



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Meeting of the Parliament

**Thursday 14 June 2018**

**Session 5**



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# Scottish Parliament

Thursday 14 June 2018

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

## General Question Time

**The Presiding Officer (Ken Macintosh):** Good morning. Before we start general question time, I remind members that, at 12 noon, building users will be invited to observe one minute's silence to remember those who sadly lost their lives or were affected by the Grenfell tower tragedy one year ago. I will ask everyone present in the chamber, including people in the public gallery, to join me in observing the silence when we reach 12 noon. I will stop the question session a minute or so before 12 noon, and there will be a short pause afterwards before we move to First Minister's question time.

### Heathrow Airport (Carbon Emissions)

1. **Patrick Harvie (Glasgow) (Green):** To ask the Scottish Government whether it will provide an update regarding its position on how the proposed third runway at Heathrow could impact on carbon emissions. (S5O-02227)

**The Cabinet Secretary for Economy, Jobs and Fair Work (Keith Brown):** In support of its airports national policy statement, the United Kingdom Government has analysed the impact on carbon emissions and other environmental factors from the proposed third runway at Heathrow. Alongside publication of the national policy statement on 5 June, the UK Government published an appraisal of sustainability, which estimates that emissions could increase significantly if no mitigating measures are taken. The Scottish Government has noted that analysis and the UK Government's view that a new third runway is deliverable within its international carbon commitments. The UK Government has stated that it will not proceed with a third runway unless the delivery of such commitments is achievable.

**Patrick Harvie:** I am astonished that the Scottish Government, which is apparently seeking to increase the scale of its ambition on climate change, is relying on the complacency that is being shown by the UK Government. The UK Government has clearly been told that pressing ahead with the project will make its own UK-wide climate targets unachievable. Building a third runway is the most environmentally destructive method of increasing aviation capacity, and the Scottish Government's estimates suggest that it

will increase the number of short-haul flights between Scotland and Heathrow. Is this not the most recklessly complacent infrastructure project in the UK? Is the Scottish Government not due genuine criticism for listening to its lobbyists at the Scottish National Party conference, who throw a free bar and expect the Scottish Government to fall in line behind this damaging, unnecessary and destructive project?

**Keith Brown:** I am sure that that question is designed to gain a headline rather than further illumination on the Scottish Government's approach.

The UK Government is committed to a further runway at one of its airports, and it has chosen Heathrow. My job to support environmental mitigation is clear. The Scottish Government and the UK Government have said that the UK Government will not proceed with the project if it cannot be contained within its appraisal of sustainability and its carbon climate change targets.

Over and above that, we have ensured that, because the project is going ahead, there will be benefit to Scotland. My job as economy secretary is to ensure that there is connectivity with the rest of the UK, given the importance of Heathrow. Where we can, we have tried to get direct flights to Scotland, such as the one that started this week from Beijing, which obviate the need for additional flights from other airports.

We also have a £1.5 million marketing campaign that is marketing Scotland at Heathrow, which is important for our tourism sector, and we have an agreement to site one of the four UK supply chain hubs in Scotland, with Prestwick airport being looked at in that exercise. There will be procurement of a minimum of £200 million of construction-related spend in Scotland during the planning and construction phase. That is why the GMB, for example, and many others are very supportive of the Scottish Government's approach in ensuring that we get maximum benefit from the development.

**Kenneth Gibson (Cunninghame North) (SNP):** Tomorrow, Heathrow Airport representatives will visit Hunterston to discuss the potential of the magnificent site there to be used as a logistics hub. As the cabinet secretary is aware, Hunterston ticks every box in terms of suitability, efficiency, location and accessibility. Does he agree that choosing Hunterston would boost productivity, enhance supply chain opportunities for local businesses, and leave a legacy of new skills while allowing us to remain within climate change targets? Can he tell us how many jobs in my constituency such a logistics hub would create?

**Keith Brown:** Mr Gibson will know that 10 sites are competitively bidding to be Scotland's supply chain hub for Heathrow. I am aware that Heathrow Airport representatives are visiting four sites this week, including Hunterston, which Mr Gibson mentioned, and Prestwick.

Mr Gibson will also be aware that the commitment to establish a hub in Scotland was part of the memorandum of understanding that the Scottish Government signed with Heathrow Airport in October 2016. To answer Mr Gibson's question directly, among the significant benefits for Scotland from the MOU, the supply chain hub is expected to create a minimum of 100 direct jobs. I welcome the interest that that has generated at sites throughout Scotland.

### Hepatitis C

#### 2. Michelle Ballantyne (South Scotland)

**(Con):** To ask the Scottish Government what its plan is for the elimination of hepatitis C. (S5O-02228)

**The Minister for Public Health and Sport (Aileen Campbell):** The Scottish Government is committed to eliminating serious disease associated with hepatitis C, and we have seen real progress on that. Health Protection Scotland data shows that, between 2013 and 2016, we delivered a 39 per cent reduction in the incidence of decompensated cirrhosis in people with chronic hep C. That is a clear indication that our approach of targeting those who are most unwell is working. I have also asked Health Protection Scotland to provide recommendations on how we might eliminate the virus.

**Michelle Ballantyne:** I appreciate that the Government has signed up to the World Health Organization's pledge to eliminate hep C by 2030, but the current treatment projections are not on target. Only 7,500 patients are expected to receive treatment over the next three years. Given that Scotland was considered a world leader in the elimination of hep C, does the minister agree that the Government has dropped the ball on the issue? Will she commit to an updated strategy that will effectively tackle this debilitating disease?

**Aileen Campbell:** As I outlined in my previous answer, some of the health consequences associated with hep C are on a downward trajectory. That indicates that our progress is good and that we are doing the right things. We have also committed to increasing the annual treatment target for hep C to 2,000 for 2018-19. Indeed, the latest figures for 2017-18 show that the treatment target for that year was exceeded.

As I said in my previous answer, I have asked Health Protection Scotland to provide me with recommendations on how we can eliminate the

virus. We remain committed to eliminating it, and we have asked Health Protection Scotland how we can do that. That is a sensible thing to do to make the progress that we need to make to ensure that people are given good health.

**Anas Sarwar (Glasgow) (Lab):** We all want hep C to be tackled and eliminated but, sadly, fewer than one in five people in Scotland who are diagnosed with it receive the treatment that they need. Finding, testing and treating patients is therefore crucial.

One problem that has been highlighted is what happens in prisons. Patients who are open and accessible to treatment and want it do not begin it because the pathway when they leave prison and go into the community is a challenge. Will the Government address that issue, so that there is a clearer pathway of treatment that begins in prison and continues through into the community?

**Aileen Campbell:** Anas Sarwar makes a legitimate point. We commend the work that I saw first hand in NHS Tayside, which is getting all the partners together to ensure that it can find people who require treatment and do not necessarily immediately present as needing testing.

I have also seen first hand the fantastic work that is happening at Barlinnie, which is in Ivan McKee's constituency and Anas Sarwar's region. Work involving Barlinnie and Waverley Care is going on to ensure that the pathway after liberation enables people to remain in contact with services and to get the support that they require.

Good work is happening, but there is much that we can learn and much that we have to roll out to other prisons. The point is well made.

**Tom Arthur (Renfrewshire South) (SNP):** Given that there are an estimated 15,000 people with hepatitis C who are undiagnosed and that the majority of those with the virus have been or are currently injecting drug users, does the minister agree that safe drug consumption facilities would present a valuable opportunity for testing, treatment and engagement with support services?

**Aileen Campbell:** Absolutely. I commend Tom Arthur for his long-standing commitment to addressing hep C issues. There is strong evidence to show that such facilities are successful in reducing harm for people who inject drugs. More crucially, they offer an opportunity to engage with people who might not ordinarily engage with services, who can then access additional services that would help them on the road to recovery. I absolutely agree with what Tom Arthur said.

### Soft Fruit Industry (Migrant Workers)

3. **David Torrance (Kirkcaldy) (SNP):** To ask the Scottish Government how important European

migrant workers are to the soft fruit industry in Scotland. (S5O-02229)

**The Cabinet Secretary for Rural Economy and Connectivity (Fergus Ewing):** The soft fruit sector is hugely important to the Scottish economy. It is one of Scotland's food and drink success stories, having grown its output from £49 million in 2006 to £115 million in 2016.

In 2017, the Scottish Government commissioned research in order to appreciate better the scale of seasonal migrant workers to the Scottish agriculture sector as a whole. It found that, of the almost 10,000-strong work force, the vast majority of whom were in the soft fruit sector, 95 per cent were European migrants. Clearly, European migrant workers are key to the industry's success continuing in the future.

**David Torrance:** In 2017, the farms that are involved in Angus Growers Ltd—which is a collective of farms in Angus, Perthshire and Fife—lost £625,000, and 85 tonnes of fruit was unpicked or downgraded due to labour shortages. Does the cabinet secretary agree that the United Kingdom Tory Government's shamefully unprepared and shambolic Brexit strategy is damaging Scotland's economy and growth by restricting our £115 million fruit-picking industry?

**Fergus Ewing:** Anyone must agree with that, if they look at the facts. David Torrance has simply stated facts that have been not only well reported, but have been repeated time and again. Graeme Dey, the MSP for Angus South, and I have met Angus Growers, and in April I visited two of the farms to speak to employees.

It is clear that the loss of migrant workers is not only a threat for the future but is damaging the soft fruit economy right now. The right approach is for the Scottish Parliament to have the powers to deal with the matter ourselves. A tailored migration system for Scotland is needed. That would require devolved powers within a UK framework that would allow the Scottish Government, accountable to the Scottish Parliament, to set visa rules and criteria in order to meet Scotland's most acute needs. Michael Gove has actually said that powers in the area should be passed to Scotland—so, Presiding Officer, I say let's get on with it.

**Willie Rennie (North East Fife) (LD):** I agree with the cabinet secretary that the issue is having a significant impact on the economy of Scotland. In North East Fife, there are hundreds, if not thousands, of workers picking berries, and picking broccoli for Morrisons and other supermarkets.

Has the minister made an assessment of the financial impact of the shortage of workers so far this year? If so, has he relayed that to the UK Government? It needs to understand the financial

and economic impacts that have already happened because of the exchange rate and Brexit.

**Fergus Ewing:** Willie Rennie has made a fair point that illustrates that there is, apart from one party, common ground in the chamber on the subject. The vast majority of people in the chamber, the vast majority of people watching, and the vast majority in Scotland believe that it is not right to treat people that way. They are people who come to this country to give of their time and work extremely hard, often starting, I understand, at 5 or 6 o'clock in the morning in order to deliver success in the sectors that Willie Rennie mentioned.

Willie Rennie asked about surveys; we have some information. For example, nearly 60 per cent of farmers believe that it will be impossible to maintain existing business structures without access to migrant labour. Furthermore, nearly half believe that they will definitely have to downgrade their work. As David Torrance said, the situation had a damaging effect last year in terms of there being a reduced harvest, reduced output, reduced profits and reduced gross value added to the economy.

I hope that Michael Gove will implement the pledge that he made when he spoke at the National Farmers Union's conference in the early part of this year, which was that there would be a scheme that would enable what we have discussed. Incidentally, he has already broken his pledge: he promised such a scheme by March, but March is long gone and no action has been taken.

However, that action itself would not be enough. We need a Scottish-tailored and Scottish-designed policy, produced by the Scottish Government, through the Scottish Parliament, in order that we can end the iniquity, the unfairness, the seediness and the unpleasantness that shames Scotland and the UK, and which is already damaging our rural economy.

#### **Housing Associations (Glasgow Maryhill and Springburn)**

4. **Bob Doris (Glasgow Maryhill and Springburn) (SNP):** To ask the Scottish Government how it is supporting housing associations in the Glasgow Maryhill and Springburn constituency to help to deliver its target of 50,000 new affordable homes. (S5O-02230)

**The Minister for Local Government and Housing (Kevin Stewart):** Over the course of the current parliamentary session, we plan to invest £56 million in the Maryhill and Springburn constituency. That is part of the £537 million funding that the Scottish Government is making available to Glasgow for investment in affordable

housing. The investment will provide an additional 1,106 affordable homes for Maryhill and Springburn communities, and make a significant contribution to our ambitious target of delivering more than 50,000 affordable homes in the course of this session.

In addition, through our new building Scotland fund we will support a further 3,000 new homes over the coming years, by providing funding to help to deliver a mix of affordable and market homes. That is a distinct and separate commitment to our 50,000 affordable homes target during this session, and is a further investment from this Government as we continue to support all housing tenures across Scotland.

**Bob Doris:** I welcome the minister's answer, and I draw his attention to the 50 new units that will be completed by Cadder Housing Association around the turn of this year. Cadder Housing Association wants to contribute to the wider regeneration of the community and is developing a Cadder vision strategy for an area of significant deprivation and disadvantage, as is acknowledged in the Scottish index of multiple deprivation.

Will the minister say how the Scottish Government seeks proactively to target resources more generally at severely deprived communities such as Cadder? Will he accept my invitation to see for himself the ambitious plans in the Cadder vision?

**Kevin Stewart:** I am delighted to hear that Cadder Housing Association wants to contribute to the wider regeneration of the area, and I am delighted to hear about the Cadder vision. We support wider community-led regeneration through a combination of funding and investment, in order to create the conditions that support community empowerment throughout the country.

I am pleased that Cadder has already benefited from £1 million of regeneration capital grant funding, with the development of a state-of-the-art community facility, which the housing association manages in partnership with Glasgow City Council. I would be delighted to visit Cadder—although that might be a while off; I have accepted a lot of invitations in the chamber in recent weeks—to hear about the wider vision, and I would be happy to meet Bob Doris there.

**Graham Simpson (Central Scotland) (Con):** Kevin Stewart has pulled back from his manifesto pledge to build 50,000 new affordable homes and is instead promising to “deliver” 50,000 homes, which will include bringing empty homes back into use. Can he tell us how many of the 50,000 homes will be new-build homes and how many will be old?

**Kevin Stewart:** I intend to build and deliver as many new affordable homes as possible over the

course of this parliamentary session. As Mr Simpson knows from my appearances at the Local Government and Communities Committee, which have been numerous, I am determined to allow local authorities the flexibility to buy back homes in areas where it is not possible to build and where homes are required to fulfil the needs of local people.

Beyond that, I want to ensure that the homes that we build and deliver across the country are meeting the needs of the people of Scotland. Parliament can be assured of my determination to deliver and build as many affordable homes as possible. That aim is backed by the whole Government.

**The Presiding Officer:** I am very conscious that we are going to stop before 12 o'clock, but I will bring in Ivan McKee if he can be very brief.

**Ivan McKee (Glasgow Provan) (SNP):** Thank you, Presiding Officer.

The need for more affordable homes is indisputable. Is the minister considering innovative solutions? For example, Clyde Homes in my constituency builds high-quality affordable homes in a factory setting, which is considerably cheaper than a traditional build, and can have the homes transported and installed on site in a matter of weeks. Is the minister looking at such approaches?

**Kevin Stewart:** I am very much doing that; I have visited a number of off-line construction sites. I am willing to have further conversation with Ivan McKee on that and to visit Clyde Homes.

**The Presiding Officer:** Thank you. I apologise to members whom I could not bring in.



## One Minute's Silence

12:00

**The Presiding Officer (Ken Macintosh):** I ask those in the chamber to join me in observing one minute's silence for those who lost their lives and were affected by the Grenfell tower tragedy one year ago.

Thank you.

Before we turn to First Minister's questions, I invite members to join me in welcoming to the gallery Andriy Parubiy, Chairman of the Verkhovna Rada, the Parliament of the Ukraine. *[Applause.]*

## First Minister's Question Time

12:01

### Management of Offenders

1. **Ruth Davidson (Edinburgh Central) (Con):** Last week, I called on the First Minister to put on hold her plans to increase the number of criminals being tagged in the community rather than being kept in prison, and I want to return to that issue this week. Does she think that she has the confidence of victims and the wider public for those plans? (S5F-02449)

**The First Minister (Nicola Sturgeon):** As I said last week, two full reviews instructed by the justice secretary, one by Her Majesty's inspectorate of constabulary in Scotland and one by HM prisons inspectorate for Scotland, will look at the circumstances of the case that we discussed in the chamber last week. Any recommendations from those reviews will be properly acted on by the Scottish Government.

Beyond that, it is important that we have a justice system that punishes people properly for the crimes that they commit, but also works to rehabilitate people when possible. That is why some of the processes and systems that we discussed last week are in place. They are not simply for the benefit of those who commit crimes but, more importantly, are in place for the benefit of wider society. We know that better rehabilitation helps to reduce reoffending. That is something that Ruth Davidson's colleagues in the United Kingdom Government south of the border recognise, and I believe that that is something that most people across Scotland also recognise.

**Ruth Davidson:** The truth is that it is not at all clear how the Government's plans that are contained in the Management of Offenders (Scotland) Bill will put victims first.

I will give an example. The First Minister is proposing to release more criminals back into communities. Under those plans, a serious offender could be released from prison, given a tag, cut that tag off, breach the terms of their release and yet, incredibly, that would not automatically be considered an offence. That is what it says in the bill. I think that that is plain wrong; does the First Minister?

**The First Minister:** As Ruth Davidson has indicated in the way in which she has characterised her question, we are talking about a bill that is before Parliament for proper debate, scrutiny, discussion and, in due course, appropriate amendment. It is, of course, the case that breaches of home detention curfew are taken seriously by the current processes. There are

clear processes in place that mean that when an individual fails to comply with the conditions of their curfew and those conditions are considered to be breached, the Scottish Prison Service will revoke the individual's licence and issue a recall order. Police Scotland is notified and will make arrangements to apprehend the prisoner. There are processes in place.

It is, however, important that we always keep those processes under review so that, when cases such as the one that we talked about last week happen—thankfully they are rare, although that offers no comfort to the family that was affected in that case—we review them properly and, if there are lessons to be learned or changes that require to be made, we take action to do that.

**Ruth Davidson:** I hope that that was a hint—even if it was a soft hint—that the First Minister is prepared to listen on this specific issue, because it is not just me who is calling for change here but groups such as Scottish Women's Aid, which represents the victims of domestic violence. SWA says that the

“safety and security of individual victims of crime must be the critical considerations when assessing suitability for release on”

electronic monitoring. On the specific issue of tagging, SWA says that to be

“a credible deterrent, breach of the”

electronic monitoring

“condition must be an automatic criminal offence.”

I believe that Scottish Women's Aid is right on both points. Will the First Minister give a commitment now to amend the bill to ensure that the breach of electronic tagging is treated for what it should be, which is a crime?

**The First Minister:** I agree that where people breach any conditions on which they are released into the community, the situation should be that they are returned to prison. Those decisions are rightly taken in some cases by the Scottish Prison Service and in other cases by the Parole Board for Scotland, and, of course, in many cases they are decisions for the independent judiciary. We will listen to the case for any proposed amendments to the bill and I hope that the Parliament will discuss that bill in an open and mature way.

It is important to point out that home detention curfew, for example, is used only with a very small proportion of the prison population. Approximately 4 per cent of the prison population at any time will be on home detention curfew, which, as I understand it, is the same as the proportion of prisoners on home detention curfew in England and Wales. Home detention curfew is therefore not used for the majority of prisoners, but where a

case is made for its use, it can help to aid rehabilitation.

Ruth Davidson asked me whether I agreed with the organisation that she cited. In terms of the substance of those quotes, I agree with the sentiment expressed there and we will debate the detail of that. However, I agree very much with this quote as well:

“Of course, the rehabilitation of criminals is a vital part of the justice system. That is why we have parole and home detention. The aim is to ensure that criminals are reintegrated with their communities so we avoid the kind of revolving door that sees criminals returning to jail over and over again”.

I agree with that quote, which is a quote from Ruth Davidson on 6 June this year.

**Ruth Davidson:** We are absolutely happy on these benches to lodge such amendments on this issue, but I want to know whether the First Minister will back them. This Government is planning to release more convicted criminals into the community, and victims are asking why perpetrators are being put back on the streets. The First Minister admitted last week that there are scores of offenders in the community who should be being monitored but are, instead, unlawfully at large. Now, her Government has introduced a bill that aims to increase the number of offenders being released, and it says to them, “Take off your tag, breach the terms of your licence, but no need to worry, because you'll face no further charges.”

We have a chance here to rebuild trust in our justice system, but to do so we need not an offenders bill but a victims bill. Is not it time that the First Minister went back to the drawing board and began again with a bill that will show victims that their rights come before criminals' rights or once?

**The First Minister:** My first point is that Ruth Davidson has completely mischaracterised the proposals that the Scottish Government has brought forward. My second point is that, having read out and shared with the chamber a moment ago the quote from Ruth Davidson and having listened to her just now, I am not sure whether the Tories know what their position is on these matters. So, before we properly debate the bill, perhaps the Tories will sort out their own position before they try to persuade the chamber of anything.

We will look carefully at and properly consider any amendment that is lodged. It stands to reason that I am not going to give commitments right now to support amendments that the Government and I have not even seen. However, we will look carefully at and consider all amendments. They will be properly debated in this chamber and I

certainly hope that the parliamentary authorities will allow more than 15 minutes debate for all of those important issues.

