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Thursday 1 February 2018

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Thursday 1 February 2018

CONTENTS

	Col.
GENERAL QUESTION TIME	1
ScotRail Services (Mid Scotland and Fife)	1
“Scotland’s Drowning Prevention Strategy”	2
Schools for the Future (Funding)	4
Fire Safety (Schools)	5
Active Travel (Road Projects)	6
Wind Farms (Community Benefit)	7
FIRST MINISTER’S QUESTION TIME	10
Budget	10
Income Tax	13
Loch Fyne Incident	16
Burntisland Fabrications	16
NHS Highland	17
Budget	18
Police Scotland (Accountability)	20
Brexit.....	21
Racism.....	22
“Cities Outlook 2018”	23
Violence Reduction (Schools)	24
WORLD CANCER DAY	26
<i>Motion debated—[Richard Lochhead].</i>	
Richard Lochhead (Moray) (SNP)	26
Tom Mason (North East Scotland) (Con)	29
Kenneth Gibson (Cunninghame North) (SNP)	31
Anas Sarwar (Glasgow) (Lab)	32
Tom Arthur (Renfrewshire South) (SNP).....	34
Alison Johnstone (Lothian) (Green).....	35
Alex Cole-Hamilton (Edinburgh Western) (LD)	37
David Torrance (Kirkcaldy) (SNP)	38
Alexander Burnett (Aberdeenshire West) (Con).....	40
Emma Harper (South Scotland) (SNP)	41
Liam McArthur (Orkney Islands) (LD).....	43
The Minister for Public Health and Sport (Aileen Campbell)	44
BUSINESS MOTION	49
<i>Motion moved—[Joe FitzPatrick]—and agreed to.</i>	
SUPPORT TO STUDY IN SCOTLAND	50
<i>Statement—[Shirley—Anne Somerville].</i>	
The Minister for Further Education, Higher Education and Science (Shirley-Anne Somerville)	50
DOMESTIC ABUSE (SCOTLAND) BILL: STAGE 3	62
DOMESTIC ABUSE (SCOTLAND) BILL	79
<i>Motion moved—[Michael Matheson].</i>	
The Cabinet Secretary for Justice (Michael Matheson)	79
Liam Kerr (North East Scotland) (Con).....	82
Rhoda Grant (Highlands and Islands) (Lab).....	85
Rona Mackay (Strathkelvin and Bearsden) (SNP)	87
Michelle Ballantyne (South Scotland) (Con).....	88
Kezia Dugdale (Lothian) (Lab).....	90
John Finnie (Highlands and Islands) (Green).....	92
Liam McArthur (Orkney Islands) (LD).....	94
Fulton MacGregor (Coatbridge and Chryston) (SNP)	96
Maurice Corry (West Scotland) (Con)	98
Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP)	100
James Dornan (Glasgow Cathcart) (SNP)	102
Claire Baker (Mid Scotland and Fife) (Lab)	103

Margaret Mitchell (Central Scotland) (Con).....	105
Michael Matheson.....	107
POINT OF ORDER	111
DECISION TIME	112

Scottish Parliament

Thursday 1 February 2018

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

General Question Time

ScotRail Services (Mid Scotland and Fife)

1. Liz Smith (Mid Scotland and Fife) (Con):

To ask the Scottish Government what discussions it has had with ScotRail regarding train punctuality and stop-skipping in the Mid Scotland and Fife region. (S5O-01724)

The Minister for Transport and the Islands (Humza Yousaf): As I said to Alex Rowley in the chamber last week, I completely understand the frustrations of poor performance for the customer experience, and I recognise that ScotRail has faced a number of issues and challenges across the rail network, particularly in the recent autumn and winter months, and not least in the Mid Scotland and Fife region. I fully expect the performance issues to be addressed immediately. I speak regularly to Alex Hynes and, as I have mentioned in the chamber and as I think Liz Smith is aware, ScotRail has instigated an independent review to look at performance, and stop-skipping will be part of that. My Transport Scotland officials will continue to monitor the situation closely.

At last week's general question time, I agreed to organise and facilitate a meeting with Fife MSPs, and I believe that Liz Smith has responded positively to that. We are still waiting for diaries to co-ordinate for one or two MSPs, but that meeting will take place. At that meeting, we will be able to hear from ScotRail how it looks to improve its performance and minimise stop-skipping.

Liz Smith: I thank the minister for that answer and acknowledge his willingness to discuss the matter. It is very good news that members will be permitted to meet him and Alex Hynes later this month. However, we all await the important answers, not least because of the safety issues, to the questions that were raised on stop-skipping in their regions by Christine Grahame and John Finnie. Can the minister put on the agenda for the forthcoming meeting the alleged congestion on the central Fife lines and the accuracy—or inaccuracy, in some cases—of the notice board information at stations when such problems arise?

Humza Yousaf: Yes, I will be happy to put that on the agenda. To try to reassure Liz Smith, I note that 2018 is a significant year for increasing our capacity on the railways. We are expecting the 385 trains to come from Hitachi, and we know that

high-speed trains will be coming. All of that will allow more carriages to be cascaded across the network. The capacity issues in Fife—I know that there are similar issues for the East Kilbride line—are at the top of the agenda when it comes to considering increased capacity. However, I am more than happy for the issues that Liz Smith outlined to be on the agenda for the forthcoming meeting.

Linda Fabiani (East Kilbride) (SNP): The minister seems to have answered my question, so I will give him something else to think about at the forthcoming meeting. As well as the problem of stop-skipping, there is an on-going problem for the East Kilbride line regarding passengers being put off trains at stations before the ones that they are returning to. Can that issue also be placed on the agenda for the forthcoming meeting?

Humza Yousaf: The meeting is specifically on Fife issues, but I will pass on to others the issue that Linda Fabiani has raised. I think that she might have met the new managing director of ScotRail, but if she has not, I will make arrangements for that.

The occurrence of stop-skipping on the East Kilbride line is relatively low, but performance in the autumn and winter has not been what it should have been, and I can see that, for passengers on the East Kilbride line—I am frequently one of them, because I often use that line—that would cause disruption, delay and frustration. Linda Fabiani has rightly been consistent and persistent about rail issues in East Kilbride. I give her the reassurance that I just gave Liz Smith, which is that when the new trains and rolling stock are here, we will be able to cascade them and have increased capacity, specifically on the East Kilbride line.

“Scotland's Drowning Prevention Strategy”

2. **Clare Adamson (Motherwell and Wishaw) (SNP):** To ask the Scottish Government what its response is to the Water Safety Scotland publication *Scotland's Drowning Prevention Strategy*. (S5O-01725)

The Minister for Community Safety and Legal Affairs (Annabelle Ewing): The Scottish Government takes water safety very seriously and whole-heartedly supports the work of Water Safety Scotland and its strategy, which was published yesterday. In implementing the strategy, I hope that we can all work together to promote and ensure the safe enjoyment of Scotland's diverse landscape. In our ambition to build safer communities, we will continue to work closely with Water Safety Scotland and key partners to explore opportunities to progress initiatives that will help reduce the number of deaths from accidental

drowning and raise awareness, particularly among those who are most at risk.

I commend Water Safety Scotland for the development of its positive strategy. I also commend Clare Adamson, who is convener of the excellent cross-party group on accident prevention and safety awareness, for being engaged throughout as that work has progressed.

Clare Adamson: I thank the minister for her kind words. The strategy says that, each year, 50 accidental drownings happen in Scotland, with a further 29 deaths as a result of suicide. A key commitment in the strategy is that to create a sub-group that will look at reducing water-related suicide. How will that commitment fit in with the Scottish Government's mental health strategy and its suicide prevention action plan?

Annabelle Ewing: I very much welcome the news of the establishment of a sub-group. We afford great priority to reducing water-related suicide, and we note that that commitment is placed high up in the strategy.

We are producing a draft suicide prevention action plan for Scotland. As part of that work, we will engage with Water Safety Scotland on any proposals to reduce the number of suicides by drowning. I am heartened to see the emphasis on that area in the excellent document, "Scotland's Drowning Prevention Strategy 2018-2026", which was published yesterday.

Maurice Corry (West Scotland) (Con): Water Safety Scotland's strategy makes the point that four in 10 accidental water deaths occur, I am sad to say, during recreational activities. I am lucky enough to represent a region that has a number of excellent sites for water-based sports, particularly Loch Lomond and the Clyde. What support will the Scottish Government offer to local clubs or groups that offer recreational or sporting activities in Scotland's waters in order to improve safety? I am sure that the minister will agree with me that such activities are an excellent way for people to keep fit, relax and enjoy the great outdoors that this country has to offer.

Annabelle Ewing: Water safety covers a broad range of policy areas, including sport, which the member mentioned, education, tourism and community safety. Scottish Government officials will bring together policy leads from across the Government of relevance to the key action points that are identified in the strategy to ensure that those can be progressed effectively. I recently met the Minister for Public Health and Sport to discuss how we can collectively take forward this important work.

Schools for the Future (Funding)

3. **Colin Smyth (South Scotland) (Lab):** To ask the Scottish Government whether it will provide an update on what plans it has to provide further funding for the schools for the future programme. (S5O-01726)

The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney): In November 2017, I announced the Scottish Government's intention to build on the success of the schools for the future programme and our plan to publish, as part of the programme for government, a new education investment plan. The plan will set out proposals to improve the condition of existing schools within the lifetime of this session of Parliament and our longer-term ambitions to build more two-to-18 campuses and to establish an estate that is world-leading in energy efficiency. The detailed development of the plan is under way, and I expect to make an announcement on it later this year.

Colin Smyth: When I asked the same question in September last year, the Deputy First Minister said that he would announce funding details later that year. Will he explain why there has not been the announcement that he promised? Does he accept that a failure to make additional funding available soon would put at risk innovative projects such as phase 2 of the Dumfries learning town project—a project that he knows is not just about new school buildings, but about transforming education in the town and delivering what the Government says are key objectives around the attainment gap and developing the young workforce? Will he agree to meet representatives of Dumfries and Galloway Council and me to discuss phase 2 of the project and how we can ensure that it is delivered as promised to the people of Dumfries?

John Swinney: I am certainly very familiar with the Dumfries learning town project—I had the pleasure of discussing its details with members of Dumfries and Galloway Council and other representatives when I visited Dumfries high school some weeks ago. It was a very positive discussion, and I acknowledged the significance of the project.

It is very important that we recognise the strength of the school building programme that has been undertaken. Since the Government came to office, 751 school building projects have been completed. We now have a situation in which 86 per cent of schools are reported as being in good or satisfactory condition. The figure was 61 per cent when the Government came to office, so there has been a massive transformation in the school estate since then.

As I indicated in my original answer to Mr Smyth, the Government will introduce proposals for the development of the programme, and I will report those to Parliament in due course.

Tom Arthur (Renfrewshire South) (SNP): Riverbrae special school in Linwood and the new Barrhead high school, both of which are in my Renfrewshire South constituency, have opened in recent months. Can the cabinet secretary update Parliament on how much money the Scottish Government has invested in the school estate in Renfrewshire and East Renfrewshire since 2007?

John Swinney: There has been substantial investment in both East Renfrewshire and Renfrewshire by the Government. In East Renfrewshire, we have contributed funding of almost £40 million towards the construction of Eastwood high school, Barrhead high school and Crookfur primary school. In the Renfrewshire Council area, we have contributed almost £16 million to the construction of St James primary school, St Fergus primary school and Riverbrae special school.

As I indicated in my earlier answer, we have made substantial progress across the wider school estate, with 751 school building projects completed since the Government came to office.

Fire Safety (Schools)

4. Mark Ruskell (Mid Scotland and Fife) (Green): To ask the Scottish Government whether all schools should be fitted with fire alarms and smoke detectors. (S5O-01727)

The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney): The health and safety of all pupils while at school in Scotland is of paramount importance to us. The Education (Scotland) Act 1980 places a statutory responsibility on all local authorities to manage and maintain the school estate and provide a safe school environment for all school users. In August, I wrote to all local authorities to seek reassurance on fire safety across the school estate.

Mark Ruskell: The cabinet secretary will, of course, be aware of the fire at Cairneyhill primary school in Fife. The incident report confirmed that no smoke detectors were fitted in that school. My inquiries have revealed that more than one in four of Fife's schools do not have smoke detectors and that not every school has an automatic fire alarm. In some cases, handbells are relied on. There are also emerging concerns about whether headteachers are being adequately and consistently trained in fire safety procedures across Scotland. Fife Council insists that it complies with current regulations. Does the cabinet secretary agree that it is time to update the

guidance to schools, because relying on staff roaming the corridors with a handbell, shouting, "Fire! Fire!" does not feel like a 21st century response to fire risk?

John Swinney: If Mr Ruskell wants to write to me with the specific details of that example, I will examine them. I agree that that is unhealthy, but I would like to see the specific details of which school he was referring to and the circumstances in which that is the case, which I will investigate.

In August, I wrote to local authorities to seek reassurance on fire safety across the school estate. From the detailed responses that have been received, we have been given reassurance that local authorities have taken all steps necessary to ensure the fire safety of their schools. It is an absolutely essential duty on local authorities to ensure that they are taking those steps. Fife Council gave the Government that reassurance on 26 January.

I want to ensure that all schools are fully compliant with the guidance and advice of the Scottish Fire and Rescue Service, which is that all schools should comply with the details of the Scottish "Building Standards technical handbook 2017: non-domestic", and to ensure that those requirements are followed.

We take the issue very seriously. However, the operational responsibility for those questions rests with local authorities, and I expect them to take those issues seriously. If Mr Ruskell wishes to draw to my attention the case that he mentioned, I will investigate it.

Active Travel (Road Projects)

5. Graham Simpson (Central Scotland) (Con): To ask the Scottish Government how it ensures that major road projects promote active travel. (S5O-01728)

The Minister for Transport and the Islands (Humza Yousaf): In line with the Scottish Government's vision to promote active travel in "A Long-Term Vision for Active Travel in Scotland 2030", the "Cycling Action Plan for Scotland" and the trunk road cycling initiative, suitable provision for all road users, including cyclists, is a significant part of our major trunk road projects. Our plan for major trunk road projects affects communities across Scotland, of course, and they include a significant increase in active travel facilities. That is demonstrated by our programme for government commitment for 35km of new cycle track in the A9 dualling programme to connect the A9 with the wider cycle network.

Graham Simpson: The trunk road cycling initiative, which the minister mentioned, was introduced in 1996 by Lord James Douglas-Hamilton. It was a great innovation, but it has not

been updated since then. In 2015, Spokes wrote to the Scottish Government to suggest an update, which the Scottish Government agreed to. It said that the TRCI would be included in CAPS 3 by the end of 2016. That never happened.

We have projects such as the Maybole bypass in Ayrshire being designed without cycle paths. Can the minister say when the TRCI will be updated? Can he ensure that all new trunk roads include cycle use?

Humza Yousaf: I am very active in the discussions on the A77 Maybole bypass. I met the Maybole bypass committee and it raised those concerns too, so we will of course reflect on them.

In relation to our major trunk road projects, we saw 16km of new and improved pedestrian and cycle routes in the M8, M73 and M74 improvement project; I have mentioned the 35km of new cycle track on the A9; and we have a proposed 17km scheme for active travel as part of the A82 Taret to Inverarnan project. I could go on and on.

Of course I will look at the specific issue that the member mentions, but clearly this Government, when it comes to active travel, is putting its money where its mouth is. I give a gentle reminder to the member that the doubling of the active travel budget is something that he and his party voted against yesterday.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): Does the minister recall that in May last year, I asked whether the proposed improvements to the Edinburgh city bypass Sheriffhall roundabout—known to cyclists as the meat grinder—would make provision for cyclists? I was told that that would be developed in consultation with local interest groups. Who was consulted and what was the outcome?

Humza Yousaf: I had a good meeting and a good conversation with the member about some of the concerns that she and organisations such as Spokes raised. On the back of that conversation and some of those concerns, we are revisiting the matter and having a conversation with stakeholders on our provision for non-motorised users of Sheriffhall, including cyclists, which is currently being developed in further detail. As we progress the detailed design of the scheme in consultation with local interest groups, I will of course keep the member up to date.

Wind Farms (Community Benefit)

6. **Richard Lochhead (Moray) (SNP):** To ask the Scottish Government whether it has any plans to ensure that wind farm companies deliver adequate levels of community benefit to provide income streams for local communities. (S5O-01729)

The Minister for Business, Innovation and Energy (Paul Wheelhouse): Community benefits from onshore wind projects can make a real difference to communities located near such sites and in many cases can be transformational.

As at 31 January 2018, more than £12 million had been paid out to communities over the preceding 12 months, at an average rate of £5,000 per megawatt, which is in line with our benchmark guidance. Details of known support are published on the community benefit register.

Of course, social housing providers such as Berwickshire Housing Association in the Borders and Fyne Homes in Argyll have developed projects that will invest in new social housing while paying community benefit to communities in line with good practice principles.

We want to ensure that communities continue to benefit from local projects in a manner that is appropriate for the current and future context in which projects are developed, and that is why we have undertaken to review our good practice principles for community benefits during 2018.

Richard Lochhead: I am beginning to hear more and more excuses from wind farm developers who are trying to wriggle out of commitments to community benefits or to reduce their existing community benefits. I am also aware that many wind farm developments do not pay the recommended £5,000 per megawatt threshold that is recommended by the Scottish Government. In effect, that means that some communities are already losing out, potentially on millions of pounds, and others may lose out on millions of pounds in the future.

Will the minister investigate the issue and does he agree that all wind farm developers should ensure that they are delivering community benefits to those communities that host wind farm developments?

Paul Wheelhouse: I certainly agree that, where developers have made an agreement, they must stick to that agreement. That is very important in terms of maintaining the trust of local communities.

We acknowledge that a number of developers have not yet adopted good practice principles. It is important to recognise that the vast majority are adhering to those principles. Of course, in the context of the review that we are about to undertake, I will happily look into particular examples of where that is not happening in Mr Lochhead's constituency, because I appreciate that it is a matter of great concern.

We want to make sure that good practice principles are providing a benchmark for the sector. They are based on a voluntary principle,

but it is important that they are followed by all developers where possible.

Maurice Golden (West Scotland) (Con):

Communities suffering from high deprivation are less likely to receive community benefits. Will the minister consider introducing renewable energy bonds or other measures so that every community can have a better opportunity to benefit from renewables?

Paul Wheelhouse: Maurice Golden raises an important point. A big thrust of the energy strategy that we published in December is to look at alternatives where they may be appropriate. It may well be a more attractive option for communities that are investing in a wind farm to use a shared revenue model, through which they could get the full economic benefit and the freedom to spend the revenue that comes from that project in the way that they see fit for their community. I am happy to discuss that with Mr Golden if he wishes to contact my office.

Claudia Beamish (South Scotland) (Lab): In my region and across Scotland there are communities such as Wanlockhead that are shaping their own sustainable low-carbon future, some of which choose not to be benefit dependent. How does the Scottish Government ensure easy access to information and support for community groups that want to take forward empowering energy projects themselves?

Paul Wheelhouse: I am grateful to Claudia Beamish for raising that important point and I am aware of the interest in Wanlockhead. I direct communities that have an interest in developing a community project to contact local energy Scotland, which can give specific help to those projects through community and renewable energy scheme funding and our energy infrastructure fund. That potentially allows communities to invest in their future and to have less dependency on others in determining their economic outlook.

First Minister's Question Time

12:00

Budget

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

There are two contrasting views on the direction of the Scottish National Party Government's budget. One is the Patrick Harvie view that it is the best thing since sliced bread. The other is that it sends a message that we are a high-tax economy; that is Sir Tom Hunter's view. Who does the First Minister think that the people of Scotland should trust with their money—Harvie or Hunter?

The First Minister (Nicola Sturgeon): I think that they should trust Derek Mackay, who yesterday put forward a sensible, responsible and balanced budget that reverses the cut to Scotland's budget imposed by the Conservative Government at Westminster, protects our public services and allows investment in the infrastructure and business support that is so important to growing our economy.

As a result of the decisions made by Derek Mackay, 70 per cent of all taxpayers in Scotland will pay less in the next financial year than they do in this, 81 per cent of basic-rate taxpayers will pay less, and 55 per cent of all taxpayers will pay less than they would if they lived elsewhere in the United Kingdom, which makes Scotland not just the lowest-taxed part of the UK, but the fairest-taxed part of the UK.

Of course, what Ruth Davidson and the Tories are really worried about is that we are progressively asking those who earn the most to pay a little bit more to help protect our public services and invest in our economy. For example, we are asking somebody earning £100,000 to pay less than £50 a month to help protect our public services.

However, the Tories do not want us just to stand still on tax—they want us to cut tax for the very wealthiest in our society. We know that, if we were to follow Tory tax policies, we would have to take more than £500 million out of our budget. Before Ruth Davidson says another word about tax, perhaps she will share with this chamber where she thinks that the axe should fall from £500 million of Tory tax cuts for the richest—is it on our health service or our education system? Perhaps Ruth Davidson would care to enlighten us.

Ruth Davidson: We would cut SNP Government waste, scrap SNP vanity projects and grow the Scottish economy. That answer was a lot more Harvie than Hunter, and what the First Minister fails to grasp, which everyone in the real world can see, are the consequences of her plan. I

will spell them out. If we have markedly higher taxes here, we will—as the Scottish Chambers of Commerce said yesterday—make Scotland

“a less attractive part of the UK for skilled employees to locate and work, or for businesses to recruit and invest.”

Can the First Minister explain to me and the chamber why the Scottish Chambers of Commerce is wrong?

The First Minister: I will tell Ruth Davidson something about waste—the waste of space that is the Tory party in this chamber. No matter how seriously Ruth Davidson wags her finger at me, she cannot escape the question about where the axe would fall from the £556 million of cuts that would have to be made to the health service, the education system, business support or infrastructure if we were to follow the Tory plans to cut taxes for the very richest in our society. That might be the Tory way; it is not the way of this progressive Scottish Government.

On the issue of the impact on our economy, unfortunately for Ruth Davidson, the evidence does not bear out what she says. The Scottish Fiscal Commission has to do forecasts for our budget and assess the policies that we put forward. In the report that it published accompanying the draft budget, the commission said that our tax policies would have no impact on the economy in the way that Ruth Davidson and the Tories suggest. Let us cut to the chase: the Scottish Government has put forward fair and progressive tax policies that will allow us to protect our public services, reverse Tory cuts and support our businesses, while the Tories want us to cut taxes for the very wealthiest in our society. So, yes, that is a difference between the Government and the Tories. Of course, we know from polling evidence that the majority of people in Scotland are on the side of the Government.

Ruth Davidson: I am not the one who just lost a third of my seats at the last election. If the First Minister wants to talk about the Scottish Fiscal Commission, let us do so because, since the budget debate began, we have learned that Scottish growth for the year to September was just 0.6 per cent and, according to the Scottish Fiscal Commission's projections, Scotland is heading for the longest period of low growth in 60 years. The budget should be trying to address that, and it simply fails to do so.

The Federation of Small Businesses has said:

“The next stage of the Scottish Government Budget is a key opportunity for Ministers to put Scotland's economy first. The economy should be the top priority for every department—not just the finance and business briefs.”

The FSB said that two weeks ago, so why did the First Minister not take its advice?

The First Minister: We listen to the advice of all stakeholders and we come to balanced decisions. Ruth Davidson is the leader of the party that is slipping back into third place in Scottish politics and, on today's performance, it is not difficult to see why.

Let us debunk once and for all the Tory nonsense about Scotland's economy. We should remember that it has lower unemployment than the rest of the UK on average and one of the highest employment rates in the Organisation for Economic Co-operation and Development countries. The Scottish Fiscal Commission has forecast that Scottish tax revenues, even excluding our changes, will grow faster than those in the rest of the UK. It also projects that Scotland will close the gap with the UK on gross domestic product per capita. As the SFC says, the gap in GDP growth is down to slower population growth and, the last time I looked, most of the powers to influence population growth lay with Westminster.

If the Tories are serious about growing our economy, they will back the Scottish Government in arguing for more powers over migration and, especially in the week where we have seen a secret Tory analysis spelling out the damage of Brexit to our economy, they will get behind the Scottish Government in opposing the recklessness of Brexit.

This week, Ken Clarke stood up and said that, because of the impact of the European Union referendum, growth in the UK is

“feeble compared with the rest.”

He went on to say that the UK is

“the laggard in the G7. We are the laggard among the European economies against which we ... match our performance. That is the damaging consequence of the vote ... in 2016.”—[*Official Report, House of Commons*, 31 January 2018; Vol 635, c 856.]

The difference between Ken Clarke and Ruth Davidson is that he sticks to his principles, but Ruth Davidson abandons hers. It is not just UK growth that is feeble; Ruth Davidson is feeble.

Ruth Davidson: Presiding Officer,

“With any Brexit uncertainty affecting the UK as well, it's hard to argue that Scotland's relatively weaker performance can be explained by the outcome of the EU referendum.”

That was said by the Fraser of Allander institute—which is used in aid by the First Minister at every opportunity.

We already know that the SNP has put up taxes on buying a house. It has put up business taxes and now it is putting up tax on ordinary working people, which breaks its own manifesto commitment not to do so. Instead of listening to Scotland's business community, the only person that Nicola Sturgeon listens to is Patrick Harvie.

