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CONTENTS

| | Col. |
|--|-------------|
| GENERAL QUESTION TIME | 1 |
| Debt Arrangement Scheme (Creditors' Legal Obligations) | 1 |
| ScotRail (Meetings) | 2 |
| Creative Learning | 4 |
| Policing (Edinburgh) | 5 |
| Affordable Housing (Mid-market Rents) | 6 |
| Bus Fares (Glasgow) | 7 |
| FIRST MINISTER'S QUESTION TIME | 9 |
| Engagements..... | 9 |
| Engagements..... | 11 |
| Cabinet (Meetings) | 15 |
| Scotland Office (Discussions)..... | 19 |
| Small Businesses (Confidence)..... | 21 |
| Baby Box Scheme | 23 |
| ISLAND GAMES (SUPPORT FOR ATHLETES) | 26 |
| <i>Motion debated—[Tavish Scott].</i> | |
| Tavish Scott (Shetland Islands) (LD)..... | 26 |
| Miles Briggs (Lothian) (Con)..... | 29 |
| Maree Todd (Highlands and Islands) (SNP) | 30 |
| Maurice Corry (West Scotland) (Con) | 32 |
| The Minister for Transport and the Islands (Humza Yousaf) | 33 |
| PROVISIONAL OUTTURN 2016-17 | 36 |
| <i>Statement—[Derek Mackay].</i> | |
| The Cabinet Secretary for Finance and the Constitution (Derek Mackay)..... | 36 |
| LIMITATION (CHILDHOOD ABUSE) (SCOTLAND) BILL: STAGE 3 | 46 |
| LIMITATION (CHILDHOOD ABUSE) (SCOTLAND) BILL | 62 |
| <i>Motion moved—[Annabelle Ewing].</i> | |
| The Minister for Community Safety and Legal Affairs (Annabelle Ewing)..... | 62 |
| Oliver Mundell (Dumfriesshire) (Con) | 65 |
| Claire Baker (Mid Scotland and Fife) (Lab) | 66 |
| Fulton MacGregor (Coatbridge and Chryston) (SNP) | 69 |
| Miles Briggs (Lothian) (Con)..... | 71 |
| Johann Lamont (Glasgow) (Lab) | 72 |
| John Finnie (Highlands and Islands) (Green)..... | 74 |
| Alex Cole-Hamilton (Edinburgh Western) (LD) | 76 |
| Stewart Stevenson (Banffshire and Buchan Coast) (SNP) | 77 |
| Jeremy Balfour (Lothian) (Con) | 78 |
| Rona Mackay (Strathkelvin and Bearsden) (SNP) | 79 |
| Mary Fee (West Scotland) (Lab) | 81 |
| Margaret Mitchell (Central Scotland) (Con)..... | 82 |
| Annabelle Ewing..... | 84 |
| DECISION TIME | 87 |
| POINT OF ORDER | 90 |

Scottish Parliament

Thursday 22 June 2017

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

General Question Time

The Presiding Officer (Ken Macintosh): Good morning. We start with general question time. Question 1 will be asked by Ruth Maguire.

Debt Arrangement Scheme (Creditors' Legal Obligations)

2. Ruth Maguire (Cunninghame South) (SNP): To ask the Scottish Government what action it can take to ensure that creditors operating in Scotland are fully briefed on their legal obligations when dealing with clients on a debt arrangement scheme. (S5O-01156)

The Presiding Officer: I clarify that that was actually question 2. Question 1 was withdrawn.

The Minister for Employability and Training (Jamie Hepburn): Creditors are fully informed of their statutory obligations at each stage of the debt arrangement scheme application and approval process by the Accountant in Bankruptcy or money advice organisations. The Accountant in Bankruptcy has a number of stakeholder groups that have been set up specifically to make sure that creditors and other interested parties have a proper understanding of debt management and debt relief processes.

Ruth Maguire: StepChange Debt Charity Scotland has raised some concerns with me about the scheme, one of which is that there is a widespread misunderstanding of the scheme in the credit industry. What further steps could the Scottish Government take to ensure that creditors that operate in Scotland are reminded of their legal responsibilities and obligations regarding the debt arrangement scheme? Will the minister consider making it a requirement for creditors that operate in Scotland to have their staff trained in the debt arrangement scheme?

Jamie Hepburn: My first observation is that the debt arrangement scheme has been very successful. A lot of that is down to the support that is available to creditors and those who have to repay debt, as I set out in my initial answer.

Ruth Maguire mentioned StepChange. As well as being a critical partner in the formation of our policy and sitting on the advisory board of the scheme, StepChange delivers some elements of the scheme, so we will always be very willing to hear from it.

As far as the training of staff is concerned, Accountant in Bankruptcy staff visit creditors and provide training when that is requested. I think that it would be beyond the Government's competence to force compulsory training on all major financial institutions. Potentially, the issue could be addressed at United Kingdom level through the Financial Conduct Authority.

That said, in the recent consultation on the debt arrangement scheme, creditors failing to meet their statutory obligations under the scheme was not highlighted as an issue in the consultation responses that were received. However, if StepChange or Ruth Maguire wants to provide more details of the specific concerns, we will reflect on those and see whether there is more that we can do.

The Presiding Officer: Gordon Lindhurst has a supplementary.

Gordon Lindhurst (Lothian) (Con): Figures from StepChange Debt Charity Scotland, which has just been mentioned, show that in the Lothian region that I represent the fastest-growing client category to have been affected in the past three years is the 25 to 39-year-old age group. What is the Scottish Government doing at an educational level—particularly in schools—to ensure that young people are taught the basic principles of money management, to help them to avoid getting into debt in the first place, particularly once they leave school?

Jamie Hepburn: A range of work to provide young people with life skills can be done in school. The issue that Mr Lindhurst raises can be taken account of in personal and social education. If he wants to write to me about any specific concerns regarding his region, I will, of course, be happy to respond.

ScotRail (Meetings)

3. Linda Fabiani (East Kilbride) (SNP): To ask the Scottish Government when it will next meet ScotRail. (S5O-01157)

The Minister for Transport and the Islands (Humza Yousaf): Ministers and officials regularly meet representatives of ScotRail to discuss a wide range of issues relating to rail services. I will meet the managing director later this month.

Linda Fabiani: The minister is aware of the many problems on the line from East Kilbride into Glasgow, which is an extremely busy commuter line. The fact that it is only single track brings its own issues.

For months and months, services on the line have had a reduced number of carriages, which has resulted in severe overcrowding. It is becoming more and more difficult for people to

have confidence in the rail service from East Kilbride into Glasgow. Will the minister assure me that he will raise the issue seriously with ScotRail at his forthcoming meeting?

Humza Yousaf: I am disappointed to hear about the problems. I use that route—my home station is there, as Linda Fabiani knows—and I recognise what she says about the need for additional capacity. The East Kilbride service is among the top 10 busiest services, and the 17.01 and 18.47 from Glasgow are extremely overcrowded. I give her an assurance that ScotRail recognises that. It is looking at additional capacity and additional carriages in the winter, which I appreciate is not an immediate solution. I can also say with a degree of confidence that when electrical services come in, with a cascade of rolling stock across the network, ScotRail has told me that East Kilbride is a priority for that increased capacity.

On the wider performance of the East Kilbride line, the public performance measure—the PPM—is 95.7, which is above the Scottish average and well above the United Kingdom average, so the performance on punctuality is good, notwithstanding the problems of overcrowding that Linda Fabiani spoke about. I will take those points to the managing director of ScotRail when I meet him later this month.

Graham Simpson (Central Scotland) (Con): I met ScotRail recently and was assured that the line would be up to full carriage capacity over the next few months. What is required is for the whole of the line to be two tracks, rather than one part being one track—that is what affects the capacity. Will the minister tell us the timescales for getting that work done and for electrification?

Humza Yousaf: The double-tracking will be via the city deal and it is for the city deal partners to take that forward and bring it before the Government as part of the city deal package.

On additional capacity on the East Kilbride line, ScotRail is very aware that the line faces overcrowding issues and sees resolving the issue as a priority. I give Graham Simpson the Government's assurance that we understand that overcrowding on the line is not acceptable. The train operator and the Government have given those assurances and, if the member wishes, I am happy to write with more details as electrification comes to the service.

Elaine Smith (Central Scotland) (Lab): When the minister meets ScotRail, will he discuss the repeated incidents of violence at Hamilton Central station? Will he commit to meeting the National Union of Rail, Maritime and Transport Workers to explore a way forward and to discuss how to

support ScotRail workers who have been victims of violence?

Humza Yousaf: I put on record my appreciation for the work that Elaine Smith has done on the safety of railway workers. We have met on a number of occasions about that matter and it would be remiss of me not to put on record that work and the good campaign that the RMT has run on the safety of railway workers.

I have a pending invitation to the RMT to meet me to discuss a range of issues, and one of those will be the Hamilton Central station issue, which the union staged a demonstration about this week. I will be happy to meet the RMT on the issue and to keep the member updated on that discussion.

The Presiding Officer: Question 4 has been withdrawn.

Creative Learning

5. Gordon MacDonald (Edinburgh Pentlands) (SNP): To ask the Scottish Government how it promotes creative learning among children and young people, including encouraging their participation in music, dance, film and the arts. (S5O-01159)

The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop): The Scottish Government promotes creative learning in a wide variety of ways across many portfolios, not just my own. For example, in education, curriculum for excellence recognises the value of creative learning, providing children and young people with opportunities to be creative and imaginative, to experience inspiration and enjoyment and to develop skills for learning, life and work.

Our work with young people under the umbrella of Scotland's youth arts strategy, time to shine, supported by initiatives including the youth music initiative, cashback for creativity and Sistema Scotland, ensures that no young person's background is a barrier to taking part in the arts. Creative Scotland works in close strategic partnership with Education Scotland, Skills Development Scotland and other key education bodies to deliver Scotland's creative learning plan, which aims to put creativity at the heart of learning in Scotland. Together with Education Scotland, Creative Scotland continues to support creative learning networks in local authorities across Scotland, which deliver so many creative learning opportunities for young people.

Gordon MacDonald: I recently attended a Love Music concert at the Usher Hall where 60 young percussionists from Clovenstone and Sighthill primary schools in my constituency performed with professional musicians. The cabinet secretary will be aware that, in Edinburgh, more than 24,000

young people have participated in music, creative and cultural activities in the last academic year. Will she join me in commending the arts and creative learning team at the City of Edinburgh Council for providing Scotland's largest instrumental music service and youth music initiative programme at no cost to children and young people?

Fiona Hyslop: I am more than happy to congratulate Edinburgh on what it does in relation to cultural experience and participation, as well as creative learning. The council's reach is extensive and that has immense value. I also congratulate Clovenstone and Sighthill primary schools and their percussionists.

Schools and councils across Scotland appreciate the support that they receive from MSPs of all parties for the cultural life of Scotland, particularly for our young people. I encourage all members to continue to support local cultural activity as Gordon MacDonald has done in Edinburgh.

Policing (Edinburgh)

6. Alex Cole-Hamilton (Edinburgh Western)

(LD): To ask the Scottish Government when it last discussed policing in Edinburgh with Police Scotland. (S5O-01160)

The Cabinet Secretary for Justice (Michael Matheson): I meet the chief constable regularly to discuss issues concerning the policing of Scotland and Scottish Government officials liaise regularly with Police Scotland colleagues on a range of issues. Decisions about day-to-day policing in Edinburgh are a matter for the Police Scotland divisional commander for Edinburgh and for the chief constable.

Alex Cole-Hamilton: The *Edinburgh Evening News* reported on Monday that detection rates in the capital have fallen to just 35.4 per cent, which is the lowest level in the country. It revealed that the toughest cases to crack are those that involve housebreaking and vandalism, both of which are particularly prevalent in my constituency. Such detection issues have been a concern from Police Scotland's formation, since when there has also been a demonstrable drop in police morale. What steps do the cabinet secretary and his Government intend to take with Police Scotland to address the situation?

Michael Matheson: Police Scotland is committed to taking a robust approach to tackling all such forms of crime. A range of measures is being implemented in Edinburgh to tackle issues that relate to housebreaking—there is an on-going operation. Over this weekend, there will be further work in Edinburgh to address the theft of motorcycles that will bring in significant regional

and national resource support. A key benefit of having a national police force is being able to deploy resources on a national level to support local operations.

It is worth keeping it in mind that, nationally, our most recent recorded crime statistics show that policing clear-up rates are at their highest for 40 years. I recognise that there may be issues in particular locations, which Police Scotland is taking appropriate measures to tackle. I continue to encourage members—including Alex Cole-Hamilton—to engage with local commanders when they have concerns about local policing issues.

Gordon MacDonald (Edinburgh Pentlands)

(SNP): Does the cabinet secretary agree that police in the Edinburgh division, as well as the 12 other police divisions in Scotland, and the communities that they serve would benefit greatly if the United Kingdom Government treated Police Scotland fairly and allowed it to claim back VAT—the figure involved is £35 million a year—in the same way that it allows police forces across the rest of the UK, academy schools and Highways England to claim back VAT?

Michael Matheson: As I have made clear in Parliament on several occasions, the UK Government's treatment of Police Scotland and the Scottish Fire and Rescue Service in relation to reclaiming VAT is simply unacceptable. The UK Government has chosen to allow other national organisations to reclaim VAT. Why it has chosen not to allow Police Scotland and the Scottish Fire and Rescue Service to reclaim VAT is beyond me. I can only hope that the increased number of Conservative MPs at Westminster from Scotland will show some backbone and stand up for our police and fire services, rather than accepting the discrimination against our services.

Affordable Housing (Mid-market Rents)

7. Ash Denham (Edinburgh Eastern) (SNP):

To ask the Scottish Government what its position is on setting a cap on mid-market rents to achieve more affordable housing. (S5O-01161)

The Minister for Local Government and Housing (Kevin Stewart):

The Scottish Government wishes to ensure that mid-market rent levels remain affordable to households on low to modest incomes. That is why landlords that have received Scottish Government support in recent years—whether the support was in the form of grant funding, loan finance or financial guarantees—are not permitted to set rents above the mid-point of local private sector rent levels, which are generally based on broad rental market area data that is collected and published by the Scottish Government.

Ash Denham: How many more mid-market rental properties are to be built in Edinburgh over the next four years?

Kevin Stewart: Significant levels of MMR properties will be delivered across Edinburgh to meet the high demand for good-quality affordable housing. On the basis of strategic housing investment plan approvals for Edinburgh, we expect about 2,100 MMR properties to be built over the next four years, with support—of course—from Scottish Government funding.

Beyond that, the Scottish Government will this year invest from the affordable housing supply programme £29.115 million here in the capital city. The other week, I was pleased to announce resource planning assumptions of £1.745 billion for the next three years, which will give local authorities certainty about the delivery of our affordable housing programme. That will mean minimum investment of £124.5 million here in Edinburgh.

Bus Fares (Glasgow)

8. James Kelly (Glasgow) (Lab): To ask the Scottish Government what action it can take to ensure that bus fare rates in Glasgow are affordable. (S5O-01162)

The Minister for Transport and the Islands (Humza Yousaf): The Scottish Government supports bus services across Scotland, including those in Glasgow, through the bus service operators grant, for which the budget is £53.5 million in 2017-18. The aim of the bus subsidy is to keep fares at an affordable level and enable bus operators to run services that might not otherwise be commercially viable, which helps to support the national bus network.

James Kelly: Car ownership rates in Glasgow are lower than those in any other area of the country, so bus travel is essential to many people in the city. It is therefore deeply regrettable that, in the recent spate of fare rises, First UK Bus imposed some increases that were in excess of 10 per cent.

The transport minister represents a Glasgow constituency. Will he explain why the Government of which he is a member is in favour of reducing prices for air passengers, while bus passengers in Glasgow see hikes that are greater than inflation?

Humza Yousaf: I will try to take a consensual approach, because I know that the member would like more people to use public transport as much as I would. Congestion is one of the biggest issues in Glasgow and the west of Scotland. I gently remind the member that the steepest decline in bus patronage across Scotland has been in Glasgow and the west, where Labour councils have been in control not for years but for decades.

Notwithstanding that, we will introduce a transport bill, which will have a bus element. It will contain a suite of measures: there is the potential for local franchising, on which we will consult, and municipal bus ownership, and other measures will tackle congestion and increase smart ticket availability. The suite of measures should help to increase bus patronage.

When I next meet First UK Bus, I will raise the issue that the member raised about bus fares in Glasgow and the west. I end on the point that bus fare rises, as unwelcome as they are, are lower in Scotland than they are anywhere else in the United Kingdom.

Mike Rumbles (North East Scotland) (LD): Does the minister accept that free bus travel for the over-60s is a win-win not only for the individuals concerned but for our environment by reducing congestion on our roads?

Humza Yousaf: We have funded free bus travel through the national concessionary bus travel scheme for a number of years and, in our manifesto, we committed to extending the scheme to modern apprentices and, potentially, young people who are in receipt of jobs grants. We must look at the sustainability of the scheme—that is important, as I think people recognise. However, we will not make changes to the national concessionary travel scheme without consulting on them.

Jamie Greene (West Scotland) (Con): Does the minister agree that local authorities should have an enabling power over bus franchising made available to them?

Humza Yousaf: That matter has been brought forward as part of the UK Bus Services Act 2017. As I mentioned in my answer to James Kelly, the transport bill that we will introduce will have a bus element. One of the measures that we will explore and consult on is local franchises.

First Minister's Question Time

12:00

Engagements

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

To ask the First Minister what engagements she has planned for the rest of the day. (S5F-01410)

The First Minister (Nicola Sturgeon):

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

Ruth Davidson: Can the First Minister confirm whether the Scottish Government has in recent weeks made contact with the European Commission over delays to this year's farm payments?

The First Minister: There are regular discussions with the European Commission about matters relating to the common agricultural policy and agricultural policy in general. The Government is extremely focused, led by Fergus Ewing, on ensuring that payments are made and that there is, in the meantime, a loan scheme available for farmers to ensure that we are taking care of their cash-flow issues.

Ruth Davidson: That was not quite an answer to the question that I asked, so let me be a little bit more specific in the question that I put to the First Minister. As the First Minister knows, the deadline for processing the next batch of payments is just eight days from now. As she also knows, if the Scottish Government does not meet that deadline, it potentially faces paying millions of pounds in fines on top of those that have already been incurred, and farmers and crofters face yet more delays. Her ministers simply dodged the question yesterday, and they dodged it last week as well, so let me ask her this: Is the Scottish Government going to meet that deadline? If not, does the First Minister intend to ask the European Commission for an extension?

The First Minister: We will continue to operate on the same basis as we did last year. We will endeavour to make payments on time, and we will continue to discuss with the European Commission any contingency arrangements that we consider are required. Good progress is being made on making payments—both in the 2015 round and now in the 2016 round. We have ensured again this year, as we did last year, that we have loan arrangements in place so that the cash-flow concerns of farmers are catered for.

That has all been explored by Audit Scotland in its most recent report, as well as in its previous report. The issue of penalties was covered in both those reports and was referred to by Fergus Ewing

in the chamber last week, I think. The Audit Scotland report last year made some statements about the risk of penalties. Those penalties did not materialise to the extent that Audit Scotland had warned they would last year. This year, the risk continues to be speculative.

We will continue to work hard to deliver the system. Of course, the big risk to the common agricultural policy is Brexit, which is being presided over by the Tories.

