too late for too many people. A recent study showed that risks are particularly high for metal plate workers, mainly in—again—shipbuilding and carpentry, and the risk is higher for people who were exposed to asbestos before the age of 30.

The study estimated that a shocking 1 out of 17 British men born in the 1940s and employed in carpentry for more than 10 years before the age of 30 would go on to develop the deadly disease. People who worked as plumbers or mechanics also have an increased risk.

It was not just the men who were affected. There have even been tragic cases of wives and partners who died after breathing in asbestos fibres while washing their husband's or partner's clothes week after week.

Teachers, pupils and so many other people work in public buildings that are no doubt filled with asbestos. We need a plan to remove it from those buildings. The European Parliament has endorsed a 2028 deadline to eradicate asbestos, but we cannot wait. We should be the country that leads the way, especially with our record.

I was so moved by Julie's story that I wanted to find out more information about what we are doing in Scotland to tackle the issue. The first place that I looked for information was the Scottish

Government's cancer strategy, published earlier this year. Sadly, I found that the word "mesothelioma" was not mentioned once.

I turned to what services NHS Scotland offers to patients. It shocked me to learn that NHS Scotland provides no dedicated mesothelioma services. It is just not good enough that a country such as ours, with a Government that so often talks about how much it is spending on our national health service, offers no specific services to people and families suffering at the hands of this awful disease. On top of that, I learned that mesothelioma is excluded from cancer waiting time targets. We must do more; we must do it fast.

What can we do? Last month, I was delighted to welcome a number of campaign groups and organisations to the Scottish Parliament to discuss what we can do to tackle mesothelioma. I was delighted that a range of people joined us that day, including Liz Darlison, the director of services and a nurse for Mesothelioma UK, the UK's leading charity on the disease. I thank her for leading on the issue for a number of years. Liz was unable to join us today, much as she wanted to, as she is busy holding her clinic right now, working with patients and their families.

I also thank the Scottish Trades Union Congress for its support, and Scottish Hazards, which has been campaigning on workplace issues such as this for a long time. It is great to see so many of the faces from that day in the gallery this evening.

We can work alongside Mesothelioma UK as it conducts its next patient experience survey next year. That would allow it to analyse where it can target its resources to have the greatest impact on patients and their families.

Mesothelioma is the most symptomatic of all cancers in that patients often experience breathlessness, pain, cough, reduced appetite and malaise and, coupled with short life expectancy, that heightens the need to get care right. The pain can often be challenging. A procedure currently available only in Liverpool and Portsmouth can effectively manage pain: cordotomy. The team in Glasgow has the ability and will to perform it and to provide a service for Scotland. Meso UK has provided funding for equipment so that the team can get up and running, but it could do with long-term funding. Support for palliative care and pain management services should be built in.

Surgical treatment for mesothelioma is currently the subject of a national trial called mesothelioma and radical surgery 2, or MARS 2. However, no surgical centre in Scotland is involved in the project. I understand that there is differing medical opinion on surgical treatment, but the issue is being looked at in depth nationally and surely we want Scotland to be at the heart of that work.



We could fund meso nurses in Scotland through the NHS. Scotland currently has one dedicated meso nurse, Jan Devlin, who I am delighted to say is in the public gallery today; she is funded by Meso UK and Macmillan Cancer Support. From April next year, Meso UK will fund the post fully.

I have given just a few ideas, and we will hear more from those on the Labour benches during the debate. I am asking the Scottish Government to listen, to take those ideas and issues on board and to work with parties across the chamber and the campaigners in the gallery so that we can make a difference by using the powers of the Parliament to tackle this disease. We need to do that because, sadly, the disease will only become much more prevalent in the coming years.

17:11

**Stuart McMillan (Greenock and Inverclyde) (SNP):** I refer members to my entry in the register of interests.

I congratulate Kezia Dugdale on securing this members' business debate. The Parliament has a strong history of dealing with asbestos conditions and has passed various pieces of legislation on it, the most recent of which was on pleural plaques in 2009. Scotland holds a significant place in the history of asbestos, having developed its industry early in the 1800s. By 1914, there were more than 60 asbestos manufacturers throughout Scotland. Scotland's industrial heartland was Clydeside, where the famous shipyards saw significant growth as a result of the success of the shipbuilding and engineering industries and were responsible for 25 per cent of the world's ships. There was huge demand for asbestos panels, which were soon to be in every ship that sailed from the Clydeside ports.

