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Wednesday 25 April 2018

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Scottish Parliament

Wednesday 25 April 2018

[The Deputy Presiding Officer opened the meeting at 13:30]

Portfolio Question Time

Justice and the Law Officers

Police Scotland and British Transport Police Merger

1. Mary Fee (West Scotland) (Lab): To ask the Scottish Government whether it will provide an update on the timetable of the merger between Police Scotland and the British Transport Police. (S5O-01997)

The Cabinet Secretary for Justice (Michael Matheson): As set out in the letter of 20 February 2018 from the Minister for Transport and the Islands to the Justice Committee, the joint work carried out by Police Scotland and the British Transport Police Authority reviewed progress on operational matters at a workshop in February 2018 and concluded that a number of significant issues remained to be resolved.

As a result of that assessment, the joint programme board was advised that further time was needed to deliver integration most effectively and safely for railway passengers, staff and officers. Ministers accepted that advice, and that a replanning exercise would take place to establish a new delivery date. That reflects the importance that the Government places on achieving a safe, effective and smooth transition that delivers continuity of service for rail users and staff. The next joint programme board meeting will be held in Edinburgh on 8 May.

Mary Fee: A paper written by the British Transport Police Federation that was reported on last week found that the merger of the BTP into Police Scotland not only risks creating life-threatening safety issues, but could cost between £225,000 and £500,000 per officer. Does the cabinet secretary agree with those costings? If not, what has the Government estimated that the cost per officer of the merger will be?

Michael Matheson: The claim that Mary Fee has made reference to—that it could cost up to £500,000 per transfer of officer, including pensions—is simply inaccurate. It does not take account of the fact that pension liabilities are met by assets and that the schemes are currently fully funded. Actuarial advice that was shared with the Scottish Police Authority in October last year states that the pension liabilities are about £97

million and are balanced by £99 million of pension fund assets. We do not recognise the figures that Mary Fee quoted, but I recognise that the British Transport Police Federation opposes the integration of the British Transport Police into Police Scotland.

Liam McArthur (Orkney Islands) (LD): Following on from Mary Fee's question, has the Scottish Government set aside any additional budget, at the point of delay, to address some of the concerns that were raised by the British Transport Police Federation and others?

Michael Matheson: For the reasons that I have just outlined to Mary Fee, we do not recognise the figures that the BTPF has produced and we have set out the reasons for that. We also made it very clear that the funding for the work that is now being carried out on the integration programme is being met by through the police reform budget, which is used for police reform measures in Scotland.

John Mason (Glasgow Shettleston) (SNP): Does the cabinet secretary accept that the delay is frustrating for the public, who do not understand why there should be one police force for a railway platform and a separate one for a road a few yards away? The sooner that we can make the system simpler, the better.

Michael Matheson: I recognise the frustrations that John Mason expressed, and I assure him that we are fully committed to ensuring that the British Transport Police is integrated into Police Scotland. Progress has been made in a number of very important areas of the integration programme, including a significant amount of work that has been undertaken over the past nine months.

Alongside that, work is now being done as part of the reprogramming exercise to ensure that there are clear timelines for the completion of the outstanding work. I reassure all members that the travelling public continue to receive a service from the British Transport Police, with Police Scotland, as and when necessary, supporting its BTP colleagues when incidents occur.

Jamie Greene (West Scotland) (Con): Contrary to what Mr Mason just said, does the cabinet secretary not accept that there are still serious concerns about the merger, especially on issues relating to information and communications technology infrastructure? Is it not about time that the cabinet secretary listened to experts and went back to the drawing board on this very unpopular merger?

Michael Matheson: As Jamie Greene will recognise, the merger of the BTP into Police Scotland was approved and agreed by a majority in this Parliament. I recognise that his party plans to move to a national infrastructure policing unit

with the integration of the BTP with the Ministry of Defence Police and the Civil Nuclear Constabulary, which would completely abolish the BTP. My concerns about that approach is that I suspect that it would largely be an armed force, given the nature of the work that is carried out by the officers of the civil nuclear and Ministry of Defence police services.

I recognise that there are those with concerns about the integration plans that we have in Scotland. The replanning exercise is an important element in making sure that the areas of work that still have to be carried out are completed before full integration takes place, and the exercise will identify a timeline for taking that forward.

I do not share Jamie Greene's view that we should abolish the BTP and move it into a national infrastructure policing division, as his party proposed in the previous election and as previously mooted by the United Kingdom Government. That is clearly the UK Government's policy at the present time.

Knife Crime (Police Scotland Information Sharing)

2. Kenneth Gibson (Cunninghame North) (SNP): To ask the Scottish Government whether Police Scotland has shared its experience of tackling knife crime with the Metropolitan Police. (S5O-01998)

The Cabinet Secretary for Justice (Michael Matheson): Police Scotland routinely works in collaboration with other forces. It recently hosted a visit from the Metropolitan Police to explore issues of common interest, which included a discussion of efforts to reduce violence and knife crime. As Kenneth Gibson knows, those are areas in which Scotland continues to face challenges, but, through our public health approach, has made significant progress.

Kenneth Gibson: Under this Scottish National Party Government, the incidence of knife crime has fallen by 69 per cent in a decade, from 10,110 incidents to 3,111 incidents—there has been an even steeper fall of 77 per cent in my area of North Ayrshire—the figure having previously doubled under the then Labour-Lib Dem Administration. Does the justice secretary agree that having 6 per cent more police officers on the streets under the SNP, compared with a 17 per cent fall in numbers in England under the Tories, has made a difference? Given the appalling tragedy of 39 young people being stabbed to death in London so far this year, what further advice can the cabinet secretary give on how best to tackle that scourge?

The Deputy Presiding Officer (Christine Grahame): I remind members that I quite like short questions.

Michael Matheson: Kenneth Gibson is right to highlight the fact that the number of crimes involving the handling of offensive weapons has significantly reduced in Scotland since 2006-07. However, we know about the devastating consequences that can come from knife crimes in our communities and we can in no way afford to be complacent about the progress that we have made. In my view, one knife crime will always be one too many.

Alongside the tough enforcement action that we have taken in our approach to tackling knife crime, we have had a firm focus on prevention and early intervention, which has no doubt played a significant role in helping to reduce knife crime in Scotland, including the reduction in Kenneth Gibson's constituency, which he made reference to.

We have invested significantly in the national violence reduction unit, which has allowed us to make sure that there is a clear focus on violence prevention. That has included the development of the medics against violence prevention programme, which is being delivered in some of our schools in Scotland, and the mentors in violence prevention programme, which is now being delivered in schools around the country to teach young people about the risks and dangers of violent crime, promote healthy relationships and help them keep safe.

Alongside that, we have the "No knives, better lives" youth engagement programme, which specifically aims to reduce the incidence of violence and knife-carrying among young people. That is being delivered in 24 of our local authorities and is on track to be delivered in all 32 local authority areas this year.

We have made good progress in the past 10 years, and I assure members that we are absolutely focused on continuing to bear down on violence and, in particular, on knife crime. We have reaped the benefits of our prevention approach in recent years and we will continue to invest in that in the years to come.

Death by Driving (Sentencing Guidelines)

3. Willie Coffey (Kilmarnock and Irvine Valley) (SNP): To ask the Scottish Government what progress the Scottish Sentencing Council is making with guidelines on sentencing in relation to deaths caused by driving. (S5O-01999)

The Cabinet Secretary for Justice (Michael Matheson): The Scottish Sentencing Council is an independent body. However, my officials have been in touch with the council in connection with

this parliamentary question, and I can confirm that the council has advised that a sub-committee has been established to consider the development of the guidance in relation to deaths by driving. The sub-committee will be responsible for the development of the guidelines and will consider the timing for its development, what research will be needed and what data is currently held.

This area of law is reserved. It is worth noting that the United Kingdom Government consulted in 2016 on changes to the maximum penalties in cases of death by driving, and announced in October 2017 that legislation would be introduced to increase the maximum penalties for certain death-by-driving offences. The announcement can be expected to impact on the timing for development of guidelines by the Scottish Sentencing Council.

Willie Coffey: The cabinet secretary will be aware of the tragic case of my constituent William Murray, who was killed as a result of a motorbike accident in 2013. The other person who was involved was convicted of careless driving, given a community sentence and banned from driving for five years, but flouted the ban last November and was given another community sentence.

What assurance can be given to William Murray's family, and to other families, that the justice system will take full account of previous convictions, and recommend custodial sentences for repeat offenders in any new sentencing guidelines?

Michael Matheson: I am aware of that case, having met Willie Coffey to discuss the matter. The member will understand that I am not able to comment on individual cases.

Members will appreciate that the courts, when it comes to making decisions on sentencing, take into account all the relevant facts and circumstances, including the fact that a person is a repeat offender. In all cases such decisions are, of course, for the court to make, informed by the information that is provided to it by the prosecution and the defence.

I appreciate why victims and their families are keen to understand how sentencing decisions are made and why a court has made a particular determination, which is why transparency in sentencing is important. That is why we established the Scottish Sentencing Council, whose work will be important in encouraging greater transparency around sentencing decisions.

Daniel Johnson (Edinburgh Southern) (Lab): The publication this autumn of sentencing guidelines for the first time represents an opportunity to improve public understanding of sentencing and how it works. I recognise the independence of the Scottish Sentencing Council.

What representations has the Government made to the Sentencing Council, in order to ensure that its guidelines lead to transparent and understandable sentencing that reflects the seriousness of the crime?

Michael Matheson: As Daniel Johnson said, the Scottish Sentencing Council is an independent body and is responsible for taking forward such matters in the manner that it regards as being most appropriate. The Sentencing Council consults the Scottish Government on its draft business programme, but the content of the programme is a matter for the council.

Once the Sentencing Council has completed the work to establish new sentencing guidelines, it will be for the council to determine how it takes the matter forward. I expect it to do so in partnership with the judiciary, including the Lord President, in order to ensure that sentencers are aware of the new guidelines, when they have been implemented. The Sentencing Council will have the support of the Judicial Institute for Scotland, which is responsible for training our sentencers.

Decisions on taking the guidelines forward are, rightly, a matter for the Sentencing Council, and it would not be appropriate for the Government to start intervening in relation to how the council takes forward its work and how, when the work is completed, it disseminates the information.

Liam Kerr (North East Scotland) (Con): The Scottish Sentencing Council was formed in October 2015, two and a half years ago. Guidelines on death by driving were promised in October 2016, one and a half years ago, but only now are we seeing action.

The Scottish National Party also promised action to crack down on drug driving last September, after pressure from the Scottish Conservatives. Will the justice secretary say what progress has been made?

Michael Matheson: It is clear that Liam Kerr does not understand how the Scottish Sentencing Council operates. It is an independent body, which is headed up by the Lord Justice Clerk, with a range of experts appointed to it to support the work of drafting guidelines for our courts and sentencers. The member might want to reflect on how the Sentencing Council operates.

On drug driving, Liam Kerr might not be aware—given that he was not a member of Parliament when the decision was made—that we made a decision, on the basis of recommendations on drink and drug driving, on our priorities in adjusting the drink-driving limit and introducing new provisions on drug driving. The United Kingdom Government chose not to lower the drink-driving limit in the way that we did. Following our change, we have the lowest drink-

driving limit in the UK, which we have put in place in order to promote safety on our roads.

We said at that time that, once that work had been completed and the approach had been embedded operationally in Police Scotland, we would turn to the introduction of a drug-driving test. That is exactly what has now been taken forward, and the work is being undertaken in partnership with Police Scotland. Once that work has been completed, Scotland will have the most robust drink-driving and drug-driving limits in the whole UK.

I hope that that helps Liam Kerr with regard to his understanding of what was previously agreed in Parliament and the approach that we are taking. We are making important progress in ensuring that roads in Scotland are as safe as possible from people who, too often, simply ignore the safety risks that are associated with drink driving and drug driving.

Rape and Sexual Violence Cases (Crown Office and Procurator Fiscal Service's Prosecution Policy)

4. Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP): To ask the Scottish Government whether it will provide an update on its response to the concerns raised by Rape Crisis Scotland and others regarding the Crown Office and Procurator Fiscal Service's changes to prosecution policy in cases of rape and sexual violence. (S5O-02000)

The Solicitor General for Scotland (Alison Di Rollo): The Lord Advocate and I had a helpful and constructive meeting with Rape Crisis Scotland on 19 April and have committed to work with it to provide reassurance in relation to how the policy will work in practice and to ensure that victims can be given accurate information in that regard. We confirmed that the focus of the Crown's revised policy is not to compel rape complainers to testify. Its focus is to ensure that the burden of prosecutorial decision making properly lies with the Crown and to ensure that decisions are made after the most careful consideration of all the relevant circumstances.

The Crown is committed to doing all that it can to prevent violence against women and girls and to protect the public from serious sexual violence. As prosecutors, we know only too well and understand the challenges that the criminal justice system can present for complainers in rape cases. That is why the Crown continues to work with others to address features of the system that contribute to witness attrition.

Christina McKelvie: I welcome the on-going work with Rape Crisis Scotland, and I am sure that many others in the chamber will welcome it, too.

Is it the case that the Crown would not take action against any complainer who failed to give evidence after a warrant was issued? If that is the case, can the Scottish Government give me, Rape Crisis Scotland and others an assurance that no rape complainer will be jailed if they are unable to give evidence, even in a case in which a warrant has been issued?

The Solicitor General for Scotland: We can never exclude the possibility that there could be circumstances in which a witness warrant might be sought if a complainer refused to attend at court when lawfully cited. Although we accept that, we expect that that would and could arise only in the most exceptional of circumstances, which, I might say, have not arisen in the past 10 years in which I have been prosecuting rape in the High Court, in my time as a law officer or, indeed, since the policy was clarified on 12 March.

Should that issue ever arise, before any decision were taken about the appropriateness of seeking a warrant in the first place, very careful assessment would be made and very careful consideration would be given by an experienced prosecutor to all the relevant factors in that individual case: the circumstances of the complainer, her vulnerabilities, the nature and reasons for her reluctance and, crucially, the nature, circumstances and gravity of the offence and the nature of the offender.

Only after considering all those circumstances will any decision be taken, and I should say that such an assessment will be one of many that is conducted throughout the entire process.

We will take careful account of the risks of not proceeding against a particularly dangerous accused. However, the complainer's views, welfare and interests are at the heart of the Crown's prosecution policy in relation to reluctant complainers. The policy underlines the importance of exploring the reasons for such reluctance and of working, along with other agencies, to address such concerns where we can, in order to re-engage with and support that witness.

In practice, all of that means that there will continue to be cases in which, taking account of all the relevant circumstances, the right thing to do is not to take proceedings or to discontinue them.

The Deputy Presiding Officer: We have managed to get only to question 4, but I will take two brief supplementaries. I say to the entire chamber that it is important that questions are short and that answers are succinct, too. I appreciate that one has to be very careful in the answers that one gives, particularly those that relate to justice issues. However, we have reached only question 4. I ask those who have spoken in the chamber today to look at the time

that they have been on their feet because, next time I am in the chair, I will intervene if answers, as well as questions, are too long, in order that other members have time to speak. Reaching only question 4 is not good enough, in my book.

Kezia Dugdale (Lothian) (Lab): What further work is being undertaken to support rape victims during the court process, with specific regard to the length of time that it takes for cases to get to trial and the number of delays that victims face?

The Solicitor General for Scotland: A lot of work is going on, most notably on the reduction of the pre-petition workload, which contributes to a delay in the journey time from report to trial. We have reduced the number of such cases from 700 in 2016 to 200 today. We continue to act directly on feedback from Rape Crisis Scotland on the lived experience of complainers, and we have changed our practices already in that regard. We will continue to work with others in the system to address the system-wide features that contribute to delay and the other circumstances that contribute to reluctance and attrition.

Margaret Mitchell (Central Scotland) (Con): Will the Solicitor General confirm how many rape victims have applied for legal aid and how many have had their applications accepted, which can help them oppose the disclosure of sensitive medical records? What advice does the Crown Office and Procurator Fiscal Service give to such victims to show them that that option is available?

The Solicitor General for Scotland: I do not know the numbers, but advice is given in that regard.

The Deputy Presiding Officer: I apologise to the five members who have not been called. I trust that I will not need to repeat my warning. If there are very long answers, I cannot call members to ask supplementaries, and I do not want to cut out supplementaries on important questions. My advice—or telling off—pertains to the next set of questions, too.

Culture, Tourism and External Affairs

EventScotland (Funding)

1. **Angus MacDonald (Falkirk East) (SNP):** To ask the Scottish Government how much funding EventScotland will receive in the current financial year. (S5O-02007)

The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop): EventScotland is part of VisitScotland's events directorate and, as such, it does not receive direct grant-in-aid funding from the Scottish Government. Its funding is an operational decision for the VisitScotland board. I will ask VisitScotland's chief

executive to write to the member with the details once the funding for 2018-19 has been agreed by the VisitScotland board. I can tell Mr MacDonald that EventScotland was allocated £9.3 million in 2017-18.

Angus MacDonald: I welcome this year's funding. The cabinet secretary will be aware of the established motorsport event the Bo'ness revival classic car show and hill climb, which is held annually in my constituency. Over the past three years, it has received funding from EventScotland's national events programme, but there is a maximum limit of three awards from that fund. Is there any possibility of EventScotland relaxing the three-year rule on a discretionary basis to allow continued funding for events such as the Bo'ness hill climb?

Fiona Hyslop: I am aware of the Bo'ness revival classic car show and hill climb, which is an important event. Whether to relax the three-year limit on funding would be a decision for VisitScotland. If that event, or any others, received a fourth year's funding, less funding would be available for new events. However, I understand that the chairman of the Bo'ness hill climb had a productive meeting with VisitScotland on Monday and that VisitScotland will continue to provide non-funding support and advice to the event to help it develop a more sustainable commercial business for the future.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): What percentage of funding will be allocated to events that will encourage diversity?

Fiona Hyslop: If Rachael Hamilton was listening to my very first answer, she will be aware that the Scottish Government does not provide direct grant in aid to EventScotland. Decisions about EventScotland, distribution and, indeed, which organisations are promoting diversity will be for the VisitScotland board to make. However, I will ask VisitScotland to advise the member once it makes those decisions.

International Development Fund

2. **Ivan McKee (Glasgow Provan) (SNP):** To ask the Scottish Government what scope there is through its international development fund to support projects that are not in its four partner countries, Malawi, Rwanda, Zambia and Pakistan. (S5O-02008)

The Minister for International Development and Europe (Dr Alasdair Allan): Our new international development strategy, which was published in 2016, focuses our work—as Ivan McKee said—on four partner countries with which we have strong historical and contemporary links to ensure that our £10 million international

development fund has the greatest impact. Scottish organisations working in any country whose human development scores medium or low on the current United Nations human development index are eligible to apply to our small grants programme for feasibility or capacity-building grants of up to £10,000.

Ivan McKee: I agree with the strategy of focusing on four countries to ensure maximum impact. However, retaining flexibility to fund projects in other countries enables us to respond to specific needs as they arise and provide support. As the minister will be aware, I recently visited Palestine—a country that is badly in need of development support. Will the minister meet me to discuss specific projects in the occupied west bank that would benefit from some limited Scottish Government funding support?

Dr Allan: I am more than happy to meet Ivan McKee to hear the concerns that he wishes to raise around that issue. I will mention in passing that in the past we have provided one-off humanitarian funding for Gaza. The Scottish Government also sought to be helpful to firefighters in Scotland who were seeking to make sure that a fire engine made its way to Palestine to assist people in that part of the world.

Creative Scotland (Head of Screen Unit)

3. **Jeremy Balfour (Lothian) (Con):** To ask the Scottish Government what discussions it has had with Creative Scotland regarding the appointment of the head of the new screen unit. (S5O-02009)

The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop): The recruitment of the executive director, screen and creative enterprise, is a matter for Creative Scotland. Creative Scotland regularly updates the Scottish Government about progress with the screen unit, including on recruitment, at project board and screen committee meetings, and at its routine meetings with sponsor department officials. I am also updated in meetings with Creative Scotland. Creative Scotland has invited the Scottish Government director for culture, tourism and major events to sit on the selection panel.

Jeremy Balfour: Will the cabinet secretary commit to regular meetings and will she report back to the chamber on how those meetings go?

Fiona Hyslop: I have regular meetings with Creative Scotland and my communication to parliamentarians is normally via the convener of the relevant committee. On 8 March, there was a letter from Creative Scotland to the Culture, Tourism, Europe and External Relations Committee to ensure that the committee was aware of developments and progress. If the

member has a particular interest in following this, I suggest that he look at the papers for that committee, as they are open to every parliamentarian to read.

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

As the cabinet secretary will be aware, the Culture, Tourism, Europe and External Relations Committee is undertaking an inquiry into the screen sector, including scrutiny of the new screen unit. Is she confident that the governance arrangements under the head of the new screen unit, who will work under Creative Scotland, are appropriate for meeting the specific needs of this sector?

Fiona Hyslop: Yes, I am. In the letter that went to the Culture, Tourism, Europe and External Relations Committee, and in my correspondence to the committee, it was set out that it is crucial that the Creative Scotland board members who are appointed have screen experience. Those adverts are about to go out. Lead members of the screen sector—very respected people from within the screen sector—will be part of the governance arrangement as well. That is something that has given confidence to me and to people in the screen sector.

The Deputy Presiding Officer: I call the breathless Bob Doris, who has arrived just in time to ask question 4.

Glasgow Maryhill and Springburn (Built Heritage)

4. **Bob Doris (Glasgow Maryhill and Springburn) (SNP):** Presiding Officer, I apologise for getting my timings wrong. I know that that is my responsibility.

To ask the Scottish Government how it supports built heritage in the Glasgow Maryhill and Springburn constituency. (S5O-02010)

The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop): The Scottish Government supports built heritage across our communities through the lead public body, Historic Environment Scotland. Maryhill burgh halls were restored in 2012 with help from public funds awarded by the former Historic Scotland and the Scottish Government.

Bob Doris: Springburn has been blighted by the loss of a number of buildings of heritage over the years. The A-listed winter gardens in Springburn park remain a wonderful asset, despite being on the buildings at risk register. The Springburn Winter Gardens Trust is making an ambitious large-scale Heritage Lottery Fund bid to save and repurpose the winter gardens for future generations, which is a defining moment for the project's future. Will the cabinet secretary offer her best wishes for the bid, and can I extend an

invitation to her to visit the winter gardens to hear more about those ambitious plans?

Fiona Hyslop: I will certainly provide my best wishes for the local trust that is looking at the A-listed glasshouse in Springburn park's winter gardens. I am pleased that Historic Environment Scotland has maintained the repair grant scheme funding to provide £14.5 million for a further year from the Scottish Government. The Glasgow City Heritage Trust can help to fund such organisations, too.

I am very interested in our historic heritage in all parts of Scotland and, should my diary provide, I would be very willing to visit Springburn to see what is happening there.

Support for Participation in Music

5. Tom Arthur (Renfrewshire South) (SNP): I am obliged to inform members that the First Minister has appointed me as parliamentary liaison officer to the Cabinet Secretary for Culture, Tourism and External Affairs. I further wish to refer members to my entry in the register of members' interests, specifically to my membership of the Musicians Union.

To ask the Scottish Government how it supports participation in music. (S5O-02011)

The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop): The Scottish Government supports participation in music in many different ways. Its long-standing investment of £109 million since 2007 in the youth music initiative has made a huge impact, helping young people in all 32 local authorities to access music-making opportunities and helping to ensure that every pupil is offered a year's free music tuition by the end of primary 6. A further £9 million of funding has been allocated to the initiative in 2018-19.

The Government is providing £2.5 million to Sistema Scotland, as part of a four-year funding package, in communities in Stirling, Glasgow, Aberdeen and Dundee; investing £22.5 million this year in its national performing companies, which all have music content within their programmes and outreach programme; and providing £10 million towards the new Edinburgh IMPACT—International Music and Performing Arts Charitable Trust Scotland—performance venue, which will provide a home for the Scottish Chamber Orchestra.

Creative Scotland works with a range of partners to ensure that people have the opportunity to participate in music. The recently announced regular funding network includes strong support for all music genres from contemporary to jazz, classical and traditional.

Tom Arthur: Many people's first experiences of participation in music occur in school. Does the cabinet secretary share the concerns of many musicians that children and young people will lose out on opportunities to participate in music making if some local authorities continue to reduce instrumental teaching services and to increase tuition charges?

Fiona Hyslop: I am very concerned about the decisions by some local authorities to cut access to instrumental music tuition, particularly at secondary level. The Deputy First Minister shares my concerns. I have asked Scottish Government culture officials to work with education officials—while respecting the autonomy and responsibility of local councils—to assess the impact and to identify ways of working with key stakeholders to ensure that we have vibrant youth music tuition provision in the future to inspire the many young people who currently benefit from it.

Gordon Lindhurst (Lothian) (Con): Does the cabinet secretary share the concern about the proposals in West Lothian to cut certain instruments from free music tuition and to charge for tuition, which could be to the detriment of disadvantaged children? West Lothian Council is blaming the Scottish Government budget cuts.