Ruth Davidson: Now we know why Fergus Ewing dodged the question yesterday, and now we know why the First Minister is waffling about it today. She is refusing to answer a question about whether her Government has already made representations to the European Commission and whether she is going to ask for an extension, and she is not answering a question about whether an extension will be needed.

Scotland's rural communities and Parliament deserve, having asked a number of times, to hear the answer. The question is really simple—it is a yes or no question. Let us take the First Minister through it again, step by step. There are eight days to go. Is the Scottish Government preparing to ask the European Commission to extend the deadline on farm payments because, once again, it has failed to get its act in order to deliver them on time? That needs a yes or no answer, so can I have a yes or no for Scotland's farmers?

The First Minister: What we are doing in terms of meeting the 30 June regulatory deadline is working hard to process the remaining payments. We have been dealing with a small number of known defects that have been holding up some claims, and those are now being progressed. That is the position of the Scottish Government. We are working to meet the deadline and will continue to do so each and every day until that deadline.

Ruth Davidson: With that inability to answer the question, everyone in the chamber can assume that the answer is yes, everyone in the press gallery can assume that the answer is yes and everyone who runs a farm in Scotland can assume that the answer is yes.

Here are the facts: £178 million of taxpayers' money has been spent on an information technology system that still does not work, farmers are still waiting on payments from last year and the average income in 2016 is down to £12,600—it has been cut in half from the figure for the previous year. There has been a massive knock-on effect for the wider rural community, and this year, with just over one week to go until the deadline, 6,000 applications have still to be processed, which is a third of the total for Scotland.

At the start of the year, Nicola Sturgeon spoke directly to farmers at the NFU Scotland conference, at which she said:

“We understand the difficulties that late payments caused to you last year. We apologise for those difficulties. We are determined not to repeat them.”

That is another promise broken. Why should rural Scotland ever trust the First Minister again?

The First Minister: That is exactly what we are doing. For the 2015 CAP pillar 1 payments, £342 million of payments were completed by the deadline. We continue to work to deliver this year’s 2016 payments—13,100 farmers have received 2016 payments worth £268 million. We continue to deliver the scheme and we continue to seek to deliver it by the deadline.

I gave directly to farmers the commitment that we would put in place loan schemes so that farmers got the cash that they depend on, and we have done that.

We will continue to deliver the scheme, and to work hard to rectify any problems in the IT system. We will also continue to argue for the protection of CAP payments in the long term. I say again that the long-term risk to the payments is the reckless Brexit that is being carried out by the Tories, which threatens to take away all support from our farmers in the longer term.

Engagements

2. Kezia Dugdale (Lothian) (Lab): To ask the First Minister what engagements she has planned for the rest of the week. (S5F-01408)

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

Kezia Dugdale: This week, the Scottish National Party unveiled plans to cut taxes for wealthy air travellers and voted to cut off puppy dogs’ tails. Now Audit Scotland has revealed the scale of the cuts to our colleges, with full-time student numbers at the lowest level since 2007.

There are almost 160,000 fewer students in Scotland’s colleges today than there were when the SNP first came to power. This SNP Government has cut courses, slashed student support and botched a pay deal for staff. Will the First Minister tell us why any college student or lecturer should believe that education is her top priority?

The First Minister: I am glad that Kezia Dugdale raised the Audit Scotland report on Scotland’s colleges, which I welcome. She has given me the opportunity to tell the chamber what the report’s headline findings are. Not surprisingly,

Kezia Dugdale will not want to share them with the chamber or the Scottish public.

The report finds that colleges have exceeded the national target for learning in every year since it was set. The overall percentage of full-time equivalent students successfully completing their course increased on the previous year’s percentage. Most students continue to be satisfied with their college experience. More than 80 per cent of students who achieve a qualification go on to further study, training or employment. We have maintained the full-time equivalent number of students above our target. We have seen funding for colleges increase over the two-year period. Staffing numbers in colleges have gone up by 6 per cent in the past two years.

In other words, our college sector is delivering well despite the efforts of Kezia Dugdale to talk it down in the same way as she talks down everything else in Scotland. [*Interruption.*]

The Presiding Officer (Ken Macintosh): Order. It is a week away from recess. The election is over. Will members please conduct themselves responsibly?

Kezia Dugdale: If the First Minister thinks that the report is good, that shows just how out of touch with reality she is.

Colleges matter, because they are the engine of our economy. For many people, they are a second chance at education or the first chance that they never had.

Even if a young person makes it to college under the SNP, far too many do not complete their course. We can reveal today that the number of students dropping out of further education has more than doubled since 2011. It is now the equivalent of 12 people dropping out every day. How many of them does the First Minister take responsibility for?

The First Minister: I am not sure whether Kezia Dugdale has read the Audit Scotland report. I am prepared to pass it over so that she can have a proper look at it. One of the key findings—one of the earliest findings—is that the percentage of full-time equivalent students successfully completing their course has actually increased in the past year, according to Audit Scotland.

Colleges are exceeding the national target for learning, more full-time equivalent students are successfully completing their courses, the vast majority of students say that they are satisfied with their college experience and more than 80 per cent leave college with a qualification and go into further study, training or employment. In this country, we have one of the lowest rates of youth unemployment anywhere in Europe. That is the reality. We are seeing Government funding for

colleges increase and the numbers of staff working in our colleges going up—that is confirmed by the Audit Scotland report.

The Audit Scotland report makes a number of recommendations and work is already under way on each and every one of them. I know the pressures that people in our public services work under. That is why I am glad that earlier this week agreement was reached between the unions and college employers to get the first instalment of the pay rise paid to college lecturers who work so hard. Despite those pressures, our college lecturers and students are performing well. It might be welcome to hear Kezia Dugdale, for once in her life, acknowledge the performance of our colleges across the country.

The Presiding Officer: I ask members behind the leaders to stop having conversations while the First Minister is answering questions.

Kezia Dugdale: There we have it, Presiding Officer. Nicola Sturgeon's idea of success is 160,000 fewer people going to our colleges and 12 people dropping out every single day.

A "sacred responsibility"—that is how this First Minister described her responsibility to every young person in the country. Well, they are being held back by our First Minister. It is harder to get into college under the Scottish National Party and even harder to stay there. It is getting harder to believe a word that comes out of her mouth. "Sacred responsibility" and "top priority": those are meaningless words from a First Minister whom nobody believes any more. Is it not the case that under the SNP our colleges are simply expendable?

The First Minister: The problem for Kezia Dugdale's floundering series of questions is that that is not what the Audit Scotland report says in any way whatsoever. This might be uncomfortable for Kezia Dugdale—in fact, I am pretty sure that it is—but we made manifesto commitments to maintain the numbers of full-time equivalent students in our colleges and we have done that. It is confirmed by official statistics that there have been more than 116,000 in every year since we set that target.

Daniel Johnson (Edinburgh Southern) (Lab): I heard that numeracy was down.

The First Minister: We also see that when unincorporated college places are taken into account the headcount numbers are increasing as well. We made that commitment on full-time equivalent places because we wanted to see more people going to college and getting a recognised qualification so that their chances of getting employment would increase. Today, 97 per cent of learning hours are delivered on courses that lead to a recognised qualification. That is a good thing,

but we still provide courses for people who want part-time opportunities. The majority of total enrolments at college are still on part-time courses providing those opportunities for people who need them.

James Kelly (Glasgow) (Lab): Are they up or down?

The First Minister: The fact of the matter, which is borne out in our employment and positive destination figures—and I say to Kezia Dugdale that the proof of the pudding is in the eating—is that we have more people going on to further study, into training or into employment and we have what is, I think, the third-lowest youth unemployment rate in the whole European Union. That is good news—for once in her life, could Kezia Dugdale not bring herself to admit it?

The Presiding Officer: I ask Mr Johnson and Mr Kelly please to keep the noise down.

Kezia Dugdale: I have read the report and I suspect that the First Minister has not. I will put a question to her so that she can prove it one way or another. Does the Audit Scotland report confirm that the number of full-time equivalent students is falling this year for the first time?

The First Minister: Those are the Scottish Further and Higher Education Funding Council statistics. We do not agree with the methodology. The Audit Scotland report says—it is even in big print—on page 8:

"colleges have exceeded the national target for learning".

Full-time equivalent places are being maintained. The Audit Scotland report acknowledges that, when we take account of all colleges across the country, headcount numbers of places are going up. The fact of the matter is that, on whatever measure we look at our college sector, it may be performing under pressure, but it is performing exceptionally well. No matter how much Kezia Dugdale grasps around trying to find bad news to hammer the SNP, she will not succeed in talking down our colleges or talking down Scotland.

The Presiding Officer: There is just one constituency supplementary today, from Liam Kerr.

Liam Kerr (North East Scotland) (Con): Tayside NHS Board announced six months ago that it was temporarily shutting the Mulberry unit at Stracathro hospital, which is a vital and much-respected mental health unit. This week, the board has announced that the unit is almost certain to be permanently closed. That looks like an attempt to shut services on the sly, and it treats the patients of Tayside with contempt. When did the health board really decide to shut the unit permanently,

and when did the First Minister's officials become aware of that?

The First Minister: This is about ensuring that services are safe and sustainable, which is the first duty of any health board anywhere in the country. What would be letting patients down would be to have services that are not safe for them. Tayside NHS Board has consulted on the issue and, as I understand it, is currently looking at proposals and will bring forward its conclusions in due course. I would be more than happy to ask the Cabinet Secretary for Health and Sport to discuss the matter with the member if there is any further information that he wants at this stage, but it is a matter for Tayside NHS Board to reach conclusions on.

Cabinet (Meetings)

3. Willie Rennie (North East Fife) (LD): To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S5F-01409)

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

Willie Rennie: The police officers who serve us in Scotland are under huge pressure, but four years after our police services were centralised there is still turmoil, with the chief inspector of constabulary identifying "fundamental weakness" and "dysfunction" in his latest report. The chairman of the Scottish Police Authority has resigned. That is three resignations in just four years. Can the First Minister guarantee that the turmoil will now end? Can she tell me whether anyone else is to go?

The First Minister: First, I welcome the report from Her Majesty's inspectorate of constabulary in Scotland, which was published yesterday. It was the Cabinet Secretary for Justice who asked Her Majesty's chief inspector to bring forward that aspect of his review of the SPA on an accelerated timescale. It is important to recognise what is noted at paragraph 4 of the report, which states:

"There have been positive signs of improvement in SPA Board operations over the last 18 months. The relationships between the SPA and Police Scotland have improved significantly and the shared development of the Policing 2026 Strategy has been a major milestone."

He points to

"Other developments including improved financial reporting, investment in change management, governance of police call handling and the implementation of Board and committee workplans"

and cites those as

"evidence of good progress. There is also a strong commitment from ... all members to support policing and drive improvement."

It is true to say that the report also makes comment on practices that Her Majesty's inspectorate found unsatisfactory—issues that have been discussed in committees of this Parliament and in this chamber, such as holding committee meetings in private and not publishing board papers timeously.

The recommendations in the report are already being acted on, and action will be taken to recruit a new chair of the Scottish Police Authority as quickly as possible.

Willie Rennie: It is interesting that the First Minister could not tell me whether the turmoil was about to end and whether anyone else is due to go. I would appreciate a response to that in her next response. The chief inspector chose his words carefully. He said that there was "fundamental weakness" and "dysfunction".

It is the First Minister's legislation, her board and her chairman, so she cannot wash her hands of them now. Call centres, the M9 crash, stop and search, backfilling of civilian jobs, information technology programme collapse and failed audit after failed audit on finance are among the problems that have arisen in just four years. Our police officers and staff deserve better. They cannot go on year after year facing those barriers to their good work. In those circumstances, is it really wise of her to merge the British Transport Police into that organisation, as she proposes to do next week?

The First Minister: Anybody who was listening to my first answer would not have heard me trying to wash my hands of anything. On the contrary, the report that we are talking about was requested by the Scottish Government. The Cabinet Secretary for Justice specifically asked Her Majesty's inspectorate to bring forward that aspect of the review more quickly than others. There is a recognition that some aspects have been found to be unsatisfactory, so action has already been taken on, for example, the transparency of board meetings and board papers. Action on those recommendations is under way. The Scottish Police Authority has been asked to put forward an action plan covering all the recommendations, which it will do, and there will also be follow-up work by Her Majesty's inspectors.

Of course I cannot stand here in Parliament and say that nobody else will ever leave the employment of the Scottish Police Authority. Our focus right now is on making sure that the Police Authority functions in the way that people want it to function. In the chief inspector's report, he specifically welcomes the action that the cabinet secretary announced last week to review how the executive of the SPA supports the board. It is also really important to recognise what I read out in my

first answer, which was the recognition of the improvements that have been made.

Finally, the British Transport Police plays a hugely valuable role in keeping our railways safe, and we will ensure that railway policing is always strong and accountable to the people of Scotland. The reason for integration is to improve the way that our policing operates in a coherent and joined-up fashion. Some of what I have witnessed in recent times with regard to the police response to awful terrorist attacks has shown that that kind of co-ordination is to the benefit of not just the police, but the public around Scotland, too.

Clare Adamson (Motherwell and Wishaw) (SNP): What is the First Minister's response to the Queen's speech and, in particular, to the confirmation that the United Kingdom Government plans a power grab of new powers following Brexit?

The First Minister: There is not much in the Queen's speech to respond to. The Queen's speech that was published yesterday was humiliatingly vacuous. The Tories at Westminster have clearly given up entirely on the day job—that is beyond any doubt. All that was in the Queen's speech were damaging plans to rip the UK out of not just the European Union, but the single market. That is what the Tory Government now amounts to: perpetrating economic destruction on everybody around the UK.

Clare Adamson asked about a power grab. I remain extremely concerned about what appear to be plans to centralise power in the hands of Whitehall as powers come back from Brussels. I am also concerned that, despite the hints that we received yesterday, there is still no clear and emphatic acceptance on the part of the UK Government that the repeal bill will require the legislative consent of this Parliament. It is unthinkable that anything else will be the case, so perhaps the Tories could confirm that and stop prevaricating.

In relation to the Westminster Government's programme—this is a serious point that the Tories would do well not to laugh at, as they usually do when such things are raised—in the High Court in England this morning, the Tory benefit cap was declared illegal and discriminatory against single parents and children. The judge in that case said that

“real misery is being caused to no good purpose”

by the benefit cap. That is a damning indictment of a callous and uncaring Tory Government. No doubt that is why it is in the state that it is in.

Ross Greer (West Scotland) (Green): Last week, the Scottish Government published its education governance proposals. In its own

documents, it acknowledges the widespread support for the current governance arrangements and the strong opposition to the proposals, so why is the Scottish Government proposing changes that only the Conservative Party seems to support?

The First Minister: We are proposing changes that we believe are in the interests of parents, teachers and pupils across our country. At the heart of the governance review that the Deputy First Minister announced in the chamber last week is a simple proposition: we want to get more powers and more resources into the hands of schools and headteachers. There is evidence that when that happens and we improve the quality of learning in the classroom, standards improve.

We will continue to press on with our reform programme through governance reforms, the national improvement framework, the attainment challenge, the attainment fund and the pupil equity fund, which gets more resources into the hands of headteachers. I call on everybody across the chamber to continue to engage in this debate and get behind these plans, because they are in the interests of pupils.

Graeme Dey (Angus South) (SNP): The uncertainty around Brexit is already impacting significantly on the United Kingdom soft fruit sector, with reports emerging of European Union worker shortages. This morning, Angus Growers from my constituency was on national radio to highlight once again its concerns about where this is headed. Will the First Minister outline what can be and what is being done here in Scotland to help support this important industry?

The First Minister: I thank Graeme Dey for his question, and I know that this is a significant concern in his constituency. We will continue to do everything that we can to support the soft fruit grower sector and make sure that the concerns that it has and which are particular to Brexit are communicated very forcibly to the UK Government.

Obviously this is a particular concern to that sector of our economy. However, this week alone, I have had two separate round-table discussions with business interests—I had another last week—and I am struck by how often the concern about access to skills is now being raised by businesses across our country. Many businesses face skills challenges that we are working to support them with, but there is a growing concern that Brexit and the reckless approach to it that is now being taken by this chaotic Tory Government at Westminster are going to make their jobs even harder and put a lot of businesses at risk. That is another reason why common sense must prevail and why we must all unite—as I hope we can as a Parliament—to demand that we keep our place in

the single market and continue to ensure that our businesses can access the skills that they so badly need.

Neil Bibby (West Scotland) (Lab): The terror threat level is at severe; transport hubs are a target; the Scottish Police Authority is in disarray; and next week, the Government wants to pass a bill merging the British Transport Police with Police Scotland. Train companies oppose the move, and rail unions have even threatened strike action over a merger that workers do not want and passengers do not need. This week, the British Transport Police Federation called for the bill to be suspended and questioned

“whether it is right that this integration continues while transport hubs and the country’s infrastructure is at such a risk from terrorism.”

The federation suggests that it is not. Our British Transport Police officers do a fantastic job in protecting the public. Will the First Minister listen to our police officers and drop this bill, or will she press on regardless and ignore these serious warnings from our police officers?

The First Minister: These are serious issues. We have listened very closely to the issues that have been raised by the rail industry, the police and the unions, and we have given guarantees to the unions in particular on jobs, pay and pension conditions.

However, this integration is about providing a single command structure for policing in Scotland to ensure access to wider support facilities and specialist resources, including Police Scotland counterterrorism capabilities. When the armed police response has been increased in response to recent events at, for example, at transport hubs, that response has been provided not by the British Transport Police but by Police Scotland. This is not about undermining the British Transport Police’s functions—it provides an excellent response—but about making sure that there is a unified command structure, that there is more access to specialist resources and that our police service works in a joined-up, co-ordinated way. We will continue to talk to all those who have a concern about this and seek to reassure them, but I think that what we have seen in recent weeks actually highlights the reasons for integration instead of taking away from them.

Scotland Office (Discussions)

4. **Joan McAlpine (South Scotland) (SNP):** To ask the First Minister what recent discussions have been held between the Scottish Government and the Scotland Office regarding opportunities for future intergovernmental co-operation and the new United Kingdom ministerial appointments. (S5F-01429)

The First Minister (Nicola Sturgeon): There is regular contact between the Scottish Government and the UK Government, including the Scotland Office, to ensure that day-to-day business continues after the election. We stand ready to engage actively with the UK Government in order to protect our interests in Europe, and we will continue to insist that the devolved Administrations are fully involved in the development of the UK’s negotiating position.

Joan McAlpine: Does the First Minister agree that the correct way to ensure that Scotland is represented in Brexit negotiations is for the democratically elected Scottish Government to join the talks, not unelected peers who were defeated at the ballot box?

The First Minister: I think that we have seen democracy Tory style in full action this week.

What I am about to say is not personal in any way against the individual concerned, but is it not absolutely outrageous that, a couple of days after a candidate was defeated at the ballot box, fairly and squarely in an election, the wishes of the people of Perth and North Perthshire are completely disregarded and that failed candidate is put into the House of Lords and installed as a minister in the Scotland Office, even though he was elected by absolutely nobody anywhere in Scotland? It is an absolute abomination and shows what contempt the Tories have for democracy.

The way to involve Scotland in the Brexit talks is to do what Ruth Davidson used to call for before she was told the error of her ways by her bosses in Westminster, which is to have the democratically elected Scottish Government at the negotiating table. When is Ruth Davidson going to start arguing for that again—or is that something she has been told she is not allowed to say any more because it does not suit her bosses in Westminster?