Building contractors and housing corporations were also major users of the product, which was famed for providing heat insulation at low cost, and it was quickly used to insulate boilers, pipes and storage heaters. The product was also rolled out as a cheap alternative in building homes and schools, with asbestos-insulated boards being used for walls and ceilings.

Recent mortality statistics show that, in the UK alone, around 100 people die per week from asbestos-related cancers and diseases. The mortality rate for asbestos-related diseases in the west of Scotland is one of the highest in the UK. However, we would be wrong to presume that the asbestos legacy is an historical issue. We know that there are a lot more asbestos issues to come. Exposure to the product continues across Scotland. Anyone working on a building that was constructed pre 2000 might be at risk of inhaling asbestos fibres. We are seeing a growing number

of people who have suffered exposure to asbestos that they believe occurred in public buildings such as schools, universities and hospitals. As well as deaths among folk from the shipbuilding and construction industries, there are deaths of teachers, lecturers and care workers, as well as plumbers, electricians and others.

The charity Clydeside Action on Asbestos was formed in 1985 to provide advice and assistance to those suffering from an asbestos-related condition. It provides specialist advice on claiming industrial injuries benefits and state compensation and it has successfully campaigned to implement changes in Scottish law, some of which came through the Scottish Parliament. That has given victims of asbestos-related conditions and their families here more rights than those elsewhere in these islands have.

Because Clydeside Action on Asbestos has raised awareness of the issue, each year it receives approximately 800 new cases of people in Scotland who have been diagnosed with an asbestos-related condition. I meet Phyllis Craig MBE from Clydeside Action on Asbestos regularly. This September, we met the First Minister to discuss important developments in the diagnosis and treatment of asbestos-related diseases in Scotland. Kezia Dugdale raised a number of points in her motion and her speech. If, at any time, the Parliament decided not to view asbestos-related conditions and mesothelioma as serious, it would fail but, historically, it has not failed but led the way in the UK.

Earlier this year, Clydeside Action on Asbestos produced a document that went out to all general practitioners in Scotland. It has become a specialist learning resource and reference tool on how to deal with the scourge of asbestos. I held an event in the Parliament on the publication earlier this year. It is important for victims that family GPs are able to identify early symptoms of asbestos-related illness, including mesothelioma, so that a referral to a specialist can be made. The resource that Clydeside Action has produced has a section on early detection and allows doctors to develop a better understanding of the emotional, legal and financial strains that victims and their families encounter.

Debates such as this one can be helpful, but it is unfortunate that the motion does not highlight where Scotland has been successful and the fact that a lot of good work is being undertaken in Scotland, not only by Clydeside Action on Asbestos but by Asbestos Action Tayside and Clydebank Asbestos Group.

17:16

**Donald Cameron (Highlands and Islands) (Con):** I thank Kezia Dugdale for bringing the motion for debate and I commend her for being consistent and persistent in raising health conditions that are often overlooked. I use the term “overlooked” because, although mesothelioma affects only around 1 per cent of cancer sufferers in Scotland, it resulted from the poor working conditions of the heavy industrial period between the 1940s and the 1970s, as Stuart McMillan noted. It affects people from a range of sectors, is not a genetic cancer and did not develop as a result of radiation treatment or the effects of lifestyle choices. Mesothelioma is a needless cancer that resulted from asbestos and which affects hundreds of Scots today.

I first came across the condition during one of my first jobs as a lawyer in Edinburgh, when I did a temporary stint in a litigation department. In that firm, there was a dedicated team that dealt specifically with asbestosis claims and worked with sufferers of mesothelioma. It was a unique and desperately sad scenario that highlighted to me the significance of the condition and its acute prevalence in Scotland.

It is to be regretted that the Government’s “Beating Cancer: Ambition and Action” strategy does not mention mesothelioma. Not long after I was elected and asked to take on the health portfolio for my party, several people got in touch with me about the condition. By and large, they were family members of someone who suffers from it or who has recently died as a result of it. There was a common theme in every email: that the condition receives little to no publicity and that there is no mention of it in the cancer strategy. That is why a debate such as this is important.

**Stuart McMillan:** Historically, Conservative MSPs have voted against legislation that has been introduced to the Parliament to help people with asbestos-related conditions. Is Mr Cameron saying that that position has gone and that the Conservatives will look more favourably on proposed legislation on asbestos that comes to the chamber?