Fiona Hyslop: As Gordon Lindhurst will be aware, local government as a whole in Scotland has had a real-terms budget increase. West Lothian Council, in particular, has had a budget increase. I am familiar with the situation there, because my constituency is Linlithgow. It is shocking that a county that has been championed across Scotland and regarded as providing some of the best music tuition would contemplate abolishing strings and percussion tuition. After the intervention of Scotland's Commissioner for Children and Young People, who identified that children and young people had not even been consulted about provision, the council is now looking at that again. I urge the council to do so seriously. The issue is not just that the reputation of West Lothian Council as a music-making champion is severely at risk; it is about opportunities for young people in my constituency and across West Lothian.

Historic Battlefields (Preservation)

6. Murdo Fraser (Mid Scotland and Fife) (Con): To ask the Scottish Government what work is being done to ensure that historic battlefields are preserved. (S5O-02012)

The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop): Historic Environment Scotland has a statutory duty to compile and maintain an inventory of historic battlefields of national importance. The inclusion of a battlefield on the inventory means that particular

consideration must be given to any impact on the site of any development or activity on it. The effect of a proposed development on inventory battlefields is a material consideration in the planning system. Scottish planning policy sets out the matters that planning authorities should consider in determining planning applications relating to historic battlefields, including protecting, conserving and enhancing their key landscape characteristics and special qualities.

A further layer of scrutiny is provided by a planning direction from 2015, which sets out when ministers have to be notified over planning proposals affecting historic battlefields. Where development is not within the planning system, for example in forestry or trunk roads proposals, Historic Environment Scotland's policy statement sets out that public bodies should ensure that nationally important battlefields are given consideration in their plans.

Murdo Fraser: I thank the cabinet secretary for that very comprehensive response. She will know that the success of the "Outlander" books and TV series has caused a renewed interest in the Jacobite period yet, at the same time, two important Jacobite battle sites are being threatened by development. One of those sites is Culloden, and the other is Killiecrankie, in the area that I represent, where plans by Transport Scotland to extend the A9 dual carriageway to the south would cover the most sensitive part of the battle site, where most of the casualties were incurred. That is particularly unfortunate, as there is a viable alternative to extend the A9 to the north side with a lesser impact. Does the cabinet secretary accept that, if the plans at Killiecrankie go ahead, the protections that she has just outlined in her answer will be exposed as worthless?

Fiona Hyslop: I am aware of those two developments. In relation to the A9, the Scottish Government is pursuing that development, which will make a transformational difference to transport between Inverness and the south. The member will be aware that, in the particular instance that he mentions, the Scottish ministers will be called on to determine the case in due course. It is therefore not appropriate for me to comment on the proposals or the objections that have been raised. However, he will be aware that Historic Environment Scotland, as part of the process that I outlined in my original answer, has already made known its concerns about the issue.

Orkney and Shetland (Tourism)

7. Peter Chapman (North East Scotland) (Con): To ask the Scottish Government what action it is taking to encourage more tourists to visit Orkney and Shetland. (S5O-02013)

The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop): The Scottish Government fully recognises the importance of tourism to the economies of both Orkney and Shetland. The numerous attractions of our northern isles, for example the United Nations Educational, Scientific and Cultural Organization sites of neolithic Orkney and Jarlshof on Shetland, are actively promoted by VisitScotland through its many marketing campaigns. VisitScotland also directly supports the sector to ensure that the potential from tourism is maximised. Other public bodies such as Highlands and Islands Enterprise and Historic Environment Scotland also play a key role, as does Scottish Natural Heritage, in promoting and enhancing the area's natural environment.

In recognition of the fact that the popularity of sites on the islands and in other rural areas brings challenges to public infrastructure, last year we launched the rural tourism infrastructure fund to address those issues. One of the fund's pilots, which was announced last month, involved £80,000 towards car parking at the stones of Stenness, providing much-needed facilities at a popular neolithic site.

Peter Chapman: In the Scottish National Party's 2016 manifesto, it pledged to reduce ferry fares on services to Orkney and Shetland and, last year, the minister stated that the fare reductions would be

"rolled out in the first half of 2018",

saving visitors up to £100. With only 10 weeks until that timeframe ends, surely the Government has some plan in place, or is that just another SNP broken promise?

Fiona Hyslop: I politely point out to the member that I am the tourism secretary, not the transport minister. I reassure the member that the transport minister is actively involved in the issue and I am sure that he would be more than happy to update the member appropriately. However, the member should take the opportunity of tourism questions to champion Orkney and Shetland and the wonderful sites that they have instead of complaining about an issue on which he knows I cannot answer.

Liam McArthur (Orkney Islands) (LD): I thank the cabinet secretary for giving a tour de force on the tourist attractions in my constituency as well as in Shetland. Will she join me in impressing on her colleague the transport minister, who will be in Orkney and Shetland this Friday and Saturday, the need for him to come armed with a timeframe for the delivery of the road equivalent tariff, which has been promised for our lifeline ferry services?

Fiona Hyslop: We have a very proactive and committed Minister for Transport and the Islands, who takes every opportunity to ensure that

departments across Government know of the importance of transport links and tourism to the island economies. As I have just said in response to the previous question, I am sure that the minister will keep us updated as appropriate. So, for the second time today, I can say that the transport minister is actively engaged with the issue and will communicate at the appropriate time as he has responsibility for ferries.

The Deputy Presiding Officer: I am afraid that that concludes portfolio questions on culture and tourism. I apologise to the three members whom I was unable to call, but that was a darn sight better than the previous questions session. I thank members for their short questions and answers.

Business Motion

14:11

The Presiding Officer (Ken Macintosh): The next item of business is consideration of business motion S5M-011826, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a timetable for the stage 3 consideration of the Social Security (Scotland) Bill.

Motion moved,

That the Parliament agrees that, during stage 3 of the Social Security (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limits indicated, those time limits 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 to 5: 1 hour

Groups 6 to 8: 1 hour 25 minutes

Groups 9 to 12: 2 hours 15 minutes

Groups 13 to 16: 3 hours 15 minutes

Groups 17 to 20: 4 hours.—[Joe FitzPatrick.]

Motion agreed to.

The Presiding Officer: Before we move on to the bill, members will be aware that British Sign Language interpreters are present in the chamber and will be interpreting this afternoon's business. I am sure that you will join me in welcoming them today. [Applause.]

Social Security (Scotland) Bill: Stage 3

14:12

The Presiding Officer (Ken Macintosh): We now move to stage 3 proceedings on the Social Security (Scotland) Bill. In dealing with amendments, members should have with them the bill as amended at stage 2, the second revised 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 and the period of voting for that first division will be 30 seconds. Thereafter, the period will be one minute for the first division following 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.

Section 1—The Scottish social security principles

The Presiding Officer: Amendment 17, in the name of Jackie Baillie, is grouped with amendment 18.

Jackie Baillie (Dumbarton) (Lab): Amendment 17 is a simple, one-word amendment on which, I hope, the entire chamber can agree.

Members will know that several equalities groups called for the introduction of a principle in section 1 of the Social Security (Scotland) Bill that would embed equality in our social security system. My colleague Mark Griffin lodged a number of amendments to the bill at stage 2 that were supported by the Coalition for Racial Equality and Rights, Engender and Scottish Women's Aid. All but this one were agreed.

I know that it is in the way of these things that, behind the scenes, there have been discussions between Scottish Government officials and CRER, Engender and Scottish Women's Aid, but no conclusion had been reached prior to the deadline for stage 3 amendments. Hence, amendment 17 is before members today.

I believe that the Scottish Government's intentions are good but essentially the language in the bill is weak. The thinking is that, rather than promoting the goals of equality and non-discrimination, the Scottish social security system—and, indeed, other public bodies—should actually deliver them. Under the Equality Act 2010, all public authorities are required to advance equality of opportunity between persons who share a relevant protected characteristic and

persons who do not. Amendment 17 ties the principles into the 2010 act and provides legislative backing for that requirement.

14:15

The principles would be considerably strengthened by that change in wording, which would not be about simply duplicating Equality Act 2010 obligations. Research shows us that public bodies are not fully aware of their duties and often do not adhere to them properly. Having the requirement in the bill would align with the Scottish Government's equalities responsibilities under the Scotland Act 1998 to promote compliance with equalities legislation. Above all, it would be the right thing for this Parliament to do.

I move amendment 17.

Adam Tomkins (Glasgow) (Con): Amendment 18, in my name, is designed to continue—and, I hope, to complete—the work that was started at stage 2 when the Social Security Committee sought to clarify the legal effect of the principles on which the Scottish social security system is to be based. We all accept and agree with the Scottish Government's proposition that that system should, indeed, be based on a set of agreed principles that are listed at the beginning of the legislation, in section 1. However, turning that policy intention into statute law runs the risk that there will be unnecessary litigation that is designed simply to clarify, in courts or tribunals, what the legal effect of those principles might be, even if we are all agreed on their political effect.

Section 1A, which was added at stage 2, is designed to start the work of clarifying what the legal effect of the principles is, to avoid the risk of unnecessary future litigation. As I have said, amendment 18 is designed to complete that work. It simply clarifies that the statutory purpose of the Scottish social security principles is that they can be reflected in the Scottish social security charter—to which we will come in a few moments—and that the Scottish commission on social security can have regard to them in making recommendations as required by the various provisions of the bill that pertain to it. Amendment 18 has been agreed with the Government, and I thank the minister for her help in its drafting.

The Minister for Social Security (Jeane Freeman): I am very conscious that we have a great deal to get through this afternoon and into this evening, so I am happy to say simply that I support both amendments in the group, which I believe provide the bill with additional strength.

The Presiding Officer: Thank you. That was admirable brevity. I call Jackie Baillie to wind up.

Jackie Baillie: I am delighted and do not need to add anything else, Presiding Officer.

Amendment 17 agreed to.

Section 1A—Effect of the principles

Amendment 18 moved—[Adam Tomkins]—and agreed to.

Section 1B—Scottish ministers' duty to promote take-up

The Presiding Officer: Amendment 19, in the name of the minister, is grouped with amendments 23, 27, 30, 33, 37, 39, 40, 43 to 45, 47 to 51, 64, 65, 67, 68, 71, 74, 75, 89, 95, 103, 104, 104A, 105 to 110, 112, 115 to 118 and 123.

Jeane Freeman: The amendments in group 2 are minor and technical adjustments to improve the structure of the bill, improve consistency of expression across sections, add clarifications and make some minor fixes. We have already provided detailed information to business managers, so I do not believe that I need say much more about the amendments, but I want to indicate my support for amendment 104, in the name of Jeremy Balfour.

I move amendment 19.

Jeremy Balfour (Lothian) (Con): Amendment 104 is a technical tidying-up amendment that gives clarity to the roles of the lower and upper tribunals and the commission. I am grateful to the minister and her officials for their help in drafting it. I am happy to support all the other amendments in the group.

The Presiding Officer: Does the minister want to add anything by way of winding-up remarks?

Jeane Freeman: No, I am fine. Thank you, Presiding Officer.

Jeremy Balfour: I should have declared that I am in receipt of the higher rate of personal independence payment, which is one of the benefits that we will deal with later.

The Presiding Officer: Thank you for noting that for the *Official Report*.

Amendment 19 agreed to.

After Section 1C

The Presiding Officer: We move to group 3. Amendment 1, in the name of Pauline McNeill, is grouped with amendments 20 to 22, 24 to 26, 28, 36, 38 and 11.

Pauline McNeill (Glasgow) (Lab): I have taken a strong interest in the question of whether benefits can be automated for those who are entitled to them. We know from Department for Work and Pensions estimates that £13 billion of

benefits a year are not claimed by people who are entitled to assistance, which in Scotland could be as many as 500,000 individual cases.

I thank the Scottish Government and the minister for working with me to put together my amendments in the group. I know that the minister is as committed as I am to making sure that, where we can, we make it easier for people to get the benefits to which they are entitled. I know that our working together will go beyond this bill; we also did it with the Child Poverty (Scotland) Bill.

Amendment 1 is about recognition of the importance of the available data. It simply means that ministers would use the data on the first application to assess whether a person might be eligible for another benefit.

Amendment 11 is the important amendment in the group, because it would place a duty on Scottish ministers to

"inform the individual that the individual may be eligible for ... assistance, and ... provide ... information about how to apply for it",

or allow for a more automated determination of whether that person can receive other benefits without making any more applications.

Once a person has made an application, there would be a duty on the agency to ensure that, if the person was entitled to any other benefits, the agency would assist them in getting those benefits.

I move amendment 1.

Ruth Maguire (Cunninghame South) (SNP): I am grateful to Mark Griffin for his support on amendment 20, as well as the support that has been provided by stakeholders—in particular, the Royal College of Speech and Language Therapists.

In encompassing all the information that the bill will require ministers to make publicly available, amendment 20 also covers posters, information leaflets and appointment information, as opposed to only the more formal documents that are listed in section 1D. Perhaps most important is that, in contrast to section 1D, amendment 20 will ensure that communication accessibility is mainstreamed and normalised, as opposed to its being implemented only on an individual and "proportionate" basis.

Under section 1D, a person would have to know where to go to and then ask for accessible information. In addition, the use of the term "proportionate" implies that the provision of accessible information would be dependent on whether the agency decided that the costs are worth it or the individual need merits expenditure, thereby potentially discriminating against the

interests of minority needs. By contrast, amendment 20 will enshrine accessible information in the social security system as a matter of course. In that, it complements my previous amendment 1C, on inclusive communication, which is about supporting individuals to use whatever ways of understanding are best for them. That can only be a good thing; no one has ever complained that a public system was too easy to understand or engage with.

Inclusive communication and accessible information are crucial elements in building a system that is based on dignity and respect for all those who use it. I urge colleagues to support amendments 20 and 21.

Jeremy Balfour: Whenever one applies for a benefit, it can be, as we heard from Ruth Maguire, a difficult procedure. It is often the case that, regardless of how simple we make the forms, people require advice and assistance to complete them.

The amendments in my name in the group would clarify matters in an area in which the Social Security Committee has been on a journey. It is fair to say that there was in all our minds, as we started stage 1 of the bill, some confusion about what is meant by “advocacy”—we will come on to that later—and what is meant by “legal advice and assistance”. It has been very helpful—and I welcome the Government’s move in this regard—that we have separated out the two terms and there is a clear distinction between them.

It is important that an individual has that right, and that the right is independent of the Scottish Government. I think that, here in Scotland, we are very fortunate that, across the country, there are many groups in local authorities and in third sector bodies that provide independent advice and assistance to claimants. It is clear that that must happen throughout the process, from when a person goes to find out whether they are entitled to make a claim, all the way through to when they have to go to a first-tier tribunal, if that is necessary.

I am grateful to the minister for clarifying that she supports my amendments. We will support the other amendments in the group, too.

Jeane Freeman: I am grateful to Ms McNeill, Ms Maguire and Mr Balfour for lodging amendments that I believe will strengthen the bill, and I am pleased to support them all. They are about ensuring that people get all the assistance that they should get through the Scottish social security system.

The amendments in the group that are not in my name link to section 1B, which places the Scottish ministers under a duty to promote take-up of assistance. In that way, they are linked to my

amendments 36 and 38, which build on the duty to promote take-up of assistance by requiring the Government to publish and periodically revise a strategy for promoting take-up. The strategy, which will be produced through a process of consultation, will set out the Government’s best estimate of the extent to which people are getting the assistance that they should be getting, and what steps the Government will take proactively over the strategy’s lifetime to boost take-up rates.

Taken as a package, the amendments in the group, together with the provisions that are already in the bill, will enshrine in law the Scottish Government’s commitment to ensuring that everyone gets the assistance that they are entitled to through our social security system, and will provide a mechanism for scrutinising the efforts of the current and future Governments towards achieving that goal.

Alex Cole-Hamilton (Edinburgh Western) (LD): As members will know, my party is not represented on the Social Security Committee, but I am grateful to the minister, Opposition members and stakeholder groups for keeping us abreast of developments.

This group of amendments, which is on improving uptake, is very important to my party. We know from Scottish Government statistics that as many as 500,000 families in Scotland are not getting the benefits to which they are entitled, so we heartily support all the amendments in the group.

Mark Griffin (Central Scotland) (Lab): I am proud of what we have all achieved through the amendments in the group, and I am pleased that they will build on one of our key long-running agreements with the Government, on the idea that the system should maximise people’s incomes as much as possible. In 2016, we secured from the Government an agreement that there should be a statutory duty to maximise incomes, and although there has been some disagreement along the way, that duty has taken form in section 1B.

Every year, £2 billion of benefits—most of which are reserved—go unclaimed. That money could lift families and communities out of poverty and boost local economies. I know that the minister supports the approach that we advocate. She has written in the *Daily Record* about how she envisages a “once-for-Scotland” approach, and that must extend to take-up. The intention to minimise forms and link best start grant take-up to council services is an example that she has used.

At stage 2, Pauline McNeill secured agreement to have a system that would lead to the automation of benefits or a “bonfire of benefit forms”, as it was put, and that progress is very welcome. Amendments 1 and 11 have the

Government's support, and I am pleased that those provisions will be in the legislation.

Equally, I am pleased to support Ruth Maguire's amendments 20 and 21, which will ensure that everyone who uses the agency will get the information, the letters, the advice and the records that they need in the most inclusive and suitable form that fits their needs.

We have some concerns about the Government amendments 36 to 39. My amendments at stage 2 set wide-ranging requirements on the Government to make its duty to promote take-up a reality, to record progress and to detail areas in which more work is needed. At the time, we had the Government's support. My strategy to boost take-up is target based and would require the Government to come forward with measurable outcomes, statistics on which should be released regularly, so I am disappointed that the minister wishes to remove those provisions.

We had discussions about that and I agreed with the minister on some changes that should have been made, because of the potential impact on the fiscal framework, but I still felt that the targets should remain in place. In Northern Ireland, targets have been shown to work; they are boosting by £65 per week the incomes of those whom they target. It would have been more helpful if that part of the amendment that was passed at stage 2 stayed within the bill in order to achieve real progress against targets to boost the incomes of low-income families.

14:30

The Presiding Officer: I call Pauline McNeill to wind up on the group.

Pauline McNeill: The amendments will form an important aspect of the bill, in terms of the practicalities of running the agency, and will genuinely help people to take up their benefits when the agency is finally set up. I am happy to leave it at that.

Amendment 1 agreed to.

Amendment 20 moved—[Ruth Maguire]—and agreed to.

Section 1D—Accessibility of information

Amendment 21 moved—[Ruth Maguire]—and agreed to.

Section 1E—Recognition of importance of independent advice and advocacy

Amendment 22 moved—[Jeremy Balfour]—and agreed to.

Amendment 23 moved—[Jeane Freeman]—and agreed to.

Amendments 24, 25 and 26 moved—[Jeremy Balfour]—and agreed to.

Amendment 27 moved—[Jeane Freeman]—and agreed to.

Section 1F—Information and advice

Amendment 28 moved—[Jeremy Balfour]—and agreed to.

Section 1G—Right to advocacy

The Presiding Officer: Amendment 29, in the name of Jeane Freeman, is grouped with amendments 31, 32, 34, 35 and 94.

Jeane Freeman: Amendment 29 and the other amendments in the group make further provision in relation to independent advocacy services. I am delighted to say that amendment 31 widens the definition of the group of people who will have a right to access independent advocacy services. Expanding and improving my stage 2 amendment, I am pleased to say that the new amendments will ensure that those services can be accessed by people who, because of a disability, require an advocate's help to engage effectively with the system. Amendments 29, 32 and 34 are simply adjustments to make amendment 31 work.

Since the end of stage 2, my officials and I have been working with stakeholders and MSPs to ensure that we have the right definition for the additional support. The amendments that we are debating today have the support of a range of organisations, including disability agenda Scotland, Inclusion Scotland, the Scottish Commission for Learning Disability, Citizens Advice Scotland, Camphill Scotland and the Scottish Refugee Council. I am grateful to all the representatives of those organisations and others who have worked with us to develop and agree the amendments. However, in providing for advocacy support, we as a Government must ensure that it is available across Scotland, and that a person can be assured of an equity of standards and service whether they are in Dumfries or Dundee, Lerwick or Lossiemouth.

A report that the Scottish Independent Advocacy Alliance published last year is clear that, in relation to advocacy services across Scotland,

"Provision for people with physical disabilities is patchy and was identified as a gap in many areas as was provision for people with issues relating to benefits and changes to social security."

The Scottish Commission for Learning Disability has told me of similar concerns—that there are insufficient advocacy providers, that it is difficult to recruit advocates in remote areas, and that a dispersed population makes for difficulties with service provision.

We have to ensure that that changes. I therefore lodged amendment 35, which provides for advocacy service standards. That will ensure that those who enter into agreements with ministers to provide independent advocacy services for the people we are ensuring have a right to them will provide consistent service standards.

That approach—central funding and agreements that are based on mutually agreed standards—is exactly the same as what we would expect of other services that we provide funding for, such as the money and debt advice sector, which uses the Scottish national standards for information and advice providers.

In developing those standards, we will use existing models, such as the SIAA's advocacy code of practice and its independent advocacy evaluation framework, because it would be foolish not to. We will do what we always do and develop the standards in consultation with relevant organisations and—this is important—people who currently access advocacy services. We want to ensure that we meet the expectations that people will have in exercising the new right.

The Social Security (Scotland) Bill contains many important and exciting innovations. Enshrining in law the right to independent advocacy services, as we have set out in the amendments, is one of those innovations, as is ensuring that the regulations that will govern the standards will be approved by the Parliament. Instead of introducing service level agreements across the country, we want the service standards to be agreed by the Parliament. That is why amendment 94 will specifically insert a reference to the new section on advocacy service standards into section 55, which governs the regulation-making powers in the bill, to ensure that regulations to set out the advocacy service standards will be subject to affirmative procedure and will therefore be scrutinised by the Parliament.

I hope that members agree that the amendments represent significant progress in the area of social security and will provide a significant package of support for people who would otherwise struggle to access the support that they need and the entitlement that is their right.

I move amendment 29.

Ruth Maguire: A great deal of skill, knowledge and sensitivity is required to provide quality independent advocacy support to people. A range of high-quality services operate in Scotland—not least Aims Advocacy in Stevenston in my constituency—but, with the substantial additional requirements and investment in line with our new social security system, it is crucial that we ensure that those high levels of service are maintained.

The Scottish Commission for Learning Disability is currently carrying out a scoping study of advocacy services, which highlights the need for consistent standards of service across Scotland to ensure that everyone—no matter where they live—can access the same standard of advocacy services. That is backed by similar evidence from the Scottish Independent Advocacy Alliance's "A Map of Advocacy across Scotland", which highlights a lack of consistency in services.

Introducing advocacy service standards will ensure equity of standards and service for all people in Scotland. I support the fact that those standards will be produced in consultation with the sector and those who rely on the services and, crucially, the fact that they will be scrutinised by Parliament under the affirmative procedure.

I support amendment 29.

Jeremy Balfour: I welcome the minister's remarks and the movement on the matter that the Government has made over the past weeks.

The definition of disability or of being disabled is much better and stronger than what was agreed by the committee at stage 2. The Parliament and the Government have to work to ensure that we understand what we mean by that definition when the regulations are drawn up, and there is work to be done with advocacy groups, disability groups and others in the third sector.

However, the definition allows the Parliament to know that advocacy will go to those who need it, which is the key point. Not everybody will need an advocate when they go through the process and simply to open advocacy up to everyone would disadvantage those who need it and put extra financial pressure on the Scottish Government and advocacy groups.

It will be a challenge to deliver the advocacy process in different areas in time for when the regulations are up and running. As the minister has said and as I know from having spoken to different groups, there is quite a different picture depending on where you go in Scotland. We are very fortunate in the Lothians as many good groups are already up and running here and will be able to provide an advocacy service but, having talked to groups in other parts of the country, I know that that will be a challenge for them. We need to ensure that they have the appropriate resources and training to provide the service.

It is important to read the group 4 amendments alongside something that was approved previously, which is that an individual will have the right to have somebody of their choice with them all the way through the process, unlike what happens at the moment. That represents a positive step by the Scottish Government and it means that an advocate will often not be required

because the individual will have with them somebody whom they already know and who can support them and be an advocate for them.

It is fair to say that amendment 35 is the most controversial amendment in the group, but we will support the Government on that amendment because we need a standard that can be applied across the whole country. There is a danger that, in parts of the country where there are not good advocacy services, we would end up with individuals simply jumping up and saying "I could be an advocate. Can I have money, please?" That would be the wrong way forward. We need to be able to meet the right standards and give the appropriate service to those who require it.

I very much welcome the minister's comment earlier that, as the regulations are drawn up, she will consult the groups already providing advocacy and those who are interested in doing so. Ultimately, it will be a decision for the Parliament as to whether we approve the regulations. I suspect that a common theme throughout the debate this afternoon will be the recognition that passing the legislation today is simply the start of the journey and not the finish. The regulations are going to be key for individuals and my party will be very happy to work with the Government on the regulations so that we get them right for each individual across the country.

Mark Griffin: First, I congratulate the Scottish Independent Advocacy Alliance and the third sector for getting the right to advocacy into the bill. In the context of social security across the UK, they should be proud that, because of their work, there will now be a right to advocacy in legislation. It is a measure that makes the bill groundbreaking legislation. Key to Scottish Labour's approach to the bill has been a clear desire to ensure that a right to independent advocacy is included. In our submission to the stage 1 consultation on the bill, we agreed that such provision was needed, stating that

"even if there are fewer face to face assessments and the private sector is removed from the system ... Independent advocacy is vital to ensure the system is responsive to the needs of disabled people."