Lewis Macdonald (North East Scotland) (Lab): The First Minister will recognise the important role of this Parliament in scrutinising intergovernmental co-operation, not least in relation to Brexit. Can she therefore tell us today what actual proposals her Government has put or will put to the UK Government in relation to the negotiation of article 50, which is a process that has already begun?

The First Minister: Lewis Macdonald will be aware of “Scotland’s Place in Europe”, the substantial document that we published last December, which sets out in some detail how and why we think that the UK should stay within the single market and how and why, if that does not happen, Scotland should be able to stay within the single market, and also sets out in detail, across a

range of different issues, the powers that we think should lie with this Parliament in order to protect our interests.

We will also continue to make specific proposals to the UK Government on a range of issues, such as the one that I was talking about earlier—the constraints that getting rid of freedom of movement places on our businesses in accessing skills—the impact on our agriculture sector of the removal of payments through the common agricultural policy, and the real fears that many have about our fishing industry being sold out by the Tories.

We will continue to make all those arguments, but it would be better if two further things happened: first, that this Parliament is properly consulted through the formal legislative consent process and, secondly, that the democratically elected Scottish Government has a seat at the negotiating table so that we can properly defend Scotland's interests. I challenge all parties across this chamber to get behind us in demanding both those things.

Small Businesses (Confidence)

5. Dean Lockhart (Mid Scotland and Fife) (Con): To ask the First Minister what action the Scottish Government is taking to improve small business confidence. (S5F-01422)

The First Minister (Nicola Sturgeon): The foundations of Scotland's economy are strong. Last week, figures showed the lowest unemployment rate on record, and we continue to be a top United Kingdom destination for inward investment. We are working to simplify regulation for small businesses, encourage innovation and entrepreneurship, and make it easier for businesses to find the finance that they need in order to grow. We are also investing £10 million in the local economic development capital grant fund, which will support economic resilience and future growth across local communities, including in Fife, in the member's region. Of course, we are also delivering a highly competitive business rates package, including an expansion of the small business bonus scheme so that 100,000 properties are lifted out of business rates altogether.

Dean Lockhart: I thank the First Minister for that update. We welcome the announcement earlier today of the creation of a south of Scotland enterprise agency, not least because it was our idea.

After 10 years of countless new policy initiatives from the Scottish National Party, Scotland's economy and the small business sector are still in decline. Last week, the Federation of Small Businesses announced that small business

confidence in Scotland has been negative for more than five years and has been below UK levels for that time. According to the FSB, that reflects the fact that Scotland's economy is underperforming in relation to that of the rest of the UK.

Why do the small business sector and the Scottish economy as a whole continue to underperform after 10 years of SNP Government? Just to be clear, I am not talking down Scotland; I am highlighting SNP failures after 10 years in government.

The First Minister: Actually, the Federation of Small Businesses found in its report, which was released on 19 June, that Scottish business confidence had risen for the second consecutive quarter. It also said that Brexit was having an impact in terms of increased prices for imported goods and services. We are seeing confidence increase, but the real risk to confidence is the Brexit that is being so recklessly pursued by the Tory Government.

We will continue to support not just small businesses, but businesses across our economy. As I have said, unemployment is at the lowest level on record—it is below the UK average. We continue to take a range of initiatives to support our businesses and our economy, from the growth fund that I spoke about, the first stage of which was announced last week by Derek Mackay, to the enterprise and skills review announced today by Keith Brown and our support for businesses through the small business bonus scheme. However, we must all be open-eyed to the big risk that faces every business across this country: the unnecessary risk that has been imposed on them by the Tory Government taking the UK out of not just the European Union, but the single market. The sooner that the Tories wake up to that, the better.

Jackie Baillie (Dumbarton) (Lab): The Federation of Small Businesses tells us in its recent report that Scottish business confidence is lower than it is in the rest of the UK. It also suggests that business investment intentions are down in comparison with the previous quarter and that they lag behind those in the UK as a whole. Although aspects of the economy might be improving, other challenges are ahead, such as rising economic inactivity.

Will the First Minister offer any explanation about why we lag behind the UK? Now that the referendum is off the table, what action will she take to restore business confidence in Scotland?

The First Minister: I have outlined the range of initiatives that we are taking to support business confidence and our economy. I know why the Tories refuse to accept the real risks to our

business community right now, but I am not sure why Labour continues to refuse to acknowledge those risks. What I find inexplicable is this: if Jackie Baillie is so serious about supporting the small business sector, as she appears to be today, why did Labour vote against our budget proposals, which lifted 100,000 businesses out of small business rates? That is inescapable for Labour. If Labour wants to support small businesses, it is not enough to come to the chamber and give them warm words; it needs to deliver the money that supports them, not vote against doing that, as Labour did.

Baby Box Scheme

6. Monica Lennon: To ask the First Minister how the national roll-out of the baby box scheme will improve public health and reduce health inequalities. (S5F-01417)

The First Minister (Nicola Sturgeon): The baby box will help to reduce health inequalities by, first, ensuring that every family with a newborn has access to essential items needed in the first six months of a child's life. Secondly, and this is important, the registration process for the box is designed to ensure that health professionals have the opportunity to engage with parents. That is an essential step in encouraging women who do not register for antenatal services to do so and ensures that they get appropriate support and care, both for themselves and for their baby. Lastly, information leaflets included in the box on issues such as safe sleeping practices aim to promote the wellbeing of babies, and the inclusion of items such as a digital thermometer help parents to monitor their child's health.

Monica Lennon: Scottish Labour is a fan of the baby box scheme, which originates in Finland, and we want its introduction in Scotland to have similar success in tackling public health challenges and health inequalities here. Some of the feedback from the pilot research earlier this week indicated that more work needs to be done to link the box more clearly with other Scottish Government public health initiatives. This week is national breastfeeding week, and 30 experts are calling for better support for mothers and the need for a change in the culture and conversation on breastfeeding.

As the First Minister knows, rates of breastfeeding in Scotland among younger mothers and those from deprived areas remain too low. A point that I have raised with ministers many times is that the baby box provides a unique opportunity to improve that situation. Putting a packet of nursing pads for leaky breasts and a leaflet for a breastfeeding website into the box is not the best that Scotland can do. I would welcome the chance to explore those issues face-to-face with the

Minister for Childcare and Early Years, and perhaps the Minister for Public Health and Sport, too. If we are allocating £9 million a year from the health budget, surely we all want to make the scheme as successful as possible. That must involve a stronger effort to push breastfeeding, across Scotland.

The Presiding Officer: A question please, Ms Lennon.

Monica Lennon: The question is: does the First Minister agree?

The First Minister: Sometimes, when I listen to Labour politicians talking about the baby box, it is hard to escape the conclusion that they are supporters and fans of the baby box when it is introduced in any other country in the world, but when it is introduced by an SNP Government they suddenly become sceptics or opponents of exactly the same initiative. It comes back to the difficult position that Labour often finds itself in. It is so blinkered by its dislike of the SNP that it cannot even bring itself to give an unequivocal welcome to something as good as a baby box, for goodness' sake.

The specific issues are important, but Monica Lennon knows—and I would be very happy to engage with her further on all these issues—that the ethos of the baby box is not just about a box of essential items, although that is very helpful to parents the length and breadth of the country. It is also about encouraging engagement with antenatal services by people who otherwise, sometimes, do not engage with them, and it is through that engagement that we can then work with mothers and expectant mothers to focus on things such as breastfeeding. Actually, the advice in the box is also extremely important.

Let us engage in all these things. The reason why we did the pilot exercise was to learn lessons from that and apply them. But, for goodness' sake, can Labour not just—for once—accept that this is a really good thing? That is why countries across the world are now doing it. Can Labour members not get over their dislike of the SNP and bring themselves to welcome something that is such good news for babies across Scotland?

The Presiding Officer: We have a final supplementary question from Fulton MacGregor, who I hope will declare an interest not just as a parliamentary liaison officer but as a brand new dad, and accept our congratulations. [*Applause.*]

Fulton MacGregor (Coatbridge and Chryston) (SNP): Thank you, Presiding Officer, and thank you to the Parliament.

I am delighted to see that every family that receives a baby box will be provided with a baby wrap that is designed for parents to carry their

baby comfortably and safely. Speaking as a dad of a newborn, I am aware of the importance of early, close contact between parents and babies, which we all know contributes so much to wellbeing. Will the First Minister advise how parents' views and experiences have also helped to influence the contents of Scotland's baby box?

The First Minister: I, too, congratulate Fulton MacGregor on his new arrival, although I will perhaps get in before Kenny Gibson in reminding him that he has some way to go to catch up with the Presiding Officer on this front. [*Laughter.*]

The experience of parents has been central to the development of the baby box—[*Interruption.*] That is me in trouble.

Parents have played a really big role in influencing the development of the contents of the baby box, and the contents have changed from the pilot to the full roll-out. For example, parents from low-income backgrounds particularly valued the inclusion of some high-cost items that are very important for the wellbeing of babies. I mentioned the digital ear thermometer as an example of that, but there is also the room and bath water thermometer and the baby wrap that Fulton MacGregor mentioned. Parents also asked for more than one book to be included and welcomed the inclusion of a play mat to support their children's development.

We have made sure that all those items will be in the baby boxes that families with a newborn will begin to receive from 15 August this year. When that starts to happen, I really hope that everybody across the chamber will find it in their hearts to be happy about it and welcome this good news for newborn babies right across Scotland.

Island Games (Support for Athletes)

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a members' business debate on motion S5M-06006, in the name of Tavish Scott, on island games—support Scotland's athletes. The debate will be concluded without any question being put.

Motion debated,

That the Parliament welcomes the NatWest Island Games taking place in Gotland, Sweden; recognises the contributions and efforts of athletes from the Western Isles, Orkney and Shetland to the Island Games; notes that, in addition to Shetland, Orkney and the Western Isles, 21 further island groups are participating, featuring more than 4,000 athletes across 14 different sports; further notes that athletes from Shetland will be participating in each of the 14 sports; is concerned that the cost of travel for training and competing is often disproportionately higher for Shetland athletes than those from other parts of Scotland, and often prohibitively so; recalls the assurances given by the Scottish Government in September 2016 that it would give consideration to the creation of an islands transport fund for athletes; notes the view that such a fund would further the careers of individuals and teams that are successful in being chosen for Scottish representative sport; believes that this biannual event brings together athletes, families and supporters from across the globe and is a wonderful meeting of friends, bringing out all that is good in sport, and wishes all competitors the best of luck in their pursuit of medals in Gotland.

12:46

Tavish Scott (Shetland Islands) (LD): There is nothing quite like a relay race. The 4 x 100m women's final at the NatWest games in Jersey was breathtaking. As the baton reached Shetland's Sophie Moar, the team was fighting for a medal. Sophie turned on the afterburners, screamed down the home straight and brought the gold home for team Shetland. The convener of Shetland Islands Council and I lost our voices during the last 11 seconds of that race. Shetland went home from the Jersey games, which were two years ago, with 23 medals, which was our second-best haul at an island games.

The games are an athletic and sporting occasion that brings together 4,000 athletes from 24 islands that are as far apart as the Falklands and the Faroes. This Saturday, the next biannual games will begin in the beautiful surroundings of Gotland. It will be my honour to support Shetland there, just as Liam McArthur will support Orkney. A bit like with Liverpool v Everton or Caley v Ross County, as long as we beat Orkney—to say nothing of the Western Isles—everything else is a bonus.

The sporting rivalry is in the best traditions of personal and team commitment, dedication and belief—that is the island games. There is

camaraderie among the athletes from around the globe who are brought together for a week.

Shetland is sending to Gotland 130 ambassadors who will cover 11 sports. Thirty-seven of them are in full-time education and 23 are under 18. They are sportsmen and sportswomen, but they are so much more than that—they are representing their islands.

The island games have become about much more than just sport since the first gathering in the Isle of Man in 1985. Two years ago in Jersey, I met political colleagues from islands around the world, including those from self-governing legislatures, Crown dependencies and sub-states of national states. At a meeting with the Jersey First Minister, he described to me his relationship with Whitehall. At the same meeting, the convener of Shetland Islands Council noted the similarities and differences between that relationship and Lerwick's relationship to St Andrew's house. To make one minor political observation, there are no responsibilities that places such as the Isle of Man exercise that we in Shetland could not undertake. Taking our own decisions is not just about doing so in Edinburgh.

Shetland hosted the games in 2005 and, as with Glasgow in 2014, the home team excelled. We got 46 medals and we won the football. Half the population of the islands were at Gilbertson park that day and the other half claim that they were. The video of the full match is in every Shetland home and the winning players are recognised in local supermarkets as much as Scotland's 1967 Wembley team is. Shetland 2005 brought £7 million into the islands' economy and created a sense of belonging, community spirit, identity and pride for local people. Seven hundred islanders volunteered and the media coverage was positive. To put it mildly, there was a vast social programme. Money was also spent on sporting infrastructure.

Hosting such games grows sport. That is a real legacy. Competing at successive island games leads to greater numbers of young people at local club training sessions. Success means greater participation not just in top-level sport but in recreational sport and healthier active lifestyles. In Shetland, we built a sports development programme that is based on coaching, technical officials and training for volunteers. Is that not what a legacy should be all about?

Emma Leask was 12 in 2005. She was inspired by the athletics at the Clickimin track and she told her mum, Janice, that she would run for Shetland. Emma has now done so and is a multiple gold medal winner at successive games.

We now have ladies football, and gymnastics has grown enormously—there is a 200-member

club, which is growing. Lynda Flaws was part of team Scotland in Glasgow 2014 for table tennis. Her success grew out of the hosting of the island games. Volleyball—it is a great sport for Shetland, given our weather—is a massive success story. Local leagues mean that a Shetland team now competes in the Scottish national leagues.

There are more examples. Shetland should and, I am sure, will host the games again.

I have one request for ministers. I thank the Minister for Public Health and Sport for what she has done—and I thank the chief executive of sportscotland, Stewart Harris, for what he has done—to try to make an island athletes travel fund happen. We need to turn the supportive words into a practical scheme that will allow the best island athletes to be part of Scotland-wide development squads across many sporting disciplines. That scheme is long overdue.

Liam McArthur (Orkney Islands) (LD): I am grateful to my fellow Liverpool-supporting colleague Tavish Scott for giving way. I echo his points about the travel fund.

As Tavish Scott will be aware, Orkney has intimated its determination to bid for the games in 2023—I declare an interest in helping with those efforts. I put on record the bid committee's gratitude to EventScotland and sportscotland for their engagement to date. From Shetland's experience in 2005, will Tavish Scott comment on the importance of direct Scottish Government engagement and support in that process?

Tavish Scott: That is a fair point for any of our islands that embark on hosting the games. The support that we got in 2005 from sportscotland, Government agencies and central Government was important; indeed, the then First Minister, Jack McConnell, came and opened the games on a brisk, wet day in July. Central Government support is essential, and I am sure that the Minister for Transport and the Islands takes the point about the role that the Government can play in Orkney in the future.

The Gotland games are costing every local athlete from Shetland £1,200 each. Sponsorship from Malakoff Ltd and others helps with 10 per cent of the overall transport and accommodation burden but, as with travelling to the Scottish mainland from Shetland, the financial and time commitments are huge—hence the need for a travel scheme, which I ask the Government to look at.

I will finish with two sporting moments. Andrea Strachan swam for Scotland in the 100m breaststroke at the Commonwealth games. A year later, she won four golds in Jersey. I saw her swim in the 100m final in Glasgow as I supported team Scotland and in Jersey, where she won medal

after medal. Nothing makes me prouder than to see Shetlanders compete and win—that includes my daughter playing intercounty hockey against Orkney and my son scoring the crucial goal when we beat Orkney 4-1 on the football park. I apologise to Liam McArthur for those slight observations.

This weekend, I will do my bit not just in supporting team Shetland and meeting political friends from across the islands and around the world but in carrying Grant Wiseman's golf bag as he competes for our golf team in this year's NatWest island games. They are truly the mini Olympics, and I cannot wait.

12:53

Miles Briggs (Lothian) (Con): I congratulate Tavish Scott on securing this members' business debate. I was going to highlight the fact that, with the election of Jamie Halcro Johnston, there are now two Orcadians in the Parliament, so Tavish Scott is outnumbered, but I will put that to one side.

As Tavish Scott said, the biennial NatWest island games are an important event in the international sporting calendar, and they have gone from strength to strength since they began in the 1980s. I am delighted that many athletes from Shetland and other island communities in Scotland will join others from 21 further island groups in the games, which will begin on 24 June. I join MSPs across the chamber in wishing those teams and every competitor every success in the games. I also commend the event's sponsors, including NatWest, for their generous financial support, which allows the games to take place.

Tavish Scott is entirely right to raise the specific challenges that island-based athletes face because of their additional travel costs for training and competition. Those costs are significant and are potential barriers to competing, and it is right that the Scottish Government agencies should look at what more can be done to support those athletes and allow them to compete on a level playing field without being disadvantaged because of where they and their families live.

Over the past year, the Health and Sport Committee has heard directly from a number of people who live in the Highlands and Islands, including some members in the chamber, about the travel challenges that are faced in taking children and budding athletes around Scotland for training and competitions and to access sports therapists and career development opportunities.

I hope that, when the minister closes the debate, he will outline the work that the Scottish Government is undertaking to examine whether it can develop an island transport fund for athletes.

Tavish Scott has for some years been pursuing such a fund, which could make a difference to many athletes across Scotland.

Most people are aware of the huge physical health benefits that athletics and sport bring, but it is also important to highlight the improvement in mental health that can be achieved through participation in sport. It is clear that participation in team sports and activities can play a big part in maintaining good mental health. In addition, encouraging our young people to take part in team sports can help them to develop the skills to build resilience in later life, when life circumstances might put them at risk of mental ill health.

Given that social isolation, which is a strong driver of mental health problems, is a particular concern in many rural and island communities, supporting athletes from those areas and allowing them to meet other athletes at competitions and excel at what they do is especially important. Events such as the island games play an important role in bringing athletes together, developing friendships and connections, and giving athletes tangible goals to aim towards.

I again welcome the debate and wish all those who will take part in the games an enjoyable—and, I hope, successful—time. I hope that, by the time of the next games in Gibraltar in the summer of 2019, we will have made progress on how we support island-based athletes and ensured that they are just as able to take part in international competitions as are athletes who are based in our cities or on the mainland.

12:56

Maree Todd (Highlands and Islands) (SNP): Every two years, athletes from across the globe come together to compete in the NatWest island games. This year, starting this weekend, the island games are taking place in Gotland in Sweden. As the motion mentions, there will be 21 island groups competing, including athletes from the Western Isles, Orkney and Shetland in my region. I wish them all the very best of luck.

The exceptional standard of competition in the island games is a testament to the fact that small communities can achieve great things. From friends in the Western Isles who have participated for many years, I have some idea of the level of training and the logistical effort that are required to compete. I agree that our island communities face distinct challenges, but they consistently rise above those challenges in order to punch above their weight.

Arguably—I do not want to enter the competition that is going on—the most successful island in the games is the tiny Sark, which is clearly not in my region. It has a population of just 600. Up until

now, it has won 20 medals: one medal for every 30 people on the island. Every remote and rural community can admire that.