**Donald Cameron:** I cannot speak for the party on what its position would be on legislation being introduced. As far as I am aware, there is no prospect of such legislation. My point is that when I have lodged parliamentary questions on the issue, asking what action is being taken to raise awareness of and tackle mesothelioma specifically, the responses have concentrated on a general strategy to tackle cancer as a whole.

I welcome the fact that there is a strategy in place to deal with cancer; it is a destructive disease in all its varying forms and we must do

everything possible to fight it from all angles. However, given the stark statistic that 1.2 per cent of cancer deaths result from mesothelioma, and in the light of the passion and vigour that mesothelioma campaigners—some of whom are in the public gallery—show for eradicating it, there must be greater focus on the condition in the cancer strategy.

I want the Scottish Government to realise that mesothelioma sufferers want specific guarantees about what it will do to tackle and prevent this condition. After all, Mesothelioma UK noted in its five-year strategy document that the UK as a whole has the highest incidence of mesothelioma in the world and that the numbers are growing. Although that is a UK-wide report, I encourage the minister and her team to read it and to take on board some of its ideas.

I hope that my comments and those of others around the chamber will impress on the Scottish Government the need for a real commitment to tackling mesothelioma specifically. That would not only act as a genuine comfort to the families of mesothelioma sufferers but would deliver some justice to those who continue to suffer the effects of it and who have lost their lives because of it.

17:20

**Anas Sarwar (Glasgow) (Lab):** I thank Kezia Dugdale for bringing forward this important debate and I pay particular tribute to the strength and courage of Julie Roberts and her family and other families who have lost loved ones to this terrible illness and who are campaigning so that other families can be spared pain.

Scotland has the highest global occurrence of mesothelioma, with a particularly high incidence in the west of Scotland—a terrible legacy of the previous use of asbestos in shipbuilding and similar industries. At present, there is no cure, but there are effective means of controlling symptoms and making early diagnosis. Although there are increasing numbers of clinical trials of new treatments, patients can access them only if they are promptly diagnosed and properly informed.

There are currently four key ways in which Scotland is not recognising the scale of the problem: NHS Scotland currently provides no mesothelioma-specific services; mesothelioma is excluded from cancer waiting-time standards; patient outcomes and the provision of services are not audited; and the Scottish Government commits no central funding to mesothelioma research.

I know that the Scottish Government is always keen to compare the NHS in England with the NHS in Scotland. In England, mesothelioma is subject to waiting-time targets, patient outcomes are audited, and the UK Government has

identified mesothelioma as a priority area for the Department of Health and has contributed £5 million of central funding to mesothelioma research.

The situation in Scotland is unacceptable. That is why I believe that we have an opportunity to put in place a new model of mesothelioma care in Scotland. Because of glaring clinical need and despite receiving no formal funding, a model has grown organically in the west of Scotland, in the form of a team, established by leading expert Dr Kevin Blyth, which draws on expertise in oncology, pathology, radiography, cardiothoracic surgery and palliative care support. The multidisciplinary team convenes on a monthly basis at the Queen Elizabeth hospital. I stress the fact that it functions on the basis of good will and the team's commitment rather than of formal job planning or funding from the NHS. We should pay tribute to all members of the team. Its funding comes from external sources, including Macmillan Cancer Support and Mesothelioma UK. Despite the clinical work that the team undertakes and the externally funded research, the model is fragile and unsustainable.

However, mesothelioma patients in the west of Scotland are fortunate to have the service. Significant service inequality exists elsewhere in Scotland, with no other dedicated mesothelioma services available. Outwith Glasgow, patients are looked after by committed and caring teams, whom we should thank, but the services are designed to look after lung cancer patients. As a result, mesothelioma patients often feel marginalised or report that their care needs are not properly addressed.

The exclusion of mesothelioma from the cancer waiting-time targets amplifies the problem, since health boards have no motivation to develop specific services for mesothelioma patients. That specific point might well be covered in the wider review of patient standards, but I would welcome the minister's comments on it.

**Stuart McMillan:** Will the member give way?

**Anas Sarwar:** I am in my last 40 seconds, so I will not take the intervention.

I believe that there is a need for a new model of mesothelioma care in Scotland. In addition to including such care in patient standards and central funding to support a world-leading service and research model, a hub-and-spoke model based in Glasgow is supported by many campaigners and clinicians. Such a model could provide high-quality and equitable care for patients, would work right across Scotland and could transform mesothelioma care in Scotland.

Scotland has world leaders in mesothelioma research and world-leading clinicians. I hope that

the minister will listen to the people who are campaigning for a dedicated service and confirm this evening that the Scottish Government is willing not just to listen to those families but to act for them.