We will take decisions that are in the best interests of the victims of crime and of wider society. It is absolutely right and proper that we have a justice system—in which, I believe, there is trust in this country—that punishes those who commit crimes. The idea that Scotland, with one of the highest prison populations in the whole of western Europe, is a soft touch when it comes to justice simply does not bear scrutiny. We will ensure that we have a justice system that punishes criminals and also aids the wider interest of the rehabilitation of offenders because, as Ruth Davidson herself said, that is in the interests of victims of crime and of the country as a whole. We will continue to take all those matters into account in a mature and responsible way.

### **Standardised Assessment Tests (Five-year-olds)**

**2. Richard Leonard (Central Scotland) (Lab):** Can the First Minister give us another word for a hummingbird's beak?

**The First Minister (Nicola Sturgeon):** Not immediately, no.

**Richard Leonard:** That is rather unfortunate, because the hummingbird's beak question is one of the Government's standardised assessment literacy questions for five-year-olds. Little wonder that Scotland's teachers have told me how young and confident children are crushed by those tests. There have been reports of children being driven to tears. The educational charity Upstart Scotland says that the tests are not only "pointless" and "highly counterproductive", but, worse, they are an "adverse childhood experience", and yet, at the Scottish National Party conference six days ago, John Swinney claimed

"a renaissance in Scottish education".

What kind of renaissance is it that includes five-year-olds being driven to tears?

**The First Minister:** I do not know what Richard Leonard was doing yesterday—perhaps he can tell us later. Yesterday morning, I spent time in two primary schools, as well as a secondary school and an early years centre—all part of the fantastic new Largs campus—which make up some of the more than 750 schools that have been built or modernised under this Government. I talked to a range of primary school children, including some five-year-olds. I did not meet any who were in tears or see any who looked crushed. I saw confident, bright and enthusiastic young people.

Some of those primary school children showed me computer coding and others were speaking

Mandarin to me—that is how confident they were. Others took me outside to show me what they were doing in their outdoor nursery. They were confident young people showing the best of Scottish education. It is shameful for Richard Leonard to come to the chamber and talk about our young people in the way that he just has.

Let me also say this: we are determined, as I have said on so many occasions, to continue to raise standards in our schools and to close the attainment gap. Being able to assess in an appropriate and age-appropriate way how our young people are doing in school is an important part of that. We will continue to work hard to make sure that we do that, in a way that is entirely appropriate. I am proud of what I saw in Largs yesterday and I am proud of what is happening across Scottish education.

**Richard Leonard:** These tests have been flawed from the very start. They were delivered late, £2 million over budget and cause weeks of valuable teaching time to be lost. This morning, I spoke to a primary 1 teacher from Edinburgh. She is in school every day of the week and she said:

"Administering these tests to our 54 primary 1 children took approximately 30 hours of teacher time for numeracy and 40 hours for literacy."

She continued:

"Having watched the children complete the tests ... I also have no confidence in the validity of the assessment. ... I cannot use the data from these tests to support my teaching in any way. It does not provide reliable information on any aspect of my children's learning or development."

The Cabinet Secretary for Education and Skills once promised that teachers could stop doing anything that did not support learning. First Minister, will you stop standardised testing for five-year-olds now and put pupils first?

**The First Minister:** We will continue to listen to teachers and to consider the feedback of teachers.

**Richard Leonard:** You do not listen.

**Iain Gray (East Lothian) (Lab):** You do not.

**The First Minister:** Perhaps Labour will listen to the answer. It is because we listened to teachers before the assessments were introduced that we took the decision not to insist that they were carried out at a particular point of the year. Teachers can use their judgment and discretion around that.

Almost 600,000 assessments have been successfully carried out so far. As I understand it, the vast majority of teacher feedback has been positive about the depth of the diagnostic information available. The assessments are not high-stakes assessments; there is not a pass or a fail for them. They are one part of a range of

evidence that a teacher will gather on the progress of a child or young person.

I do not know about Richard Leonard, but I think that it is right that we are able to assess the progress of children in our schools. At a fundamental level, if we do not know how our young people are performing, how can we make sure that we are taking action to improve standards in our schools?

We have been very clear that teacher judgment continues to be the priority, but this is another area in which teachers can inform that judgment. We are determined that we will continue to raise standards and close the attainment gap.

Week after week, we hear members on the Labour benches calling for that to be done, but they manage to oppose almost everything that we do to bring it about. It is about willing the ends but not having the ability or the courage to will the means. We are determined to take the action, not just talk the talk, as Labour so often does.

**The Presiding Officer (Ken Macintosh):** We now have some constituency supplementaries, the first of which is from Finlay Carson.

#### **M Corson's (Redundancies)**

**Finlay Carson (Galloway and West Dumfries) (Con):** This week we have unfortunately seen yet more job losses in Dumfries and Galloway. The owners of M Corson's, a much-loved, family-run business with more than 400 years of history, have taken the tough decision to close their four shops in my constituency, resulting in 34 redundancies. Thirty-four jobs might not be a huge figure in Scotland-wide terms, but in a small rural community, losses of that level are significant. In other circumstances, help is being provided. Will the First Minister outline what support the Scottish Government can give to the company and workers facing redundancy?

**The First Minister (Nicola Sturgeon):** I thank Finlay Carson for raising this important issue. It is deeply regrettable that the decision that he has outlined has been taken by Corson's. As in all these situations, the Scottish Government will offer any assistance that we can to the company to try to mitigate job losses, but we will also ensure that our partnership action for continuing employment—PACE—initiative is working with any affected employees to help them into alternative employment. I am more than happy to ask the economy minister to correspond directly with the member to set out in more detail what can be done and to listen to any suggestions as to what the Scottish Government can do.

Although they do not take away from the impact in this particular case, this week's labour market statistics show that employment in Scotland

continues to rise and unemployment remains at a very low level. That is a good overall position, but, within that, we will continue to take whatever action we can to support individual businesses and groups of employees.

#### **Giorgi Kakava**

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** My constituent 10-year-old Giorgi Kakava tragically lost his mother Sophie in February, while going through the United Kingdom asylum process. Giorgi knows only Springburn and Scotland, having been here since he was three years old. He attends the local school and has good friends and the community wants to protect and support him. Some 70,000 people have signed a petition calling for Giorgi not to be deported and to stay in Scotland with his gran, Ketino.

Does the First Minister agree that the Home Office must conduct Giorgi's case with compassion and that it must move quickly to give certainty, safety and security to Giorgi? I ask the First Minister to make representations to the Home Secretary—as I have done—making the case that Scotland is Giorgi's home and is where he should grow up.

**The First Minister (Nicola Sturgeon):** This is a really tragic situation and it is absolutely heartbreaking to hear what Giorgi has been through. That said, I have been deeply touched—as I am sure that everyone else has—to hear how the local community in Springburn has rallied round, really proving that people make Glasgow.

In achieving more than 70,000 signatures, the Rev Brian Casey's petition shows the strength of feeling that people have for a child who has lost his parents and has only ever known Scotland, our country, as his home.

Giorgi's case needs common sense, but, above all, it needs compassion. I hope that the Home Office will urgently review it with Giorgi's best interests at the heart of its decision making—in fact, with Giorgi's best interests as the only factor in its decision making. I hope that the outcome of the case is that Giorgi is allowed to stay here and grow up here and, as he does so, to make a fantastic contribution to the country that he not only calls home but which considers itself to be his home.

#### **First Bus Services (West Lothian)**

**Neil Findlay (Lothian) (Lab):** Across West Lothian, First is reducing the frequency of bus services and cutting routes, which is impacting on thousands of passengers who rely on buses for work, to reach public services such as hospitals

and general practitioner surgeries, or for shopping and socialising.

Bus passengers and communities appear to have no rights when it comes to service reductions. Can the First Minister advise what passengers can do in the here and now to prevent these cuts to services, or do they just have to accept them?

**The First Minister (Nicola Sturgeon):** I will ask the transport minister to look at the specific situation in West Lothian and correspond with Neil Findlay. I know that in my constituency I regularly take up complaints, issues and concerns about bus services with bus companies and I am sure that all local members do the same.

Of course, this week saw the introduction of the new Transport (Scotland) Bill, which has the issue of bus services at its heart. I hope that all members will engage constructively with that bill as we ensure that we do everything possible to encourage more people to use buses and to encourage local authorities and bus companies to provide the services that people want and need.

#### **NHS Lothian Orthopaedic Waiting Times**

**Miles Briggs (Lothian) (Con):** My office has been inundated with emails and letters from patients across Lothian who are facing a wait of up to 45 weeks just for an initial orthopaedic appointment, before they can even be added to the operations waiting list.

The health secretary assured me repeatedly that improvements would be made by April of this year. Will the First Minister now apologise to my constituents who need hip and knee replacements? Given the orthopaedic crisis that we see across NHS Lothian, what does she suggest that I tell my constituents, who are waiting in pain at the hands of this Scottish National Party Government?

**The First Minister (Nicola Sturgeon):** First, I apologise to any patient who waits longer for treatment on the health service than they should do. As Miles Briggs is aware, the health secretary is working hard with local health boards, including NHS Lothian, to reduce waiting times and orthopaedics is a priority area. The health secretary recently announced additional funding to help local health boards to do exactly that—reduce waiting times. According to the most recent statistics, the additional funding that was invested to reduce outpatient waiting times has had an impact, and we obviously want to focus on elective in-patient treatment as well.

If Miles Briggs wants to write to the health secretary with details of individual constituency cases, I am more than happy to ask the health secretary to look into them in particular. We will

continue to take action through investment and reform of our health service to make sure that waiting times come down and patients continue to get the services that they need.

#### **Sustainable Growth Commission**

**3. Patrick Harvie (Glasgow) (Green):** I am not hugely surprised that neither the Conservatives nor the Labour Party chose to raise the current constitutional crisis and the decision by the United Kingdom Government to unilaterally abolish the principle of devolved consent. The situation has understandably led to anger at Westminster, and I think that none of Scotland's representatives should show any patience with the contempt that is being shown.

The situation greatly increases the urgency around giving the people of Scotland the ability to control their own future instead of dragging them into the chaos of Brexit Britain. In that context, does the First Minister understand the concerns expressed by many that the Scottish National Party's growth commission has taken too many lessons from a right-of-centre economic agenda—such as that of the previous New Zealand Government—which cannot offer the transformative alternative that is needed if we are going to inspire the people of Scotland to choose a better future?

**The First Minister (Nicola Sturgeon):** No, I do not, actually. I think that the growth commission offers the alternative to austerity that this country so badly needs and a future that is based on hope, not the despair of Brexit.

I will say this to Patrick Harvie: when Scotland is independent, he will be perfectly entitled to propose different ideas and the people of Scotland can choose. That is what independence is about: it is about allowing the people of Scotland to decide their own future, not have it decided for us by a Tory Government at Westminster.

On developments this week, what we saw this week was the most clear and powerful evidence so far that the Westminster system simply does not work for Scotland. The Tories plan to remove powers from this Parliament without the consent of this Parliament. [*Interruption.*] They ripped up the convention that has underpinned devolution for nigh on 20 years. They did so in the most contemptuous way possible, with a 15-minute debate and no opportunity for a single Scottish member of Parliament to get to speak. They hoped that nobody would notice. Thanks to SNP MPs doing their job and standing up for Scotland, people have noticed. [*Interruption.*]

People are angry. They are talking about it and are expressing their anger in different ways. Since

lunch time yesterday, 5,085 of them have expressed their anger by joining the SNP.

Adam Tomkins, who was shouting from a sedentary position, recently said:

“The political price of enacting legislation without consent might be quite significant.”

I think that the Tories are about to find out just how right on that issue he is.

**Patrick Harvie:** I am sure that the First Minister did not mean to ignore the questions on the growth commission that I raised. She says that we should offer new ideas in the future, once we are independent. We will do that, but we are doing so already.

In fact, New Zealand, which is one of the countries on which the growth commission relies for its argument, is already putting new ideas into practice. I refer to the comments about the growth commission from Gareth Hughes, a Green MP from New Zealand, who says that, after being

“one of the most egalitarian countries”,

New Zealand witnessed

“the fastest growth of inequality in the developed world.”

It experienced

“a dramatic rise in homelessness, precarious working conditions and child poverty”

as a result of

“light-handed regulation, a smaller role for the state”

and

“punitive welfare reforms”.

Now New Zealand has a new Government and a new direction that is focused on the fair distribution of wealth, the Government returning to the task of supporting housing instead of leaving it to a failed market,

“an ambitious zero carbon goal”

and looking beyond simplistic measures such as gross domestic product growth. Gareth Hughes said:

“After decades of a trickle-down, austerity-ideology we’re changing direction.”

Is it not clear that the New Zealand of today offers a more forward-looking, progressive model than the failed, dead-end agenda that the growth commission has drawn from?

**The First Minister:** Forgive me, but I am more interested in the Scotland of today and the Scotland of tomorrow, which can be so much better with the powers of independence.

Let us look at the growth commission. If its recommendations had been applied in the years since the Tories came to power at Westminster,

the reduction that we have seen in public spending in Scotland would have been wiped out. Actually, it would have been more than wiped out; that reduction would have been turned into an increase in public spending and the eradication of austerity.

This is about how we get an alternative to austerity. It is about having a debate about how we maximise the vast potential of this great country of ours. Is that not a much better alternative to constantly talking about the despair of Brexit? Let us have that debate. It is a debate about hope and optimism. It is one that more and more people across Scotland are desperate to have. I really look forward to that.

### Fire Safety

**David Stewart (Highlands and Islands) (Lab):** Presiding Officer, 14 June 2017 is a date that will live in infamy. The Grenfell tower disaster claimed 72 lives. Does the First Minister share my view that the best way to honour the 72 lives that were lost is to ensure that such a tragedy can never happen again? Will she support my proposed member’s bill to provide sprinklers in all new social housing?

**The First Minister (Nicola Sturgeon):** I thank David Stewart for his question. All our thoughts today are with the people who lost loved ones, those who were injured and those who were made homeless in Grenfell a year ago today. Our hearts break for them every day, but particularly today as they mark the one-year anniversary.

The importance of the issues has been brought home to us—certainly, it has been brought home to me—today with the fire in the tower block in the Gorbals in my constituency. Having spoken to the chief fire officer this morning, I am glad to say that the fire is under control. I put on record my thanks to all our firefighters for the work that they did in containing and extinguishing it. As the local MSP, I will certainly work to offer help to the people who, I understand, may have to be rehoused because of understandable water damage that has been done to the property.

That incident brings home the importance of ensuring that we have robust fire safety procedures in place, particularly in high-rise tower blocks. As David Stewart is aware, the two review panels that were set up in the wake of Grenfell to advise the Scottish Government reported their recommendations yesterday. The ministerial working group has accepted the panels’ recommendations, which are wide ranging. I cannot go into them all right now, but one of the proposals is to expand the use of sprinkler systems to improve fire safety.

I am aware of David Stewart’s member’s bill proposal and I thank him for bringing it forward.

The Scottish Government is considering his final proposal and, as I believe he knows, we will inform Parliament of our decision in that regard by the 21 June deadline that has been set. I hope that we can work constructively with him to ensure that, on the issue of sprinklers, as on the other issues that are covered by the two reports, we are taking all appropriate action to make sure that people are safe from fire and that all appropriate steps are in place. For now, I thank him for raising that very important and topical issue today.

### **Storm Hector**

**Jamie Greene (West Scotland) (Con):** The First Minister will be aware of the havoc that storm Hector is causing around Scotland, with many lifeline ferry services, trains and flights cancelled or delayed, roads blocked and many people in our island and rural communities cut off. In my region, there are no ferries or trains operating out of Ardrossan. Given that this patch of adverse weather was forecast—in the words of the transport minister, it was “predicted”—and that it is not unusual weather for Scotland, what Government planning has gone into ensuring that our transport and road networks are resilient enough to cope with such difficult weather? What contingency plans are in place to assist those who are affected, with a view to getting Scotland moving again?

**The First Minister (Nicola Sturgeon):** Our resilience arrangements always include steps to ensure that we are as well prepared as we can be for adverse weather. Most people in this country realise that, even when bad weather is predicted and all due contingency plans are in place, it is not possible to stop all the impacts of the bad weather. Public safety always has to come first, which is why, regrettably, decisions often have to be taken to cancel ferries or other transport services. We—and resilience officials and the transport minister, in particular—will be working to ensure that any disruption is kept to a minimum and that services get back to normal as quickly as possible. In my experience, although nobody wants weather-related inconvenience, the vast majority of the public understand the situation that arises in such circumstances and are very patient with the arrangements that have to be put in place, for which I thank them.

### **Rendition Inquiry**

**John Finnie (Highlands and Islands) (Green):** The First Minister will be aware that it is five years this month since Lord Advocate Frank Mulholland announced that he had directed Police Scotland to inquire into the vile practice of rendition, under which people were abducted and transported for torture.

Various Scottish airports were implicated, including Inverness and Wick in my region, both of which are operated by Highlands and Islands Airports Ltd on behalf of the Scottish ministers, as the First Minister knows. Will the First Minister provide a progress report on the inquiry and request that the Lord Advocate comes to the chamber to provide a detailed update?

**The First Minister (Nicola Sturgeon):** The Lord Advocate carries out such investigations completely independently of ministers. It is right and proper that he does so, and it would not be appropriate for me to seek to instruct him in any aspect of his independent role.

However, I will pass on John Finnie’s comments to the Lord Advocate. I am sure that the Lord Advocate will be listening carefully or, at least, that these comments will be reported to him, but I will ensure that he is aware of them, and I will ask him to get in touch with John Finnie to give a progress report to the extent that he is able to. I hope that that will be helpful to the member.

### **European Union (Withdrawal) Bill**

**4. Bruce Crawford (Stirling) (SNP):** To ask the First Minister whether she will provide an update on the impact of the European Union (Withdrawal) Bill on Scotland. (S5F-02470)

**The First Minister (Nicola Sturgeon):** The most immediate impact is that, this week, the United Kingdom Government, for the first time since the establishment of the Scottish Parliament, decided to press ahead with legislation on devolved matters without the consent of this Parliament. In doing so, it has taken an unprecedented step and overturned the rules of our constitutional arrangements, which have never before been broken in the history of devolution. The fact that the overwhelming vote in this Parliament was casually cast aside in just 15 minutes in the House of Commons without any debate or a single Scottish MP having the opportunity to speak demonstrates beyond all doubt the utter contempt that the Tories have for devolution and the interests of the people of Scotland.

**Bruce Crawford:** Does the First Minister agree that the Tories never wanted devolution in the first place, and that their latest democratic outrage proves that they are prepared to undermine devolution purely to suit Tory party needs, regardless of the consequences for Scotland? Does she also agree that Ruth Davidson’s Tories will pay a heavy price for supporting the naked power grab of devolved responsibilities?

**The First Minister:** I think that it has been demonstrated beyond any doubt that the Tories cannot be trusted with devolution. They cannot be

trusted now or ever with the Scottish Parliament. The Tories campaigned against devolution 20 years ago. We now know, of course, that Ruth Davidson was furious at the vow that suggested more powers for this Parliament. They did not even want this Parliament to have extended powers. Of course, the architect of the vow, today, has said that he now supports independence, so disgusted is he at the power grab of the Conservatives.

The fact of the matter is that the Tories are trying to take powers away from this Parliament without the consent of this Parliament. They are doing it in areas that matter—fishing, agriculture, trade, environmental protections, consumer protections and food safety. Those are issues that matter. It is simply not acceptable for the powers of this Parliament to be constrained for up to seven years without our consent. That is what the Tories thought they could get away with this week. Well, it turns out that they cannot get away with it. I think that they are going to pay a very, very heavy political price indeed, and they will thoroughly deserve to.

#### **Yammer Social Network**

##### **5. Alexander Stewart (Mid Scotland and Fife)**

**(Con):** To ask the First Minister what the Scottish Government's response is to reports that Yammer, which is a social network available in every school, is being used to target vulnerable children. (S5F-02460)

**The First Minister (Nicola Sturgeon):** I take the safeguarding of children, information security and data protection very seriously. It is not acceptable for any child to be exposed to inappropriate content online. However, I want to be very clear that we have no indication that vulnerable children are being targeted through Yammer in the glow system.

It is critical that offensive material is reported and removed as soon as it is identified. While all relevant issues are examined, and as a precaution, access to Yammer was removed on Friday 8 June while Education Scotland undertakes a full review. Education Scotland officials also met the parent who first raised concerns and the school to discuss the issue.

**Alexander Stewart:** I thank the First Minister for that answer, but teachers raised concerns over 18 months ago, the system's risk assessment noted that pupils could be subject to individuals who wished to do harm to them, and parents tried to raise issues with Education Scotland and their local education staff. I ask the First Minister, in simple terms, why the warnings were not listened to, who is responsible and how we will ensure that individuals are accountable.

**The First Minister:** The issue first came to my attention, if memory serves me correctly, last Thursday, when a parent emailed me. The system was taken down on Friday while the concerns were fully investigated. On the oversight of this and the review, Education Scotland is responsible. As I understand it, the levels of access to glow and to Yammer are decided at a local authority level, but the site has been taken down, and it is right that that action has been taken, because we must act on the precautionary basis when the safety of children is concerned.