Thanks to the island games, island athletes no longer have to head to the mainland to compete at international level. Instead, they have the chance to represent their own community and to raise the profile of their island. One of my staff members who is from Orkney competed in the games in Guernsey in 1987. He told me that the games are great social and cultural events as well as sporting competitions. Loads of friendships are made as islanders from different countries meet up. Many of the sportsmen and women from other islands are of Commonwealth or even Olympic standard, so the games are highly competitive.

The International Island Games Association has always encouraged its member islands not only to take part in the games, but to consider becoming a host island. I am delighted that Orkney is bidding to host the games in 2023. The legacy of such a decision is often the creation of a stronger local sporting society than ever before. Shetland, Guernsey and the Isle of Man are good examples of how hosting the games developed sport within the islands and beyond.

I want to address the issue of the cost of travel for our athletes, which is mentioned in the motion. NorthLink Ferries gives good sponsorship deals to many sporting groups in Orkney and Shetland, which help them to reduce the cost of travel to the Scottish mainland. As well as Shetland, I represent Orkney and the Western Isles. Constituents from the Western Isles and Orkney are at pains to point out that the cost of travel is expensive for them, too.

The Western Isles have already benefited from the road equivalent tariff, and the Scottish National Party made a clear commitment in its 2016 manifesto to take action to reduce fares on ferry services to Orkney and Shetland as well. I know that work on that is well under way.

I am delighted, of course, to see ferry fares to the Northern Isles frozen for the second year, but we need to ensure that we deliver on that manifesto promise. I can assure my constituents that I am first in line to hold the Government to account on that. The fare reduction will benefit everyone, not just the athletes travelling from the islands, and will make it easier for specialist coaches and physios to reach the islands for training purposes.

I finish by highlighting that the islands have had fantastic sporting successes and are home to great and dedicated staff. The island games showcase the very best of our islanders' will and determination to train hard, defy the odds, and reach for gold.

13:00

Maurice Corry (West Scotland) (Con): I thank Tavish Scott for securing the debate and bringing attention to the issue of the financial difficulties faced by athletes when attempting to compete in their chosen fields.

I also join Tavish Scott in recognising the efforts of all the athletes from Shetland, Orkney and the Western Isles who are going to the island games in Gotland and I wish them the best of success.

It is an appropriate week to be discussing sport in Scotland after the past week's sporting successes. Scotland's senior men's rugby team beat Australia down under, the under 20s' side followed suit a few days later and Scotland's men's cricket team beat Zimbabwe in a one-day international—the first time a team from Scotland has beaten a full-test nation in an official ODI.

The island games have existed since 1985; the Isle of Man hosted the first games and they have subsequently taken place every two years in different locations throughout Europe. Shetland hosted the games in 2005 and has regularly been in the medal tables along with Orkney and the Western Isles.

However, as Tavish Scott has rightly noted in his motion, athletes from Shetland and the other islands regularly face higher costs. To preserve the sporting success that Scotland has enjoyed over the years, action is urgently required to combat that issue and prevent the possibility of athletes being unable to compete and even events being cancelled due to cost. *The Shetland Times* estimated that the total cost for athletes from Shetland to participate in the 2017 island games is more than £1,000 per person—well beyond what athletes can afford. We have already seen numerous athletes from Shetland withdraw from the games due to that exorbitant cost, with the men's half marathon team pulling out entirely.

However, those are not isolated incidents. Expenses for athletes in all rural and remote areas are higher and act as a barrier to participation. That consequently limits opportunities to benefit from the significant health and social advantages that taking part in sport can provide.

Those financial issues are, however, not just confined to Scotland's islands. In the West Scotland region, which I represent, there is great financial hardship for those attempting to host the traditional Highland games. Indeed, there are examples of organisers being forced to put their money into the games to allow them to go ahead. For example, the chairman of the Rosneath peninsula highland games, Robert McIntyre, put in £3,000 to allow the 2016 games to take place. Such a scenario has been repeated across Scotland many times and is destined to continue

until funding by the Scottish Government is put in place to ensure the survival of Highland games and the continued participation of Scottish teams in competitions across the globe.

I again thank Tavish Scott for securing the debate and for the opportunity to shine a light on the financial difficulties of athletes attempting to compete. I wish all the athletes competing in the island games the best of luck and look forward to hearing about their inevitable successes.

13:03

The Minister for Transport and the Islands (Humza Yousaf): I congratulate Tavish Scott on bringing the debate to the Parliament. Excellent contributions have been made from across the chamber. I thought that I knew my sporting rivalries well—in Celtic v Rangers I am a Celtic man, while last week, of course, I was cheering on Pakistan in the cricket against India. However, nothing compares with the sporting rivalry between Orkney and Shetland—so disparaging was Tavish Scott to his colleague that he seems to have left the chamber in disgust.

I am very happy to support the motion's positive comments about the many benefits of the island games, and I extend my very best wishes, as other have done, to all the Scottish athletes who will be participating in Gotland between 24 and 30 June.

On support from sportscotland, the national agency for sport, I understand that there may be as many as six current, or previously supported, sportscotland institute athletes competing at the games and up to 25 current or previously supported performance development programme athletes.

The motion refers to the important issue of travel costs and I will spend some time focusing on that. Each speaker has made the point about the expenses that are incurred by island athletes that athletes from the mainland who compete in international competitions do not have to face to the same degree. The Government recognises that.

There have been discussions between sportscotland, the Convention of Scottish Local Authorities and the Scottish Government on the issue of support for the athletes' travel costs. I know that Tavish Scott has shown keen interest in the issue for many years and in 2015 he met Jamie Hepburn, who was the Minister for Sport, Health Improvement and Mental Health. A survey undertaken by sportscotland prior to that meeting indicated that, encouragingly, 28 out of the 32 local authorities provided some level of assistance to athletes in their areas. I believe that it is very important that councils, including Shetland Islands

Council, continue to do what they can to support their clubs and athletes. Notwithstanding that, I understand why Tavish Scott, Maurice Corry, Maree Todd and Miles Briggs have all called on the Government to bring in a travel scheme.

I will give some detail on the discussions that have taken place over the last two years. Sportscotland has been having conversations with COSLA and the three island authorities, including Shetland. Those discussions resulted in agreement at the Highlands and Islands regional sporting partnership meeting in August 2016 of a programme that builds on sportscotland's current provision to the islands through its local performance development programme and the sportscotland institute of sport network.

In particular, I can confirm that sportscotland has been discussing with the relevant local authorities the development of a programme targeted at supporting travel costs for identified performance or performance development athletes from the Highlands and Islands to assist with travel costs for an agreed training and competition schedule. Finance from sportscotland has been identified for the scheme. Once the scheme is finalised, it will contribute to performance targets as identified by the local authorities within their respective sport strategies. I am sure that that will be welcomed.

I am sorry that I do not have the full detail on that. Once that is available, the Minister for Public Health and Sport, Aileen Campbell, will be able to furnish the members who are interested with those details. We will keep members updated. The money is being discussed and negotiated and once the i's are dotted and the t's are crossed, we will ensure that members are fully informed.

There are various schemes in place that support travel for island communities. Maree Todd mentioned the road equivalent tariff on the west coast and the Government's manifesto commitment to reduce ferry fares on services to the northern isles. As she said, work on that is well under way. If any member would like a briefing on that and the likely steps to be taken, I would be happy to provide that after the debate.

It is worth highlighting what Maree Todd said about Serco NorthLink and its sponsorship scheme, which is not just for sports groups, but for many good charitable organisations. I think that Tavish Scott would recognise that. I know that he has a good relationship with Stuart Garrett and the team at NorthLink ferries. When we total the sum of NorthLink's sponsorship, we see that it provides hundreds of thousands of pounds. I encourage the company to continue to provide that sponsorship.

As Tavish Scott will recall, I wrote to him setting out how the northern isles teams for the island

games could benefit from the air discount scheme if they arranged their travel differently. For example, the Western Isles team contacted Transport Scotland and we gave them advice on how they could avoid air departure tax and how they could benefit from the air discount scheme. As far as I am aware, the Shetland Islands team did not make an approach to Transport Scotland, but if it does so in the future, we will be more than happy to work with and assist athletes, to see whether they can arrange their travel differently and make savings.

I extend my very best wishes to athletes in the Highlands and Islands and throughout Scotland, including those who are about to compete in the games. I hope that Tavish Scott and others are encouraged by the initiatives that I mentioned, but I realise that they need firmer details. Once those details are available, I will ensure that either I or the Minister for Public Health and Sport furnishes members with them.

We all look forward to celebrating—we hope—the success of our island athletes, who will be representing not just their island communities but, in the wider context, this country, in Gotland. I wish them all the success in the world.

13:10

Meeting suspended.

14:30

On resuming—

Provisional Outturn 2016-17

The Deputy Presiding Officer (Christine Grahame): The next item of business is a statement by Derek Mackay on the provisional outturn for 2016-17. The Cabinet Secretary for Finance and the Constitution will take questions at the end of his statement, so there should be no interventions or interruptions.

The Cabinet Secretary for Finance and the Constitution (Derek Mackay): I welcome the opportunity to update Parliament on the provisional budget outturn for the 2016-17 financial year—it is always a crowd-puller, as you can see, Presiding Officer. Before I do so, I will address the outcome of the recent United Kingdom general election as it relates to the public finances.

It is important for us to take time to consider and be ready to respond to the opportunities and challenges that flow from the general election. I will urge my counterparts in the UK Government to end austerity, given its impact on our economy, our public services and our communities. There will inevitably be budget implications for us to manage in future years from a new UK Government and not least from the previously announced £3.5 billion of cuts.

I turn to the provisional outturn for 2016-17. The financial year 2016-17 represented the first year of the 2015 UK spending review settlement, which saw the Scottish Government's discretionary budget continue to fall in real terms. It also represented the first year in which the Scottish Parliament was responsible for setting income tax rates and bands alongside setting rates for landfill tax and the land and buildings transaction tax. The prudent and principles-based approach that my predecessor took to taxation is one that I plan to replicate over this session of Parliament.

Under the devolution settlement, the Scottish Parliament is not permitted to overspend its budget. As a consequence, we have consistently adopted a position of controlling public expenditure to ensure that we live within the budget caps that apply while remaining able to manage a limited carry-forward of some resources for a future year. That prudent strategy has proven to be the right one.

Back in February, I outlined an additional funding package to be made available in 2017-18 that was subsequently approved by the Parliament. At that time, I set out how that package was to be funded, including the use of additional budget exchange. I also made it clear

that, as we reached the end of the financial year, the precise figures would become more certain.

I report to Parliament today that the commitments that I made in February have been fully funded. I also report that, within our discretionary budget—the fiscal departmental expenditure limit—the provisional outturn for 2016-17 is expenditure of £29.7 billion against a limit of £29.9 billion. That represents a carry-forward of £191 million into 2017-18.

In total, there is a fiscal DEL cash carryover of £98 million in resource spending and £40 million in capital spending. There is also a provisional outturn carryover of £53 million in respect of financial transactions that, through rules set by Her Majesty's Treasury, are ring fenced for loans and equity investment outside the public sector.

Overall, including financial transactions, we will carry forward 0.6 per cent of the total 2016-17 cash budget. Those cash sums are carried forward in full using HM Treasury's budget exchange facility, which ensures no loss of spending power in Scotland. The Scottish Government has again demonstrated our sound grip on the public finances.

I turn to the non-discretionary elements of our budget—the non-cash DEL provision, which, I remind Parliament, is ring fenced for a narrow range of purposes and cannot be used to purchase goods or deliver public services. Based on the provisional outturn position, expenditure is lower than the budget by £108 million, which is consistent with previous years. As the description suggests, those resources are not cash in nature; rather, they provide specific budget cover for differences between estimated accounting adjustments and the final amounts calculated. The budget includes the depreciation and impairment of assets, which have no cash consequences.

Finally, I turn to devolved taxes. I am pleased to inform the Parliament that our tax take is up. A total of £633 million was collected in 2016-17, which represents £61 million more in income—a rise of 10 per cent—than was delivered in the previous financial year, 2015-16. The figure is slightly lower—by £38 million—than the original estimates in December 2015 suggested it would be.

The figures for the devolved taxes, along with other figures that we have reported today, are provisional, and as such they are subject to the final audit process. Revenue Scotland will confirm final figures when it publishes its accounts and the devolved taxes accounts in September.

Members may recall that, at this time last year, I announced £74 million of surplus tax receipts from 2015-16 and said that I had decided to take a prudent view on the deployment of those

resources, as I recognised the impact that decisions outwith my direct control can have on property transactions and the need to manage potential volatility in future tax revenues. Since then, we have seen increased volatility brought about by Brexit and recent actions of the Westminster Government. The £74 million will therefore remain held in reserve and will be available for deployment in the future to address any shortfalls in tax receipts.

In accordance with our agreement with HM Treasury, the income tax position has been funded in full in line with the forecast. That represents a transitional arrangement as we move to the full devolution of income tax from 2017-18.

My statement on the provisional outturn for 2016-17 reflects the position against HM Treasury budgetary controls and will be followed by reporting on the final outturn against the Budget (Scotland) Act 2016 limits in a suite of annual accounts that, together, will report on the total Scottish budget approved by the Scottish Parliament. The annual accounts of the Scottish Government and the individual bodies that are funded from the Scottish budget will report on their expenditure compared with the allocations in the 2016 act. The annual Scottish Government consolidated accounts and a statement of total outturn for the financial year 2016-17 against the final budget for the Scottish Administration as a whole will be provided to the Scottish Parliament later this year.

As we work through a period of considerable and sustained uncertainty for individuals and businesses, it is incumbent on the Government and the Parliament to demonstrate strong leadership in managing the public finances. The continuing competence that the Government has brought to the management of the public finances has been demonstrated again in our management of the 2016-17 budget. Our prudent approach has served us well. I therefore commend today's figures to Parliament.

The Deputy Presiding Officer: The cabinet secretary will now take questions on the issues raised in his statement. I intend to allow about 20 minutes for questions, after which we will move on to the next item of business.

Murdo Fraser (Mid Scotland and Fife) (Con): I thank the cabinet secretary for his statement and for advance sight of it.

In his statement, the cabinet secretary has once again claimed that the Scottish Government's discretionary spending power, or fiscal DEL, has been cut. That contrasts with the view of the highly respected and independent Fraser of Allander institute, whose analysis shows the total Scottish Government budget being higher now than it has

ever been in the past. There has been no real-terms cut to fiscal DEL since the SNP came to power in 2007.

I have two specific questions for the cabinet secretary on the detail of his statement. First, in his final budget for the current financial year, in what was an unprecedented move, he included the figure of £125 million of spending that was drawn from underspends in the previous financial year. Can he confirm that the total cash underspend that he has announced, of £98 million in resource and £40 million in capital, includes the £125 million that has already been announced and committed? If that is the case, does that not mean that there is much less new money available to spend at this stage than there was in previous years?

Secondly, the figure for devolved taxes that have been collected, at £633 million, is some £38 million lower than estimates. How much of that has come from the shortfall in land and buildings transaction tax? Is it not now time for the cabinet secretary to start listening to all the voices that have been telling him for years that LBTT rates for domestic properties are set too high at the upper bands and that he would raise more money and help to stimulate our flagging economy if he was prepared to take action and lower them?

Derek Mackay: I say to Mr Fraser that we have had a number of disagreements about fiscal DEL and about UK Government support. I, too, can cite the Fraser of Allander institute. I think that that is just a debate that we are going to have repeatedly.

However, I again make a plea to the UK Government to change course on its fiscal policy. The Chancellor of the Exchequer suggested that he would do that, but he already seems to have U-turned on that in a matter of hours, which seems quite popular in the Tory party at the moment.

On the budget exchange, the total figure that I have announced today reiterates the budget exchange position that I outlined during the previous budget negotiations and work in Parliament. The figures are as stated, and they build on the figures that I gave to Parliament previously, although we should recognise that they are provisional.

The figures for devolved taxes are subject to final confirmation by Revenue Scotland, as Mr Fraser will understand. On the subject of U-turns, it is interesting that the Tories appear to be demanding that I collect even more tax from the taxpayers of Scotland, having already increased the tax take through the Government's policies.

Murdo Fraser criticises the methodology of our forecasting. Forecasts are not a precise exercise, but we have kept within a very accurate range. We have generated more through taxation—£484

million in 2016-17, which was an increase on what we generated previously. The outturn figure for Scottish landfill tax was £149 million. On the modelling, the aggregate forecast over two years was £919 million while the actual outturn was £909 million, which is a variance of 1 per cent. For the equivalent tax in the UK—stamp duty land tax—the variance for the two-year aggregate was around £2.9 billion, or 22 per cent. That shows that the forecast and assessments that the Scottish Government made were very reasonable.

Market share at the upper end of the market for land and buildings transaction tax has been fairly consistent. I have looked at the evidence and come to the conclusion that the behavioural effects that Murdo Fraser talks about are not taking place. However, I will continue to monitor the issue and we will look at the forecasts of the Scottish Fiscal Commission as it takes up that work in its statutory functions.

Kezia Dugdale (Lothian) (Lab): I thank the cabinet secretary for providing early sight of his statement. I share his desire to see the UK Tory Government abandon its austerity project, as I know the damage that it has done to our communities, public services and economy. What a shame it is that we have spent the past year watching the cabinet secretary pass on that Tory austerity to communities across the country. The outturn statement shows an £85 million underspend in the communities portfolio, through which his Government has the capacity to alleviate austerity, and a £76 million underspend in education and skills, which we are led to believe is the Government's top priority. Can the cabinet secretary explain to families who are struggling to make ends meet and are watching their kids being taught by volunteers in schools why they are missing out on that much-needed help now?

Derek Mackay: The Labour Party proposed to pass on austerity to individuals by way of a basic-rate tax increase, and the Scottish Government did not support that position.

The member raises two specific points about the budget exchange and variance. On the communities budget, I make it absolutely clear that the impression that the member gave in relation to support for vulnerable communities and our social security approach is not reflected by the facts. To be helpful, I can give detail on why there is variance. That is not necessarily in the social justice and regeneration area; it is more in the housing lines. That is not because of a lack of resources being spent on housing, as we are meeting our targets for more house building; instead, it is in specific areas.

Some of it is in demand-led areas such as area-based schemes for heat and home energy efficiency applications, which we want to

encourage, or the help for homes equity loan scheme and other loan schemes that have been made available but for which, on occasion, we have struggled to attract applicants. We want to do more on that as well as on, for example, the regeneration capital grant, for which we have made resources available. However, local authorities might sometimes not be able to identify the underspend until later in the financial year.

My point is that those resources are not lost but can be carried forward. There is certainly no lack of willingness to spend to support our most vulnerable communities. As I said, it is about specific lines in the housing brief rather than social security, social justice or regeneration. We want to encourage the uptake of those schemes, and we will continue to support that.

The member's other question was specifically about education. If we look closely at the variance, we see that it is a fraction of the overall spend of more than £2 billion on education. On the individual budget lines, some things are demand led. For example, we have supported the education maintenance allowance, but, if people do not apply for that support, the actual spend and outturn will be less.

There are other areas to look at. We have various attainment funds that involve multi-year spends. We have made a commitment of around three quarters of a billion pounds, which will be spent over the parliamentary session, as set out in the programme for government, and we will achieve that. Some of those schemes have taken time to establish and to deliver an outturn, but we are absolutely committed to spending those resources.

I have touched on other demand-led budgets, such as those within Skills Development Scotland, in which the resource is made available, but spending is based on those who are willing to come forward to secure that funding.