17:25

**Ben Macpherson (Edinburgh Northern and Leith) (SNP):** I thank Kezia Dugdale for bringing this important debate to the chamber. What inspired Kezia was the story of Julie Roberts, who is also my constituent. I welcome Julia, her mother Wilma and sister Lindsay to the gallery this evening. What is so inspiring about Julie Roberts's story is that it is a real example of one voice helping to change a country. It is Julie's story. Her courage in speaking out about her family circumstances and difficulties, and her inspirational determination to campaign on the issue have brought the debate to Parliament this evening. I will conclude by suggesting how we, collectively, can take that forward.

I pay tribute to Scottish Hazards and Clydeside Action on Asbestos, which Stuart McMillan mentioned. Scottish Hazards emailed many of us this afternoon before the debate and stated very clearly what I think is a mission statement:

"As a nation we must do all that we can to raise awareness of the causes of mesothelioma, ensure asbestos is properly managed and/or removed and prevent the exposures which cause mesothelioma—a fatal but entirely preventable disease."

As I think about that mission statement, I think about the scale of the issue, which has already been mentioned. The UK has the highest mesothelioma mortality rate in the world, so action is most acutely needed in our country.

More than anything else this evening, I want my words to represent Julie Roberts. She asked me to raise some points around a central theme. She believes—as do I and many of us here—that we in Scotland can lead on the issue. We can give particular thought to investment in specialist knowledge and nursing. I ask the minister to comment on that in her remarks. We can also think about how we can invest more in research in order to tackle mesothelioma, how we can work harder to create more joined-up services and how we can increase access to palliative care to manage pain, which is the last line of defence when it comes to mesothelioma.

Lastly, Julie Roberts asked me to emphasise how we who are at the heart of public life in Scotland, can help to raise awareness of this terrible disease and, through that, inspire action on it. Given that one in five work-related deaths is a result of mesothelioma, it is particularly important in discussions or events that involve workers—especially in industries that are associated with

mesothelioma—that we take the opportunity to raise awareness.

Perhaps Parliament could commit to raising awareness of mesothelioma on international workers day on 28 April 2017. Such a commitment might provide focus and inspire action against this terrible disease.

**The Deputy Presiding Officer:** As a few more members wish to speak in the debate, I could accept from Kezia Dugdale a motion without notice to extend the debate.

*Motion moved,*

That, under Rule 8.14.3, the debate be extended by up to 30 minutes.—[Kezia Dugdale.]

*Motion agreed to.*

**The Deputy Presiding Officer:** I am awfully pleased that members have agreed to extend the debate.

17:29

**Jackie Baillie (Dumbarton) (Lab):** I congratulate Kezia Dugdale on securing the debate and commend Julie Roberts on campaigning to raise awareness.

Clydebank was, 20 years ago, confirmed as the asbestos capital of Europe. Figures that the Health and Safety Executive published in 1996 showed that West Dunbartonshire's death rate from asbestos poisoning was 11 times the national average. Clydebank, not surprisingly, also has the highest death rate for mesothelioma in the whole UK.

West Dunbartonshire had a proud global reputation as the world's leader in shipbuilding, but there was a huge human cost to our economic success. The area's proud industrial heritage meant that thousands of workers over the years were exposed to the deadly dust in the shipyards and asbestos factories on the River Clyde. More than 3,000 workers were employed in the construction of the iconic Queen Elizabeth II at John Brown & Company in the 1960s, when use of asbestos in shipbuilding was at its peak. The biggest shipbuilders even had their own asbestos preparation sheds in their yards. Academics have demonstrated how those large companies such as Turner & Newall, which had an asbestos factory in Dalmuir, continued to put their workers at risk long after the dangers of asbestos were known.

Clydebank Asbestos Group was set up in 1992 as a voluntary organisation to provide support, advice and information for victims of asbestos and their families, and it is still going strong today. For almost a quarter of a century, the group has been consistent in warning people of the dangers of asbestos, campaigning for more stringent

regulation and helping those who have been affected to seek justice through the courts, often coming up against the shocking tactics of insurance companies that use every trick in the book to avoid paying compensation to dying clients or their families.

Following a campaign that was led by Clydebank Asbestos Group in 1998, West Dunbartonshire Council became the first local authority in the UK to support the call for a ban on white asbestos. It took until August 1999 for the UK to ban white asbestos, five years ahead of the European Union deadline.