The Greens passed her budget last year, they are passing her budget this year and they have already told her which tax they want her to put up to pass her budget next year. Yesterday, Patrick Harvie told the chamber that he wanted “meaningful progress” on local tax reform. Translated, that means that next year he is coming for the council tax. Surely, even for the First Minister, that would be a tax rise too far. Will she rule it out?

The First Minister: We have lower average council tax bills in Scotland than in other parts of the UK. Increases in Scotland are capped at 3 per cent, which is much less than the potential increases in the rest of the UK. The difference between Ruth Davidson and the Government is quite simple: we are interested in protecting our public services, we are interested in ensuring that we have the revenue to invest in world-class infrastructure and business support, and we want to protect the most vulnerable in our society from the impact of Ruth Davidson’s Tory cuts, particularly to welfare. All that Ruth Davidson is interested in is tax cuts for the very richest in our society. That is the difference. She is on the wrong side of public opinion and perhaps that is why her party has hit the buffers.

Income Tax

2. Richard Leonard (Central Scotland) (Lab): Figures reported last week reveal that, in Scotland today, the richest 1 per cent now own more personal wealth than the whole of the poorest 50 per cent put together. In a country where more than a quarter of a million children live in poverty, that suggests that there is something profoundly wrong with our economic system and the priorities of this Parliament. Why is the First Minister refusing to ask the richest people in Scotland to pay their fair share?

The First Minister (Nicola Sturgeon): As we have just heard from my exchange with Ruth Davidson, we are asking the richest people in Scotland to pay their fair share. We are asking them to contribute to protecting our public services. Ruth Davidson clearly wants tax cuts only for the richest, but what we have from Labour is a completely incredible and incompetent tax policy.

Richard Leonard said earlier this week that he was putting forward a policy that would raise an extra £1 billion. When we take into account all the measures that would require legislation—and so would not be available for our budget—or would require us to go against Audit Scotland recommendations, and we look just at the income tax policy that was put forward by Richard Leonard, we see that he has not subjected it to any behavioural analysis. The Scottish Fiscal

Commission would do that, and whether you agree or disagree with its estimates, what it says that a tax policy raises is all that the Government is allowed to spend. Our analysis shows that, when all those corrections are applied to Labour policies, the £1 billion becomes—if we are being very generous to Labour—less than £300 million. Labour’s sums simply do not add up. It has no credibility and no competence—that is a fact.

Richard Leonard: I do not know why the First Minister is so pessimistic. Professor David Bell, from the University of Stirling, told a committee of this Parliament that

“The worldwide evidence on behavioural responses to tax changes tends to agree only on the belief that higher income tax rates will lead to behaviours that have a negative effect on tax revenues.”

It is a belief; there is no evidence. That is why we think that it is right that those at the top should pay a bit more, because all of us—rich and poor—benefit from a more equal society.

We know that, since the Tories cut the top rate of income tax in 2013, the rich have got richer. New analysis published today by Labour reveals a 24 per cent rise in the estimated number of people in Scotland who could pay a top rate of 50p but do not. Why will the First Minister not use her powers to reverse that Tory tax cut?

The First Minister: First of all, the budget does raise the top rate of tax. It asks those at the top to pay more—perhaps radically; I do not know—but it does so in a way that will raise extra revenue for our public services rather than lose it. That is called competent government, which is something that, I appreciate, Richard Leonard does not know much about.

I have the greatest respect for Professor David Bell but, unfortunately for Richard Leonard, it is not Professor Bell who does the revenue forecasts based on our tax policy but the SFC. It was the Scottish Labour Party—I think that at the time it was led by Jackie Baillie, who I cannot see immediately; oh, there she is—that asked for the SFC to be put on a statutory basis. We are required to take account of its forecasts. We might not always agree with it, but it determines how much money we spend. To propose a policy that takes no account of the analysis that the SFC would apply to it is completely and utterly incompetent. It would embarrass a school debating class, let alone a party that is supposed to be a credible Opposition. Under Richard Leonard’s leadership, Labour has even less credibility and competence on such matters than it had before. However, let us give him credit: that is some achievement.

Richard Leonard: Well, it is good to see that we have moved on from the personal insults of last week.

Presiding Officer,

“let me be absolutely clear today: a large tax cut for 10 per cent ... of the population—those on the highest incomes—at a time when support for the disabled is being cut and our public services are under pressure is, in my view, the wrong choice.”—[*Official Report*, 17 March 2016; c 10.]

That is what the First Minister said in March 2016, before an election, but now she has no plans to reverse the Tory tax cut for top earners. All that it needs is political will and moral courage. This Parliament does not serve the interests just of the rich and their army of accountants. Scotland's children and our pensioners, who are gripped in poverty, count as well—as do home carers, who are out every single night, in all weathers. Instead of relying on Reaganomics, why on earth does the First Minister not stand up for all those families? Why does she not stand up for all those families in Scotland who are gripped in poverty? Why does she not stand up for our communities? Why does she not match her words with her deeds?

The First Minister: Where to start? The incompetence, incoherence and sheer incredibility of what we have just heard from Richard Leonard is mind boggling—not fit for opposition, let alone government.

Let me try to deconstruct some of that. I think that he called our policies “Reaganomics”. What I am talking about are the rules by which the Scottish Government is required to set its budget—rules that were called for by the Scottish Labour Party. We subject our tax policies to the SFC, which models them and applies a behavioural analysis. It then tells us how much it thinks our tax policies will raise. Whether we think that such forecasts are right or wrong, that is all the money that we are allowed to budget for: we cannot budget for any more than that. It is as though Richard Leonard is suggesting that we fund our NHS through Monopoly money; it is simply not credible.

Let me come to what Richard Leonard said that I said in 2016. I remember the quote well; I was referring to Tory plans to increase the higher-rate threshold by more than inflation. We are not doing that. As Derek Mackay said yesterday, we are increasing the higher-rate threshold by less than inflation. Under this Government, there are no tax cuts for the wealthiest in our society; instead, we are asking those at the top of the income scale to pay more to protect our public services. However, we are doing that in a way that we are confident will raise the extra revenue to invest in public services, not in the reckless and incompetent way that Richard Leonard is suggesting, which would

take resources away from those services. If Richard Leonard wants to be taken seriously, he will have to go back to the classroom and do his homework on tax before he comes to the chamber again to question me on it.

Loch Fyne Incident

Donald Cameron (Highlands and Islands) (Con): The First Minister will be aware of the tragic sinking of the Nancy Glen fishing boat in Loch Fyne two weeks ago, and of the fact that two local fishermen, Duncan MacDougall and Przemek Krawczyk, are still missing. The tragedy has devastated the local community in Tarbet and, in response, the Clyde Fishermen's Association has crowdfunded almost £200,000. In the past hour, I spoke to Duncan's father, who has asked all politicians to work together to bring the boys home. What support can the Scottish Government offer the families affected? Will the First Minister commit to working with the United Kingdom Government to ensure that the vessel is recovered as soon as possible?

The First Minister (Nicola Sturgeon): I thank the member for raising this tragic issue. I have written to the bereaved families and I know that the thoughts of everybody in the chamber are with the families at this unimaginably difficult time.

The Cabinet has discussed the issue at some length, not just this week but last week, too. The marine accident investigation branch is in charge of the investigation and Fergus Ewing will speak to the MAIB this afternoon. The MAIB will have to apply a number of considerations to its assessment of whether the vessel can be recovered. As First Minister, I am very clear, and the Scottish Government is very clear, that one of those considerations should be the very understandable desire of the families to recover the bodies of their loved ones.

The Scottish Government will offer whatever support it can. I cannot pre-empt the conclusions of the MAIB, but I assure members that we will do everything possible, not just to support the families but to ensure that they can recover the bodies of their loved ones. I am sure that Fergus Ewing will keep members appropriately updated.

Burntisland Fabrications

Claire Baker (Mid Scotland and Fife) (Lab): On Friday, I met Burntisland Fabrications workers and their union representatives at the yard in Methil. I appreciate the important role that the Scottish Government played in staving off administration last year, but the yards are now coming to the end of the current Beatrice contract and there are concerns about the future of the workforce if new contracts are not secured. What action and support will the Scottish Government

provide BiFab and its workforce to ensure that the future of the yards can be guaranteed, new contracts can be secured and there are no further job losses even if there is a gap between the end of the Beatrice contract and the start of any new contracts?

The First Minister (Nicola Sturgeon): The Scottish Government will do everything that it can, as it has done in past months, to support the future of BiFab. I will meet Keith Brown this afternoon to discuss the latest situation and to look at the support that the Scottish Government can give.

When we were able to secure the short-term future of BiFab before Christmas, I said at the time, frankly and candidly, that that was what we had done. We had secured the short-term future, but there was still significant work to do to secure the medium-term and long-term future of the yards. That remains the case, but the Scottish Government will continue to work constructively with the management and the trade unions to ensure that BiFab has a strong future.

The market in the contracts that BiFab is competing for is healthy, and will become more healthy in the years ahead, so we want to see a bright future for BiFab and we will do everything in our power to ensure that that happens.

NHS Highland

Edward Mountain (Highlands and Islands) (Con): Since last Friday, 134 elective operations have been postponed at Raigmore hospital due to dust contamination from building work being tracked into the main operating theatres. Patients and their families are understandably furious that their operations have been delayed. That comes on top of 149 operations having been cancelled in the first three weeks of January due to weather and illness. What assurances can the First Minister provide to the people of the Highlands that the Cabinet Secretary for Health and Sport will fully investigate how that situation has arisen? Does she still have full confidence in the management of NHS Highland?

The First Minister (Nicola Sturgeon): I will separate my answer into two parts. On the particular issues around dust in operating theatres at Raigmore, the Cabinet Secretary for Health and Sport is in close contact with NHS Highland to ensure that everything is being done to resolve that situation as quickly as possible. It is deeply regrettable that it has arisen and—as I am sure Edward Mountain appreciates—safety and cleanliness in operating theatres are of paramount importance. Patients cannot and should not be put at risk.

With regard to the wider situation around operations, in health services not only in Scotland but around the world, pressures during the winter months mean an increase the number of elective operations that are postponed. That has been more of an issue this winter because we have, for example, had a flu level of five times it was were last winter. However, cancelled and postponed operations are kept to an absolute minimum.

Of course, the situation in Scotland has to be contrasted with the situation south of the border, where 100 per cent of elective operations in England were cancelled for the entire month of January. We regret every operation that has to be postponed. However, in Scotland, postponements are kept to a minimum, which is to the great credit of everyone who works in the national health service.

Budget

3. Patrick Harvie (Glasgow) (Green): I thank Ruth Davidson for the lavish attention that she paid to the impact of the Green Party, which has successfully changed the Scottish Government's budget. That impact has allowed councils in every part of the country to spend this morning cancelling many of the cuts that have been under consideration for some time. Many councils have been forced to consider reducing the number of learning assistants, cutting back on secondary school subject choices, cutting back on waste and recycling services and ending grants to voluntary organisations, from arts bodies to women's crisis centres. It is fantastic to know that councils across the country will be scrapping those cuts today.

The Convention of Scottish Local Authorities—the voice of local government in Scotland—has welcomed the development, saying that it is pleased that Mr Mackay and the Scottish Greens have listened to what COSLA said, and that they have taken account of its concerns. The First Minister will also be aware that COSLA has made no secret of the longer-term challenges that councils still face. It warns:

“Scottish local government should not remain the poor relation of the Scottish public sector.”

Does the First Minister accept that the pattern of cuts to local services being proposed and then cancelled under pressure cannot be repeated year after year, and that a new relationship is needed in which we give local government the long-term stability and autonomy that it needs and deserves?

The First Minister (Nicola Sturgeon): I do not accept Patrick Harvie's characterisation of the treatment of local government or, indeed, of the relationship between the Scottish Government and local government. That relationship is important

and, in incredibly difficult financial times, we have treated local government fairly. However, I would be the first to concede that that has not led to easy settlements for local government.

I agree with Patrick Harvie that as a result of the announcements that were made by Derek Mackay yesterday, which were brought about in part due to the constructive negotiations that the Greens were part of, we now have a situation in which local government funding will increase next year in real terms. That is a positive outcome and a good advert for constructive and consensual politics. Perhaps other parties in the chamber could learn some lessons from that. Of course, that real-terms increase in local government funding comes before any account is taken of local government's own flexibility to raise more revenue. This is a good outcome that will be good for communities, people and services across the country.

Patrick Harvie: It is perfectly true that COSLA has welcomed the change to the budget, which will protect services across Scotland. However, COSLA also says that there are long-term financial challenges ahead, and that they can only be expected to grow.

The Scottish Parliament is now able to make meaningful decisions about national taxation policy and is quite rightly opposing the hard-right ideology of the Conservatives and their cheerleaders, who care only about tax cuts for the richest people. We can put into practice the reasonable principle that wealthy people should pay more in order to protect public services and cut inequality. Why, then, are we still micromanaging councils, with national decisions determining the local taxes that are being paid on a bungalow in Beaulieu or a flat in Fort William?

The First Minister: It was this Government, when it first took office, that removed most of the ring fencing from local government budgets. We are the elected Government of Scotland, so it is reasonable for us in some areas—for example, the expansion of childcare—to set national policies and ambitions for what we want to achieve, and then to work with local government on how those are delivered.

Patrick Harvie is right to say that we face challenges: local government faces challenges and it is not alone in that. If we look ahead, we see challenges coming from the changing demographics of our country. The national health service, possibly even more than local government does, faces the implications of that.

Despite our ability to cancel the real-terms Tory cuts in next year's budget, we still face the implications of continued Tory austerity, and we see from the leaked secret Tory analysis that Brexit will compound all those challenges. As the

Government, we require to work with all the stakeholders, and others across the chamber, to steer our public services through those challenges as best we can. We do that, as we have demonstrated, by using the powers of the Parliament in a constructive and responsible way. We will continue to do exactly that.

I am sure that Patrick Harvie and I will not agree on everything, but I hope that we will continue to see the constructive approach that we have seen from the Greens. I hope, too, that we see more of that constructive approach from the other parties in Parliament.

Police Scotland (Accountability)

4. Willie Rennie (North East Fife) (LD): Back in November, I asked the First Minister about the shocking murder of Elizabeth Bowe from St Andrews. Failings were identified by the police investigations organisation, the Police Investigations and Review Commissioner, yet when councillors in Fife asked for a report on the case, they were told by the convener of the committee to watch a recording of First Minister's questions on the BBC iPlayer. When councillors made a second request for a report, the police asked for it to be removed from the agenda. Does the First Minister believe that that lives up to the ambition of the Government to strengthen the links between the police and the communities that they serve?

The First Minister (Nicola Sturgeon): I will try to respond in a very sincere and genuine way. I am not entirely sure—and I apologise if that is due to my inability to understand all of Willie Rennie's question—what report he is referring to. If it is a PIRC report, then it would be a matter for PIRC; if it is a police report, I would have to look into it to see whether it was appropriate for that particular report to be released.

As a general principle, local authorities and the public at large should, of course, see as much information as possible. I make a genuine offer to try to move that forward. If Willie Rennie wants to correspond with me on the details that he has raised today, I am happy to look into them to see if I can be helpful in getting the information that he has requested.

Willie Rennie: The First Minister needs to understand that this question is about the scrutiny of local policing by the local authority. If failings in a local murder case do not justify scrutiny by local representatives, where is the local accountability?

Evidence is building that the structure of Police Scotland is not fit for purpose. There has been pressure on PIRC from the justice department and clear dissatisfaction about the members of the Scottish Police Authority from the Cabinet

Secretary for Justice. We are on our third chief constable and on our third chair and third chief executive of the SPA. Now we are seeing faults in the local accountability of policing in Fife.

Surely it is time to admit that this is not working. Iain Livingstone, the acting chief constable, said today that the centralisation of the police was rushed. Will the First Minister recognise that now is the time for an independent review of the police structure?

The First Minister: Iain Livingstone also said that he thinks that Scotland is safer now than it would have been if we had not gone through the reform programmes—in the interest of completeness, it is important to say that.

I say sincerely that I am not entirely sure whether Willie Rennie wants to have an exchange about the generalities of police reform—he has said a number of things that I would absolutely refute; in fact, PIRC would refute his point about interference, and did so at the weekend—or whether he is asking about a specific report into a specific case. It is important to be clear, and I am not clear from Willie Rennie's line of questioning.

I do think that it is important for local politicians to apply scrutiny to local policing. As I said in my first answer, I am not entirely clear which report Willie Rennie was referring to—if he wants to tell me that, I will look into it and see whether action is required.

Willie Rennie and I do not agree on all of the broader issues of police reform. Of course, we recognise that there are challenges associated with Police Scotland, and work is on-going to ensure that we resolve all of those challenges. However, we live in a country where crime is now at a 40-plus-year low, which is to the great credit of our police officers throughout the country.

There are issues in Willie Rennie's question that he needs to be a bit clearer about, because I genuinely want to help if there is a particular issue about a particular case. Apart from anything else, the family in such a case deserve for it to be treated seriously. If Willie Rennie decides what, specifically, he is asking me, I will be happy to respond.

Brexit

Graeme Dey (Angus South) (SNP): Brexit, as it looks like it will play out, will have deeply damaging consequences for my constituency, particularly the college, agriculture and tourism sectors. Now that we know that the United Kingdom Government's leaked Brexit analysis shows broadly the same thing as the projections that the Scottish Government published, does the First Minister think that it was reasonable for Ruth

Davidson to describe those projections as over-the-top scaremongering?

The First Minister (Nicola Sturgeon): No, I do not and, probably, in her heart of hearts, neither does she. We published the Scottish Government analysis—I stress that we published it—for everybody to see. At the time, the Tories said that it was all scaremongering and that we were making it up. Then, just a couple of weeks later, we find that there is secret Tory analysis on the issue—of such massive seriousness and importance to the whole UK's future that the Tories are refusing to publish it—that shows pretty much exactly the same things.

It is perhaps time for the Scottish Tories to apologise for saying what they said about the Scottish Government analysis and to get real on Brexit. The Tories are leading not just Scotland but the entire UK off a cliff edge, and they are fighting like ferrets in a sack as they do it. They are a disgrace to the entire country and the sooner that they are out of office, the better.

Racism

Anas Sarwar (Glasgow) (Lab): In the past few days, I have been inundated with stories of everyday racism and Islamophobia. They include the story of a young woman who had her hijab ripped off her head at the underground station; of a child who is scared to go to school because he is regularly called a terrorist; of a hotel worker who is regularly racially abused but is told by his employer that the customer comes first; and of a council worker who is convinced that he missed out on a promotion because of his colour and religion. That is not about one individual or one organisation; it is about a culture.

On Tuesday in the Parliament, we launched the cross-party group on tackling Islamophobia, with the support of more than 50 organisations. Will the First Minister commit herself and her Government to working constructively with us on the important issues that the cross-party group raises? It is in the interest of all of our citizens to defeat prejudice no matter the gender, religion or colour.

The First Minister (Nicola Sturgeon): Yes, I give that commitment. I also take the opportunity to pay tribute to Anas Sarwar. Although he and I are political opponents locally as well as nationally, I genuinely admired the way in which he spoke up this week and the bravery with which he did it. It would have been brave in any circumstances, but all of us know that raising issues that involve people in our own parties is even more difficult, and so the praise for having done so should be even greater.

Everyday racism, Islamophobia or any form of prejudice and bigotry is unacceptable, and it is

unacceptable when Anas Sarwar, Humza Yousaf or anyone in our society is the subject or victim of it. I am proud that we have in the Parliament today people who are celebrating hijab awareness week. Like any women, Muslim women should be allowed to wear exactly what they want.

Scotland should never presume to think that it is immune from racism. Anas Sarwar has demonstrated that this week. We must unite against it. Many things divide us in the chamber—that is the mark of a healthy democracy—but racism is one of the issues that should absolutely unite us and it is to Anas Sarwar's credit that he has put it even higher up the agenda. All of us should resolve to do everything that it takes to ensure that Scotland is a place where there is zero tolerance of racism in any form.

“Cities Outlook 2018”

5. Kenneth Gibson (Cunninghame North) (SNP): To ask the First Minister what the Scottish Government's response is to the Centre for Cities report, “Cities Outlook 2018”, which suggests that automation and globalisation could displace 230,000 Scottish jobs by 2030. (S5F-01996)

The First Minister (Nicola Sturgeon): As set out in last year's programme for government, technological change presents challenges, but also big economic opportunities. “Cities Outlook 2018” acknowledges that although some occupations are likely to contract, others have the potential to grow. The report makes several recommendations that the Scottish Government is already taking steps to implement. For example, we are working with partners across the education system to prepare young people for the modern labour market. At the same time, as part of the implementation of the enterprise and skills review, we are looking to enhance significantly the system of enterprise and skills support to allow our businesses and workforce to compete successfully in the 21st century global economy.

Kenneth Gibson: In order to ensure their maximum employability, it is important that people who are already in the labour market and those who will enter it in the next five years are equipped with the right skills and knowledge to succeed in the future. Can the First Minister set out how the Scottish Government is specifically helping to upskill our future and current workforce to ensure that automation and artificial intelligence present an opportunity to increase Scottish prosperity, rather than being a threat? Given the importance of the issue, does she agree that matters relating to automation and artificial intelligence deserve to be fully debated and discussed in the Scottish Parliament?

The First Minister: In answer to the second question, yes, I do. It is important to discuss and

debate such issues in an up-front way, not just in Parliament, but also across society. On the economic opportunities, we need to do just as Kenny Gibson suggests and see it not just as a threat, but as potentially a very big opportunity. That is why I talk often about the need for Scotland to see itself not just as a user or consumer, but as the inventor, designer and manufacturer of new technologies. That is what will drive our economic and industrial strategy in the years ahead.

We have a highly skilled workforce in Scotland and we continue to support it, particularly through curriculum for excellence and the developing the young workforce programme. Through the enterprise and skills strategic board, we are working to ensure that the planning and commission of our annual £2 billion investment in skills is better co-ordinated and responsive. That is the right approach to developing a skilled and productive workforce that can maximise our future economic opportunities, whatever shape they may take.

Violence Reduction (Schools)

6. Michelle Ballantyne (South Scotland) (Con): To ask the First Minister what action the Scottish Government is taking to reduce violence in schools. (S5F-01998)

The First Minister (Nicola Sturgeon): Violence towards anyone is unacceptable and the safety of children, young people and staff in schools is paramount. We are determined to continue to work with schools and local authorities to tackle serious indiscipline and violence. In addition to the publication of guidance for schools on how to manage behaviour, including violent incidents, we continue to invest in violence prevention programmes, including no knives better lives and the mentors in violence prevention programme.

The recently published report, “Behaviour in Scottish Schools Research 2016”, highlights that overall pupils are well behaved and that violent incidents, especially those involving a knife, are—thankfully—very rare. However, we will always work with all our partners to seek ways to drive down such unacceptable behaviour.

Michelle Ballantyne: I am not sure whether there has been a more recent report, but the 2012 report identified the issues that the First Minister mentioned. However, Police Scotland figures show that between April and November 2017, 80 school pupils were found with knives on school premises, with a further 45 incidents of pupils being caught carrying an offensive weapon. In the light of what the First Minister has already said, what precise steps will she take in the next year to ensure that those figures come down?

The First Minister: An important point has previously been raised with me—including by Ruth Davidson—on the data. The data that is currently provided by Police Scotland is provisional, although it serves as a timely reminder that we are right to keep the issue of weapons in schools under review and support targeted and preventative action. Information is now being collected in a way to allow the police to identify specific cases of knives in schools—previously that would have been part of general data on knives and offensive weapons.

I highlighted some of the action that we are taking in my initial answer. We are investing millions of pounds in violence reduction programmes for young people: the no knives, better lives youth engagement programme has received funding since 2009, and the mentors in violence prevention programme is about empowering young people themselves to challenge and speak out against violent and abusive behaviour.

The police have an important role to play when crimes are committed and in prevention, but much of our focus should be on working with young people to prevent behaviour of this type.

World Cancer Day

The Deputy Presiding Officer (Christine Grahame): I ask members and people in the public gallery to leave quietly, as the Parliament is still in session and I am about to call another debate.

The next item of business is a members' business debate on motion S5M-09742, in the name of Richard Lochhead, on world cancer day 2018. The debate will be concluded without any question being put.

Currently, I have nine members, as well as Richard Lochhead and the minister, who want to speak in the debate. That will require an extension to the debate, so I am minded to accept a motion without notice, under rule 8.14.3, to extend the debate by up to 30 minutes. I invite Richard Lochhead to move the motion.

Motion moved,

That, under Rule 8.14.3, the debate be extended by up to 30 minutes.—[*Richard Lochhead*]

Motion agreed to.

The Deputy Presiding Officer: Thank you.

I will have to be very strict with members, as parliamentary business will resume at 2.15 today. We must have really crisp four-minute speeches.

After all that, I call Richard Lochhead to open the debate.