Those are examples of variances. We fund the education system in Scotland as a priority, which is why we made it a priority in the budget to allocate £120 million to the pupil equity fund through the Scottish attainment fund.

We are taking a range of actions to support education.

The Deputy Presiding Officer (Christine Grahame): Ten members want to ask questions, so I will say the usual thing. There should be no preambles to questions, please, and it would be very helpful if the cabinet secretary gave succinct answers. Together, we might all then get through 10 questions. I call Stuart McMillan, who will set an example.

Stuart McMillan (Greenock and Inverclyde) (SNP): In his statement, the cabinet secretary spoke about the volatility that has been brought about by Brexit.

The Deputy Presiding Officer: I said that you will set an example. That means that you will start with a question.

Stuart McMillan: On that volatility, what measures will the Scottish Government take to support economic growth and help Scotland to weather the economic shocks caused by Brexit and failing Tory policies?

Derek Mackay: We will take a range of actions in our taxation policy, our leadership and our interventions with the UK Government, and in securing the best possible outcome for Scotland in relation to the Brexit negotiations. Other funds have been announced, such as the Scottish growth scheme, and we will continue to support agencies such as Scottish Enterprise in supporting Scottish business.

Liam Kerr (North East Scotland) (Con): On the shortfall in LBTT rates, what is the split in the £38 million loss between residential and commercial sales? The cabinet secretary has already once downgraded the amount raised by LBTT. Does he accept that he will be forced to do that again?

Derek Mackay: I do not have the figures to hand on the split between commercial and residential sales, but Revenue Scotland will report on that, of course, later this week, I think.

I have explained that we have increased the tax take and that the methodology and the forecasting are not an exact science. We have to take into account the economic conditions at the time. We have done that in the budget process, so we can reflect on the forecasts and ensure that we have accurate ones going forward. The process has certainly been robust. I have already given the variance, which compares very favourably with the UK Government's and the Office for Budget Responsibility's figures. That will, of course, be a matter for the Scottish Fiscal Commission.

Jackie Baillie (Dumbarton) (Lab): Will the cabinet secretary confirm—yes or no—what he clearly failed to confirm for Murdo Fraser: that the £125 million used in the budget is contained in the £191 million underspend? Given that that is a one-off and is not recurring funding, does that mean that, before the cabinet secretary does anything else, he needs to find £125 million to plug the gap for next year simply to stand still?

Derek Mackay: I have said that the figures I have announced are from the discussions I had around the budget. I have also pointed out previously that those budget exchange figures are

not recurring. We were fully transparent about that in setting the budget for 2017-18. Therefore, that should not come as a surprise to members.

Patrick Harvie (Glasgow) (Green): I am grateful to the cabinet secretary for providing an advance copy of his statement.

If we take the statement together with the research on local government finance that the Scottish Parliament information centre published yesterday, is it not clear that although Green pressure successfully resulted in a 1.5 per cent increase in local government funding in the current financial year, that will not be enough to make up for the cuts that came before? Is it not a priority for the Government to move from a position in which councils have had flatline budgets or small increases, to reversing the historical cuts to local government funding?

Derek Mackay: I suspect that the debate is moving away from the provisional outturn towards wider budget negotiations and wider budget positioning. I believe that the budget settlement for local government was a strong and fair settlement, which gave local authorities the ability to raise taxation at local level. My opinion that it was a strong and fair settlement for local government is evidenced by many of the budget decisions that local authorities were able to take earlier this year.

Willie Rennie (North East Fife) (LD): Does the finance secretary understand that people will be surprised by his two-faced approach? He described a £67 million cut to his budget as “unnecessary and damaging austerity”, yet when he himself cut it by another £191 million, he calls that having a

“sound grip on the public finances.”

How can a £67 million cut be “damaging” and a £191 million cut be “sound”?

Derek Mackay: I have explained that, taken in context, the carry-forward is reasonable. It is a lower carry-forward, in percentage terms, than that of either the UK Government or the Welsh Government. The approach I have set out is one of sound financial management. We will never be able to get the figure to match the budget cap exactly. What we fail to spend in one year is carried forward to the next, and no resource is lost to Scotland. That was not always the case with previous Scottish Administrations, but this SNP Government does not lose a single penny—we carry forward money that is not spent into the next year.

Maree Todd (Highlands and Islands) (SNP): For the sake of context, can the cabinet secretary tell me what the current percentage underspend is under the Labour Government in Wales and the Tories in England?

The Deputy Presiding Officer: Well, I have let it be a wide-ranging debate.

Derek Mackay: What a timely question.

Our figure represents 0.6 per cent of the budget. In Labour-led Wales, the figure is 0.9 per cent, and in the UK, where the Tories lead, it is 0.7 per cent.

Dean Lockhart (Mid Scotland and Fife) (Con): There has been an underspend of £76 million in education and skills. Are the significant cuts in college places that Audit Scotland has highlighted this week another reason for the underspend in education and skills?

Derek Mackay: No.

John Mason (Glasgow Shettleston) (SNP): Can the cabinet secretary confirm that he is not allowed to overspend, which means that, in effect, he is required to underspend, and that many businesses, charities and other organisations would be delighted if they could come within 0.6 per cent of their budget?

Derek Mackay: John Mason’s point about my inability to overspend is correct.

The Deputy Presiding Officer: I asked for short answers; this is getting better all the time.

James Kelly (Glasgow) (Lab): Given that the cabinet secretary likes to be precise about figures, how much was the underspend in the housing budget? Does he agree that such an underspend is unacceptable when we have homeless people sleeping rough on our streets?

Derek Mackay: Earlier, I tried to be helpful to Kezia Dugdale on the communities, social security and equalities portfolio—[*Interruption.*]

The Deputy Presiding Officer: Just a wee minute, cabinet secretary. I cannot hear, because a couple of members are have a wee to-do with each other. I will not name them, but they know who they are.

Derek Mackay: I tried to be helpful by addressing the variance in the communities, social security and equalities portfolio, in which housing rests. There is no issue with how we are supporting our vulnerable communities; there is an issue with specific housing funds. In particular, I identified that there was an issue with take-up of some of the schemes under the home energy efficiency programmes for Scotland.

It is not the case, as James Kelly has suggested, that there has been a substantial underspend on areas such as homelessness; the variance that has been identified is in other areas. I hope that that allays his concerns.

Ivan McKee (Glasgow Provan) (SNP): Does the cabinet secretary agree with me that a carry-

forward of only 0.6 per cent represents prudent financial management of the country's finances?

Derek Mackay: I am tempted to agree with that; it sounds as if the entire chamber agrees with it. The Auditor General's report has pointed out in the past that the Government has effective management and

"The Scottish Government has a good record of financial management",

so I agree with the Auditor General as well.

The Deputy Presiding Officer: Thank you. That concludes questions to the cabinet secretary; I thank all members for their efforts.

14:55

Meeting suspended.

14:56

On resuming—

Limitation (Childhood Abuse) (Scotland) Bill: Stage 3

The Deputy Presiding Officer (Christine Grahame): The next item of business is stage 3 proceedings on the Limitation (Childhood Abuse) (Scotland) Bill. Members should have the bill as amended at stage 2, which is SP Bill 1A, and the marshalled list, which is SP Bill 1A-ML. The division bell will sound and proceedings will be suspended for five minutes for the first division of the afternoon. The period of voting will be 30 seconds.

I refer members to the marshalled list.

Section 2—Commencement

The Deputy Presiding Officer: Amendment 1 is in the name of Oliver Mundell.

Oliver Mundell (Dumfriesshire) (Con): Amendment 1 is a simple amendment that asks the Scottish Government to report back to the Parliament on resourcing the bill. Principally, it is designed to act as a backstop to cover a very specific set of circumstances—namely, where local authorities do not have insurance cover, or have inadequate insurance cover, for the relevant period.

The chamber will hear from the Minister for Community Safety and Legal Affairs that she does not want to write a blank cheque. Perhaps that is so, but I say to members that they should not be fooled. The simple fact is this: the minister will argue that the true cost of the bill and the resources that are needed for it are unknown or unquantifiable—that is, the Government cannot put a figure on them—but she is asking us to write that very same blank cheque for her; worse still, she is asking others to guarantee it.

Nobody can disagree with the merits of the bill. Its intentions are virtuous, long overdue and very welcome. Survivors and victims of childhood abuse have been denied justice for far too long. However, they deserve better than a rushed or half-done job. That is why it is imperative that we take this opportunity to get things right.

John Finnie (Highlands and Islands) (Green): Will the member give way?

Oliver Mundell: No thank you.

Vile monsters have been allowed to hide behind the law, shielded by technical legal considerations. For years, the state did not want to know. Many who have held elected office have let those individuals down. We should not ignore that.

In my view, we are duty bound to take collective responsibility for the failings of the past. In taking that responsibility, it is only right that we acknowledge the financial cost that comes with trying to put things right. We cannot, in good faith, put this legislation on the statute books without recognising—

Rona Mackay (Strathkelvin and Bearsden) (SNP): Does Oliver Mundell agree that the amendment would delay access to justice for survivors who have waited far too long?

Oliver Mundell: I do not accept that point. The only thing that would delay access to justice for survivors would be the Scottish Government dragging its heels on committing to properly funding and resourcing the bill.

15:00

John Finnie: I did not support the proposal at stage 2, although I appreciate that amendment 1 is narrower. I also appreciate the point that the member is making. Has he had discussions with the Convention of Scottish Local Authorities on its position?

Oliver Mundell: I have not had direct discussions with COSLA on the specific wording of the amendment. However, in the briefing that it sent members ahead of stage 3, COSLA makes its concerns very clear. A number of local authorities across Scotland do not have adequate insurance cover for the entire period. I would welcome an intervention from the minister on that point.

The Minister for Community Safety and Legal Affairs (Annabelle Ewing): I am just looking at the paper that COSLA sent to the Justice Committee on the stage 3 process. It says:

“We noted with interest the amendment which was discussed and not eventually adopted and we recognise that given the uncertainty around numbers it would be very difficult to agree on a financial figure up-front of implementation”.

Does the member accept that COSLA has stated its position, which reflects the evidence received by the Justice Committee from a number of witnesses that, in advance of the implementation of the bill, the potential impact is simply unquantifiable?

Oliver Mundell: I thank the minister for that intervention, but amendment 1 is different from the amendment that was discussed at stage 2—it is narrower and considers only the retrospective aspects. Furthermore, if the costs are unquantifiable—if we do not know what they are—how can we ask local authorities and other organisations to bear the risk, rather than taking responsibility as legislators, and, in the

Government’s case, taking responsibility for the legislation that it has introduced?

We cannot in good faith pass the bill without recognising the need to put in place adequate resources. To do so is just not fair or right. In failing to address the issue, we run the very real risk that by passing the bill, we will be passing the buck and so passing the burden on to local authorities.

Local authorities are already overstretched and badly underresourced. In practical terms, we could be asking councils to further cut services today to pay for the mistakes of the past.

We have a choice—on our watch, here and now. Do we ask the vulnerable individuals who rely on local authority provision to bear the risk that comes with the seemingly unquantifiable, or do we do what is right, which is to have a full and proper scoping exercise to ensure that the bill is not only enacted, but enacted well?

Surely, given the systematic scale of abuse that has occurred, central Government must share some of the responsibility and help to mitigate the risks. Today, the Scottish Government has the chance to make good. Ministers cannot take credit for the changes at the same time as failing in their duty to ensure that they are properly resourced.

I move amendment 1.

The Deputy Presiding Officer: Six members wish to speak so I ask all members keep their speeches short.

Claire Baker (Mid Scotland and Fife) (Lab): Amendment 1 is an improvement on a similar amendment at stage 2. It provides greater clarity and addresses some of the Justice Committee’s concerns. At stage 1, the committee agreed that it was vital that the bill should be properly resourced. Amendment 1 is a response to the on-going concerns about funding—concerns that the committee heard in evidence.

It is vital that we reassure survivors that justice and compensation are available. There will be costs to local authorities defending actions, and the evidence to the committee indicated the patchy nature of insurance provision. The bill is more than just a signal of support. We need to provide certainty that the financial resources are available when cases are brought. We must recognise the strength of feeling that confidence in that is lacking.

I heard what the minister said when she opposed the stage 2 amendment. However, I do not accept that amendment 1 will delay the bill or that the report that it refers to is a request for an agreement on a figure. Surely the Government can provide a report that will give assurances that sufficient financial resources will be available.

Otherwise, it is suggesting that it cannot guarantee that resources would be available. That situation would completely undermine the bill's intent.

During stage 2, the minister talked about a "blank cheque". It is important that she gives assurances that the Government will meet responsibilities and that local authorities are able to meet responsibilities, too. Is the Government suggesting that the amount will be capped and that it might be difficult for people to receive recompense?

I do not accept that producing the report that the amendment asks for is an onerous or impossible task for the Government. It is possible for the Government to produce a report that is appropriate and proportionate, and which can provide assurances to survivors that the bill is meaningful and effective. I intend to support amendment 1.

Alex Cole-Hamilton (Edinburgh Western) (LD): I rise to offer support from the Liberal Democrat benches for amendment 1, in the name of Oliver Mundell. My colleague Liam McArthur agreed at stage 2 that the financial memorandum to the bill is too narrow and does not account for the significant surge in demand for resource that might occur at every level in the immediate aftermath of implementation. In particular, it does not account for the problem that will arise if insurance cover for the period in question has expired or never existed.

There were some problems with the amendment that a Conservative member lodged at stage 2, which was not agreed to, but the principle at its heart was sound. The Scottish Government could have lodged an amendment of its own to respond to the challenge that had been identified, but it failed to do so.

Members have been well briefed by the Society of Local Authority Lawyers and Administrators in Scotland, Social Work Scotland and COSLA that the gap in resourcing could pose an existential risk to the process. The Scottish Government claims that our agreeing to amendment 1 might delay the implementation of the legislation, but I suggest that the possibility of the process grinding to a halt for want of resource represents a far more significant impediment to justice for victims of historical abuse. We will support amendment 1.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): It is fair to say that the amendment that is before us is narrower in scope and closer to being able to be taken forward than the amendment in the name of Oliver Mundell's former colleague that the committee considered at stage 2. However, it still suffers from the same basic problems. If it were to be agreed to, the bill could move forward, but there would be a potential road

block in relation to the laying of regulations that would give effect to the bill.

Why is that so? I accept that the amendment applies only to "public bodies"—although we should bear it in mind that that does not mean just local authorities. The real issue is that amendment 1 requires the Government to demonstrate that resources are available to

"meet any obligations arising from an action brought".

Oliver Mundell: Will the member take an intervention?

Stewart Stevenson: I will develop my point first, if I may.

There is no limit of time associated with a provision that refers to

"any obligations arising from an action".

Long after I have shuffled off this mortal coil, despite my ambition to live for ever, someone who is 100 years old could bring forward and succeed in a court action that results in a payment being made. The normal way of dealing with an obligation that might arise in 2070, 2080 or 2090 is through the normal budget process of this Parliament. It is quite unreasonable that we should work out, by some random, uncalibrated, wet-finger estimate, what the costs will be in 60 or 70 years' time. We simply cannot do that, and I defy anyone in the Parliament to provide a methodology by which we can do that.

The provision of court services and the compensation to be paid by public bodies under the bill are matters that must be dealt with closer to the point of application. If we accept the proposed approach in this context, why do we not say that we must fund the court services and all future obligations of all public bodies for ever? The principle behind amendment 1 takes us to that point.

I am not objecting to proper funding, of course. I broadly support—

The Deputy Presiding Officer: Can you come to a conclusion, please? I am trying to get other members in.

Oliver Mundell: Will Mr Stevenson take an intervention?

Stewart Stevenson: I will, if I am allowed to do so.

The Deputy Presiding Officer: I would rather get other members in, if that is okay. Mr Mundell, you will have a chance to sum up. I appreciate that this is an important debate, and I want other members to have their say. I call Johann Lamont.

Johann Lamont (Glasgow) (Lab): Presiding Officer, this is such an important discussion that if

it encroaches a little on the general debate on the bill, I do not think that that will do the bill any harm at all.

The Deputy Presiding Officer: You might be reading my mind, Ms Lamont. I am allowing the discussion to run on, because I appreciate that it is important.

Johann Lamont: Thank you. I appreciate your comments.

I rise to support amendment 1 and to make a number of points. Stewart Stevenson's argument might look good on paper, but it does not sound like a commitment to the principles of the bill. It looks like a way out of the challenge, rather than an attempt to address the challenge.

The minister has spoken about the difficulty of calculating the numbers. I am sure that survivors groups and survivors themselves would be able to support her in developing an understanding of the numbers. However, are we saying that, if the numbers are too high, we cannot guarantee the rights enshrined in the bill? We are able, in the Parliament, to say that we will provide baby boxes without being sure about the number of babies that will be born in the next year.

The fundamental issue here is that, if there is a right that members across the chamber want to exercise, we need to find the means to deliver on that.

The idea that such a proposal will stop the legislation is simply not true. People will genuinely be asking that, as that is what they have been told. The advice that we have had from the Scottish Parliament information centre is that that is simply not the case. If it were the case, why did the minister not make a proposal addressing the technical issues that she is identifying? She has the machinery of the state to find a way through this process. I would also say to her that there is a difference between saying that something is difficult to calculate and saying that it is unquantifiable. Those are two different things.

Annabelle Ewing: Will the member take an intervention?

Johann Lamont: If I could make progress.

This issue really does matter, and we need to understand why it matters so much to survivors. The bill creates a right to justice that has been denied for too long. There are survivors who theoretically have had rights throughout their lives. Theoretically, they had a right to education, a right to protection from abuse and a right to have families, social work, teachers and others protect them—a right to a childhood. Those were all rights that, in reality, were denied to them.

It is understandable that survivors now ask whether the rights in the bill are somehow not to be given that underpinning commitment. The bill without a commitment to ensure the resources to deliver those rights would be, for survivors, yet another example of the gulf between the theoretical rights that they have and the reality of their lives.

I say to the minister in all seriousness that this is a fundamental responsibility. In establishing a right, you need to will the means to deliver that right. That is why it matters. A right that is not enforceable in reality is not a right at all.

Across the chamber, we know that we have all let people down. By supporting amendment 1, we can give people the reassurance that we are not just saying to survivors, "We would like you to have that right." We can will the means to ensure that they have certainty—that their rights will actually be delivered.

Margaret Mitchell (Central Scotland) (Con): I rise to support Oliver Mundell's amendment 1. Without a commitment that adequate resourcing will be available, there is a very real danger that the much anticipated and eagerly awaited aims of the bill will not be realised. There is no need at this stage to quantify the amount, and a commitment to adequately resource would not delay the introduction of the measures. Frankly, if the political will is there, the appropriate regulations can be laid timeously.

It would be an absolute tragedy if, at this late stage, survivors of historical childhood sexual abuse are let down. If the Government refuses even to consider the proposed resourcing, which is fundamental to the bill being effective—if it absolutely refuses to consider it as a possibility—it is a very black day for the Government.

Mary Fee (West Scotland) (Lab): In speaking to Oliver Mundell's amendment 1, I will also mention former MSP Douglas Ross's amendment at stage 2. I was unable to support Douglas Ross's amendment then, because it would have required the Scottish Government to provide a full costing for the proposed legislation before it could be passed. That would have been difficult, as we were unsure of the full cost implication for local authorities and third sector organisations when establishing the information. That amendment would in effect have stopped the bill in its tracks. For those reasons, I could not support it.