That support, along with the voices of voluntary and advocacy organisations, significantly shifted the Government's position on the right to advocacy. Although Jeremy Balfour chose not to move his amendment on the issue at stage 2, the committee made it clear that the Scottish Government's proposal to limit advocacy to those with mental health conditions was only a starting point and not the end point for what we expected to see in the bill.

The minister's new amendment states that those with a disability will be able to access independent advocacy. As that will cover those

who have the most significant need and will apply to the agency under the most complex processes that flow from the bill, and as it meets the test that we set out in our stage 1 submission, Scottish Labour supports the Government amendment whole-heartedly.

14:45

However, we have heard concerns that amendment 35 puts the independence of advocacy organisations at risk and could set a precedent for Scottish Government influence over third sector service providers. Advocacy organisations already have a code of practice. They also have concerns about an independent organisation outside of Government that would advise applicants, or perhaps people who are appealing the decisions of an arm of Government, being wholly independent. They would not like to see service standards being set by Government and would rather see independent standards being set for those organisations. For those reasons, we will not support amendment 35.

George Adam (Paisley) (SNP): As always, I will take this on in a practical manner, because I am a very practical individual.

I took it on board when Jeremy Balfour said that he believes—I hope he will excuse me for paraphrasing him—that, if there were no standards, someone could just set themselves up as an advocate on any high street anywhere in the country. That is a concern because of the quality of the advocacy that people would get.

With regard to the practicality, however, I have a question directly for the minister: is it not the case that what is in amendment 35 is currently standard practice anyway? The Scottish Government already produces guidance for commissioners of independent advocacy. It includes a set of principles and standards that were developed by the SIAA that the commissioners use to ensure that organisations and individuals provide independent advocacy services.

When we are looking at providing a better service and more money for advocacy, why would anyone not want to ensure that we have a standard of advocacy across Scotland? A standard would protect people and protect those organisations that provide a good standard of service for people. That is one of the most important issues. Let us not get to a point where people's professionalism might be doubted because other people may have said that they were advocates when they were not.

I think that it is very important to include a standard in the bill. I hope that the minister will answer the questions that I have asked.

Alex Cole-Hamilton: In the passage of the bill we are talking about some of the most vulnerable people in our society, some of whom exist on the edges of our society and many of whom have complex communication difficulties. The provision of an advocate to help them navigate through the landscape of the benefit environment and communicate their views and needs as they apply for those benefits is vital. The Liberal Democrats are delighted to see the provision of advocacy in the bill.

We certainly support the Government's amendment 31, which expands the group of people to whom advocacy applies. That is a very clear and important improvement.

We have come on a bit of a journey in this country on the provision of advocacy, from when it was first properly defined in law under the terms of the Mental Health (Care and Treatment) (Scotland) Act 2003. I was very much involved with a range of stakeholders in the passage of the Children's Hearings (Scotland) Act 2011, which saw a right to independent advocacy for young people coming before the children's panel.

We have provided for advocacy before and have not felt the need to have Government-defined standards in its provision. Indeed, advocacy is, by its nature, adapted to the circumstances around it. It changes with the needs of the people who require it. It changes from rural to urban populations. There are a range of different organisations providing it, and sometimes on a voluntary basis. It is already well self-regulated.

In response to George Adam's question to the minister in his last remarks about whether the Government already provides guidance, I say that it certainly provides guidance, but there is a clear difference between guidance and standards. Amendment 35 takes the reach of Government a bridge too far and might actually close off the provision of advocacy to those who need it. Therefore the Liberal Democrats will oppose amendment 35.

Ben Macpherson (Edinburgh Northern and Leith) (SNP): Like others, I very much welcome the right to advocacy within the bill and I rise to speak in favour of all the amendments in the group in the name of the minister.

I speak particularly to amendment 35, which I support for a number of reasons. First, in my view it is important that amendment 35 is passed so that Parliament—MSPs—will have the opportunity to scrutinise the regulatory framework that is proposed by the Scottish Government. Why would we not want that opportunity to scrutinise the matter, particularly in the interests of making sure that there is consistency in the standards applied

across the country, and that the same standards delivered to a high quality by advocacy services in my constituency and elsewhere in Scotland continue to be delivered consistently? Putting the right to advocacy in the bill gives higher importance and priority to the need for standardisation, consistency and a professional service.

We need to be able to assure people who use advocacy services that they are getting a proper and high-quality service. Through consultation with advocates and others involved in the sector, it is clear that the proposal that Parliament should scrutinise the regulations is absolutely the right, proper and professional way to go about implementing the right to advocacy. I urge members to support all the amendments in the group, particularly amendment 35.

Jeane Freeman: I thank Mr Balfour for rightly reminding us within the first hour that our work is not done when we pass the bill. There will be a great deal more for all of us to do in drafting the regulations that will flow from the bill, and the regulations that we are discussing now are one of the most important sets.

There are many groups to thank for getting us to this point, but I particularly single out Inclusion Scotland, Camphill Scotland and Disability Agenda Scotland for the hard work that they put in to help us refine our position on advocacy support so that we are in a much better place than we were at stage 2.

There is nothing sinister in amendment 35. It is about ensuring consistency of quality and delivery across the country, which is entirely consistent with a rights-based approach. Mr Adam is, of course, right that we have guidance for commissioners of independent advocacy that includes a set of principles and standards with which they are required to comply, and we have also produced financial support to the Scottish Legal Aid Board to manage the accreditation process for the Scottish national standards for information and advice providers. What we are trying to do with amendment 35 is to add extra to that.

We already have standards to ensure consistency and high quality for services that we provide across the country, but I want Parliament to be able to look at the regulations that describe those standards, which we will reach after having that wide consultation. The professional expertise and experience that already exist in the advocacy world, to which my colleagues have already referred, will provide the basis, but amendment 35 will ensure that it is Parliament, as it should be, that scrutinises and approves the regulations when we introduce them.

I urge members to support amendment 35. It is entirely consistent with a rights-based approach that says that we need to make sure that every person in Scotland who is entitled to a service that we provide can trust that they will receive the same quality of provision as any other person.

Amendment 29 agreed to.

Amendments 30 to 34 moved—[Jeane Freeman]—and agreed to.

After section 1G

Amendment 35 moved—[Jeane Freeman].

The Presiding Officer: The question is, that amendment 35 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division. As this is the first division of the proceedings, I suspend the Parliament for five minutes to call members to the chamber.

14:54

Meeting suspended.

15:00

On resuming—

The Presiding Officer: We move to the division on amendment 35.

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)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 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)
 Golden, Maurice (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 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)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 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)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (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)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 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)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 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 33, Abstentions 0.

Amendment 35 agreed to.

Section 1H—Income maximisation strategy

Amendment 36 moved—[Jeane Freeman].

The Presiding Officer: The question is, that amendment 36 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)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 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)
 Golden, Maurice (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 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)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (Ind)
 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)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (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)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (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)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 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 31, Abstentions 0.

Amendment 36 agreed to.

Amendment 37 moved—[Jeane Freeman].

The Presiding Officer: The question is, that amendment 37 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)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 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)
 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)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (Ind)
 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)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (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)
 Wightman, Andy (Lothian) (Green)
 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)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

The Presiding Officer: The result of the division is: For 97, Against 25, Abstentions 0.

Amendment 37 agreed to.

Section 11—Review of strategy

Amendment 38 moved—[Jeane Freeman].

The Presiding Officer: The question is, that amendment 38 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 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)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 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)
 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)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (Ind)
 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)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (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)
 Wightman, Andy (Lothian) (Green)
 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)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

The Presiding Officer: The result of the division is: For 97, Against 26, Abstentions 0.

Amendment 38 agreed to.

Amendment 39 moved—[Jeane Freeman].

The Presiding Officer: The question is, that amendment 39 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)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 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)
 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)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (Ind)
 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)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (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)
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 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Green)
 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)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

The Presiding Officer: The result of the division is: For 97, Against 26, Abstentions 0.

Amendment 39 agreed to.

Section 1J—Restriction on private-sector involvement in assessments

Amendment 40 moved—[Jeane Freeman]—and agreed to.

The Presiding Officer: Amendment 41, in the name of Adam Tomkins, is grouped with amendments 42, 2, 46, 66 and 15.

Adam Tomkins: The amendments in this group pertain to section 1J, which was introduced to the bill at stage 2 and involves a statutory restriction on the involvement of the private sector in assessments for disability assistance. There was concern among a number of us that the wording of that section as introduced at stage 2 was drawn so tightly that it would inadvertently prohibit the involvement of certain medical experts in assessments, particularly if they had self-employment relationships with the national health service rather than being employed under the technical definition of employment in employment law.

After I lodged amendment 41, the minister lodged amendment 42. If she moves that

amendment and presses it to a vote, I will not press amendment 41 to a vote because I think that the wording of amendment 42 more accurately captures the policy intention that I sought to achieve with amendment 41.

We will support amendment 42 and, indeed, we will support the other amendments in the group.

I move amendment 41.

Jeane Freeman: The amendments in this group deal with the important issue of assessments. The bill gives us an opportunity to do things differently and to sweep away the DWP's failed assessments regime. I am pleased to say that, now that Mr Tomkins has said that he will not press his amendment, I am happy to support all the amendments in the group.

I have always been clear that profit should never be a motive or play any part in decision making in the assessment of people's eligibility for disability or any other kind of assistance. That is why I lodged an amendment at stage 2, which is now section 1J, which says that an individual cannot be made to attend an assessment by someone who is not employed by a public body.

Amendment 42 is a technical adjustment to section 1J, to ensure that individuals can be taken on by public bodies as assessors without necessarily having a formal employer-employee relationship—for example, they may be self-employed. Amendment 42 in no way allows for a public body to contract with private sector operators to employ assessors, as the DWP does.

I am grateful to Mr Griffin for working with us to shape amendments 2 and 15, which he lodged. It is right that, where assessment is deemed necessary, individuals will be assessed by professionals who understand their conditions and the impact of those conditions. I am happy to support Mr Griffin's amendments.

I thank Alison Johnstone for working with us to shape amendments 46 and 66 in her name. I have always been clear that the Scottish Government will reduce face-to-face assessments by using existing and relevant information to get decisions right first time. It is important that, where an assessment is necessary, the Scottish Government gives consideration to how it can be undertaken to reduce any impact on the individual. I am therefore pleased to support Alison Johnstone's amendments, too.

Given that Mr Tomkins will not press his amendment, I urge all members to support the remaining amendments in the group.

Mark Griffin: We will support Alison Johnstone's amendments in the group, although we cannot support the minister's attempt to weaken the hard-won legal ban on the private

sector delivering assessments and would not have supported Mr Tomkins's attempt to do likewise. Although I can see the meaning in the minister's letter, we feel that the flexibility that she seeks would allow gig-economy assessors—people on zero-hours contracts—to provide assessments and we cannot support that change.

I am glad to have worked with the Government on my amendments 2 and 15, which bring back the policy intention that was present at stage 2 and will ensure that the assessors are suitably qualified in relation to the condition that they are assessing. That proposal is supported by the Scottish Association for Mental Health, and the original impetus behind the amendment that I lodged at stage 2 was to ensure that those who have a mental health condition are assessed by someone who has suitable professional experience.

At the moment, 39 per cent of personal independence payment recipients have a psychiatric disorder. All too often, the assessment experience is poor and contributes to a lack of trust in the system. People face a lack of understanding, an apparent inability to understand fluctuating conditions and stigmatising attitudes. I ask members to support the amendments in my name in the group and those in the name of Alison Johnstone.

Alison Johnstone (Lothian) (Green): I am pleased to support Mark Griffin's amendments in the group. I, too, have concerns about the casualisation of labour in the Government's amendment 42, so we will not support it. However, I thank the minister and the Government very much for the positive and constructive way in which they have worked with me in lodging my amendments.

Fundamental changes to assessments for disability benefits are essential to building a new social security system that is based on the principles of dignity and respect. It is essential that the current approach to assessments does not continue. Such assessments are often highly stressful and, in many cases, can exacerbate an individual's health condition or disability. In an alarming number of cases, the subsequent decision is then overturned because of the poor quality of the assessment. Clearly, something is very wrong. It is no wonder that a survey of several hundred Citizens Advice Scotland clients and advisers showed that

"the highest priority for the Scottish social security system was that the number of unnecessary medical assessments for disability benefits is substantially reduced by making the best use of existing evidence."

Members of the social security experience panels made similar comments.

Amendment 46 would mean that, if evidence is available through other routes, such as existing evidence from general practitioners and social care professionals, that would be sufficient to corroborate what an individual has claimed on their application form, and the Scottish Government would not be able to require them to undergo assessment. The amendment is aimed at reducing significantly the number of assessments, which stands currently at around 96 per cent of all PIP applications.

If assessment is required, amendment 66 would require ministers to explain to an individual why that is the case and to take into account options other than a face-to-face assessment. If such an assessment is required, it must be carried out within a reasonable distance of an individual's home. No longer should applicants have to travel long distances on public transport that is not as accessible as it should be.

For the avoidance of doubt, my intention is absolutely not to prevent assessments from being done when they are required to determine entitlement or when an applicant thinks that they will benefit from having one. However, when evidence can be obtained in a way that is less intrusive and less stressful, the new principles of the new system dictate that that must be done.

Clearly, amendment 46 is only the beginning of such an approach; it will not have the intended effect on its own. Ministers will need to facilitate information sharing, particularly by designing evidence forms that are issued to GPs, for example, that relate more clearly than they do at the moment to the benefit criteria. I am sure that the minister will be aware how closely many people—myself and the thousands of PIP and disability living allowance recipients in Scotland—will be watching how the provision is implemented, if my amendment is agreed to by Parliament today.

If we are to found the new social security system on the principles of dignity and respect, as the Scottish Government rightly intends, protecting applicants from unnecessary assessments that can cause distress is one way to do that.

Alex Cole-Hamilton: I am grateful for Adam Tomkins's remarks about his amendment 41. The Liberal Democrats have anxieties about that amendment. I understand his points, but I still think that his amendment would open the door once again to elements of the private sector coming into the process. Amendment 42 gets the balance right, so we will support the Government's amendment. I hear what my colleagues in the Labour and Green parties are saying about amendment 42, but it strikes the right balance for the Liberal Democrats.

I support Mark Griffin's amendments on quality standards and training. It is right that people should have confidence in the assessment process and that people who will carry out the process are trained to a high enough standard.

15:15

Alison Johnstone's amendments add a very humane element to this aspect of the bill. They represent a well-timed departure from how assessments have traditionally been conducted by the Department for Work and Pensions, particularly around disability benefits. They will certainly put the applicant at the heart of the process and, in many cases, in the driving seat. On that basis, the member is assured of our support for her amendments.

Amendment 41, by agreement, withdrawn.

Amendment 42 moved—[Jeane Freeman].

The Presiding Officer: The question is, that amendment 42 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)
 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)
 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)
 Golden, Maurice (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and

Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 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)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 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)
 Stevenson, Stewart (Banffshire and Buchan Coast) (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)
 McNeill, Pauline (Glasgow) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 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 96, Against 26, Abstentions 0.

Amendment 42 agreed to.

Amendments 43 to 45 moved—[Jeane Freeman]—and agreed to.

After section 1J

Amendment 2 moved—[Mark Griffin]—and agreed to.

Amendment 46 moved—[Alison Johnstone]—and agreed to.

The Presiding Officer: Before I turn to the next group of amendments, members might like to know that we are slightly behind our schedule, by about five minutes. I exercised my power under rule 9.8.4A(c) to allow the debate on the group to continue and to finish in the time that was needed.

Section 3—Preparing the first charter

The Presiding Officer: We move to group 6. Amendment 3, in the name of Pauline McNeill, is grouped with amendments 4 to 6.

Pauline McNeill: The amendments are on the preparation and approval of the charter. I lodged a series of amendments at stage 2 that were aimed at making the charter subject to formal parliamentary approval. However, the effect would have contradicted the need for a clear and accessible charter. I agreed not to move those amendments at stage 2 and to work with the Scottish Government so that I could come forward with something that would involve some parliamentary approval, as the charter is a critical document. Various amendments that were passed at stage 2 ensure that it will be a more critical aspect of the new social security system.

Amendment 4 means that the Government may not make the charter unless a draft has been laid before Parliament and received parliamentary approval. Amendment 6 ensures that if ministers

decide to make changes to the charter, a draft showing the changes must be laid before Parliament. I think that this is the right way for Parliament to be involved in the approval of the charter.

I move amendment 3.

Jeane Freeman: I am grateful to Ms McNeill for the work that we have done together to develop the amendments, and I am pleased to support them. They will cement the charter's status as a fundamental part of the Scottish approach to social security and give the Parliament its rightful place, by making future Governments accountable for any attempt to alter that approach.

Amendment 3 agreed to.

Amendments 47 to 49 moved—[Jeane Freeman]—and agreed to.

Amendment 4 moved—[Pauline McNeill]—and agreed to.

Section 5—Reviewing the charter

Amendment 5 moved—[Pauline McNeill]—and agreed to.

Amendment 50 moved—[Jeane Freeman]—and agreed to.

Amendment 6 moved—[Pauline McNeill]—and agreed to.

Section 5A—Effect of the charter

Amendment 51 moved—[Jeane Freeman]—and agreed to.

Section 7—Meaning of “Scottish social security system”

The Presiding Officer: Amendment 52, in the name of Adam Tomkins, in group 7, on the meaning of the Scottish social security system, is the only amendment in the group.

Adam Tomkins: The bill includes a definition of the Scottish social security system, which is important because the principles and the charter, which we have talked about already, will apply within the scope of the Scottish social security system as defined.

Since the bill was introduced last year, my view has been that the definition of the Scottish social security system in section 7 is deficient in just one technical particular. We know that there are 11 benefits that are devolved in full and that there is the power to top up any reserved benefit. All those powers are included in the definition of the Scottish social security system, as provided for in section 7. However, there is a third element of devolved social security, which is in section 28 of the Scotland Act 2016. It is the power to create

new benefits that do not otherwise fall within the scope of the 11 devolved benefits or the power to top up. The force of amendment 52—which has been drawn up with the assistance of the Government and its lawyers, for which I am grateful—is to ensure that that additional element of devolved social security is brought within the definition of the Scottish social security system. The full definition of the Scottish social security system will embrace not only benefits that are devolved in full and the power to top up reserved benefits but the power to create new benefits. In that sense, it is a technical amendment, which I hope will attract the support of members.

I move amendment 52.

Jeane Freeman: I am pleased to support Mr Tomkins's amendment 52. As he said, it implements his long-standing view that the bill ought to better reflect the scope of the social security powers that are devolved to the Parliament. It does so in a way that ensures that future schemes that are added to the Scottish system will be introduced through acts of Parliament, with the robust scrutiny that that process requires, and clarifies that ministers should be held accountable for any future schemes that they choose to introduce. I am happy to support the amendment.

Amendment 52 agreed to.

After section 9

The Presiding Officer: We turn to group 8. Amendment 7, in the name of Mark Griffin, is the only amendment in the group.

Mark Griffin: Amendment 7 was lodged in a previous form at stage 2. I am glad to have worked with the Government to bring it back at stage 3 in a form that we can all support. The amendment seeks to give people a right to cease receipt of assistance at any point and, in effect, to say that they no longer wish to receive it. The Child Poverty Action Group highlights that, as currently allowed under UK law, it is important that people can withdraw their application once they have an award. There are circumstances in which a person might want to stop getting a particular benefit even though they are still entitled to it. For example, that may happen when a person or couple has a choice between two benefits but can get only one of them, or when a couple has a choice about which of them makes a claim.

The Child Poverty Action Group highlights the example of a couple who care for their disabled child. One of them gets carers assistance for their child but has their own health condition and gets universal credit. In universal credit, there are extra amounts for someone who gets carers benefit and for someone who has a health condition, but one

person cannot claim both of those. If the person could not withdraw their claim so that their partner could then claim, the couple could be more than £150 a month worse off because their universal credit would not include a carers element.

I am happy to move amendment 7.

Jeane Freeman: I am grateful to Mr Griffin for drawing the matter to our attention, for lodging his amendment at stage 2 and for working with us to produce amendment 7. I believe that it is now a practical amendment with a sensible purpose that recognises that an individual should have the choice to stop receiving assistance. It sets out a defined process for requesting a cancellation, which should ensure that there is no obligation to treat a determination as cancelled if there is any ambiguity in the request.

I am pleased to support the amendment.

Amendment 7 agreed to.

Section 14—Disability assistance

The Presiding Officer: We turn to group 9. Amendment 53, in the name of the minister, is grouped with amendments 111, 111A, 111B, 148, 113 and 114.

Jeane Freeman: As I have said before, the issue that we now turn to has been the most challenging issue that I have faced in all the work on the bill. Support for people who are terminally ill is a complex, sensitive and difficult issue, and I am very aware that behind the decisions that we make are thousands of people who we must put front and centre of our decisions and actions.

The central principle is that a person who is terminally ill should have the support that they need quickly. I have lodged amendment 148 as an alternative to amendment 111, which I will not move. Amendment 148 has been framed carefully to ensure that the sensitive and difficult conversations between an individual and their clinician that are required in these difficult circumstances are held when medically necessary, to allow for optimal focus on the patient. I believe that providing for maximum clinical judgment is the best way to achieve that.

Amendment 148 sets no arbitrary timeframe to the definition of terminal illness but recognises that it is the skill and expertise of the registered medical practitioner that are needed to determine a terminal diagnosis. To support that critical decision making, the amendment allows the chief medical officer, in consultation with registered medical practitioners, to set a framework in guidance. It is that guidance that will decide when an individual has a progressive disease that can reasonably be expected to cause that individual's death. Both the chief medical officer and the chief

nursing officer, as our national experts, have reviewed and fully support the amendment as the best way to achieve timely support for those with a terminal illness.

Amendment 113 creates special rules for terminal illness cases. Those rules will guarantee terminally ill people quick access to disability assistance, ensuring that an individual does not have to satisfy a qualifying period in relation to their diagnosis and will not have to undergo further assessments to prove that they have a terminal illness. Their awards will be calculated, at the latest, from the date of application, and they will automatically get the highest rate of financial support to which they are entitled. That is in line with our commitment to the principle of providing support when it is needed, and it maintains fast-tracking for those with terminal illness, to remove any barriers to their receiving support as soon as possible.

I understand that our approach means that Ben Macpherson's amendments will automatically fall, but I assure him that amendment 148 will cover all people of all ages.

Amendments 53 and 114 are minor adjustments that are needed to make amendments 148 and 113 work.

I call on members to assist those with terminal illness by supporting the amendments in this group.

I move amendment 53.

15:30

Ben Macpherson: I lodged amendments 111A and 111B to extend the definition of "terminal illness" to ensure that regulations are framed to include anyone under the age of 18 who has a progressive disease that is likely to cause death. The amendments sought to make sure that special rules would apply to those young people so that they got the highest rate of benefit quickly and with no assessment.

Doing all that we can to help such young people and their families is important to us all, which is why I am glad that amendments 148 and 113, in the name of the minister, will enable what my amendments intended to deliver. The policy intention is to enable anyone who is under the age of 18 who has a progressive disease that is likely to cause death to receive the highest rate of benefit quickly and with no assessment.

Given that the minister's amendments 148 and 113 will enable that change, that they are based on the balance of views from different parties and will provide for guidance that is based on the input of clinicians, and that the minister will not move amendment 111, I will not move amendments

111A and 111B. Instead, I encourage all MSPs to support the minister's amendments and to deliver the change that my amendments sought.

Jeremy Balfour: As the minister has said, this has been the hardest part of the bill to get right. The committee and the Government have all been on a journey, and I think that we have ended up in the right place for those who are the most vulnerable in our society.

I introduced the two-year approach at stage 2 because, from my experience of sitting on tribunals, I knew of cases in which someone who had made an application and who was terminally ill but was going to live beyond six months died quite quickly after that period. They did not come under the special rules, and thus they did not receive the money that could have helped them to receive better services towards the end of their life. Six months was simply too short a period of time.

I therefore welcome the Government's discussions with different groups and other MSPs. To take away the time limit completely is the right way forward. Whatever we came up with—whether it was six months, one year, two years or five years—would have been artificial; some people would have got in and some would not.

Having been lobbied heavily by my older brother, I think that it is difficult for GPs sitting in their rooms to give a definition, or to say with any clarity that a patient might live for less than six months—or two years. As well as giving a diagnosis, GPs have to deal with that patient having so many other things going on in their lives. It is important that people get the right benefits, but that is only one of the things that a GP or consultant or a nurse has to deal with when dealing with an individual.

We have made progress and are on the right course. The guidance will be very important, and I welcome the minister's assurances that she will work not only with the chief medical officer and the medical profession but with those who work in the third sector. I give particular credit to Marie Curie and to MND Scotland for the work that they have done and the helpful information that they have given.

Clearly, no one wants to make this a party-political issue. Surely it is one on which we, as a Parliament, can come together to do the best that we can. I convey my respect to the minister taking that approach and for trying to take all of us with her; most important, I thank her for helping those who have been given a diagnosis that none of us would ever want.