Motion debated,

That the Parliament notes that 4 February 2018 marks World Cancer Day; understands that it is estimated that one-in-two people will be diagnosed with cancer at some point in their lives; notes that Cancer Research UK highlights that 40% of cases could be prevented by positive actions, including not smoking and keeping a healthy bodyweight; recognises that smoking is the biggest preventable cause of cancer; understands that for non-smokers, obesity is the biggest preventable cause, being linked to 13 types notes figures suggesting that two-thirds of adults and over one-quarter of children in Scotland are overweight or obese; acknowledges what it sees as the opportunity presented by the Scottish Government's new diet and obesity strategy to unite around finding solutions to the problem; further acknowledges the call of organisations, including Cancer Research UK, on the government to help tackle the problem by regulating price promotions on junk food, and notes that Members can show their support for World Cancer Day through the wearing of its unity band.

12:47

Richard Lochhead (Moray) (SNP): Sunday is world cancer day, which has taken place on 4 February each year since 2000. It was founded by the Union for International Cancer Control, the membership base of which is made up of more than 950 organisations across 150 countries, which are working to reduce the global cancer

burden. Members in this country include Cancer Research UK. I thank Cancer Research UK for its input into this debate. I also thank members for signing the motion and for being here for the debate.

Anyone who has not experienced cancer themselves will certainly know a loved one, friend or neighbour who has had cancer. A cancer diagnosis is devastating and daunting for the person affected and their family. After my wife was diagnosed with breast cancer, she described the feeling as “falling off a cliff”. She said, “It’s an experience you don’t expect to recover from, but then the treatment plan falls into place and you start to pick up the pieces of your fractured life.”

With tremendous support from the national health service and others, many people get through the experience of diagnosis and treatment. Even in the most difficult times, there are moments of surrealism and humour. One of my abiding memories is of my wife suddenly handing me the dog clippers that were lying around the kitchen and asking me to shave her head, because she was fed up with having clumps of hair fall out as a result of the chemotherapy. I can safely say that I never thought that I would see the day when my wife asked me to shave all her hair off—with dog clippers, of all things. I can also safely say that I am not cut out to be a barber. At least we can now look back with a smile.

I pay tribute to all the people and organisations who are there to help cancer sufferers and their families in their hour of need. For example, Macmillan Cancer Support offers practical, emotional and financial support to many of the 220,000 Scots who are living with a cancer diagnosis.

Colleagues regularly lodge parliamentary motions to acknowledge the efforts of individuals, groups and businesses that do remarkable things to fundraise for charities and research. In my constituency of Moray, we have many groups doing their bit, such as the fabulous children’s charity Logan’s Fund, which aims

“to try and win back some of the childhood lost to time in hospital.”

We have a new charity, Abbie’s Sparkle Foundation, which was established as a legacy to 15-year-old Abbie Main who left us on Christmas day after opening her presents with her mum Tammy, dad Russell and brother Cameron. Abbie had held on for her favourite day of the year. She was truly remarkable and inspirational and continued to live life to the full following her diagnosis at the age of 10. She sparkled and spread sparkle to others. At the packed service in Elgin town hall to celebrate Abbie, who was a talented and outgoing cheerleader, there was a

performance by her friends in Allstars and Stripes Cheer and Dance, and there was plenty of sparkle, with singing by family and friends.

Abbie’s mum, who is a family friend, told me that Abbie had named the charity, created the logo and said that she wanted to raise money “for hospitals and stuff.” The community is rallying round, organising coffee mornings, soups and sweets, collections and sponsorship, while Elgin academy is organising a talent show. I am delighted to report that more than £11,000 has already been raised to spread Abbie’s sparkle and help other children. Well done, Abbie! [*Applause.*]

It is a difficult but powerful statistic that one in two of us will be diagnosed with cancer at some point in our lives. Although cancer death rates have fallen by a fifth in the past 20 years, the number of cancer cases has increased. Although many cancers are not yet preventable or curable, four in 10 cancers are preventable—by not smoking or abusing alcohol, and by maintaining a healthy body weight, eating more healthily and enjoying the sun safely. That is why the prevention agenda is so important. Scotland, through this Parliament, has led the way with the smoking ban and minimum unit pricing for alcohol. We must continue to deal with those challenges, especially given the news that we read today that alcohol was a factor in 3,700 deaths in one year in Scotland.

However, we must now focus a lot more on food, especially if we are serious about being a good food nation as well as a healthy nation. Cancer Research UK quite rightly wants to raise awareness of the fact that obesity is the second biggest preventable cause of cancer after smoking. I welcome the consultation that closed this week on proposals to tackle junk food advertising and take action on food and healthy eating. I know that the Government cannot solve this complex issue alone, and that it is not just about the food that we eat, but it is now time to act. Being overweight is linked to 13 types of cancer, including some of the more common cancers such as breast and bowel, yet, according to polling, only a quarter of Scottish adults are aware that being overweight can cause cancer. It is reported in today’s press that people underestimate the level of obesity in Scotland. Those findings must be seen as a wake-up call.

That is all against a backdrop of our rate of obesity being the worst in the United Kingdom and one of the worst in Organisation for Economic Co-operation and Development countries, with 65 per cent of adults and 29 per cent of children being overweight or obese. That does not just cost lives; it costs the NHS an estimated £600 million a year. Given the difficulties that we as a country have in achieving our dietary goals on saturated fat, sugar

consumption and fruit and vegetable intake, it is clear that Parliament must act. Calls to tackle the issues that lead to overconsumption of unhealthy food must be heeded if we are serious about improving our diets and reducing cancer rates.

It is no wonder that polling has found that two thirds of Scots support restrictions on multibuy promotions. Nine out of 10 parents believe that supermarket promotions impact on what we buy, while 67 per cent of Scots adults are encouraged to buy more unhealthy foods because of multibuy offers. That is, literally, a killer fact.

I am as guilty as anyone when it comes to being tempted by multibuy deals and I take home more unhealthy food than I intend to when I walk into the supermarket. According to Cancer Research UK, 110 tonnes of sugar—the equivalent of 4.3 million chocolate bars—are purchased on promotion in this country every day of the week. Multibuys are intended to persuade customers to spend more, which usually means that they eat more. Public Health England found that price promotions increase the amount of food and drink that we buy by a fifth. Let us not forget that that also contributes to the UK's food-waste mountain.

Given the challenges that we face as a nation, we need our retailers and industry to help, not hinder, our efforts to tackle obesity and, in turn, tackle cancer and other health issues.

World cancer day is a chance for us all to reflect on what we can do and to make a pledge and take action. The wristband that we are encouraged to wear today and for the next few days for world cancer day on Sunday represents unity. I hope that the Scottish Parliament and the Scottish Government can unite on the compelling case for action, that the public can unite with us, the politicians, and that the private sector, including our retailers and our food and drink industry, along with voluntary organisations and charities, can also unite around this agenda. If we can do that united, I believe that we can fulfil the aspirations of the Scottish Government's cancer strategy, "Beating Cancer: Ambition and Action."

The Deputy Presiding Officer: As I said earlier, I am afraid that it has to be a strict four minutes for speeches. I call Tom Mason.

12:55

Tom Mason (North East Scotland) (Con): I thank Richard Lochhead for lodging his motion to discuss something that, despite great work by healthcare professionals and the third sector, affects too many people across Scotland. Advances in technology and increased awareness mean that cancers can be detected much earlier than previously, and we see from survival rates that, for some, the disease is not the death

sentence that it once was. However, as I know from my own experiences, for all the distance that we have come, we have progress still to make.

When I was treated for prostate cancer, which is an area where excellent progress has been made, everybody referred to my treatment as "my journey". Normal journeys can be an adventure and sometimes even exciting, and eventually most people return to where they started. With cancer treatment, returning to the same place is not achievable. I am not sure that I can call my journey exciting, but it was certainly an adventure and I certainly did not return to where I started. There are always lifelong side-effects of treatment, many of which can be unpleasant and debilitating. We must ensure that there is a good balance in treatment options between the intrusive effects that they have and patients' quality of life physically and, most important, mentally—sadly, deep clinical depression is not unusual for such patients.

I am concerned that we have lost focus in that respect. In an ideal world, preventive action would ensure that such treatments are not needed in the first place. There has already been reference to diet and smoking, and I think that that is a great avenue to explore. The upcoming diet and obesity strategy will give us a real opportunity to change lives and maybe save lives, so it is incumbent on all members to engage with that to determine our next steps. We need to make sure that information in that regard is spread as widely as possible so that people can make informed, positive and healthy choices.

It is also important to consider the importance of the scientific community in this debate. Sadly, all the lifestyle changes in the world will not eradicate the disease entirely, so it is vital that we support our scientists and researchers as they continue their commendable work. This week I attended a reception on beyond the cancer medicines that highlighted DNA mapping technologies. From the evidence on display, it seems that Scotland is very much at the forefront of that research, but we need to do more strategic planning and to fix some fragmentation in the current funding system. Greater leadership on that issue could go a long way to realising the undoubted potential of the research.

We must always remember the families that cancer affects. Behind every statistic is a story that is often one of hardship and loss. We must endeavour to support families through their challenging days. The fight against cancer goes on and we have work still to do. Treating cancer will always be a difficult journey; it is one that is made up of many steps, each of which will have its rewards and, often, its disappointments—we will

know which only by moving forward one step at a time until we reach the end of the journey.

I reiterate my thanks to Richard Lochhead for bringing this debate to the chamber, and I wish all concerned the very best for world cancer day actions this week and on Sunday.

12:58

Kenneth Gibson (Cunninghame North) (SNP): I congratulate Richard Lochhead on bringing this important issue to Parliament today. Half the population will be diagnosed with cancer at some point in their life, so it is probably safe to say that everyone in the chamber will have at least one personal connection to the disease. Some eight years ago, my twin sister was diagnosed with very aggressive breast cancer and had to be operated on within 48 hours. She has since made a full recovery.

Although significant progress continues to be made and cancer death rates in Scotland have fallen by a fifth over the past two decades, 87 people are diagnosed with cancer every day. As we mark world cancer day on Sunday 4 February, it is important to consider what more can be done, especially to prevent cancer.

Cancer Research UK highlights that 40 per cent of cases could be prevented by positive actions, including not smoking, eating a healthy balanced diet and maintaining a healthy bodyweight.

As Richard Lochhead said, obesity is the single biggest risk factor for cancer after smoking. It is linked to 13 types of cancer, including some of the most common cancers, such as breast and bowel, and some of the hardest to treat, such as pancreatic and oesophageal. However, only one in four Scots is aware that being overweight could put them at risk of cancer. That is particularly concerning when one considers that Scotland's levels of obesity are the worst in the UK and that we are among the heaviest nations in Europe. In fact, only 35 per cent of Scottish adults are of a healthy weight, while 29 per cent of children in Scotland are overweight or obese. Therefore, it is vital that awareness is raised to emphasise that more can be done to reduce the incidence of preventable cancer.

Scotland has led the way on prevention in many areas, including pioneering the smoking ban and minimum unit pricing for alcohol. Thanks to legislation, increased understanding and research, we have come a long way in the fight to reduce smoking, although there is still some way to go. Changes in attitudes since the smoking ban emphasise that altering societal behaviour is entirely possible, even in the short term. In the same way, we should rethink how we look at our diet.

The aim of the Scottish Government's strategy document, "A Healthier Future—Action and Ambitions on Diet, Activity, and Healthy Weight" is to reduce public harm associated with poor diet and the excessive consumption of food and drink high in fat, salt and sugar, thereby reducing the risk of developing cancer, among other conditions. A consultation on the strategy has recently been launched.

In this year of young people, we must focus more than ever on giving children the best possible start in life and, as such, the upcoming strategy represents a chance to introduce measures that will have a profound impact on our lives and those of future generations. After all, an obese child is five times more likely to become an obese adult, which places them at further risk of preventable cancers.

If current trends continue, rising numbers of overweight and obese adults could result in 670,000 avoidable cases of cancer across the UK over the next 20 years. As it stands, the future might not be the bright one that we hope for for our young people, but it is fully within our power to change that.

Although it is important to improve Scotland's health regardless, not every case of cancer can be prevented through a change in diet and lifestyle, because genetics might play a part. In such cases, early detection is the intervention required to ensure successful treatment. We must therefore also stress the importance of screening programmes. Cervical screenings save about 5,000 lives in the UK each year, because cervical cancer can be prevented in 75 per cent of cases if it is treated early enough. Similarly, bowel cancer, which is the third most common cancer in Scotland, is curable in its early stages. In fact, nine out of 10 people survive the disease if it is detected and treated early.

Cancer is the biggest killer worldwide, but research has helped to double survival rates in the past 40 years. Funds raised from world cancer day 2018 will help even more people survive by supporting thousands of scientists, doctors and nurses to accelerate progress in the fight against more than 200 cancers.

Debates such as this raise awareness of how to reduce the incidence of preventable cancers, helping those working with dedication to reduce the prevalence of cancer and transform the lives of all those affected by it.

13:03

Anas Sarwar (Glasgow) (Lab): I, too, congratulate Richard Lochhead on securing this important debate. I also thank all the organisations involved in cancer advocacy. There are too many

to name, but they all do important jobs such as awareness raising, advocacy and lobbying of parliamentarians and Government as well as being the support mechanism for those who, sadly, have been diagnosed with cancer. They are also involved in fundraising and research into ways of defeating cancer altogether.

I will repeat some of the statistics that Richard Lochhead mentioned to emphasise the point. One in two people will be diagnosed with cancer at some point in their life, almost 32,000 people are diagnosed with cancer every year and—this is shocking—almost 40 per cent of cancers are preventable if people make different life choices in relation to alcohol, diet and activity and enjoy the sun safely.

I will reflect on some conversations that I have had with my constituents. A constituent of mine whom I regard as a friend lost his brother to cancer last year. He said that, when someone gets cancer, it is not an individual who suffers; it is a family that suffers. That is a really important point. All of us will be touched by cancer in different ways either directly, through individual diagnosis, or through a direct relative or a close family friend. That is why it is in our interests to tackle cancer head on in an attempt to defeat it.

In the past, we have rightly focused on smoking and its impact on cancer incidence. We have talked about the impact of alcohol—in tackling cancer rates, there is still much more work to do on its impact—and we are now rightly focusing on obesity. I want to commit my party to working closely with the Government to ensure that we have an obesity strategy and policy framework in place so that we can challenge obesity head on. They need to look at the things that Richard Lochhead mentioned—portion sizes, promotions, advertising, the availability of and access to healthy foods, the responsibility of companies to ensure that not just unhealthy foods but healthy foods are affordable, and how we promote healthy foods among children, in particular, to enable a fundamental culture change. We all need to focus on those challenges.

It is clear that there are links between inequality and diagnosis, treatment and survival rates. How we can create a positive cancer pathway framework to give people the support that they need once they have got cancer is an extremely important issue. We have a good example in the cancer journey partnership arrangement between Greater Glasgow and Clyde NHS Board and Glasgow City Council. It would be interesting to hear from the minister how that cancer journey can be developed across the whole of Scotland so that communities across the country can benefit.

We still have issues relating to the speed of diagnosis and the speed of treatment as well as to

pressures on our NHS and its workforce. It is clear that there is a link between survival and the speed of diagnosis and treatment.

The issue goes beyond party politics, and addressing it is in our human interest. I would love Scotland to be at the forefront of defeating cancer, so that we can be an example to the rest of the world.

13:07

Tom Arthur (Renfrewshire South) (SNP): I am grateful for the opportunity to speak in this important debate. I thank my colleague Richard Lochhead and congratulate him on securing the debate. His speech was incredibly powerful, and I thank him for sharing his personal experience. Often, in politics, we debate things in the abstract. With cancer, in particular, hearing very powerful human testimonies underscores the job that we have in the Parliament in representing our constituents and working to improve outcomes for people who have been diagnosed with cancer.

The fantastic contribution that volunteers and charities have made has been touched on. I want to mention my constituent Sean McBain, who is, I believe, originally from Torry, in Aberdeenshire. Sean was diagnosed with cancer of the tongue when he was 20 years old. He successfully went through treatment and has got to a stage at which he is cancer free. Such a diagnosis would be particularly devastating and frightening for anyone. Last year, he raised—at the last count—over £4,000 for the Teenage Cancer Trust. He also wrote and recorded a song every week for a year. That is a very powerful story. He was diagnosed with tongue cancer and raised thousands of pounds for the Teenage Cancer Trust. That is an inspiration for me, and I was very pleased to have the opportunity to recognise Sean in a parliamentary motion that I lodged last year.

Two of the main themes that have come up in the debate are prevention and treatment. I will first touch briefly on treatment. Earlier this week, I had the privilege of hosting in Parliament a round-table discussion at the “Beyond the Cancer Medicines” seminar, which Tom Mason referred to and at which there was a powerful set of presentations. We often have debates in the Parliament about the NHS, but some of the work that is going on in our hospitals is absolutely world leading and cutting edge. We heard from clinicians and oncologists at first hand about the incredible work that is being done in mapping, data pathways and diagnostics.

One particular example that I found very compelling is the use of chimeric antigen receptor—CAR—T-cell therapy. If I recall this correctly, it is an immunotherapy harnessing the

body's immune system so that the body itself can overcome and defeat the cancer. As I understand it, it works by using a modified version of HIV that, once it is introduced, allows the CAR T-cells in the immune system to recognise the cancer cells, which they were not previously able to do, and destroy them. It triggers a powerful immune response. It is a therapy that can, ultimately, require people to be in intensive care, but it can also have incredible results.

There is something incredibly powerful about that treatment when we think about where we were with HIV diagnosis 20 or 30 years ago and where we are now. The condition has become a chronic but manageable health condition and we are now using HIV to defeat cancer. That is an incredible story, and it is testament to the work of our researchers and clinicians.

My final point is on prevention, which has been touched on. We have the problems of an obesogenic society and, as members have recognised, we are all guilty of multibuys and of not taking enough care of ourselves. Anas Sarwar's points about inequality are important. There is a relationship between obesity and fair work, because, when people are in low-paid and unstable work, they are liable to eat poorer-quality food and to have irregular eating times, which can contribute to obesity.

I again commend Richard Lochhead for bringing the debate to the chamber.

13:11

Alison Johnstone (Lothian) (Green): I, too, thank Richard Lochhead for bringing the debate to the chamber to mark world cancer day and for stressing the role that the new diet and obesity strategy could play in preventing cancer.

Over the past few years, a great deal of work has been done in this Parliament and beyond to raise awareness of the links between cancer and obesity. Today, I reiterate the support of the Scottish Greens for strong regulatory measures to tackle our obesogenic environment, including restricting irresponsible price promotions on very unhealthy foods and limiting advertising. Those necessary steps were proposed in our 2016 manifesto, and I welcome the cross-party consensus on many of the issues.

Recently, the mayor of London took the decision to ban fast-food takeaways from opening within 400m of schools. I believe that we need to see similar action in Scotland. Many local authorities have struggled to put licensing restrictions in place, and I would be glad to hear how the Government plans to support them through a review of Scottish planning policy.

We urgently need to help schools and local authorities to create healthier environments for our young people. Last year, I addressed a range of people in education and school food provision at a conference that was focused on improving school meals. I heard how frustrated some of the people involved get when they work really hard to improve the quality of food in schools only for pupils to choose cheap fast food from a nearby takeaway. Developing a truly healthier environment is crucial, including creating more opportunities for our young people to be active during the day, walking and cycling safely.

Of course, many other factors underlie the level of obesity in Scotland. Last week, Gail Ross led a timely debate on adverse childhood experiences. Preparing for that debate, I looked back at some of the original research from the United States on the impact of adverse events in early life. Researchers identified a significant relationship between adverse childhood experiences and obesity—we heard more on that very issue this week from witnesses at the Health and Sport Committee. The researcher Dr Vincent Felitti came to the conclusion that, for many people, some kind of trauma marks the start of the path to obesity.

There are many pathways to obesity, and I am not for a minute suggesting that this is relevant to all obese people. Two thirds of people in Scotland are overweight and everyone is different. However, there is evidence that chronic stress has a long-term impact on people's general physical health, which, in some cases, may include people's weight. Tom Arthur made a good point about the impact on people of low incomes and irregular work. I wonder whether we need to develop a more psychologically informed approach to weight management, as we have for other targeted health interventions. I am interested in how the diet and obesity strategy will engage with the emotional and psychological aspects of obesity as well as with its impact on our physical health.

A key challenge is for public health professionals to find a way to deliver public health messages about damaging patterns without stigmatising people's weight, because stigma only damages people's health and, in many cases, makes people less likely to seek help and support. For example, research from the US indicates that obese women are less likely to attend age-appropriate cancer screenings. None of us wants anyone to face additional barriers to diagnosis, so I will be glad if the minister addresses the issue of stigma and speaks about how our NHS is able to support all people who want to lose weight.

The Government's cancer strategy states that occupational exposure to cancer-causing chemicals is responsible for nearly 4 per cent of

cancer cases in the UK. Occupational health and safety is, of course, a reserved matter, but I would like to know what action we could be taking here in Scotland. The strategy does not touch on the impact of everyday exposure to environmental pollutants, and there is evidence linking exposure to hormone-disrupting chemicals, carcinogens and other substances to some forms of cancer.

In closing, I point out that, this February, I will again take part in the sugar-free February initiative, which members can find online. I did it last year and I am hoping that it may be a little easier this year. It is well worth doing.

The Deputy Presiding Officer: Well done for letting me know that you were closing. You saw the look on my face.

13:16

Alex Cole-Hamilton (Edinburgh Western) (LD): I thank Richard Lochhead for bringing this important debate to the chamber, and I wish Alison Johnstone all the best for that desperate challenge of sugar-free February.

In the teeth of the first world war, Wilfred Owen described the mechanised slaughter of a place such as Passchendaele, in the Somme, as being “Obscene as cancer”, and I have always been struck by that description of the disease. Cancer is obscene. It is indiscriminate, it hides—sometimes in plain sight—and, as we have heard, it devastates families and friends.

Our policy response needs to capture every aspect of the cancer journey that people experience. It needs to tackle causes and look at prevention and treatment. It also needs to cover research and patient choice, particularly around end-of-life care.

The policy response must begin with prevention and, as we have heard in several excellent speeches, 40 per cent of cancers could be prevented if we make appropriate lifestyle choices. The Parliament has taken public policy decisions that are shaping lifestyle choices, such as the smoking ban and the more recent extension of that ban to smoking in cars. The ban was originally brought in by my friend and colleague Jim Hume. When the minimum unit pricing policy for alcohol starts to bed in, I think we will see a marked difference in alcohol-related cancers.

However, it is on obesity that we have the most to do. A lot of members have touched on that, not least Alison Johnstone. The fact that 65 per cent of adults in this country are overweight, which costs us £4.6 billion, makes obesity a national health crisis.

Early diagnosis is also key. We could give the 31,000 people who are diagnosed with cancer

every year a fighting chance if we caught it early, but stigma—particularly around things such as cervical screening and the related embarrassment—inhibits people from getting that critical early diagnosis.

Access to treatment is important as well. The tone of the debate is not such that I will make hay with cancer treatment waiting times, but they are unacceptably long. There are elements of good practice out there, and I point to the health boards that regularly capture the reasons for missed waiting time targets and decide on mitigating strategies to prevent such delays from happening again. I would like to see that practice rolled out across our 14 territorial health boards.

Research is vital. In the summer recess, Alison Johnstone and I, with others, visited the Cancer Research UK research centre at the Western general hospital in Edinburgh and were absolutely astonished by the research that is going on there. I was struck by the fact that the vast majority of research fellows at that institution are from European countries outside the UK, which underscores the impact that Brexit may have.

I will close my remarks by focusing on end-of-life care, because that is a really important dimension to the debate. On Friday, I visited the Marie Curie hospice and was struck by the compassion and dignity that is afforded to the patients, who receive exemplary care in those very difficult final days of life. That ties in with the philosophy—the new way of thinking—brought in by Catherine Calderwood, the chief medical officer, around realistic medicine that, when credited with the facts about their condition, people make grown-up choices in the decisions they need to take about end-of-life care. The point about offering choice at the end speaks to my values as a Liberal. We need to do more to extend that choice and identify humane and dignified ways for people to exit this life that are perhaps not currently available.

All the people who are involved in Marie Curie, in research and in the care that patients receive in oncology departments across the country deserve the thanks of a grateful nation. Cancer is obscene but, by unifying, as we are doing today, we stand a greater chance of ensuring that it is not always the scourge of our society that it currently is.

13:20

David Torrance (Kirkcaldy) (SNP): I thank Richard Lochhead for securing this debate to mark world cancer day. On 4 February, we must join the world and unite to fight cancer, which is the biggest killer worldwide. In 2013, 32,000 people in Scotland were diagnosed with cancer, representing an increase of 12 per cent in 10

years. Estimates based on the data suggest that the number will increase to 40,000 a year by 2027, which means 110 people being diagnosed every day. Cancer can affect any person and produces a great burden for patients, families and society to bear.

In line with the aims of world cancer day, it is important that we recognise that many cancer-related deaths can be avoided. A huge amount of funding is going into research on the link between lifestyle, behaviours and cancer. Smoking, obesity, diet and physical activity are the best-known factors. Two thirds of Scotland's population have excess body weight and are physically inactive and, as a result, instances of bowel cancer are higher here than in any other European country. There are several preventative steps that we can take. The ambitious detect cancer early programme recommends improving informed consent and participation in national cancer screenings; working with general practitioners and promoting referral; and efficient use of national health service resources.