However, I want to be very clear that, based on the information that is available to me right now, there is no evidence to suggest that glow has been compromised. The offending content that was identified by the parent, as far as I understand it, was not put there by an unauthorised user of the system. It was created by a secondary school-aged pupil who has since been removed from glow, as has the content that was put there.

This is a serious issue and nobody in the Government or in Education Scotland is trying to underplay it, but it is important that a proper review takes place. We know that there are educational benefits to giving young people access to such systems, but we must absolutely make sure that safety is a priority, and that is what we will continue to do.

**Gillian Martin (Aberdeenshire East) (SNP):** At a recent meeting that I had with Barnardo's in Aberdeen, it told me that it estimates that about 46 per cent of children who use various social media apps and online platforms have their settings at "public". Of course, that means that anyone can see their content and contact them. Does the First Minister think that we can do more to highlight online safety to children at a young age, given that so many have access to social media before the age that is required by the platforms?

**The First Minister:** Yes, I do. The point that Gillian Martin has raised is very important. It would be good for all of us to think about online conduct and safety and, particularly where children are concerned, for parents to have access to the advice and information that allows them to ensure that children are using social media in a way that prioritises their safety.

I certainly give an undertaking today that the Scottish Government will consider whether there is more that we can do to ensure that parents, teachers and anyone who works with young people have the knowledge and understanding to enable them to give appropriate advice to young people.

We have discussed those issues before in the chamber, and they are important. On balance, the internet and social media are forces for good; they



open a world to children that they may not otherwise be able to experience. However, they potentially give access to those who would want to do harm to children, so we must ensure that safety is the absolute priority. Since those concerns were raised last week, that is what Education Scotland and the Government have sought to do—the Deputy First Minister has been very involved in discussions with Education Scotland—and that is what we will continue to do.

### Carers Week

**6. Clare Adamson (Motherwell and Wishaw) (SNP):** To ask the First Minister how the Scottish Government is marking carers week. (S5F-02474)

**The First Minister (Nicola Sturgeon):** This week, carers week, marks the remarkable contribution that all the 788,000 carers across Scotland make in caring for their friends and family and in wider society. I appreciate all that carers do, and we are committed to supporting them as much as we can. That is why we have invested nearly £143 million in a range of carer support since 2007 and we will spend a further £30 million a year increasing carers allowance from this summer, which will benefit 70,000 carers. From next year, we will introduce the new £300 young carer grant.

To mark carers week, the Minister for Public Health opened Voice of Carers Across Lothian's new carers hub in Leith, which will improve the support that VOCAL can offer to carers across Edinburgh and Midlothian. Our Carers (Scotland) Act 2016 has established new rights for carers since April, which organisations such as VOCAL and local carers centres across the country are crucial in delivering.

**Clare Adamson:** I am sure that everyone in the chamber welcomes the commitment to increase carers allowance in Scotland to £500 a year—an increase that will be backdated to April. Does the First Minister agree that that is recognition for the valuable jobs that carers do? Will she set out how else her Government plans to support carers through the course of the Parliament and how she will encourage members to sign up to be carer-friendly employers?

**The First Minister:** We will continue to take action to support carers as much as possible. A range of support is available under the Carers (Scotland) Act 2016, which gives carers the right to have a plan for their own needs. That is a major advance in carers' rights, and it remains a priority for the Government to make sure that it delivers real change for carers across the country.

As well as providing the carers allowance supplement, which I have spoken about, we will increase carers allowance in line with inflation

each year. We are also committed to delivering an additional payment to carers of more than one disabled child. I have mentioned the new young carer grant of £300 for young people who are aged over 16 and who have significant caring responsibilities. That will be part of a package of support including free bus travel for young carers who are not in receipt of carers allowance. We are also introducing a carers element to the Young Scot national entitlement card, to provide non-cash benefits to young carers between the ages of 11 and 18. We will continue to promote the carer positive scheme, which encourages employers to create supportive working environments for carers.

We can never fully repay the debt that we, as a country, owe carers. It is our duty to support them as much as possible in all the ways that I have talked about and in any other ways that we can.

**Claudia Beamish (South Scotland) (Lab):** The First Minister has highlighted many very welcome changes during carers week. Labour colleagues and members across the chamber support the increase in carers allowance that she has referred to, which brings it to the same level as jobseekers allowance. Having been a young carer myself, and as a co-convenor with Graeme Dey of the cross-party group on carers, I am keenly aware of the challenges that they face.

There has been some confusion about carers allowance. As the First Minister put it,

“One of the biggest debts we owe as a country is to unpaid carers.”

In 2015, she said that the uplift would be worth £600. However, after three years of Tory benefit freezes, the Scottish Government website says that it is just £221 every six months. On Saturday, at the SNP conference, she said that it will be £500 a year. Will the First Minister clarify what the down payment will be worth to Scotland's unpaid carers—if not now, in writing to the cross-party group? That would bring some reassurance.

**The First Minister:** This summer, when we start paying what will be the first benefit to be paid through the new social security provisions, the change will bring carers allowance up to the level of jobseekers allowance, as Claudia Beamish has said. That will increase it from £64.60 per week to £73.10 per week. That money will be backdated to April and will be paid in two lump sums a year. It will put almost £500 into carers' pockets this year. It is a total investment of £30 million a year and will benefit more than 70,000 carers across Scotland.

If there is any further information that would be helpful to the member, I would be happy to make it available. We will work hard to ensure that everyone who is eligible for carers allowance is aware of it and can access it.

That is all separate from the new young carer grant of £300, which is for young people who have significant caring responsibilities. The grant is part of a wider package of support that we intend to make available to young carers.

I hope that that information is helpful. I will ask the Minister for Social Security to contact the member to see whether there is any further information that she would find helpful.

12:45

*Meeting suspended.*

12:48

*On resuming—*

## **Mossmorran Flaring**

**The Deputy Presiding Officer (Christine Grahame):** I ask the public who are leaving the gallery to do so quietly.

The next item of business is a members' business debate on motion S5M-11398, in the name of Alex Rowley, on the impact of Mossmorran flaring. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament notes the concerns that it considers are being expressed by growing numbers of Fife residents regarding the increased incidence of flaring at the facility operated by ExxonMobil Chemical Limited and Shell at Mossmorran, by Cowdenbeath, the most recent being between 23 and 25 March 2018; understands that data provided by SEPA shows that ExxonMobil has flared 165,861 tonnes of gas in 670 events between 2008 and 2016, while Shell has flared 21,162 tonnes in 753 events; further understands that the two major incidents in June and October 2017 are under investigation by SEPA with a view to possible enforcement action, and regrets the impact that it believes these episodes are having on the surrounding communities.

12:48

**Alex Rowley (Mid Scotland and Fife) (Lab):** I begin by thanking those members who signed my motion to enable the debate to take place today and the Labour business manager for agreeing time for the debate.

I was a teenager when planning was first sought for the Mossmorran petrochemical plant in Fife and when the work on the site first began. There was a view locally that many jobs would be created, not just in the construction of the site, but also because of the great boon for the local economy of the downstream work that would follow, as well as the spin-off opportunities for new industry in agriculture being fed from the site.

It is true that the plant's construction brought plenty of work and the local economy has benefited, but nothing like to the extent that was envisaged by those who were the strongest advocates of the plant in those early days.

Throughout the years, concerns have continued to be expressed about the chemicals that come from the site into the air that we breathe locally. Over many years, I have worked with the former chair of the Cowdenbeath area committee, Councillor Willie Clarke, and have brought NHS Fife to the table to discuss the concerns. However, I believe that it is fair to say that, for much of that period, the community has not lived in fear about the safety of the plant itself—that is, until the past

few years, when the episodes of unplanned flaring have increased at a pace that is causing major concern for the communities around the plant and much further afield. That is the key point that I want to make today and the key point that I have made in correspondence with the Cabinet Secretary for Environment, Climate Change and Land Reform. Most important of all, it is the key point that local people are making in growing numbers. We have lost confidence that the plant is safe.

Why has the situation come about? Every time that there is an episode of unplanned flaring, that means that something has broken in the plant. Flaring is a safety mechanism when the plant is unable to run, so, when the flaring is unplanned, that means that something has gone wrong. I do not know how many members have witnessed the flare of Mossmorran. At night time, the pulsating orange glow illuminates the surrounding towns. Ironically, a flaring incident took place during earth hour this year, lighting up the sky of Fife when, all round the world, people were turning off their lights to show solidarity with the aim of protecting our environment. I was told by someone driving past the plant during a flaring incident that they felt as if they were driving past Mordor.

The issue is not just that the sky is lit up at night. The levels of vibration and noise are very frightening for residents. I refer members to the website of the Mossmorran action group, where they can read a summary of 169 issues reported by local residents. Those include vibration and humming; sleep disturbance; irritable throat, eyes and skin; breathing-related issues; excessive noise levels; headaches and migraines; chemical smells; stress and anxiety; pain and ringing in the ears; and soot and particulate matter.

A lady from Lumphinnans contacted me yesterday when she saw in the local press that we were having the debate today. She wanted me to point out that the ornaments in her house visibly shake. A resident from Kelty recently described it to me as being like a helicopter landing in the back garden. Last June, on a beautiful sunny afternoon, I was in shock as I saw thick black smoke belch from the top of a stack and form a massive black cloud that sat over the top of the houses in Lochgelly, Glenraig, Crosshill, Lochore and Ballingry. It cannot be right, and it is not right, that people in those communities are having to go through those experiences and are now living in fear of the Mossmorran chemical plant that is on their doorstep. That is why I, along with many other politicians and local groups, have been demanding action.

A final warning was issued by the Scottish Environment Protection Agency in relation to a flaring event that took place in June last year, yet,

following that incident, there were unplanned flaring events in October, March and again in May. To be clear, those events are not short episodes of a few hours; they are usually continuous and last for days on end. It is simply not acceptable for people to have to put up with that for so long, with little being done to address the problem at its core.

One of the key questions is: why does the plant keep breaking down? It is a 30-year-old plant, and we need to know what the issues are and how they can be addressed. The fact that breakdowns and therefore unplanned flaring events are increasing in number as the plant gets older must be addressed. That question must be answered by the operator of the plant, the public authorities and, ultimately, the Government.

Six days ago, SEPA announced that the operators of the petrochemical facilities that are run at the Fife ethylene plant by Shell and ExxonMobil are to face an inquiry, in a joint investigation by SEPA and the Health and Safety Executive. That has been welcomed across the communities of Fife, but we need to know that there will be transparency. SEPA has said:

“compliance with Scotland’s environmental rules is simply non-negotiable.”

The people of Fife need the confidence that that is the case and confidence in the safety of their surroundings and the place in which they live.

12:55

**David Torrance (Kirkcaldy) (SNP):** I thank Alex Rowley for bringing the motion to the chamber and for the opportunity to discuss the impact of Mossmorran flaring on our local communities.

Mossmorran is one of Europe’s largest ethylene plants. The plant, which opened in 1986, was the first to be specifically designed to use natural gas liquids from the North Sea as feedstock. The Fife ethylene plant at Mossmorran is an extremely important asset to the community and the wider Fife area, and it is an asset to Scotland’s energy industry, as it has an annual capacity of 830,000 tonnes of ethylene and it contributes more than £20 million a year to the Scottish economy.

Mossmorran is also one of Europe’s biggest and most modern ethylene plants, and it is among Fife’s largest employers, with 170 employees and 50 core contractors. Its highly skilled apprenticeship scheme has led to many ex-apprentices going on to join the workforce. More than 70 per cent of employees live within six miles of the plant, so the economic benefits that return to the local area from the highly skilled workforce at Mossmorran are obvious.

I want to highlight Fife ethylene plant's long-standing and extensive programme of community support and engagement, including sponsorship of the safe drive, stay alive roadshow, which is attended by more than 30,000 pupils; various theatre and lunch trips for some 1,000 senior citizens; and invaluable support for Energy Action Scotland.

However, we are here today because of recent flaring incidents that have impacted greatly on local communities, the effects of which should not be underestimated and cannot be ignored. Although flaring is a vital feature that ensures the on-going safety of the plant, the noise, vibration and bright lights that are emitted during unplanned incidents—which have increased in frequency over the past year—have caused much alarm and distress among local residents. The light from the elevated flare can be seen for many miles from the plant.

Fife ethylene plant seeks to minimise the occurrence of such incidents as much as possible, and it has set about making a series of improvements following the elevated flaring in June 2017. Improvements in maintenance processes, continued investment in new technology and research into improvements to the flaring system through the use of best technology have all been undertaken with a view to alleviating the issues of unplanned flaring.

Regrettably, such problems will not be solved overnight, as recent further incidents have shown us. For that reason, I welcome the recent extensive discussions between local residents, politicians, environmental groups and regulators. I am pleased that there has been continued engagement from ExxonMobil and Shell, as the solution to the problems will be achieved only through true multipartnership working.

Once again, I thank Alex Rowley for bringing the motion to the chamber and those who are involved in the efforts to reduce the impact of flaring incidents, including the Mossmorran action group, which I thank for rallying the local community together, organising extremely well-attended meetings, informing residents of developments, taking on their concerns and ensuring that the issues that are raised continue to have a high profile, thereby putting pressure on regulatory bodies to investigate.

I thank SEPA and the Health and Safety Executive for their commitment to their joint investigation, and I thank the Mossmorran plant, whose apology to myself and the local community is very much appreciated. I am extremely pleased by the co-ordination of relevant stakeholders in responding to the incidents. Co-operation from all groups is crucial to mitigate the environmental and

social impacts of unplanned flaring, as well as to prevent further incidences.

The plant has had a consistently high health and safety and environmental performance, and a long-standing history of compliance. I am confident that by working together we can find a resolution to the problems.

12:59

**Alexander Stewart (Mid Scotland and Fife) (Con):** I am delighted to take part in the debate, and I congratulate Alex Rowley for allowing us the opportunity to have it.

The Mossmorran community has lived alongside the plant for decades, but over the past three years, there seem to have been concerns that the safety of the plant is becoming more problematic. I was delighted to learn last week that the Mossmorran chemical plant is to have a top-level joint investigation by the Health and Safety Executive and SEPA. The inquiry was announced after SEPA had to issue a final warning to do with flaring that took place 12 months ago. At the time, SEPA described that as “preventable and unacceptable”. Obviously, residents within a huge radius of the complex are very distressed that that flaring lasted for nine days. As has been said, it sounds like a jet engine to those who live next to it.

We understand that flaring is part of the plant's safety programme, but many local residents have been kept awake and are very anxious about what is happening in their community. We have already heard from Alex Rowley about the noise, the pollution and the problems that individuals have to deal with. They are not able to sleep, and distress is caused to children and animals that live in the area.

The plant's monitoring is limited. The air quality in the surrounding area has been talked about in the past, and there is real concern because we have no real idea about what levels of carbon monoxide, carbon dioxide and other pollutants there are in the air adjacent to the plant when flaring takes place.

More important, what are the short-term and long-term implications for people's health? As one of the partners, NHS Fife has been actively involved in seeing what is happening in the community. There are concerns about that. SEPA has acknowledged that we have to work together to try to resolve that.

We have already heard that there was flaring a year ago; other flarings took place in October and March. As I said, there has been a plant at the location for 33 years, and it has not broken down

much. However, things have happened recently. As I have said, the flaring has to be considered.

We have been told that a pump has caused some of the flaring over the past few months and in the past year. That is potentially down to maintenance of the plant, which is now being questioned. People are right to do that. Are the companies involved cutting corners? Questions are being asked.

There have been public meetings. The plant did not even send representatives to the first public meeting that I went to. That absolutely enraged the community, and it was right to be enraged. ExxonMobil and Shell have worked in the community—that has already been talked about—but the action group, councillors, MSPs and MPs have got the issue up and running in the past few months. I give credit to everybody who has achieved that. Without that, people would be quite tight lipped about what was going on in the facility, so no one would be aware of what was going on.

In conclusion, I say that I am delighted that SEPA is now carefully investigating the plant and that the Health and Safety Executive is taking more interest in it. The community deserves nothing less. The community has seen cross-party support, which will protect it in the future. That is what we are here to do: we are here to ensure that the community is protected. However, the community is fearful, and it is up to all of us to ensure that that is not the case and that we protect it in the future.

13:03

**Claire Baker (Mid Scotland and Fife) (Lab):** I am pleased to take part in this important debate, and I thank Alex Rowley for bringing it to the chamber. I acknowledge the consistent interest that he and other members from around the chamber have taken in the issue over the years, and I recognise the work of former MSP Helen Eadie, who was elected to represent Cowdenbeath in 1999. We all still miss her. She worked hard, endeavouring to represent the concerns of her constituents about the ExxonMobil and Shell plant in Mossmorran, and in particular about unplanned flaring. I also recognise the work of local people, community councils and the action group in raising concerns and working with the operators, SEPA, Fife Council and other partners to try to address concerns.

As the motion identifies, the past year has seen heightened concerns. I welcome the joint investigation by the Health and Safety Executive and SEPA following the recent unplanned flaring incidents at the plant. Those bodies have a crucial role to play. It is very concerning that SEPA has served final warnings on the operators,

ExxonMobil and Shell, and has described prolonged flaring in June last year as “preventable and unacceptable”.

In response to that, the HSE will be serving operating permit variations next week, which will require the companies to strengthen controls, which will have an impact on noise and vibration coming from any future flaring. Those measures have been long awaited by residents in the area, who have complained about the increased disruption that they have experienced from the site. Some people are saying that the noise levels, vibrations and light pollution keep them awake at night. Concerns have also been raised about the impact on health—in particular, on the health of people who have existing health conditions, including lung conditions and chronic illness that can be exacerbated by interrupted sleep and aggravation from air pollution.

Communities withstood unplanned flaring in October last year, and in March and May this year, so I am pleased that the HSE and SEPA are saying that they will listen carefully to community calls for a root-and-branch review that will examine issues at the plant.

It is important that the work that they undertake—the joint investigation between SEPA and the HSE and the review of operating permits—is robust and transparent so that the local community can rightly be informed about the flaring incidents in October, March and May. There is also still the potential for enforcement action in relation to those recent incidents, which remain under investigation.

The recent joint meetings that were organised by Lesley Laird MP with key stakeholders, including many MSPs who are in the chamber this afternoon, local politicians, community groups and representatives from ExxonMobil, Shell and SEPA have been a positive development. The meetings have been an opportunity to discuss concerns about the plant, to make clear our concerns to operators and to work towards solutions.

Alex Rowley covered many of the key issues, but there are a few areas that I would like to highlight. First, because it opened in 1985, there are issues to do with the age and condition of the plant, but that cannot be an excuse. In its final warning letter in April, SEPA said that failures in maintenance practices had led to extended periods of flaring. That is not good enough, so the plant must be brought up to a higher standard. In the recent meeting, Shell said that it is investigating what is the best available technology. That work must be prioritised. ExxonMobil said that it is preparing an action plan with a timescale for elevated flaring to end. That must be expedited. Those issues must be addressed if the plant is to have a future.

Secondly, communication with the local community must be improved. Over the years, the plant has had a working group that involves community councils, but it needs to recognise that communication and engagement methods are changing and that there needs to be more proactive communication with the impacted communities.

Thirdly, I recognise the level of compliance with applicable laws and regulations, but we must not be complacent and we must be vigilant and thorough, so I support calls for increased air quality monitoring in the area.

13:07

**Mark Ruskell (Mid Scotland and Fife) (Green):** I thank Alex Rowley for securing the debate. I also thank the Mossmorran action group, which has given a strong voice to communities who for decades have lived in the shadow of the plant.

It is about time that we listened and acted, because over the years there has been a collective failure of Fife Council, SEPA and NHS Fife to fully recognise the suffering of communities and then to hold the operators to account.

Why has it taken years for noise monitoring inside homes to be carried out? Why is it acceptable that families face sleepless nights, with only the cold comfort of the excuse that flaring is a safety measure? There has been no effective representative voice so far. It is all very well having a community liaison group handing out a bit of charity funding, but not if it is at the expense of proper scrutiny.

The air pollution monitoring group's remit is too narrow and has been hampered by lack of robust data. Anyway, air pollution is only one part of the problem: the multiple effects of vibration, noise, and light and air pollution are destroying people's quality of life.

I welcome the fact that, after our recent meeting, the Minister for Public Health and Sport has written to SEPA asking it to monitor vibration, noise and light pollution inside homes. There has at least been acknowledgement of the issue by SEPA.

However, I am not impressed with the response from NHS Fife this week to my letter asking it to investigate the health impacts of flaring. It is passing the buck and claiming that it is not its responsibility, and that the sample size around Mossmorran is too small to investigate. Try telling families that are kept awake for days on end that their suffering is not statistically significant. I ask the Scottish Government to take leadership and to commission a body that can study the impacts. I

am sure that there are many people living in the shadows of other plants in Scotland who could boost the sample size.

In recent months, I have spoken to a number of former employees of the ExxonMobil side of the operation at Mossmorran. They have all told me of a corner-cutting culture at ExxonMobil that is stuck in the 1990s. However, a different approach seems to be in place at Shell, which goes beyond simple legal compliance.

It is clear that the increase in flaring has happened because ExxonMobil will not shut the plant down for longer periods to allow for proper maintenance and investment. The company's objective of keeping the plant running at all costs and at all times is leading to problems such as the tripping out of safety systems during maintenance, which leads to longer and more frequent flaring incidents. ExxonMobil is, in effect, externalising its maintenance shut-down costs on surrounding communities. Sleep is being stolen to pay for shareholder profit.