Mark Griffin: Scottish Labour will support all the amendments in the group that are to be pressed. I especially thank the minister for lodging

amendment 113, on special rules for terminal illness cases, and for progressing the policy from the amendments that I lodged at stage 2.

While we were pleased with the changes that were made at stage 2 to increase the time period that was to be used in the definition of terminal illness to two years, the removal of all time limits is a victory for campaigners and those who are terminally ill. Ultimately, the change—which, essentially, moves the basis of any decision on a terminal illness award on to that of clinical discretion and the needs of the terminally ill—is very welcome and was not expected just a matter of months ago. MND Scotland and Marie Curie, which have representatives in the public gallery today, should be particularly proud of the work that they have done to secure that change.

However, I sound a note of caution. Although that change in policy is welcome, we have to learn a lesson from how it came about. The process cannot and should not be a template for how ministers will set up the new system. We are expecting swathes of regulation, which will include the intricate policy design of nine forms of assistance. The campaigners and the people for whom the social security system is meant to be an investment need assurances that, in the months ahead, more detail will be given and that policy will be made out in the open and well in advance of decision making.

Alison Johnstone: I agree entirely that this is one of the most sensitive and challenging issues that we have had to discuss—certainly during this bill process, if not in this session of Parliament. I am very pleased with the outcome and welcome the improvements that will be made by the minister's amendments. Scottish Greens will support all the amendments in group 9.

Members of the Social Security Committee and many organisations have been involved with the bill and have worked hard to find a way to resolve this complex issue. Scottish Greens are very pleased that the amendments clearly place such sensitive, difficult decisions in the hands of clinical experts. In a previous letter to the Scottish Government, the chief medical officer stressed that decisions about when to fast-track people's benefits should focus on the health of individuals and not their medical condition or any timescales. Removing the restriction on timescale and allowing medical practitioners to exercise their expert judgment to its fullest extent is the best way forward for both patients and clinicians, so we very much welcome the change.

I, too, express my thanks to Marie Curie and MND Scotland, whose input in the process has been invaluable.

Alex Cole-Hamilton: I am sure that every single member in the chamber would agree that the measure of a civilised society is the compassion with which it treats those who are given the hardest of news, whether in a doctor's surgery or a hospital.

I thank the Government for its approach. It is in this area that it has worked its hardest to build consensus—I know that work was going on late into the weekend to reach agreement on the wording—and I rise to speak in support of amendments 148 and 113.

I understand the drivers behind amendment 111, but we would have stuck with the stage 2 iteration, because amendment 111 did not get enough support and would have put doctors in the invidious position of having to decide at the same time as having a heartbreaking conversation with a patient whether that person should get an award for having a terminal illness.

End-of-life policy is always a very sensitive issue. We owe it to all those who are faced with such devastating news to strip the party politics out of it. Therefore, it is right that we entrust the matter to our clinicians, who I and everybody in this chamber trust implicitly, under the guidance of our CMO.

I add my thanks to MND and Marie Curie, which spelled out in important, personal and visceral detail what the matter means to so many people in our country. Again, I thank the Government for the distance that it has travelled on the issue.

George Adam: As a member of the Social Security Committee, but also for other reasons, I am only too aware how complex, sensitive and difficult the issue has been. I, too, commend the minister and colleagues for their work, which has enabled us to get to the position that we have reached today.

The conversation about terminal illness was a difficult one that everyone had to have when discussing the bill. Most members will be aware that my wife Stacey has multiple sclerosis. Along with 11,000 others who have the condition, she is celebrating MS awareness week. Although it is a progressive disease, members might think that, given how she has been bullying most of them today, she is quite healthy and carrying on with things. However, with MS, in time, we could be in the position where the issue that we are discussing could affect us; I have considered that possibility when looking at such issues.

I have also considered the views of constituents. Last week, a constituent told me about her individual circumstances in relation to the debate on terminal illness and the amendments in this group in particular. She argued in favour of there

being no timeframe laid down in law and said that the decision should be up to the clinicians.

We have got ourselves to the right place, because it is not for us as politicians to specify an arbitrary period. The decision should be for the clinicians, and we should give them the scope and the ability to make it. If we were to specify an arbitrary period—two years, three years or whatever—we would have to take into account the fact that individuals would make life-changing decisions based on the diagnosis of terminal illness. The average clinician would not want to put someone in that position.

We have got to a good place, with the public on our side. We have been dealing with the real world; we have been dealing with people's lives. Our agreement shows that this Parliament can behave maturely when dealing with such issues.

Jeane Freeman: I will be brief, but I want to say a couple of things. I genuinely appreciate the collective effort and the input from medical professionals, stakeholders and my fellow MSPs in order to find the best approach to terminal illness for our new social security system. In all our discussions, people have always given careful consideration to the issues and the complexities involved.

I know that we can all agree that the central principle in our approach should be to ensure that those who have to confront all the personal and psychological issues that come with a terminal diagnosis are provided with the support that they need, when they need it.

Medical practitioners will play a vital role in implementing this important change, and I am grateful to medical professionals for providing their views and for their offer of support in developing the guidance to deliver the new position.

I am also grateful to my fellow MSPs for their very considered approach to this complex issue, and for continuing to discuss it with me. It is clear that we all agree on the best way forward, and I welcome the cross-party support. I consider that we have arrived at the right solution to ensure that people who are in extremely difficult circumstances are able to access the maximum level of financial support to which they are entitled quickly and with the dignity and the respect that they deserve.

Amendment 53 agreed to.

Section 20—Application for assistance

15:45

The Presiding Officer: We turn to group 10. Amendment 54, in the name of the minister, is

grouped with amendments 55, 56, 58 to 61, 63, 69 and 98.

Jeane Freeman: The amendments in the group will create a right to appeal to the first-tier tribunal against a decision to reject an application for assistance or a redetermination on the grounds that it has not been validly made.

At stage 2, amendments were agreed to that will require the process for applying for assistance to be put in regulations. Mr Griffin explained that his intention with those amendments was to give people a right to appeal against the rejection of an application on grounds of technical invalidity, but putting the application rules in regulations makes no difference to whether the rejection of an application can be appealed against.

My amendments in the group do what the Social Security Committee wanted to do at stage 2, by creating a right to appeal against the rejection of an application. They go further and create a right to appeal against the rejection of a redetermination request, too.

Requiring the application process to be set out in regulations will get in the way of creating an application process that meets the aspirations on accessibility and inclusivity of communication that members have already voted to support this afternoon. I do not believe that anyone thinks that regulations are a good way of getting a public message across. People should not have to get their heads around a lot of legalese—I say this with all respect to my lawyer colleagues—to find out how to apply for assistance. They should be able to pick up a leaflet or go to the mygov.scot website and get a straightforward plain-English explanation of how to apply. They should be able to trust that, if they follow those instructions, their application will be valid. People should not be tripped up by a rule that is buried away in regulations.

If we are to meet the aspiration for the Scottish social security system to allow people to make applications in the way that best meets their needs, which I know is shared across the chamber, it will not help to limit the ways in which applications can be made to forms that are specified in regulations.

I urge members to support the amendments in the group so that the process for applying for assistance can be made as straightforward and accessible as possible, and so that, in the event that there is a dispute about whether an application or a redetermination request is valid, the dispute can be resolved by an appeal to the first-tier tribunal.

I move amendment 54.

Mark Griffin: We will not support amendments 54 and 55, but we intend to support the rest of the amendments in the group.

Amendments 54 and 55 seek to reverse the effect of the amendments in my name that the Opposition agreed to at stage 2. Those amendments, which mandated that the Government must provide in regulation clarity on what a satisfactorily submitted application must look like, were supported by the Child Poverty Action Group at stage 2, and the principle is still supported at stage 3. The aim was clear—to clarify the process of making a valid application—and I believe that that should remain a duty on ministers.

We are again rehearsing the issue, but whether an application has been validly made should mean simply that the questions that were asked on the form or in a phone call have all been fully answered, and that is what regulations should say in relation to the manner in which an application must be made.

The minister's amendments 56 and 58 are welcome, and they complement section 20(1). Providing clarity on the issue in the bill and regulations will ensure that processes are fit for purpose and will provide certainty for people who use the system, rather than certainty for the Government to flex the application system as it requires.

The existing provisions will not require the bill or regulations to specify types of evidence that would be required—the Delegated Powers and Law Reform Committee raised a query about that—and will not reduce the ability of the system to be flexible and responsive to evidence that is received. In the UK system, before such an appeal right was explicitly provided for in legislation, its absence was ruled to be incompatible with human rights.

Accordingly, I ask members not to support amendments 54 and 55.

The Presiding Officer: Do you wish to wind up, minister?

Jeane Freeman: I repeat that people should be able to trust that the application rules that have been publicly communicated in plain English are the real rules for applying.

The idea that regulations saying how applications can be made need not be complex and overlegalistic is belied by the evidence. Anyone who doubts that needs to look at the UK Government's claims and payments regulations, which run to 122 pages of closely typed text, a substantial part of which is exclusively about the process of applying for assistance. They have been amended extensively and are fiendish in

their complexity. The public—and, I suspect, many members—are weary of the increasing volume of regulations that are produced every year.

Setting out application forms in regulations was fine a number of decades ago, when there was only ever going to be one paper-based form specified, and putting it in regulations ensured a sort of national distribution. The world has moved on, however, and legislation should move on too.

The Presiding Officer: The question is, that amendment 54 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)
 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)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 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)
 Golden, Maurice (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Harper, Emma (South Scotland) (SNP)
 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)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)

MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 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)
 Stevenson, Stewart (Banffshire and Buchan Coast) (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)
 McNeill, Pauline (Glasgow) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)

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 94, Against 26, Abstentions 0.

Amendment 54 agreed to.

Amendment 55 moved—[Jeane Freeman].

The Presiding Officer: The question is, that amendment 55 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)
 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)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 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)
 Golden, Maurice (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 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)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)

MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 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)
 Stevenson, Stewart (Banffshire and Buchan Coast) (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)
 McNeill, Pauline (Glasgow) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)

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 95, Against 26, Abstentions 0.

Amendment 55 agreed to.

Amendment 56 moved—[Jeane Freeman]—and agreed to.

Section 22—Notice of determination

The Presiding Officer: Amendment 57, in the name of Mark Griffin, is grouped with amendments 62 and 70.

Mark Griffin: The amendments in the group were lodged in a different form at stage 2, and I am glad to have been able to work with the Government to lodge new amendments in a form that has the Government's support.

A key call from Paul Gray in his "Personal Independence Payment (PIP) assessment: second independent review" was that applicants should have the right to have a clear and thorough notification of why a determination has been made. Specifically, amendment 57 requires ministers to provide a copy of an assessment report when someone requests it. Adding in the element of choice is a key change since stage 2, after the minister rightly raised concerns that the automation of that process could pass on health information that the applicant was not aware of and might not want to be aware of. Broadly, the aim of the amendments in this group is to enhance transparency in subsequent redetermination and appeals processes, and I ask members to support them.

I move amendment 57.

Jeane Freeman: I am grateful to Mr Griffin for working with us on the group of amendments, and I am happy to support all the amendments in the group.

Amendment 57 agreed to.

The Presiding Officer: We turn to group 12. Amendment 8, in the name of Mark Griffin, is grouped with amendments 9 and 10.

Mark Griffin: The amendments in the group were lodged in a previous form at stage 2. I am glad to say that the Government and I have been able to work together to bring them back in a form that we can agree on.

Like the amendments in group 11, the amendments in the group seek to ensure that the person with a decision has the maximum information available to aid their redetermination and appeal, but also, if they have an award, that

they can use it to prove their entitlement or access other passported benefits.

The original amendment, which was lodged with the support of the Child Poverty Action Group, sought to ensure that a notification is made in writing as standard. Although that was relatively benign, the minister rightly pointed out that that could cut across provisions in amendments that we lodged to ensure that people had inclusive and accessible communication.

As proud as we should be of the challenge that we have set for the new agency—that someone should have their communication by Braille, audio file, email or, indeed, in writing, by default as preferred—we know that other organisations and companies, despite their duties, are not as progressive in accepting those forms. We could never leave anyone in the position of not being able to access a passported benefit or not being able to prove their source of income because the organisation refused their preferred method of communication. Although it is clear that there is more work to do to make those organisations and companies upgrade and update their practices, we need to have a backstop in the system.

I ask members to support the amendments in the group.

I move amendment 8.

Jeane Freeman: Once again, I am grateful to Mr Griffin for working with us on the matter. The amendments will ensure that individuals will have a tangible record of why their determination or redetermination was made without limiting our capacity to communicate in the most effective way or to embrace new technologies. I am happy to support all the amendments in the group.

Amendment 8 agreed to.

Section 23—Right to request re-determination

Amendment 58 moved—[Jeane Freeman]—and agreed to.

Section 23A—Late request for re-determination

Amendments 59 to 61 moved—[Jeane Freeman]—and agreed to.

Section 25—Notice of re-determination

The Presiding Officer: We turn to group 13. Amendment 124, in the name of Jackie Baillie, is grouped with amendments 125 to 132.

Jackie Baillie: Amendments 124 to 131 all relate to the question of appeals to the first-tier tribunal. My colleague Pauline McNeill's amendment 132 is about the collection of statistics

that will inform future policy on access to appeals tribunals. I urge members to support it.

Variations on amendments 124 to 131 were first lodged at stage 2 by Pauline McNeill. They sought to improve appeals to tribunals, but the Scottish Government did not agree with them at that time. The Government's amendments are to be welcomed, but concerns still remain, which have been highlighted by Enable Scotland, the Child Poverty Action Group, Inclusion Scotland, Disability Agenda Scotland and the Scottish campaign on welfare reform. I apologise if I have missed anybody out of that rather lengthy list.

16:00

I will turn to the substance of the amendments. The two-stage access to an appeal tribunal was first introduced by the Conservative UK Government in 2013. Since then, there has been an 83 per cent reduction in appeals. Much as we might like to think that that is because the DWP got the claims right first time, that is unfortunately not the case. According to Enable, about 86 per cent of cases that undergo mandatory reconsideration do not change and 72 per cent of those who had the right to appeal did not appeal, but 60 per cent of those who did appeal were successful. If we take those figures together, they mean that as many as 20,000 people across Scotland are missing out. I think that that establishes that people who appeal to tribunals face a barrier.

However, if we need to be convinced further, I point to the evidence from the Government's social security experience panels, which were the voices of lived experience. One comment from a panel was that

"A number of people were unable to appeal due to the stress associated with the process, and therefore accepted what they felt was an unfair or inaccurate decision."

Another person said:

"I know their decision is wrong but I don't have the time or energy to fight this further",

and another said that

"Suffering with depression and anxiety and being made to jump through hoops made me 100 times worse."

That person therefore did not appeal. The report from the experience panels containing those views was published after stage 2, so members did not have a chance to consider them before voting on relevant amendments. However, the panels are clear that there are barriers in the system that have not been addressed.

The amendments in group 13 attempt to address those barriers. As it stands, a person who has had their case rejected twice by the agency must actively appeal to the independent tribunal

service. That requirement to appeal twice is the problem, so the amendments in group 13 would make the process of challenging decisions smoother, and would reflect the minister's desire, which is right, for a rights-based system in which the claimant is in control. The agency would have the opportunity to review decisions, but where a redetermination comes back with no change, an automatic appeal to tribunal would be triggered. That would remove barriers to appeal and there would be the option to withdraw at any point.

I am aware that the Scottish Government is not comfortable with my group 13 amendments. I am disappointed by that, but I would be prepared—being a reasonable person—to consider not pressing my amendments if amendment 132, in the name of Pauline McNeill, is supported, because it would require the Government to collect and publish data on the matter so that we could return to it again.

I move amendment 124.

The Presiding Officer: I call Pauline McNeill to speak to amendment 132 and the other amendments in the group.

Pauline McNeill: I am grateful to Jackie Baillie for bringing the matter to the chamber for stage 3 consideration, because it might well be unfinished business. As Jackie Baillie said, there is evidence that when mandatory redetermination was introduced, tens of thousands of claimants dropped out of the system and did not proceed to appeal. Prior to the introduction of mandatory redetermination, a claimant would have had the right to appeal directly to the first-tier tribunal. We can appreciate why people might understand that as a clearer system of appeal. As Jackie Baillie said, it should concern us all that claimants might drop out of the system after mandatory reconsideration because they feel confused, stressed and vulnerable.

There is strong support among organisations that have already been mentioned for a one-stage appeal process that would mean that, if a redetermination failed, the appeal would be automatically sent directly to the tribunal system from the agency.

Jeremy Balfour: Does Pauline McNeill agree that if the amendments in group 13 were to be agreed to, there would be a danger that we would end up with lots of cases going to the first-tier tribunal for which people did not turn up, which would mean that first-tier tribunal decisions would take a lot longer and the system would be blocked for people who do want to appeal?

Pauline McNeill: I appreciate that there is concern about the bureaucracy of a system in which an appeal would be automatically sent directly from the agency to the tribunal system.

However, I believe that I have designed something that would prevent any confusion, because the person would be told that their appeal was already in the system.

To be honest, I am still more concerned about the number of people who might not proceed to appeal. I hope that Mr Balfour is, too. I will get to the question of how we might be able to come back to that matter.

In a recent evidence session we heard—Mr Balfour will have heard it, too—that the organisations that have been in discussions with the Scottish Government on the issue remain unconvinced by the redetermination system. I pressed them hard on that question; there remains very serious concern.

Although the Scottish Government says that redeterminations will be carried out differently from how the DWP's system has made determinations because a new official will look at the claim, we do not know whether that approach will work. However, to all intents and purposes, redetermination will still be mandatory.

My amendment 132 would require the Government at least to put information in the annual report that it will be required to publish. That would mean that the information in the annual report would include the volume of appeals. We could look at the data, which should allow Parliament to monitor the situation. In my view, that is the very least that Parliament can accept, because if the concerns become reality, at least Parliament will have the chance to readdress the matter in the future.

Again, I thank the minister, Jeane Freeman, for working with me on amendment 132.

Jeane Freeman: I cannot support the amendments in Ms Baillie's name, but I am happy to support the amendment from Ms McNeill. I want to go through my reasons for not being able to support Ms Baillie's amendments, because it is important to be clear on the record about why that is the case.

During stage 2, we debated the appeals process in detail, because no one—least of all me—wants to see anyone lose out on their entitlements because of a complex and confusing system. That is why the amendments that I lodged at stage 2, which were unanimously supported by the committee, addressed the concerns about potential barriers to appeal, while retaining—this is the critical point—the individual's right to decide for themselves what they want to do in their case.

In the bill as it stands, the agency will be required to help people who decide that they want to appeal, and to help them at every step of the way. It must give the individual information about

their right to appeal. If the individual wants to appeal, it must ask them to fill in and return a form that it sends them. It must tell them all about what they should expect to happen next, and give them information about local organisations that can provide them with independent support. If an individual decides that they want to appeal, they simply send the form back to the agency and the agency will then send to the tribunal that form and all the materials that it used to make its decision. The tribunal system, of course, will take it from there.

So far, so right spaced and so straightforward: the individual retains control of deciding what they want to happen in their own case. That is precisely what the experience panel members who made comment on the issue said they want.

The difficulty that I have with Ms Baillie's amendments is that they would remove a degree of control from the individual. They would set up an automatic appeals system that would put the agency in charge. The individual would only come back into play, on their own case, in a negative way—by pulling out of an appeal that had been automatically triggered.

Ms Baillie's amendments state that the appeal process would be automatically instituted where the determination is the same as the first determination. What does "the same" mean? Some of the benefits have different levels of financial award within them. Is that what "same" means? How and—more important—why should it be the agency that decides that it is to be appealed against? That strikes me as being fundamentally wrong.

The tribunal would start with no information other than the agency trigger—other than that the redetermination was the same as the determination. It would not even have the grounds of appeal.

I appreciate the intention behind Ms Baillie's amendments, which is to remove unnecessary barriers so that we ensure that where someone disagrees with the agency's decision, they are advised about and supported in challenging that decision through the first-tier tribunal, if that is what they want to do.

We have worked hard to do that and have positively introduced provision to ensure, via short-term assistance, that an individual is not financially discouraged from exercising that right to challenge.

I am not complacent about the matter, which is why I am happy to support Pauline McNeill's amendment 132, which will require us to monitor and report how the process that is in the bill is working, so that we can continuously try to

improve. I believe that that is the right way to proceed.

I ask members to support Ms McNeill's amendment 132 and I ask Ms Baillie not to press her amendments. If she does, I ask members to oppose them.

The Presiding Officer: I call Jackie Baillie to wind up on the group and to press or seek to withdraw her amendment 124.

Jackie Baillie: I know that I do not have the support of the Scottish National Party or the Tories for my amendments, so I intend not to press them. However, let me place on the record that the amendments were devised after reflection on the stage 2 debate, and were changed accordingly. Under them, an individual would retain their rights throughout. It would simply be a case of not requiring them to appeal twice, because we know that under the legislation that was set up by the Tories in 2013, which has a two-stage appeal process, 83 per cent fewer appeals were lodged. That tells us all that we need to know.

I will briefly address Jeremy Balfour's point. If the objective is to get more decisions right first time—which I hope and believe will be the case—it does not follow that the first-tier tribunal will be swamped with cases or that people will not show up. In Scotland, 20,000 people could be missing out on their correct entitlement because the Government remains wedded to a two-stage appeal process. Some people, who are more cynical than I, might say that "redetermination" is the current "mandatory consideration" by another name. Although I welcome the improvements that have been made by the minister, the barriers remain.

I hope that members will support Pauline McNeill's amendment 132, so that we can collect the evidence that is needed to support the changes that, in my view, are still badly needed.

Amendment 124, by agreement, withdrawn.

Amendment 62 moved—[Mark Griffin]—and agreed to.

Amendment 9 moved—[Mark Griffin]—and agreed to.

Amendment 125 not moved.

Section 26—Notice where re-determination not made timeously

Amendment 126 not moved.

Amendment 10 moved—[Mark Griffin]—and agreed to.

Section 27A—Initiating an appeal

Amendments 127 to 130 not moved.

After section 27A

Amendment 131 not moved.

Section 29A—Presumption for purposes of sections 23, 23A and 28

Amendments 63 and 64 moved—[Jeane Freeman]—and agreed to.

Section 30—Obligation to provide information on request

Amendment 65 moved—[Jeane Freeman]—and agreed to.

After section 30

Amendment 66 moved—[Alison Johnstone]—and agreed to.

Section 31—Duty to notify change of circumstances

Amendment 67 moved—[Jeane Freeman]—and agreed to.

Section 32A—Appointment of person to act on behalf of individual

Amendment 68 moved—[Jeane Freeman]—and agreed to.

After section 32B

Amendment 69 moved—[Jeane Freeman]—and agreed to.

Amendment 70 moved—[Mark Griffin]—and agreed to.

Section 33—Decisions comprising determination

Amendment 71 moved—[Jeane Freeman]—and agreed to.

Section 34—Determination on basis of ongoing entitlement

16:15

The Presiding Officer: We turn to group 14. Amendment 72, in the name of the minister, is grouped with amendments 73, 76 to 79, 133 to 137, 80, 146 and 147.

Jeane Freeman: Amendments 72, 73 and 76 to 79, in my name, are technical amendments. They clarify that overpayments that are made as a result of an individual failing to notify a change of circumstances, after being told what changes of circumstance to notify, may be recoverable.

Amendment 80, also in my name, is similarly technical. It provides that payments that are made

in error after a person has died can be recovered from their estate. It is based on the principle that a deceased person cannot have spent the money and, equally, there is no reason for it to be available to the beneficiaries of the estate.

I cannot support Mr Griffin's amendments in the group. The bill, as it stands, allows overpayments to be recovered only if the error that caused the overpayment to be made was either the individual's fault or an error so obvious that the average person would notice it. I suspect that Mr Griffin's amendments 133, 135 and 136 are intended to change that approach so that an overpayment will be recoverable only if it can be proved that the error that caused it would be obvious to the individual who received it. The test for recovering an overpayment should not be subjective in that way, as that would not be equitable and people should be treated equally under the law. Why should someone who keeps a close eye on what they receive be liable to repay, but someone who does not do that gets to keep public money that they should not have been given?

In drafting amendments 133, 135 and 136, Mr Griffin seems to have overlooked the fact that a proportion of people receiving assistance will not manage their own affairs and will have a guardian or an appointee acting for them. Amendments 133, 135 and 136 would mean that even very large overpayments that are perfectly obvious to the person managing an individual's affairs could not be recovered because the individual could not be personally expected to have noticed the error.

Mr Griffin's amendment 134 defies common sense. The bill currently provides that an individual can be held liable to repay an obvious overpayment. Agreeing to amendment 134 would introduce an inherent unfairness to the system. It would mean that an individual would not have to repay an obvious overpayment if the fault lay in determining entitlement, but would have to repay if there had been a clerical error in processing a payment. That is a fundamentally wrong approach. Section 36A already makes an overpayment unrecoverable if a mistake in determining entitlement is not reasonably obvious. If a mistake is reasonably obvious, it is unfair that recoverability turns on how the error was made.

I am happy to support Jeremy Balfour's amendments 146 and 147. I am grateful to Mr Balfour for lodging the amendments in place of amendment 137, in his name, which I cannot support.