Kezia Dugdale touched on the fact that women have played a prominent role in the fight for justice in West Dunbartonshire, often continuing the struggle in the community and in the courts after their husbands' premature deaths. Clydebank Asbestos Group's current secretary, Hope Robertson, lost her husband to mesothelioma at the age of 59. On international workers memorial day in April, she said:

"We won't be able to say 'it's over' in my lifetime or my daughter's lifetime but perhaps it might finally happen in my grandchildren's lifetime. The frightening thing is that people are being diagnosed younger than before"—

I am sorry, this is quite emotional—

"and the idea that it is all gone and in the past is wrong."

Although most asbestos victims are men, Kez Dugdale was right to remind us that women made up a sizeable portion of the workforce in the shipyards, the Singer sewing machine factory and the asbestos plants in Clydebank. The substance is so deadly that many women in West Dunbartonshire were also contaminated by washing their fathers', brothers' and husbands' work clothes.

As well as thanking Clydebank Asbestos Group, I thank Clydeside Action on Asbestos and Asbestos Action (Tayside). They all make hugely important contributions to those who have been affected and their families. It is right for us also to thank the trade unions, the Scottish Trades Union Congress and Thompsons Solicitors, which has represented many of the families.

In the chamber tonight we are hearing that although much has been done in legislation, there is much more to do in practical terms. I echo the calls for specific NHS services for mesothelioma sufferers, whether that means specialist nurses or the best possible treatment pathways. I say to the minister that we could fund those things by recovering the funds that would be required to treat people from the companies that caused their disease in the first place. There is precedent for that, so I encourage the Government to do it. Maybe then we could give mesothelioma the prominence that it deserves in NHS treatment

pathways. I encourage the minister to seize that opportunity.

17:34

**Miles Briggs (Lothian) (Con):** I congratulate Kezia Dugdale on securing tonight's debate, which is an important one, not least for the people in our Lothian region who suffer from mesothelioma and for their families and friends. I also pay tribute to Kezia Dugdale for the campaigning that she has personally undertaken, and I join her in welcoming Mesothelioma UK's new strategy and in paying tribute to the work of that charity and others that support people who have been affected.

As has been stated, Scotland and the UK have the highest rates of mesothelioma in the world, which is a tragic legacy of the extensive use of asbestos in many industries before its damaging health impacts became fully understood. The incidence of that cancer is rising in the UK, and about 200 people in Scotland are being diagnosed with it each year. Rates are expected to peak around 2020. Diagnosis and treatment can be difficult because symptoms are so similar to those of a number of other conditions and the cancer is, sadly, generally resistant to radiotherapy and chemotherapy. However, as with all cancers, early diagnosis is vital and treatment can control some of the early symptoms.

I believe that more needs to be done to raise awareness of mesothelioma, and I share the disappointment that it is currently not featured in the Scottish Government's cancer strategy. I hope that that is something that the minister will speak about this evening. There is no reliable screening test for that type of cancer, so some constituents have suggested that the Scottish Government should undertake a direct marketing awareness-raising initiative that is aimed at people who have worked in the most high-risk trades and industries. I would be interested in the minister's comments on that specific proposal, and on how we could take that forward.

There are a number of drugs trials on-going across the UK. I welcome them and wish them success. A new initiative from Cancer Research UK and drugs companies MSD Ltd and Verastem is being co-led by scientists here at the University of Edinburgh. The initiative will look at whether a combination of immunotherapy drugs will benefit patients, and it offers hope to early-stage patients and their families.

In advance of today's debate, I received a useful briefing from Scottish Hazards, which points out that as well as those who suffer through use of asbestos in industry, a growing number of people are being diagnosed with mesothelioma who have been exposed to asbestos through working in

public buildings, in addition to those who were—as has been mentioned—exposed to it when washing their family's clothes. It is important that we support the work of organisations such as Scottish Hazards, which are doing good work to prevent future cases.

To conclude, I welcome today's debate. With Scotland having the highest incidence of mesothelioma in the world, I believe that we should be leading internationally in research into that cancer and into how we can better support sufferers here in Scotland. I urge the Scottish Government to work with charities and other stakeholders to ensure that Scotland becomes a world leader, and that everything possible is done to improve awareness and detection and, above all, to deliver care for the families who need it.

17:38

**Emma Harper (South Scotland) (SNP):** I remind members that, as recorded in my entry in the register of members' interests, I am a nurse.