I demand that, in their joint investigation of the plant, SEPA and HSE look at the critical issue of planned shut downs. Disruptive flaring can and should be minimised. If that requires a rebuild of the flaring infrastructure, the operators should see that as an investment in the plant's future.

SEPA must give communities confidence that a final warning is just that—it should do what it says on the tin. The operators must get the message that they cannot rack up environmental breaches as though they were parking tickets. Repeated breaches are not a simple operational cost to be absorbed: this is about consent, and communities do not give their consent to having their lives ruined. There needs to be action: Mossmorran needs to be shut for proper maintenance, or it needs to be forced to shut.

13:11

**Liz Smith (Mid Scotland and Fife) (Con):** I echo members' thanks to Alex Rowley for securing the debate, and I thank the MSPs and MPs who have been assiduous in responding to people in the local community, many of whom remain concerned about what the future holds, as we have heard.

Whether one lives in the immediate vicinity of Mossmorran, in other areas of Fife or Kinross-shire or across the water in Edinburgh, Mossmorran is well recognised as the very large, gaseous ball of orange in the sky—or, sometimes, heavy black smoke, as Alex Rowley said. It is an alarming sight at times, and, notwithstanding the recent announcement of a joint investigation by SEPA and the Health and Safety Executive, it

remains the principal focus of concern for many communities in the area.

Several members who have spoken in the debate have more experience than I have of the recent public meetings. The majority of the constituents who have written to me have cited transparency as the main issue. They want to know the details of the ageing plant. They especially want to know whether there are fundamental failings in the plant's structure; why the pump failed; what tests have been undertaken with regard to air pollution and health risks and what the results were; and who knew what and when in terms of decision making.

Those are perfectly understandable and legitimate questions. For example, when SEPA says that an unplanned flaring incident was preventable, we need to know exactly what evidence supports that view, why the two companies were unable to deal satisfactorily with the concern at the time and why, since then, it appears to have taken considerable time for more facts to emerge. That obfuscation has served only to heighten tensions.

Moreover, the noise and air pollution that members have talked about, as well as the arrival, on occasions, of several emergency vehicles, give local people little cause for comfort.

Therefore, for me, full transparency is the priority. We need that as soon as possible. We need not only an independent and comprehensive investigation into what has gone wrong in the past but safety assurances about the present and especially about the future.

I have no doubt that there is a delicate balance to be struck between ensuring that there is a safe production environment and ensuring that Mossmorran's position as Europe's largest ethylene plant can be maintained and enhanced, not least because it is important in supporting the delivery of the maximum potential of the North Sea's resources, which is where the tensions have been in recent months.

There have not always been clear lines of responsibility or—just as important—clear lines of accountability. Although both ExxonMobil and Shell claim that they are working hard in that regard, including by providing daily updates, there still appears to be mistrust within the local community. Addressing that is perhaps the most important priority, and I think that that will come down to the provision of clarity over legal responsibilities and exactly what obligations the two companies have in the context of SEPA's final warning.

SEPA seems content that the new operating permit variations that will be served on ExxonMobil and Shell will be the necessary means of

enforcing renewed legal obligations on the two companies. That is good, but there remains the statement from both companies that they believe that they already comply with the legal requirements. Of course, that raises the question of what would happen and who would be proven correct should the matter be taken to the courts.

This is a deeply worrying issue for the whole of the local community, not just because of the safety concerns but because, hitherto, the relevant answers have not all been forthcoming. That must change, and I hope that this debate will assist.

13:15

**The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham):** I thank Alex Rowley for initiating this debate on a matter that I know has been of significant concern to local residents and to the constituency MSP, Annabelle Ewing.

I also acknowledge Claire Baker's mention of Helen Eadie. I was the convener of the Health Committee between 2003 and 2007, when Helen Eadie was a member of that committee. I assure those members who might not have been here at that time that Helen was an absolute terrier when she took up an issue and Parliament is the poorer for her absence.

A number of other members highlighted specific areas of concern in connection with this particular topic. Alex Rowley rightly highlighted the concerns and fears of residents. I recognise the significant impact that incidents such as these can have on people's quality of life. The level of disruption that people have experienced is simply not acceptable—it is important to acknowledge that from the outset.

Mossmorran is, of course, one of Scotland's largest and most important industrial sites. It makes a significant contribution to the economy, but it is important that it does so in a way that is sustainable and that minimises the potential for adverse impacts on the local community and the environment more generally. The site is regulated under the Pollution Prevention and Control (Scotland) Regulations 2012, which means that the plant requires a permit to operate, and that permit sets strict controls on a whole range of environmental issues.

Regulation of such sites is a matter for SEPA, the independent regulator that grants and varies permits on the basis of expert analysis and guidance. I am reassured by the strong and consistent message coming from SEPA that compliance with permit conditions is an absolute requirement, not simply an option. As Alex Rowley flagged up, SEPA issued final warning letters earlier this year. SEPA has committed to reviewing

the permits of ExxonMobil and Shell at the Mossmorran complex, and permit variations are due to be served on both operators today.

Analysis of the information that was gathered during recent flaring events will be considered by SEPA when it decides what course of action to take. It would not be appropriate for me to prejudge what enforcement action SEPA should take, but it is reasonable for residents to expect SEPA to take effective action to address non-compliance when it occurs. I am aware that the SEPA chief executive, Terry A'Hearn, met local partners last week to set out, face to face, the action that SEPA is taking, and I know that that was a welcome development. That action includes launching a joint investigation with the Health and Safety Executive into the issues that have arisen at the plant, which will allow for co-ordinated action to address the causes of the flaring problem.

Mark Ruskell mentioned the recent meeting that he had with Aileen Campbell, the Minister for Public Health and Sport, to address specific concerns about the public health impacts of flaring. The minister has subsequently written to SEPA's chief executive, asking for further information on the work that is being done to assess the public health issues.

A previous independent modelling study that was carried out on behalf of SEPA assessed the impact of emissions during flaring and concluded that the long-term and short-term predicted concentrations of pollutants were well within air quality standards for the protection of human health. However, I appreciate that noise and vibration issues remain of particular concern to local residents. As I said, the Minister for Public Health and Sport has now written to SEPA, seeking reassurance on those public health issues.

Today has shown the gravity that the Scottish Parliament attaches to environmental performance at industrial sites. I emphasise to members that the Scottish Government has set a strict framework for the regulation of industrial sites and takes the recent situation at Mossmorran extremely seriously. Parliament can be assured that we will continue to work closely with SEPA to understand the steps that it is taking to ensure compliance at the site and to address the concerns of local residents.

13:20

*Meeting suspended.*

14:30

*On resuming—*

## Scottish Parliamentary Corporate Body Question Time

### Inclusive Communication

1. **Ruth Maguire (Cunninghame South) (SNP):** To ask the Scottish Parliamentary Corporate Body what consideration it gives to inclusive communication, and what improvements it can make to parliamentary broadcasts in this regard. (S50-02238)

**Andy Wightman (Scottish Parliamentary Corporate Body):** The corporate body is committed to making its communications as accessible as possible and it regularly looks at a range of technology to make improvements to parliamentary broadcasts.

Currently, we use YouTube technology, with which we caption a number of video archives using the text from the *Official Report*. That began in September 2013 with First Minister's questions. The service was then extended to include general questions and ministerial statements from September 2014, and topical and portfolio questions were added in November 2016. Those videos can be viewed on YouTube the following day with the text added. Where there is a particular demand, we also provide that facility for chamber debates. We also caption all short video packages and video clips for social media channels.

Where possible, we provide simultaneous interpretation of parliamentary business into British Sign Language and other languages on request. The corporate body also provides a range of information resources such as British Sign Language videos.

**Ruth Maguire:** Will the corporate body consider subtitling all debates in the chamber? I appreciate that it provides subtitles and sign language interpretation on some specific debates, but it feels really important, when it is doing such a good job in providing an inclusive service in all other areas, that we make our debates and questions accessible to all people.

**Andy Wightman:** The Parliament has been considering that, which is why it started in September 2013 with the captioning.

In 2013, the corporate body undertook a feasibility study of providing subtitles across all in-house distribution, including live streaming. Following a consultant's report, the option of re-speaking—that is, somebody listening to what is being said and re-speaking it into a computer with



voice recognition for their voice—was identified as providing the greatest accuracy, at about 90 per cent. Costs for that system, which requires technical infrastructure and additional staff, were however considered prohibitive.

When the corporate body stands up in the chamber and says that we are keeping things under review, we genuinely are doing so. One of the corporate body's contractors—a company called Groovy Gecko—has recently carried out a pilot with the United Kingdom Parliament to look at simultaneous voice recognition, and that system was only 60 to 70 per cent accurate. I am sure that all members agree that services that communicate what is said in Parliament must avoid errors, and particularly embarrassing errors. Often, to get the required level of accuracy requires a lot of manual input, and to date those costs are deemed to be prohibitive.

However, as I said at the beginning, we continue to look at the area. Technology is evolving very quickly, and we would love to be able to provide more subtitling across all parliamentary output as soon as the technology and costs allow it.

### **Cross-party Groups (Staff Support)**

**2. Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** To ask the Scottish Parliamentary Corporate Body whether it will provide staff to assist cross-party groups set up equipment at meetings held in the Parliament after 6 pm. (S50-02237)

**Kezia Dugdale (Scottish Parliamentary Corporate Body):** I thank the member for the question. Cross-party groups are not a formal part of parliamentary business and the corporate body's responsibilities to ensure the provision of resources for parliamentary purposes do not extend to them.

Section 6 of the "Code of Conduct for Members of the Scottish Parliament" makes it clear that CPGs may use the Parliament's facilities only where they are "available for public use" and that

"Groups may not draw on the resources of the Parliamentary staff to service meetings other than to book meeting rooms".

On that basis, staff are not made available after 6 pm to provide assistance to cross-party groups.

Our porters are in the building until 6 pm and, to be helpful, they may provide some limited assistance to MSP members of CPGs, but only if time allows, as parliamentary business and official events take precedence in the building.

**Christine Grahame:** That is a very disappointing but not unexpected answer. I will say—not for the first time and, obviously now, not

for the last—that the cross-party group on animal welfare has been without audiovisual equipment despite requisitioning it some months before and despite confirmation of that requisition. It has been highly embarrassing, with nobody around to bring it or assist with setting it up.

If I cannot have help after 6 pm, who keeps a log of requests for the audiovisual equipment and who maintains the data that it has been said that it will be provided and set up, even if thereafter they cannot provide back-up?

**Kezia Dugdale:** I accept that the work of cross-party groups is exceptionally important in this building, and I chair a number of them myself. However, those rules are laid out in the code of conduct. If Christine Grahame is keen to see the rules change and support for cross-party groups enhanced, she should seek to amend section 6 of the code of conduct. She can do that by first approaching the Standards, Procedures and Public Appointments Committee.

I am sorry that Christine Grahame's cross-party group had a negative experience when trying to use the audiovisual equipment, especially if she had been promised it in advance. If she wants to share her specific experience with a member of the corporate body, we will find out why she was not at least advised about why the equipment was not provided on the day. I accept that it was inconvenient and embarrassing for her.

**Rhoda Grant (Highlands and Islands) (Lab):** I had not realised that there is a 6 o'clock deadline. When a cross-party group that I chair needed audiovisual equipment, it phoned the helpdesk and the equipment was delivered straight away by a porter. Someone was obviously working outside their contract and doing a special favour, so I would be grateful if Kezia Dugdale would pass on my thanks to them.

**Kezia Dugdale:** Thank you; that gratitude will be exceptionally welcomed by the staff. Rhoda Grant will know that the staff go above and beyond to do whatever they can to facilitate the business in the building. That extends to cross-party groups when the resources are available. The conflict arises when the Parliament is particularly busy with official events, which might detract from porters' ability to assist cross-party groups. The reason why some might have better experiences than others of using the equipment is entirely down to parliamentary business.

## Human Trafficking (Annual Progress Report)

**The Deputy Presiding Officer (Linda Fabiani):** The next item of business is a statement by Michael Matheson on human trafficking and the first annual progress report. The cabinet secretary will take questions at the end of his statement, so there should be no interventions or interruptions.

14:38

**The Cabinet Secretary for Justice (Michael Matheson):** I am sure that all members in the chamber agree that human trafficking is a terrible crime and an appalling abuse of human rights. It targets the most vulnerable, across the globe and here in Scotland, and the impact on victims is devastating.

This Parliament unanimously passed the Human Trafficking and Exploitation (Scotland) Act 2015, and I laid the first trafficking and exploitation strategy before Parliament in May 2017. The strategy was the result of extensive joint working and consultation, including through the cross-party group on human trafficking, and it reflected the views of victims.

During this first year of strategy implementation, we have continued to work in partnership with victims, with support organisations such as the trafficking awareness-raising alliance project, Migrant Help and the Scottish guardianship service, and with other bodies including the Convention of Scottish Local Authorities, Police Scotland, the Crown Office and Procurator Fiscal Service and the Independent Anti-Slavery Commissioner. Significant progress has been made and is set out in the first annual report, which is published today. I am grateful to all partners who have contributed to that work.

The strategy sets out a clear structure, with actions falling under four broad headings: the identification of victims and supporting them to safety and recovery; identifying perpetrators and disrupting their activity; addressing the conditions that foster trafficking and exploitation; and supporting child trafficking victims.

There is widespread interest in human trafficking, and guidance has been developed to offer accurate and consistent advice for both professional and public audiences. The advice covers what human trafficking is, its extent in Scotland, signs to look out for, the impact on victims, how to report concerns and how to access further information.

Police Scotland and partners have created an e-learning training resource for public sector workers who may come into contact with victims. That has

been published on DVD and distributed through Scottish Government funding.

To raise public awareness, a standard presentation has been developed, drawing on material from Migrant Help, TARA, Police Scotland and the Scottish Government, which will be available for use by community groups and anyone with an interest.

Identifying potential victims is the first step but it is vital that, following that, effective victim-centred support is in place. Last year, I announced our intention to extend the minimum period of support from 45 days to 90 days. Following unanimous agreement by the Justice Committee, the change came into force in April 2018, alongside identical provision for victims of slavery, servitude and forced or compulsory labour. The 90-day period is double the minimum support period in the rest of the United Kingdom. We have backed that up with substantial increases in funding for Migrant Help and TARA—groups that support adult trafficking victims in Scotland—as well as providing more funding for psychological trauma support through the Anchor Centre service.

Child victims of trafficking are supported through child protection services and the strategy includes a section covering the needs of child victims. In January, section 12 of the Human Trafficking and Exploitation (Scotland) Act 2015 was implemented, ensuring that where doubts exist as to whether a victim is under 18, it must be assumed they are a child until their age is established. That will ensure that the individual receives immediate age-appropriate support. Following a process of consultation and development with partners, we published guidance in March to support social workers and others undertaking age assessments of potential child victims of trafficking.

Alongside the work to improve support to victims, Police Scotland has led on improvements to the identification and disruption of trafficking. In March, the first convictions under the 2015 act were secured, with one individual sentenced to 10 years' imprisonment and another to seven years' imprisonment for offences relating to slavery, servitude and forced or compulsory labour.

The 2015 act provided for two new court orders: trafficking and exploitation prevention orders, and trafficking and exploitation risk orders. Those provisions came into force during 2017, and both individuals who have been convicted under the act were also made subject to prevention orders, reducing their ability to further exploit others.

The national human trafficking unit in Police Scotland has co-ordinated intelligence-led operations throughout police divisions over the past year, focusing on labour exploitation, sexual

exploitation, child trafficking, domestic servitude, illegal border activity and Romanian and Vietnamese traffickers. Those operations uncovered a range of offences, including criminal activity in respect of drugs, sexual exploitation and brothel keeping.

Police Scotland and partners have undertaken joint days of action, executing warrants, disrupting illegal activity and supporting victims to safety with the assistance of TARA. Police Scotland works closely with European law enforcement colleagues and has arrangements in place through Europol to share relevant information with law enforcement agencies right across Europe. That includes joint investigations with Romanian police, for example, focusing on individuals involved in trafficking women for sexual exploitation. Police Scotland has also benefited from the secondment of Romanian police officers to support human trafficking operations.

It is not enough to disrupt trafficking when it occurs or to support victims after the fact. The vision behind the strategy is to eliminate trafficking and exploitation and, to do that, we need to address the root causes and build a society where trafficking cannot flourish. Businesses and our wider communities have an important role in that work. From August to October 2017, we ran a national awareness-raising campaign, featuring a short film that was screened during advert breaks on television, and digital adverts via social media and smartphones.

Over that time, the modern slavery helpline recorded a significant increase in contact from Scotland, from two potential victims per week to 10 per week. To assess the impact of the media campaign, a public survey was undertaken in March of this year, which found that awareness of trafficking had increased. Of those surveyed, 87 per cent said that they would report trafficking suspicions to Police Scotland, which was a marked increase from 80 per cent last year. We are working with businesses in Scotland and have established a corporate group that is looking into the provision of guidance and training; raising awareness and sharing best practice; and improving the quality of slavery and human trafficking statements.

I am happy to report the significant progress that has been made in implementation of the strategy one year on from publication. That has been achieved through joint work by the Scottish Government, COSLA, Police Scotland, support organisations, businesses and a wide range of other bodies, and it will have a positive impact on victims and on efforts to combat trafficking both in Scotland and further afield.

That is good progress, but there is much more to do. The report sets out key priorities for the next

year, which include developing communication channels to raise awareness and trust among victims, and further work to engage and support businesses in tackling trafficking. We will also make progress on the outstanding provisions in the 2015 act. On the duty to notify, an implementation trial is under way with the City of Edinburgh Council and we are looking to establish a further trial with other relevant bodies. We are also working to ensure that the digital platform that is currently being developed for the UK national referral mechanism will work with the duty to notify in Scotland. On independent child trafficking guardians, we plan to consult in the autumn on proposed roles and responsibilities, and the existing Scottish guardianship service will continue to work until the new statutory arrangements are in place.

A further progress report will be published one year from now, in line with the commitment that is set out in the strategy.

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

**Liam Kerr (North East Scotland) (Con):** I thank the cabinet secretary for providing advance sight of his statement. He asserted at the outset that

“human trafficking is a terrible crime and an appalling abuse of human rights.”

Conservative MSPs have no hesitation in agreeing with that, and we endorse his choice of words.

The problems that the legislation and the report seek to address are a scourge on society. Therefore, any attempt to forensically analyse and address human trafficking, and to rescue victims from it, is hugely welcome. I welcome the progress that has been made but, as the cabinet secretary said, there is more to do.

The cabinet secretary said that he will “make progress” on the outstanding provisions in the 2015 act—those being the duty on public authorities to notify and the provision of independent child trafficking guardians. Those steps are crucial and we cannot afford any unwarranted delay. I push the cabinet secretary to provide further detail on his target date for the commencement of those provisions.

The report makes several positive references to security and law enforcement across the UK, such as the development of a joint digital platform for the national referral mechanism and the duty to notify. Indeed, intelligence sharing is a key outcome in the strategy. Does the cabinet secretary agree that, in order to tackle the evil of

human trafficking, it is vital that cross-border co-operation continues seamlessly, and that anything that could disrupt that collaboration must be avoided?

**Michael Matheson:** I am grateful for Liam Kerr's comments. Let me address the specific issues that he has raised.

In my statement, I mentioned our plans on the duty to notify. A pilot is in place with the City of Edinburgh Council, and it has been in operation for several months. There are some issues around the number of cases that have come from the existing pilot, and we are looking to conduct another pilot with a different agency—potentially, Border Force—to ensure that the duty to notify operates effectively. The purpose of that work through the pilots is to ensure that the system operates effectively and is being utilised properly.

Alongside that, we are working with the Home Office on the new digital platform to gather information and ensure that we have a single dataset. The information that we gather through the duty to notify will also be submitted to the system that gathers data from the national referral mechanism. There have been some delays with the procurement of that digital platform, which has had an impact on taking forward some of the work. However, we are working closely with the Home Office to ensure that we make progress.

I would like to have made more progress on independent guardians than we have done. We intend to have a consultation in autumn specifically to get clarity on roles and responsibilities, so that there is no uncertainty between the role of local authorities and the role of the independent guardian.

Liam Kerr mentioned intelligence sharing. Currently, we have very effective intelligence sharing to tackle serious and organised crime and human trafficking. I agree that we should ensure that no unnecessary barriers get in the way of the sharing of data and intelligence, as and when appropriate.

However, the member will be aware that Brexit is one of the biggest risks that we face in intelligence sharing. We are about to lose our full membership of Europol, which is one of the main hubs for the sharing of such information across all 28 European Union states. Alongside that, we will potentially lose access to the Schengen information system II—SIS II—which, again, allows us to identify markers relating to individuals who might be moving around Europe and whom the police might want to apprehend. As I set out in our report, there are real risks to security and justice matters if we lose access to European intelligence and information. There has been a lack of engagement from the Home Office on the

matter. It is simply unacceptable that we are creating such risks and are making so little progress.