Mr Balfour is suggesting that all decisions about recovery of overpayments are taken by the first-tier tribunal and I can see the sense of that. Transferring a jurisdiction from the sheriff courts to the first-tier tribunal is not a step to be taken

lightly, but amendment 146 provides space to consult and to refine the approach in light of any issues that are raised during the consultation. Therefore, I am pleased to support amendment 146.

I move amendment 72.

Mark Griffin: We will support all the amendments in the group. All promote the ends of having a clearer process of dealing with overpayments in a way that is fair and, although there were changes in section 36A, that has required considerable change since the bill was introduced.

My amendments in the group—amendments 133 to 136—along with amendment 137, in the name of Mr Balfour, were lodged with the support and advice of the Child Poverty Action Group. With my amendments in the group, I seek to ensure a fairer test of liability for the recovery of overpayments.

There will be occasions when, as result of agency errors, individuals are overpaid assistance. It is important that people have the right to challenge decisions—Mr Balfour's amendments cover that matter.

If amendments 133 to 136 were to be agreed to, that would mean that, in many cases, people would not have to repay overpayments that were not their fault. The test of liability to repay in the bill is still too strict; it is stricter than the tests in nearly all UK-wide DWP benefits.

The amendments would ensure that individuals would be liable to repay an overpayment resulting from an agency error only when it would be reasonable to expect the individual to have noticed the overpayment, with account taken of, for example, the distress and other personal circumstances that the person might be experiencing at any given time. A repayment would not be required if there had been an error in decision making by the agency over which the individual had had no control.

As the bill stands, decision makers will consider whether a notional "reasonable person" would have noticed an error. Amendments 133 to 136 would require decision makers to assess, in a far more person-centred way, whether the individual could have been expected to notice the error.

Such an approach is more in keeping with the overall aim of treating applicants fairly and according them dignity and respect. We should treat applicants as individuals and take account of their personal circumstances at the time that the overpayment was made. I ask members to support all the amendments in the group.

Jeremy Balfour: We will support the Government's amendments in the group. We will not support amendments 133 to 136.

I am grateful to the Child Poverty Action Group for the help that it has given me. I will explain briefly why I will not move amendment 137 but will move amendments 146 and 147. It is perhaps my lack of drafting skills that caused confusion in relation to amendment 137, which confirms that a career in the legal world was never going to be for me.

We all want to do the right thing here. If someone has received an overpayment from the agency, it is my view and, I think, the view of the Government and the other Opposition parties, that that should be decided not in the sheriff court in the context of a small-claims debt but by the first-tier tribunal. The claimant would know where they stood and they would have a right of appeal to the first-tier tribunal.

I have spoken to a number of lawyers and I realise that amendment 137 simply would not allow that to happen. If we were to agree to amendment 137, the agency would not be bound by the first-tier tribunal's decision and could go back to the sheriff court to take action. That would give the agency two bites at the cherry, which is not the way forward.

If we agree to amendments 146 and 147 and, after consultation, get the regulations right, it will be clear that there will be no debt-recovery action in the first-tier tribunal, which does not have such power, and that the first-tier tribunal will simply decide whether the agency made a valid decision—yes or no. The first-tier tribunal is a much better place for the decision than the sheriff court. The approach allows for people who give advice and assistance to help claimants through the process. People can feel concerned about going to the first-tier tribunal, but the sheriff court can be very intimidating indeed.

I think that we all want the same thing. If we support amendments 146 and 147, we will get there. I will not move amendment 137, because it would add confusion and would not be helpful.

Alex Cole-Hamilton: The Liberal Democrats will support all the amendments from the group that are moved. However, we have concerns about amendment 80, on recovery after death. We know of constituency cases of brutal application of benefit rules on the death of a parent with dependent children. Sometimes the application of legislation, however well intended it is, can have very human consequences. We would like strong guidance to underpin the recovery of overpayments in such circumstances.

We also support the amendments in the name of Mark Griffin. They would make helpful changes

to the language, which would make section 36A far fairer and would add some of the humanity that we discussed earlier in the debate.

Finally, I lend my support to Jeremy Balfour. I, too, have been effectively lobbied by the Child Poverty Action Group, which makes important points about the fact that we already have a process for appealing the recovery of overpayments through the DWP. We need something similar in Scotland, and I think that amendments 146 and 147 hit the right note.

Alison Johnstone: I confirm that the Scottish Greens will support all the amendments in the group, with the exception, for the moment, of amendment 80. I will reserve judgment on amendment 80 until I hear the minister's response, because we share the concerns that have just been raised by Alex Cole-Hamilton.

Amendment 80 would allow Scottish ministers to recover assistance that is paid after death. I was struck by the absence of limits on the power. It does not specify appropriate periods of time. In particular, it would establish the power to reclaim even small sums that were paid very soon after death. Can the minister give assurances that that power will be used sparingly, with humanity and, in particular, with regard to people's individual situations?

Neil Findlay (Lothian) (Lab): I do not particularly want to speak about any of the amendments, but the issue that I want to raise relates to the amendments in the group. It is connected to another piece of legislation that is going through Parliament, and I want to give the minister an opportunity to address the issue.

The Prescription (Scotland) Bill has come before the Delegated Powers and Law Reform Committee. My question concerns the issue of benefit overpayments and the period in which a person remains liable for them. In England, that period is six years, but the Prescription (Scotland) Bill proposes a period of 20 years, and the Scottish Government does not propose to change that.

With regard to reserved benefits in relation to which the Scottish Government has power over prescription in terms of overpayment, and in relation to council tax, will the minister commit today to look again at the 20-year period of prescription for those overpayments?

The Presiding Officer: The point relates to a piece of legislation that is going through Parliament, so the issue is relevant in this case.

Jeane Freeman: Given the scale of the payments that we will eventually be making—it will be more in one week than we currently pay out in one year—it is entirely possible that mistakes will

be made. The Government has a responsibility to be careful with public money and to recover overpayments where it is appropriate to do so, but that must be balanced against fairness to the individual.

The bill as it stands guarantees that people will be treated fairly because an overpayment can be recovered only if it was caused by something that was the individual's fault or is so obvious that a "reasonable person" would notice it; in addition, the Government must consider the financial circumstances of the person who owes the money when deciding if and how to recover it. Further, an overpayment can be recovered only through deductions from future assistance payments either with the agreement of the individual or, if the individual unreasonably withholds agreement, at a rate that is fair, having regard to the individual's financial circumstances.

As I said, I have listened to Jeremy Balfour and I can see the sense in his argument for having all cases go to the first-tier tribunal. There will be work to do to ensure that the transfer of jurisdiction in that way is done with full understanding, reflection and consideration, but I am very happy to support his amendments 146 and 147, and I undertake to work with him and others in that way.

16:30

Mark Griffin: Does the minister believe that amendments 146 and 147, which she supports, would create a right for individuals to appeal a decision on liability at the point at which the decision is made under section 36A?

Jeane Freeman: The agency will decide whether an individual has been overpaid on the basis of a determination. Such a determination will be appealable; we discussed that when we talked about the process by which an individual can pursue a challenge to the agency's decision. We have had that discussion many times in committee and in the chamber, and I think that the position is clear.

Alison Johnstone asked about amendment 80, on recovery from a deceased's estate. We seek to have that option in primary legislation and we will then work with others to produce guidance for the agency and ensure that the agency is clear about the balance that it needs to strike should it wish to pursue the power that it would have.

Neil Findlay's question caught me—and I suspect others—unawares. I have little knowledge of what he was talking about. It is unfortunate that he appears to have little knowledge of what we are talking about, and I am unable to answer him.

I press amendment 72.

Amendment 72 agreed to.

[Interruption.]

The Presiding Officer: Order, please. We need to hear the votes.

Amendments 73 and 74 moved—[Jeane Freeman]—and agreed to.

Section 35—Determination without application

Amendment 75 moved—[Jeane Freeman]—and agreed to.

After section 35

Amendment 11 moved—[Pauline McNeill]—and agreed to.

Section 36—Liability

Amendments 76 to 78 moved—[Jeane Freeman]—and agreed to.

Section 36A—Exclusion from overpayment liability

Amendment 79 moved—[Jeane Freeman]—and agreed to.

Amendment 133 moved—[Mark Griffin]

The Presiding Officer: The question is, that amendment 133 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 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)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

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)
 Carson, Finlay (Galloway and West Dumfries) (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)
 Golden, Maurice (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 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)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (Ind)
 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)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (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)

The Presiding Officer: The result of the division is: For 31, Against 92, Abstentions 0.

Amendment 133 disagreed to.

Amendment 134 moved—[Mark Griffin].

The Presiding Officer: The question is, that amendment 134 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 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)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smyth, Colin (South Scotland) (Lab)

Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

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)
 Carson, Finlay (Galloway and West Dumfries) (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)
 Golden, Maurice (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 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)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (Ind)
 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)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (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)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 32, Against 91, Abstentions 0.

Amendment 134 disagreed to.

Amendment 135 moved—[Mark Griffin].

The Presiding Officer: The question is, that amendment 135 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 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)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)

Scott, Tavish (Shetland Islands) (LD)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

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)
 Carson, Finlay (Galloway and West Dumfries) (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)
 Golden, Maurice (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 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)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)

McDonald, Mark (Aberdeen Donside) (Ind)
 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)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (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)

The Presiding Officer: The result of the division is: For 32, Against 92, Abstentions 0.

Amendment 135 disagreed to.

Amendment 136 moved—[Mark Griffin].

The Presiding Officer: The question is, that amendment 136 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 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)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)

Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

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)
 Carson, Finlay (Galloway and West Dumfries) (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)
 Golden, Maurice (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 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)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)

Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (Ind)
 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)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (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)

The Presiding Officer: The result of the division is: For 32, Against 91, Abstentions 0.

Amendment 136 disagreed to.

After section 37

Jeremy Balfour: I will not move my amendment 137.

Amendment 137 moved—[Mark Griffin].

The Presiding Officer: The question is, that amendment 137 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 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)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

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)
 Carson, Finlay (Galloway and West Dumfries) (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)
 Golden, Maurice (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (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)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)

Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (Ind)
 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)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (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)

The Presiding Officer: The result of the division is: For 32, Against 91, Abstentions 0.

Amendment 137 disagreed to.

After section 38

Amendment 80 moved—[Jeane Freeman]—and agreed to.

Amendment 146 moved—[Jeremy Balfour]—and agreed to.

Section 39—Offence of trying to obtain assistance by deceit

The Presiding Officer: Group 15 is on offences. Amendment 81, in the name of Pauline McNeill, is grouped with amendments 82 to 88.

Pauline McNeill: I hope that members will be patient with me, as this is a complex aspect of the bill.

These amendments deal with sections 39 to 42 in chapter 5 of the bill, which set out the offences for benefit fraud. The bill describes the offences that can be committed by a person who provides false or misleading information that leads to an

error in the determination of assistance. The consequences are set out regarding the levels of fine and custodial sentences that are available to the courts.

The sections also set out offences whereby a person causes another person to fail to notify a change in circumstances that results in a change in benefit entitlement and the same for individuals in an organisation who can be held responsible. Those are vital clauses to ensure that there is a zero-tolerance approach to benefit fraud, but we must make sure that those provisions do what they are intended to do, and do not criminalise an honest mistake.

I will set out my concerns. The policy memorandum says that

“The policy intention is not to criminalise genuine errors made by individuals”,

but it says that

“the provision has been ... framed to provide that it is sufficient”

in law

“that the person knew, or ought to have known”

that the error might lead to them receiving less assistance. It is the phrase “ought to have known” that it “might” that concerns me.

I am sure that we all agree that there is no fairness in a system that allows for the prosecution of those who have made a simple mistake. Justice Scotland highlighted that point in a briefing at stage 1. It highlighted that the offence in section 111A of the Social Security Administration Act 1992 is the most commonly used such offence in the Scottish courts. It will be immediately appreciated that significant penalties are imposed in relation to a failure to notify changes that affect entitlement under complex social security regulations. The issue of whether a couple are to be regarded as cohabiting is an example of the difficulties that the courts have to resolve.

Against that backdrop, the courts have interpreted the legislation as strictly requiring proof to the criminal standard of all the elements of the offence; in particular, the prosecution would be required to prove that a claimant knew that a change in circumstances would affect benefit. The UK legislation does not use the phrase “ought to have known” that it “might” have led to less assistance; rather, it uses the term “knowingly”. Therefore, for cases of alleged fraud for reserved benefits, such as housing benefit, claimants will be prosecuted under the UK act, but for a devolved benefit, such as carers allowance, they will be prosecuted under the Social Security (Scotland) Bill with a different form of words.

My concern is about the drafting of those words. We prosecute in the courts day in and day out using the section that I have just outlined. Across the UK, £1.9 billion has been recovered from benefit fraud, so it works. It would have made more sense to use the same drafting as the UK legislation for the avoidance of any doubt. I want to ensure that the new provisions, which are drafted differently, do not prosecute people for genuine error.

The Child Poverty Action Group, Citizens Advice Scotland and several other organisations still have concerns about these provisions. I have spent long hours—for which I am grateful to the minister's officials—trying to understand the reasoning behind the wording in the bill. The policy memorandum draws a distinction between the criminal offence of error and the unintended error by an individual. It adds that the policy intention is not to criminalise genuine errors and it suggests that, when it is shown that an individual has misunderstood any element of the application and has made a genuine error, a prosecution will not follow—so that is good.

However, according to Justice Scotland, section 39 of the bill does not appear to specify that the person needs to know that the statement was misleading. That is not in line with the policy intention; it is overly broad, in the view of Justice Scotland, and it creates an offence that does not require criminal intent on the part of the accused and criminalises behaviour that is careless or negligent.

Section 40 creates an offence of failing to notify, which is punishable with up to five years in prison, if the person

“knew or ought to have known that the change might result in an individual ceasing to be entitled to assistance”.

Again, Justice Scotland is concerned that that

“is overbroad and has the potential to penalise conduct which has not ... been criminal”,

in relation to the circumstances as they might affect benefits.

I think that the Scottish Government and I are at one about the intention of sections 39 to 42. My concern is with the drafting of the provisions. I just think that it would have been clearer to use the same wording as in the UK statute, under which we prosecute in the courts day in and day out.

16:45

I thank the minister for the letter that she issued to me on Monday following a conversation that I had with her officials, which helpfully sets out the Government's intention in this regard. It mentions the defence of a reasonable excuse and says that it is not the intention to criminalise an honest

mistake. I am prepared not to press my amendments, but I needed to outline my concerns on the record. If the minister is clear in her summing up that there is no intention in the framing and drafting of sections 39 to 42 to criminalise an honest mistake and that the defence of a reasonable excuse, which was inserted at stage 2, is to be proved on the balance of probabilities, I will be happy, as we are at one on the intentions of those sections.

I move amendment 81.

Ben Macpherson: I reiterate the concerns about the amendments that I stated at stage 2. I have concerns with regard to the burden of proof, what prosecutors would be expected to prove and how that evidencing would be undertaken.

Pauline McNeill: The argument about what a prosecutor would be required to prove if they had to prove that a person knew mystifies me, because the language that I propose is exactly the language of the UK statute. I referred to section 111A of the 1992 act, which says that the prosecutor must show exactly that. We prosecute on that basis in the Scottish courts and across the UK day in, day out, and £1.9 billion has been recovered. Why would that wording not be good enough for the bill?

Ben Macpherson: I refer to the discussion at stage 2 about the concept of “knowingly” and evidencing whether false or misleading information was knowingly given. It is a legally problematic concept. Reassurances were given at stage 2 and in the letter from the minister that Pauline McNeill mentioned.

I acknowledge that Pauline McNeill has stated that she will not press her amendments if the minister gives further reassurance in summing up. I reiterate my point about the ability to prove in the courts whether false or misleading information has been given knowingly—the concept is legally problematic.

Alex Cole-Hamilton: I lend the support of Liberal Democrats to Pauline McNeill's amendments, which contain a welcome shift in language and recognise that genuine mistakes happen. If we are building a more humane social security system, we should not penalise people for genuine errors. However, if Pauline McNeill is satisfied by the assertions of the minister in summing up, those on the Liberal Democrat benches will be, too.

Jeane Freeman: As has been said, the amendments in this group were rejected at stage 2, but they relate to an important issue, so I understand why Ms McNeill wishes to raise them again. Before I put our position on the record and make it clear what is in the bill, I can of course give Ms McNeill and indeed Mr Cole-Hamilton the

assurance that it is our shared intent not to criminalise where an individual has made a genuine mistake or has a reasonable excuse. To be clear, the term “reasonable” is widely understood across our courts and justice system.

I remain firmly of the view that Ms McNeill’s amendments are unnecessary. Our policy is clear: we will treat people fairly and with dignity and respect. However, we cannot be naive. Social security fraud is a risk and public funds must be protected, not least so that they are available to give assistance to those who are genuinely entitled to it. Section 39 makes it an offence to provide false or misleading information with the intention of obtaining assistance to which the recipient is not entitled. The offence already requires intent so there is no reason to add the word “knowingly” as amendment 81 would do.

Section 40 makes it an offence to fail to notify a change of circumstances, in breach of a duty to do so, if—and only if—the failure results in someone receiving assistance that they should not receive, and the person has no reasonable excuse for the failure to notify. That means that, if an individual claims to have a reasonable excuse, the legal burden to prove that it is not a reasonable excuse falls on the prosecutor. Before a case even gets anywhere near a prosecutor, however, there will have been an agency investigation. If a person has a reasonable excuse, they can give it then and explain any other mitigating circumstances. Those factors will be taken into account before officials conclude the investigation and, when a genuine error has happened, the matter will rest there.

When there has been a genuine error, the fiscal service is unlikely to prosecute, because it applies a case marking test that asks whether prosecution would be in the public interest. Even if someone was prosecuted, having a reasonable excuse would mean that they would be exonerated.

Ms McNeill’s amendments to section 40 and section 41 risk making the offences so difficult to prosecute that nobody would take the risk of prosecution seriously. It would open the system to intentional fraud.

Finally, we come to section 42, which allows a senior figure in an organisation to be convicted of an offence that has been committed by the organisation if the criminality can be attributed to the official’s “connivance, consent, or neglect”. Amendment 88 would remove the neglect element. Section 42 is worded in the usual way for a section of its kind. Examples can be found in many other acts of this Parliament. I have to ask therefore, why a company director should not be held personally responsible if he neglects his duties, turns a blind eye, and allows the company to commit social security fraud. A director in that

situation should have a case to answer, so I do not support amendment 88.

All that being said, I recognise that agency staff must take a consistent approach in reporting cases for consideration for prosecution and I am happy to put on the record the fact that detailed guidance and training will be developed for our agency staff. That will complement the code of practice on investigations that the bill already requires. The code will set standards of conduct for investigations and explain how we will ensure during investigations that a person’s dignity is respected. The code will be consulted on so that Ms McNeill and others can see what it will provide and will be able to contribute to its development.

For the reasons that I have given, I cannot support Ms McNeill’s other amendments in the group. I invite her not to move them and, if they are moved, I urge that they are not agreed to.

Pauline McNeill: I have nothing more to add.

Amendment 81, by agreement, withdrawn.

Section 40—Offence of failing to notify

Amendments 82 to 84 not moved.

Section 41—Offence of causing a failure to notify

Amendments 85 to 87 not moved.

Section 42—Individual culpability for offending by an organisation

Amendment 88 not moved.

Section 44—Code of practice on investigations

Amendment 89 moved—[Jeane Freeman]—and agreed to.

Section 44A—Duty to consider effects of inflation

The Presiding Officer: We come to group 16. Amendment 90, in the name of the minister, is grouped with amendments 91, 12 to 14 and 139 to 141.

Jeane Freeman: Amendments 90 and 91 are technical amendments to the uprating provisions in section 44A. They clarify that the duty to consider the effects of inflation will apply to current rates of assistance, but not to rates that may remain in legislation for events that have happened in the past.

The best start grant is an example. For a time, an older and a current rate might be prescribed in regulations, the older rate applying to births that have happened, but for which an application has

not yet been made. The older rate will already have been reviewed and it would serve no purpose to review it again.

Amendments 12 to 14, in the name of Ben Macpherson, would commit the Scottish Government to increasing any relevant figures in the funeral expense assistance regulations to take into account the impact of inflation. At present, that is expected to affect the flat rate element of the payment, which has been capped by the DWP at £700 since 2003. We have already committed to widening eligibility for funeral expense assistance to reach around 2,000 more people per year, at an estimated cost of £3 million. While there are significant pressures on the Scottish Government's budget, I recognise that the value of the capped element of the current funeral payment has eroded over time. I will therefore support Mr Macpherson's amendments so that there is no further reduction in the value of that part of the payment to bereaved families.

Amendments 139 to 141, in the name of Mr Griffin, seek to adjust the calculation of the carers allowance supplement, to take account of inflation. Carers allowance supplement already provides an increase of 13 per cent in 2018-19 to support for carers, which is significantly more than the rate of inflation and represents an additional investment of more than £30 million per year. I estimate that, over the next five years, Mr Griffin's amendments will cost a further £30 million that will need to be found from the Scottish budget. However, I am happy to make that commitment, in recognition of the vital role that carers play.

I move amendment 90.

Ben Macpherson: If passed, this historic bill will successfully transition and deliver the 11 benefits that were devolved under the Scotland Act 2016, which will undoubtedly make many meaningful and important differences across our country. One such difference will be the delivery of funeral expense assistance, which will replace the UK Government's funeral payment and provide critical financial support to people at a very difficult time.

Funeral costs have risen significantly over the past 10 years, which means that individuals and families are more likely to experience a financial shock as a result of having to pay for a funeral, especially where the person who has died has made little or no provision for the cost of that funeral. That can push people into unsustainable debt, which can have a negative impact on the already difficult grieving process and on mental and physical health. I am aware that, working with stakeholders, the Scottish Government has already undertaken a number of actions to alleviate funeral costs, including measures in the fairer Scotland action plan and the funeral assistance plan. Therefore the delivery of funeral

expense assistance under the new social security system has the potential to build on previous progress. An important way in which to enhance that would be to uprate funeral expense assistance for inflation in the future. Of course, that is not just my view, but that of many others, including Citizens Advice Scotland.

As drafted, the bill envisages uprating carers assistance, disability assistance and employment-injury assistance, all of which I very much welcome. If agreed to, my amendments 12 to 14 would add funeral expense assistance to that list, making sure that, in the years ahead, funeral expense assistance would keep pace with inflation, keep up with funeral costs and deliver the critical financial support that I have already mentioned.

I believe that amendments 12 to 14 are important. I am grateful to the minister for supporting them and would welcome the support of other members.

Mark Griffin: Scottish Labour will support all the amendments in group 16. We welcome the Government's substantial movement on the issue. While it has always been the Government's policy intention to provide uprating for disability assistance, until Christmas 2017 its position was that that uprating should not be in the bill. The movement is a welcome change and we want to support it and improve on what the Government has offered.

At stage 2, I sought to amend the Government's amendment to afford carers the same protection as they enjoy under the UK system. I also raised a discrepancy relating to the carers supplement, in that the formula in section 47 would mean that ministers would pass on the UK Government's benefit freeze to carers. In amendments 139 to 141, I seek to rectify that.

17:00

The link to jobseekers allowance means that the supplement would be frozen. The minister would be required, as part of the uprating processes, to determine what the inflated value of the combined supplement and the underlying carers allowance should be and so ensure that the higher amount was paid. As I explained at stage 2, without that adjustment, the discrepancy means that the Scottish Government would save itself £5 million in 2019-20, while carers—just a year after that very welcome income boost, on which the Government is to be congratulated—would lose out by 13 per cent in real terms.

I welcome the minister's support for the amendments, and that the Scottish ministers will take full control of the carers allowance in order to

iron out that anomaly when the Government takes on full competence for the benefit.

Alison Johnstone: The Scottish Greens will support all the amendments in group 16, but we regret that there is no commitment to uprate all benefits in line with relevant costs. We had, and I lost, that debate at stage 2, but we will continue to ask the Government to pay the closest attention to the issue. We simply cannot have a system that aims to be based on dignity and respect if people do not have enough money to have a reasonable standard of living.

I urge the Government to continue to look at the matter. If living costs increase and benefits are frozen, as they have been, that will make life incredibly difficult for people. The benefits freeze has taken £300 million out of the pockets of 700,000 of the poorest people in Scotland. The Social Security (Scotland) Bill should uprate benefits automatically.

The Presiding Officer: I ask the minister to wind up, and to press or withdraw amendment 90.

Jeane Freeman: I press amendment 90.

Amendment 90 agreed to.

Amendment 91 moved—[Jeane Freeman]—and agreed to.

Section 44B—Duty to uprate carer's, disability and employment-injury assistance

Amendments 12 to 14 moved—[Ben Macpherson]—and agreed to.

After section 46

The Presiding Officer: We turn to group 17. Amendment 138, in the name of Mark Griffin, is grouped with amendments 142 and 143.

Mark Griffin: Amendment 138 seeks to put in place a mechanism to top up child benefit by £5 a week and give effect to the “Give me five” campaign call. That follows the Government's announcement before Easter that it will pursue the delivery of an income supplement to boost the low incomes of families and lift children out of poverty. That announcement is welcome, if overdue, but detail about the measure will be in short supply for more than a year. The children who are suffering in poverty now will have to wait until 2022 for that boost.