I thank Kezia Dugdale for bringing the motion before the chamber today. As a newly elected member, I received an email message in my inbox from Julie Roberts—I thank her for being here—asking me, along with other MSPs, to take an interest in mesothelioma. She requested that I highlight the condition and support Kezia Dugdale's motion, which asks

“That the Parliament recognises the need to tackle mesothelioma”.

Mesothelioma is a cancer that is caused by exposure to asbestos. The disease mainly affects the lungs, but any organ covered by mesothelial tissue, such as the abdominal peritoneum, can also be affected. Asbestos has been mined and used since prehistoric times as a fire-retardant, heat-resistant lagging material. As early as 1897, asbestos was attributed as the cause of pulmonary “troubles”. Over the decades since, it has been documented by many medics as having caused problems with the lungs.

My response to that email was, “Yes, I'm interested.” My best friend is Diane Cameron. Her dad, Jock, suffered from peritoneal mesothelioma. He was an engineer, and a pipe and boiler fitter. Jock used to describe how he worked with asbestos. He described how he took old pipe fittings out of schools, factories and even hospitals; he ripped out the asbestos with his bare hands. He said that he and the work boys used to scrunch the asbestos into snowballs and throw them at each other. Jock was a fit 70-year-old who took no medication, yet he died within a year of being diagnosed with mesothelioma.

I want to highlight the impact not only on the patients, but on the families who have lost parents and loved ones following exposure to asbestos.

I am aware of the Clydeside Asbestos Group and of Scottish Hazards, which also contacted my office. I was interested in speaking in the debate because, as a new MSP, I was asked to set up a cross-party group to address the issue of lung health in Scotland. "The Battle for Breath" report, which was produced by the British Lung Foundation, states that there are 15 main lung conditions that are major health concerns in the UK and Scotland—mesothelioma is one of them; it is mentioned 52 times in the report. Lung cancer is Scotland's number 2 killer after heart disease; it is just ahead of stroke at number 3.

Rather than have separate groups for each lung disease, I appeared before the Standards, Procedures and Public Appointments Committee last week to affirm my case for establishing a new cross-party group on lung health, so that we can explore themes for improving lung health for people with many lung conditions, including mesothelioma. I heard that the CPG was approved last week.

We need to address the health of Scotland's patients who have a diagnosis of mesothelioma, and we need to improve lung health for patients in Scotland whatever their condition. I asked my sister, Phyllis, who is a respiratory nurse consultant, for advice about mesothelioma. She said:

"Many patients diagnosed can achieve health benefits with appropriate treatment. Often, patients require medication and frequent visits to a specialist doctor. The treatments required can often be quite painful procedures, such as the drainage of pulmonary fluid from the lungs. It is required but, ultimately, it allows patients to breathe more easily. Right now, the prognosis is poor."

I responded to the email from Julie Roberts in which she asked me whether I would be able to help highlight mesothelioma and people with a mesothelioma diagnosis. Even without a cross-party group, I would have agreed to support her. However, now that the lung health group has been approved, I can say, "Yes—and I am not only concerned, but willing to participate and to take action to address the lung health conditions, including mesothelioma, that affect Scots."

17:42

**Iain Gray (East Lothian) (Lab):** I say "Well done" to Kezia Dugdale for securing the debate—and even more so to Julie Roberts, because if her campaigning had not inspired Kez, we would not be holding the debate this evening.

As Kezia Dugdale alluded to, Julie became a campaigner on mesothelioma through her

engagement with the gamechanger public social partnership between the national health service, Hibernian Football Club and the Hibernian Community Foundation, which I happen to chair. That is one reason why I wanted to participate this evening, but I have another reason.

In the constituency that I represent are towns such as Prestonpans where I could take members down almost any street and find family after family that has been affected in one way by asbestos-related disease: they have lost fathers and grandfathers who worked down the pit or on the construction sites. They have all suffered from mesothelioma and know the toll that it takes.

A couple of those people are quite special to me and to my colleagues in the East Lothian Labour Party. One of them was a man called Gerald O'Brien. Many in the Labour Party will know that he was the agent for John P Mackintosh, the East Lothian MP. Gerald later became a national organiser for the Labour Party and was the party's first women's officer, back in the innocent days before it occurred to us that the women's officer should perhaps be a woman. He was a hugely loved member of staff in the Labour Party. Before he did all that, Gerald was an electrician. We lost him to mesothelioma some years ago.