I agree with Liam Kerr's comments on intelligence sharing. I ask him to use his good offices in the Conservative Party to ensure that the Home Office and the UK Government engage with us properly on such issues, to ensure that there are no gaps once we have left the EU.

**Daniel Johnson (Edinburgh Southern) (Lab):** I thank the cabinet secretary for prior sight of his statement. Most importantly, I fully agree that human trafficking is an appalling abuse of human rights.

I welcome the report, which is an extremely useful update on the progress that is being made on this vital issue. It is important that it sets out the work that still needs to be done. The strength of any strategy is in the degree to which it can measure progress and identify areas for improvement. What are the most critical steps in improving our capacity and capability to identify those who have been trafficked and those who seek to perpetrate such acts?

I note the sharp increase in the number of people who have been identified as victims of human trafficking this year. Given the hidden nature of human trafficking, what does the minister believe the overall scale of it is in Scotland? Can he give a sense of the number of those who are being identified as having been trafficked?

**Michael Matheson:** Like Daniel Johnson, I think that the strategy and the annual report are important elements of ensuring that we continue to look at the progress that we are making and identify the issues that we need to address. The benefit of having the annual report and a ministerial statement on it—which is my choice—is that it makes us continually challenge ourselves that we are doing everything possible to tackle an appalling crime. Many of us recognise that that crime is often hidden and not fully recognised.

Daniel Johnson asks me to identify a couple of key areas in which there is risk and in which we need to make further progress in identifying people who may be being trafficked or who may be in slavery or servitude. More progress needs to be made on the national referral mechanism. Currently, the timeline for the consideration of cases is too long. There are delays in the system and it needs to improve. I have already taken up that matter with the Home Office in order to seek improvements to the system, and we will continue to press the Home Office to see what further progress can be made on the issue. I recognise that it is causing undue delays and anxiety and that it needs to be addressed.

The other potential barrier is a lack of awareness. There should be greater recognition of the risks of trafficking. It is telling that the first two convictions under our new legislation were to do with domestic servitude and individuals being held in slavery or forced labour. That demonstrates that we are talking about something that is taking place on our own doorstep. We need to recognise that. It is not just about people being trafficked into the country; we are talking about something that can take place here, on a domestic level. Greater public awareness and better understanding across all public and private agencies are critical.

As Daniel Johnson highlighted, we have sought an increase in reporting. There was a 38 per cent increase in the number of cases that were referred to the national referral mechanism in 2017. However, I suspect that that is just the tip of the iceberg and that a significant number of cases still go unidentified. That is why we need to remain vigilant and continually challenge our approaches, so that we do everything that we can to identify individuals who may have been trafficked or who may be in forced labour.

**The Deputy Presiding Officer:** The two opening questions were fairly detailed and the answers were fairly long. There are quite a few questions to get through, so I ask that questions and answers be succinct.

**Ash Denham (Edinburgh Eastern) (SNP):** The trafficking of women and girls for sexual exploitation is increasingly recognised as a global human rights crisis. Intelligence suggests that organised crime groups are involved in sexual exploitation to a greater degree than they are in other forms of slavery. Does the progress report acknowledge that that is a problem? What more can the Government do to combat that?

**Michael Matheson:** Ash Denham is correct in identifying that organised crime groups can often be involved in human trafficking for the purpose of sexual exploitation. That is very clear in several sections of the annual report. Ash Denham should look at action area 3 in the report. On page 33, there is a specific reference to the

“increased focus on commercial sexual exploitation”

and the multi-agency work that is being pursued in that field.

OCGs will often be involved in not only human trafficking but other forms of illegal activity. Ash Denham can be assured that Police Scotland gives considerable attention to that area. Sexual exploitation is often a part of the work of those organisations, and it will continue to be a key focus of our enforcement and prevention work.

**Margaret Mitchell (Central Scotland) (Con):** The cabinet secretary has stated that the 63

trafficked children who were identified in Scotland this year likely represent only the tip of the iceberg. Building trust with trafficked and sexually exploited young people is key to aiding disclosure. Will the cabinet secretary therefore meet voluntary organisations and charities such as Addaction, which has a proven record in Glasgow and South Lanarkshire of building that trust and identifying those young people in cases in which statutory organisations have failed? Further, can he confirm—

**The Deputy Presiding Officer:** I think that that is enough, Ms Mitchell.

**Michael Matheson:** The member will be aware that the provisions for supporting children who have been identified as being trafficked involves our child protection arrangements, which are delivered by local authorities, and the Scottish guardianship provision. If the member sends me further information about particular organisations, I will be more than happy to engage with her in that regard.

**Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP):** The award-winning Scottish guardianship service provides support to refugee children who are alone or separated from their families. The cabinet secretary will know that the hostile environment policy of the Home Office makes it difficult for children without an independent advocate to navigate the complex system. Can the cabinet secretary therefore give us an update on the eligibility criteria for trafficked children in Scotland and say how they can access an independent advocate through the guardianship service?

**Michael Matheson:** As I mentioned, the Scottish guardianship service will continue to be in place until the independent guardianship arrangements have been implemented. Part of the purpose of the consultation that we are undertaking in the autumn is to allow us to be clear about the role and responsibilities of the independent guardian.

I have no doubt that the cross-party group on human trafficking—of which Christina McKelvie is a long-standing member—will be interested in feeding in to that consultation exercise to ensure that the independent guardian system addresses the concerns that she has just highlighted.

**Rhoda Grant (Highlands and Islands) (Lab):** Further to Christina McKelvie’s question, when will the provision in the 2015 act, which gives unaccompanied children access to an independent guardian, be implemented? It has been two and a half years and we are still waiting.

**Michael Matheson:** As I said, I would have liked us to have made further progress on that issue. However, the Scottish guardianship

programme is in place at the moment and will continue. This autumn, when the consultation process has been completed, we will be in a position to roll out the independent guardian system. Although I cannot give Rhoda Grant a specific date for that, I assure her that I want it to happen sooner rather than later. However, I want to get the system right, working in partnership with local authorities, before we start rolling it out.

**Emma Harper (South Scotland) (SNP):** I welcome this important update from the cabinet secretary. Does he agree that, in order for the Scottish Government to successfully implement policies to significantly reduce human trafficking and give justice to the victims, this Parliament must have full control over immigration policy, which would allow victims the choice to remain here, in Scotland, and not face deportation as a result of the United Kingdom Government's fixation on a hard Brexit?

**Michael Matheson:** Some organisations that are working with individuals who have been identified as being trafficked have raised with me the challenges that those individuals can face due to the overlap with the immigration system. The way in which the Home Office is dealing with some cases of human trafficking remains a concern for me and, in my view, there continues to be a mismatch in how the two systems operate.

As is known, I am in favour of immigration matters being the responsibility of this Parliament. We will continue to press the UK Government, and the Home Office in particular, to ensure that the immigration system operates more sympathetically to, and with greater understanding of, victims of trafficking and the challenges that they face.

**Patrick Harvie (Glasgow) (Green):** The cabinet secretary might be aware of the case of my constituent Duc Nguyen, who was a victim of human trafficking and human slavery and was forced to work on a cannabis farm. As a result of that, he was arrested, imprisoned and, despite being a victim of that crime, was faced with imminent deportation just this week. He was taken off the plane as a result of the pressure of thousands of his supporters, and we hope that he will be returned to Glasgow.

What redress can the Scottish Government give to those who are criminalised in our justice system as a result of their experience of being victims of human trafficking and forced labour? Will the Scottish Government lend its support in the case of Duc Nguyen?

**Michael Matheson:** I am aware of the case and the issues that the member raises.

For individuals who have been forced into labour or servitude or who have been trafficked, there is scope for compensation to be provided

through the Criminal Injuries Compensation Authority. There is also the possibility for the court to set down that compensation should be paid to an individual.

The member will recognise that our scope to redress aspects of asylum and immigration is very limited, given that responsibilities in those matters lie elsewhere. Nevertheless, I assure him that, in our approach to the organisations that we support, such as TARA and Migrant Help, which often engage with individuals who have been exploited or trafficked, we allow organisations scope to provide support for individuals that goes wider than that for which we provide funding. We recognise that organisations often need to offer support that goes beyond the specific support that we fund, and we assist them with that as and when we can, in recognition of the wider issues that need to be addressed when individuals experience the kinds of difficulty to which the member refers.

**The Deputy Presiding Officer:** Four more members want to ask a question. If members are aware of the short time that we have, I might get them all in.

**Liam McArthur (Orkney Islands) (LD):** I thank the cabinet secretary for early sight of his statement. I welcome the report and associate myself with his comments about our collective abhorrence of human trafficking.

The cabinet secretary is aware that the Liberal Democrats fought for the introduction of independent child trafficking guardians and stronger identification and referral processes. Will he say what policy developments are stalling the implementation of the provision and which organisations he thinks should be able to make a referral to appoint a guardian for a child?

**Michael Matheson:** As I said to Rhoda Grant, the principal piece of work that we need to do in relation to implementation is the consultation on the role and responsibilities of the independent guardian. A key part of that work will be to secure agreement with COSLA, given its clear responsibility for child protection matters. I am determined that, when we have completed the work, in the autumn, we should do everything that we can to put independent guardianship arrangements in place.

I recognise the frustrations of Liam McArthur and other members about the progress that has been made to date. Nevertheless, when we have completed that work and secured assurances from local authorities about how the arrangements will work, we will be in a position to finalise the matter. The work will include looking at who can make referrals and on what terms.

**Kate Forbes (Skye, Lochaber and Badenoch) (SNP):** What is the Scottish Government's position on victims of trafficking being granted compensation? The minister knows that my constituency has seen one of the worst cases of labour exploitation.

**Michael Matheson:** The provision for compensation in the Scottish criminal justice system is operated by the Criminal Injuries Compensation Authority, to which we provide funding for Scottish cases. Someone can make an application to the authority on the basis of a person having been convicted or acquitted of an offence that relates to the legislation that underpins the strategy. Over and above that, there is scope for sentencers—sheriffs and judges—to direct that compensation be paid to victims. That can be done at the discretion of the judge or sheriff at the time of sentencing.

**Maurice Corry (West Scotland) (Con):** The work that has been undertaken to raise awareness is welcome. Will the cabinet secretary tell members what further types of action will be taken to improve awareness of the problem of human trafficking?

**Michael Matheson:** As I said in my statement, and as the member is aware, we have had a public information campaign and we have provided a suite of materials to ensure that individuals have access to information about trafficking. That work will continue.

We will consider what further media and public information campaigns are appropriate and would heighten awareness of the issues. The work that we are doing through the corporate group that we have established is intended to ensure that the private sector plays its part, particularly in the context of forced labour. We are keen to expand that work, and the work that we will pursue over the coming year in that regard is a key measure in the annual report.

**Ruth Maguire (Cunninghame South) (SNP):** Victims of human trafficking are particularly vulnerable to being sexually exploited. Can the cabinet secretary describe the action that the Scottish Government is taking to tackle commercial sexual exploitation?

**Michael Matheson:** The Scottish Government is opposed to all forms of violence against women, and a key part of our equally safe strategy, which has been taken forward by my colleague Angela Constance, is to do everything that we can to reduce the harm that is caused by sexual exploitation. A key part of the work that is being done to address the issue is taking place through the multi-agency working group, which is identifying what further measures can be taken to reduce the risk and harm that is associated with

sexual exploitation. That work will begin in the coming months.

## National Council of Rural Advisers

**The Presiding Officer (Ken Macintosh):** The next item of business is a statement by Fergus Ewing, on an update on the work of the National Council of Rural Advisers. The cabinet secretary will take questions at the end of his statement.

15:12

**The Cabinet Secretary for Rural Economy and Connectivity (Fergus Ewing):** In January last year, Parliament agreed to establish

“an independent group involving relevant stakeholders to provide advice as to the principles and policies that should underpin options for appropriate rural support beyond 2020”.—[*Official Report*, 19 January 2017; c 115.]

The National Council of Rural Advisers was duly established, with 14 individual members drawn from a variety of backgrounds and appointed on the basis of their expertise in operating and supporting rural enterprise. It was important to me that we appointed as many women as men; their voices and experiences are often, wrongly, absent from rural policy debate. It was also important to me that a number of younger people were also involved. Our approach was embodied in the appointment of co-chairs in Alison Milne and Lorne Crerar.

The national council was asked to provide advice for the Government on the implications of Brexit for rural Scotland, as well as recommendations on future rural policy and support. The paper that was produced last November largely confirmed what we knew—the implications will be far reaching and extremely challenging, particularly through the loss of people and skills, and continued membership of the single market and customs union is the least damaging Brexit outcome.

That finding is reinforced in the discussion paper that was published on Tuesday. I agree wholeheartedly with the national council’s conclusion that

“Brexit weighs heavily on the future of our industries.”

The paper also makes clear that rural Scotland is capable of building on its inherent resilience and creativity to overcome such barriers and challenges. As the national council puts it,

“with the right focus and energy we can achieve a new rural economic strategy which puts people at its heart.”

One of the core strengths of the national council’s approach has been that willingness, through 11 rural thinks workshops around Scotland and engagement with stakeholder organisations, to listen closely to others. That

process, backed by the evidence, suggests that there are strong and resolute foundations on which to drive forward Scotland’s rural economy.

Research produced by the Scottish Government to better understand the rural economy shows that the strongest economic growth in Scotland between 2007 and 2015 was not in urban areas but in what is termed mainly rural areas, with strong growth in the value of goods and services also in island and remote rural areas. The national council challenges us to produce a better way of measuring economic growth in rural areas, and it is a challenge that I readily accept.

The national council’s call for a defined and ambitious strategy for Scotland’s rural economy that

“develops natural and human capital, competitiveness, robust infrastructure and social inclusion”

is compelling.

The national council’s discussion paper identifies three key themes for that strategy: vision, people and infrastructure. The vision on which such a strategy is based must accentuate the many positives and strengths in the rural economy as well as acknowledge the barriers and address the challenges. I particularly welcome the focus on inclusive growth, tackling inequalities in the rural labour market and creating quality job opportunities. That is key to attracting people to move or return to live and work in rural Scotland and to developing the talents of those who live and work there currently. Through the Scottish Government’s current Scotland is now campaign, we will continue to do all that we can to make clear that Scotland is a positive and inclusive country and that, for example, migrant workers are welcome to make their lives here and contribute to our rural economy.

Rural Scotland needs people to stay on the land and in our remote communities in order to thrive, and, as the national council has uncovered, the best people to lead rural Scotland are the people who live there already. That is why this Government is already investing in their skills and talents. We core fund Scotland’s Rural College, the University of the Highlands and Islands and all its associated colleges, the University of Glasgow’s Crichton campus in Dumfries and the University of the West of Scotland’s campus in Ayr, as well as providing rural campuses with a £9 million rural premium. The 21 regional action groups for developing the young workforce cover all of rural Scotland; we have introduced a rural supplement to training providers delivering modern apprenticeships in remote and rural areas; and we have funded almost 1,400 modern apprenticeship new starts in land-based frameworks over the past three years



The third theme that matters is infrastructure or, as one rural thinks participant put it, multilevel connectivity. This Government is already working hard to create the physical infrastructure that Scotland's rural economy needs. We are making the biggest public sector investment of any Government in the United Kingdom in broadband, providing £600 million to deliver access to superfast broadband to 100 per cent of homes and businesses by the end of 2021. The reaching 100—R100—programme prioritises the most remote and rural areas of Scotland that currently have the least access to broadband connectivity. We are building more than 50,000 new homes, with £25 million specifically dedicated to housing in rural and island communities; and, just this weekend, we committed to creating a further 3,000 homes through the building Scotland fund. We are creating Scotland's first dualled, electric highway on the A9; the Aberdeen bypass will be completed later this year; we will undertake a feasibility study into improvements to the A75; and we continue to provide support to Highlands and Islands airports and lifeline ferry services.

Through the food processing and marketing contract since 2015, grants have been made to invest in the supply chain infrastructure for rural businesses, like the £4.5 million grant that was announced during a visit that I made last week for ABP Food Group to develop further its facilities in Perth. We are also investing in communities' own capacities by transferring assets to local communities from the national forest estate, including the three projects that were announced just yesterday; investing in fisheries local action groups in coastal communities; seeking to support more women into farming through the women in agriculture task force; and providing over £71 million to Highlands and Islands Enterprise to provide economic development support and establish a new enterprise agency for the south of Scotland.

I accept the need to ensure that rural areas enjoy the same opportunities and access to services as urban areas, and that we need more streamlined and cohesive support mechanisms to better help businesses. What we support in the rural economy in the future, and how we do that, must reflect the Government's aspirations and objectives but also be informed by real evidence of what the public value, as the agriculture champions state. As one recent rural thinks participant put it,

"policy is driven by people".

I can announce that the work of the National Council of Rural Advisers will continue over the summer with a consultation on nine key questions arising from the key themes in the discussion paper. That consultation, which opened on

Tuesday, marks the start of the rural civic conversation called for by the agriculture champions. The NCRA will use the information gathered, alongside evidence already collected, to refine its recommendations, and I anticipate that its work will be complete in the autumn.

The NCRA and its 14 members have already made a significant contribution to our discourse on the future needs and interests of Scotland's rural economy. I have found them to be insightful and willing to challenge, questioning the status quo and generating fresh ideas. I thank them all for what they have achieved to date and for their enormous effort and contribution to the task. Our continuing to support their work over the summer will allow them to complete their deliberations and produce comprehensive recommendations that will help to create the vibrant, sustainable and inclusive rural economy that we all wish to see.

**Edward Mountain (Highlands and Islands) (Con):** I thank the cabinet secretary for sight of his statement and refer members to my entry in the register of members' interests. I welcome the work of the National Council of Rural Advisers, which has identified many of the challenges that rural Scotland already recognises. Many highlanders—and, indeed, the cabinet secretary, I am sure—will take huge issue with the suggestion on page 16 of the report that Urquhart castle is in the Kyle of Lochalsh. We both know that it is not.

The report contains no hint of a strategy or policy, which the cabinet secretary suggested only last week there would be, so I ask how long it will take to get one. There will be a six-week consultation, followed by a six-week period to analyse the responses and probably six weeks for the cabinet secretary to consider that analysis; if we are generous to the cabinet secretary, there will be at least another 16 weeks to come up with a policy. That is eight and a half months in total, from today, to draft a rural strategy, so we probably will not hear any ideas from the Government until February 2019. Frankly, that is too long. When will the cabinet secretary have a plan? When will he stop dithering and start to deliver a plan for our farmers and the rural economy?

**Fergus Ewing:** I am pleased, I guess, that Mr Mountain welcomed the work that the NCRA has done, although that was the end of any positive content in his remarks. It would behove the Scottish Conservative Party to recognise that the 14 individual council members have no political perspective but, rather, the viewpoint and perspective of those who have contributed enormously to the rural economy in Scotland and whose efforts should therefore be appreciated. I also point out that the NCRA is a group that I was asked—indeed, instructed—by the Parliament to

appoint. Therefore, it seems churlish to say that we should pre-empt the work that Parliament has asked us to do by ignoring the council's work and recommendations, which will be forthcoming in the autumn.

I assure Edward Mountain that we shall respond to the final report when we receive it, as well as to the report of the agriculture champions, which we received last week. It is really rather negative of Mr Mountain to ignore completely the offering that is produced in this excellent discussion paper. Some of the people who produced it are here today listening—just bear that in mind. It is an excellent paper, with the slogan,

“together we can, together we will”.

That is a positive slogan and perhaps that is why the Scottish Tories are not keen on it, since the three main activities that they appear to be interested in are nit picking, nat bashing and power grabbing.

**Colin Smyth (South Scotland) (Lab):** I thank the cabinet secretary for advance sight of his statement and I thank the National Council of Rural Advisers for the work that it has done on its very positive and important report.

To those of us who represent and live in rural areas, the questions that the report asks were familiar and I have to say that they reflect the disappointing progress that has been made in building strong, sustainable rural communities over the past decade—even without the challenges that we face with Brexit.

The cabinet secretary said that he particularly welcomes the focus on inclusive growth, but the reality is that not one but two Government economic strategies have given commitments to regional equity but have failed to deliver it, as low pay is still rife across rural Scotland.

The report highlights the digital divide, whereby the roll-out of fibre broadband in recent years has left—and still leaves—many rural communities behind.

There are omissions in the report and the cabinet secretary's response to it. There is no mention of the utter scandal of rural poverty and there is not enough emphasis on the value of our natural environment. Tackling poverty and protecting our environment must be key principles at the heart of agriculture and rural support post-Brexit. I ask again whether the cabinet secretary will give us an exact timetable for when the Government will set out a shared vision of what Scotland wants that post-common agricultural policy support to look like and take that case to the UK Government, instead of waiting for the UK Government to tell us what to think. In other words, once again, when will the Scottish

Government stop waiting and start leading when it comes to supporting our rural communities?

**Fergus Ewing:** I am pleased that Colin Smyth acknowledges the good work that the advisers have done—that is genuine and welcome.

On the timescale, I confirm what I have already made clear: the final report from the NCRA will be available in the autumn. We will consider it and then we will respond in detail to it, along with the work of the champions.