I will touch on some of the points that I made at stage 2, but it is clear to the chamber that there are few options open to the Government, and it is only the top-up of child benefit that can deliver in the immediate and short term.

The Child Poverty (Scotland) Act 2017 confirmed that this Parliament refuses just to turn

a blind eye; the time for acting on those sentiments is now. In the face of the transition to universal credit, the benefit freeze and further austerity, we can and should set a different path.

Inflation may be falling, but the weight on family weekly budgets is still too much to bear. Only yesterday, the Trussell Trust published new data showing that 170,000 people had to ask for a food parcel last year, which shows just how much families are struggling. With child benefit losing its value for another year, my proposal would assist more than 500,000 families who are struggling with the impact of a Tory Government. More importantly, 30,000 children would be lifted out of poverty instantly.

The Institute for Fiscal Studies predicts that, by the time of the next Holyrood elections, one in three children will be in poverty. The key to the “Give me five” campaign's work is the recognition that the near universal uptake of and eligibility criteria for child benefit make it the most appealing option for having the most immediate impact.

In recommendation 23 of its report, the Poverty and Inequality Commission noted that the Government must consider

“the greatest financial impact alongside other relevant factors such as cost and complexity of delivery, take up rates, income security, and potential disincentives to move into work or increase earnings in order to identify the most effective option to impact on child poverty.”

Alongside that, the complexity of topping up the means-tested system, which is going through a period of huge transition, is beyond belief. The alternative of topping up child tax credit would require the Government to top up universal credit and income support in the medium term. Modelled impacts that are based on 100 per cent take-up are of no use, because 100 per cent take-up remains an impossibility in the medium term.

In addition to that complexity, the risk of endorsing the Tories' shamolic universal credit system that the use of any such supplement would involve is enormous, and the Government itself has cautioned against it.

At stage 2, comments were made about my amendment on the issue cutting across the budget process. I said then—and I say again—that I and my Labour colleagues would happily ride roughshod over the Scottish Government's budget if that would lift 30,000 children out of poverty, and I would do so every day of the week.

Until next year, at least, the parents of 200,000 or so children in poverty will have no idea when they will get the support that the Scottish Government now wants to commit. Amendment 138 is the only proposal on the table to lift 30,000 children out of poverty.

I move amendment 138.

Alex Cole-Hamilton: The Liberal Democrats have a lot of sympathy with the motives behind the amendments in this group but, unfortunately, we cannot support them. We attended many of the stakeholder events that were held on the suggestions of the “Give me five” campaign, and we agree that universality has a place in the extension of benefits to vulnerable families.

However, our anxiety is about the taper towards the threshold at which child benefit is paid. If that represents the spectrum of need, we would far prefer that money to be concentrated at the sharper end of that taper. We think that there are better ways of doing what is intended, given the number of very affluent families that would receive such a benefit. Therefore, with regret, we cannot support the amendments in this group.

Alison Johnstone: The Scottish Government supports the principle of universality when it comes to higher education. I welcome that. The Scottish Government supports the principle of universality when it comes to prescriptions. I welcome that. I cannot think of a more important area in which to support that principle than that of making sure that children in Scotland have enough money.

This Parliament is committed wholly to closing the attainment gap. Children who go to school who have not had the best breakfast and whose families struggle to heat their homes cannot attain to the level to which they might be expected to. Amendment 138 is an extremely important amendment and one that I whole-heartedly support, as do the Scottish Greens.

The Child Poverty Action Group tells us that in 1989 it was realised that child benefit was worth less than it had been in the 1950s, and John Major’s Government chose to slowly restore its value. That process went on and progress was made. However, child benefit has been decreasing in value consistently since 2010. It is not worth what it used to be worth. All that we seek is the taking of a very sensible measure to restore some of that value.

I whole-heartedly support the give me five campaign, I whole-heartedly support amendment 138, and I ask colleagues across the chamber to do so, too.

Jeane Freeman: The Scottish Government’s tackling child poverty delivery plan, which was published on 28 March this year, sets out a clear commitment on a new income supplement for low-income families to tackle child poverty.

Of course, I recognise the rationale behind the proposal to top up child benefit by £5 a week, but to deliver it would cost at least £200 million every

year, yet only £3 out of every £10 would go to low-income households. What is more, the top-up would have more limited effects on lifting families out of poverty than other options that are set out in the Poverty and Inequality Commission’s advice, which we asked for.

That is why I urge members to oppose the amendments. We want to target effectively children who are living in poverty and we will look at all measures for doing so, but the proposal to top up child benefit does not do that. The Institute for Public Policy Research conducted modelling earlier this year, and its clear conclusions, which are reflected in the Poverty and Inequality Commission’s advice, were that increasing child benefit is not the most effective way of reducing child poverty. The commission also rightly gave its expert independent advice that we should not only consider the most effective use of resource but give careful consideration to deliverability and to being able to get the money to those who need it as quickly as possible.

It is a false premise to put before the chamber the proposition that passing amendment 138 will instantly lead to a £5 top-up. The whole question of deliverability within our social security powers, as Mr Griffin and his colleagues well know, is part of a planned, very careful and incremental programme to ensure the safe and secure transfer of benefits for 1.4 million people. Mr Griffin may be happy to say that he would ride roughshod over the Scottish Government’s budget process, but actually he would be riding roughshod over this Parliament’s budget process, and that is not something that I would countenance.

Our income supplement will demonstrate our commitment to reducing child poverty and will ensure that funds are used to best effect to reach those families who are most in need. I urge members to oppose the amendments.

Mark Griffin: The point has been made repeatedly by members who oppose the method that is set out in my amendment 138 that there are better ways to spend the money, but what are those better ways? Where is the amendment that is going to lift children out of poverty today? Where is there a provision in the bill that stands up against a £5 uplift in child benefit? The arguments against the policy are that child benefit is universal and that not all the money would go to families in poverty. I do not receive child benefit for any of my children, and nor does any member of this Parliament, so it would not be completely universal. However, as Alison Johnstone pointed out, we do not hear any arguments against universality when we talk about tuition fees or prescription charges, so I would have expected the Government to be able to give whole-hearted

support to my amendment, given its previous support for universal benefits.

The minister has also raised the issue of the low-income supplement, and I will welcome the debate on the policy choices when it comes. The minister may put an option on the table in two, three or four years' time, but the option on the table right now is to increase child benefit by £5. There is no other option, and that option will lift 30,000 kids out of poverty right now. I ask members to support amendment 138.

The Presiding Officer: The question is, that amendment 138 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

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)
 McNeill, Pauline (Glasgow) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

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)
 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)
 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)
 Golden, Maurice (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 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)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 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)
 Stevenson, Stewart (Banffshire and Buchan Coast) (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)

The Presiding Officer: The result of the division is: For 26, Against 97, Abstentions 0.

Amendment 138 disagreed to.

Section 47—Carer's allowance supplement

17:15

Amendments 139 to 141 moved—[Mark Griffin]—and agreed to.

Section 48—Power to repeal temporary provision

Amendment 142 moved—[Mark Griffin].

The Presiding Officer: The question is, that amendment 142 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

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)
 McNeill, Pauline (Glasgow) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

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)
 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)
 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)
 Golden, Maurice (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (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)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 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)
 Stevenson, Stewart (Banffshire and Buchan Coast) (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)

The Presiding Officer: The result of the division is: For 26, Against 96, Abstentions 0.

Amendment 142 disagreed to.

Amendment 143 moved—[Mark Griffin].

The Presiding Officer: The question is, that amendment 143 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

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)
 McNeill, Pauline (Glasgow) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

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)
 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)
 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)
 Golden, Maurice (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 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)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 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)
 Stevenson, Stewart (Banffshire and Buchan Coast) (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)

The Presiding Officer: The result of the division is: For 26, Against 96, Abstentions 0.

Amendment 143 disagreed to.

Section 48D—Agency arrangements for housing assistance

The Presiding Officer: We turn to group 18. Amendment 92, in the name of the minister, is grouped with amendments 93 and 119 to 122.

Jeane Freeman: The amendments in the group are about housing assistance.

Section 48D already provides for regulations to be made to allow councils to deliver housing assistance. My amendments 92 and 93 would extend that power and allow councils also to deliver short-term assistance where it is to be given as a run-on of housing assistance.

Amendments 119 to 122 are a response to the DWP's announcement that it has abandoned its policy of denying support for housing costs to some 18 to 21-year-olds who receive universal credit. The DWP may well have dropped that policy because it failed to realise significant savings, but nonetheless I cautiously welcome that U-turn.

Amendments 119 to 122 will alter schedule 8 so that ministers are not obliged to make housing assistance regulations to mitigate the effects of abandoned DWP policies. The amendments cover the U-turn on 18 to 21-year-olds and also future proof the bill for the day—if it ever comes—that a UK Government drops either its bedroom tax policy or its benefit cap policy, or both.

To be clear, the amendments remove the duty on the Scottish Government to provide housing assistance to mitigate those DWP policies only if and for so long as the DWP is not pursuing them. I

assure members that the existing mitigation scheme for 18 to 21-year-olds will remain in place for as long as it is required. It is regrettable that the Scottish Government and local authorities have invested both time and funds over the past year in mitigating a policy that was always both unfair and unworkable. I wish that the UK Government had listened to the sense that we spoke at the time and that this inconvenience and waste had been avoided.

I move amendment 92.

Amendment 92 agreed to.

Amendment 93 moved—[Jeane Freeman]—and agreed to.

After section 48D

Amendment 132 moved—[Pauline McNeill]—and agreed to.

After section 53

The Presiding Officer: We turn to group 19. Amendment 144 is the only amendment in the group.

Mark Griffin: Amendment 144 seeks to place in law a requirement on ministers to bring forward regulations under section 30 of the Scotland Act 2016 that would ensure that payments of universal credit would be automatically split between both members of a couple, but allow an opt-out should a couple wish to retain joint payment. I am pleased that amendment 144 has achieved a broad coalition of support from organisations that include SCVO, One Parent Families Scotland, Advocard, the Poverty Alliance, Scottish Women's Aid, Engender and the National Association of Welfare Rights Advisers. Amendment 144 would transpose the restrictions included in the Scotland Act 2016 and require the regulations to follow a set policy objective to split payments automatically. Although split payments can be requested under the current system, that option is massively underused and underpublicised. Now the focus of the Work and Pensions Committee of the House of Commons, split payments are getting the attention that they deserve.

Last month, the Equality and Human Rights Commission released research that identified that universal credit single household payment to couples had contributed to a

“drastic shift in income from women to men as a result of the introduction of Universal Credit.”

As I indicated at stage 2, the proposed policy would follow that proposed by the minister's colleague Philippa Whitford, who is pursuing a private member's bill at Westminster to split payments automatically. However, she was told just last week by the callous Tory Government that

it does not support the proposal and that it is intent on maintaining the single payment mechanism in universal credit—a system that has been criticised by the United Nations.

In the consultation on social security, there was overwhelming support—from 99 per cent of organisations and 78 per cent of individuals—for universal credit payments to be split between the members of a household, and 74 per cent of all respondents believed that payments should be split automatically. That would aid gender equality in the Scottish social security system by promoting financial autonomy, and it would help to protect women and children from financial and domestic abuse. As much as I want it to, though, amendment 144 would not require ministers to rush to establish a split payments scheme and remove the timescale that was included at stage 2. The amendment rightly requires the minister to continue her consultation with the DWP, which is in itself a requirement of the power in the Scotland Act 2016.

In recent responses to questions, the minister said, a year after the cabinet secretary first promised progress in the area, that officials are discussing with the Department for Work and Pensions the feasibility and the operational and cost implications of the different policy options. To date, we have not been told of the progress of those meetings and discussions, so I would appreciate it if the minister could say when they started and what stage they are at, as DWP officials were unfortunately not able to do that when they were before the Social Security Committee.

I am thankful for the minister's discussions with me on the matter of split payments. I am content that she, too, wants split payments to be made. I hope that she will support amendment 144 and give a precise commitment to split payments and to automatically helping women and their children.

I move amendment 144.

Ruth Maguire: I support the introduction of automatic split payments. The situation that we have at the moment—of a joint payment being made, unless otherwise specified—is problematic on two levels. Returning to a single male breadwinner model is damaging and regressive in general, but it is particularly dangerous in the context of domestic abuse, in which financial coercion is often used as a tool by perpetrators. Eighty-five per cent of domestic abuse survivors who spoke to the charity Women's Aid said that the act of applying for split payments could anger their partner and make the abuse worse.

The Scottish Government is in on-going discussions with the DWP on how it can introduce automatic split payments in a way that is both

technically feasible within information technology systems, and financially viable and justifiable to the Scottish taxpayer. That is clearly a complex and time-consuming task.

At last week's Social Security Committee meeting, a DWP representative, in answer to Mark Griffin, reiterated the complexity of the issue and stated that there is no timetable for when an agreement might be reached. That delay and complexity could, of course, be avoided if the UK Government could be pressured into fixing the issue at source.

There is another, far more important reason for calling on the UK Government to fix the issue at source, and that is that domestic abuse does not stop at the border. It is an issue for all women, and the best outcome is not one in which the Scottish Government negotiates an exception from the rest of the UK, but one in which the UK Government fixes the problem at source for the whole of the UK.

For both those reasons—the complexity of negotiating an exception and the importance of the issue for women across the UK—I urge Mark Griffin and his colleagues to redouble their efforts to pressure their UK colleagues to call on the UK Government to fix this issue at source. They can do so not least by supporting the private member's bill that my Ayrshire colleague Philippa Whitford MP published last month, which calls on the UK Government to make split payments the default. That would be the best outcome for women across the UK.

Alex Cole-Hamilton: I am grateful, as are the other Liberal Democrat members, to Mark Griffin for lodging the very important amendment 144. I served for three years on the ministerial task force on violence against women, and I am absolutely committed to this policy shift, because financial dependence is used as a tool of coercive control in abusive relationships. The amendment is a very important step towards eroding the dominance that men who abuse their partners can have.

I am absolutely grateful to Mark Griffin for lodging amendment 144 and I assure him of the support of Liberal Democrat members.

Alison Johnstone: I feel, sadly, that single household payments are more of the same thoughtless and mindless attacks on women that we see so often from Westminster. We know that 70 to 85 per cent of cuts have been targeted at women—that level of cuts cannot be accidental. Who, in this day and age, would introduce single household payments? It is a serious concern. There is a lot wrong with universal credit, and that is just another aspect of it that is not fit for the times in which we now live.

As Engender and other organisations that have contacted us on this important issue have pointed out, in 2013 the United Nations Committee on the Elimination of All Forms of Discrimination against Women found that the universal credit single household payment

“poses risks of financial abuse for women due to power imbalances in the family, particularly if payment is made to an abusive male spouse.”

It is incumbent on us to do everything that we can to change the policy. I absolutely agree that the best thing that could happen is that we get rid of the system across the whole United Kingdom. However, how long will it take the United Kingdom Government to take that action? Although we have a devolved Government here, there are times when it is incumbent upon us to take those UK policies and improve them as quickly as we possibly can, with the knowledge and experience that we have. Fundamental change is required, so I will be supporting amendment 144 for the Green Party.

Jeane Freeman: I do not believe that there can be doubt of this Government’s commitment to using the remaining flexibility that we have with universal credit to introduce split payments. We have been clear on that, we have talked about it, we have made that commitment publicly and we have been working with the DWP for some time now to do it.

17:30

The fact of the matter is that universal credit is a reserved benefit. Therefore, delivery of split payments to a household has to be negotiated with the DWP, because, at the end of the day, it is the DWP that will deliver them, or not. We continue to have discussions about the matter, but as members will be aware, not least those who are on the Social Security Committee, we had an agreement with the DWP about abolition of the bedroom tax at source and a date for that, but because of pressure to meet other priorities that it considered to be more important, the DWP has moved that date back a year. I am prepared to support amendment 144, but I draw members’ attention to that example because they need to be crystal clear that, although I can introduce regulations, they cannot be enacted without the DWP’s agreement. That negotiation is complicated and technical, and it will involve this Government paying the DWP to deliver the split household payment.

I concur completely with what my colleague Ruth Maguire said: not only does domestic abuse not stop at the border, but the way to resolve the matter properly is to continue to press the UK Government on it. All the SNP members in the House of Commons, those on the Labour benches

and others should come together and press the UK Government to introduce the measure for the whole United Kingdom, from which our members and the women in this country will benefit.

In the meantime, we will continue our discussions with the DWP and I will support amendment 144, but I want members to be absolutely clear that it is not at our hand to deliver what is being asked for. That is a consequence of the Scotland Act 2016 that is supported by some members here who would not like to see this Government have any more powers. Of course, if we had all the powers over social security, we would not need to have this debate at all.

Mark Griffin: In pressing amendment 144, I thank members who have spoken in support of it. I give Ms Maguire an absolute assurance that members of the Labour Party, in this chamber and in Westminster, will redouble their efforts to see the solution that we are proposing being implemented across the whole UK as the ideal solution. However, in the absence of any movement from a seemingly uncaring Tory Government, which wishes to perpetuate a system in which women are put at risk of financial domestic abuse, it is right that we take what action we can here. I ask all members to support my amendment 144 and to redouble their efforts to see split payments being implemented across the whole UK.

Amendment 144 agreed to.

Section 55—Regulation-making powers

Amendment 15 moved—[Mark Griffin]—and agreed to.

Amendments 94 and 95 moved—[Jeane Freeman]—and agreed to.

Amendment 147 moved—[Jeremy Balfour]—and agreed to.

The Presiding Officer: Amendment 96, in the name of the minister, is grouped with amendments 97, 99 to 102, 16 and 145.

Jeane Freeman: Amendments 96, 97, 99 and 100, in my name, increase the level of parliamentary scrutiny for certain regulations from negative to affirmative procedure. The Government undertook to make those changes in its response to the Delegated Powers and Law Reform Committee stage 2 report.

The regulation-making powers affected are the powers to identify people that the Scottish commission on social security can require to provide it with information, and the similar powers about information sharing by and with the Scottish ministers.

Amendment 16, in the name of Pauline McNeill, removes the ability of the commission to decide that there are types of proposal that it does not need to consider. During stage 2, I said that the Scottish Government is happy to remove that power from the bill, and I am content to support Ms McNeill's amendment.

Amendment 101, in the name of Adam Tomkins, aims to ensure that proposals that are sent to the commission for scrutiny under section 55A are sent in the form of draft regulations. As that has always been our intention, I am happy to support amendment 101, just as I am happy to support amendment 102, which is also in Adam Tomkins's name.

Amendment 145, in the name of Pauline McNeill, proposes that, with the sole exceptions of commencement and ancillary regulations, all regulations made under the bill, no matter how minor, should be subject to additional scrutiny by the commission. I oppose that position.

It is odd that Ms McNeill is the person to lodge such an amendment. During stage 2, she was particularly anxious that the commission should not be made overmighty, relative to the Parliament, yet the amendment that she has lodged reflects a view that was expressed by the Child Poverty Action Group that any regulations that are not subject to scrutiny by the commission will be subject to no independent scrutiny at all. The implication is either that the Parliament is incapable of effectively scrutinising regulations, or that it lacks independence. I do not accept either position.

To be clear, regulations that the bill does not require be put to the commission will still be scrutinised by Parliament, in most cases through the affirmative procedure.

The purpose of having a commission of experts on social security is so that, among other things, Government and Parliament will receive expert advice on complex matters of social security policy, the interaction between the Scottish social security system and the UK system, and so on.

Just because regulations are made under a social security act does not necessarily mean that they raise issues that require social security expertise. For example, the issues that will be covered by regulations made under section 43, which confer investigatory powers, are justice matters, and regulations made under subsections (2) and (5) of section 48C are about data sharing. Parliament is well able to scrutinise regulations on those matters and a wide range of others; it has managed to do so for coming up to 20 years. If Parliament particularly wants the commission's help, the bill allows it to ask for a report. That is as it should be—Parliament is in control and can take

advice from whomever it wants. Therefore, I urge members not to support amendment 145.

I move amendment 96.

Adam Tomkins: I am grateful to the minister for her support for amendments 101 and 102, in my name. I support all the amendments in the group, except for amendment 145. The reasons why the Conservatives do not support amendment 145 are identical to those just articulated by the minister.

Pauline McNeill: I welcome what the minister said on amendment 16, so I will address amendment 145.

As the bill stands, there are important regulations—for example on applications and decision making, overpayment and fraud—that do not need to be referred to the new commission. Amendment 145 would place a duty on Scottish ministers to refer proposals for regulations that are not already covered by section 55 to the newly established Scottish social security commission, and the commission then may or may not decide to prepare a report.

Amendment 145 would establish a light-touch scrutiny process that would allow for expert independent scrutiny of often complex secondary legislation that has the potential to impact individual rights and entitlements as well as experience of the Scottish social security system. The commission's discretion as to whether a report is necessary would ensure that scrutiny is provided in an appropriate way without encroaching unnecessarily on the Scottish Parliament's time or the time and resources of the commission.

The areas that would be affected by amendment 145 and which are not covered currently are: the form of applications; the functions of the commission itself; the period for redetermination of an application; the time period in which the Scottish ministers may make a determination; rules around lifetime awards; automatic payments; investigation-making powers—particularly powers to enter and search as well as powers to create offences; top-up benefits and all the rules around them; carers supplement and who is a qualifying person; power to repeal carers supplement; information sharing and the naming of new persons with whom information can be shared; discretionary housing payment rules; who the commission can extract relevant information from; and the numbers that make up the commission.

That is quite a long list of issues that, as the bill stands, will not require to go to the commission and on which, on balance, I thought that the commission should have the opportunity to prepare a report, should it wish to do so.

Jeane Freeman: I will be brief and concentrate on amendment 145.

The presumption behind amendment 145 is that no commission scrutiny equals no scrutiny at all. That is not the case. This Parliament has a critical role in scrutiny, and over the years it has developed expertise in that regard. Moreover, the bill gives Parliament the power to ask the commission for advice if it wishes to do so. I urge members not to support amendment 145. The proposed approach will lead to unnecessary delay in some instances when we want to move quickly on regulations—and I am sure that Parliament will support us on that—but it will always be for this Parliament to determine whether regulations are approved or not.

Amendment 96 agreed to.

Amendments 97 to 100 moved—[Jeane Freeman]—and agreed to.

Section 55A—Further procedure for regulations about assistance

Amendments 101 and 102 moved—[Adam Tomkins]—and agreed to.

Amendment 16 moved—[Pauline McNeill]—and agreed to.

After section 55B

Amendment 145 moved—[Pauline McNeill].

The Presiding Officer: The question is, that amendment 145 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 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)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)

Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

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)
 Carson, Finlay (Galloway and West Dumfries) (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)
 Golden, Maurice (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 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)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)

McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (Ind)
 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)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (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)

The Presiding Officer: The result of the division is: For 31, Against 91, Amendments 0.

Amendment 145 disagreed to.

Section 56—Commencement

Amendment 103 moved—[Jeane Freeman]—and agreed to.

Schedule A1—Scottish Commission on Social Security

Amendment 104 moved—[Jeremy Balfour].

Amendment 104A moved—[Jeane Freeman]—and agreed to.

Amendment 104, as amended, agreed to.

Schedule 1—Carer's assistance regulations

Amendment 105 moved—[Jeane Freeman]—and agreed to.

Schedule 2—Cold-spell heating assistance regulations

Amendment 106 moved—[Jeane Freeman]—and agreed to.

Schedule 3—Winter heating assistance regulations

Amendments 107 to 110 moved—[Jeane Freeman]—and agreed to.

Schedule 4—Disability assistance regulations

Amendment 111 not moved.

Amendment 148 moved—[Jeane Freeman]—and agreed to.

Amendments 112 to 114 moved—[Jeane Freeman]—and agreed to.

Schedule 5—Early years assistance regulations

Amendment 115 moved—[Jeane Freeman]—and agreed to.

Schedule 6—Employment-injury assistance regulations

Amendments 116 and 117 moved—[Jeane Freeman]—and agreed to.

Schedule 7—Funeral expense assistance regulations

Amendment 118 moved—[Jeane Freeman]—and agreed to.

Schedule 8—Housing assistance regulations

Amendments 119 to 123 moved—[Jeane Freeman]—and agreed to.

The Presiding Officer: That ends consideration of amendments.

As members will be aware, at this point in the proceedings, I am required under standing orders to decide whether, in my view, any provision of the bill relates to a protected subject matter—that is, whether it modifies the electoral system in Scotland. In my view, no provision of the Social Security (Scotland) Bill does anything of the sort, so the bill does not require a supermajority to be passed at stage 3.

I propose that we take a short break before the debate stage. We will resume in eight minutes' time.

17:47

Meeting suspended.

17:56

On resuming—

Social Security (Scotland) Bill

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a debate on motion S5M-11802, in the name of Jeane Freeman, on the Social Security (Scotland) Bill at stage 3. We have a little time in hand because the amendment stage finished earlier than expected, so I can be a little generous with the speaking times as long as no one goes over the top; there is plenty of space for interventions, too.