Someone does not have to have been 40 years on the tools to suffer from the disease. Another constituent whom I knew well for a short time was Jim Anderson, who was a teacher in my constituency for many years. As a student, he spent one summer labouring on the Cockenzie power station construction site; 45 years later, mesothelioma came and took him, too.

In a blog that Julie Roberts wrote in the past few days, she said something important about her dad and her uncle. She said that all they did was go to their work. They did not do anything wrong, they just went to their work: they did not inherit the disease from their parents or grandparents, they did not catch it from their neighbours, and they did not do it to themselves by drinking or smoking. Those who suffer from the disease simply went and built the power stations, the ships, the factories and the homes that we all wanted. They did that to provide for their families. They did the right thing and paid a terrible price.

This is probably nonsense, but it has always seemed to me that the disease takes the biggest men, although I know that it takes not only men. It seems to me that it picks out those men who have the most life about them. I did not know Julie's dad but I have heard her speak about him in the film that she made, "My Life With Hibs". He sounds like he was the kind of man who would fill the room with his strength, stature and love of life. Mesothelioma is a disease that takes that strength

and stature away, then it takes your breath away, and then it takes your life away.

So what do we do? We have to respond in three ways, and they have all been mentioned this evening.

The first is to make those who are responsible take responsibility—the employers who carried on making their workforce work with asbestos when they knew fine what the consequences were, and their insurance companies, which have tried every trick in the book to avoid paying compensation to the families.

Secondly, we have to make sure that it does not happen now and fight tooth and nail to defend health and safety at work so that we do not see the disease come back again in another way.

Finally, of course, we have to ensure that mesothelioma is given the medical attention that it needs. We need to correct the shameful lack of specific services that were highlighted by Anas Sarwar and Kezia Dugdale. That is the question that we put to the minister tonight.

17:48

**The Minister for Public Health and Sport (Aileen Campbell):** I am pleased to be able to close tonight's debate and also, like all the other speakers, congratulate Kezia Dugdale on bringing it to the chamber.

I welcome Julie Roberts and her family to the Parliament and I pay tribute to the family for what they have done in honour of Gordon and Jim. The family has campaigned for improvements that they feel are necessary to ensure that Gordon's life and Jim's life were not in vain and that their untimely deaths can ensure improvements for others across our country.

Members have talked about the impact that this condition has had on their constituents. It is tragically cruel in so many ways and many have contracted the disease simply by going to work, or their partners have contracted secondary mesothelioma through washing overalls.

As stated in the motion, I pay tribute to the campaigners, trade unions and charities that have done so much to support those who have mesothelioma, brought about improvements and changes, and raised awareness of the condition. I also welcome the report by Mesothelioma UK and its strategy's aim of seeking to make further improvements across the UK to the care and support of those who contract mesothelioma, including raising the profile of mesothelioma to prevent future cases of asbestos-related disease.

We recognise the work that is carried out by a host of organisations in addition to Mesothelioma

UK, such as Clydeside Action on Asbestos, Asbestos Action Tayside and the Clydebank asbestos group, which, as Stuart McMillan said, provide advice and support to people with asbestos-related disease, and, in the case of Clydeside Action on Asbestos, provide resource to GPs and doctors on the wider implications of such cancers.

I want to talk about our wider approach to cancer. We all know and recognise that progress has been made on treating cancer and on survival rates, largely thanks to the hard work and endeavours of the people who work in the NHS to deliver our health and social care services. We also know that there is room to do far more, particularly in cancers that are linked to deprivation or industrial work, as is the case with mesothelioma.

In March this year, the Scottish Government unveiled its strategy, "Beating Cancer: Ambition and Action", which serves as a blueprint for the future of cancer services in Scotland. Although the cancer strategy did not mention mesothelioma specifically, as many members said, that should not for a moment be taken as a sign that no consideration has been given to improving outcomes for people with the disease.

The Scottish Government is acutely aware that early detection of all cancers, including mesothelioma, is crucial. The earlier a cancer can be diagnosed, the better the chance of a more positive outcome. The cancer strategy will deliver investment of £100 million over five years, to improve prevention, detection, diagnosis, treatment and aftercare for all people who are affected by cancer. That will have a positive impact on everyone who is affected by cancer, including people who have a confirmed diagnosis of mesothelioma.

We will consider the implications of the Mesothelioma UK report in the context of the wider strategy and we will consider what lessons can be learned in the context of the current work on waiting times. Mesothelioma is under consideration for the extending tumour sites audit in relation to cancer waiting times, and I commit to updating members who have expressed an interest in the issue on the audit process.