Members should bear in mind that this is a consultation document. We want to hear what the public have to say. [*Interruption.*] There is lots of heckling and negativity coming from the Conservatives, as per the norm. On the positive side, the 127 people who took part in the 11 rural thinks meetings throughout Scotland—that was a huge commitment by those people, which I would have thought would have been welcomed—said that they want policy to be made by listening to people. We will listen to the people and then make the policy, not devise policy without listening to them, particularly given that Parliament asked us to do that.

I do not accept the premises of the assertions that Mr Smyth made. We are doing a considerable amount of work, as I said to the Rural Economy and Connectivity Committee last week, to prepare policy making in the future. Of course that is a serious task. However, until such time as we know what the budget, tariffs and costs will be, it is impossible for anyone to produce a plan with figures and clarity. I assure all members that we are dealing with all these matters on a daily basis and I hope to say more about that relatively soon.

**Emma Harper (South Scotland) (SNP):** I remind the chamber that I am the parliamentary liaison officer to the cabinet secretary.

I welcome the report and its central recommendation to create a rural economic strategy and agree absolutely that people living and working in rural Scotland need to be involved in policy making. How will the civic conversation that is being launched with this consultation ensure that women's voices and the views of young people are heard and listened to?

**Fergus Ewing:** That will be an important part of the response. We are very keen to hear from females and young people in rural Scotland. Emma Harper is aware of the women in agriculture task force, which I co-chair with Joyce Campbell. It is addressing specifically some of the gender inequality issues, which, as this discussion document highlights, are quite extreme in parts of rural Scotland. The disparity between the median female and median male earnings is particularly stark in some parts of rural Scotland. We will encourage people throughout rural Scotland to

respond to the consultation and submit their views, and I hope and expect that they will. We want to hear what they have to say, study it carefully and take it into account when we move forward.

**Peter Chapman (North East Scotland) (Con):** I declare an interest as a partner in an agricultural business.

Here we are, a whole year after the council was formed, and this is all we have: a document with no answers, only questions. Frankly, it is very disappointing.

The cabinet secretary mentioned just a few seconds ago that he has no idea about budgets. Let me tell him that in the Department for Environment, Food and Rural Affairs document "Health and Harmony", it states categorically that funding for pillar 1 and pillar 2 farm support will be delivered at the same rate until at least 2022. Therefore, I ask again: when is the cabinet secretary going to give us any positive ideas for our rural economy and start to deliver a plan for our farmers' future?

**Fergus Ewing:** First, I must, I am afraid, correct Mr Chapman. It is not correct to say that the Scottish Government has received assurances that pillar 2 payments, beyond those contracts that have been entered into prior to Brexit day, will be honoured. No such commitment has been made, as Mr Chapman should know, so his assertion that that is the case is in fact incorrect. It follows, therefore, that the conclusions he draws from that are also, sadly, wrong.

Secondly, and perhaps more important, because we have gone over all this ground ad infinitum—we have spent endless hours of parliamentary proceedings going over the same old negative moaning and whining from the Conservatives—what is really disappointing is Mr Chapman's assertion that there is nothing positive in this report. Either he has not read it or he is unwilling to hear what it says.

There is a whole series of recommendations in the report about how rural Scotland can go forward. The emphasis, though, is on looking at the successful ventures that are created by businesses in rural Scotland. It is about looking at the positives and the opportunities to see how we can help people achieve even more by addressing the three strands: the vision, the people and the infrastructure. I set out in my opening statement many ways in which the Scottish Government is doing that and I am not going to repeat them now, the Presiding Officer will be pleased to hear.

This is an excellent, positive report and I am really quite shocked to hear Mr Chapman's incorrect and quite insulting characterisation of it.

**Graeme Dey (Angus South) (SNP):** If anything demonstrates the damaging impacts of Brexit that the report has highlighted, it is the issue of migrant workers being able to continue to contribute to our rural businesses and the wider economy.

Does the cabinet secretary agree that the Tories have an utter brass neck to be carping about the time that is being taken to deliver the rural strategy when they have had two years—two years—since the Brexit vote to address worries over access to seasonal workers and have done nothing?

**Fergus Ewing:** I agree, and the National Council of Rural Advisers confirmed that migrant workers make an enormous positive contribution to this country. Mr Dey obviously represents Angus growers; on visits that I have made to Angus, I have spoken to many of the migrant workers and many of them are genuinely concerned about whether they will be welcome here. That is quite an appalling predicament to put people in. It is unsavoury.

Of course, we did not vote for Brexit in Scotland anyway, did we? No, we did not. [*Interruption.*] The Conservatives are laughing—I do not think that it is very funny. I point out once again that Mr Gove, when he spoke to the National Farmers Union south of the border earlier this year, said that there would be a scheme and that it would be introduced relatively quickly thereafter. It has not been. I have asked him about that at meetings and I am afraid that that scheme has not been introduced.

Rather than berate us about something that is not a devolved responsibility, why do the Conservative MSPs not join with us in saying that this Parliament should have the power to deal with these matters, because plainly, the UK Government has got no appetite or intent to do so?

**Rhoda Grant (Highlands and Islands) (Lab):** The cabinet secretary alluded to the gender pay gap. The report says:

"Women living in remote rural Scotland have the lowest annual income of any group, and the largest median gender pay gap at £5,076 when comparing annual median wages. This means that in remote rural Scotland women earn 17% less on an annual average than men."

That is down in part to seasonal, part-time and low-paid work, as well as falling public sector employment. The cabinet secretary says that he is committed to tackling inequalities. What action will he take to tackle the gender pay gap?

**Fergus Ewing:** That was, indeed, the section of the NCRA report to which I alluded, so I am pleased that Rhoda Grant has identified it. It is useful that we have the benefit of the report so that we can see the situations that we need to address. There are many things that we need to

do to address pay inequality. The Government is doing a great many of them because they cover a range of issues—childcare, employment and access to opportunities and training, as well as transport. We are committed across all the Government's responsibilities to doing what we can to tackle those matters more fairly and to doing our best to reduce the inequality gap over time.

**Mark Ruskell (Mid Scotland and Fife) (Green):** I welcome the report as a starting point in the conversation, although there are more holes in it than a block of Swiss cheese. There is no mention of the environment, which underpins our rural economy, of the future of Scotland's rural development policy or of issues that affect people in rural areas, such as access to childcare. In spite of the uncertainty over Brexit, the Welsh Assembly has produced a vision for rural support post-Brexit. When will we see the Scottish Government's vision for rural support and the SRDP post-Brexit?

**Fergus Ewing:** It is a bit unfair to say that the work of the NCRA does not recognise those things. I am aware that it does and, if the member looks at its interim recommendations from last November, he will find that it has done so in many respects.

I welcome the contribution from the member and his party to the consultation. I hope that there is a good response to it. I assure him that the NCRA is absolutely committed to the twin imperatives of agriculture: producing food and tending to the landscape in an environmentally friendly fashion. That is an extremely important element of the approach that the Scottish Government has taken and will continue to take.

I have repeatedly made it clear that my vision for the rural economy is to use our natural assets to best advantage, to—as far as farming is concerned—ensure the primacy of producing high-quality food in a way that is sympathetic to our landscape and to use our people, who are the best resource of all. I have made that clear on countless occasions and will continue to do so. However, I am particularly pleased that the NCRA has produced a vision that is entirely aligned with the one that we have already set out.

**Mike Rumbles (North East Scotland) (LD):** The question is vision. Will the cabinet secretary tell us what his vision is for the future of Scottish agricultural financial support post-Brexit, without criticising the UK Government, which we can all do?

**Fergus Ewing:** I have already set out in response to Mr Ruskell an abbreviated version of the vision that I see and will continue to see for rural Scotland. I want the financial support for rural Scotland to continue to be provided at the level

that all the Brexiteers promised during the Brexit campaign, which is currently £500 million.

I also want to be paid back to Scotland the £160 million that was intended for Scottish farmers but was siphoned off by the UK Treasury under Conservative leadership—with, as I recall, a bit of help from the Liberals; I point out to Mr Rumbles that it was during Mr Alexander's term in the Treasury. I want that money back for the Scottish rural community. It was intended for Scottish farmers. We now have the ridiculous situation that, next year, the amount per hectare in financial support for Scotland will be the lowest in any European Union country or state. That is what happens if we allow the Conservatives to run Scotland.

**The Presiding Officer:** There are still six members who wish to ask a question, but there are only two minutes left.

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** I draw members' attention to my agricultural holding and the fact that I will be a R100 beneficiary.

In connection to that, I wonder whether, when looking at the contracts for R100, preference will be given to those with future proofing so that, when the backhaul is eventually upgraded, we can have 300 megabits per second and 1 gigabit per second delivery to rural locations, thus enabling us to have an advantage over urban areas where presently we have a disadvantage.

**Fergus Ewing:** Mr Stevenson makes a good point. The answer is yes. The way in which the contract is being taken forward in the procurement stage is to anticipate the future need and desire to move from superfast to ultrafast broadband. My understanding is that the use of fibre enables that process to take place; therefore, that forms part of our thinking. Although we cannot mandate one technology over another because of state aid rules, encouraging bids for the tender that reference the extent to which achievements will be reached by provision of fibre rather than other methodologies—precisely because of the point that Mr Stevenson makes—and scoring the tender accordingly will empower those in rural Scotland, perhaps in some cases to an even greater extent than urban dwellers, as it means that they will have ultrafast broadband in years to come.

**Jamie Greene (West Scotland) (Con):** The cabinet secretary talks about improving connectivity in Scotland's rural communities, but the reality is that a catalogue of recent failures on the CalMac network has left many island communities far from connected. CalMac admits that there is zero resilience, no additional capacity and a significant risk of further breakdown this summer. What does the cabinet secretary have to

say to those communities, which have been so badly let down in recent months? Will he tell members today what immediate steps have been taken to ensure that ferry services to every island in Scotland will be safeguarded this summer?

**Fergus Ewing:** I am not quite sure what that has to do with the National Council of Rural Advisers. It is a little bit insulting that members choose to ask anything on any topic that they wish, instead of addressing the good work that those individuals have done. It is really quite insulting and I cannot recall anything quite like it, but there we are—that is the Conservatives for you.

To answer Jamie Greene's question, we have of course provided resources to CalMac in terms of the tender that has allowed it to expand. We are providing extra vessels and we have dealt with difficult situations that have arisen. The difficulties are partly due to the problems of successes such as the growing economies of the islands, growing tourism, growing populations and the road equivalent tariff leading to more people choosing to use the ferries. Those are the problems of success—the Scottish Conservatives would not know much about that.

**The Presiding Officer:** There are four members who still wish to get in, but I am afraid that we have run out of time. I remind members to keep their questions short and ministers to keep their replies equally succinct, so that we can get through more questions in the allocated time.

## Sexual Harassment and Inappropriate Conduct Inquiry

**The Deputy Presiding Officer (Christine Grahame):** The next item of business is a debate on motion S5M-12730, in the name of Clare Haughey, on the Standards, Procedures and Public Appointments Committee's sexual harassment and inappropriate conduct inquiry. I invite members who wish to speak in the debate to press their request-to-speak buttons. I call Clare Haughey to speak to and move the motion on behalf of the Standards, Procedures and Public Appointments Committee.

15:44

**Clare Haughey (Rutherglen) (SNP):** In opening the debate on the SPPA Committee's inquiry into sexual harassment and inappropriate conduct, I thank everyone who came to give oral evidence or submitted written evidence. I will explain the backdrop to our work, then outline some of the committee's key findings.

A little over six months ago, we entered a new era. Sexual harassment in the workplace was suddenly front and centre of people's consciousness, and this workplace was no exception. Recent months have seen significant changes in attitudes, and it appears that society is now beginning to catch up with a long-standing issue.

The SPPA Committee has responsibility for the conduct of members of the Scottish Parliament through our oversight and application of "The Code of Conduct for Members of the Scottish Parliament". While being mindful of the Parliament's status as a role model for other workplaces in Scotland, we quickly launched an inquiry that aimed to determine whether current arrangements for dealing with sexual harassment in Parliament were adequate and, if not, what needed to change.

At this point, I thank Daniel Johnson. Having raised the issue with the committee and called for an inquiry, Mr Johnson then resigned his place on the committee in the interest of promoting gender balance.

We are not the only ones who are moving swiftly to address the issue, so our report pays tribute to the rapid response of the Scottish Parliamentary Corporate Body in launching its telephone helpline, which provided a route through which anyone who was affected could seek advice and support. That was rapidly followed by a sexual harassment and sexist behaviour survey of all workers at Holyrood and out in regional and constituency offices, which aimed to ascertain the

scale of any problem and to gather views and ideas about how people would wish it to be tackled.

The corporate body has established a joint working group to consider and agree any actions that need to be taken on a joint or individual basis between the Parliament and the political parties, in the light of the survey. In our report, we have asked that the joint working group review the evidence that was provided to the committee during its inquiry, because it included many detailed suggestions about what a good reporting and investigation regime should look like.

As part of our inquiry, we looked at the results of the survey and were very disappointed to discover worryingly low levels of confidence in the Parliament's policies and reporting procedures. We found it unacceptable that a person who was affected by such misconduct would decide against making a complaint because of lack of faith in the organisation's processes. Putting in place the right complaints regime was clearly a high priority.

The Parliament is a diverse workplace: MSPs, party staff, Parliament staff, journalists and a range of contractors all share the same workplace. The committee's remit extends only to the conduct of MSPs, and our recommendations sit alongside the work of the SPCB, political parties and other employers who have workers in Parliament.

The Parliament's workplace diversity means that there is no one-size-fits-all policy that would prevent and address sexual harassment in the Parliament. That leads me to one of the key findings of the committee's inquiry. We recommend that a central policy on sexual harassment be created to apply to all campus users regardless of their employment status. We recommended that that central policy, which is to be developed by the joint working group, include as a starting point a zero tolerance statement, and definitions and examples of behaviours that constitute sexual harassment. It is very encouraging that the joint working group issued a zero tolerance statement earlier this week that sets out what the institution means by "zero tolerance" and how that will be upheld in practice.

The staff survey also revealed chronic underreporting of undesirable behaviours; indeed, the most common reported response to experiencing sexual harassment or sexist behaviour was to do nothing. Although a central policy on sexual harassment ought to give people greater confidence in reporting systems, we discovered that that is not the only barrier that prevents people from reporting misconduct. It appears that many individuals who are affected by harassment do not report it because of fears about career impact. In the survey, that was, disturbingly, the most cited reason for not

reporting misconduct. That has to change. It cannot be the case that the victims of harassment feel unable to speak out because of fears about job security, promotion prospects, or other more subtle outcomes, such as being ostracised or excluded by colleagues if they make a complaint.

This is not an easy issue to tackle. We recommend that new policies on sexual harassment state clearly that the consequences for anyone who reports misconduct will be minimised, and that safeguarding and protection of the person who reports misconduct is clearly set out in the policies.

Staff who work for MSPs are in a particularly exposed position. Their jobs and livelihoods are on the line if the MSP who employs them is removed or if working relationships break down. The small size of MSP staff teams also means that it is virtually impossible to make a complaint confidentially. Our report asks that special consideration be given to finding solutions to protect staff who are in that vulnerable position.

Perpetrators of the behaviour have relied on the silence of their victims for too long. Change is coming, and Parliament's policies and processes must accelerate that change.

Many people whom we heard from during the inquiry called for mandatory training for all campus users as a way to encourage culture change. I understand that mandatory training might raise some eyebrows. It is generally assumed that men are the perpetrators of sexual harassment, but it is important to look more closely at the issue. The purpose of training on sexual harassment is not only to make potential perpetrators aware of their behaviour; it is also essential for all managers, so that they are in a position to support their staff to access support and redress.

It is also important that we are all aware of where the lines are drawn on unacceptable behaviour, so that we can call it out or report it when we see it. That is called bystander intervention. Although the incidence of sexual harassment that is perpetrated by women against men appears to be lower than that by men against women, the survey revealed that women do harass men. It serves no one to deny or underplay that fact. Our recommendation stopped short of insisting that training for all staff should be mandatory, but we think that there is a strong argument for including all campus users in training.

In my remaining time, I would like briefly to introduce some matters that arose during the committee's inquiry, and which require further more detailed scrutiny because they have far-reaching constitutional implications. We intend to give those issues more detailed scrutiny in the

future, and this debate will inform our considerations.

The first suggestion is that an independent body or figure be established to provide a single reporting, support and advocacy point of contact, with the possibility that the body or figure will have responsibility for sanctioning MSPs. We recognise that practical, legal and constitutional issues would need to be addressed before such a function could be established, but we find the concept to be worthy of further consideration.

We also looked at the possibility of an ultimate sanction for MSPs. In most workplaces, gross misconduct would result in dismissal, but elected members can be removed from office only in a narrow set of circumstances. We concluded that a process of recall or dismissal for actions that amount to gross misconduct is worthy of exploration. We are very mindful of the practical and constitutional implications.

Finally, we looked at whether a process of suspension could be applied to MSPs, pending an inquiry into misconduct. We accepted that the consequences of a suspension for an elected member could be more serious than they would be for people who are employed in other capacities, and although we uphold the idea that MSPs should be held to the same standard, we recognise that careful thought would have to be given to such circumstances.

The committee looks forward to returning to those thornier issues in some detail once we have heard responses to our report, including the views that are expressed in this debate. I commend the Scottish Parliamentary Corporate Body and the joint working group on their rapid response to the issue of sexual harassment and sexist behaviour. I know that a great deal of work is taking place. It is very encouraging to see outputs already emerging, with more promised. I commend the committee's report to Parliament, and I look forward to hearing members' views.

I move,

That the Parliament notes the Standards, Procedures and Public Appointments Committee's 4th Report 2018 (Session 5), *Sexual harassment and inappropriate conduct* (SP Paper 340).

15:53

**The Minister for Parliamentary Business (Joe FitzPatrick):** I propose to keep my contribution to the debate relatively short. The subject matter of the committee's report is of interest to everyone, but its content clearly focuses on the operations of the Parliament. The Government's views on sexual harassment are already known, and, like the SPPA Committee, the Government is keen for as many members as possible to have an

opportunity to express their views on the report's content.

The Government fully supports the committee inquiry into sexual harassment and inappropriate behaviour in the Scottish Parliament. Sexual harassment and abuse in any form, whether in the workplace, the home or elsewhere in society, are completely reprehensible and cannot be tolerated. Everyone has the right to work and live their life free from abuse, harassment and intimidation. The Scottish Parliament should exemplify those principles and demonstrate the value of operating as a modern and inclusive organisation.

Parliamentary rules and practices should be fair, sensitive and supportive for everyone. It is unacceptable for any individual to be discouraged from working in, or engaging with the Scottish Parliament.

The same principle clearly applies to the Scottish Government. The First Minister has led calls for anyone who has experienced sexual harassment to report it. In February, the new "Scottish Ministerial Code: 2018 edition" included additional references to ministerial standards of conduct.

The permanent secretary has also reviewed and strengthened Scottish Government policies and procedures to deal with sexual harassment. Government staff are encouraged to share concerns about culture or behaviour. The permanent secretary has also taken steps to ensure that Government staff are aware of and understand the sources of support that are available to them, including a confidential sounding board.

A wider review of our fairness at work policies is also on-going. It will include revising the Government's standards of behaviour in the workplace and considering what support is needed for leaders, managers and individuals to help them to understand the standards and ensure that the standards are applied in their contexts.

I welcome the committee's approach to conducting its inquiry. The remit highlighted the many factors that require careful consideration. First, we need to assess the current framework concerning the conduct of MSPs in the context of sexual harassment. The committee report has already flagged potential changes to the MSP code of conduct in order to reflect the need for such very personal matters to be handled with due sensitivity. Secondly, we must recognise the role of political parties and how they handle allegations of misconduct that are made against their members. Thirdly, we need to consider the cultural and societal dimension.

The report notes that remedial activity goes beyond the boundary of parliamentary standards

and extends to the behaviours that are encouraged and expected of the people who work on the parliamentary campus, and to how Parliament operates day to day. That brings me to the responsibilities of the Scottish Parliamentary Corporate Body. The Parliament has already made moves to improve the gender balance of the SPCB. That is a welcome first step and one that should be beneficial to shaping any future reforms.

The report seeks to inform the on-going work of the Parliament's joint working group and the Scottish Government supports its recommendations. I also note and welcome that, earlier this week, the joint working group published a statement on zero tolerance, together with an indication of other activities that it proposes to implement in the future. The Government endorses the constructive approach to such important issues.

Today's debate also allows gathering of views, as the committee and Parliament continue to take the inquiry forward. The Government will work with you, Presiding Officer, and with all parties to achieve a consensual outcome as to how best to make the Scottish Parliament a zero tolerance workplace.

I look forward to hearing the views of other members.

15:58

**Jamie Halcro Johnston (Highlands and Islands) (Con):** Following on from the words of our convener, Claire Haughey, I welcome the committee's work on this important subject and the spirit in which my fellow committee members have approached our inquiry. The committee received a significant body of evidence and I extend my thanks to the clerking team for pulling it all together and to all those who wrote to us and attended evidence sessions.

The Scottish Parliament is an unusual workplace. Within the walls of the building, we have 129 separate-but-linked employers, hundreds of people employed through different teams within the corporate body, thousands of other individuals who come through the Parliament on business every year, as well as other visitors and constituents. When constituency and regional offices are factored in, the work of the Parliament stretches the length and breadth of Scotland.