The overall picture is generally positive, as cancer mortality rates have reduced in the past 10 years. Over the past 20 years, we have seen improvements in survival rates from almost all cancers. However, we face a great societal problem. It is well known that health inequalities are a result of the underlying inequalities in power, money and resources that affect opportunities for good-quality jobs, education and living standards. As a result, individual life experiences can have a great impact on people's chances of a healthy life.

Recent evidence has shown that cancer is more prevalent in the most disadvantaged areas of Scotland, where incidences are 30 to 50 per cent higher. The figure is especially high for people between the ages of 45 and 74 who live in areas of deprivation—they are more likely to die of cancer. It is imperative that we close that gap by developing methods of effectively meeting deprived communities' needs; promoting health information; addressing lifestyle changes relating to things such as smoking; undertaking research that explores how sociodemographic and socioeconomic information is collected in local health services; and seeking behavioural change. The relationship between deprivation and cancer is extremely complicated, but there are some clear differences: in 2005, 29 per cent of adults in manual occupations were smokers compared to just 19 per cent of those in non-manual occupations, and the data show that the rate of premature death from lung cancer is five times higher among unskilled workers.

I am proud of the services that are available in Kirkcaldy and the wider Fife area, especially those that provide support for people who have been

diagnosed. Maggie's Fife provides practical support by educating people on managing stress, encouraging exercise and providing hair loss support, to give just a few examples. Maggie's cancer support specialists are trained in providing patients and families with information and they run workshops on how to better understand cancer and treatments and on taking an active role in recovery. It is crucial not just to promote prevention of cancer but to ensure that initiatives are in place for those who are diagnosed, to provide them with warm and welcoming spaces and with information on talking to children about cancer and returning to work and everyday life after treatment.

Although we have made progress, cancer remains a main clinical priority of the Scottish Government, which will continue to work in partnership with NHS Scotland and groups such as Cancer Research UK, whose leading research has facilitated better policy making. Based on their recommendations, we can make better decisions and set out key priorities to make a marked difference to those who are affected by cancer. I welcome the recognition of world cancer day and I will continue to raise awareness of the issue inside and outside the chamber.

13:24

Alexander Burnett (Aberdeenshire West) (Con): I join everyone else in congratulating Richard Lochhead on achieving cross-party support and bringing to the chamber a debate to mark world cancer day, 2018.

As we have heard from all the speakers today, everyone in the chamber has been affected by the hardships of cancer, whether it was first hand or seeing someone else go through it. Cancer will be diagnosed in one in two people during their lives. Cancer does not discriminate. Anyone can get it, regardless of their age, gender, background, race or circumstances. However, almost 40 per cent of cancer cases can be prevented through early detection and by preventative precautions.

I want to take this opportunity to focus on the impact that prevention can have on cancer, as pointed out by, and following the theme from, Alex Cole-Hamilton. If we, as elected members, should achieve anything in the debate today, it should be to raise awareness of the already well-known fact that prevention is key. Everyone should take positive action in their lives to help minimise their chances of getting cancer.

The education of children is the best way to keep them safe and healthy, and will help future generations to avoid the risk of getting cancer.

Tobacco is the largest cause of cancer. It is linked with as many as eight different types of

cancer and 19 per cent of all cancer cases in the UK. The best step for tobacco users to take is to seek advice from medical professionals on how to quit using it, so that they set a good example for the younger generations. On that note, I am pleased to say that it has been more than a year since I gave up smoking.

The most preventable cause of cancer that people who are not tobacco users can fight is obesity. An estimated 9 per cent of cancer cases are caused by poor diet and little exercise. The introduction of a healthy diet, including fruits and vegetables, and the maintenance of a healthy body weight is one of the best preventions.

Skin cancer is the most common type of cancer and it is the most easily prevented. Taking the right precautions to stay safe while in the sun, self-checks, regular doctor visits and cancer screenings will all help to cut down cases and keep people up to date on cancer prevention methods.

Education on prevention measures is the best way to overcome this horrible disease. It has such a negative impact on so many people's lives that taking steps to help prevent it is well worth a change in lifestyle.

I know that many members take on interns, and I asked one, who is currently in the public gallery, to help with the research for the debate. She had a personal story that she agreed to share with us: "When I was younger my mother had breast cancer. I remember being very afraid of getting it as I grew up. I have a higher risk of getting breast cancer because both my mother and grandmother had it. Unfortunately, my paternal grandmother also recently passed away from colon cancer. I practise prevention measures to minimise my chances of getting cancer because I know the hardship that goes hand in hand with it."

Although that personal story has so much sadness, there is a huge positive in that it is great to see that the meaning of prevention is getting through to the next generation. For that, we must be hopeful.

13:28

Emma Harper (South Scotland) (SNP): First, I congratulate my colleague, Richard Lochhead, on securing the important debate, and I will wear my unity wristband to raise awareness ahead of 4 February.

I remind the chamber that my entry in the register of interests states that I am a nurse. I worked in the operating room and in post-anaesthesia care with patients who were undergoing treatment for a variety of cancer surgeries relating to the face, bowels, urology and,

of course, breast cancer—from which my wee sister is on a positive path.

Richard's motion mentions "positive actions", such as "not smoking". In Parliament, I convene the cross-party group on lung health. That involves working closely with the British Lung Foundation and Chest Heart & Stroke Scotland, which do important work in encouraging smoking cessation as part of the fight against lung cancer. Lung cancer accounts for one in 16 of all deaths across the UK and more than one in five of all cancer deaths. Quitting smoking is the single most effective means of reducing the risk of lung cancer. If anyone out there still smokes, I tell them to stop now, please.

I pay homage to the many cancer charities and organisations that help to raise awareness and support people.

Cancer does impact all of us. I want to focus on a specific challenge that is facing many of my constituents who have been diagnosed. Soon after I was elected for the South Scotland region, I was contacted by constituents who raised concerns about cancer pathways in the south-west of that region.

In Scotland, services to rural areas are organised using cancer pathways or managed clinical networks—MCNs. Unfortunately, some organisational networks have been structured so that the referral hospital is not the nearest cancer centre to the patient's home. I accept that. However, in Wigtownshire and Stranraer, there are serious concerns surrounding the distances that some people are required to travel in order to receive treatment including radiotherapy and chemotherapy. NHS Dumfries and Galloway is connected with NHS Lothian as part of breast and prostate MCN care pathways. Transporting patients in south-west postcodes DG8 and DG9 to Edinburgh means many hours of travelling for every journey—more than 300 miles as a round trip. That is 300 miles when patients are nauseated, unwell and potentially exhausted.

I made contact with NHS Dumfries and Galloway health board in an attempt to seek clarification on the pathways, which it assured me are being revised. I know that cancer pathways are complex, depending on which type of cancer is being treated, and that patients need to be able to attend where treatment will be optimal. However, I really feel for patients in Wigtownshire who have to travel that extra distance. I have been informed verbally that the pathways are changing. I would therefore like to ask the minister whether she could help me to engage with NHS leadership in Dumfries and Galloway so that it can help to inform me about the best up-to-date pathways and processes so that I can then help to communicate with constituents in the south-west. My goal is to

work with NHS Dumfries and Galloway and to help to support patients, too.

Alex Cole-Hamilton spoke about the cancer journey. My concern is the actual journey of patients who have to travel for treatment. Again, I ask for support from the minister. I raise such concerns so that my constituents know that I support them in achieving the best outcomes.

Again, I thank Richard Lochhead for securing this debate and for sharing his personal experience ahead of world cancer day on Sunday 4 February.

The Deputy Presiding Officer: I call Liam McArthur, who is the last speaker in the open debate.

13:32

Liam McArthur (Orkney Islands) (LD): I, too, extend my thanks to Richard Lochhead and I congratulate him not only on securing the debate but on the very eloquent way in which he drew on his and his wife Fiona's direct experience to set the scene so powerfully. Debates such as this always benefit from members being able to draw on personal insights. Given the prevalence of cancer, it is no surprise that this fascinating debate has benefited in that way.

The figures—to which I think everybody has referred—are truly staggering. Whatever progress we have made in diagnosis, treatment and care over recent decades—the progress has been highly impressive, and research in Scotland continues to be world class, as my colleague Alex Cole-Hamilton pointed out—the challenges that we face remain immense. It bears repeating that one in two people will be diagnosed with cancer at some point in their life and that well over 31,000 are diagnosed each year in Scotland alone. Yet 40 per cent of all cancers could be prevented—not by some medical breakthrough as yet unknown, but through changes in diet and lifestyle, increased physical exercise, decreased alcohol consumption and cutting out smoking altogether. Others have covered very well the steps that we can take collectively to help to encourage and support the shifts in behaviour that we need to see.

In the short time available to me this afternoon, I want to highlight some of the excellent work done by those who support individuals who are affected by cancer. I know that they exist in every community across the country—and I pay tribute to them all—but I want to draw particular attention to the work of CLAN Cancer Support in my constituency. As well as operating the CLAN house—a first-class facility and an absolute godsend for those from the northern isles who require to be in Aberdeen for specialist treatment—CLAN is highly active in Orkney. The

local group, which is led by the incomparable Karen Scott, does fantastic work in raising both funds and awareness of cancer. However, it does so much more to support not just cancer sufferers but their families, friends and work colleagues. The wider impact of cancer was a point that was very well made by Anas Sarwar.

Over the past five years, CLAN Cancer Support in Orkney has run a fortnightly health walk, offering exercise and companionship. Its nutrition workshops encourage a better approach to diet. To help to reduce stress, there are regular yoga and meditation groups, as well as relaxing craft and art groups. Complementary therapies, including reflexology, reiki, sekhem and shiatsu, are available, and a clinical hypnotherapist works with individuals to identify coping strategies to help them through what others have referred to as the cancer journey. Given the vital importance of peer support, there is a monthly peedie blether and a twice-monthly women's group for women who have or have had a cancer diagnosis, and a men's group is similarly facilitated.

My father had a cancer diagnosis a few years ago, and I know that the support that he received from CLAN, which included giving him somewhere to stay in Kirkwall en route between his home in Sanday and his treatment in Aberdeen, was utterly invaluable. CLAN helped to provide reassurance and reduce stress at a particularly anxious time for him and the rest of the family. For that alone, I am grateful beyond words, but I know that CLAN provides such assistance day in, day out for many people in Orkney and Shetland who are affected by cancer.

I again thank Richard Lochhead for bringing this debate to Parliament and for allowing me to put on record my gratitude to CLAN and all those who provide similar support across the country.

13:35

The Minister for Public Health and Sport (Aileen Campbell): I, too, want to thank Richard Lochhead for securing this important debate. As he and Anas Sarwar mentioned, cancer can have an impact on all of us.

I pay tribute to Richard Lochhead for his candid address, in which he described the brutal impact of a cancer diagnosis and what it can mean, and how his wife described the feeling on receiving such a diagnosis as being like falling off a cliff. I also thank him for telling us about Abbie Main, who was clearly a special lass. Her legacy of sparkle and of raising money to make life better for others is truly inspiring. Other members, such as Alexander Burnett, Kenny Gibson, David Torrance and Tom Arthur, who described the inspiring work of young Sean McBain, also gave powerful,

personal and emotional testimonies, and for that I am very grateful.

Liam McArthur spoke about the fantastic work that CLAN does. My Shetland connections have told me about the transformative impact that it can have, the special place that it has in the hearts of many people in the northern isles and how much phenomenal fundraising is done to support it. I like the idea of the peedie blether.

I want to highlight an example of the innovative and exciting work that is being done as people recognise the need for us to embrace a preventative approach to cancer. A young woman in my constituency is offering free facials for women who go for their smear tests.

It is fitting that we are having this debate in the build-up to world cancer day, which is intended to target misinformation, raise awareness and tackle the stigma that is so often associated with cancer. All those things are important, not just for those who are currently affected by cancer but, crucially, in helping to reduce the number of people who develop cancer in the first place.

I echo Richard Lochhead's call for our fellow MSPs to wear the unity band, which I am pleased to be wearing. As well as being a sign of support and solidarity, it helps to raise crucial funds for the work of Cancer Research UK. I also agree with what Richard Lochhead said about the need for unity in tackling many of the issues that he identified. We need a unity of purpose as we seek to get our nation healthy and to prevent the devastation of cancer.

The Scottish Government is determined to play its part in tackling cancer. Current projections by Cancer Research UK tell us that one in two people in the UK born after 1960 will be affected by cancer. We need to work to reduce that figure over time and must ensure that the support is in place to help those who are affected by the disease. We recognise that significant progress has been made over the past 10 years, during which time the overall cancer mortality rate has fallen by 11 per cent. However, we also recognise that more needs to be done to reduce the risk factors that are associated with cancer.

That is why our £100 million cancer strategy, "Beating Cancer: Ambition and Action", sets out our ambitions for the future of cancer services in Scotland, which are to improve the prevention, detection, diagnosis and treatment of cancer, and to improve aftercare for all those people who are affected by it. We recognise the need to turn those ambitions into reality.

As Richard Lochhead notes in his motion, smoking is the largest preventable cause of cancer that we know of. Our efforts on smoking rates have been bold, and remarkable progress

has been made to date, which illustrates that when we take an ambitious approach, regardless of which political party champions it, we can ensure that we bring about real and tangible improvements.

Just one in five adults in Scotland now smokes, and in the past decade, the number of 15-year-olds who smoke regularly has dropped by more than two thirds to the lowest level since surveys began. I am glad that Alexander Burnett is one of those who has stopped smoking and is contributing to those statistics. That is welcome progress towards achieving the goal of being tobacco free by 2034.

This Government has also shown boldness around Scotland's relationship with alcohol. Today's report from NHS Health Scotland on the burden of disease shows exactly why that effort must continue.

It is right that a large focus of today's debate is on diet and obesity, because of the cost to our NHS, the cost to our economy and, most importantly, the human cost of poor health and wellbeing as a result of obesity. Like Alison Johnstone and Anas Sarwar, I appreciate the clear consensus across all parties in recognising the need to take bold action on that.

During the past 15 years, progress towards meeting our national dietary goals has remained stubbornly challenging. Recent Scottish health survey figures show that, in Scotland, two thirds of us are overweight or obese, and one in five children is at risk of being overweight or obese. It is of great concern that this particular health problem is more marked in our most deprived areas, where obesity rates for children can be substantially higher. Excess weight is linked to a number of different types of cancer, including bowel cancer and breast cancer, which are two of the most common types. I recognise what Alex Cole-Hamilton said about cancer being indiscriminate, but we know that inequality exacerbates poor health outcomes, which means that we need to do what we can to prevent it.

Research undertaken by Cancer Research UK predicts that, if current trends continue, the rising levels of obesity could result in 670,000 avoidable cases of cancer in the next 20 years. We need to tackle that challenge head on, and we have committed to doing that, which is why we published a bold plan for improving diet, weight and activity for Scotland. The consultation closed recently and I am grateful to everyone who contributed to it. A growing body of evidence points to the action that we must take to make a real and tangible difference to people's lives, communities and the country as a whole. I am grateful to Obesity Action Scotland, Cancer Research UK and others for their important work

in this area. It has set the scene with evidence and authority to show what we need to do.

We are legislating on being a good food nation, and Richard Lochhead spoke about us needing to take the chance to reflect on what that actually means. We need to pause and ensure that the good food nation approach chimes with the approaches taken in our diet and obesity strategy.

We need to improve the food environment. That is one of the biggest changes that we need to see in Scotland. The reality is that many of us find it challenging to make healthy choices in an environment in which food and drink that is high in fat, salt and sugar is cheap, widely available, and heavily promoted. The odds are stacked against most shoppers. We have data showing that 35 per cent of all food and drink that is purchased in Scotland is on price promotion, and that figure is double the figures for Germany, France and Spain. We know that food that is high in fat, salt and sugar is more likely to be bought on promotion than healthier alternatives. Consistent with our programme for government, therefore, the new strategy proposes action to restrict the promotion of food and drink that is high in fat, salt and sugar. The first steps will be to consider what high-fat, high-salt and high-sugar products and promotions should be targeted.

There is more that we can and will do to protect children from exposure to junk food advertising, so it is disappointing that the UK Government did not take the opportunity to extend current restrictions on broadcast advertising before the 9pm watershed. For by that, I reiterate and underscore my appreciation for the cross-party support in the chamber and look forward to engaging with MSPs on their views of what we do in Scotland.

I have a few more points that I will make briefly. Anas Sarwar commended the work of the improving the cancer journey initiative, and I confirm that consideration is being given to the initiative and the learning that we can get from it. I thank Emma Harper for outlining the challenges of rurality for some of her constituents. Again, I am happy to facilitate dialogue between her, me and NHS Dumfries and Galloway. Tom Mason articulated the need for furthering the chief medical officer's approach of realistic medicine and the person-centred approach of engaging with and listening to what people are telling us. Alex Cole-Hamilton also mentioned that in his remarks.

I thank everybody who has taken part in this important debate. The Scottish Parliament is at its best when it works together across political boundaries, united by a desire to create a better Scotland for us all. Regardless of the bumps that we will no doubt encounter along the way on this journey, if we succeed we stand to gain the

biggest prize: a healthier, happier, and fairer Scotland.

13:44

Meeting suspended.

14:15

On resuming—

Business Motion

The Presiding Officer (Ken Macintosh): The next item of business is consideration of business motion S5M-10208, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a timetable for the Domestic Abuse (Scotland) Bill at stage 3.

Motion moved,

That the Parliament agrees that, during stage 3 of the Domestic Abuse (Scotland) Bill, debate on the group of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limit indicated, that time limit being calculated from when the stage begins and excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended (other than a suspension following the first division in the stage being called) or otherwise not in progress:

Groups 1 and 2: 1 hour.—[*Joe FitzPatrick*]

Motion agreed to.

Support to Study in Scotland

The Presiding Officer (Ken Macintosh): The next item of business is a statement by Shirley-Anne Somerville on supporting people to study in Scotland. The minister will take questions at the end.

14:15

The Minister for Further Education, Higher Education and Science (Shirley-Anne Somerville): Scotland is an outward-looking nation and this Government remains absolutely committed to our country continuing to be an open, welcoming and diverse nation. A key driver of that is the ethos and culture of our colleges and universities, which supports the cross-cultural exchange of ideas and opinions, knowledge and research, new social activities and greater understanding.

At the same time, the world-class reputation of our higher education sector, in particular, ensures that we remain a country where people want to come to work in our universities or to study. A diverse student population that is made up of people from Scotland, other countries in the United Kingdom, across the European Union and other parts of the world help to make that ethos a reality.

The recognised benefits of having EU and international students here include an enriched learning experience for and an international outlook among home students and graduates, and the development of an international network of alumni. Twenty-two per cent of our university enrolments are from EU and non-EU international students. They are and will remain an integral and valued part of our universities and our colleges.

There can be no doubt of the threat that is posed even by talk of a Brexit that results in the loss of freedom of movement. The latest Universities and Colleges Admissions Service figures show a 10 per cent reduction in acceptances of EU students to Scottish universities. The continued lack of clarity from the UK Government on freedom of movement and the immigration status of students in particular is frankly unacceptable. It ignores the fact that every potential student, and every student who is currently studying here in Scotland, is an individual who has costs, commitments, families, lives and alternatives available to them.

Since the EU referendum, we have been clear that we want prospective students from the EU to continue to see Scotland as a place where they wish to study and live and a place that they can call home. Previously, we confirmed that EU students starting their studies in the 2017-18 and

2018-19 academic years will have the cost of their tuition fees met by the Scottish Government for the duration of their studies. Today, I announce that we will extend that commitment to the 2019-20 cohort, which means that all eligible non-UK EU citizens who come to Scotland to study for an undergraduate higher education qualification in 2019-20 will benefit from free tuition. That will provide confidence for prospective EU students who are considering coming to study in Scotland, as well as the clarity that our institutions require in order to plan for that academic year. We are the first Government in the UK to make such a commitment. We do so to send the strong message to current and prospective students that they are welcome here.

We will also continue to press the UK Government to clarify its position on Erasmus+ after the UK's withdrawal from the EU. Since 2014, more than 15,000 people have been involved in nearly 500 Erasmus+ projects across Scotland. The programme is evolving to include vocational education and training, adult education, schools education and youth work. We want to continue to participate in Erasmus+ and its successor programmes, ensuring that people from Scotland continue to have the valuable opportunity to experience living, studying and volunteering overseas, and welcoming others from across the EU to come to Scotland.

It is also important for us to continue to welcome people from other countries to study in Scotland. This Government supports our higher education sector's efforts to promote Scotland to the wider world as a destination to study. Scotland's saltire scholarships, which were introduced in 2009, are open to international students from selected countries outside the European Union. They have increased in popularity and reputation over the years. Indeed, competition for the scholarships has grown, with almost 4,000 applications received last year.

From surveying those students, we know that the saltire scholarships have confirmed people's view that Scotland is a welcoming, open and attractive place to visit and study in. Discussions with previous participants and with institutions have also led to another evolution of the programme, with a stronger focus on developing a strong network of scholars and alumni to promote Scotland and its education system overseas. That is all the more necessary in light of the continued uncertainty that has been generated by the UK Government in relation to EU and international students.

For 2018-19 and beyond, 50 saltire scholars will be selected from academically gifted applicants from the Scottish Government's priority countries of Canada, China, India, Pakistan and the US.

They will study in areas such as science and technology; medicine and healthcare; the creative industries; and renewable energy. Further, they will add value to priority areas including science, technology, engineering and mathematics—STEM—digital skills, public services and the low-carbon economy.

We will also ensure that our new saltire scholars engage with our global Scots programme. They will meet a range of industry leaders while studying here and will be in a position to share that experience with others, wherever the future may take them. In return, we will double the value of the current scholarship from £4,000 to £8,000—an offer that has been made possible by the continuing partnership funding and support from universities.

We will also continue to support a range of schemes that offer short-term opportunities for international students to come to our colleges and universities and, indeed, for Scottish students to spend time overseas. Those include funding Scotland's participation in the generation UK: China exchange programme; the UK-India education and research initiative; the UK-US Fulbright Commission programme; and the International Association for the Exchange of Students for Technical Experience programme. Those programmes help to draw talented people from around the world to live and study in Scotland.

It is vital for the health of our economy and society that we are able to retain some of those talented people in Scotland and allow them to work here. The UK's current post-study work offer is not adequate for Scotland, and the Home Office's tier 4 pilot falls far short of the kind of post-study work route that Scotland needs. We will continue to press the UK Government to respect the cross-party consensus that exists in this Parliament and reinstate the post-study work visa at the earliest opportunity.

It is also important for us to offer assistance to the international students who need our support the most. Already, this Government supports students who have settled here from Iraq after having helped the armed forces as locally employed staff interpreters. Home Office rules provide them with indefinite leave to remain, and our regulations on financial support ensure that it is possible for them to afford to study for qualifications that might help them to succeed in their new lives here.

It is therefore inexplicable that the same opportunity to remain here indefinitely was denied to Afghan interpreters who undertook similar work. The fact that Afghan nationals who were previously locally employed staff are here on five years' leave to remain, rather than indefinite leave

to remain, has prevented them from being eligible for support to go to university without further adjustment to our scheme and arrangements for financial support. That is not fair or equitable and today I am putting that right. Action will be taken to open up student support to Afghan interpreters, so that eligible Afghan students can apply for tuition-fee and living-cost support so that they can undertake courses of further and higher education at our colleges and universities. That recognises the contribution that they have made in their service to the UK and to armed forces that are deployed to Afghanistan from communities all around Scotland, and it also opens up opportunities for them to continue their education in order to provide them with the qualifications and skills that they need to move on in life.

The risks of leaving the EU are increasingly significant and are becoming more real. We should not forget that people in Scotland voted decisively to remain in the EU. All the available information and analysis shows that doing so remains the best option for Scotland and indeed, the UK as a whole. However, we must prepare for an outcome that none of us want. In doing so, we must not allow our distinct voice, our international reputation and our excellence in education to diminish. Whatever the outcome of the Brexit negotiations, we must send a clear signal not only to people who are already studying here but to potential students from the EU and further afield. Further, we must continue to provide opportunities for our own students so that they might benefit from the experience of studying and living abroad.

By our words and by our actions, we can show the world that we remain an open nation that values diversity, and that we are a welcoming country. Indeed, as the Universities Scotland campaign summed up so succinctly, Scotland welcomes the world.

Liz Smith (Mid Scotland and Fife) (Con): I thank the minister for prior sight of the statement. I welcome the early confirmation of the financial status of EU students at Scottish universities for academic year 2019-20, which I know will be welcomed by the universities, as they plan ahead.

I associate myself with the minister's remark that it is important to send out a strong message to current and prospective students that Scotland is a good place to be. All MSPs are aware of the outstanding contribution that EU students and staff make to our universities. They are often at the cutting edge of research and development, which are so important to the future of the economy.

What discussions is the Scottish Government having with Universities Scotland and Derek Mackay's office about the long-term sustainability of higher education funding in Scotland, given the warnings that were issued to the Scottish

Government by Audit Scotland in its most recent report?

What actions is the Government taking to expand the bursary support for poorer students, which still, despite some modest improvements in the past two years, lags behind the support in other parts of the UK?