However, amendment 1, lodged by Oliver Mundell at stage 3, requires ministers to prepare "a report showing that sufficient financial and other resources"

are available to help meet any obligation arising from the legislation. That report should be laid

before the Parliament before the bill receives royal assent.

Although it could be argued that the difference between the stage 2 and stage 3 amendments is slight, I will support Oliver Mundell's amendment, because the Government will have time to prepare an indicative report of the resources that local authorities will require. A report of that nature could potentially allow local authorities and other affected organisations to plan the resources that they will require. That can only be a helpful progression to enable survivors of childhood abuse to feel confident that they will get the help that they require when raising claims.

15:15

Annabelle Ewing: The Scottish Government strongly opposes amendment 1, which is largely the same as the amendment that Douglas Ross lodged at stage 2, which has been referred to. It carries with it almost all the difficulties that I raised at stage 2.

Like Douglas Ross's amendment, amendment 1 is completely unworkable. It could derail the bill and thereby deny survivors the benefit of the bill. Amendment 1 would require a report to be laid before Parliament, before the bill was commenced, to show that sufficient resources have been made available to public bodies to "meet any obligations" that arise from the bill's implementation.

Oliver Mundell: Will the minister give way?

Annabelle Ewing: I would like to make a bit of progress.

Although the formulation of the new amendment is concerned with actions that relate to abuse that took place before the bill gained royal assent, the basic problems that it generates for the coming into force of the bill remain the same. As I made clear at stage 2, such an amendment would put us in a catch-22 position. The impact of pre-existing abuse will not be known until after commencement, but amendment 1 would not allow us to commence the act until the impact was known—or perhaps until a blank cheque had been written.

Oliver Mundell: Will the minister give way?

Annabelle Ewing: I would like to make a bit of progress.

It was clearly recognised during the scrutiny of the bill that we cannot predict with any certainty what the impact will be. COSLA, Social Work Scotland, Police Scotland, the Law Society of Scotland and Aberdeen City Council all made that point, which was recognised by members of the Justice Committee.

Oliver Mundell: Does the minister recognise that, when she says that the figure is unquantifiable and that she is unwilling to write a blank cheque, she is passing the burden on to others to write the same blank cheque?

Annabelle Ewing: I do not accept that. As I stressed at committee, we have been in regular discussions with COSLA at official level—officials met COSLA last week to discuss the issues. COSLA has reiterated that it is not looking for blank cheques to be written. In correspondence with officials, COSLA opined that the amendment seems to be unworkable. That is COSLA's position, which Oliver Mundell might wish to consider.

When they gave evidence to the Justice Committee, all those players recognised that it would not be possible to come up with a specific figure.

Johann Lamont: Will the minister take an intervention?

Annabelle Ewing: COSLA also said:

"There is undisputed recognition about the uncertainty of implementing this legislation. It is impossible to predict how many instances of abuse occurred in this timeframe, how many survivors may consider bringing a claim, and then in turn how many claims may be brought against which organisations."

Johann Lamont: Will the minister take an intervention?

The Deputy Presiding Officer: Please sit down, Ms Lamont.

Annabelle Ewing: The new version of the amendment applies to harm that took place before the bill received royal assent—

Margaret Mitchell: Will the minister take an intervention?

Annabelle Ewing: I have taken an intervention.

However, that does not solve the fundamental problem that I just described. The great uncertainty about impact applies to past cases as much as it does to future cases. Even when the abuse took place before the bill received royal assent, cases still might not be raised for some years into the future, which is particularly apparent when we take into account the silencing effect of this heinous abuse and the fact that survivors can take on average 22 years to get to the stage at which they can come forward.

I understand that there are concerns about implications for local authorities and the importance of maintaining services at the highest standards. As I said, my officials have been in regular dialogue with COSLA. COSLA recognises the difficulties that are involved and is looking for continued dialogue about the impact. I confirm that

we will work with COSLA and others to find the best way of monitoring the bill's impact and how it should best be addressed.

Amendment 1 contains a number of technical difficulties. In essence, it is so uncertain in its effect that it would leave the validity of commencement regulations in doubt. There are issues about who would determine what was sufficient and what would happen if commencement was challenged once cases had concluded.

Oliver Mundell said that his amendment would apply only when no insurance cover was available. Nowhere in the amendment does it say that.

Putting such a condition on commencement would run the risk of preventing the bill from coming into force. Parliament unanimously supported the general principles of the bill, and creating such an unworkable requirement would appear to go against the will of the Parliament.

We should not forget that survivors have campaigned long and hard for this change. Amending the bill in a way that might risk frustrating the process would be disrespectful to survivors and their very long fight for justice. I urge members to reject amendment 1.

The Deputy Presiding Officer: I understand that there are passions on the issue, but I ask members to be respectful to each other. There are genuine views on all sides and I have let the debate run.

Oliver Mundell: I am gobsmacked by the Scottish Government's complacency. It seems to have missed what the legislation is about. If we cannot guarantee that claims that come forward in 20 years' time will be met, what is the point in passing the legislation at all? The amendment gets right to the heart of the subject and I am disappointed but not surprised that the Government will not support it. Why would it? Why take responsibility for its actions just because it can?

Last night, some SNP back benchers were willing to break their party whip on tail docking. I can only hope that back benchers will be as willing to listen to their consciences this afternoon. In particular, I appeal to Green Party and SNP members of the Justice Committee to make good on the recommendation that we made in our report on the bill, at paragraph 245, which was unanimously agreed by all members of the committee. It says:

"It is important that the Bill is properly resourced to ensure both that its policy intent is achieved and to prevent any negative impact on the provision of current services by local authorities."

Johann Lamont: Does Oliver Mundell agree that survivors want that reassurance? The bill would not exist if it were not for survivors fighting for it. We know that many organisations and agencies and very many of the great and good said that it could not be done. We have proven that it can be done; now let us go the extra bit to make sure that it is resourced.

Oliver Mundell: I thank Johann Lamont for that passionate intervention. She makes an important point, because people in the chamber need to remember that those who have, like us, held elected office over a great many years have let those people down badly. The legislation that we are debating today would not exist—*[Interruption.]* Do you want to stand up, minister?

Annabelle Ewing: I am curious as to why, when it is recognised by COSLA, Aberdeen City Council, the Law Society of Scotland, Police Scotland and Social Work Scotland among others that we cannot quantify with exactitude the figure for the bill's potential impact, Oliver Mundell nonetheless wishes to go forward with an amendment that risks putting the bill into jeopardy and therefore letting down survivors who have been so brave over so many decades in getting us all to this stage, which is where we should be.

Oliver Mundell: It is clear that the minister has plenty to say now but, when the tough questions were being asked of her, she did not want to answer. Perhaps she could stand up again and answer this question. Will she confirm how many of Scotland's 32 local authorities have adequate insurance cover for historical child abuse actions for the period in question? *[Interruption.]*

Annabelle Ewing: I—

The Deputy Presiding Officer: Just a minute, minister. I have to call you first.

Annabelle Ewing: Presiding Officer, I would have thought that the question should be directed to each of the 32 local authorities, but of course—*[Interruption.]*

The Deputy Presiding Officer: I would like to hear the answer, please.

Annabelle Ewing: Can I introduce an element of reality into Mr Mundell's thoughts? In looking at each individual fact and circumstance, we would need to determine whether insurance cover was in place. Any meaningless and general statement along these lines would not help individual cases. Perhaps Mr Mundell might like to reflect on that point.

Oliver Mundell: I will reflect carefully on that point and, in turn, I ask the Scottish Government to reflect on the length of time that it has had, while the bill has been progressing through Parliament, to consider some of those points.

To answer some of the other questions that the minister posed, the report that the amendment refers to would not ask for a quantified amount of support.

I correct what the minister and Stewart Stevenson suggested. The amendment would not mean covering all obligations that arose as a result of the report; the wording is qualified. If they read the whole amendment, they will see that it refers to obligations that can be met

“without prejudice to the provision of services by those bodies”.

Annabelle Ewing: Can I respond to that, Presiding Officer?

The Deputy Presiding Officer: I am glad that you are speaking through the chair, minister, because I was beginning to think that I would go away and have a cup of tea while you both had a rammy across the chamber.

Annabelle Ewing: I apologise, Presiding Officer.

I will quote the amendment, which states:

“The condition is that the Scottish Ministers have prepared, and laid before the Parliament, a report showing that sufficient”—

the word “sufficient” is not defined—

“financial and other resources have been made available to ensure that public bodies can, without prejudice to the provision of services by those bodies, meet any obligations arising from an action brought by virtue of”

the relevant provisions of the bill. That is what Mr Mundell’s amendment says. Maybe he is not totally familiar with what he is trying to do.

Oliver Mundell: It is the minister who is not reading the detail of the amendment.

The First Minister (Nicola Sturgeon): She read it out.

Oliver Mundell: She read it out, but she does not understand what it means on paper.

Regardless of that point, the amendment simply asks for a report. It does not ask for the numbers or for a specified amount, and it is not asking for a further vote on the quality of the report that would be put forward.

By agreeing to the amendment, we would ensure full scrutiny of the legislation by the Parliament. It is not a wrecking amendment and it would not delay the legislation. It simply asks ministers to take accountability for the delay that has occurred on their watch in bringing forward the changes. It asks them to underwrite the unexpected financial burden that the bill might place on local authorities and to ensure that vulnerable individuals who are in the care of the state today do not pay the price for the mistakes of

the past. The unwillingness of ministers to take that point seriously smacks of the same cowardice and dithering from those in authority that have allowed the whole issue to be brushed under the carpet for too long.

Patrick Harvie (Glasgow) (Green): I am grateful to Oliver Mundell for giving way. As he will be aware, I am not a member of the committee that scrutinised the bill in detail, but I thought that we were coming here to listen to a debate in which there would be a good degree of consensus on the objective of the bill. I have to say to both the member and, I am sorry to say, the minister that I find it slightly unedifying to hear people accusing each other of wanting to let down the victims of historic child abuse. I do not think that that is the kind of debate that we ought to be having. Does he intend to address the matter that has been raised, which is that COSLA considers his amendment to be unworkable, and which he said in his opening remarks he had not asked it about?

Oliver Mundell: I thank Patrick Harvie for that intervention. I do not think that the debate is “unedifying”. Having spoken to survivors’ groups this morning, I know that the very survivors who have been championing and campaigning for the bill would understand why the amendment is really important and what it offers them. COSLA may have reached its opinion based on the advice of the Scottish Government about what the amendment means, because it seems that the minister is so blinkered that she is not willing to consider what a “report” actually means. I press the amendment in my name.

The Deputy Presiding Officer: The question is, that amendment 1 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division. This is the first division, so I suspend proceedings for five minutes.

15:28

Meeting suspended.

15:33

On resuming—

The Deputy Presiding Officer: We move to the division on amendment 1.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)

Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Mason, Tom (North East Scotland) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Evans, Mairi (Angus North and Mearns) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)

Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 50, Against 65, Abstentions 0.

Amendment 1 disagreed to.

The Deputy Presiding Officer: That ends consideration of amendments.

I am required to read out a note for members who were not here yesterday. If members were here yesterday, they probably do not want to hear it again.

As members will be aware, at this point in the proceedings, the Presiding Officer is now required under standing orders to decide whether, in his view, any provision in the bill relates to a protected subject matter—briefly, whether any provision will modify the electoral system and franchise for Scottish parliamentary elections. If so, the motion to pass the bill requires support from a supermajority of members: that is, a two-thirds majority, or 86 members. In this case, the Presiding Officer's view—[*Interruption.*]

I would like a bit of quiet while I am reading, even though members might have heard it before. Thank you.

In this case, the Presiding Officer's view is that no provision in the Limitation (Childhood Abuse) (Scotland) Bill relates to a protected subject matter. Therefore, the bill does not require a supermajority to be passed at stage 3.

Limitation (Childhood Abuse) (Scotland) Bill

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a debate on motion S5M-06201, in the name of Annabelle Ewing, on the Limitation (Childhood Abuse) (Scotland) Bill at stage 3. I ask those who wish to speak in the debate to press their request-to-speak buttons.

I call Annabelle Ewing to speak to and move the motion. You may have no more than eight minutes, please, minister.

15:37

The Minister for Community Safety and Legal Affairs (Annabelle Ewing): I am pleased to open the stage 3 debate on the Limitation (Childhood Abuse) (Scotland) Bill and to invite members to agree to pass it.

I thank members of the Justice Committee, the Finance and Constitution Committee, and the Delegated Powers and Law Reform Committee for their hard work and careful scrutiny of this hugely important bill. I also thank members for their comments on the bill during its passage through the Parliament, and I thank the organisations and individuals who provided oral and written evidence to the committee and briefings on the bill's provisions.

Most important, I thank survivors, who have been at the heart of this process. I thank them for their bravery and their persistence, for bringing to our attention their plight and the injustices that they have suffered and for not giving up their fight to set those injustices right. I am humbled by the courage that they have shown, not only in campaigning for this legislative change but in coming forward and sharing their experiences. It is the survivors coming forward that has made the bill possible and been the reason why we have reached this important milestone today.

I was deeply saddened to learn that Frank Docherty passed away on 30 April. He was a survivor who fought long and hard for the voices of survivors to be heard, and it is clear that we have lost an important witness and champion of survivors' rights.

I also thank the Scottish Human Rights Commission for all the work that it has done for many years on this subject. As members will be aware, the bill stems from its interaction process and the "Action Plan on Justice for Victims of Historic Abuse of Children in Care", which came out of that work. The action plan set out a number of recommendations and today I am pleased to be

at the point of fulfilling a key commitment in response to them.

I have welcomed the constructive discussions that we have had on the bill as it has made its way through the parliamentary stages. The Justice Committee's evidence-taking sessions highlighted a number of important issues, among them the definition of abuse and, in particular, the issue of neglect. I am grateful to the witnesses and the committee for raising this issue and recommending that we look at it again, and I believe that our amendment, agreed at stage 2, to mention "neglect" expressly in the definition has added clarity to the bill. It ensures that there is no doubt that abuse in the form of neglect is covered by the definition of abuse in the bill.

The committee evidence sessions also highlighted other issues in the bill, in particular in relation to inserted section 17C of the Prescription and Limitation (Scotland) Act 1973, which allows previously raised cases to be re-raised, and also in relation to inserted section 17D, which provides safeguards in line with the European convention on human rights. I found those discussions helpful in relation to re-examining the issues. With regard to section 17C, I noted the committee's suggestion that more clarity could be provided in the explanatory notes on the question of the burden of proof. I can confirm that changes have been made to the explanatory notes in line with that recommendation.

As I have mentioned before, the bill is about striking a balance, in particular finding a balance between being inclusive and avoiding unintended consequences. I have made every effort to ensure that the provisions in the bill are justified and proportionate.

On the important issue of prescription, I welcome the conclusions of the Justice Committee on the law on prescription, which is relevant to abuse that took place before September 1964. Because of the nature of the law on prescription and human rights considerations, prescription will remain unchanged, and the committee agreed that that is the right approach. I am, however, aware that the issue of prescription has come as a great disappointment to many survivors, and I regret that that is not something that the bill is able to address.

However, as members will be aware, the bill is not the only step that has been taken by the Scottish Government to support survivors of childhood abuse, and it is important to set the bill in the context of a number of other measures that are designed to improve the situation for survivors.

In relation to survivors who are affected by the law of prescription, the current work to develop a consultation on the provision of financial

compensation will include all in-care survivors within its scope. That work is being taken forward by the centre for excellence for looked after children in Scotland, in collaboration with the interaction action plan review group, which includes survivor representatives. That work is in its early stages, with consultation expected to start later in the summer.

Already up and running since October 2016 is the £2.5 million in-care survivor support fund, which is now called future pathways. Older adults have been identified as a priority group since the inception of the support fund, along with people in distress. Demand for support has been encouraging, with more survivors than initially anticipated coming forward. To improve the responsiveness of the service, and to address the needs of older and more vulnerable survivors who might not yet have come forward for support, future pathways is increasing the number of support co-ordinators to enable more responsive support to all. One of those co-ordinators will focus on the needs of priority groups such as older survivors. I take this opportunity to encourage all survivors of in-care abuse, regardless of age, to get in touch with future pathways.

Other measures to support survivors of in-care childhood abuse include the national confidential forum, which continues to be a forum in which the voices of in-care survivors can be heard, acknowledged and understood. In October 2015, the Scottish Government established the independent Scottish child abuse inquiry, which was tasked with conducting an independent investigation of the abuse of children in care in Scotland. That is one of the widest-ranging public inquiries that Scotland has ever seen, and it began its first phase of hearings on 31 May.

The Scottish Government also supported the Apologies (Scotland) Act 2016, which came fully into force earlier this week. By protecting the giving of apologies in certain civil actions, the act is intended to encourage changes in social and cultural attitudes towards apologising.

That range of measures, along with the passing of this bill, will make a significant difference for survivors, and I am pleased to be here today at this significant milestone.

I move,

That the Parliament agrees that the Limitation (Childhood Abuse) (Scotland) Bill be passed.

The Minister for Parliamentary Business (Joe FitzPatrick): Presiding Officer, Johann Lamont made a point earlier about the time that is available for the debate. I wonder whether I could move a motion without notice to postpone decision time to 4.45, to ensure that there is time for all contributions to be made in this important debate.

The Deputy Presiding Officer: I am currently giving consideration to that. I will send you a note and ask you to move the motion without notice at the appropriate time.

15:44

Oliver Mundell (Dumfriesshire) (Con): For many, today represents a historic day, not only in the life of the Parliament but for our society as a whole. Today, we have the opportunity to right a historic wrong. Although the legislation is no panacea, there can be no denying the significance—real and symbolic—that changing the law will bring. For far too long, survivors and victims of abuse have been denied justice. I say “survivors”, but we must remember that many have not survived.

As I have already said today, vile monsters have been allowed to hide behind the law, shielded by technical legal considerations. Our state did not want to know. Many like us who have held elected office have let down those individuals. As we welcome this step forward, we must take our share of collective responsibility for the grave failings of the past.

There are many living among us who have had their lives destroyed; there are many who were in our care but experienced no care at all and who have endured the unimaginable and been denied their childhood. To call what has happened an atrocity is inadequate. What is harder still to acknowledge and to accept is that such acts continue to happen to this day.

On behalf of those on the Conservative benches, I say to all those who have experienced abuse that we are truly sorry. They have been wronged and nothing that is said or done in this place will ever put that right. However, we must do what we can and, at the very least, we owe it to all those who have gone before and all those who are yet to come to give them their chance to have their day in court. We owe them the right to seek justice, to bring the issues into the light and to demand that the perpetrators face the consequences of their actions. Of course, there will be disappointments; of course, there will be cases that do not proceed due to a lack of evidence, or because evidence has been destroyed. There will be further cases in which, because of the delay in getting this legislation, the perpetrators are dead.

Over the past few months, I have met survivors and heard their stories. I will never forget a survivor who told me that the violence inflicted on her had gone beyond the physical and the psychological and had destroyed part of her soul. However, she had not given in or given up. Like

many who deserve our praise and admiration, she had the courage to speak out.

It is the survivors who have delivered this legislation and forced change. They have campaigned tirelessly and vocally. Some have, in their own way, fought back by living their life as fully as they can. For them, this legislation sends out a message that cannot be ignored: no longer will our legal system aid and abet those who deserve no mercy. That is a victory in itself. Those who have done wrong must be answerable, and they do not get to put any time limit on justice.