From the beginning of our inquiry, the influence of stories in the press was clear. Against that background, it was important that the corporate body moved quickly, establishing the joint working group to ensure trust and confidence in the Parliament's institutions. It is also welcome that the SPCB established the sexual harassment and sexist behaviour survey, which has provided the

committee with an evidence base on which to structure our deliberations. The findings of the survey were significant. Based on a 62 percent response rate, a fifth of staff members reported experiencing inappropriate behaviours—that figure rose to 30 percent among women staff members.

We have heard it said repeatedly that the Scottish Parliament should aspire to be a model for other workplaces in Scotland but, sadly, when it comes to tackling inappropriate behaviour, we have fallen short of that in the past. Early in the inquiry, the committee recognised that there were few shortcuts here. Other legislatures in the United Kingdom and abroad are wrestling with similar questions and have seen similar problems arise. There has been no perfect example for the Parliament to replicate, although there has been some useful learning from elsewhere.

Despite its distinctiveness, the Parliament shares some similar challenges with other employers. For example, we have heard from a number of organisations about the barriers that employees experience in reporting inappropriate conduct. The regrettable conclusion is that, in virtually all sectors, the majority of inappropriate behaviour in the workplace goes unreported. While tackling barriers that are common to all workplaces, we must not ignore the additional problems that the structures of the Parliament can create. It was therefore welcome that the committee agreed on a point of principle that MSPs should not be seen as having any form of unequal protection from answering accusations that are made against them.

The survey showed that, in 45 per cent of cases, individuals reported an MSP as responsible for the inappropriate behaviour that was directed at them. By comparison, in 40 per cent of cases a member of the parliamentary staff was perceived as responsible, and in 20 per cent of cases a member of MSP staff was. Given the relative numbers in each category, that should concern us all.

How we ensure that complaints are reported and heard is of course key to the work of the inquiry. Our findings were that there is a

"lack of confidence in the Parliament's policies and reporting procedures"

that requires urgent work. The committee has been clear that no one should be deterred from making a complaint because the structures that we have in place make it complicated or challenging for their complaint to be heard.

As a result, we have proposed a single complaint route for employees who are victims of inappropriate behaviour. We want existing institutional barriers to reporting improper conduct to be broken down. The committee recommends



that that should be achieved through the means of an independent body, and we have left open the further question of that body having some role in sanctioning such conduct. We look to the joint working group to consider and agree steps before the Parliament considers the matter again.

The question of sanctions remains a significant one for the Parliament as a whole. The committee has recognised the limitations of the sanctions that can be taken against MSPs who are found to have behaved improperly, short of depending on the criminal justice system. The additional sanctions that we reflected on in the report would be significant innovations in relation to the accountability of members of the Parliament. The question of whether those should be considered is rightly one not just for the committee but for the Parliament as a whole.

There are also areas for political parties that are represented in the chamber to consider. We were told that a key reason given by staff not to pursue complaints is fear of a negative impact on their careers. That leaves MSP staff in particular with a level of vulnerability in the workplace. Our recommendations set out the need for joint work between parties and the Scottish Parliamentary Corporate Body. We have suggested looking towards having mechanisms in place to redeploy staff where relationships have broken down with their MSP employer or where an MSP has left office over their conduct.

The committee has also welcomed the joint working group's consideration of the culture of the Parliament as a workplace. This building is, after all, one of Scotland's largest employment sites. Driving cultural change is one way of ensuring that prevention, rather than simply remedial action, is at the heart of the changes that we make in future. The provision of effective staff training on harassment and inappropriate behaviour is just one way that we can make a difference.

The committee's work and the conclusions in our report are in many ways an interim step. I have covered some of the many bodies that are involved in the way in which behaviour in this building is regulated and how complaints are heard. It is important that all the organisations within that mix take account of the findings and the work of the joint working group. The Parliament has a responsibility to the people who work here. No one should be the victim of harassment or inappropriate behaviour in the workplace and no one who is employed in the building should feel that they cannot report improper behaviour that is directed at them. To make that a reality, the Parliament needs to change.

16:04

**Rhoda Grant (Highlands and Islands) (Lab):** I advise members that I, too, am a member of the joint working group on sexual harassment. I put on record my thanks to the officers who are working on that group and to Emma Ritch from Engender, who is supporting and giving advice to it.

Initially, I was disappointed with the committee's report, because I expected to see some leadership from it. It feels to me like an interim report to instigate a debate that might shine a light on the more difficult issues, rather than a finished piece of work. Many of the recommendations refer issues back to the joint working group, and I am sure that we will take on those challenges and work with the committee.

We need to recognise that the Scottish Parliament is not an ordinary workplace. Within the administration of Parliament, there is a workplace with normal hierarchies. However, MSPs are elected by the people and answer to them only every five years. MSPs employ their own staff, and there is no parliamentary or party locus in the management of those staff. Just because someone is a good politician and is able to win votes does not mean that they are a good manager.

Any human resources issue could be problematic, but that is particularly true with something as sensitive as sexual harassment. If a member of an MSP's staff is being sexually harassed by their employer, they have nowhere to turn. Making a complaint to their employer is impossible if that employer is already abusing the balance of power in their relationship. If they make a complaint to their MSP's party, again, there is no recourse for them and no alternative employment—there is only a disciplinary process for their employer.

People need to work so, because no alternative employment is available, they will keep quiet. When the behaviour becomes too bad, they will try to find another job. We are talking about people's livelihoods, and few people are financially secure enough to risk that. I was therefore disappointed that the Standards, Procedures and Public Appointments Committee did not make recommendations on those issues.

We need to look at how an MSP can be brought to book for unacceptable behaviour. I know that that is challenging and that there have to be checks and balances in any system to ensure that it is not abused for party advantage. However, it is untenable that there is not a system that can hold MSPs to account and address unacceptable behaviour. That cannot simply be left to a party because, when such allegations are made, normal practice would be to suspend a member from the

party, pending investigation. However, they cannot be suspended from Parliament, so we need a system that can remove an MSP from Parliament in extreme circumstances. Currently, that can happen only if they are given a custodial sentence.

Any system needs to be balanced with our democracy. The people elect a representative and therefore they need to have a role in deselecting that person. Somewhere between the MSP and the electorate, there needs to be an investigatory process that is above party politics and cannot be used as a vendetta—a process that the electorate can trust and use as its basis for decision making. Sadly, the committee shied away from that, which is a decision that needs to be made by politicians.

We are all vulnerable to personal attack. Although the public do not believe that we have reputations to protect, we all know that reputational damage can be devastating. Therefore, we need a system that protects elected members from spurious attack while holding them to account when they do wrong.

We also need a system to support our staff. Within Parliament, staff can be moved around and offered a different workplace when an investigation is on-going and the perpetrator is not suspended. That cannot happen with MSP staff if the offender is their boss. The MSP can be suspended from their party, pending investigation, but they cannot be suspended from Parliament. Therefore, the staff member is likely to have to continue to work with them. It is likely that the stress of that will lead to long-term sick leave but, again, that is not acceptable treatment of a victim. We need a mechanism whereby a staff member can be transferred to another employer if a problem occurs. Worry for their livelihood should not be the driving factor in a person's decision on whether to make a complaint. Being abused should not spell the end of a career. We need to protect the people who are often the first point of contact for our constituents.

Added to that, we need to encourage all staff to join a trade union, so that they have an organisation behind them that will support and guide them if they are subject to abuse. Within parties, we also have a responsibility to protect staff. We need to understand that party structures can also bring their own issues. There can be feelings of loyalty and allegiance. Therefore, concerns about feelings of betrayal from reporting one of their own might put off MSP staff from making formal complaints about members of their own party. They might also be worried that they will be excluded from not only parliamentary working but local party events and campaigns outwith Parliament.

Those things have to be into account when reporting frameworks are being created in the

Parliament. We need to reassure staff that their complaints will be taken seriously and that we will do everything in our power to protect them.

The working group can now look at those issues and, indeed, the many more issues that we are currently working on to change the culture and build a zero tolerance approach to harassment in the Parliament.

16:10

**Willie Rennie (North East Fife) (LD):** The debate has been quite instructive so far, and there have been wise contributions from all sides.

Trying to change the culture of conduct in the Parliament is a very difficult subject. In the early days, when we initially heard about the problems at Westminster, there was a degree of complacency. We thought that we were above all that. However, the survey clearly shows that we are not and that there are significant problems here. One in five have witnessed or experienced a problem; one in three women have; and 45 per cent of those cases involved MSPs. That shows that we have as much of a problem as the other institutions have, and we have an equal responsibility and duty to try to resolve those issues.

I do not doubt that those issues are difficult and challenging. We are in an odd workplace. There are 129-plus employers, and we all have our own standards and ways of working. MSPs should not be above everyone else—that should not happen—but it must be recognised that we can no longer tolerate being unable to police ourselves. I will not name individuals, but we cannot have repeated cases of MSPs frankly embarrassing the Parliament and causing considerable disrepute for it. Therefore, we need a mechanism for change.

A mechanism for recall has been introduced at Westminster. I recognise that it might not have dealt with the problems that we have faced in the particular circumstances, but at least people there have stepped up and come up with a mechanism with a variety of thresholds and barriers that need to be overcome before action can be taken. Ultimately, MSPs are employees of the voters, and the voters should have the final say.

I fear political motivation in disciplining particular MSPs and I fear the consequences of that. I recognise that an independent process and an independent investigator would assist in ensuring that the process is above party politics. An independent process may be fine, but we might find that, in 10 years' time, it is not robust enough in order to avoid party politics—

**Patrick Harvie (Glasgow) (Green):** Mr Rennie will be aware that the Standards, Procedures and

Public Appointments Committee considered several arguments relating to that and concluded that, in considering any mechanism for ultimate sanction—dismissal or the equivalent—we should remember the aims at the start of the report, which include

“encouraging reporting ... providing greater clarity about the procedures”

and

“providing some consistency with regard to sanctions”.

Has Mr Rennie given any further thought to how recall mechanisms could be made to achieve those objectives as opposed to putting them at risk?

**Willie Rennie:** I understand what Patrick Harvie says, and I want to ensure that any victims are protected, as well. Perhaps subjecting them to a recall process would be a factor that we would have to consider. We also want consistency and we want the Parliament to lead in addressing sexual harassment. All those factors are challenges.

We are ultimately employees of the voters, so they must be part of the equation. Perhaps anonymity could be a factor in the system in order to protect individuals.

We will find flaws in every system. We will find flaws in the Parliament doing things by itself and in the public having a say in the process. The problem is that, if we find flaws in everything, we will end up doing nothing and we will be back in the same position yet again in a few years' time.

We need to push the boat out and consider things that are perhaps outside our comfort zone, because we have to send a message to MSPs in the future who might think that they are above the law and above the behaviour that would be expected of other employers and can carry on as they have before. We have to change the equation and ensure that they will fear the consequences, that there are sanctions, and that we can throw them out of the Parliament if we have the desire to do so in order that they do not do things again.

There must be an independent process, and having some kind of recall system might be necessary. It is not acceptable for us to carry on as we are just now. We need to change the culture. Sometimes, writing policies does not change a thing. What changes things is the threat, the sanction and the possibility that someone might lose their job at the end of the process. That is what we must be aiming for, because the status quo is unacceptable and has to change.

**The Deputy Presiding Officer:** We move to the open debate—speeches of around four minutes, please.

16:15

**Tom Arthur (Renfrewshire South) (SNP):** As a member of the Standards, Procedures and Public Appointments Committee, I thank my fellow committee members—current and previous—and place on record my thanks to the clerks, researchers and everyone who took time to give oral and written evidence to the committee.

It is important to state that the piece of work that we are discussing represents not an end but a beginning. I say that particularly in response to Rhoda Grant's comments, which were well made. The committee had to balance the need to make recommendations and acknowledge the seriousness and gravity of the issue and the implications that some reforms could have with the need to survey the views of all members of this Parliament. Although the report is not published as an interim report, it can be understood as a stimulus to further conversation and debate, and it makes clear that the committee is willing to revisit the issues in the light of this debate and the work of the joint working group.

The report makes a series of recommendations that represent low-hanging fruit—policy changes that can be implemented in fairly short order—and I welcome the joint working group's publication of a zero tolerance policy. That represents the start, and there is clearly support across the chamber for training, which, as has been highlighted previously, is important not only for changing cultural attitudes but for ensuring that MSPs, as employers, are equipped with the required skills.

A key issue that arose was the need for a simplified reporting process. The reporting landscape is incredibly complicated, as the committee heard time and time again. That is a consequence of the various relationships that exist in this Parliament—between MSP and MSP; between an MSP and a member of their staff; between an MSP and a member of another MSP's staff; and between an MSP and a member of staff who is employed by the group. There are also the relationships with the staff who are employed by the Scottish Parliamentary Corporate Body. Clearly, that complicated landscape is one of the barriers to reporting at the moment. Establishing a single point of contact and a single portal in a simplified process is absolutely essential.

One of the issues that arose from that situation was one of competence and the question of whether someone who pursued a case could be confident that it would result in action being taken. Inevitably, that led to the question of there being an ultimate sanction involving suspension or recall. None of the options is without problems but, indeed, none is without merit.

On the issue of recall, as has been said, there is the potential for what might be a sensitive issue, in relation to which there is a need for anonymity, becoming politicised and publicised. On the issue of suspension for the purpose of investigation, there would be challenges with regard to the perception of that suspension. In a normal employment scenario, a suspension enables the facts to be established and evidence to be provided for a report. In the context of our place of work, suspension could be interpreted as a form of punishment.

There is also the issue of having an ultimate sanction for acts of gross misconduct that currently fall short of the threshold of criminality, which is something that we must explore. I will make two comments about the ultimate sanction in that regard. First, in considering the possibility of disqualifying MSPs for gross misconduct, we cannot look at sexual harassment in isolation but must consider broader areas of gross misconduct. Secondly, under the current arrangements, as I understand them, there is parity between what disqualifies someone from being a candidate and what disqualifies someone from being an MSP—that is, a custodial sentence in excess of a year or insolvency. Again, we would have to investigate that. If we regulated to provide that an MSP could be dismissed for gross misconduct, would we want to prohibit someone from standing as a candidate for the Parliament if they had been dismissed from a workplace for gross misconduct?

My final comment is addressed to Rhoda Grant. This is not an end but a beginning, as I said, and it is important that all members have an opportunity to contribute. I am sure that the committee will reflect on that.

16:20

**Alexander Stewart (Mid Scotland and Fife) (Con):** Sexual harassment in all its forms is completely unacceptable and must not be tolerated under any circumstances. We all acknowledge that. It is the responsibility of members of this Parliament to set the highest standards, to which others must rise.

It is clear, however, from the parliamentary survey, that this Parliament has fallen well short of the standards that are expected of it. The survey makes for worrying and sobering reading. Many people wanted to tell their stories. Victims wanted to be heard, but it appears that they were terrified that they might jeopardise their careers if they told their stories.

Of the 1,000 individuals who responded to the survey, one in five said that they had experienced some form of sexual harassment. Women were significantly more likely to have encountered some

kind of sexual harassment or sexist behaviour, with three in 10 women reporting experience of such behaviour.

The Standards, Procedures and Public Appointments Committee's report on the topic also gives cause for concern. I had the privilege of being a member of the committee—I am no longer a member—and was involved in some of the evidence sessions. I thank the individuals and organisations who told us how they were tackling the issue and talked about how individuals had come forward to tell their stories. That was important.

The committee said that

“Under-reporting of sexual harassment appears to be endemic”,

and went on to say that

“the most common response to experiencing sexual harassment or sexist behaviour was to do nothing.”

Individuals felt that there was no point in doing anything because they would not be believed or they would jeopardise their careers or lifestyles. That has to change. The current reporting procedures and policies are, quite simply, not fit for purpose.

**John Mason (Glasgow Shettleston) (SNP):**

Does the member think that this is a problem for all small employers, or is it a particular problem when an MSP is the employer?

**Alexander Stewart:** We heard evidence that it happens across the piece, but the committee found that our circumstances and situation might make us more vulnerable to the issue because individuals work closely with us. We must therefore be alive to what happens in this environment.

It is important that victims of sexual harassment feel able to report such conduct. That was not the case here; individuals felt that they would not do that, given the possibility of redundancy and losing their career.

The committee suggested in its report that consideration should be given to the establishment of an independent advisory body. I would welcome that, as such a body would make a difference and would give individuals the opportunity to come forward to report misconduct.

The establishment of the Scottish Parliament's joint working group on sexual harassment is a positive step for the Parliament and political parties. I also welcome the statement on zero tolerance that the Presiding Officer, the chief executive and party leaders released this week. A zero tolerance approach is exactly the right one for this Parliament to adopt as we seek to set an example for Scotland.

We must set that example. We must ensure that there is training. Inaction is not an option. We need a change in the culture and attitudes. Sexual harassment in the workplace is wrong. We must ensure that it is rooted out of public life, and we should report every case.

16:25

**Iain Gray (East Lothian) (Lab):** I do not flatter myself that anyone remembers my leader's speeches to Labour conferences back in those halcyon days. In fact, I am not sure that I remember them, although the First Minister quoted one at Richard Leonard a few weeks ago, so maybe someone was listening after all.

However, I do recall one speech in which I announced to a somewhat taken aback Labour conference that I had a new woman in my life—Lucy, my first grandchild, then just born, now eight. I tried to describe the world and the Scotland that I wanted Lucy to grow up in—equal, caring, prosperous, fair and safe—and how I believed that we could achieve that.

I argued that it was to the programme and policies of this Parliament, of which I am proud, that we must look to deliver that for her. I did not say it explicitly that day but, believe me, I want Lucy to live without facing sexism—everyday or systematic—and I want her and every woman in this country to live without fear of sexual harassment. It is, therefore, imperative that we eradicate those things from this institution, which should symbolise, set the standard for and shape by law and example the country that we want to see. We rightly expect the Scottish Parliament to set an example to the nation that is based around reason, integrity and service.

That is why the survey that the SPCB conducted is so worrying. One member of staff facing harassment is one too many, but for one in five respondents and one in three women to have experienced such behaviour is absolutely unacceptable. It is clear that we are falling short.

What links instances of sexual harassment across workplaces and society is the power relationships between people and their abuse. My goodness—is this not a veritable palace of power relationships, both formal and informal? We have different types of employment and staff in this institution, but all are centred around the work of MSPs. Indeed, the survey highlighted that fears surrounding career progression, which is often within the gift of an MSP, is a key reason why victims of harassment do not feel that they can come forward.

As we have heard, there is the added factor of political parties having their own different systems for reporting, as well the increased media and

public scrutiny of complaints that many victims feel might compromise their confidentiality and lose them their right to anonymity.

It is not just about MSP staff, of course. Staff who are employed to provide parliamentary services of all kinds also face an unequal dynamic with MSPs as well as being part of a hierarchical system of line management in the SPCB. The survey clearly showed that victims of harassment lack faith that they will be taken seriously and that the process will check the power of an elected member.

There is also an incorrect presumption that the responsibility for harassment sits solely with the perpetrator. Sexual harassment often involves not just the perpetrator and the victim but the complicity of bystanders. It is up to us all to stand up, call it out and report such behaviour. It is up to us all to call out everyday sexism, no matter how apparently trivial, and not just serious harassment, because the one leads to the legitimisation of the other and they are both wrong.

Willie Rennie is right to say that only a fair and consistent process with real consequences, no matter how hard that is for us, will drive a culture change. The report marks progress, and there are good recommendations on trade union involvement and the call for a no tolerance approach, which are all very well. However, at the end of these procedures, victims must feel that there will be no tolerance and that there will be consequences for perpetrators, regardless of their seniority.

I welcome the report, but Rhoda Grant is right in saying that we see must the concrete proposals.

16:29

**Clare Adamson (Motherwell and Wishaw) (SNP):** Before I go on to the substantive part of my speech, I remind everyone that not only women but men can be victims of sexual harassment and that, for example, a man can be harassed by a man, and a woman can be harassed by a woman. We should not generalise in those areas and we should also recognise the particular circumstances that non-binary people might find themselves in.

I thank the Standards, Procedures and Public Appointments Committee for its report, which I welcome as an exceptional piece of work. Having served as that committee's convener, I know that it will have approached the report in a measured manner. Both Tom Arthur and the committee convener, Ms Haughey, have outlined how complex the situation is. As has been mentioned, there are many different types of relationship in the Scottish Parliament's working arrangements, which has made the inquiry quite difficult. I remind members that the Standards, Procedures and

Public Appointments Committee is responsible for the “Code of Conduct for Members of the Scottish Parliament” and that the committee must work in conjunction with the Scottish Parliamentary Corporate Body to look at the wider implications and the way forward.

The SPCB should be congratulated on actioning the sexual harassment and sexist behaviour survey. Many members, including Iain Gray, have talked about how shocking some of the survey results are, but one of the joint working group’s recommendations is that progress should be monitored to ensure that there is culture change and improvement, and the survey will be an important benchmark. I thank colleagues across the chamber, including Ms Grant, who have taken time to be in the joint working group and have committed to continuing that work.