Shirley-Anne Somerville: I welcome Liz Smith's remarks and associate myself with her addition of EU staff. Our international staff—academics from across the world—are one reason why our universities are world-renowned, and we should be equally proud of every one of them.

Liz Smith will be well aware that the budget for, and overall investment in, the higher education sector will increase by 1.9 per cent in real terms next year. Despite the difficult financial settlement that the Scottish Government has had to deal with, we have provided a real-terms ongoing increase for the sector. That settlement was welcomed by Universities Scotland when Mr Mackay produced the draft budget. We take very seriously the requirements of the sector and we are delivering for it by providing it with more than £1 billion a year in public funding.

Liz Smith spoke about the importance of support for poorer students who require it. I point out that our independent review of student support recently made a number of recommendations to the Government, on which I will report in due course. Some recommendations are very radical, especially where they relate to the higher education sector and, particularly, the further education sector and the impact of any change that we might make on students' ability to receive social security benefits. That is why some measures that the review has asked the Government to look at will require us to work with the UK Government to see what their implications would be.

Liz Smith can be assured that I have asked my officials to ensure that everything that we do is based on the students who find it most difficult to go to university because of their financial situation. They are at the forefront of our thoughts and we will base our deliberations on them.

Iain Gray (East Lothian) (Lab): I thank the minister for early sight of her statement. All the measures that are contained in the statement are welcome as far as we are concerned, particularly the early indication of support for EU students in academic year 2019-20 in good time for applications, which Liz Smith mentioned. On a previous occasion, that early indication did not happen, which caused difficulty for universities and potential students. In this case, EU citizens who are thinking of applying to study in Scotland in

academic year 2019-20 will know what support will be available to them, which is important.

However, as the minister's previous answer implied, Scotland-domiciled people who are thinking of applying to study in university or college beginning next year do not know what support for living will be available for them because the Scottish Government has not yet responded to the review of support for students. That cannot be right. Does the minister accept that simply to say that she will respond "in due course" is not good enough? Will she tell us when she intends to respond and what support will be available in 2019-20?

Shirley-Anne Somerville: With the greatest respect to Iain Gray, I say that students do know what will be available because it is on the SAAS website. They know exactly what they will receive for their student support because the system is in place now: it is not a mystery to anyone who is considering applying. Officials from SAAS are going into schools around the country and talking about what is available to students.

We will consider the longer-term challenges. If I were to have immediately accepted the review of student support and then, having had discussions with the Department for Work and Pensions, was to find out that students would lose their social security benefits, having provided them with more money through the FE budget, Iain Gray would rightly think that that action was a bit misinformed.

I will take my time; I will ensure that my officials have enough time to discuss the matter with the DWP and that I can discuss it with ministers down south to ensure that any changes that we make will not be disincentives to study. Iain Gray might want us to rush ahead, but we will continue, with stakeholders and the National Union of Students, to look very seriously at every piece of evidence that they have produced, and we will rise to the challenge that the review has set us.

James Dornan (Glasgow Cathcart) (SNP): I thank the minister for her positive statement. I am sure that many people are glad to have heard what she said. Will she confirm that she will press the UK Government to follow her example on EU tuition fees, given that the risks that are associated with Brexit around EU students and clarity for our institutions are entirely of the Tories' making?

Shirley-Anne Somerville: James Dornan raises an important point about not only the signals that the Government has given in the announcements that we are making today but the signals that need to come from the UK Government. As I said in my statement, we are the first Government in the UK to discuss what is happening in respect of 2019-20 students.

The deadline is very important. The signals that are coming from the UK Government and its actions are also important, because students who enter a four-year degree in the academic year 2019-20 will graduate in 2023. The Tories argue among themselves about what transition means, but those students will be leaving university way after the transition period, so they need to know not only what will happen during transition but after it.

We have today set out our positive case for why students should come to Scotland. I encourage the UK Government to decide not only what transition means in general, but what it means for students and, importantly, what will happen afterwards to ensure that we have freedom of movement and can encourage students to stay not only for their courses but after them.

Oliver Mundell (Dumfriesshire) (Con): I join colleagues in welcoming the clarity that today's statement brings. However, there is well-documented pressure on funded places in Scotland and a number of Scottish young people are missing out on their preferred university choices. Will the minister explain what the statement means for them?

Shirley-Anne Somerville: I am sure that Oliver Mundell is aware that a record number of Scottish applicants were accepted for university: there was an increase of 3 per cent. There is also a record number of 18-year-olds from the most-deprived communities going to university. We are seeing encouraging signs of widening access in our system, but that widening does not go far enough, which is why the Government continues to encourage universities to pick up the pace of change on widening access. The Government is delivering not only for EU students, but for our Scotland-domiciled students.

Jenny Gilruth (Mid Fife and Glenrothes) (SNP): I remind members that I am the parliamentary liaison officer to the Deputy First Minister and Cabinet Secretary for Education and Skills.

Will the minister outline what discussions she has had with the UK Government regarding the future of the Erasmus+ programme after the UK's withdrawal from the EU and how she plans to continue to put pressure on it to ensure that those vital international exchanges are not lost thanks to the reckless actions of the UK Tory Government?

Shirley-Anne Somerville: As I mentioned in my statement, Erasmus+ is exceptionally important not just for our universities but for those in youth groups, schools and adult education who also see the benefits of the programme. Indeed, it is probably more valuable for some of those individuals who might not have an opportunity for

international mobility if it were not for the schemes run under Erasmus+.

We hear warm words from the UK Government about the importance of Erasmus+ but, until we have some clarity on freedom of movement and what will happen to our citizens and other citizens from across Europe and how they will be encouraged to live and work here, individuals will still experience doubt when making decisions about whether to study here or elsewhere.

I will continue to raise my concerns with the UK Government—as will other ministers—about the fact that we need an early sign of definitive UK policy. I will raise the issue with the newly appointed UK Minister for Higher Education when we meet.

Mary Fee (West Scotland) (Lab): I welcome today's announcement by the minister of the Government's intention to support Afghan interpreters—who risked their lives in their home country to assist our armed forces—to study in Scotland. Can the minister give us any indication of how many Afghan students the extension of support will apply to? What analysis has been done of the costs? What educational and financial assistance will be provided to members of Afghan interpreters' families who were born outwith Scotland?

Shirley-Anne Somerville: I thank the member for her encouragement in respect of the change that we have made. It is all about fairness in our education system and enabling Afghan interpreters to have the chance to go to college or university. It is important that we support those individuals during that process. The Convention of Scottish Local Authorities has shown that there are currently 313 Afghan nationals under the interpreters scheme living in five local authorities in Scotland, with a potential further cohort to be settled in Glasgow and Inverclyde. That is a rough approximation of the number of individuals that we are talking about. The difference that the scheme will make to each individual's life is incalculable. I would be delighted if some of those 313 Afghan nationals were able to take part in our college and university courses and take full advantage of campus life.

Ross Greer (West Scotland) (Green): I, too, welcome the Government's continued support for the Erasmus+ programme. As has been mentioned, it is of huge benefit to young people in Scotland—not just those in university, but those from a variety of backgrounds across Scotland. Is the Government exploring options for continued Scottish participation in Erasmus+ in some way, in the absence of any UK-wide participation post-Brexit? I accept that it would very much depend on the wider terms of the Brexit settlement.

Shirley-Anne Somerville: Mr Greer's last point is an important one. The Scottish Government, along with stakeholders in Scotland, will do everything we can to explore what can be done within the powers of the Scottish Parliament. That is the simplest and most obvious answer, and what would work best for Scotland would be our continuing in Erasmus+. However, that all depends on freedom of movement and many issues that are much wider than education. In many ways, that is what is hindering progress.

To be fair, Jo Johnson, my UK counterpart prior to the latest Cabinet reshuffle, understood the importance of Erasmus+, too. It was getting into the wider morass of Tory Government policies on freedom of movement and welcoming students here that prevented him from doing what he wanted to do. I hope that we will be able to get some movement on freedom of movement and encouraging students to come here, whether that is for Erasmus+ or for their entire degree.

Tavish Scott (Shetland Islands) (LD): I agree with the Government's proposals to support students from neighbouring EU countries in the 2019-20 academic year and for their period of study. Will the minister set out the likely costs of that proposal, given the situation in previous and current financial years? Does the minister agree that it is important to take students out of the UK immigration figures? Students are part of our and Europe's future, and the last thing that they should be part of is a political battle over Brexit.

Shirley-Anne Somerville: As Tavish Scott is well aware, the number of funded places in Scotland is determined in relation to Scotland-domiciled and EU students, so the costs are based on the number of funded places every year. It is important that we encourage Scotland-domiciled students to continue to apply to university, and it is exceptionally important that we continue to encourage EU nationals not just to apply but to take up their places in our universities, as there has unfortunately been a decrease in the number of places taken up by EU nationals, as I said in my statement.

Sandra White (Glasgow Kelvin) (SNP): I very much welcome the minister's announcement and, in particular, what she said about Afghan interpreters. I have worked with Afghans in my constituency, and I thank Mohammad Asif and others for their help in getting justice for the Afghan interpreters who helped our armed forces but have been denied the right to come here to learn.

Will the minister say when she intends to lay the regulations that will enable Afghan interpreters to go on to further education? Does she agree that it is absurd, unfair and unjust that UK Government

rules prevent people such as Afghan interpreters from coming here to further their education?

Shirley-Anne Somerville: I commend the work that Sandra White has been doing with Afghan interpreters in her constituency and elsewhere in Glasgow to bring the issue to my attention. I am delighted to say that regulations will be laid shortly and are due to come into force for the start of the 2018-19 academic year.

It is important that we pay tribute to the work of Afghan interpreters. The way in which we can do that within the powers of the Scottish Parliament is by encouraging those people to play a full part in life in Scotland, including in our further and higher education institutions.

Jamie Halcro Johnston (Highlands and Islands) (Con): Given that the minister recognises the value of Erasmus+ and the need for further dialogue on the programme's future, and given her announcement on tuition costs, will she at least welcome the UK Government's assurance that successful bids to the Erasmus+ programme that are submitted while the UK is still a member state of the EU will be guaranteed, even if they are not approved until after we leave the EU and/or payments continue after we have left?

Shirley-Anne Somerville: I welcome any announcement from the UK Government that gives clarity on what will happen before we leave the EU, during the transition period or after the transition period.

However, the UK Government's announcements simply have not gone far enough. As I said in my statement, we are talking about individuals who have to make life choices. I talked about the timescale for those individuals: they will be leaving university after Brexit and after the transition period, and they have no idea what their immigration status will be. They do not know whether they will be welcome to stay here.

I welcome the UK Government's deliberations on Erasmus+, but the UK Government needs to clarify what will happen to students and EU nationals more widely in Scotland. Until then, it is too little—and I fear it might be too late for some.

Kate Forbes (Skye, Lochaber and Badenoch) (SNP): The moves that have been announced go a long way towards reversing some of the damage that has been inflicted on the Scottish economy by the UK Government's cutting of the post-study work visa. Does the minister agree that it is absurd that the visa has still not been restored to Scotland?

Shirley-Anne Somerville: Yes, I do. The need for the post-study work visa is something on which we have cross-party consensus in the Parliament. There is also consensus on the importance of

encouraging international students to come here. It is unfortunate that the policy on EU and international students is based more on immigration ideology than on evidence.

I apologise to Tavish Scott, as I should have picked up on the second part of his question, which was about the importance of not including students in immigration statistics. That is a decision for the UK Government and it needs to be based on evidence. Unfortunately, the UK Government's restrictions on international students and the ending of the post-study work visa were based on an inflated estimate of the number of students who were supposedly abusing the system every year, which was said to be almost 100,000. When the UK Government got round to counting the numbers properly, it found that fewer than 5,000 students overstayed their visa last year.

Those rules are based on ideology and not on evidence. The Prime Minister was the Home Secretary when those discussions took place, and it is disappointing that her position is still that international students should be included in the immigration figures. That bears no relation to the evidence, and I hope that it is one issue on which the Prime Minister will change her mind.

The Presiding Officer: That is the end of our 20 minutes, but, if members can be concise, we can get the last two questions in.

Daniel Johnson (Edinburgh Southern) (Lab): The doubling of the value of the saltire scholarship is welcome, but it would seem to be at the expense of the number of scholarships. My understanding is that the number of scholarships was 100 last year and that it has fallen to 50 this year. Will the minister outline the rationale for the fall?

Shirley-Anne Somerville: As I said in my statement, one of the issues that was raised in our discussions with previous scholars and with institutions was that we needed to do more to build up a meaningful alumni programme at the end of the scholarship. Having 50 scholarships allows us to have activities while students are in Scotland that are large enough to sustain that work. We want to do more than just get 100 people here; we want people who come here to be fully immersed in what our universities and industry more widely are all about and then to sustain that relationship once they leave. The changes to the system have been based on our discussions with individuals and institutions about what more we could do to support students once their studies are finished.

Gordon MacDonald (Edinburgh Pentlands) (SNP): Further to the minister's answer to my colleague Kate Forbes regarding the post-study work visa, does she agree that the best way to

solve these issues would be to have immigration powers devolved to this Parliament?

Shirley-Anne Somerville: Yes, I do. It is a very important issue and one that we need to look at. All Government ministers seek to solve problems when they arise. Unfortunately, when it comes to our encouraging EU and international students, we are doing it with one hand tied behind our back. I spoke about the restrictions that are being placed on international students and the UK Government's obsession with counting international students in the immigration figures. That bears no relation to the evidence and is damaging to our economy. The quicker that we can have those powers here in the Scottish Parliament and take the right decisions for the economy in Scotland, the better.

Domestic Abuse (Scotland) Bill: Stage 3

14:48

The Presiding Officer (Ken Macintosh): The next item is stage 3 proceedings on the Domestic Abuse (Scotland) Bill. In dealing with the amendments, members should have the bill as amended at stage 2, which is Scottish Parliament bill 8A, the marshalled list and the groupings. The division bell will sound and proceedings will be suspended for five minutes for the first division of the afternoon. The period of voting for the first division will be 30 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate.

Members who wish to speak in the debate on any group of amendments should press their request-to-speak buttons as soon as possible after I call that group.

Members should refer to the marshalled list of amendments. I draw members' attention to the fact that amendments 7 and 8 appear in the wrong order in the marshalled list. Amendment 8 should be considered and disposed of before amendment 7; therefore, when we reach that point in the proceedings, I will call amendment 8 before amendment 7. I will remind members again before we reach that point. I hope that that is clear.

Section 12A—Review of operation of Act

The Presiding Officer: Amendment 1, in the name of Michael Matheson, the Cabinet Secretary for Justice, is grouped with amendments 2 to 13, 13A and 14 to 16.

The Cabinet Secretary for Justice (Michael Matheson): Section 12A of the Domestic Abuse (Scotland) Bill introduces a requirement for the Scottish ministers to report to Parliament on the operation of the domestic abuse offence and the existing statutory domestic abuse aggravation at section 1 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016. The amendments in my name in this group respect the overall aims of the provision that Claire Baker introduced into the bill at stage 2. However, my amendments are intended to make much clearer exactly what information such a report is required to contain and to make some adjustments to ensure that the information collected is as useful as it can be in assessing the effectiveness of the domestic abuse offence and the domestic abuse aggravation.

Amendments 1 and 2 are technical amendments that are intended to improve the readability of the provision and make it as clear as possible at the outset that the report is to relate to

the domestic abuse offence at section 1 of the bill and the existing domestic abuse aggravation at section 1 of the 2016 act. Amendment 3 tidies the requirement to report on the number of cases in which criminal proceedings are undertaken. Amendment 14, in the name of Claire Baker, adds a requirement for the report to include information about the use of the child aggravation at section 4 of the bill. I agree that it is important to monitor the effectiveness of that aggravation in reflecting the harm caused to children by domestic abuse, and we support amendment 14.

Amendment 4 extends the requirement to report on the number of convictions so as to require the report to provide information on both the number of convictions for the new offence and the number of convictions for offences where the domestic abuse aggravation in the 2016 act has been proven. Amendment 15, in the name of Claire Baker, adds a requirement for the report to include information on the number of cases in which the court imposes a non-harassment order, both to protect the primary victim and to protect children. Again, that is a useful addition and we will support the amendment.

Amendment 5 amends the provision requiring the report to include information concerning the average time taken to dispose of cases so as to provide greater certainty as to what information is required to be provided in the report. The amendment provides that the report must include information regarding the average length of time from the service of a complaint or indictment on the accused person to a finding or verdict as to guilt—that is the main aspect of the proceedings in the case. Some might suggest that the date of sentencing should be used as the end point. However, we consider that there is a risk that cases in which a suspended or deferred sentence is imposed could significantly distort the case statistics and we think that the time taken by the courts to reach a verdict is the key consideration that should be reflected in the statistics.

Amendment 6 is intended for the avoidance of doubt so that the requirement for the report to include information about the experience of witnesses relates to the experience of witnesses at court. Amendment 16, in the name of Claire Baker, provides that the reference to witnesses includes child witnesses. Although the provision as it stands would already include child witnesses, we are content to support that amendment.

Amendments 7 and 9 address an issue with section 12A(3) that arises from the fact that it is not clear how the reference to

“courts constituted to specialise in dealing with the offences the commission of which involves domestic abuse”

would be interpreted. The Scottish Courts and Tribunals Service has advised that, although there are courts that sit as specialist courts in that they are presided over by a sheriff who has a specialism in domestic abuse cases, they are not constituted as specialist courts. Therefore, amendments 7 and 9 would replace the existing section 12A(3) with a provision that requires the statistical information to be broken down by court area and type of court. That would enable someone reading the report to compare, for example, statistics for sheriffdoms that have made arrangements for a sheriff with a specialism in domestic abuse cases to handle such cases with those that do not have such arrangements in place, and to compare statistics on the performance of justice of the peace courts with sheriff courts and the High Court.

Amendment 7 also requires that there should be distinct statistics in the report for both the offences referred to in amendment 1.

Amendment 8 is a minor amendment in order to cover clearly any additional information that ministers decide to include in the report to Parliament by virtue of section 12A(2)(e). For example, that could include information such as the number of cases reported to the police or the proportion of those that are reported to the procurator fiscal for consideration of prosecution.

Amendments 10 and 11 would amend section 12A(4). That subsection currently requires the Scottish ministers to state whether they intend to recommend to the Lord President that additional specialist domestic abuse courts should be constituted and, if not, why they are not making such a recommendation. That issue was debated at stage 2 in the context of other amendments that were defeated. The Judiciary and Courts (Scotland) Act 2008 provides that the Lord President is solely responsible

“for making and maintaining arrangements for securing the efficient disposal of business in the Scottish courts”.

In other words, this Parliament has legislated to protect the constitutional independence of the Lord President in respect of court programming. As such, it would not be constitutionally appropriate for the Scottish ministers to become involved in the details of how the Lord President and sheriffs principal arrange court business. However, I recognise the value of ensuring that the report includes information about how court business is arranged, including in different areas, or types of court, such as specialist courts that hear domestic abuse cases, to assist anyone reading the report who wants to assess how the courts are operating. Amendments 10 and 11 therefore require the Scottish ministers to seek information from the Lord President on how court business has been arranged so as to ensure the efficient disposal of

cases involving the offences that the report covers.

Amendment 12 is a technical amendment that would amend section 12A(5) so as to make it clear that the Scottish ministers are required to report to Parliament as soon as practicable after the reporting period has ended.

Amendment 13 would amend section 12A(6) so as to provide that the reporting period is the period of three years beginning with the date on which the domestic abuse offence comes into effect.

Parliament has already recognised that there is a need to ensure that police, prosecutors and those working in the third sector are trained on the new offence before it comes into effect and that there should be a public information campaign to raise awareness of the new offence to coincide with its commencement. As such, there will be a period of some months between the date of royal assent and the commencement of the legislation.

Claire Baker's amendment 13A would, if accepted, reduce the reporting period proposed in amendment 13 from three to two years. It may be helpful if I explain the reason that we propose that the reporting period should cover the first three years in which the new offence is in force.

As members will be aware, the offence in the bill is a course of conduct offence, and only conduct that is alleged to have taken place after the date on which the offence comes into force will be capable of being libelled as part of a course of conduct amounting to the new offence.

15:00

It is likely that there will be few prosecutions in the immediate aftermath of the commencement of the legislation. An increase is likely to happen only gradually—perhaps towards the end of the first year of commencement. We also know that victims of domestic abuse will often not report to the police for some time. That is currently the case, and it is likely that that will continue to be the case.

Therefore, in seeking to ensure that relevant information is included in the report, we think that a reporting period of three years from the date of commencement of the legislation will provide more scope for meaningful information on how the new offence is operating from the time that a prosecution is initiated through to the verdict. We think that two years is likely to mean a relatively short period for an assessment of how many cases have gone from initiation to prosecution to final verdict. By adding an extra year into the reporting period, the richness of the information in the report will be much improved.

Liam McArthur (Orkney Islands) (LD): I certainly appreciate the logic behind having the three-year timeframe immediately after the commencement of the legislation. However, I suppose that there is an argument that some of the problems that the cabinet secretary has identified at the outset relating to the slow pace at which cases will come forward will be less applicable later on. Therefore, perhaps an initial three-year period could be followed by a two-year period.

Michael Matheson: I understand the point that Liam McArthur is making. The principal reason for the three-year period is that there is a danger that, with two years, we would largely have only one year's-worth of data to consider, whereas the three-year period is more likely to give us two years of much more detailed information. We think that that would make the information much more meaningful in helping us to understand how the act is operating. However, I understand Liam McArthur's point. The aim is to ensure that the data in the report is richer and more meaningful, which will allow us to take a much more considered view of how the legislation is operating. On that basis, I invite Claire Baker not to move amendment 13A.

I move amendment 1.

Claire Baker (Mid Scotland and Fife) (Lab): At stage 2, I moved a number of amendments that were aimed at recognising the value of specialist domestic abuse courts and giving consideration to increasing their numbers. I was pleased to have section 12A accepted by a majority of the committee, resulting in the inclusion of a duty on the Government to report on the operation of the act.

I am inclined to support the majority of the Government's amendments, which seek to clarify the content of the report and I thank the cabinet secretary for lodging them. I am grateful for the clarity that has been provided that amendments 7 and 9 will allow comparisons to be drawn between the different types of court. I am pleased that the Government accepts the need for a review and a report on the legislation in practice.

I lodged amendments that concern domestic abuse courts for three reasons. First, there is frustration at the slow progress in the development of specialist domestic abuse courts. Glasgow's court was established in 2004 and Edinburgh's was established in 2012. There are four courts that cluster—in Dunfermline, Ayr, Livingston and Falkirk—and, although other courts operate a fast-track system, large areas of the country are not served by any kind of specialist court for domestic abuse cases: Dundee, Aberdeen and the Scottish Borders, for example. A postcode lottery is operating in victims' access to justice.

Secondly, there are concerns about consistency in decision making and confidence in the decisions that are made. Members may have read about cases in which community sentences were given for what appeared to be serious domestic abuse crimes. I have been contacted by victims who were very distressed by those sentences. In addition, there was a case in 2016—it was not an isolated case—in which the sheriff decided to send the alleged victim, who was a mother, to jail for two weeks under contempt of court because, according to the sheriff, she had not fully participated in the court proceedings. Those cases were not heard in domestic abuse courts.

I recognise that the decision is for the sheriff, based on all the evidence that is before them, but a specialist domestic abuse court provides the victim with greater confidence in how decisions are made, better appreciates the victim's experience, and can make better decisions in the victim's interest.

Thirdly, I fully support the legislation and the introduction of a specific statutory offence that will cover coercive and controlling behaviour as well as physical abuse. However, there will be challenges to the legislation in the courts, in particular on the inclusion of coercive behaviour. I would rather see the act's provisions being tested in a specialist court that has greater experience and understanding of the legislation and of what the Parliament sought to achieve with the legislation.

The report that will be presented to Parliament will provide valuable information on the use of the legislation and its specialist measures, but it will also provide information that will enable us to compare the decision making, the outcomes and victims' experiences in specialist and non-specialist courts. We will have to wait and see what the evidence shows, but that information could provide evidence to support the expansion of domestic abuse courts.

That is why the bill states that the Scottish ministers must take a view on the evidence, explain that position, and make a recommendation to the Lord President if they judge that that is the best way forward. That is why I am not inclined to support amendments 10 and 11. I do not believe that the bill as it stands questions judicial independence; the recommendation would be to the Lord President in his capacity as chair of the Scottish Courts and Tribunals Service rather than as head of the judiciary. It would be a recommendation that relates to high-level policies and priorities, which the Government is in a position to make. However, the Government's alternative this afternoon is disappointing because it is timid; it requests information from the Lord President only on the current arrangements and

misses the point of the report as a means to influence or inform future decisions.

I seek support for amendments 14, 15 and 16, which will result in the report including reporting around the specific measures on children. I have the support of the NSPCC in Scotland, Barnardo's Scotland, Children 1st and Scottish Women's Aid for the amendments and I welcome the Government's support.