**Kezia Dugdale:** I welcome the minister's investment in the cancer strategy and her remarks about the importance of early detection. Will she tonight commit to a public marketing campaign that focuses on people who are exposed to asbestos, so that we can ensure that people in communities where there is exposure to asbestos get the early detection that could save their lives?

**Aileen Campbell:** I committed to ensuring that the strategy takes on board the implications and

recommendations of the Mesothelioma UK report. We will continue to engage with members who have expressed an interest in the matter, to ensure that we get our approach right for the people who have or potentially have mesothelioma or asbestos-related disease, in the wider context of our £100 million investment.

In addition to the work on the cancer strategy that I described, and to help GPs to promote the earlier referral and investigation of patients who are suspected of having cancer, we published, in 2014, revised Scottish referral guidelines for suspected cancer. The guidelines include a section on mesothelioma and should help GPs, the wider primary care team, other clinicians, patients and carers to identify the patients who are most likely to have cancer and therefore require urgent assessment by a specialist. In that context, there is perhaps scope to consider much more widely how we might more proactively advertise or target potential sufferers of asbestos-related disease.

Miles Briggs talked about the potential of new drugs for people who suffer from asbestos-related disease. We will ensure that that is part of the focus in our wider strategy on drugs and cancer. Emma Harper brought to the debate her experience as a nurse and talked about her friend's experience. It was useful to hear about the cross-party group that she has set up to provide a longer-term parliamentary focus on health, which she confirmed will include mesothelioma in its consideration. I commit to working with her to identify areas of improvement and opportunities to do more on the issue.

**Anas Sarwar:** Will the minister take an intervention?

**Aileen Campbell:** Very briefly, if that is possible.

**Anas Sarwar:** I apologise—it is getting very late. I thank the minister for her comments. Will she commit to including mesothelioma in the waiting time targets and to having a standard for mesothelioma treatment? Will she commit to extending the hub approach in the west of Scotland to the whole of Scotland, and will she commit to directly funding mesothelioma research in Scotland?

**Aileen Campbell:** I have already made reference to the waiting times work and the wider consideration of waiting times that is going on. We can learn from the points that have been raised tonight, which link to the wider Mesothelioma UK report and what that will mean not only for the cancer strategy but the waiting times work and the current extending tumour sites audit in relation to cancer waiting times. That wider work will relate to

the points that have been raised this evening and the comments that members have made.

In concluding, I will touch on—

**Stuart McMillan:** Will the minister take an intervention?

**Aileen Campbell:** I am well over my time.

**The Deputy Presiding Officer:** Stuart McMillan.

**Stuart McMillan:** I thank the minister for taking the intervention and I thank you, Presiding Officer, for allowing it.

The minister spoke earlier about nurses. Can she confirm that lung cancer specialist nurses adhere to the same care plan for people with mesothelioma as mesothelioma nurses do?

**Aileen Campbell:** I pay tribute to Stuart McMillan for his knowledge and expertise and for the campaigning that he has done on the issue for the people that he has represented in his constituency and across the west of Scotland. I confirm that nurses adhere, where they can, to the same standards for lung health.

Jackie Baillie and Iain Gray raised the prospect of looking at recovering funds from those who have caused cancer. We will take their points on board and ensure that they are kept up to speed with any progress that can be made on that.

The Scottish Government and the Scottish Parliament have a strong record on supporting those who have been negligently exposed to asbestos, and significant provision regarding the law and damages for personal injuries has been made over the years, including through a number of bits of legislation—most recently, the Damages (Asbestos-related Conditions) Scotland Act 2009 and, supporting that, the Damages (Scotland) Act 2011.

I thank members for their speeches in the debate. We have seen significant progress in relation to cancer, but we know that we need to do more so that people like Hope Robertson can understand that their voices have made a difference in how we approach the condition, especially when it comes to the improvements that they seek. The cancer strategy will assist with that, but it will require us to work collaboratively with third sector organisations, charities, trade unions and other members who have expressed an interest in tackling mesothelioma and the other asbestos-related conditions that are, unfortunately, far too prevalent across our country.

Iain Gray reminded us of the importance of getting this right for people who are suffering from asbestos-related diseases. They got the disease only because they went to their work, and we owe it to them to do what we can to raise awareness



and make the improvements that are needed to ensure that we have a better story to tell going forward. We have come a long way, but there is room for improvement.

*Meeting closed at 17:58.*



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Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

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