The confidential phone line, which was established very quickly, is a way forward. I welcome the development, although it is just the start for what has been described as the requirement for a streamlined reporting process, which is another of the report’s welcome recommendations. I also welcome the recognition of the need for counselling and therapy for those who are initiating or going through a complaint process.

The report refers to “campus users”, which reminds us that the Parliament is about not just this building but our constituency offices and that wider community. Everything that we do about the working arrangements in the Parliament building in relation to this issue should be equally valid for the working arrangements in our constituency offices.

I am interested in the suggestion of having an independent body in this area. I have not come to a conclusion about the best way forward in terms of sanctions, but that has to come from the joint working group and the Standards, Procedures and Public Appointments Committee. I am sure that that is something that we will debate.

I am getting a nod from the Presiding Officer to wind up, so I will refer finally to the report’s recommendation on education. I know that colleagues have shied away from the word “mandatory” in that regard, but I will quote Richard Feynman, the Nobel physicist, who is a great hero of mine and whom I have quoted many times in the chamber—

**The Deputy Presiding Officer:** I am sorry, but it has to be the quickest quote in living memory because I want to get more members in.

**Clare Adamson:** Richard Feynman said:

“I’m smart enough to know that I’m dumb.”

We all need to embrace that point and take the opportunity to learn.

16:34

**Alison Harris (Central Scotland) (Con):** I, too, thank the Parliament for its work to eradicate sexual harassment and inappropriate conduct from not only the Scottish Parliament but workplaces across Scotland. Sexual harassment can happen in all kinds of workplaces and at any level. The person responsible for the harassment might be a work colleague, a manager, a customer, someone making deliveries or someone connected in some way to where we work.

Harassment is usually experienced by women and perpetrated by men, but it can also be the other way around and it may involve people of the same sex. It can be difficult for someone to know what to do about it, especially if their job or prospects are being threatened. People may worry that they will not be taken seriously, or that complaining about the harassment will have negative consequences. There may remain circumstances in which employees feel unable to raise a complaint of sexual harassment; however, technology is now being used effectively to support people in a way that helps them to feel safe to report it.

All employers are responsible for the health, safety and welfare of their employees at work. They are also usually responsible in law for the actions of their employees at work. As soon as employers are aware of unwanted behaviour from anyone connected with the workplace, they should take action to stop it and also to prevent it from happening again. However, I appreciate the problems that that creates when employers are the perpetrators. In any work environment, if someone is experiencing sexual harassment, their employer should take what they say seriously, investigate it, and find a solution that is consistent with their health, safety and welfare at work. Employers should deal with complaints fairly and promptly and treat them confidentially. Employers should also make sure that their employees are not victimised in any way for making a complaint.

I read not long ago that

“The Equality and Human Rights Commission has written to Chairs of the FTSE 100 saying it will take legal action where there is evidence of systemic failing in preventing, or dealing with, sexual harassment. In the wake of the Hollywood and Westminster sexual harassment scandals, and the #MeToo campaign, the Commission has written to the Chairs of the FTSE 100 and other leading employers to remind them of their legal responsibility for the safety and dignity of their employees in ordinary workplaces across the country. The letter explains that, where the Commission discovers evidence of systemic failings, it will consider exercising its enforcement powers, this could include undertaking investigations into organisations which it suspects may be failing to take reasonable steps to protect employees.”

Sexual harassment is rife across all our industries. We accept it far too easily, in terms of

the culture that we live in, but accountability lies with leadership. Everyone is entitled to a workplace that is free from harassment and discrimination. As a society, we have turned a blind eye for too long: enough is enough and now is the time to act. Culture change will not happen overnight, but I feel that there is a definite shift in attitudes towards being much more aware of sexual harassment, and that it will now no longer be tolerated.

As a Parliament, we need to encourage people to report sexual harassment, and we need mechanisms that address the significant barriers to raising issues in order to stamp it out, not only here in Parliament, but in every place of employment.

16:37

**Gillian Martin (Aberdeenshire East) (SNP):** As so many other people have mentioned, I too was struck by one sentence in the introduction to the Standards, Procedures and Public Appointments Committee's report. I wholly agree with the sentence, which reads:

"The Scottish Parliament should aspire to be a model for other workplaces".

Parliament is, of course, not immune from all the types of harassment that other workplaces suffer from. We know that for a fact, but we differ in one key respect from civic workplaces. That difference is that, if harassment is perpetrated by one of our elected members, they cannot be dismissed as the final consequence of a disciplinary procedure.

Where does that leave victims? It is tremendously difficult for someone to come forward about sexual harassment, particularly by someone who has power over them. Even with improvements in reporting systems and procedures, in this workplace a person could come forward, go through a process that is a tremendous strain on the most resilient of souls, tell strangers the most intimate details of their experiences and still be faced with an unsatisfactory conclusion, even if their complaint is upheld. If the complaint is against an elected member, and even if that member is disciplined by their own party and admits their harassment, they can still continue to be an MSP with access to constituency offices, parliamentary buildings and resources. In short, the victim will be likely to come into contact with their harasser.

There are strict regulations on the breach of standards that would lead to a member being forced out of office, and we all know them. Perhaps those need to be looked at again. The report is the start of a wider discussion on the matter, but it certainly offers no conclusion on what is a very difficult matter. The people of our

constituency recruit us, and only they can sack us: not Parliament, and not a group of specially chosen people who sit on an independent body and have no relationship to a member's constituency.

However, the Parliament has a duty of care to those who work here. If a person is found to be a victim, is it right that they are forced into a situation where they can be in physical proximity to the perpetrator? Of course it is not. However, the idea of having a board of people who can overturn an election result is also problematic, as Tom Arthur said.

We need a discussion about what additional sanctions on a perpetrator there can be and what operational procedures we can put in place that could protect a victim from having contact with his or her harasser. How we do that while still giving equal representation to that constituency or region is no small matter, but I am glad that there will be on-going work on that.

As with most things, prevention is better than cure. Political parties that choose candidates for election have the ultimate responsibility. Their procedures and vetting and their internal disciplinary mechanisms—or the lack of them—should not be Parliament's mess to clean up. All parties should have a zero tolerance approach to sexual harassment, robust and comprehensive training for potential candidates and a reporting system that equals, if not better, the reasonable recommendations made in this report. I want to see political parties dealing with complaints in the way that any well-run workplace would, not sweeping them under the carpet and putting party reputation ahead of justice for victims. If they do the latter, they are failing the electorate that puts its trust in them and are saddling a constituency or region with a person who has hidden their true self from their colleagues and their constituents. They damage our party, our Parliament and the reputation of those of us who conduct ourselves professionally.

Sexual harassment is happening across the party divide. No party is immune. I say with respect that some are dealing with it and some are not. The recommendations in the report are right and proper. I agree with almost all of them, but we should not leave Parliament to be the cure when prevention is in the hands of all parties in this chamber.

**The Deputy Presiding Officer:** I call Mike Rumbles, who is the last speaker in the open debate. We will then move to the closing speeches—that is fair warning.

16:41

**Mike Rumbles (North East Scotland) (LD):** I, too, believe that this is a very good report and I thank the committee for all its work on our behalf.

A standards debate should be free of partisan party politics and I am glad that that has been the case this afternoon and that everyone has given their individual views—I will do the same. I say for the benefit of members who are not aware of this that I was the first convener of the Standards Committee back in 1999 at the very outset of our Parliament. I am proud of the fact that I was the member in charge of the very first committee bill of the Parliament, which set up an independent commissioner to investigate complaints against MSPs. I, and my committee, worked for many months to get that right.

I will comment on the section in the report headed “Sanctions for MSPs” and on the independent investigator. The committee recognises that there is a mechanism for the removal of an MSP for a serious breach of the law that results in a prison sentence of one year or more. In my opinion, such convictions and sentences are quite rightly in the hands of the courts. I would like to see the removal of an MSP as a result of their receiving any length of prison sentence; in this case, the one-year barrier is wrong and an MSP who is imprisoned should not remain an MSP.

However, paragraph 81 of the report states:

“Dismissal for serious offences is a feature of conventional employment arrangements, but there is no mechanism to remove an elected member from office for such misconduct”.

We must remember that, in law, parliamentarians are not employees. The committee itself states in paragraph 85 of its report:

“removing an elected member without reference to the electorate cuts across the principles of democracy.”

As to the issue of recall, we really must think through the practicalities. I notice the diplomatic absence of my party leader when I say that, with the greatest of respect to him, this is a point on which I disagree with him. I cannot possibly see how the process could operate in the Scottish Parliament when we have regional members who are elected by proportional representation. If anyone could explain in practical terms how we could recall regional MSPs, who are elected on the basis of PR, I would be willing to listen, but I cannot see how the practicalities of it would work.

On the issue of an independent investigator—which I know something about—my committee took a great deal of time to get that right, recognising that it was important to have a complaint investigated independently of MSPs. I had the unfortunate task of investigating the first

major complaint, along with my committee, and we knew that that approach was wrong. It is absolutely right to have an independent investigator, but it should not be the job of such a person to sanction anyone. The investigator should put in a report of their independent findings to the SPPA Committee for further action. That is clearly the right way to approach this.

16:45

**James Kelly (Glasgow) (Lab):** As MSPs, we all come to the chamber honoured to represent our constituents. We welcome individual constituents, school groups and community groups to Holyrood, and we hold up the building as a democratic institution that we are very proud of.

From that point of view, the statistics in the sexual harassment survey were absolutely shocking and worrying. The fact that 20 per cent of those surveyed had experienced either sexist behaviour or sexual harassment is just completely unacceptable in Scotland’s Parliament. Also, the fact that there were five times more cases involving women than men indicates that, in parts of this building, there is still too much of a male-dominated culture, which has to be eradicated.

One of the really worrying points that Jamie Halcro Johnston pointed out is that nearly half—45 per cent—of the instances of sexual harassment involved MSPs. The Parliament as an institution needs to take a close look at itself. Added to that, the real worry—as the committee brought out—is the lack of confidence in making complaints. As Clare Haughey pointed out, that leads to really low reporting of cases of sexual harassment or sexist behaviour.

There are a number of reasons for that. As Tom Arthur pointed out, we have a myriad of policies across the Parliament and individual political parties can have their own policies. One of the problems with political parties investigating complaints is that when they investigate any complaint, not just sexual harassment complaints, there is an element of trying to manage and minimise the fallout from the complaint. That is not good enough in this situation. We need a proper process that people can have confidence in. To do that, a central policy that sits above and is a higher priority than political parties’ policies would help. As the committee report also discussed, the use of an independent investigator would give people more confidence.

The other problem that Rhoda Grant and Gillian Martin brought out is that people who are employed by MSPs may have a real worry that making a complaint could have an effect on their career. One of the ideas that the committee discussed is whether staff could be reallocated by



the corporate body in instances where complaints have been made. That suggestion is worthy of consideration.

As Willie Rennie pointed out, the status quo is not good enough. There is a lot of work to do by the review group and I am glad that Engender is involved in that. However, if we are to achieve Iain Gray's ambition that his granddaughter will grow up to have a life without sexual harassment, we need to show leadership as a Parliament, not just to eradicate such behaviour here but so that the culture in the country will change as well and we can rid the country of sexual harassment and sexist behaviour.

16:49

**Michelle Ballantyne (South Scotland) (Con):** I place on record the fact that I am a member of the joint working group and add my thanks to the clerks for the large amount of work that they are doing behind the scenes.

To tackle sexual harassment, we must first be able to recognise it. Willie Rennie rightly identified that as a complex problem. We start off by thinking that it is really simple and then, as the working group has discovered, the more we discuss and consider it, the more complex we realise that it is. That is why the formation of the joint working group, the work of the committee and the publication of the report were and are important.

Acts of sexual harassment are power plays. The behaviour tends to be dominating and, often, humiliating. Iain Gray beautifully described this place as a "palace of power relationships". I will take that home with me and have a wee think about it, as it is quite a good description.

Members across the chamber agree that the levels of sexual harassment that we found in the survey are not acceptable. However, it is worrying that the most common response of people who experienced sexual harassment was to do nothing. On top of that, nearly one third of respondents had witnessed harassment or sexism and, again, one of the most common responses was to do nothing.

The Standards, Procedures and Public Appointments Committee's report showed that underreporting is endemic in the majority of institutions, and the Parliament is clearly no exception. However, Alison Harris astutely noted that it can often be difficult for someone to know what to do and who to turn to when they experience harassment, especially if they feel that it might compromise their job prospects. That serves to highlight why having new mechanisms for reporting it is important. I hope that that will allow the Parliament to begin to rectify its record.

As my colleague Rhoda Grant indicated, the joint working group has already published its statement of zero tolerance. I hope that that is the beginning of moving towards a better environment and experience in the Parliament. The new reporting procedures that we are working on will, I hope, allow for independent, confidential channels for complaints that will balance anonymity with transparency and fairness.

We must remember that the issue is not the intention of an action or comment, as that might be entirely without malice. The importance of what somebody does often lies in the unintended consequences of their actions and how others perceive them. If the recipient feels degraded and intimidated, the action must be taken extremely seriously to ensure that it cannot happen again. However, that does not necessarily mean persecuting the individual, who perhaps did not realise that their behaviour was having that effect.

That brings me to training. We all need to become more aware of, and more alert to, the feelings and perspectives of others, so training has an extremely important role. Should it be mandatory? Lack of training should certainly not be an adequate defence.

As Alexander Stewart stressed, the Parliament should set standards to which we expect others to rise. Inaction was not an option; therefore, I am glad that the working group and the committee have been able to move quickly to establish new measures for the elimination of sexual harassment. Nevertheless, for a complainant to feel truly confident in reporting harassment of any sort, they need to feel confident that action can and will be taken. As Jamie Halcro Johnston, Clare Haughey and Rhoda Grant all said, there is still a gap in holding MSPs to account fairly and effectively.

I take Tom Arthur's point that the report and the work that is being done should be considered as a start—an interim stage, not an end. There are still a number of items that we will have to explore in detail and on which we will have to consider the evidence. The clash between Patrick Harvie and Willie Rennie highlighted that. There are things on which we should take action that seem simple on the surface but that we find are complicated when we start to get into the detail.

We need to remember that we are in positions of power and, as a result, have a responsibility to lead by example. I hope that, over the next few months, we will show that we can do that.

16:54

**Patrick Harvie (Glasgow) (Green):** I am grateful to have the chance to close the debate on behalf of the committee. I once again thank

everyone who participated in and supported the committee's work, whether our clerking team or those who gave evidence to us. Also, all MSPs owe thanks to the members of corporate body staff and MSP staff who are participating in the Parliament's wider work to address the issue.

I will not be able to respond to every issue that has been raised in the time that is available to me, as there is a great deal of complexity to many of those issues.

Michelle Ballantyne, Jamie Halcro Johnston and Gillian Martin were among many members who talked about the barriers to reporting. We need to get right the procedures for how we deal with incidents of sexual harassment, but, if we do not challenge and overcome the barriers to reporting in the first instance, that will not be enough.

Gillian Martin ended her argument by saying that we should not simply leave it to Parliament, as political parties also have a responsibility. As parties, we have a responsibility, but we also have to remember the issue of the cluttered landscape that was described by our convener, Clare Haughey, as well as by Jamie Halcro Johnston and other members. There is a cluttered landscape of employers and potential relationships, and we must avoid fragmentation in how individual cases are dealt with. If Parliament is unable to address matters under the code of conduct—for example, because information is held elsewhere—there is still the problem of the cluttered landscape, which leads us to the argument for a central policy in Parliament across all the different employers.

Iain Gray touched on an extremely important point in that regard. He said that it is not merely a case of having the right policies but of all of us taking responsibility. Although I agree with members who said that the perpetrators are not exclusively men—Clare Adamson reminded us to place the issue in the context of the gender spectrum, not the gender binary—as a society, we must recognise that there is a particular problem with men. There is a problem with men's attitudes, behaviour and sense of sexual entitlement as well as their failure to take responsibility, often dismissing things as locker-room talk, as it has been described elsewhere. Iain Gray is absolutely right in saying that, if we do not call out and challenge the behaviour that we see in others around us, we, too, fail to accept responsibility.

Rhoda Grant recognised that, in the context of all those aspects, there is a need for a clear system for holding MSPs to account. It is easy to say "a clear system", but today's debate—in particular, some of the arguments around whether a recall mechanism is appropriate—has demonstrated that there are complexities in defining what a clear system can be. Michelle

Ballantyne described my discussion with Willie Rennie as a clash, but I hope that it did not feel like that, as there is a serious debate to be had about the wider arguments for a recall system and its place in a democratic process.

The Standards, Procedures and Public Appointments Committee was clear that that was beyond its remit and the remit of the inquiry, but the wider political arguments for a system of recall will, no doubt, be played out. Our concern, and the concern in some of the external evidence that we heard during the inquiry, is whether that would be consistent with giving people who wished to make a complaint clarity about how their complaint would be dealt with and ensuring confidentiality for those who wished to make a complaint as well as providing consistency in the sanctions that were applied.

**Mike Rumbles:** It is quite clear to me that the first-past-the-post system would be a good system of recall. However, looking at the practicalities for regional MSPs such as myself and Patrick Harvie, how could we have a system of recall that was based on proportional representation? How would that work?

**Patrick Harvie:** I cannot speak for the committee as a whole on that subject, as we have not reached a conclusion. We have considered the complexity of the issue, and it is one that needs to be thought about.

We are also talking about what has been described as an ultimate sanction that is comparable to dismissal for gross misconduct in other employment settings. We must recognise that, although recall is one way of achieving that, it is not necessarily the only way. There is already a threshold for dismissal from office as an MSP, and it currently lies with the courts. That is another way of thinking about the problem.

That issue, along with the principle that MSPs should not enjoy or be seen to enjoy a higher level of protection from investigation or sanction than people who are employed in other capacities and the question of suspension formed a set of issues that we wanted Parliament to debate to inform our future work.

I am aware that there are those who do not feel able to report their experiences. They include the person who works here who wrote to me recently:

"The MSP ... approached me in the parliamentary office of my employer and made ... graphic comments about my appearance, what he was keen to do to me once I had agreed to go for a drink with him off campus."

He acted in that way

"on a number of occasions".

The person who wrote to me said:

"I discussed this situation with a colleague who had worked for a ... MSP since 1999 and was told to forget that it had happened and that 'it's just the way he is.' I mentioned it to my own employer who just raised their eyebrows and said that the MSP was well known to be a 'bit of a chancer' with younger women."

Every single one of us—the committee and members across the Parliament—should be united in saying that we all need to take responsibility for challenging that culture. We need to challenge the status quo and change such attitudes and behaviours—every single one of us needs to take responsibility for that.

The Standards, Procedures and Public Appointments Committee is committed to continuing this work. As Tom Arthur said, this is by no means the end of a process; it is the beginning of one.

## Point of Order

17:01

**Neil Findlay (Lothian) (Lab):** On a point of order, Presiding Officer. Today, before First Minister's questions, as is customary, we were asked to welcome a guest to the chamber: Andriy Parubiy, the speaker of the Ukrainian Parliament. Mr Parubiy was a founding member of the Social-National Party of Ukraine—a far right fascist party. It based its formation on Hitler's Nazis and it accepted only ethnic Ukrainians as members. It was a party that practised social nationalism and used Nazi symbols to promote its ideology. It merged with other nationalist parties to form the Svoboda party, said by the European Union to be a racist party, and he controlled that far-right organisation's paramilitary wing.

Presiding Officer, can you advise whether someone researches and vets those who come here as guests? Has any thought gone into providing members with information on who we are being invited to acknowledge, prior to your invitation to us to welcome them? Have any politicians or foreign dignitaries who have sought to come to the Parliament been refused? Will you look at the processes around the invitation and reception of guests so that members know who they are being asked to welcome into this democratic institution?

**The Presiding Officer (Ken Macintosh):** I thank Mr Findlay for letting me know in advance that he intended to raise a point of order. I note the comments that Mr Findlay has made, and he is able to pursue these matters through his business manager. However, I draw his and other members' attention to the fact that it is my role as Presiding Officer to welcome speakers, heads of Government, commissioners and ambassadors to the Scottish Parliament on their behalf.

**Neil Findlay:** On a point of order, Presiding Officer. That is exactly the point. Members do not know who they are being asked to acknowledge in the Parliament. This is a very dangerous precedent to set, because who knows who the next person to come through the door will be? We do not have prior knowledge of who these individuals are. We do not know and cannot research their history before the moment when you ask us to welcome them into this democratic institution. I would prefer to know it the next time I am invited to welcome a racist, fascist Nazi to the Parliament.

**The Presiding Officer:** I think that Mr Findlay has made his point. As far as I am aware—I will confirm this—members are informed, or it is certainly detailed in advance when we have

visitors to the Parliament. I stress that, when we have a speaker representing another Parliament or somebody representing another country, it is expected that we welcome them to the Parliament.

## Decision Time

17:04

**The Presiding Officer (Ken Macintosh):** There is one question to be put as a result of today's business. The question is, that motion S5M-12730, in the name of Clare Haughey, on the sexual harassment and inappropriate conduct inquiry, be agreed to.

*Motion agreed to,*

That the Parliament notes the Standards, Procedures and Public Appointments Committee's 4th Report 2018 (Session 5), *Sexual harassment and inappropriate conduct* (SP Paper 340).

*Meeting closed at 17:05.*

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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