The bill's recognition that children are adversely affected by domestic abuse is significant, and we need to make sure that the measures—the inclusion of an aggravation in relation to a child and the use of non-harassment orders—are used effectively and that the experience of children as witnesses is understood. The data collection and analysis will enable us to do that. We owe it to children to be fastidious about monitoring how the new act is operating, and to ensure that it is effective in recognising the harm that domestic abuse causes them and taking the right measures to protect them.

I recognise the logic in having the report period start from the day on which section 1(1) comes into force, but I questioned the extension to a three-year reporting period. There are concerns that that will mean that we may not see a report until 2022, and people are keen to see how the legislation is working. However, following further discussion with the sector and with the cabinet secretary, I am clear that I want to see a comprehensive report that will provide us with enough information to move forward on the issue of how we manage domestic abuse cases through the courts, so I am inclined to support the Government's proposal in amendment 13.

Liam Kerr (North East Scotland) (Con): The Scottish Conservatives have reviewed the amendments in group 1 and note that virtually all of them seek to improve drafting and/or post-legislative scrutiny. I can therefore confirm that, with one exception—amendment 13A—we shall support all the amendments in group 1, although I note that Claire Baker does not intend to move amendment 13A.

In particular, and for the avoidance of doubt, we will support amendments 10 and 11, in the name of Michael Matheson. The purpose and effect paper from the Scottish Government is correct, in my view, on what the amendments do; it says that they recognise

“that the Scottish Ministers have no power to become involved in matters relating to the organisation of court business, while ensuring that the report does provide information from the Lord President on how they are organising court business with regards offences relating to domestic abuse.”

It is always preferable that the executive should not give directions to the judiciary, particularly not to the Lord President. Therefore, I confirm that we will agree to amendments 10 and 11.

For the avoidance of doubt, if Claire Baker moves amendment 13A, we will not vote for it.

John Finnie (Highlands and Islands) (Green): I wish to speak about amendments 10 and 11. The cabinet secretary talked about the Lord President making and securing arrangements for the court. That is true—of course it is true—but we have also seen court reform legislation passed in this Parliament and it is quite clear that the amendment that was agreed to at stage 2 was deemed competent. Although I accept the view—if we take a very narrow view of the role of the Lord President—that it is not constitutionally appropriate, and I readily accept the separation of powers, this is a law-making building, and just as we have seen with court reform, I am keen that amendments 10 and 11 are opposed.

In the past we have seen excessive deference to the Lord President—timidity, as my colleague Claire Baker referred to it—and I am very keen that nothing inhibits the progress that should be made on domestic abuse courts. The phrase “making and securing arrangements” makes it clear that we do not have parity of access to justice for victims of domestic violence across Scotland—that is, access to a specialist court service. On that, the courts are out of step with other partners in addressing this scourge. Third sector organisations, the police and the prosecution service all recognise that there are specialist skills attached to the area, and yet we still have cases being dealt with in non-specialist courts. Therefore, we will not support amendments 10 and 11.

Liam McArthur: I confirm that we, like others, will support the vast majority of the helpful amendments in this section. The area of controversy is principally around amendments 10 and 11. The purpose and effect briefing from the Government that outlined the concerns about the amendment that was passed at stage 2 was helpful. When the report provides an explanation of the lived experience of this legislation of those whom it is there to protect, it will be incumbent on us all to form a view as to whether people have equal access to justice and a consistent experience, wherever they may live in the country.

I imagine that ministers will form a view, too. How that will be expressed to the Lord President and by this Parliament is another question entirely. It is perhaps naive to assume that in producing the report we will not come to a view on where it leads us in relation to specialist courts or down the route of ensuring greater consistency of specialist knowledge and understanding within the Crown

Office and Procurator Fiscal Service and among sheriffs and their staff.

I will listen with interest when the cabinet secretary winds up on this group, but I share some of the sentiments that John Finnie expressed in relation to amendments 10 and 11. Again, for the avoidance of doubt, I am happy to support amendment 13 and I note that Claire Baker will not move amendment 13A, which is a sensible approach.

Michael Matheson: I recognise the concerns that Claire Baker raised regarding the consistency of sentencing approach within our sheriff courts, and the points that were raised by John Finnie. Those matters were considered and debated at stage 2. The members will be aware of some of the concerns that were echoed at that point, about the dangers of specialist courts in some rural areas potentially drawing people longer distances away from home in order to have their case considered in a specialist court. A practical example that was put to me was the existing arrangement in Portree sheriff court, which considers domestic abuse cases. If Inverness was to become a specialist court for domestic abuse, women would have to go from Portree to Inverness for the purpose of attending that court.

Rhoda Grant (Highlands and Islands) (Lab): It is really important that all victims of domestic abuse receive the same support and service. Is it not possible that, on certain days, smaller district courts could be set aside for domestic abuse cases? Then the specialists who support victims and the sheriffs who have an understanding of the issues could be there to handle those cases.

Michael Matheson: That is exactly what a number of sheriffs principal do at the moment. They try to cluster cases so that they can arrange to have support services at the court at that point, and also, if possible, a single sheriff will deal with those cases. That will not be possible in every case, but it is something that sheriffs principal are taking forward.

Liam McArthur made an important point about the value of the report. It reinforces why I believe that the three-year timeframe is particularly important. The richness of data that can be captured over a three-year period will allow us to develop a much more informed and considered view about what further measures can be taken. That will help to inform ministers on the experience of victims and the way in which the courts are operating on those matters, and I have no doubt that the Lord President and the judiciary will want to take the findings of that report into consideration. I suspect that it will help to inform future practice and the approach that our courts and judiciary take in this area.

The value of the report is underscored by the potential impact that it could have by helping to adjust practice and altering the way in which our courts operate. However, the ultimate decision in doing that is a matter for the Lord President, given his role in the judiciary.

I encourage members to support all the amendments in my name. I accept and welcome the fact that Claire Baker will not move amendment 13A.

15:15

Amendment 1 agreed to.

Amendments 2 and 3 moved—[Michael Matheson]—and agreed to.

Amendment 14 moved—[Claire Baker]—and agreed to.

Amendment 4 moved—[Michael Matheson]—and agreed to.

Amendment 15 moved—[Claire Baker]—and agreed to.

Amendment 5 moved—[Michael Matheson]—and agreed to.

Amendment 16 moved—[Claire Baker]—and agreed to.

Amendment 6 moved—[Michael Matheson]—and agreed to.

The Presiding Officer: I remind members that we will change the order by calling amendment 8 before amendment 7.

Amendments 8, 7 and 9 moved—[Michael Matheson]—and agreed to.

Amendment 10 moved—[Michael Matheson].

The Presiding Officer: The question is, that amendment 10 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division. As it is the first division in the debate, I will ring the bell to call members to the chamber and I suspend the meeting for five minutes.

15:18

Meeting suspended.

15:23

On resuming—

The Presiding Officer: We move to the division on amendment 10.

For

Adam, George (Paisley) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)

Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Balfour, Jeremy (Lothian) (Con)
Ballantyne, Michelle (South Scotland) (Con)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
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)
Chapman, Peter (North East Scotland) (Con)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Corry, Maurice (West Scotland) (Con)
Crawford, Bruce (Stirling) (SNP)
Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
Davidson, Ruth (Edinburgh Central) (Con)
Denham, Ash (Edinburgh Eastern) (SNP)
Dey, Graeme (Angus South) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Ewing, Fergus (Inverness and Nairn) (SNP)
Fabiani, Linda (East Kilbride) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Greene, Jamie (West Scotland) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Harper, Emma (South Scotland) (SNP)
Harris, Alison (Central Scotland) (Con)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Kerr, Liam (North East Scotland) (Con)
Kidd, Bill (Glasgow Anniesland) (SNP)
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)
MacGregor, Fulton (Coatbridge and Chryston) (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)
McArthur, Liam (Orkney Islands) (LD)
McKee, Ivan (Glasgow Provan) (SNP)
McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
McMillan, Stuart (Greenock and Inverclyde) (SNP)
Mitchell, Margaret (Central Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
Neil, Alex (Airdrie and Shotts) (SNP)
Paterson, Gil (Clydebank and Milngavie) (SNP)
Rennie, Willie (North East Fife) (LD)
Robison, Shona (Dundee City East) (SNP)

Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 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)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 90, Against 29, Abstentions 0.

Amendment 10 agreed to.

Amendment 11 moved—[Michael Matheson].

The Presiding Officer: The question is, that amendment 11 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)

Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 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)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 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)
 MacGregor, Fulton (Coatbridge and Chryston) (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)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Russell, Michael (Argyll and Bute) (SNP)

Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 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)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 89, Against 29, Abstentions 0.

Amendment 11 agreed to.

Amendment 12 moved—[Michael Matheson]—and agreed to.

Amendment 13A not moved.

Amendment 13 moved—[Michael Matheson]—and agreed to.

Schedule

The Presiding Officer: Group 2 is on non-harassment orders. Amendment 17, in the name of Linda Fabiani, is the only amendment in the group.

Linda Fabiani (East Kilbride) (SNP): At stage 2, I placed before the Justice Committee an amendment that sought to make granting of non-harassment orders mandatory in cases of domestic abuse. I had come to believe that to be necessary from discussion, over many years, with victims of such abuse. It was very clear that the women felt that they had been let down by courts that had not granted such orders. That has been backed up by answers to my written parliamentary questions over the years, which I believe have shown that the courts issued fewer non-harassment orders than they should have issued. Such situations often result in fear and dread for the victim, and many have had to resort to civil actions to achieve some peace of mind.

That was all very well discussed by the Justice Committee, so I thank all its members for the serious consideration that they gave the matter. I understood some of the concerns that were expressed by members who had listened carefully to much evidence over the piece, and I recognised other concerns that were expressed by the Cabinet Secretary for Justice. I also recognised the commitment of everyone—especially that of the cabinet secretary—to strengthening the bill in the interests of victims, so I withdrew the amendment that would require mandatory non-harassment orders.

Amendment 17, which I offer for Parliament's consideration today, does not demand mandatory non-harassment orders, but would adjust the provisions relating to non-harassment orders. The amendment provides that the court must make an order to impose a non-harassment order unless it is of the view that one is not necessary for the protection of the victim and/or the children who are involved in the case. That adjustment would create a presumption in favour of imposing a non-harassment order while retaining a measure of discretion for the court, when it concludes that such an order is not necessary in a given case. Thus, amendment 17 would change the provision that is currently in the bill, so that a presumption would be created in favour of imposing a non-harassment order unless the court is absolutely satisfied that one is not necessary to protect a victim of domestic abuse or the children involved in a case.

Certainly, the bill currently provides that a non-harassment order can be imposed without an application by the prosecutor in domestic abuse cases, so it already goes some way towards highlighting the importance of such orders to the court. My amendment 17, though, would go further by placing a greater onus on the court to justify why a non-harassment order is not necessary.

Lastly, the existing provision requires that reasons be given for whether or not a non-

harassment order is imposed. Amendment 17 would change that so that reasons would be required only when a non-harassment order is not imposed. That reflects the presumption.

It is clear to me and many others that the present system does not work for victims. When a person is found guilty of abuse, it is surely logical for the victim to presume that the court and the system will take all possible steps to protect them from further potential physical or mental abuse.

The bill is taking excellent steps forward and I am convinced that a presumption in favour of imposing non-harassment orders will take us even further, so I ask members for their support.

I move amendment 17.

The Deputy Presiding Officer (Christine Grahame): I call Rhoda Grant. [*Interruption.*] There was a mispressed button. Margaret Mitchell's name has just popped up.

15:30

Margaret Mitchell (Central Scotland) (Con): As Linda Fabiani explained, she lodged an amendment at stage 2 on non-harassment orders, which was equivalent to seeking a mandatory non-harassment order to follow a conviction on a charge of domestic abuse. Although I am sympathetic to the reasons why she wants to do that, which she has outlined again today, I considered that the amendment was a step too far and instead supported the provisions in the bill, which presented a more balanced approach. The member did not press the amendment and undertook to reflect on what had been said with a view to seeing how the bill might be strengthened at stage 3.

The new amendment 17 falls short of mandatory granting of non-harassment orders. It provides that the perpetrator, as well as the prosecution agent, must be heard before the court decides whether to grant such an order. It also provides, in what I found to be quite confusing terms, that if an order is not given, the court has to explain the basis of its decision. Therefore, amendment 17 is equivalent to a presumption in favour of granting a non-harassment order.

The Scottish Conservatives will support amendment 17, but we consider it essential in the interests of fairness, equality and good drafting that the provision be reviewed at the earliest opportunity in order to ensure that there are no unintended consequences.

Michael Matheson: I welcome amendment 17, which is in Linda Fabiani's name. She has tirelessly raised the issue of non-harassment orders on behalf of a constituent of hers who was affected by domestic abuse. Amendment 17 will

strengthen the non-harassment order regime by creating a presumption that a non-harassment order will be imposed unless the court considers that one is not necessary for the protection of the victim or children who are involved in the case.

It is important that the courts see non-harassment orders as a valuable part of the necessary approach to tackling domestic abuse. Such orders are protective orders that are used when a person has been subjected to harassment. Non-harassment orders are a key consideration when a court is assessing what disposal to impose following a conviction for domestic abuse. The bill already strengthens the non-harassment order regime by making it mandatory for a court to consider in every domestic abuse case whether to impose a non-harassment order, thereby allowing children to benefit from the protections of non-harassment orders in domestic abuse criminal cases without needing to apply to the court separately, and by requiring the court to have particular regard to victim safety when sentencing in domestic abuse cases.

Linda Fabiani's amendment 17 is a welcome addition that will strengthen the bill in respect of non-harassment orders, so we support it.

Linda Fabiani: I thank everybody for their consideration, which I was asked to do by the constituent whom the cabinet secretary mentioned and by others. A strong message will be sent out that further harassment following conviction will not be tolerated and that it is not acceptable from anybody.

Amendment 17 agreed to.

Domestic Abuse (Scotland) Bill

The Deputy Presiding Officer (Christine Grahame): As members will be aware, at this point in the proceedings, the Presiding Officer is required under the standing orders to decide whether, in his view, any provision of the bill relates to a protected subject matter—that is, whether it modifies the electoral system and franchise for Scottish parliamentary elections. The Presiding Officer has decided that no provision of the Domestic Abuse (Scotland) Bill relates to a protected subject matter and that, therefore, the bill does not require a supermajority in order to be passed at stage 3.

The next item of business is a debate on motion S5M-10218, in the name of Michael Matheson, on the Domestic Abuse (Scotland) Bill. I call Michael Matheson, the cabinet secretary, to speak to and move the motion.

15:36

The Cabinet Secretary for Justice (Michael Matheson): I thank the members and clerks of the Justice Committee, the Finance Committee and the Delegated Powers and Law Reform Committee for their diligent consideration of the Domestic Abuse (Scotland) Bill. I also thank those who have taken the time to engage in the bill process and share their knowledge, experience and views during the scrutiny process. In particular, I applaud the courage of the individuals who shared with the Justice Committee their personal experiences of suffering domestic abuse. That assisted the committee's consideration of the bill and helped the Parliament to gain a fuller understanding of what it is like to experience domestic abuse.

Members will recognise that attitudes towards domestic abuse have changed considerably since the Scottish Parliament was established, in 1999. Back then, some people—including some of those who worked within the justice system—were of the mindset that domestic abuse, especially when it did not involve physical violence, was a private matter and no business of the police or the courts. Attitudes have changed.

One effect of that has been that, as victims have become more confident that they will be taken seriously and more willing to come forward to the police, the true scale of domestic abuse in Scotland has been made more apparent. In 2016-17, nearly 59,000 domestic abuse incidents were reported to the police. However, we know that even that is likely to be a significant underestimate of the actual scale of domestic abuse. The 2014-15 Scottish crime and justice survey found that, of those who had experienced domestic abuse in the

previous 12 months, around 20 per cent stated that the police came to know about the most recent incident. That is in contrast to a reporting rate of 38 per cent for all crime in that survey.

It is right that we also reflect on the changes to attitudes that have happened—and that are still happening—as the bill has proceeded through Parliament. The #MeToo campaign, which is shining a light on the experiences of all too many women across the world, only demonstrates further the need for the bill. Although attitudes to domestic abuse have changed and, as a society, we have a fuller and richer understanding of what domestic abuse is, the criminal law that is used to prosecute the perpetrators of domestic abuse has not reflected that understanding.

I pay tribute to Lesley Thomson, the former Solicitor General, who led from the front in publicly calling for a new criminal law approach to domestic abuse. It is worth recalling why she made that call. She said that, in her experience of prosecuting domestic abuse, the way in which the existing criminal law focused on individual incidents of assault or threatening or abusive behaviour was misguided because it did not reflect the way in which victims experience domestic abuse as an on-going course of abusive behaviour that is sustained over time, not as a few isolated incidents.

Responses to the subsequent Scottish Government consultation made it clear that there was a gap in the law in that it was difficult to prosecute cases in which an abuser behaved in a highly controlling, manipulative and abusive way towards their partner over a long period of time without using physical violence. Examples of the kind of behaviour that perpetrators may engage in are harrowing. Behaviour intended to humiliate or degrade their partner can include abusive name calling, sharing private information and making them eat food off the floor or from pet dishes. Perpetrators may also try to exert control over every aspect of their partner's life, such as by preventing contact with family or friends, checking and controlling their use of their phone or social media, stopping them from attending work or college and making unreasonable demands about such things as food preparation, housekeeping, where the victim needs to be and when, and what the victim is allowed to wear. Those actions will not necessarily be accompanied by physical violence or overt threats, because the perpetrator knows that the victim may be in such fear of their partner that physical force or overt threats to them are not needed to exert horrendous control over them.

Even when a prosecution is possible using the current law, a conviction for a single incident of assault or threatening or abusive behaviour, for

example, may leave the victim feeling, quite rightly, that the court process and the sentence imposed do not reflect the seriousness of the abuse—the background of long-term psychological abuse and controlling behaviour—that they have suffered. That is what we are addressing through the new offence of domestic abuse. The offence modernises the criminal law to reflect our understanding of how victims experience domestic abuse by providing a specific offence that is intended to be comprehensive in that the abuse can be prosecuted as a single offence, ensuring that the court considers the totality of the abuse that it is alleged the victim has experienced. It will enable the court to consider not only behaviour that would be criminal under the existing law, such as assault and threats, but psychological abuse and coercive and controlling behaviour that can be difficult to prosecute using the existing law.

The Justice Committee heard evidence from stakeholders that identified a number of ways in which the bill could be improved. Scottish Women's Aid highlighted the importance of providing extraterritorial jurisdiction for the offence, and we amended the bill at stage 2 to do so. As this is a "course of conduct" offence, it is possible that, in individual cases, abuse may occur across a long period of time and in more than one jurisdiction, and the bill now caters for that.

Groups that represent the interests of children asked us to consider how the child aggravation could better reflect the harm that is experienced by a child who grows up in an environment where their parent or carer is being abused, irrespective of whether they see or hear the abuse or are present when that abuse takes place or whether the abuser directs that behaviour at the child or tries to involve the child in the abuse. We widened the scope of the child aggravation at stage 2 so that it can be proven if a reasonable person would consider that the perpetrator's course of behaviour, or an incident that forms part of that course of behaviour, would be likely to adversely affect a child who lives with the victim or perpetrator.

That change has been warmly welcomed by key stakeholders. It means that the aggravation can apply when, for example, the perpetrator's controlling behaviour has the effect of isolating a child, as well as the primary victim, from friends, family or other sources of support or where abusive behaviour undermines the ability of the non-abusing parent or carer to look after the child—for example, by restricting their access to transport, limiting their ability to get a child to doctor's appointments or restricting their access to money and thereby limiting their ability to provide essentials for a child.

I am not under any illusion that creating a new offence of domestic abuse will, on its own, end domestic abuse. Changes to the mindset of the men who perpetrate domestic abuse will take a generation or more. Only once it can be said that women are treated equally in our society can we be confident that we are on our way to eradicating domestic abuse. Nevertheless, it is heartening to see the pace of change. The #MeToo movement, which emerged during the scrutiny of the bill, is an example of what we all hope are seismic shifts in society's views on how women are treated.

I am proud to have led the bill through Parliament. This is a momentous day, as our laws will be changed in a way that reflects the experience of domestic abuse that all too many women have suffered. Although I am under no illusion that laws alone can address domestic abuse, they have a key role to play. Once implemented, the bill will allow our justice system to deal more appropriately with domestic abuse.

I move,

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

The Deputy Presiding Officer: I appreciate that the bill is important—as all bills are—and I have been generous with the cabinet secretary, so I will be generous with the other front-bench speakers. I will give Liam Kerr seven minutes and Rhoda Grant six minutes. They will get extra time.

15:47

Liam Kerr (North East Scotland) (Con): I speak in favour of passing the Domestic Abuse (Scotland) Bill.

The bill creates a specific statutory offence of domestic abuse. Currently, the criminal law focuses on discrete incidents of physical violence or threatening behaviour that causes fear or alarm, and it can fail to recognise the lived experience of domestic abuse as a course of conduct over a period of time.

The new offence, which we welcome, seeks to protect victims who have experienced coercive or controlling psychological or emotional behaviour by creating a new offence of having engaged in a course of abusive conduct even if it was entirely psychological and even if the victim did not, on the face of it, suffer harm as a result of the conduct. Furthermore, as a result of stage 2 amendments that the Government lodged, when the perpetrator, in committing the offence, involves or affects a child or a child sees, hears or is present during an incident that forms part of the course of behaviour amounting to the offence, the offence will be aggravated.

The bill also makes a number of attendant changes, which we welcome. Those include prohibiting the accused from conducting a precognition of the victim or complainer or from personally conducting a defence in court. Judges will be required, in their sentencing, to have regard to ensuring that the victim is not subject to further abuse, and it will be exceptional for bail to be granted when the accused has a previous conviction. Also, as the cabinet secretary mentioned, jurisdiction will be extended such that Scottish courts will be able to try someone for an offence of abusive behaviour that was committed wholly or partly outside the United Kingdom.

The Law Society concluded its very helpful briefing note with these words:

“we would stress that the law must be easily understood by all concerned. The public must be aware of the provisions of the Bill when it becomes legislation.”

That is a very important point.

Earlier this week, I met David McIntosh, the police area commander for Angus, to discuss various issues in the region. Coincidentally, he is also the chair of the Angus violence against women partnership, which sends an important message about how seriously the police take the issue. The discussion turned to today's debate, and he reminded me that, on average, a woman suffers 22 incidents of domestic abuse before she feels able to report it. He suggested that one of the key benefits of having a bespoke act for domestic violence is that it sends a signal to victims of abuse that there is a specific piece of legislation that is designed precisely for their needs. Having such an act tells them, “You are the victim. You do not need to suffer this, because Parliament has legislated specifically for you. Come forward and the police will hear your voice sympathetically and appropriately, and they will ensure that all is done to protect you.”

The area commander reminded me that, in Angus and throughout Scotland, the number of recorded police reports of domestic abuse is rising, having gone from 36,000 incidents in 2000 to 58,810 in 2016-17. The explanation appears to be the increased reporting of a previously hidden crime.

In the financial memorandum, the Government estimates that creating the new offence will lead to an increase in the reporting of domestic abuse cases of between 2 and 10 per cent. That is good. However, if we take the median projected increase of 6 per cent, the Government's best estimate is that the increase in costs for the Crown Office and Procurator Fiscal Service and the courts will be just over £2.5 million per annum. The best estimate for the increase in the cost to the police of dealing with the offence is around £720,000 per annum, while additional costs for the Scottish

Prison Service are estimated at just under £1.1 million per annum. That is a considerable amount, which I urge the Scottish Government to consider very carefully when the bill is passed today, as I hope it will be.

I also draw the Government's attention to the representations on funding that are on page 5 of the Scottish Women's Aid submission, which are well made and worthy of consideration.

I tried to amend the bill at stage 2, because I was staggered to learn that experiencing domestic abuse is the third most common reason for a homeless application in Scotland and can result in women and children spending months in refuges and unsuitable temporary accommodation. I therefore wanted to amend the bill to require a review of emergency barring orders—orders that would immediately ban a perpetrator of domestic violence from the home of their victim for as long as was considered necessary to secure the victim's safety. I withdrew my amendment because the cabinet secretary argued that it was unnecessary, as the Government had committed to conduct a consultation on the matter in early 2018. I look forward to that work commencing.

I also have not forgotten my stage 1 representations, in which I made it clear that courts can sometimes seem stacked against domestic abuse survivors, particularly when victims of domestic abuse have to recount their case to multiple sheriffs. Mr Matheson was right to refer to the effect of the court process.

Trials of a one-family, one-judge system to address the issue have been carried out in the United States, Australia and New Zealand. In England, there have been trials of an integrated domestic violence court in which one judge handles the criminal cases relating to domestic violence as well as all accompanying civil matters. A one-family, one-sheriff approach for domestic abuse victims in Scotland is surely worth exploring going forward. I wonder whether, in closing, the cabinet secretary or the minister might address whether such a trial would be possible.

Domestic abuse is monstrous and can cause immense and enduring trauma and harm. It has been sobering to hear and read the testimony of victims and the organisations that support them. They have highlighted the fact that there is behaviour that cannot currently be prosecuted because it does not meet the threshold of criminal conduct. More must be done to support the victims.