By removing the time bar, we are removing one of the barriers that stand in victims' way. The bill rightly recognises and acknowledges that, for many survivors, any attempt at healing may take some time. For some, it will take years before they are ready to speak about their ordeal and to confide in another after their trust has been broken and perhaps many more years after that before they can face the legal process.

Many of us will never be able to comprehend the complexity of that process, so let us not be arrogant enough to imagine that today's legislation solves or addresses all those challenges. Although this is rightly a victory for campaigners, we as parliamentarians must consider this the start, not the end, of a journey. There will always be more that we can do. There is no room for complacency on our part.

Let us remember that the bill is not the answer for everyone. For example, it does not offer, as the minister has outlined, the same opportunities for justice to those who suffered abuse prior to 1964. For reasons that others will cover in their speeches, it has not been legally possible to do the same for them.

To end on a more positive note, it is clear that some who have suffered are no longer afraid. This change will help to deliver the closure that they are seeking.

I urge ministers to reflect on what further steps can be taken to address childhood abuse. In the same spirit, I ask the Government to keep an ever-watchful eye on how the changes that we are making today work in practice and how they are funded. Let us make sure that those who have campaigned so hard and those who have waited so long are not let down a second time.

15:50

Claire Baker (Mid Scotland and Fife) (Lab): I am pleased that the Limitation (Childhood Abuse) (Scotland) Bill has reached its final stage today. We should acknowledge that it is 10 years since Lord McEwan commented in a judgment:

"I have an uneasy feeling that the legislation and the strict way the Courts have interpreted it has failed a generation of children who have been abused and whose attempts to seek a fair remedy have become mired in the legal system ... there is little I can do about it except to hope that reform will not be long delayed."

It can be argued that it has taken too long to see that reform, and there will be survivors for whom the legislation is too late. However, it will give people choice—people who suffered terrible abuse as children, who were abused when they were supposed to be protected and who had experiences that have hugely impacted on their lives as adults.

Child abuse is an extremely difficult crime to acknowledge. It has come out of the shadows only in recent years, and the increase in historical criminal cases demonstrates the legacy that Scotland has to deal with. The bill was introduced in the shade of the Scottish child abuse inquiry, which is vital to demonstrating transparency, accountability and responsibility. A challenging inquiry, it has been problematic and it has not been able to maintain the confidence of all survivor groups. Although the bill extends to survivors new rights to pursue cases in the civil courts, not all survivors will wish to take that path, and it does not recognise the collective experience. It is crucial that the inquiry delivers answers and that it can expose a culture that we as a society are no longer prepared to hide or tolerate.

We must now focus on supporting successful implementation of the legislation. The report of the commission on parliamentary reform, which was published this week, recognises the importance of post-legislative scrutiny, and the bill is a piece of legislation that we need to be alert to. We are giving people a new right, and it is one that they must have confidence in.

The amendment to the bill was not agreed to, but the Government needs to address the ongoing concerns about costs. I appreciate that the minister is having conversations with the Convention of Scottish Local Authorities, but it is clear from evidence to the committee that, as well as the anticipated costs of legal defence and action, more significant costs will be involved in successful claims. The financial memorandum on the bill argues that there is an unquantifiable cost, but there will be a financial impact for defenders, and there are continuing concerns from COSLA and others about the ability to meet those costs. Those are important matters that the Government needs to resolve.

We need to recognise that insurance may be available in some cases, but not always, and concerns have also been raised about expired policies, companies that have folded and inadequate insurance policies. The Government

must recognise that a demand-led response is necessary, and it will have to work with others to make that possible. Authorities will have responsibility, but it will not be by intent, and the burden will be greater on some than on others.

The debate on the amendment should focus the Government's mind on ensuring that sufficient resources are available. At committee, the minister talked about the risk of signing a blank cheque, but we do not want to suggest that the available support could be capped or that we will not be able to respond to demand.

I hope that today's debate will reassure survivors that we are not going to have empty legislation, and that it will deliver rights to them. Not all survivors will want to pursue a case that could be difficult, disputed and traumatic. There was recognition in the evidence that that could be a difficult task, given all the normal practices of the legal system. However, the bill provides choice for survivors. We must ensure that measures are in place to support people to make an informed choice and that there is support for those who wish to pursue this course of action.

How does the minister anticipate support being made available to survivors who bring civil actions? The third sector offers support groups, but how can we ensure that it can develop knowledge and expertise on the legislation? Is the minister aware of plans for training opportunities or events? How does she plan to promote such opportunities?

There is also recognition of the need to provide training for the legal profession and to develop specialisms. The cases that come forward will be complex. Specialist courts were proposed and discussed in the evidence, and the Government could legislate for those if it accepts the case for them. I hope that it will give that idea further consideration.

Finally, I want to talk about the merits of a financial redress scheme. The new legislation will not apply to people who were abused prior to 1964 and no civil action is available to them. A financial redress scheme could be a way to recognise the abuse they suffered while in care. A scheme aimed specifically at the needs of that group of elderly and often frail survivors would ensure that they are provided with a level of redress while they can benefit from it. I urge the Government to advance the work on that as soon as possible.

The bill will be an important piece of legislation that addresses an injustice for a group of people who deserve recognition and justice. The law as it stands excludes them from the civil courts because they were young, vulnerable and abused when the crime took place. We must now make sure that they can successfully use the

legislation—if they decide to use it—by ensuring that they are supported and that the act is properly resourced.

The Deputy Presiding Officer: Before we move on, in order to allow all those who wish to contribute to do so, I am minded to take a motion without notice under rule 8.14.3, to move decision time to 4.45.

Motion moved,

That, under rule 8.14.3, the debate be extended by up to 30 minutes.—[*Joe FitzPatrick*]

Motion agreed to.

The Deputy Presiding Officer: We now move to the open debate, with speeches of four minutes—we will still be quite strict on timing.

15:56

Fulton MacGregor (Coatbridge and Chryston) (SNP): As a member of the Justice Committee, I support the bill and I agree that it will improve access to justice for survivors of historical childhood abuse. I thank the minister and the Government for introducing the bill and I thank all the members and witnesses who participated in the committee's scrutiny. The committee dealt with many of the technicalities of the bill and scrutinised it fully. We heard evidence from a number of people. As Oliver Mundell and others have said, some of the most powerful evidence was from the survivors who presented to us.

Although the bill undoubtedly has some shortfalls, to me it represents our continuing progress as a nation. It shows that we treat the issue with the utmost seriousness, that we acknowledge that we got things wrong for victims in the past and that we are on the right path to truly tackle the issue. It is absolutely right that the time limit should be removed for such horrible offences, because we know that many people take years to disclose this sort of crime. Indeed, in my experience in social work, many people do not speak about childhood abuse until they become parents, or even way after that. As I think I have said previously in the chamber, it is not uncommon for services to work with a family and for disclosure to come out through that work, even when the terms of engagement have nothing to do with that.

The Moira Anderson Foundation undertakes a lot of work across Lanarkshire and has direct experience of working with victims who have taken years to disclose. Today, I told people at the foundation that I was speaking in the debate, and they told me about a service user they have been working with for the past couple of years who will be directly affected by the bill. I have been given permission to share his story. For approximately

two years, the foundation has supported a male in his 30s who was sexually and physically abused by a trusted adult when he was in his early teens. The abuse was very violent and threats were constantly made about what would happen to his family should he ever speak up. The abuse got so bad that his behaviour deteriorated and he ended up in care, where he suffered further abuse.

The individual turned to alcohol and drugs as a way of blocking out the memories of the horrendous abuse. As an adult, his marriage and contact with his children broke down due to his anger issues and his huge distrust of people. The individual felt unable to go to the police because of his deep sense of shame. He felt that, being male and a teenager, he should have been able to fight off his abuser.

With the support of the Moira Anderson Foundation, he went on to make a statement to the police. During his interview, he disclosed sexual abuse in care as well as physical abuse. The sexual abuse had been undisclosed even to the Moira Anderson Foundation before that point. Despite the trust that he had built up with the worker from that organisation, there was more abuse that he had not been able to disclose. He would never have been able to speak to the police earlier than he did, because he was not in the right place. However, he was able to speak to the Moira Anderson Foundation. When I contacted people at the foundation today, they said that they have been discussing the bill's progress through Parliament with that individual. When we sit in the chamber and pass bills, it is all about people like that who are directly affected. He will, I hope, be able to take advantage of the bill.

The bill takes the correct steps that are needed to ensure that access to justice is available to survivors of historical abuse. It is vital that we continue to explore measures through which survivors of abuse have the support and means to deal with the effects felt from childhood abuse. As has been said before in the chamber, at present individuals are not able to bring cases to civil court after three years, including cases that involve side effects such as post-traumatic stress disorder, anxiety or depression. Survivors currently face barriers in attempting to access the civil justice system.

I see that my time is running out, so I will conclude, although I had more to say.

I did not agree with Oliver Mundell's amendment, but it was well placed. Overall, the whole Parliament and every party has supported the bill. Let us take that support forward and ensure that the bill works.

The Deputy Presiding Officer: Mr MacGregor, your time was not running out; it had run out. I ask everyone else to take note of that, please.

16:00

Miles Briggs (Lothian) (Con): I am pleased to take part in this stage 3 debate.

I thank members of the Parliament's Justice Committee and other colleagues for their work at previous stages of the bill, including on a thorough and useful stage 1 report. I also thank the external organisations that contributed briefings and materials during the legislative process.

The Scottish Conservatives have consistently supported the bill in principle and in its aims, and we will continue that support at decision time.

It is right that the Parliament will remove the three-year limitation or time bar so that survivors of childhood abuse will no longer have to undertake the additional and potentially very difficult task of persuading a court to overrule the limitation period. The need for the bill was clearly demonstrated in the Justice Committee's stage 1 report and is also evidenced by the fact that the discretion that is allowed in existing law through the Prescription and Limitation (Scotland) Act 1973 has been used only once since that act was passed some 44 years ago.

The Faculty of Advocates and other organisations have warned that the removal of the time bar will lead to an increase—possibly a significant increase—in the number of court actions, and many of those court actions are likely to be extremely complex. The Justice Committee also identified that in its report. We need to recognise that the number of potentially complex and additional cases that will come forward will inevitably lead to resource implications for our courts, as has been outlined. That was the reasoning behind the amendment that my former colleague Douglas Ross lodged at stage 2 and Oliver Mundell's amendment, which we discussed this afternoon. Obviously, I am disappointed that the Scottish Government chose not to accept that amendment, but I hope that ministers will keep the subject under constant and close review and that they will be ready to take the necessary action to ensure that our court system is always appropriately resourced and supported.

Ministers will be aware of the Health and Sport Committee's recent inquiry into child protection in sport following the BBC Scotland investigation that revealed allegations that young football players were sexually abused by coaches during the 1970s, 1980s and 1990s. Although the committee's inquiry focused on the safeguards that are currently in place for children and young people, it has been made clear by individuals who

have contacted me privately that the public airing of those historical allegations may result in a real increase in the number of historical cases that come forward.

Childhood abuse is incredibly difficult for people to revisit and talk about at any stage in their lives, but it is vital that we send out the message to victims who have suffered abuse that they will be listened to and that we will put in place the resources that are needed to support them when they decide to come forward. It is important that survivors of childhood sexual abuse who decide to pursue civil claims do not face unacceptable delays because of a lack of resource in the court system.

I join other members in urging the Scottish Government to continue to look at how it will address the rights of survivors of abuse that took place before 1964. I welcome what the minister had to say when she covered that subject.

To conclude, I support the bill, which will result in appropriate action being taken to ensure that our legal system recognises that victims of childhood abuse are a unique category of pursuer because the nature of their abuse means that they often do not pursue claims until many years after the abuse took place. I hope that the bill will send out a clear message that our Parliament and Government want to do all that they can to support the victims of childhood abuse. I am confident that the bill can and will make a real difference to many survivors as they seek to take court action.

It is vital that we deliver justice for those who have suffered. I hope that the passing of the bill is another step towards truly delivering justice for people who have suffered at the hands of those whom we entrusted to protect and care for them.

16:04

Johann Lamont (Glasgow) (Lab): I welcome the opportunity to participate in the debate, and I recognise that members across the chamber want to make the legislation work. We would not be in the position that we are in if there had not been long, hard arguments about how to deliver justice for people who—because of the nature of the abuse that they suffered and the time in their lives when they suffered it—were routinely denied justice.

I will make some brief comments about Oliver Mundell's amendment. Although some members voted against it on the basis that they believed that the bill would be stalled if it were agreed to, those who supported it believed that it was necessary in order to give people confidence that resources would match the theory behind the bill. I do not belittle the judgment of those who voted against the amendment, but they should not think that

anyone who supported it did so in order to prevent the bill from being enacted.

I have heard the phrase “a blank cheque” being used, but we would not want to have a bounced cheque, either. That is why the question of resources really matters. It is not just a case of having dialogue with COSLA or whomever; the Scottish Government must underpin the bill and commit to finding resources to ensure that the rights that it provides are real for people in their lives.

We must recognise the role of survivors, survivors groups and those who understood the diverse needs and experiences of survivors and stood with them. I am talking not only about survivors who found their voices but those people who, when childhood abuse was not readily understood, stood with survivors, gave them a voice to talk about their suffering and saw the patterns of behaviour. I am talking about the women’s organisations that identified the connections between domestic abuse, sexual abuse and child abuse and insisted that those in the political process understood that the issue was something to do with them at a time when many organisations said, “This is not our business—this is not the business of the state.” We should recognise that the progress that we have made is their victory.

It is important to understand the journey. There was a time when there was simply denial that abuse occurred. Instead of confronting what was happening, the system moved perpetrators on to abuse again. There was a refusal to listen to young people who spoke about what was happening. Many young people were silenced and left to continue suffering, and many were scapegoated in their own homes or in the schools and the care system in which they found themselves. They were blamed for their own abuse, and their poor behaviour—which was a consequence of the abuse that they had suffered—was used to explain why they were in the situation that they were in.

There is a bit of unfinished business in relation to those professionals who had a duty of care and who, at a time when there were already policies that mentioned abuse, did not speak up for young people or understand properly what they were being told. I mention that because what now seems to be an inevitable journey of progress was not always so. If we do not recognise that the journey was long fought for or understand the scale and the pernicious nature of such abuse, how it might reveal itself and the long-term suffering that it can cause, justice will be denied and institutions will again say, “This is too difficult.”

We have had revelations about abuse in football clubs, sports clubs, community groups, care

homes and at home. The truth is that predators take many forms, and we should not take a silo approach. We need to talk about why the abuse of power happens and how it is experienced so that we can protect our young people in the future.

Turning to the issue of a survivors strategy, I understand and recognise the importance of the inquiry into historic child abuse, but there are people whose suffering does not fall within its remit. Regardless of where the abuse was suffered, it is essential that there is a proper survivors strategy to support survivors, wherever they are. We must understand that, although some survivors are not ill, they need emotional support at particular times in their lives. They grieve the loss of their childhood and of the potential that they had as young adults, and they deserve support.

As well as having provision for survivors and protection through the justice system, we must have prevention by talking about abuse and ensuring that those who would perpetrate abuse against others understand the scale of society’s hostility to that and our determination to ensure that it does not happen. I know that the Government supports that position. I am grateful to the Government for the work that it has done to get the bill to this stage and look forward to supporting it at decision time.

The Deputy Presiding Officer: I ask the chamber to note that I may have to cut down speeches, because members are running over time. I call John Finnie, to be followed by Alex Cole-Hamilton.

16:09

John Finnie (Highlands and Islands) (Green): I think that it was Oliver Mundell who used the term “historic”, and a lot of people will view the bill as that.

I thank everyone who participated in our scrutiny of the bill—particularly the survivors. I am a member of the Justice Committee, which took testimony in private. Although the individuals will rightly remain anonymous, it is entirely appropriate to record that they were very worthy ambassadors for their group. We learned a lot from them.

A lot of excellent organisations offer support to childhood abuse survivors, and the police and the Crown Office and Procurator Fiscal Service are playing important roles, as we have also seen in relation to sexual crimes and crimes such as domestic violence. A proactive approach by the police gives people the confidence to come forward. Members have talked about the resources that are behind the Crown Office and Procurator Fiscal Service, on which the Justice Committee has also conducted an inquiry, and it is

important that the people who support survivors—in the broadest sense—are properly resourced.

The Scottish Human Rights Commission's "Action Plan on Justice for Victims of Historic Abuse of Children in Care" has been mentioned, and I commend the national confidential forum. The briefing that the Scottish Human Rights Commission gave members at the outset of the bill process states:

"Judicial and other remedies for human rights breaches must be practical and effective and equally accessible in practice as well as in law. This requires that they 'should be appropriately adapted so as to take account of the special vulnerability of certain categories of person' ... Legal limitation on claims may render the remedy ineffective."

I take a rights-based approach, and the retrospective application of the bill is unusual. We have talked about prescription and the phrase "equitable to do so". The legal system deemed it "equitable" to set the time bar aside on only one occasion, so it is entirely appropriate that we have a special limitations regime. The right to a fair trial is a human right for both sides of the equation, applying equally to the pursuer and the defender in a civil case.

This is very positive legislation, as removing the time bar removes one of the hurdles to justice. However, the time bar is just one of those hurdles. As I said in the stage 1 debate, legislation in itself is not sufficient; we need a range of measures including a special regime for childhood abuse.

I will quickly make a couple of other points.

I welcome the definition of a "child" as being someone under the age of 18. That approach is being reflected in other legislation.

The subject is emotive, as we have heard today, and the bill is about addressing the wrongs of the past and moving to a positive future. Nevertheless, there are challenges around what we know. For example, some people see a commercial challenge, and we have heard the insurers' concerns about the number of people who will come forward. However, when we talk about statistics and numbers, we must remember that we are talking about individuals who all have a particular experience.

The way ahead is through prevention, as other members have said. That includes education, and there is a lot of good education in our schools. It is about obligations to challenge, whistleblowing policies and people feeling that they can challenge if they see wrong.

Regarding older survivors, I am sometimes involved with an organisation called SiMBA that helps people who have suffered a stillbirth. I met a woman in her late 40s who had never had that support, and she came forward many years after

the event. People can always gain from support, and I hope that survivors will come forward.

There are other initiatives on the go. The position of children is important in the Domestic Abuse (Scotland) Bill. In my final eight seconds, I will plug the proposed children (equal protection from assault) (Scotland) bill, of which I am the proposer. It aims to protect children from assault and corporal punishment and will bring in equality there. I hope that my proposed bill will gain support in the future.

16:13

Alex Cole-Hamilton (Edinburgh Western) (LD): I remind colleagues of my entry in the register of members' interests, about my career in the residential childcare sector before coming to the Parliament.

Coming to terms with the depth and extent of historic abuse has been the darkest awakening for our generation. As a society, we have failed untold numbers of those who were entrusted to the care of charities, churches, schools and social clubs who, in the course of the care and supervision that they should have enjoyed to the highest standards, were let down and damaged in the most horrific ways imaginable. We can never hope to know the full extent of the suffering, but by our actions here today, we can at least offer some access to justice and, by extension, an element of peace to those victims who can now finally tell their stories.

I am standing in for Liam McArthur, who cannot be here today, so I was not party to the committee proceedings and the powerful evidence that it received. However, I have worked with providers of care and survivors of abuse for much of my professional life. I understand the dehumanising and savage impact that abuse can have on people's lives, whatever their age.