The Minister for Social Security (Jeane Freeman): This is a historic day for this Parliament. When we vote on the Social Security (Scotland) Bill, we will be marking the single biggest transfer of powers since devolution began. It will herald Scotland's first social security system. More than that, it means that we now have a new public service for the people of Scotland—a principle enshrined in legislation. We should all be proud of that.

The bill has been an opportunity to set up a new service and to do things differently, and an opportunity to remake the system in a way that better fits the ambition that we have for ourselves as a Parliament and for our country—our shared ambition to live with dignity, fairness and respect.

I thank the many Scottish Government officials who have worked tirelessly on the bill and to set up our new agency—social security Scotland. In particular, I thank the bill team, who have been outstanding in their commitment and dedication.

I also express my gratitude to the clerks, to both conveners of the Social Security Committee—Sandra White, who steered it in the bill's early days, and Clare Adamson, who steered it in the latter part of the process, particularly through stage 2—and to the members of the Social Security Committee. I thank them for the spirit in which they have taken part in our collective work on the bill and for rising to the challenge to do things differently and to do them better. I thank them for their amendments, their views and their considered deliberation and engagement with me throughout.

I also thank the many, many organisations that I met with and listened to. They have helped enormously in shaping the bill and I am grateful to them for their input at every point.

Most of all, I thank the people of Scotland, who have been at the forefront of the bill at all times. From the start of our engagement programme in 2016, I have been thankful—and humbled—that people felt able to open up and tell me about their personal experience of the Department for Work

and Pensions and the current United Kingdom welfare system. That is not an easy thing for anyone to do, especially when they are talking about a system that, recently, has not served them well.

For the first time, a Government has recruited people to help it to shape the service and the system that it is establishing. We were, and remain, determined to make sure that our new public service works in the interests of the public. More than 2,400 people agreed to be part of our experience panels and we are working with them closely on each stage of the process. I thank them for their help and support so far and for the work that we will continue to do with them throughout this session of Parliament.

Our system will be rights based, recognising that social security is itself a human right with a set of founding principles at its heart and the central requirement that the system should treat everyone with the dignity and respect that they deserve. That is why, for example, we have introduced a right for a person to have a supporter with them at every stage of the process and a right to access independent advocacy for anyone who, because of a disability, needs that support to engage fully and effectively with the system.

That rights-based approach is one that the Parliament should be proud of. Inclusion Scotland said at an evidence session:

"We consider the greatest strength to be some of the principles in the bill ... and that people who use the system will be treated with dignity and respect. Those are important rights that disabled people have sought for many years ... We see the principles that underpin the bill as being an important signal of how social security will be delivered. The greatest quality of the bill is that human rights-based approach."—[*Official Report, Social Security Committee*, 5 October 2017; c 2.]

That is why for disability benefits, for example, we are committed to making the right decisions from the outset. The onus will be on social security Scotland to get the information that is needed to make decisions. In that way, we can reduce the need for one-to-one assessments and significantly reduce the anxiety and stress that are caused by unnecessary assessments—a move that was described by Citizens Advice Scotland as

"the highest priority for the Scottish social security system".

We will not require anyone to undertake an assessment that is delivered by the private sector.

Improvements such as our new "short-term assistance" will ensure that the fear of losing benefit payments will not act as a barrier to a person pursuing their right to challenge the decisions that affect them, which is a significant improvement on the current system. If people disagree with our decisions, rather than making things even more difficult, we will help them to

make an appeal. We will work with them to make sure that the process is as simple and straightforward as possible, but that they remain in control and decide what they want to do about their situation.

Thanks to the bill, we will make sure that all our agency staff will communicate with people in an accessible way. The Royal College of Speech and Language Therapists recognised that improvement as

“the first time inclusive communication has appeared in any legislation anywhere in the UK”.

Members have made decisions on very important and sometimes very difficult issues, and the bill in its final form, which we have arrived at by working together—not just today, but throughout the bill process—is one that we, as a Parliament, can be justifiably proud of. I have spoken before about how the devolution of social security represents the greatest single increase in the responsibilities of this Parliament since devolution. Today, we write a new chapter in our history with a system that was built for the people of Scotland and designed in partnership with people in Scotland: a system with dignity, fairness and respect at its heart, and a system quite unlike any other that has gone before.

I am proud and honoured to move the motion in my name,

That the Parliament agrees that the Social Security (Scotland) Bill be passed.

18:04

Adam Tomkins (Glasgow) (Con): If I may say so, well said, minister. This is another of those very important days in the coming of age of our Parliament: it is, indeed, historic. Today, we are delivering on the welfare devolution that was legislated for, after the all-party agreement in the Smith commission, by a Conservative Government at Westminster in the Scotland Act 2016.

Throughout my entire life I have enthusiastically supported devolution, and I have worked with others for a number of years to try to deliver the devolution of social security. It will allow us to experiment and to try something new. It will allow us to learn from and build on others' experience elsewhere, including failed experience, and to lead by example where we can. The bill delivers on all those ambitions, or at least it promises to, depending on what happens next.

Devolution in social security or welfare brings with it significant challenges, which should not be underestimated. The biggest single challenge is how we navigate our way through the inevitable labyrinth of shared rule between the Scottish ministers on the one hand and the DWP on the

other. That is the wrong metaphor, because I need more than two hands—in fact, there is shared rule not only between the Scottish Government and the DWP, but with local authorities and the third sector.

The biggest single challenge that the Smith commission was presented with when we were thinking about social security was: “Whatever you do, don’t make it more complicated.” Devolution inevitably makes it more complicated. Social security in Scotland has never been as complicated as it is now, and it will only get more complex. The challenge that we have as lawmakers, and that ministers have as those charged with the responsibility of executing the law that the Parliament makes, is to ensure that that complication and complexity do not become a burden to the people in our society who rely on the laws and regulations that we make.

We will enthusiastically support the bill at decision time, as we have done throughout its parliamentary process. As the minister did, I would like to say a few thank yous. First, I thank the Social Security Committee, on which I have the privilege to serve, and in particular its still relatively new convener, Clare Adamson. I also thank our clerks, notably Simon Watkins, who is about to retire from the Parliament after long service. I personally thank Simon and his clerking team for all the work that they have done in steering us through a piece of legislative work that was not straightforward. *[Applause.]*

I thank my Scottish Conservative colleagues in the social security, welfare and social justice team, especially my good friend Jeremy Balfour, whose pioneering work, particularly on terminal illness and other aspects of the bill, has been inspirational, if I may say so. It is a real honour to work alongside him in this field. As long as it is not going to damage her political career too much, I also thank the minister, Jeane Freeman, and her officials and special adviser, Jeanette Campbell, for the constructive and mature approach that they have taken to the passage of the bill. I also thank Jeane Freeman for her generous comments earlier.

Throughout the legislative process, the Parliament has worked well to improve the bill. I will give three examples of areas in which the bill is stronger now than it was when it was introduced last year. The first example is with regard to the social security principles. We all agree on the importance of a principles-based approach to social security but, in turning that political ambition into statute law, the bill as first drafted ran some risks of unnecessary litigation. However, we fixed all that and we have tidied up the bill so that the provisions are much stronger now than they were a few months ago. Likewise, it is fair to say that we

all support the idea of the social security charter but, again, writing that policy into law generated unanticipated complications, which were first identified and then resolved through the process of parliamentary scrutiny, making the bill stronger as a result.

More importantly, the bill as introduced conferred exceptionally broad rule-making and regulation-making powers on ministers, with no provision for external or expert scrutiny and with only minimal and plainly unsatisfactory provision for effective parliamentary scrutiny. Thanks to the detailed work on that that was undertaken at stage 2 by the Social Security Committee and the Delegated Powers and Law Reform Committee, and earlier this afternoon, that area of the bill has now been substantially amended and improved. If I may say so, the minister deserves credit for engaging constructively with the Parliament's committees and Opposition members on that critical matter.

Notwithstanding the fact that the bill is a significant improvement on the one that was published on introduction a few months ago, it remains the case that much of the bill, important though it is, continues to be only a framework, although I do not mean "only" in any derogatory sense.

The critical question in social security is, "Who is entitled to what?" The bill does not answer that question. All the eligibility criteria and rules about fixing the amounts of benefit to be paid will be provided in regulations that are to be made by ministers. Such matters are not addressed in the bill, but the bill sets the framework through which the regulations will be made.

In passing the bill, it feels as though we have achieved something, but there is an awful lot of detailed and painstaking parliamentary and legislative work to do before devolved Scottish social security is in operation.

Looking forward, what is next? I hope that we will turn away from questions about framework, process and procedure to the substantive question about who will be entitled to what. As we do that, the Conservatives have three concerns that we ask the minister to bear in mind as we go forward with the delivery of devolved social security between now and the end of the parliamentary session.

The first is a concern about the pace of transfer. Are we transferring powers from Westminster to Holyrood as expeditiously as possible or are there hints of delay?

The second concern relates to that and it is an on-going and deepening concern about the transparency of the intergovernmental process. We know that there are irregular but nonetheless

frequent meetings of the joint ministerial working group on welfare. We know that we, as MSPs, are entitled to see the agendas of those meetings before they take place and the minutes of those meetings as soon as possible after they take place, and I am not sure that that always happens. The more transparent ministers can be about the conversations that they have at official or ministerial level with colleagues in DWP and elsewhere in Whitehall, the better able we as MSPs will be to do our job of helping ministers to deliver the powers as expeditiously as possible.

The third concern is, of course, cost. The Auditor General has recently brought those concerns to the attention of Parliament through her report on the implementation of the Scotland Act 2016.

I do not want to dwell on those concerns as negatives. They are all challenges that we share across the political spectrum, whether we are in Government or in Opposition. There is an awful lot of work to do to deliver devolved social security properly in Scotland. Today marks an important step along the way.

18:12

Mark Griffin (Central Scotland) (Lab): I thank the clerks, my committee colleagues, the minister and her officials, the third sector and civic society for getting this important legislation to where it is today.

It is fair to say that, when it was lodged, the bill did not quite live up to the hype. If it was not for the support from across the third sector, which has the real expertise in social security, we might have been in a very different position. Almost 350 amendments later, and good debate at stages 1 and 2 and the amendment part of stage 3, I am proud to say that the bill is stronger than it was when it was introduced last summer.

At stage 1, I reminded members that we only get one first go. Today, I hope that members will consider whether we have got it right for the 1.4 million people who will come to rely on the system: the young mum who is worried about her child being born into poverty; the disabled person with hundreds of pounds of additional monthly costs; and the pensioner who is worried about their heating bill.

I am delighted that my Labour colleagues and, indeed, colleagues from Government and Opposition led the way on banning the private sector, protecting against means testing and securing a new right to advocacy on social security. At stage 3 today, we have secured a commitment to work towards automatic split payments, protected carers from the benefit freeze, secured the automation of benefits and

ensured that assessments are conducted by suitably qualified persons. Those might seem to be small changes, but they are hugely significant and they should improve the new system.

We still have our differences. We still want child benefit to be topped up and we will soon look again at how we truly embed human rights into the system when the First Minister's advisory group reports.

Together with my colleagues Pauline McNeill and Jackie Baillie, I have tried today to push the Government further on offences, redetermination and overpayments, on which we will all keep a watching brief.

Again, we should ask ourselves whether the bill is landmark legislation. Given the circumstances that led to the devolution of social security powers—the independence referendum, the vow, the Smith commission and the third Scotland act—it should be. However, although we have put such powers on to the statute books, it will be for the people who experience the system to decide whether we have put them to good use.

Given recent news stories about delays to the abolition of the bedroom tax, ministers asking for an extra year and the DWP readying itself to step in, it is quite clear that this is very much the beginning of a process that will be full of questions. As I said during the debate on amendments, while last week's change on the definition of terminal illness is very welcome, it should make the chamber uneasy. We appreciate the First Minister's pledge to listen and the minister's action, and that victory is well deserved for campaigners and those who are terminally ill. However, that experience cannot be a template for how ministers will set up the system. With swathes of regulation still to come, including the intricate policy design of nine forms of assistance, the Government has to be sure that it is ready for the challenge ahead.

Two areas on which we made early progress were agreement on the use of a superaffirmative procedure and the creation of a new, independent commission, both of which were included in Labour's response to the bill ahead of stage 1. While that scrutiny process may seem burdensome, it is clearly vital. Alongside it, last week, Parliament showed the Government that it should be far more transparent in its policy design, its listening and how it works across the chamber. The first sight of the Government's initial amendment came on Tuesday evening, a few hours ahead of the final deadline for amendments. On something that is so fundamental to disability benefits, we would much rather that the key detail be published further in advance, and we hope that that will be looked at as we move forward.

The overriding message from stage 3 is that we, as a Parliament, have much more work to do so that the people of Scotland can be proud of its new social security system. The work that is done here will get vital support to disabled people and winter fuel payments to our elderly and, in time, will truly overhaul carers allowance. That is the responsibility of both the Government and the Parliament. As we have done on tax and on this bill, we look forward to ensuring that we have a functioning social security system that invests in the people of Scotland. Labour is ready for that challenge.

18:18

Alison Johnstone (Lothian) (Green): I, too, begin by thanking Simon Watkins and his clerking team, the witnesses who took time to give the Social Security Committee their expert advice, and the many organisations with which we have worked throughout the process—there are too many to name, but we truly thank them all.

It is fair to say that members from every party on the committee have made the most sincere efforts to strengthen the bill: Labour, Scottish National Party and Conservative members have improved it significantly with their amendments. At times, we have discussed very difficult issues on which we fundamentally disagreed, but we have always done so with civility, for which I thank them.

I would also like to thank Jeane Freeman. Setting up a new social security system is quite possibly the biggest challenge that has faced a Scottish minister since 1999. I believe that the First Minister chose wisely in selecting Jeane Freeman for that task. She has undertaken it with passion, dedication and—when required—good humour.

The promise of devolution is that Scotland should have the powers to do things differently. Sometimes, that can mean taking existing UK policies and improving them with the knowledge and experience that we have here. At other moments, or on other issues, it means a more fundamental change. Social security is such an issue, and right now is such a moment.

For too many people, the current system fosters insecurity. We have only to look at the figures that the Trussell Trust published this week to see that. In 2017-18, the trust issued 170,000 three-day emergency food parcels in Scotland, of which 55,000 went to children. We appear to be losing the idea that society is strengthened when everyone is enabled to live a decent life. That is how we have got to the situation where disabled people have their benefits cut to bridge the deficit.

We have the opportunity to reclaim the idea that everyone benefits when we provide a good,

reliable income for the most vulnerable people in society. The question before us today is whether the bill allows us to do that. On the whole, the bill makes progress towards that approach, and the Greens will vote for it at decision time.

Dignity and respect are at the heart of the bill. The problem with the current system is not just that support has been cut, although that is bad enough. The culture in which there is suspicion of people who ask for help from the benefits system is hugely problematic. When those attitudes prevail at the top, they filter down to distort the entire system. If we set up a new system that is founded on the idea that social security is a right and that we all expect to be treated with dignity and respect when applying for help, that will give rise to a quite different and more empowering and positive system.

I am pleased that, having begun with no provision on this at all, the bill includes a statutory mechanism for uprating four of the forms of assistance. I will continue to push for automatic uprating to apply to all benefits and urge the Government to continue to look at that issue.

As colleagues have said, even if we pass the bill today, we have yet to help a single applicant or recipient, so we have got much work to do. The new forms of assistance will be established in secondary legislation. For each and every new regulation, we will need to debate, discuss, highlight issues and ask the Government to think again, just as we have for the bill. We have seen progress on some issues. The topping up of carers allowance is a welcome start, but there are a whole range of unfairnesses in the current allowance that Scottish ministers should examine and then eradicate.

Disability assistance represents about half of the value of all the payments that are being devolved. The abolition of the disability living allowance and the introduction of the personal independent payment have been singularly disastrous. Indeed, 44 per cent of DLA claimants have either lost their entitlement entirely or had it significantly reduced; the figure rises to more than 50 per cent for some mental health conditions. Constituents are being driven to the depths of despair by the current PIP system. Therefore, quite rightly, expectations for the new disability assistance payments will be very high. That will be a great test of the Scottish Government's resolve.

I am conscious of the time, Presiding Officer. Too many Scots have been pushed to breaking point and some, sadly, beyond it, by the system. The bill, if passed, will rightly set very high expectations for a more humane, generous and respectful system of providing financial help to those who require it. It is central to the credibility of the Parliament that we meet that challenge, and

the Greens look forward to playing a role in that in the coming years.

18:22

Alex Cole-Hamilton (Edinburgh Western) (LD): I remind members of my entry in the register of members' interests: I jointly own a property, which is rented out to tenants who receive a direct housing benefit payment.

I lend my voice to the almost universal acclaim for Jeane Freeman's work and that of her ministerial team and special advisers. She has conducted her dealings with me with great tolerance, given that I am not a member of the Social Security Committee. I was not always sighted on many of the issues that I was often told to lobby her about. She gave me great consideration and gave freely of her time. She also sought out my counsel when developments were moving quickly and always sought to include me. I am very grateful to her for her forbearance and for the consensus that she fostered.

During the stage 3 consideration of amendments, I mentioned the agreement that had been reached on the definition of terminal illness. I think that I even referred to that with the hashtag #rabbitoutofthehat, because she squared a circle that nobody else expected her to—and she did so to great effect.

In the stage 1 proceedings, I leaned on the words of the Liberal who helped to preside over the creation of the modern social security system in these islands as we know them, William Beveridge, who said:

"in establishing a national minimum it should leave room and encouragement for voluntary action by each individual to provide more than the minimum for himself and his family."

That is the central tenet of social mobility around which he sought to build the UK's social security system, and I am gratified to see that very much at large in the Scottish security system that we will launch today.

That is the first pillar. The second pillar has to be accessibility. We have heard a lot about that today. It is highly significant that the Government recognises and puts front and centre the very real problem that 500,000 families in this country do not receive in full the benefits to which they could be entitled. Therefore, it is great that the amendments that we have agreed to today will make the process for applicants far easier than it is for their counterparts whose system is controlled by Westminster. That is true of not just the application process but the appeal process. We have been happy, today and during the rest of the bill's passage, to support amendments that will make that process easier for people who, through

no fault of their own, have been found against although they should not have been.

It is important to mention the many representations that we have all had from organisations that provide and deliver independent advocacy, particularly those that do so in the benefits landscape, which can be a terribly confusing place and one that is often filled with stigma. Independent advocates navigate, communicate and articulate on behalf of people who might otherwise struggle to speak for themselves.

For me and, I am sure, for everyone else in the chamber, the final key principle of the new system must be its humanity. It is fair to say that that humanity has been disrupted in the systems in the rest of the UK. Today, we will restore some of that humanity, by providing for assessments to be conducted in a way that does not foster an atmosphere of suspicion but which puts claimants in the driving seat. The same is true with regard to issues such as overpayment recovery. One of the most important amendments that we agreed to today was on the splitting of payments, and I hope that we will drive the DWP further in that direction, to end coercive control and abusive relationships.

In addition, I mentioned earlier how important it is that we recognise the difficulty that is faced by those people who receive the awful diagnosis that they have only months or weeks left to live on this planet. Today, we have recognised that it is important that there should be no impediment to the state protecting them and their families so that they can conduct their affairs and quit this life in the knowledge that they will be supported.

The passing of the bill is a fantastic start. Today is a really important day for our history as a country and as a devolved nation. I remind the minister that I will be working closely with her and that I will not accept the excuse that we have to clean up Westminster's messes. Now, we will have the power to introduce new benefits and to address specific issues such as the erosion of benefits for young widows and the women against state pension inequality.

However, today is a day for consensus, so I will finish on the note on which I started. I thank the minister, her team and the Social Security Committee, which I sometimes wish that I was a member of. I commend the bill to Parliament and assure members of the Liberal Democrats' support for it.

The Deputy Presiding Officer: We move to the open debate. I ask for four-minute speeches, but there is a bit of time in hand, so I can be generous.

18:27

Clare Adamson (Motherwell and Wishaw) (SNP): I am delighted to speak in this historic debate in the Scottish Parliament. Following the work of the Smith commission, the passing of the bill will put into statute the most significant transfer of powers to the Scottish Parliament since devolution and will result in the devolution of £2.9 billion of social security benefits to Scotland. Eleven benefits will be transferred, and 1.4 million of our citizens will be impacted.

Although I am not speaking in the debate as the convener of the Social Security Committee, I would like to thank those people who, between June and October last year, took the time to share their experiences and views with the committee. We received 119 written submissions from individuals, charities, councils, universities, advice services, volunteering networks and professional bodies. I also thank the committee's clerking team and, in particular, Simon Watkins, not only for his help with the stewardship of the bill but for his service to the Parliament since 1999. In addition, I thank my colleagues on the committee for their diligence and engagement, which other members have mentioned.

I want to talk about the aspects of the bill that underline the ethos and approach that will underpin the Scottish social security system. The approach will be markedly different from the one that we have at the moment and will be evidenced by the Scottish social security charter.

For the first time, we have a rights-based approach. Continuing Scotland's long-standing tradition of support for human rights, we have enshrined it in the principles of the new system and in this legislation. The charter in the bill strengthens our guarantee of going beyond warm words to create a binding contract between the Government and its citizens who will be supported by the Scottish social security system. As the minister said in the deliberations this afternoon, it increases the accountability of the Parliament to its citizens.

Mr Balfour said earlier that the committee and the minister had been on a journey in one particular area. I would say that the whole thing has been a journey for us on the Social Security Committee and for those involved in the bill. We have met obstacles on the way—sometimes molehills, sometimes mountains. We have not often taken the same path, with some of us on the high road and some of us on the low road, but I believe that we have all arrived together at a destination, and one that we should be very proud of.

I believe that the strength of the bill is testament to the Parliament. Mr Adam mentioned maturity,

but I would go further than that. That maturity has combined with consultation and collaboration to bring us all here today. I am struck by how often the consultation, the willingness of ministers to work with members, and the contribution of the third sector and interested organisations have been mentioned in the chamber today—not least the work of the social security expert system mentioned by Ms Johnstone.

During the debate, Alex Cole-Hamilton mentioned brutal application of the rules. It is fair to say that a lot of the challenges that we have experienced have been because of that brutal application of the rules, and that people's experience of the DWP to date has been one of punitive application of rules and not a positive one. The current system is broken. A failure rate where more than 50 per cent of tribunals have their decisions overturned demonstrates that it is broken. As we move forward, I will look with interest to the Work and Pensions Committee at Westminster, which is now holding an inquiry into the benefits system that I think will enlighten the area further.

I am confident that the bill will change the experience of our citizens. The system will be conducted in a way that is not punitive or bureaucratic. It will be done with dignity, fairness and respect. I welcome it and I hope that it will be a beacon to other legislatures as to how citizens should be respected and how their rights should be enforced.

18:32

Michelle Ballantyne (South Scotland) (Con):

Today, we have taken a historic step in creating a Scottish welfare system that is accountable to and tailored for the Scottish people. As Adam Tomkins has already intimated, the bill is enthusiastically supported this evening by Conservative members.

Through the mechanisms of devolution, and in line with the proposals that were set out by the Smith commission, the UK Government has transferred legislative competence over 11 social security benefits, as well as the right to top up benefits, which was reserved to the UK Parliament, and some rights to create new benefits, thereby enhancing not only the power of this Parliament but its responsibilities.

The bill sets out seven principles for Scottish social security, and perhaps the most important is that

“respect for the dignity of individuals is to be at the heart of the Scottish social security system”.

Colleagues across the chamber have worked hard to ensure that the legislation delivers that respect. Although there were some disagreements in what is a complex and challenging legislative area, the

progress of the bill has been characterised by mature and thoughtful debate at every stage.

During today's debate it was acknowledged that the most difficult aspect of the bill was to create a system that would deliver fair and dignified benefits for people who face life-limiting illnesses. I thank my colleague Jeremy Balfour, who lodged amendments on that and has worked hard to secure a fairer deal for terminally ill people. I also pay tribute to the Motor Neurone Disease Association and to Marie Curie, whose advice has guided us through that complex issue. I am delighted that the minister last week lodged an amendment that could be unanimously supported, and I hope that it will provide flexibility and a person-centred approach to benefits for people who are facing terminal illness.

However, despite the smooth progress of the bill as a whole, I still have reservations about some aspects of implementation. We have created the framework, but as my colleague Adam Tomkins made clear, the detail will be for the ministers to sort out.

I note the Auditor General for Scotland's recent report “Managing the implementation of the Scotland Acts”, which makes it clear that, much the same as with the expansion to 1,140 hours of free childcare, there is still much work to be done, if Scotland is to have a successful social security system that delivers on time and within budget. It is worrying that the Auditor General's report states:

“The Scottish Government has not estimated the total cost of implementation, or the extent to which this will exceed the UK Government's agreed contribution. The excess will require funding from the wider Scottish budget.”

I understand that the Scottish Government is developing a five-year financial plan to examine that issue, but I agree with the Auditor General's opinion that more detailed estimates of costs are required as the social security system develops—especially in relation to information technology systems, service delivery and recruitment.

Following the Smith commission's recommendations, further tax-raising powers have been devolved to Scotland. The Scottish Government should ensure that the costs of that programme are kept within our means for the benefit of taxpayers, and to ensure that our other public services maintain their current levels of funding, in keeping with the principles of the bill. In the spirit of that principle, I ask the Scottish Government to take heed of the Auditor General's recommendations to provide greater transparency and to implement as soon as possible the proposed fiscal policies of the director general of the Scottish exchequer to ensure that costs do not spiral.