There is a gap in our law and the new offence is required. We agree that the Domestic Abuse (Scotland) Bill achieves what is required and we shall vote for it today.

15:54

Rhoda Grant (Highlands and Islands) (Lab):

People who are seeing the physical devastation of domestic abuse for the first time always ask, “Why on earth does the victim stay? Why did they not leave—and leave immediately? Why did they go back?” What the person does not see is the years of psychological abuse that the victim has faced before the physical abuse began. They do not see someone who is so undermined that they blame themselves. They do not see someone who has nowhere to run, because the abuser has alienated their friends and family.

The bill tries to deal with such psychological manipulation, which is often the precursor to physical abuse and is just as devastating. The behaviour is often so subtle, initially, that the victim is unaware of what is happening to them, so it is for friends and family to spot it.

Concern was expressed that the threshold for criminality might be too low, but given the underhand nature of the crime, which is often hidden, harmful behaviour would not be captured and victims would not be protected if the threshold were higher.

For the offence to lead to a conviction, conditions will need to be met to ensure that a falling out or disagreement will not be captured. The conditions are as follows: the accused’s course of behaviour was abusive of their partner or ex-partner; a reasonable person would deem that such behaviour was likely to cause physical or psychological harm; and the accused intended to cause harm or was reckless about whether their behaviour would do so.

The bill will offer further protection, but there remain areas that need to be tackled. The bill considers the impact of domestic abuse on children, but it does not go far enough, although it was strengthened today by amendments in the name of my colleague Claire Baker.

Far too often in my casework, I see cases in which custody and access to children are used to continue to perpetrate abuse. Abusers use contact to trace the family and find out where they are living, so that they can continue the abuse. They use contact to monitor where a victim is, and they control their victim’s behaviour by changing pick-up and return times. The abuse continues and, worse, the child is used as a weapon.

The courts have forced mothers to hand over their children to an abusive ex-partner whom they know will harm the children—and if the mother does not hand over the children, she faces arrest. That is a horrendous and unacceptable situation to put someone in, and all too often we read that it has tragic consequences.

Although the bill now recognises the damage that is done to children by domestic abuse, we need to go much further to protect children. An abusive parent or step-parent should not have access to a child, under any circumstances. Unless they have been able to prove in a court of law that they have addressed their behaviour, their child must be protected from them. We need mechanisms to put such an approach into operation, but the rule of thumb must be that there is no contact, because of the damage that it causes to the child.

In a meeting with Mary Fee, the minister suggested that the Government will look at the issue as part of the reform of family law. However, the matter needs to be addressed urgently, because lives are being damaged and lost while the current situation continues.

The bill does nothing to ensure that all victims have access to a domestic abuse court. Given the concern that has been expressed about prosecution under the bill, such access is essential. If specialists do not preside over the legislation, we will have a two-tier system in which victims who have access to a specialist domestic abuse court get protection while those who do not have access do not get protection.

Domestic abuse courts are used to implementing special measures in court, when victims ask for things to be put in place to make giving evidence easier and less traumatic for them. A victim can ask for special measures in any court, but it is commonplace for victims to turn up at an ordinary court and discover that the measures have not been put in place. If all victims had access to specialist domestic abuse courts, there would be standard provision, rather than a postcode lottery.

We need specially trained professionals to deal with the legislation. The police need to be trained to investigate and recognise the offence, and throughout the whole prosecution system we need people who are appropriately trained. If people are not trained, the bill will not offer the protection that it should offer. That is why specialist domestic abuse courts are so important: they cater for the needs of victims, and the professionals have a deep understanding of the offence of domestic abuse.

Emergency barring orders were dropped from the bill because the Scottish Government said that it was going to consult on them as part of the review of the Children (Scotland) Act 1995. However, EBOs would be required even if there were no children in the home. A victim should never have to leave their home, especially not in haste and in fear of their safety. The trauma that that causes is unacceptable. Measures need to be in place that immediately remove the perpetrator

and make the house safe for the victim and their family to remain. An abuser is not law abiding, so simply being told to leave is unlikely to address their behaviour.

We also need to ensure that where exclusion orders of any kind come to an end, the victim is informed in enough time for them to take action to protect themselves. Too often, we hear of abusers being given non-custodial sentences with no restrictions, which means that restrictions put in place while on bail fall immediately, leaving the victim unprotected.

We in the Scottish Labour Party support the bill. Anything that provides better protection against domestic abuse is to be welcomed.

The Deputy Presiding Officer: My generosity extends to the open speeches. You all have five minutes for your speeches. I know that you will have no trouble filling an extra minute.

16:01

Rona Mackay (Strathkelvin and Bearsden) (SNP): I am very happy and proud to speak in the stage 3 debate on the Domestic Abuse (Scotland) Bill. As deputy convener of the Justice Committee, I thank the clerks for all their hard work and, of course, the many witnesses who bravely came forward to give evidence and who made it possible to frame such an all-encompassing piece of legislation. I am particularly proud because the bill is a good bill that will give greater security to the thousands of women in Scotland who suffer mental or physical trauma at the hands of cowardly abusers. The bill is, quite simply, groundbreaking.

I am happy, too, that the bill is consensual and that Parliament is united in condemning violence against women and children. As has been said, the bill is historic: for the first time, psychological abuse and coercive behaviour are being included in the vile crime of domestic abuse. The bill creates a new offence of engaging in a course of abusive conduct against a partner or ex-partner, and it amends other procedural or evidential aspects of criminal law in relation to domestic abuse, addressing an important gap in the law. Crucially, the bill acknowledges the horrendous, everlasting damage that psychological abuse and coercive controlling can do. It allows for convictions for domestic abuse based on a course of conduct rather than individual incidents.

The amendments to the bill have strengthened it and I was happy to support them all. I am particularly pleased that the bill includes an aggravation that acknowledges the damage done to children caught up in these situations and ensures that that is taken into account during sentencing. In this, the year of young people, that

is a powerful way to demonstrate to young people how important they are and that society is taking steps to acknowledge the trauma that they suffer in situations of domestic abuse. That has not been given enough attention before.

Members will be aware of the revolutionary evidential research from the ACEs—adverse childhood experiences—study. Domestic abuse scores highly in the ACEs trauma index. I hope that the fact that the bill acknowledges ACEs is another step along the way to society changing the way in which it deals with traumatised children and helps them to heal. I echo Children 1st's call for investment in trauma-informed support across Scotland to help children and families to rebuild their lives.

The inclusion in the bill of the presumption in favour of non-harassment orders is also welcome and will give comfort to victims who feel extremely vulnerable after a court decision. The benefit of the amendments at stage 2 in the name of my colleague Mairi Gougeon will be that children who reside with the perpetrator of the domestic abuse or with the partner or ex-partner who has been abused will also be able to receive the protection of a non-harassment order.

Those measures protect children in a way that has not been possible until the introduction of the bill. I am absolutely delighted that the Scottish Government has listened to the Law Society of Scotland and Scottish Women's Aid, and to children's organisations such as Children 1st and the National Society for the Prevention of Cruelty to Children, to name but a few organisations that protect our children every day. The introduction of a formal reporting process on the operation of the offence, the extension of the extraterritorial reach of the offence and Claire Baker's amendments in relation to data collection to monitor the implementation of the bill are all very welcome, too.

Domestic violence—physical and psychological—exists in all sections of our communities, across all levels of society. We may never rid our society of domestic violence completely, but this bill, which puts Scotland at the forefront of progressive legislation once again, should act as a warning that it will not be tolerated. For that reason, I am proud to recommend that the Domestic Abuse (Scotland) Bill be passed.

16:04

Michelle Ballantyne (South Scotland) (Con): Several months ago, I stood in this chamber and spoke of my sense of sadness that this debate was ever necessary. I still feel that way today. Domestic abuse has no place in our society, but it is—regrettably—all too prevalent, and reports

suggest that most cases still go unreported. Physical abuse is often easier to identify because it leaves visible evidence. Coercion and control, on the other hand, are pernicious; they eat away at an individual's self-esteem, leaving them subservient to the perpetrator and often unwilling and unable to report the abuse. I accept the argument that abuse of that kind can be difficult to prove, but the bill makes it clear that it is a crime and one that we, as a society, will not tolerate.

By acknowledging that psychological violence is as harmful as its physical counterpart, by realising that it affects not just one partner but the whole family and by recognising that the court system is simply not fit for purpose to deal with it, we are taking meaningful, necessary steps towards a society that is free from abusive behaviour. In that vein, I feel that Mairi Gougeon's amendment, expanding the scope of non-harassment orders to cover children, bolsters the legislation. If a child resides with an adult who has been abused by their partner or ex-partner, the protection that a non-harassment order affords the adult should be expanded to cover the child as well. Anything else would be an abrogation of the state's duty to protect children from harm.

When the Scottish Government consults on the issue later this year, I urge the cabinet secretary to consider Liam Kerr's proposal to introduce emergency barring orders in Scotland. The orders would provide a reprieve for those who are being abused, offering a short-term solution before a non-harassment order can be put in place. Without emergency barring orders, those who have been brave enough to speak up against abuse are still at risk in the short term, when they are at their most vulnerable and require the most support. For any children involved, the prospect of having to flee their home, on top of the stress of having their family life disrupted, would surely have an adverse effect on their mental health. Introducing emergency barring orders would protect those children, helping to keep them in a safe and familiar setting without risk of displacement. That protection is already available in England and Wales, and I see no reason why it should not be introduced in Scotland as well.

In the previous debate on the legislation, my colleague Maurice Corry highlighted the need for a widespread publicity campaign around the new offence. Although his proposed amendment fell, I was heartened by the cabinet secretary's reassurance that the legislation will be effectively publicised. It is clear that if the legislation is to deliver the result that we want, awareness is key. That is why I would like to see the publicity aspect of the legislation expanded into personal and social education classrooms. In this era of gaslighting and revenge porn, it is necessary to ensure that our young people have the tools

required to deal with such issues and know when an offence has been committed. Further, by reinforcing at a young age the idea that domestic abuse can happen to men, not just women, and in same-sex relationships, we can change the culture around the issue within a generation.

There is a good deal to welcome in this new bill. That said, it is not perfect. I still believe that my colleague Liam Kerr was right to call for a one family, one judge system and, as I mentioned previously, I look forward to seeing the results of the Government's consultation on emergency barring orders. However, the Scottish Conservatives absolutely support the principles of the bill. I hope that the passing of the bill will be a watershed moment for all those who have suffered at the hands of abusers. The bill will benefit the people of Scotland and, for that reason, I will—with, I hope, the whole chamber—support it this evening at decision time.

16:09

Kezia Dugdale (Lothian) (Lab): It is a great pleasure to take part in this debate. I start by putting on record my thanks to all the organisations that have provided us with briefings. My eyes are not that great, but I can see in the public gallery Dr Marsha Scott and Lily Greenan, both of whom have devoted much of their life's work to getting to the point of the legislation that we have before us today. They should be incredibly proud of their achievements. In all my dealings with them, I have been struck by their passion for the fundamental principle of addressing domestic abuse and violence and their grasp of the detail. We see both the passion for the principle and the masterful grasp of the detail in the bill that we are considering this afternoon.

Too often, women's organisations still have to justify their existence. Every time that there is a funding round, they must talk about the good work that they do. However, before us today is a bill that is the living, breathing reality of why their work matters, why we still need it and the difference that it can make. It is a good week for them and it is a good week for women, with this bill following on from the Gender Representation on Public Boards (Scotland) Bill, which we considered on Tuesday.

I agree with Rona Mackay that this is a very good bill. It is ambitious; it is ground breaking, and it does many things of note. I will quickly address its four key aspects. First of all, it removes the ability of a perpetrator of domestic abuse to conduct his own defence. Let us stop and think about what that means for the victim of domestic abuse who is considering whether to come forward and report what they have experienced. The idea that they might have to face a cross-examination by the very person who perpetrated

the abuse does not bear thinking about, and this bill ensures that that will no longer happen.

Secondly, as has been discussed, the bill makes coercion a crime. I was particularly struck when the cabinet secretary first talked about the issue in the media, because he immediately understood that the training of police officers and all those on the front line is absolutely critical if the bill is to have any impact in that area. He said at the time—I am sure that everyone in the chamber will hold him to account for it—that he would provide the necessary resources to ensure that police officers and all front-line workers are fully briefed on the new offence and how best to deal with it.

Thirdly, we have had a little bit of a discussion about the importance of non-harassment orders. There is no doubt that Justice Committee members made a huge amount of progress in that area at stage 2, and I commend them for that.

It was not until today that I became aware of the fourth bit of this bill, which I am particularly fond of: the measures on bail restrictions. I am grateful to the Law Society of Scotland for its briefing on the matter. There is usually a presumption in favour of bail in criminal proceedings, with the exception of those involving drugs offences, violent offences or sexual offences, where the presumption is against bail. One thing that the bill does that we have perhaps not talked about enough is to add domestic abuse to the list of presumptions against bail. That is a very important development, not least given the case of a particular constituent of mine, whom I have talked about in the chamber before. I do not have time to repeat her entire history but, on 1 December 2016, I talked at great length about her experience of reporting domestic abuse. The perpetrator was facing many charges in court but those were whittled down, and the perpetrator absconded not once but twice while on bail. The difference that this measure could make to individuals who have experienced what my constituent experienced is profound.

I have said a lot of positive things about this bill. I am immensely proud of it and, given that it is a gender take on violence itself—and the roots are there from the equally safe strategy—we should be immensely proud of it. However, a by-product is the unfinished business of how we deal with children who are the victims of domestic abuse. Rhoda Grant covered much of that ground. I would be very grateful to the cabinet secretary if, in his closing remarks, he would comment on the other legislative opportunities that there might be to find symmetry between the civil and criminal legal systems and to consider their relationship with the child protection system in general. As I say, there is unfinished business there, but in no way does

that take away from the success of all the parties involved in getting us to where we are today.

Earlier today, Liam Kerr mentioned the importance of housing and the position that many women find themselves in when it comes to refuges. When I visited Edinburgh Women's Aid, I met one woman who was stuck in the refuge because of the lack of affordable housing to enable her to get out of that situation. That shows us just how important resources are not only for quality social housing, but for funding domestic abuse and violence against women services.

Can we please—once and for all—recognise that to do their job, organisations that deal with women who are affected by violence need long-term, sustainable funding? If this bill means anything—if the work of the people in the gallery means anything—we must give them the definitive commitment that that money will always be there.

16:14

John Finnie (Highlands and Islands) (Green):

I, too, thank the Government for introducing this legislation, everyone who has participated in the discussions, colleagues on the Justice Committee for the work that they have done and the staff and various other people for their briefings. Most of all, I thank the people who gave us private testimony. The cabinet secretary used the word “harrowing”. That testimony certainly was harrowing, but it was compelling, and it gave us an insight into areas that many of us are, fortunately, unfamiliar with.

There is a gentleman on Twitter who takes great exception to a phrase that I use. I will upset him again in mentioning the role of inequality and gender-based violence, which underpins the whole pernicious issue of domestic violence.

The Scottish Women's Aid briefing talks about the organisation's gratitude for the cross-party support that there has been. That has been the basis for progress. There has been progress over the years, and no role for party politics. For those who may have heard some differences earlier and who are unfamiliar with our procedures, that debate was in our mutual quest to try to make things as good as possible, certainly in relation to domestic abuse courts.

Kezia Dugdale talked about the relationship between civil and criminal proceedings and the conflict that there can be there. Other members have talked about issues relating to contact and the distress that it causes—and not only to the individual involved; on previous occasions, I have talked about grandparents becoming involved and the abuse that continues in that way.

The committee's stage 1 report used the phrase “compelling and persuasive evidence”. The

evidence certainly was that, for which credit goes to the people who came forward.

Over the past week, although not for the first time, we have spoken in the chamber about filling a gap in the law. A gap in the law required to be filled. People readily understand the physical evidence. Years of psychological abuse can take a real toll, and that toll is visited on children as well.

I understand that people have reservations about the bill. People have said that it is not easy to legislate in the field of human relationships. Things are difficult to prove. However, there is ample evidence from Police Scotland and the Crown Office and Procurator Fiscal Service and in the excellent work that has been done on serial perpetrators and historic abuse that there can be such legislation if we have the will and the resources. After all that we have heard, we would be failing if we did not legislate.

The stage 1 report said:

“the new offence may give rise to questions in relation to interpretation and enforcement”.

That is the law. Whoever gets the first bit of information—whether they are a police officer, a social worker or someone from the third sector—they will make judgments on it. The police officers who investigate make judgments, the Crown Office and Procurator Fiscal Service makes judgments on whether something is in the complainer’s interest or in the public interest and whether there is sufficiency of evidence, and the judge ultimately makes a judgment. Therefore, there is nothing new in the approach. We are adding something else into the equation, and it is worth while doing so.

I mention in particular Linda Fabiani’s amendments and her work. Her commitment to that work has been evidenced over the years, and a presumption in relation to non-harassment orders is a real boost to the bill.

Michelle Ballantyne and others have talked about education, awareness and proper resources. We need increases in refuge provision; increases in visiting support for women, children and young people living in the community; an increase in contact time for individual women and children; a decrease in waiting lists for refuges; an increase in counselling services; an increase in therapeutic activities and support for children; more on-call hours and drop-in support; and an increase in the provision of training for other agencies. Scottish Women’s Aid told us about all those things in its briefing, which says that

“The Elephant in the Room”

is

“Funding for Local Services”.

Those services are at risk.

It would be wrong to get embroiled in funding issues on a day on which an important bill is being passed. However, if there is genuinely a commitment across the public sector to address the matter, funding should not be an issue.

Finally, I want to talk about children and the addition of the aggravator. Although that addition is extremely welcome, Children 1st retains a concern. It has said that

“there is a need to ensure Scots Law recognises a child as a victim of domestic abuse in their own right”.

That is important. Again, the issue of contact comes in.

Children 1st has also talked about the

“need to consider ways to ensure the rights of children who give evidence are protected, including by the development of a Scottish model of the Children’s House (‘Barnahus’).”

I know that the cabinet secretary is looking at ways of doing that.

The Scottish Green Party will support the bill, which we warmly welcome.

16:19

Liam McArthur (Orkney Islands) (LD): I start, like others, by thanking all those who have helped us to get to this stage, including those who provided invaluable evidence, particularly the powerful and harrowing testimony that we heard from survivors. I also thank parliamentary staff, committee colleagues and indeed the cabinet secretary and his officials. John Finnie made a fair point about the cross-party collaboration that there has been on the issue over the years and in relation to the bill, as well as the constructive challenge that is necessary in the scrutiny of any legislation.

I confirm that the Scottish Liberal Democrats strongly support the efforts in the bill to tackle controlling and coercive domestic abuse and we look forward to voting in support of the bill very shortly, albeit recognising, as others have done, that more must be done to change both attitudes and behaviour more widely.

As we heard time and again during our scrutiny of the bill—most powerfully from survivors of domestic abuse themselves—psychological abuse can be every bit as damaging and every bit as traumatising as physical abuse, and potentially even more long lasting in its effects on the victim.

Currently, the law does not provide anything like the protection that is needed. As I said during the stage 1 debate, where psychological abuse is difficult to prosecute, that in turn makes it difficult to reinforce messages about how unacceptable

such controlling and coercive behaviour is, and it then becomes difficult to persuade victims of the value of coming forward.

The bill, which I believe has been strengthened and improved through the scrutiny process, provides much needed added protection. It also offers more clarity and certainty for those who are affected—they are predominantly women—by such abuse that what they have suffered will be recognised and action will be taken against the perpetrators.

Of course, the impact that such abuse can have extends beyond the immediate victim. One of the areas where I think that the committee has worked most effectively with the Government in strengthening the bill relates to protections around children.

Although the bill originally established a specific aggravation where children are involved, I am pleased that the cabinet secretary accepted that that needed to apply beyond simply instances where a child sees, hears or is present in the house during a particular incident. A child's experience is invariably interwoven with that of their abused parent, and the amendments made at stage 2 better reflect that fact.

The other area that we focused on, on which Mairi Gougeon and I lodged similar amendments, was that of non-harassment orders and how they would be applied, including the protection that they would afford to children. It is absolutely right that the bill requires courts to consider such orders in any domestic abuse case. Like John Finnie and others, I warmly welcome Linda Fabiani's success earlier this afternoon in introducing a presumption in favour of those orders.

I am also pleased that at stage 2 the cabinet secretary responded positively to the proposals that I and Mairi Gougeon put forward so that, where the statutory aggravation is applied, the court should also be required to consider an order covering any children involved.

On the question of using emergency barring orders in more serious cases, the evidence that the committee took at stage 2 was helpful. I know that the Government continues to work with the third sector on proposals in that area and I look forward to seeing what emerges from that work in due course.

Perhaps the area where there continues to be a bit of an impasse is around the potential for more standalone domestic abuse courts. I entirely understand and recognise the rationale behind the calls for more such courts. Indeed, there is absolutely a need for specialist knowledge in taking forward domestic abuse cases, particularly when it comes to psychological abuse, which we are striking at through the bill.

There have already been steps in that direction within the Crown Office and Procurator Fiscal Service, and I, too, firmly believe that training in the area should be more of a requirement across the piece for fiscals, sheriffs and staff. However—I said this during stage 2—I have a concern about how such a specialist court system might operate in some parts of the country, including the one that I represent. Local access to justice is critically important as well, and I would have quite serious concerns if cases had to be heard some distance from where those involved live and work, for obvious reasons. Nevertheless, I accept that we will keep the issue under review. I think that the three-yearly reports will allow us to do that in a more informed fashion.

For now, I again thank all those who have helped us to get to this stage. As I have said before, the coercive and controlling behaviour that the bill strikes at can have a devastating impact on a victim, undermining their sense of self and hollowing them out slowly but surely over time. It has no place whatsoever in 21st century Scotland. Although the bill will not end domestic abuse, I am delighted that today we will close a gap in the criminal law in Scotland that will help to crack down on this abhorrent behaviour.

16:24

Fulton MacGregor (Coatbridge and Chryston) (SNP): I have spoken in the chamber before on this issue and I am proud to be speaking about it again in the stage 3 debate. This bill is world leading and it will go some way towards addressing the true nature of domestic abuse, which, as others have said, is often a pervasive, controlling and demeaning behaviour over a long period of time that destroys the identity of the victim, who is usually—although not exclusively—a woman.

The bill sends out a strong message that we do not tolerate that behaviour. It demonstrates that the laws that we make in this chamber can send out such messages and be part of a strategy to effect change over the longer term. I am a member of the Justice Committee, and, like the other committee members who have spoken today, I thank those who provided evidence, particularly the victims of abuse, who provided the starkest evidence.

I declare an interest as a registered social worker with the Scottish Social Services Council. Domestic violence was one of the issues that I came across most frequently in both child protection and criminal justice roles, as I mentioned when speaking in Gail Ross's members' business debate on adverse childhood experiences last week.

There are currently gaps in criminal law that make it hard for prosecutors and agencies to tackle psychological abuse. With the bill in place, convictions will be sought for domestic abuse with the inclusion of psychological abuse. Current law focuses on incidents of physical violence or on threatening behaviour that causes fear or alarm, but, as we know and have heard, domestic abuse is not as simple as physical violence. Emotional abuse and controlling and coercive behaviour contribute to domestic abuse and can have a deeply damaging impact on families.

It is important that the bill takes into account the fact that third parties are often involved in cases and used as a means of control or abuse. Domestic abuse often takes place in family homes where children are present, which is why it is vital that the bill takes into account protection for children who are affected by domestic abuse. That is the area that has been discussed the most today. I welcomed the widening of the child aggravation provisions at stage 2 and I welcome the amendments lodged by Claire Baker that we passed today.

When domestic abuse takes place in a family home, children always experience something. That can range from having little access to support networks due to restrictions placed on a parent's freedoms to witnessing the abuse taking place. If a child grows up in a home where coercive and controlling behaviour is commonplace, that can have a deeply damaging and lasting impact on that child's attitudes towards what is acceptable behaviour.

I mentioned the recent debate on adverse childhood experiences, in which we heard how such experiences, which include witnessing domestic abuse in the home, can impact on individuals. Reducing the impact of ACEs is a very complex issue, but I believe that this bill will play a part in it.

I would like to talk about the non-harassment order, as others have done. I pay tribute to Mairi Gougeon's stage 2 amendment and to Linda Fabiani's amendment, which we passed today. The amendments make an important change that will help to protect victims and children. It should be the case that the court has to explain why an order will not be put in place, as opposed to the other way about.

Liam McArthur mentioned that the issue of specialist courts was raised at committee, and it was raised again during consideration of amendments today. Although I have sympathy with the view that has been expressed, I am of the belief that all courts should be specialist in domestic abuse. I said that at committee, because domestic abuse is a widespread issue. It does not

take into account class, geography or anything like that, so all courts should be specialist in the area.

How will the bill work on the ground? What does it mean to ordinary people? Parliament can be very proud if we pass the bill tonight, because it will have a very positive effect. In recent times, my office has dealt with a complicated case of a young woman and her children. Obviously, I cannot go into the details, but we were able to put her in touch with the local women's aid service, where she got help and refuge. This bill could help her.