As the committee heard, it can take an average of 22 years for a survivor of abuse to feel able to come forward and talk openly about the abuse and its impact on their life. As such, the very existence of a time bar against civil proceedings saw a barrier to justice baked into our legal system. As with so many aspects of indemnity in our society, the system was tilted towards protecting providers from litigation rather than protecting the rights of individuals to seek justice in a timeframe of their choosing.

We live in a time when the walls that have protected abusers and cultures of abuse are steadily coming down—historic though they may be. Although the pursuit of criminal justice against the perpetrators of historic abuse has no time restraint, victims have faced such a restriction in obtaining satisfaction and redress through the civil

courts. The bill rightly rectifies that situation for cases of abuse after 1964.

In the evolution of the bill we have seen an expansion of both definition and settings. To shift the focus of the legislation to the vulnerability of the victim, rather than the stage on which the abuse took place, puts us in step with the tenets of international best practice and human rights law. Similarly, the definitions of abuse against which justice can be sought have rightly been expanded to include all forms of abuse.

I am hugely gratified that following the contributions of my colleague Liam McArthur and other members, such as Mairi Evans, during the stage 1 debate, the Government to its credit saw fit to move an amendment at stage 2 to include neglect as a judicial offence against which victims might seek civil redress. That, too, brings us closer still to meeting the international gold standard.

We have had a consensual debate and I am grateful for that. The bill is a short but essential piece of legislation that will have wide-ranging implications for people who have lived in the shadow of an appalling thing that happened to them and who have suffered in the knowledge that their abusers were protected by organisations and institutions that so singularly failed in that crucial first line of their duty of care and which, in some cases, fostered a culture of silence and complicity.

This has been a time of uncomfortable revelation in the course of our nation's story but I am confident that, when we pass the bill today, it will be seen as a time of long overdue justice as well.

16:17

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I will begin by talking about my colleagues in the chamber. I have always thought that all of us who stand for Parliament and elected office, whatever our political traditions and beliefs, come here—with almost no exceptions—wanting to do good for the people whom we are elected to represent. That does not change the fact that I will disagree with members in other parties on matters that are important to me. However, as we reach the conclusion of the Limitation (Childhood Abuse) (Scotland) Bill, I am gratified to find that we are likely to find ourselves of a single mind.

I have no difficulty with the motivation behind Oliver Mundell's amendment. Indeed, after the stage 2 amendment fell in committee, I had discussions about precisely how a new amendment might look. At the end of the day the amendment was not quite there—but that is only a personal opinion and does not matter greatly in the big scheme of things.

I pay tribute to Johann Lamont, who, like me, has been here for some considerable time. She has been a tireless campaigner—on occasion, an extremely irritating, but proper one—on the rights of the disadvantaged in our society. Although we heard some pretty robust words today, we should utterly respect the motivation behind them. We are of one mind in supporting the bill.

The debates and disagreements that we have in Parliament will not be understood in any shape or form by the people whom we seek to help. Their attitude is simple. They want us to get on with it and do something. I think that that is where we have got to.

In committee, we heard from people who suffered childhood abuse. Their stories were moving beyond belief. I say that as someone whose general practitioner father—I always refer to my history—had to deal with childhood abuse. He was the GP responsible for pupils in a boarding school, and he came across some examples of abuse in that context. The issue was discussed around the dinner table, because it was thought that we children should understand what goes on. Indeed, my father sought our views.

However, nothing that we discussed around our dinner table compares with the stories that committee members were told. The stories did not quite move me to tears, but only for the reason that I did not want to let down the person who was telling their story by crying. I felt like crying—I really did—and I know that other members were in the same position.

What we do today is a noble and proper thing, which has been needing to be done for a long time. However, let us not imagine that by putting words on a page in the statute book we will have completed the job. That is not the case. We must ensure that the resources are in place—I signed up to the part of the committee's report that said so, and I am confident that that will happen.

There are new threats coming over the horizon, with which we will have to engage. Immediately before this debate, I had an hour's briefing from the Internet Watch Foundation, which is involved in addressing child abuse on the internet. We must remain alert to the new threats and protect future generations from them, as well as properly addressing abuse that took place in the past.

16:21

Jeremy Balfour (Lothian) (Con): I will keep my speech fairly short, as many members have expressed a lot of what I had written down and I want to give others a chance to speak. We have had a consensual debate, but I want to raise a couple of issues.

In their evidence to the committee, a number of witnesses questioned the assumptions in the financial memorandum. Police Scotland said that the figure of 2,200 for the cases that might initially come forward was a conservative estimate and suggested that it would be appropriate to carry out a further scoping exercise. I hope that the Government will do the required work at an early stage.

Another concern that was shared by witnesses at stage 1 was about the court system's capacity to deal with cases. It is important that people who have waited for many years to raise an action are not discouraged by lengthy and avoidable delays. I would be interested to hear from the minister how she thinks that the new arrangements will work, in a court system that is already very busy.

The Faculty of Advocates said that the removal of the time bar will lead to more cases, which could put strain on the courts and delay cases getting heard. We need to ensure that the court system has the right resources.

Concerns were also expressed about the potentially negative impact on survivors of going to court. As members said, that will not be the course of action for everyone. The Faculty of Advocates pointed out the

“Significant emotional impact on those raising actions”,

and suggested that “litigation is inherently stressful” and might do “more harm than good.”

If people are brave enough to come forward and raise appropriate actions, we must ensure that there is support to help them through the complex legal procedures. It is vital that the appropriate support and advice are in place to assist victims and survivors of childhood abuse. I made that point in the stage 1 debate.

The Scottish Government must give the appropriate consideration, ensuring not only that the right things are in place financially but that the emotional support is provided, too.

It is our duty as a Parliament to ensure that the bill meets the aspirations of the people who have suffered childhood abuse. As they have waited so long for this opportunity, it is incumbent on each and every one of us to give the victims the best legislation that is within our gift, and to ensure that what happens after the legislation gets royal assent is the best that can be put in place.

16:25

Rona Mackay (Strathkelvin and Bearsden) (SNP): The bill that is before Parliament today is important to thousands of the most vulnerable and wronged people in our society. They have been barred from gaining access to justice simply

because they were unable to bring a civil action within a three-year period.

At the outset, I thank the witnesses who gave evidence to the Justice Committee for their courage and bravery. Their evidence was difficult for us to hear, but it must have been agonising for them to recount, and I cannot commend them highly enough. They spoke out so that never again would those vile crimes be covered up and to ensure that there is no hiding place for abusers.

Three years is not long enough for survivors to garner the strength to proceed with civil action against their abusers. They have been emotionally terrorised and stricken with fear and guilt. They simply need longer to attempt to deal with what has happened to them. We are not discussing a court action about neighbours fighting over land or about suing a company for damages; it is about people seeking recognition and an apology for being robbed of a childhood and sentenced to a lifetime of unimaginable emotional distress.

The terrible abuse that survivors suffered during childhood—sexual, physical and mental abuse—was a life sentence. I am pleased that the bill was amended at stage 2 to include neglect, such a damaging form of abuse with lifelong effects. The cruelty that was bestowed upon survivors, often by people they trusted and to whose care they were entrusted, left them feeling worthless and violated.

Some people have raised concerns that the bill will open the floodgates to those seeking compensation and that that will be costly. That was at the root of Oliver Mundell's amendment today. Apart from being unworkable, the amendment would have delayed justice to many survivors and sent out entirely the wrong message: that they would get justice only if those who were ultimately responsible could afford it. I know that that was certainly not the intention behind Oliver Mundell's amendment, nor was it the intention of those who supported it, and I commend Oliver for his moving and heartfelt speech. I also agree with Johann Lamont's comments about the need for a survivors strategy.

Like my colleague Stewart Stevenson, I am sure that there is not a single person in the chamber who does not support the bill. However, the reality is that, at this stage, the number of people seeking access to justice for historical crimes is unknown, and estimates vary widely. The bill is not a panacea for survivors. The Scottish Human Rights Commission believes that the vast majority of survivors will not go down the civil justice route. Many survivors simply could not face the prospect of resurrecting the horrors that they have kept locked away in a box throughout their lives, and bringing that to court will never be the answer for them.

The committee found a common thread throughout the testimonies: most survivors would not pursue the matter for the money, even if they brought it to court. Many of them simply want the perpetrators brought to justice and an apology for the terrible injustice and violation that they suffered. Many of them have been so emotionally damaged that they have been unable to attain a good standard of living. Their financial potential has not been realised, and they have struggled to make ends meet. But how can we put a price on what any of them has suffered? It is simply too hard for any of us to imagine.

If the bill brings any light at the end of a long, dark tunnel for some survivors, then I am happy to commend it to the Parliament.

16:29

Mary Fee (West Scotland) (Lab): I begin my speech by reaffirming the support of Labour members for the Limitation (Childhood Abuse) (Scotland) Bill. I take this opportunity to thank the Government, the Minister for Community Safety and Legal Affairs and the external organisations for their input throughout the Justice Committee's evidence sessions.

At stage 1 of the bill proceedings, I praised the outstanding bravery of the survivors of childhood abuse in giving us their input throughout the process. It is important that today I repeat my admiration for the survivors in helping to progress the bill. Without their bravery, patience and co-operation, the bill would not have been possible.

The committee heard from a range of stakeholders that removing the time bar will create choices that some survivors will prefer to make and some will not. At stage 1, I called for the right support to be made available to survivors in setting out their options, and I cannot stress enough the importance of that. In taking action through the courts, the survivor will have to face a series of obstacles in providing evidence and reliving the horrors that they faced. That is why Laura Dunlop QC warned that some action could do "more harm than good", which is a quote that I highlighted at stage 1 and one that must be re-emphasised. It is of the utmost importance that throughout the process and for as long after the process as they require, all survivors have access to support and guidance that is tailored to their needs, to ensure that they do not suffer more trauma.

I thank the minister for the amendment that was lodged at stage 2. As Alex Cole-Hamilton said, ensuring that neglect is covered by the definition of abuse gives the certainty that many of those who provided evidence to the committee asked for. Although neglect was covered in the bill as

introduced, giving the term its own place provides clarity for survivors, as Liam McArthur highlighted at stage 2. The inclusion of neglect rightly widens the scope of the bill and reflects the evidence that we heard and the concerns that survivors raised about the definition. The wider definition will ensure maximum support and protection for all survivors.

Today is a historic day. The passing of the bill will provide redress that thousands of survivors of childhood abuse have been unable to access for decades. It is clear from this afternoon's debate that all parties represented in this chamber are committed to the principles and passing of the bill.

No speech was more powerful or persuasive today than Johann Lamont's. There is a clear consensus that the appropriate support must be available to all survivors who decide to pursue a civil action, and that all survivors should have guidance if they choose to take forward a claim.

In closing for Scottish Labour, I would like to reaffirm our support for the bill, and once again I thank every survivor for their bravery, patience and support during the legislative process of the bill. From the consultation process through to the passing of the bill today, the bravery, patience and support that survivors have shown has been commendable.

The Deputy Presiding Officer: Before we move on, I remind members that if they contribute in the debate they should be in the chamber for the beginning of the closing speeches.

16:33

Margaret Mitchell (Central Scotland) (Con): I welcome the bill, which aims to increase access to justice for survivors of childhood abuse. I pay tribute to those survivors, who have over many years lobbied for the three-year limitation period for historical childhood abuse claims, also known as the time bar, to be abolished. As Rona Mackay and Mary Fee said, it took considerable courage for those survivors to give evidence to the Justice Committee, and we were most appreciative of that. I want to personally acknowledge and thank the members of the cross-party group on adult survivors of childhood sexual abuse for their valued input.

The removal of the three-year time bar for specific cases involving historical childhood abuse puts an end to a previously insurmountable barrier for survivors, and in doing so implements a change for the better. However, as the minister and members have stressed, it is important to note that pursuing a civil action will not be the right solution for all survivors. In that sense, as members have said, the bill will not be a panacea. It is therefore essential that expectations

surrounding pursuing a civil action are managed, in an effort to avoid raising false hopes, while at the same time alternatives to the civil court process must be highlighted.

One of the main alternatives is the Apologies (Scotland) Act 2016, which came into force on Monday 19 June. I introduced that legislation as a members' bill and it was not just welcomed but actively promoted by survivors on the cross-party group. It is a matter of immense sadness to me that the Government's secondary legislation, which has been proposed and passed and which involved complex issues, potentially thwarts the aims of the 2016 act.

In the scrutiny of the Limitations (Scotland) Bill, the provisions that raised the most concern were new sections 17C and 17D of the Prescription and Limitation (Scotland) Act 1973. New section 17C of the 1973 act allows for certain past cases that have been disposed of by decree of absolvitor to be re-raised. The concern was that that could lead to a breach of the defender's human rights, in respect of their right to a fair trial and their right to peaceful enjoyment of their possessions. Furthermore, by overturning a decree of absolvitor there was a very real concern that it would, in turn, undermine a fundamental principle of Scots law.

New section 17D of the 1973 act provides a safeguard for defenders, in an attempt to ensure that their convention rights are not breached. However, despite the minister's reference to an adjustment to the explanatory notes and her assurance that the provisions will not set a precedent for other areas of law, it is fair to say that the concerns remain. That being the case, if the legislation is passed, it will be down to the courts to decide.

Scrutiny also raised issues concerning the absence of detail regarding the bill's financial and resource implications—for example, those relating to the administrative burden that the bill may place on public bodies, a point that Oliver Mundell sought to address with his amendment and in his contribution to the debate. As Johann Lamont, Claire Baker, Miles Briggs, Jeremy Balfour and others pointed out, the financial implications of the bill for local authorities, charities and support services still require to be addressed and resolved. The need for adequate resourcing featured in a number of members' statements.

Notwithstanding the concerns outlined above, the bill helps to achieve access to justice for survivors of historical child abuse by removing the time bar obstacle and the whole Parliament can celebrate that fact. I therefore confirm that the Scottish Conservatives will support the bill at decision time.

16:37

Annabelle Ewing: This has been an important and constructive debate at stage 3. I thank all members for their contributions, to which I listened carefully, and for supporting and indicating their support for the passing of the bill. As has been recognised, the bill is an important step in ensuring access to justice for survivors of childhood abuse; the bill is designed to remove a barrier that has in the past proved impossible for survivors to overcome.

The bill acknowledges the unique position of survivors, recognising the abhorrent nature of the abuse, the vulnerability of the child at the time, and the profound impact of abuse. In passing the bill today, Parliament will be recognising that survivors have been let down repeatedly. They were severely and fundamentally let down by their abuser and by the adults who were meant to protect them at the time, but they have also been let down by a justice system that has effectively denied them access to a remedy.

It has been acknowledged, including by many members this afternoon, that raising a civil action may not be the right way forward for everyone. Each individual survivor will have to take their own view. However, what the bill does is to widen the options that are available to survivors seeking redress. Of course, raising a civil action is still a challenging task and I agree with the members who have pointed out—both today and during previous debates on the bill—the importance of ensuring that survivors are supported. Support works best if it is based on individual needs, which means that the most effective support will be different for each individual survivor.

Through the survivor support innovation and development fund, which has a budget of £1.8 million for this financial year, we fund third and voluntary sector organisations to provide a wide range of services, including practical and emotional support, information provision, creative therapies, counselling, employability, peer-to-peer support and befriending programmes.

It is also important that survivors are able to access quality legal advice. Survivors will be able to apply for legal aid and will no longer be required to demonstrate a reasonable prospect of success in overcoming the time bar hurdle, which has proved insurmountable for survivors in the past. We are also working with the Law Society of Scotland to ensure that solicitors are well placed to support survivors through the legal process, including looking at what training could be made available.

The potential impact on the courts has been raised in this afternoon's debate by a number of members. Just as we cannot quantify at this stage

the potential impact on local authorities and other bodies, we cannot with absolute certainty say what the impact will be on the Scottish Courts and Tribunals Service. The estimates that we have, including those relating to when cases would be lodged, are presented in the financial memorandum. Following recent discussions that officials have had with the courts service, they are of the view that those cases could be absorbed within current business programming. There is, of course, no certainty around those numbers, as we have previously discussed at length. We are in ongoing discussions with the courts service on how best to monitor the impact and will consider any issues that may arise.

The impact on local authorities and on third sector and voluntary organisations has been a key theme in the consideration of the bill and in today's debate. It is important to keep in mind that COSLA and many third sector organisations absolutely support the bill. As I have made clear, I recognise that there will be financial and other resource implications, and that costs might go beyond the costs that are directly associated with defending actions. However, as we have discussed in detail this afternoon, at this point it is not possible to say what those costs will be. This is why I have committed to keeping the situation under close review and to carefully considering evidence about the impact of the bill.

With regard to other issues that have been raised, such as the ability to look at previously litigated cases, the decree of declarator and so forth, I would say in summary that the bill has been about striking a balance between the rights of the survivor and the rights of the defender. We believe that we have found the correct balance, and we feel that we have demonstrated that in the presentation of the provisions of the bill and by ensuring that we are saying what the mechanism is by which the courts must make that assessment. We feel that we have worked hard to find that balance, and I am pleased to note that that is the view of many members in the chamber.

In conclusion, I once again thank the Justice Committee for its detailed scrutiny of the bill and all those who provided written and oral evidence. I thank the Scottish Human Rights Commission for its extensive work in this area and all other individuals and organisations who have engaged in this process. As I said in my opening remarks, and most importantly, I thank all survivors, whose bravery and persistence have secured the proposed legislation that we are about to vote on this evening.

I am proud to be here today to support the passing of the bill. We should not underestimate the significance of the message that we are sending today: that we will always seek to support

and respect those in society who have been harmed and that access to justice for all of our citizens is at the heart of our values. I ask that members support the motion and agree to pass the Limitation (Childhood Abuse) (Scotland) Bill.

Decision Time

16:45

The Presiding Officer (Ken Macintosh): There is one question to be put as a result of today's business, on the motion to pass the Limitation (Childhood Abuse) (Scotland) Bill. We will have a division on the motion; I will not just ask whether members agree or not. That is because, under the new procedures, although Parliament has decided that we do not need a supermajority for the bill, that decision is challengeable. The only way of ensuring that it cannot be challenged is by registering that two thirds of eligible members have voted for the bill—that is, 86 members. Did you all follow that? Of course you did. It means that we cannot pass the bill by acclamation and we have to have a division.

The question is, that motion S5M-06201, in the name of Annabelle Ewing, on the Limitation (Childhood Abuse) (Scotland) Bill, be agreed to. Members should cast their votes now.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Evans, Mairi (Angus North and Mearns) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and

Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine)

(SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 115, Against 0, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Limitation (Childhood Abuse) (Scotland) Bill be passed.

The Presiding Officer: The Limitation (Childhood Abuse) (Scotland) Bill is therefore passed. [*Applause.*]

Point of Order

16:46

Finlay Carson (Galloway and West Dumfries) (Con): On a point of order, Presiding Officer. It has been confirmed in the past few minutes that the Scottish Government has sought an extension for the delivery of farm payments, as it will fail to meet next week's deadline. Members will know that Ruth Davidson twice asked the First Minister earlier today to confirm whether that was the case and the First Minister refused to answer. Will the Presiding Officer advise members what the point is of First Minister's question time if the First Minister will not answer simple questions?

The Presiding Officer (Ken Macintosh): I note the member's comments, which are now a matter of record. Members, including the leader of the Opposition, will have plenty of opportunities to raise the matter in the chamber next week, should they so wish.

Meeting closed at 16:47.

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

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