That said, this has been a historic day of which we can all be proud.

18:36

Pauline McNeill (Glasgow) (Lab): It has been an emotional journey for everyone who has been involved in the creation of Scotland's very first social security system. We have all learned much, and I know that an incredible amount of hard work has been done. Creating a system that has dignity and respect at its heart is easier said than done, but that is what we all want to achieve. After months of hard work at the scrutiny stages of the bill, we are certainly a lot closer than we were to that.

I, too, record my thanks to the clerks, all the witnesses, the third sector organisations and the legal team, which has been absolutely brilliant. When we phone the team and say that we would like to do something, an amendment appears by magic. I know that there is a lot of hard work behind that.

I thank Jeanette Campbell, Chris Boyland and all the other officials who have, I know, been up until the very small hours of many mornings. I guess that Jeanette Campbell has probably not slept very much in the past few days, judging by the number of emails that I have received. I know that she emails everyone.

As other members have done, I want to put on record my thanks to Jeane Freeman for the way that she has worked with us all. She will be proud to have reached this stage. I was very pleased to work with her on uptake and automation of benefits, as I know that she shares my view on that. I hope that we will return to some of the outstanding issues relating to the tribunal system.

It is also worth thanking all those in the Smith commission and around it who argued for more powers to be devolved to the Scottish Parliament. They did society a great service in doing that.

I think that Alison Johnstone said that the bill is probably the most important that we have done this session. We did not get everything that we would have liked to get, but there is a lot that I do like.

"I, Daniel Blake" is a powerful and moving account of one man's experience of trying to claim benefits after years of working hard for a living. It brought many people to tears. Unfortunately, that experience is real. It is clear that we had a system that needed to be overhauled, and that we needed a more humane and responsive system. We are very fortunate in many ways that we have had the opportunity to design a new system for Scotland, and its opening cannot come soon enough.

As I have said, the process has been very much a living one. Every day, there is something in the inbox from Jeanette Campbell or the minister. Trying to search for anything has been a bit of a nightmare, because all we get is hundreds of social security headings.

However, the fact is that we have a human rights-based approach to social security that is in tune with the devolved settlement, with the people whom we seek to help and empower, and with the poorest and most vulnerable people and those who are most in need. They include people who have lived full and active lives but who, for one reason or another, find themselves jobless and in a period of economic uncertainty, or disabled by illness or accident. If I have learned anything from the process, it is that any one of us, or anyone from wider society, could fall into such misfortune. Acquiring help and assistance from a social security system is vital in such cases.

So much progress has been made in the bill in so many areas—for example, split payments, terminal illness and advocacy. I am particularly pleased to have contributed to the section in the bill that will ensure uptake of benefits by placing a duty on ministers to assist people who apply for benefits to get their entitlement to other benefits without their having to complete another form.

As Adam Tomkins pointed out, it is accepted that we have only a framework at present, and that the details will come down the line in the form of regulations. I believe that because of that the Social Security Committee must establish a high standard of scrutiny in the years ahead. It will be a test of whether the parliamentary system and individual politicians are up to the job and the powers that we have been given.

Use of the superaffirmative procedure is welcome, but we must pay close attention in order to ensure that it works. The Social Security Committee must show that it can take charge of the detail and continue to work with ministers and the new social security commission. It is worth a special mention that the social security agency can do a lot to tackle poverty. We have so much more to do, but I am privileged to have been part of the process, and I thank all those who have been involved in getting us here.

The Deputy Presiding Officer: We come to the last of the open-debate contributions. However, this is an important occasion, so if any member would like to contribute to the debate for a minute or two, please press your request-to-speak button while Mr Adam is making his speech.

18:42

George Adam (Paisley) (SNP): Thank you, Presiding Officer, but I hope that you are not doing

that to try to cut the time that you promised me earlier.

Like others, I thank the minister, Jeane Freeman, and her team, who have been excellent throughout the bill process. As a humble back-bencher, I have been able to go in to see them at any time and discuss any issues that I have had with the bill. When we are talking about how we will go about things in the future and how we will move forward, we should look at how we got to where we are today and how we managed to work together to get a bill that was fit for purpose. Last week, we did not think that we were in a position to get agreement on the issue of terminal illness in the bill, but we managed to work together and get something that is better and that is what the relevant groups want.

As other members have said, this is a historic debate that gives us, as parliamentarians, the opportunity to stand up for the people of Scotland in the way that they deserve: with dignity and respect. For me, this is not only a debate about social security, but an opportunity for us finally to take the reins and do things how we want to do them. For the first time in our Parliament's history, we have the power to make new decisions, implement new procedures and, above all, put people at the heart of all that. This is, indeed, a significant moment for Scotland and, arguably, the biggest thing to happen here since devolution. The bill gives our Government and Parliament the opportunity to make different choices and to show the nation and the rest of the world what we are made of and what we are all about. However, above all, it shows that we can create a fairer and more just society when we take matters into our own hands.

Following the devolution of 11 social security benefits through the Scotland Act 2016, this is the first time that we, as parliamentarians, have had the power to make changes to the welfare system and demonstrate our strong desire to do things differently, put respect and dignity at the top of the agenda and ensure that the system does not make life harder for our constituents and the people of Scotland. By enshrining dignity and respect as the two unwavering pillars of our policy, we are taking a definitive step away from the approach that the UK Government is currently taking.

Although welfare cuts continue to cause misery, push people into further poverty and attract international criticism, for the first time in UK history Scotland is showing the way forward and implementing a system that is based on the statutory principle that social security is a fundamental human right.

The new Scottish social security system that the Scottish Government is proposing is taking a big

leap forward and is paving the way for the devolution of powers over non-income-related disability benefits including disability living allowance and the personal independence payment. The Scottish Government has grasped that opportunity.

Despite the fact that I unfortunately hear stories of mistreatment at cold and uncaring assessment interviews and appeal hearings on a regular basis, I am often left shocked when people with disabilities come to my constituency office and tell me that they are left feeling alone, anxious and, frankly, abandoned by the UK system.

I will use an example that I mentioned earlier. This week is MS awareness week. My wife, Stacey, has multiple sclerosis. To find a great example of a community that has had difficulty with the system, we do not need to look any further than people with multiple sclerosis. As has often been said in talking about previous systems, having MS is often a case of being able to walk 10, 12 or 20 yards one day but being in bed for the rest of the time—and the situation is more severe than that. Most people with multiple sclerosis are diagnosed between the ages of 20 and 40—key working years—and nine times out of 10 those people end up in a situation where they receive benefits.

A couple of years ago, the MS Society Scotland had the MS enough campaign, in which it surveyed its members about benefits. It found that the vast majority of its members who had MS were on benefits and that, if there was any change to the system or to the members' benefits, they would start talking about not buying food or not paying for electricity. When we are looking at everything that we can do through policy decisions, I know that we are talking about people with real problems such as those. We have to deal with them with dignity and respect, and we have to look after our people in a way that backs that up.

I could stand here and recount many constituents' damaging experiences at such assessments but, as all members know, I am always about the positive things in life and looking to the future. Under our new system, people will have the right to a supporter at every stage, and independent advocacy services will be provided for those who need them. People who are eligible will also be able to receive short-term assistance during an appeal, so there will be no financial barriers to prevent Scots from taking further action. In addition, in order to cut down on the number of constituents who are left confused, frustrated and distressed by their assessment interviews, assessments will be undertaken only when they are absolutely needed. I, for one, think that that is key.

Ruth Maguire: Will the member take an intervention?

George Adam: Yes, I will.

Ruth Maguire: It is a bit strange to be intervening on the person who is sitting right next to me.

We are talking about positive things, and the recruitment of so many people to the experience panels to get their input was a concrete way of showing that we are putting dignity and respect at the heart of things. We listened to people who were directly impacted. Does George Adam agree with me?

George Adam: Unsurprisingly, after the years that I have worked with Ms Maguire, I agree with her most of the time, and I have learned that that is a wise way to be.

Ms Maguire is correct. That has been the foundation of the whole process. Has it been difficult for the minister and her team? It probably has been, but that effort shows in what we have ended up with now.

The bill tells us that the Scottish Government wants to hear from people. It wants to hear their stories. It wants to do all that it can to make the processes that people are going through in relation to social security at these very difficult times easier. That is what this really means. That is what dignity and respect mean.

As I have said from the start, Presiding Officer, this is a case of putting people at the very heart of the process. People are the reason that I got involved in politics and the reason why I continue to do the work that I do. We have a Government that is showing the way forward, and I commend the minister and her team once again for some fantastic work.

The Deputy Presiding Officer: I call Sandra White, to be followed by Ben Macpherson. You have two to three minutes each.

18:49

Sandra White (Glasgow Kelvin) (SNP): I am delighted to have two minutes at this historic moment. I believe that it is one of the finest moments that the Parliament has ever had, and I am delighted that I was part of the process from the beginning.

I thank everyone on the committee that led on the bill as well as the clerks, the minister, Jeanette Campbell and Simon Watkins, who worked so hard on it.

One of the reasons why people are emotional about the bill being passed, apart from its being the largest bill, is that it means so much to so

many people. Having been out and about, as everyone has, and in the constituency office as well, dealing with people who have been round and round, through endless assessments while knowing that their illnesses are never going to go away, I am most proud of two things in the bill: that there will be no private contractors involved in that process—it was a horrendous system—and that there will be no more of the endless assessments about which people were so worried. If people turned up looking well dressed, they were told that they were fine. The fact that we are considering mental health is another thing to be proud of.

Although we all admit that there were difficulties at the beginning, the Parliament should be proud of how all parties worked very hard on the bill. As an MSP, I am immensely proud that we have managed to pass this fantastic legislation.

18:51

Ben Macpherson (Edinburgh Northern and Leith) (SNP): I am grateful for the chance to add to the debate. Like other members, I feel a great deal of pride in having been a member of the Social Security Committee and in having worked with the clerks, who have helped us so much, and with the bill team and members across the different parties. Most of all, I am proud to have worked with Jeane Freeman as the minister. Her stewardship through the process has been remarkable and outstanding. I also thank all the third sector organisations that have been involved—both those in my constituency and those that make a national impact.

I am proud because I know that the bill will enable the Parliament to make an even bigger difference. It will enable us to increase the carers allowance, introduce a young carer grant and create a best start scheme for many children and families, all of which will make a difference. It will provide a right to advocacy when required, fast-track payments for sufferers of terminal illness, ban private sector medical assessments and promote the take up of benefits, which will also make a difference. It will uprate carers assistance, disability assistance, employment injury assistance and funeral assistance, and—most crucially of all in terms of the ethos of the new system—it will deliver social security as a human right that is based on the principles of dignity and respect.

All of that, as well as the process to achieve it, is something to be very proud of. It demonstrates that, when the Parliament is given more powers and works together for positive change, whether we are yellow, blue, red, green, gold or whatever, we make a substantial difference. By creating this public service for Scotland, we will take Scotland forward in a remarkable and important way. I

commend all those who have been involved, because this is a really moving and important day in Scotland's political history.

The Deputy Presiding Officer: We move to the closing speeches and I call Mark Griffin. You can have up to six minutes.

18:53

Mark Griffin: Thank you, Presiding Officer. As well as the thanks that I offered in my opening speech, I put on record my thanks to the British Sign Language interpreters who are at the back of the chamber and have been interpreting all day. *[Applause.]* While we have shared the burden of speaking across the whole team, there are far fewer of them interpreting and I can only imagine how tired they are feeling. It is a fantastic advert, in light of some of the changes that we have seen relating to accessibility, and shows Parliament in the best and most accessible light, so I thank today's interpreters.

In my opening speech, I welcomed the work that we have done. Although I raised some concerns, I did that with the 1.4 million people who will use the system in mind; after all, at decision time, we will confirm that, under Scots law, social security is an investment in the people of Scotland. It has been a long day for some of us, but it is a far bigger day for the people of Scotland.

I have looked at some of the protections that are now included in the bill, and it is clear that we have set a new path to a better social security system. The ban on the private sector delivering assessments, a new right to independent advocacy for disabled people who are applying for disability assistance and protections against means testing of winter fuel payments move us beyond what exists under the UK system.

Two of the areas that I am particularly proud of are the improvements that we have agreed today on split payments and uprating the carers supplement in 2019. I am delighted that the Parliament today accepted the arguments about placing a policy commitment for automatic split payments in the bill following discussions that have been going on for months.

The single payment of universal credit is undermining women's safety and reducing their financial autonomy. The Equality and Human Rights Commission plainly said that universal credit has caused a

"drastic shift in income from women to men"

and is, fundamentally, perpetuating gender inequality. Universal credit is systematically diverting money from women and taking funds away from raising children. The impact is that children are less likely to go to school having had

the breakfast that they need or wearing the warm coat that protects them from the elements, which we know and understand to be evidence of poverty. Worse still, nine in 10 of the women who suffer at the hands of men are likely to suffer financial abuse, too, and single payments can only compound that experience.

That is why I am glad that we have changed course on split payments today. We have set the Government a challenge, but it has accepted it because there are people—women, children and some men—who will ultimately benefit.

The agreement to afford carers protection from the benefit freeze is similarly important and builds on the amendments that were agreed to at stage 2, when I argued that uprating for carers should be guaranteed, as happens under the current system. On paper, we have ensured that our joint commitment to the level of jobseekers allowance is protected as inflation erodes that commitment next year. In reality, we have protected carers from the erosion of benefit, which would have cost them £5 million in one year. We should now look forward to improving carers allowance more generally, including changing the studying restrictions, the earnings threshold and the package of passported support.

Our biggest job will be to support and scrutinise the Government's plans for disability benefits. We are ready for that challenge, though I hope—as will many who are watching today—that we move far away from PIP, so long as that is done in a fair and supportive manner. This decade, disabled people have experienced a brutal transfer to PIP. We cannot repeat that, and protections should be afforded to them, just as income supplement should avoid a reliance on universal credit.

The overriding message from stage 3 is that we as a Parliament must ready ourselves for much more work to get this right. We on the Labour benches support the bill and are ready for the challenge ahead.

18:58

Jeremy Balfour (Lothian) (Con): As others have done, I thank the many people who have helped us get to where we are today. I thank those who have helped us get a bill that we can be proud of and which will take things forward: the clerks to the committee, the legislation team, the Scottish Parliament information centre and my staff in the Conservative group.

I also thank the minister for all the work that she and her team have done behind the scenes. She has been open to suggestions, to meetings and to telephone conversations—and even to sending emails in the early hours of the morning. For all those things, we as a Parliament should be

grateful. As another member said, the First Minister made a good choice in appointing Jeane Freeman to take this legislation through.

I also thank the third sector for its work, over not just the past few weeks but the past year or so. Local charities have come to talk to me, as have national charities. We have not always agreed with them, as became clear today, but they gave us information and they gave us questions to ask. They, too, can be proud of what they collectively achieved in developing the bill.

There are things in the bill—which I hope will soon become an act—of which we can be proud. The setting up of an independent commission is a massive step forward that will help us to scrutinise what is going on by giving us the independent advice that the Parliament sometimes needs, given the pressure that we are all under.

The inclusion in the bill of provision for advice and representation is also a massive step forward. The right to advocacy, where it is required, will open up the system to many people.

We can also all be proud of the provision that we have made in relation to terminal illness, which is a horrible diagnosis. I hope that when the new guidance comes out, it will ensure that people are given the help that they need at that most difficult time.

As I think that I said earlier, we are just at the start of the second half of our journey. I ask the minister whether she is still committed to ensuring that all benefits will be up and running before the next election. If she is, and if the Government is, will they give us an outline as to when regulations on the different benefits will be laid and the stages in that regard?

In general, I am an optimist in life, and I think that the minister must be, too, because she has set a high bar for the delivery of social security in Scotland. There will be challenges to do with culture and delivery, and we have to be careful with the language that we use, so that we do not overpromise. I do not want to sound pessimistic; I think that we can have a system that is different and good and that helps more than a million people in Scotland. However, I think that we all have to be careful about what we promise.

Regulations will be the key. I am getting back on my hobby-horse—much to Alison Johnstone's annoyance. Questions such as how far someone can walk before they can get a benefit will be key. Let me be the first person to lobby the minister on behalf of people with epilepsy, who I think face a real struggle under the current PIP regulations. We need to consider how we can help people who have that condition.

Ultimately, Pauline McNeill was right; indeed, my own assistant confessed last week that she was dreaming about the superaffirmative procedure—that cannot be a good place to be. There is a responsibility on not just the Scottish Government and the Social Security Committee but all members of the Scottish Parliament to ensure that we scrutinise the forthcoming regulations, to ensure that they are fit for purpose.

We must do that so that we help our constituents, as George Adam said. We can have the best motivation and the best framework and charter, but unless the right award is made and the right amount of money is delivered into someone's bank account on the right day, the Parliament will have failed the people of Scotland.

Let us be glad today. Let us congratulate ourselves. Let us even have the weekend off. But on Monday morning, let us get down to business on the regulations and ensure that we get them right. Then we can be proud of what we deliver.

19:04

Jeane Freeman: We have had a debate that was fitting for what is an important moment in the history of this Parliament. It was fitting in its tone, its content and even its last-minute lobbying; I take the opportunity to assure Mr Balfour that, when we consider regulations, we will take account of the issue that he raised to do with people with epilepsy. We will look at all those matters.

I am also grateful for all the kind comments that have been made about me. However, to be clear, behind every minister is a most excellent team, and I have precisely that across the social security directorate and in my private office, and, of course, I have a very special special adviser. I am grateful to all of them.

The Social Security (Scotland) Bill was introduced last June following a detailed consultation and engagement process. Today marks the end of its parliamentary progression. In the 309 days since its introduction, the bill has been significantly improved and strengthened through discussion, debate and engagement with stakeholders, experts across the country and MSPs from all parties and those on the Social Security Committee. However, as Adam Tomkins and others have said, there is indeed much more work for us to do. Today is a special moment—of course it is—but we now have to go on to fill in the detail that makes up the flesh of the framework. The assurance that I give to Mr Tomkins and others is that we will approach that process in exactly the way in which we have approached the process up to now—looking for consensus, looking for ideas, working in collaboration and, above all, putting the people of Scotland first.

For some, today might feel like the end of the process, but it is the start of what matters for the people of Scotland: the delivery of benefits that, as Clare Adamson said, affect 1.4 million people—benefits that will be devolved and will be transformed.

We will start later this year by investing more than £30 million a year, with a 13 per cent increase through our carers supplement to take it to the same level as jobseekers allowance. That will benefit more than 70,000 carers. Only a few months later, in 2019, we will introduce the new young carer grant, which is a £300 annual payment for young adults with significant caring responsibilities who do not qualify for carers allowance because, for example, they are in full-time education.

Further, also in 2019, we will start delivery of the best start grant, which will be delivered to low-income parents across Scotland. That represents a significant investment in children and families and is a major improvement on the current UK provision. It will involve a one-off £600 grant on the birth of the first child in a low-income family and two further £250 payments in the early years of the child's life. Because we do not place caps on our future generations, we will reintroduce grants of £300 plus those two payments of £250 for the second and all subsequent children.

Finally—this is still in 2019—we will also deliver the first Scottish funeral expense assistance to help people cope with the additional expense at a time of upset and distress on the death of a loved one. We have widened the eligibility so that more people who need that support can get it, and we will speed up and simplify the process so that people can know quickly what support they will get. Following the amendment that was passed this afternoon, we will uprate that benefit in line with inflation.

We have already begun recruiting the first staff to deliver those benefits—the first of our locally based staff, bringing support, advice and that human face to people in their own area so that they can get what they need and are entitled to more easily. When it is fully operational, our new agency—social security Scotland—will have created 1,900 new jobs across Dundee, Glasgow and local communities across Scotland, which represents a significant economic investment that will benefit all of the country.

Although the legislation has been agreed, the work will continue. We will continue to learn about the ambitions that people have for our new social security system in Scotland and the way that they want to see it set up. We will deliver a service that, as one of our experience panel members put it,

“is not just a bit better but one that is great”.

There is no shortage of people we can learn from. We will continue to learn from stakeholders and the many communities with an interest in the bill, working in collaboration with them, finding out more about what works best for them and welcoming scrutiny and challenge.

We will learn from the independent Scottish commission on social security, which will be established through the bill. Ministers and members of parliamentary bodies including, of course, the Social Security Committee will have the benefit of expert advice from the new commission when they come to consider future proposals for social security in Scotland. As the recent report from Audit Scotland highlighted, we have been

“learning lessons from previous public sector programmes by delivering in phases, and involving users in designing policies, processes and IT systems”,

following its advice and best practice to deliver a programme of implementation in a carefully planned and incremental way.

I have taken careful note of the concerns that were raised by Mr Tomkins, by Mr Griffin and by Mr Balfour in his closing speech. Now is not the time to deal with those concerns in detail, but I say again, as I have said publicly, that we are on track to deliver, as we have promised, in this session of Parliament. What I need and would welcome from members across the Parliament, particularly those who have colleagues in Westminster, is help to ensure that the DWP is also on track to match the pace that we are operating to.

I, too, thank our BSL interpreters, as Mr Griffin did, and I especially thank all those who have given up their time to be with us today in the gallery or watching at home. I am very grateful for their support, experience and ideas.

Everything that we do in this Parliament, as legislators and as parliamentarians, is important, but today we have achieved something that is not only important but a bit special. It is special in its content, special in how we have worked together here and across the country and special in its import for the people across Scotland we are here to represent, because at its core this is about people. This is about how this Parliament and this Government respect the citizens of Scotland and act to demonstrate that respect in all that we do.

We have achieved legislation to deliver a rights-based social security system for Scotland with dignity, fairness and respect at its heart, and a new public service that we can be proud of—one that will meet the needs and ambitions of the people of Scotland, and one that we will now go on to make a reality.

Business Motions

19:12

The Presiding Officer (Ken Macintosh): The next item of business is consideration of three business motions.

Motions moved,

That the Parliament agrees—

(a) the following programme of business—

Tuesday 1 May 2018

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Scottish Government Debate: Success of the Commonwealth Games

followed by Stage 3 Debate: Civil Litigation (Expenses and Group Proceedings) (Scotland) Bill

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 2 May 2018

1.15 pm Parliamentary Bureau Motions

1:15 pm Members' Business

2.00pm Portfolio Questions:
Education and Skills

followed by Scottish Conservative and Unionist Party Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 3 May 2018

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

followed by Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Scottish Government Debate: Scotland's Digital Connectivity

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 8 May 2018

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by

Topical Questions (if selected)

followed by

Scottish Government Business

followed by

Business Motions

followed by

Parliamentary Bureau Motions

5.00 pm

Decision Time

followed by

Members' Business

Wednesday 9 May 2018

1.15 pm

Parliamentary Bureau Motions

1:15 pm

Members' Business

2.00 pm

Portfolio Questions:
Health and Sport

followed by

Scottish Government Business

followed by

Business Motions

followed by

Parliamentary Bureau Motions

5.00 pm

Decision Time

followed by

Members' Business

Thursday 10 May 2018

11.40 am

Parliamentary Bureau Motions

11.40 am

General Questions

12.00 pm

First Minister's Questions

followed by

Members' Business

2.30 pm

Parliamentary Bureau Motions

followed by

Scottish Government Business

followed by

Business Motions

followed by

Parliamentary Bureau Motions

5.00 pm

Decision Time

and (b) that, in relation to First Minister's Questions on 3 May 2018, in rule 13.6.2, insert at end "and may provide an opportunity for Party Leaders or their representatives to question the First Minister".

That the Parliament agrees that consideration of the Housing (Amendment) (Scotland) Bill at stage 2 be completed by 18 May 2018.

That the Parliament agrees that consideration of the Historical Sexual Offences (Pardons and Disregards) (Scotland) Bill at stage 2 be completed by 25 May 2018.—
[Joe FitzPatrick]

Motions agreed to.

Parliamentary Bureau Motion

19:13

The Presiding Officer (Ken Macintosh): The next item of business is consideration of Parliamentary Bureau motion S5M-11837, on approval of a Scottish statutory instrument.

Motion moved,

That the Parliament agrees that the Alcohol (Minimum Price per Unit) (Scotland) Order 2018 [draft] be approved.—[*Joe FitzPatrick*]

Decision Time

19:13

The Presiding Officer (Ken Macintosh): As we are voting on a bill, we will move straight to a division. The question is, that motion S5M-11802, in the name of Jeane Freeman, on stage 3 of the Social Security (Scotland) Bill, be agreed to. Members should cast their votes now.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 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)
 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)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)

Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 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)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 119, Against 0, Amendments 0.

The vote was unanimous. The motion is therefore agreed to, and the Social Security (Scotland) Bill is passed. [*Applause.*]

Motion agreed to,

That the Parliament agrees that the Social Security (Scotland) Bill be passed.

The Presiding Officer: The final question is, that motion S5M-11837, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, on approval of a Scottish statutory instrument, be agreed to.

Motion agreed to,

That the Parliament agrees that the Alcohol (Minimum Price per Unit) (Scotland) Order 2018 [draft] be approved.

Meeting closed at 19:14.

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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