What about implementation, which John Finnie mentioned? We must make sure that everyone plays their part to make it work. A couple of weeks ago I was at a meeting with other local politicians and Monklands Women's Aid—the local service—and I was bitterly disappointed to hear that it is running into real funding difficulties with the local authority. Those funding difficulties are hampering its ability to provide even simple things for the women who need refuge, such as clean carpets and bedding—that sort of stuff. I am calling on all politicians in my local authority area—SNP, Labour and Tory politicians—to do the right thing and prioritise those services, and to help the bill to be implemented, because more and more referrals are likely to be made.

I am proud to vote for the bill today, and I commend the chamber to do likewise and make history.

16:29

Maurice Corry (West Scotland) (Con): I welcome the opportunity to speak at the third stage of this most important bill. I express my gratitude and appreciation to the Justice Committee clerking team for all their hard work on the bill and to all those incredibly brave victims of this despicable issue who provided valuable information to the committee.

I am glad to be able to support the bill. As members have pointed out, domestic abuse is always a monstrous and evil act. It was clear from the evidence that the committee heard that a new criminal offence is required to help the police, the courts and the whole of society to crack down on domestic abuse effectively. I am glad that the Parliament will be able to offer that to them today. We have a bill that will work well and that will, I hope, help a lot of men and women who are suffering in abusive relationships.

The Government has listened to the legitimate concerns that were raised in the Justice Committee and has acted accordingly. Mairi Gougeon's stage 2 amendment on non-harassment orders will allow the courts to impose an NHO that protects children as well as the

victim, which is important. That is a great move—anything that we can do to protect children from harm must be applauded most vigorously.

On NHOs more widely, groups such as Scottish Women's Aid raised concerns surrounding the effectiveness of NHOs due to the lack of an emergency barring order. I am not sure whether that will be an issue, but it is important that the Government monitors the situation and ensures that NHOs work as planned. If they are not working as intended, the Government must be willing to adapt them to ensure that they are fit for purpose.

At stage 2, I tried to amend the bill to require the Government to promote public awareness of the new offence. At the time, I said that it was necessary

“to ensure that we have maximum awareness, understanding and clarity about the operation of the act among the public and Police Scotland and its team”,

and I still believe that to be the case. The cabinet secretary argued that my amendment was unnecessary and said:

“It has always been our intention to raise public awareness prior to the implementation of the offence”.— [Official Report, Justice Committee, 12 December 2017; c 28-9.]

My amendment was therefore voted down, which of course I accepted. I strongly welcome and commend the commitment that the cabinet secretary made in his opening remarks to raise public awareness as a matter of importance.

It is important that we talk publicly, loudly and as often as possible about what is unacceptable. In my view, that does not just mean telling people about the legislative changes; it is about changing the whole culture surrounding domestic abuse and making it clear that physical and psychological abuse will never be tolerated in any part of our country. That is incredibly important.

I turn to another point that I would like ministers to address. Calum Steele of the Scottish Police Federation told the committee that there is a “fundamental difference” between arresting on the basis of physical evidence and interpreting whether there has been psychological abuse, and so the requirement that is to be placed on police officers will change dramatically. I think that everybody would agree that, if the legislation is to be as effective as possible, it will have to be used correctly by the police. For that reason, front-line police officers will need as much support and training as possible in how to apply the law. I hope that a scheme for the roll-out of training is already in place and, if it is not, I hope that the Government will endeavour to have one in place as soon as possible. I again take note of what the cabinet secretary said in his opening statement,

and I am pleased that things are going in the right direction.

I associate myself with my colleague Liam Kerr's words on the benefits of moving towards a one family, one judge system as advocated by the Scottish Conservatives. I will not go into detail, because Mr Kerr has covered that, but I strongly believe in such a move, and we should at least investigate it.

I look forward to joining other members in voting for the bill, which I believe has the potential to do a tremendous amount for the victims of domestic abuse in Scotland.

16:34

Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP): Yesterday, I received a note from a friend who was one of the first prosecutors in the first domestic abuse court in Glasgow. She said:

“Good luck tomorrow, more legislation is seldom the answer, but this Bill has potential to effect meaningful change, even just in the conversation it has prompted. Mary Beard said you can't fit women into a structure that's coded as male, you have to change the structure and this legislation, on the foundation of Equally Safe, seems like a good attempt to do that.”

There have been 40 years of tireless work from the likes of Scottish Women's Aid, the speaking out project, Rape Crisis Scotland, Engender, Zero Tolerance, White Ribbon Scotland, the STAMP—stamp out media patriarchy—project, the women's centre in Hamilton, my colleagues on the cross-party group on men's violence against women and children, which I co-chair with Claire Baker, and many more.

Today, we make history. On what I am sure is a landmark day for Parliament—one of the proudest days on which I have had the privilege to serve in the chamber—we can begin the process of healing scars that have existed for centuries.

I urge support not just from Parliament—we have that—for the voices of the women and men across Scotland who have, for far too long, been the victims of the abhorrent abuse that the bill seeks to rectify. The Domestic Abuse (Scotland) Bill will safeguard all victims and ensure their secured wellbeing as a matter of priority.

From a human rights perspective, stage 3 shows that the Scottish Parliament, as a guarantor of human rights, is committed to the more equitable wellbeing of all its citizens by protecting the most vulnerable people through the creation of newly identified criminal offences. The bill will close a gap in the law and enable the police and prosecutors to protect victims of domestic abuse better.

The new offence, under the bill's strict new measures, will ensure convictions when there is a recognised pattern of behaviour during the course of abusive incidents. Psychological forms of abuse, such as coercive control, are not covered by existing legislation. The gap was identified, through consultation, as letting victims down. Let us not let them down today. The new measures will ensure that, when abuse against partners or ex-partners has been reported, all types of abuse are considered, in order to ensure that survivors have easy access to justice with dignity.

It is vital that improvements in domestic abuse legislation go on to recognise the ever-changing patterns of behaviour. Professionals, working with victims and their families, must be able to count the number of incremental changes as an ordered number of incidents over time. Patterns may vary a little between perpetrators, but the incidents all share controlling, coercive, threatening, degrading and even violent characteristics.

Domestic abuse is perpetrated on victims of all identities, but it is driven by other community pressures and discrimination in society more widely, including sexism, racism and class divide. It is a gendered issue. That is why, as a gendered crime, domestic abuse is overwhelmingly experienced by women—but not exclusively so, as we know. The new legislation will help us to detail characteristics more effectively because they apply to people who are already marginalised and are subjected to the isolation, denigration and derision that are imposed by social contexts. Domestic abuse needs to be viewed as more than violence—especially for partners who are more likely to become victims of hate crime by virtue of their identity and who are at risk because of their gender.

Emotional wellbeing, physical health, financial security and self-esteem are inextricably linked to inequalities of power. Methods of control are insidious: behaviour might be subtle, but equally harmful. The bill will ensure that victims have a voice and are treated with the gravity and seriousness that they deserve—for example, when social media are used to spread images to shame and intimidate. I brought the issue of revenge porn, on which we now have legislation, to the chamber in September 2013. The changes will cover such behaviour more robustly.

The Scottish Parliament stands alongside those who, for far too long, have thought that their voices would be silenced by their abusers, and those whose ambitions and dreams have been limited by the pounding of fists or the power of controlling words. Finally, we can ensure that victims of domestic abuse will have their voice, our support and their justice.

16:39

James Dornan (Glasgow Cathcart) (SNP): It is a great privilege to be able to speak in support of the bill. As politicians, we all have different areas of Scottish life that particularly affect us and impact on how we think forever after, having heard real-life stories. I will talk about the impact that some of those stories have had on me, and how the bill is an incredibly important piece of legislation for Parliament to pass today.

I have had meetings with groups including Rape Crisis Scotland and Scottish Women's Aid. I work closely with groups in my constituency—for example, Waves (Women Against Violent Environments), and the domestic abuse integrated support—or DAISY—project in Castlemilk, that support victims of domestic abuse. I have heard their numerous stories and got to know the women and their children personally, which has highlighted to me the importance of the bill more than any briefing could possibly do.

Why is the bill important? It is hard for me to imagine, but having merely listened to those women, I can think about what it means to be abused by a partner. Now is the right time to show how some people's lives could be changed for the better—as we hope they will, if the bill is passed—by telling the stories of some of the many women who have been brave enough to share what has happened to them.

I now know well a woman who moved to Ireland when she met the love of her life. She had a family and did everything that she could to make a life across the sea. Sadly, she was beaten and emotionally abused so badly that she had to flee her home and her life there, and try to survive while rebuilding a life back here in Scotland. That marvellous woman is now in her 70s and chairs a charity that she helped to form that supports women who are fleeing abuse. Through her work and care for others, she has been able to move on with her life.

I have heard from women stories of their having to flee in the night and of their not even being able to seek shelter with family because of stigma and blackmail, which are often tools that abusers cruelly use to control them. Language such as “No one will want you”, “I'll find you” and “I'll hurt the people who take you in” can have a devastating impact on women. Those are just some of the many phrases that are commonly used to prevent them from escaping the hell in which they exist.

Women are forced to flee into the unknown—to boarding houses and safe houses—often with small children and very little in the way of clothing. I cannot tell members how it breaks my heart to hear of women making their children sleep with their coats and shoes on in case the man of the

house comes home and the abuse starts for no reason and without warning.

I have been delighted to hear the focus on psychological abuse in the debate. We all know that abuse is not just physical: it can be sexual, emotional and—almost always—psychological. Many women do not even realise that they are victims. That is why I am so pleased that recognition of psychological abuse is part of the Government's proposal.

Controlling behaviour can often be hard to detect at first. Perpetrators may use psychological tactics to ensure that their partner feels as though she is not good enough and her self-esteem is so damaged that the relationship becomes like an emotional prison, with no escape. For me, the impact on children is one of the most damaging aspects and one of the reasons why I am delighted that the Government has said that it will look at the Children (Scotland) Act 1995, in relation to contact with children. I have spoken to kids who have been affected, and I have taken part in Christmas parties at which the only gifts that they have had are ones that my constituents gave me to pass on to them. I have seen the financial, psychological and physical implications for them.

I am very pleased to see this legislation that the Scottish Government is taking forward and which, clearly, the Scottish Parliament will support. That will be an historic moment for Scotland. The important thing about the bill is that the legacy of change may have come from Parliament, but it will belong to the many women who have been victims of abuse, those who have survived and those who have gone on to use their experiences to change the lives of others. My contribution and the result today are dedicated to each and every one of them.

16:43

Claire Baker (Mid Scotland and Fife) (Lab): I recognise the work of the cabinet secretary, supported by his team, in introducing this important piece of legislation, as well as the work that has been done by members from across the chamber in supporting and strengthening the bill. I thank NSPCC for its support for my amendments this afternoon.

Domestic abuse is a stain on our society. In the main, it consists of men's domination of women and children. It destroys lives and families, and our criminal justice system must be robust in dealing with its perpetrators. The bill is significant in creating a specific statutory offence of domestic abuse that includes coercive, controlling, psychological and emotional behaviour as well as physical assault. It makes changes to bail

conditions and the use of non-harassment orders, and it recognises the impact of domestic abuse on children. It also re-emphasises the Parliament's commitment to tackling domestic abuse and to not hiding from the problem but playing our part in bringing it into the light.

In 1999, when the Scottish Parliament was established, it was seen as a Parliament that was able to focus on issues of importance and that contained many more women politicians than we had seen before in our mainstream politics—a Parliament that was prepared to bring such issues to the forefront. This afternoon, we have heard thoughtful, challenging and impassioned speeches, which are the reason that this Parliament was created.

The bill is significant in showing an understanding of coercive control and emotional abuse and the impact that those behaviours have on women's lives through the isolation and fear that come from living in such a situation. We must ensure that the law is effective and that victims have confidence in it. This afternoon, John Finnie described how that can be achieved through the work of the police and the Procurator Fiscal Service.

I recognise that funding has been announced for specialist training for the police and, this morning, for training by Scottish Women's Aid. That is all welcome, but there will be challenges with the rolling out of the legislation, two of which I will highlight.

First, judicial training, which Liam McArthur touched on, remains an issue. Although there is training available, it is only voluntary. The measures that were outlined in a letter that the Justice Committee received from the Lord President are welcome, and I recognise his commitment in saying,

"I will continue to place a high priority on judicial education in this field."

However, the current measures do not fully address the issue and I would like to see more progress on that.

Secondly, although the funding for training that has been announced is welcome, Scottish Women's Aid, in its briefing, talked about the issues around funding as the "elephant in the room". Some members have received a briefing from Perthshire Women's Aid, which is in my region, that describes an experience of counselling services being heavily oversubscribed, children's services being underresourced and all services running at capacity. We recognise the financial situation that many women's support organisations around the country face and, although I know that the Government has a big commitment to that area, I call on the Government

to do what it can to ensure that there is sufficient support. We also recognise that local authorities have borne the brunt of the cuts in recent years, but I ask all local authorities, even in such difficult times, to recognise the importance of those services and to prioritise them. John Finnie and Kezia Dugdale spoke about the need for funding for those organisations.

There are many issues that I want to raise, but we are short on time. Rhoda Grant made some important points on the contact system; perhaps the cabinet secretary will respond to those in his closing comments.

Scottish Women's Aid has been tweeting artwork by children who are supported by the organisation, which brings home the impact of domestic abuse on children.

I want to mention the work that has been done by Zero Tolerance with Scottish Women's Aid and the ASSIST—advice, support, safety and information services together—project in the publication of “What journalists need to know about the Domestic Abuse (Scotland) Bill”. That document goes beyond the bill and describes what responsible journalism means. It is about changing the narrative and increasing public awareness of what abuse is and what it looks like—how somebody's sister, neighbour or daughter might be living—so that we can all challenge it and not accept it.

I hope that that is a positive ending, because we can be proud of the legislation that will be passed today. Our firm hope is that it will improve the lives of women and children around Scotland.

16:47

Margaret Mitchell (Central Scotland) (Con): It is clear from members' speeches that there is total consensus in the chamber and across all the parties in the Parliament for the introduction of legislation to create a new offence of engaging in an abusive course of conduct against a partner or ex-partner.

The current law focuses on individual incidents of physical violence or threatening behaviour that causes fear and alarm. However, the evidence from witnesses during the scrutiny of the bill established that there is a gap in the law in addressing abuse that is not restricted to physical abuse but that is controlling, coercive and psychological in nature. Put simply, there do not have to be black and blue bruises for an individual to have been the victim of domestic abuse.

As John Finnie and Liam McArthur confirmed, that was vividly brought home to committee members when they heard the harrowing and compelling private testimony of survivors who had

been the victims of such abusive behaviour, which can leave psychological scars that endure many years after physical scars have healed. It took immense courage for those survivors to talk about their experiences, and the committee owes them a huge debt of gratitude.

Stage 2 amendments included a welcome provision for a statutory aggravation to cover a situation in which a child sees, hears or is present during an incident of partner abuse. The committee recommends that the disconnect between criminal and civil courts when deciding whether to grant child contact orders should be considered in the review of the law relating to children and key adults in their lives. I hope that Liam Kerr's suggestion of one-family, one-sheriff domestic abuse hearings will also be considered.

Further evidence was taken at stage 2 on emergency barring orders, which would exclude an abuser from a victim's home immediately. As the cabinet secretary stated, there are complexities here, and I therefore welcome his commitment to formally consult on the introduction of new powers in this area.

A minority of witnesses—including legal experts and Calum Steele from the Scottish Police Federation—expressed a concern that the new offence could inadvertently criminalise behaviour that, rather than being abusive, is nothing more than a normal heated exchange or disagreement. However, on balance, the committee was persuaded that, with the reasonableness test, and if the context and course of behaviour are taken into account, the threshold for criminalisation will not be too low.

Context is crucial, which is why I lodged a stage 2 amendment to include the idea of context in the bill. However, I did not press that amendment, because the cabinet secretary and, after reflecting on the point, Scottish Women's Aid, considered it unnecessary and believed that the offence as drafted is the best form of words to achieve the purpose of the bill. I sincerely hope that they are both proved to be correct.

Linda Fabiani's stage 3 amendment, which was agreed to today, introduces an assumption that a non-harassment order will be granted, and I commend her for her commitment to the issue.

The bill's schedule makes welcome and long-overdue criminal law procedural reforms in an effort to ensure that the victim is not re-victimised by the criminal justice process. The reforms therefore prohibit the accused in domestic abuse cases from conducting their own defence or directly precognosing the victim.

If the bill is to give the victims of psychological abuse the justice that they desperately seek, it is essential that sufficient resources are made

available to adequately support victims and witnesses and that the new offence is the subject of a publicity campaign to encourage victims to come forward. I ask the cabinet secretary again to confirm that that will be the case, so that the bill will be legislation that the Parliament can be proud to have passed.

16:52

Michael Matheson: I thank all members for their positive contributions in the course of this stage 3 debate and during the passage of the bill.

The Scottish Parliament is not short of disagreements—that is the nature of debate—but I think that it is right to pause and highlight the fact that this place is often at its best when we can come together and try to tackle some of the most significant problems that we face as a society.

We cannot afford to underestimate the nature and the extent of the problem that we face in relation to domestic abuse. I mentioned in my opening remarks that nearly 60,000 cases of domestic abuse were reported to Police Scotland in the space of one year, and that there is an unknown number of other incidents that are not reported.

I believe that it is incumbent on us all, as elected members of the national Parliament of Scotland, to address what is, in my view, one of the key gender-based challenges that we face as a society. Despite concerted efforts over many years, the scourge of domestic abuse is still a blight on the lives of too many people. As we seek to redouble our efforts in order to tackle this issue more effectively, the bill will help us in moving that agenda forward.

As I mentioned earlier, scrutiny of this bill is occurring at a time when I sincerely hope that fundamental changes are taking place in relation to how women are treated in our society. We recognise that there is much more to do, but we are moving in the right direction.

This bill is timely for many reasons, but perhaps first and foremost as an example of the steps that are needed if we are to have a shift in mindset to support the wider changes in our society that we all want to see. The bill makes it clear that domestic abuse is not simply physical abuse and that the pernicious and horrific coercive controlling behaviour that degrades and humiliates women in particular is now within our criminal law's scope.

Members have raised specific points during their speeches. I recognise Kezia Dugdale's point about raising awareness of the new provisions and I have taken specific action to make sure that those people who engage with the victims of domestic abuse will have a proper and detailed

understanding of the new provisions if the bill is passed this afternoon. That will help to ensure that police officers and staff in Police Scotland understand the new provisions in the legislation. I have provided additional funding to allow 14,000 police officers and staff to be trained to understand the new bill. Maurice Corry also raised that issue. Alongside that, an extra £165,000 will be provided to Scottish Women's Aid to support its training programme to help staff who work in its projects across Scotland. I have no doubt that it will help to support them to make sure that they create awareness of the bill's provisions.

Liam McArthur: I welcome the funding that the cabinet secretary has identified. The issue that a number of colleagues referred to is not necessarily the quantum of funding but its predictability over a two, three or four-year period. Could the Scottish Government address that when it takes forward the proposals in the bill?

Michael Matheson: I assure Liam McArthur that we will continue to monitor and evaluate as we go forward. I am determined to make sure that those people who work directly with victims of domestic abuse are properly informed and have the right information on how the new legislation will be implemented and its provisions. That is why I have targeted support specifically to the police and their staff and also to Scottish Women's Aid staff.

I turn to the public information campaign. I have given a commitment to take that forward before the provisions of the legislation come into force, and that is what we will do. I will set out how we will roll out the campaign in the coming months.

Kezia Dugdale: I am conscious that the cabinet secretary does not have much time left to speak. Will he comment specifically on the issues that were raised about unfinished business with regard to children's protection?

Michael Matheson: I am coming to that very point, which includes the emergency barring orders that members have mentioned. We will have a consultation fairly soon on how we can roll out emergency barring orders in Scotland and how they will operate. It will look at whether the victim should apply for an order, or a third party on their behalf, and the impact of the orders in other jurisdictions.

We have given a commitment through my education colleagues, who are about to undertake a consultation exercise, to look at modernising the existing child neglect offence that is contained in section 12 of the Children and Young Persons (Scotland) Act 1937, looking specifically at abuse aspects and how they impact on children. Annabelle Ewing, Minister for Community Safety and Legal Affairs, will consult on potential changes

to the Children (Scotland) Act 1995 relating to contact, residency, parental responsibilities and rights. We hope to publish that consultation in spring to allow us to make further progress on the issue.

Today is a momentous day. It is a day that many campaigners who have dealt day in, day out with the corrosive effects of domestic abuse may have thought would never arrive. Our modern understanding of the nature of domestic abuse is being reflected in how our criminal law in Scotland now operates. I pay tribute to Marsha Scott and Louise Johnson at Scottish Women's Aid for their assistance and expertise in developing this new offence. I pay tribute also to people like Mhairi McGowan, who has tirelessly led the ASSIST service for many years to provide advocacy for those who have been affected by domestic abuse. I pay tribute to Children 1st, Barnardo's and other children's organisations for emphasising the importance of acknowledging the risks and harms that are caused to children by domestic abuse.

I am particularly proud of this piece of legislation. I mentioned my visit to Scottish Women's Aid. At the heart of the bill are the voices of the women who have experienced domestic abuse. I will draw the debate to a close by finishing with them. Nicola Borthwick said:

"Life as an abused woman was dangerous, terrifying and exhausting. I had no freedom, no escape and no voice. After fleeing I lived in hiding and forwent my right to vote to remain hidden. So, to have spoken and been heard at our nation's parliament, giving personal evidence to support this Domestic Abuse Bill, is a precious memory that will stay with me for the rest of my life, long after the last of the old wounds have healed. It's very difficult to experience a sense of justice. All of the past, good and bad, is real and affecting. However, to transform the legacy of those abusive deeds from merely damaging into something positive that contributes to establishing safety from domestic abuse for others, is incredibly rewarding and fulfilling."

Dorothy Aidulis, another survivor of domestic abuse, said:

"For years I had to keep silent, watching my every word and facial expression, second-guessing everything I ever said or wrote, having my words twisted and used against me. It was exhausting and disorientating. I remember once while being shouted at, actually wanting him to hit me; so that I would be 'allowed' to leave. This is why we need this Bill. Speaking to the Justice Committee was scary, and brought a lot of memories back. But I was treated so kindly, and with such respect. And they listened. This may sound ordinary; but it wasn't. As a survivor, this was official acknowledgement of the abuse I had suffered, and validation that I was right to speak up. Simply being believed was such a release and I felt a huge pressure being unwrapped like an invisible grip from around me. Being unexpectedly handed the opportunity to contribute to the making of this historic Bill will stay with me forever, and I cannot think of a more fitting outcome for some of the darkest days of my life. From myself, and from other survivors who cannot tell their story; thank you."

Today, we as a Parliament stand with Dorothy, Nicola and the many others who have spoken up on domestic abuse. Without their courage and determination, we would not be here. *[Applause.]*

The Presiding Officer (Ken Macintosh): I thank the cabinet secretary and members. That concludes our debate on the Domestic Abuse (Scotland) Bill at stage 3.

Point of Order

17:03

Brian Whittle (South Scotland) (Con): On a point of order, Presiding Officer. During yesterday's stage 1 debate on the budget, I intervened on the closing speech by the Cabinet Secretary for Finance and the Constitution, Derek Mackay—[*Interruption.*]

The Presiding Officer (Ken Macintosh): Order, please.

Brian Whittle: —to ask a specific question on the significant cuts to the education budget proposed by the Scottish National Party-Labour coalition in South Ayrshire. [*Interruption.*]

The Presiding Officer: Order, please. Let us hear the point of order.

Brian Whittle: Mr Mackay replied:

“As a consequence of our decisions and the local government order that will follow, that local authority will have an extra £9.4 million to spend”.—[*Official Report*, 31 January 2018; c 71.]

However, according to the Scottish Parliament information centre and South Ayrshire Council, the figure is, in fact, £3.37 million, which I am sure you agree is significantly different from the cabinet secretary's claim.

I seek your advice and ask whether it is appropriate for you to ask the cabinet secretary to advise the chamber whether SPICe and South Ayrshire Council are right or wrong. Will he now apologise for misleading the chamber in his response to my question?

The Presiding Officer: Thank you for the advance notice of your intention to ask a point of order, Mr Whittle. It is not a matter for me to rule on. I am sure that the cabinet secretary will have heard your remarks and will decide for himself whether it is appropriate for him to do as you have asked. Your remarks are now on record. Any member who wishes to do so may use proceedings to ask a question or write to ministers. I remind everyone that there is a procedure to allow members to correct the *Official Report*.

Decision Time

17:05

The Presiding Officer (Ken Macintosh): The question is, that motion S5M-10208, in the name of Michael Matheson, on the Domestic Abuse (Scotland) Bill at stage 3, be agreed. As this is the final stage of the bill, we will move straight to a division.

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)
 Chapman, Peter (North East Scotland) (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)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 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)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 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)
 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)
 Marra, Jenny (North East Scotland) (Lab)
 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)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 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)
 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)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Mitchell, Margaret (Central Scotland) (Con)

The Presiding Officer: The result of the division is: For 118, Against 1, Abstentions 0.

The motion has been agreed to and the Domestic Abuse (Scotland) Bill has been passed. [Applause.]

Motion agreed to,

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

Meeting closed at 17:07.

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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