



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Meeting of the Parliament

**Wednesday 3 October 2018**

**Session 5**



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Pàrlamaid na h-Alba

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# Scottish Parliament

Wednesday 3 October 2018

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

## Portfolio Question Time

### Education and Skills

#### Childcare Provision (Expansion to 1,140 hours)

**1. Alison Harris (Central Scotland) (Con):** To ask the Scottish Government how the planned increase of childcare provision to 1,140 hours is progressing. (S5O-02419)

**The Minister for Children and Young People (Maree Todd):** We remain on track to deliver the 1,140 hours expansion. The programme is ambitious and challenging, but we are working hard with local authorities and delivery partners to create the required workforce and physical capacity. In April, we reached a landmark agreement with the Convention of Scottish Local Authorities on a multiyear package to fully fund the expansion, and we recently established a joint delivery board, which I co-chair with Councillor McCabe, to oversee progress and respond to any emerging issues.

**Alison Harris:** Early learning and childcare providers have raised concerns that the planned roll-out is bypassing them. Nurseries that are supposed to be partner providers alongside local authorities are struggling to stay afloat, because the Scottish Government's roll-out is weighted heavily in favour of local authority nurseries and providers. Will the closure of private nurseries as a result of the growing flaws in that roll-out really help parents and children?

**Maree Todd:** First, let me make it absolutely clear that partner providers are crucial to the delivery of the policy in delivering excellence and flexibility.

Our new provider-neutral funding-follows-the-child model, which we are working towards introducing in 2020, will give private and third sector providers, including childminders, more opportunities to participate in the expansion. That will be underpinned by a national standard that ensures quality. We are simplifying the process and making the bureaucracy much more proportionate than it currently is. We are also about to embark on a programme of communication to parents so that they are absolutely sure that they are able to choose any provider to deliver that early learning and childcare.

**Gillian Martin (Aberdeenshire East) (SNP):** Can the minister confirm that nurseries in Scotland are exempt from paying business rates under a scheme that the Scottish National Party Government introduced, but those in England are not under the Tories, and that that approach greatly supports the private nursery sector?

**Maree Todd:** Yes—absolutely. On 1 April 2018, we introduced a new 100 per cent rate relief for private properties that are wholly or mainly used as day nurseries. We have estimated that that relief will have removed the burden of rates from up to 500 businesses. The relief will run for a period of three years. I can confirm that that is contrary to the situation in England, where nurseries are not exempt from paying business rates.

Gillian Martin was quite right to say that, in Scotland, we recognise that our partner providers will be crucial to the successful delivery of the policy. I gather that the National Day Nurseries Association and the Federation of Small Businesses are campaigning down south to urge the United Kingdom Government to follow our example in Scotland.

**Mary Fee (West Scotland) (Lab):** Will the minister give an update on the size of the early learning and childcare workforce?

**Maree Todd:** I certainly will. As members know, we have been running a recruitment programme for a number of years, and we have already recruited several thousand new entrants. We have been running a campaign to increase the number of places for apprentices and to increase the number of college and university places, and we have run a campaign for school leavers and professional entrants.

In 2017, there were 95,000 registrations for early learning and childcare. Ten per cent of the entire two-year-old population was registered, and we have increased workforce capacity through 650 additional higher national certificate and 350 graduate-level places. We have provided local authorities with £21 million for expanding and training the workforce.

We are meeting our workforce targets, and as I said in my answer to Ms Harris, we have set up a delivery board that will monitor the targets. The first meeting is on 31 October and we will monitor monthly exactly how many staff are in place.

**The Presiding Officer (Ken Macintosh):** Thank you. I forgot to remind members—but that was a good example—to keep all answers and questions nice and succinct. From the chair, I will not interrupt the members who ask questions.

### **Postgraduate Certificate in Education (Technical Subjects)**

#### **2. Peter Chapman (North East Scotland)**

**(Con):** To ask the Scottish Government what it is doing to encourage universities in the north-east to provide postgraduate certificate in education qualifications in technical subjects. (S5O-02420)

**The Minister for Further Education, Higher Education and Science (Richard Lochhead):** The University of Aberdeen offers a postgraduate diploma in education for local authority staff, which was developed using Scottish Government funding. The programme is offered in a range of subjects, including technological education. In addition, the University of Highlands and Islands offers a postgraduate diploma in education. As a new minister, I hope to discuss expansion of that particular provision with universities and local authority partners, always with the caveat that we must maintain the quality of students who undertake teacher education programmes.

**Peter Chapman:** The number of technical classes in my constituency has decreased and in some schools they have stopped altogether, due to a lack of technical teachers in the area. Peterhead academy, for example, has lost three of its five technical teachers in the past month, which means that metalwork classes have ceased there. If pupils are not able to take the relevant courses at school to qualify for an apprenticeship, there will be a knock-on effect for local engineering businesses. Will the minister act now to end that cycle and get more teachers trained through local universities to allow young people in the north-east to pursue the careers that they want?

**Richard Lochhead:** Peter Chapman has highlighted an important subject. He knows the challenge of attracting teachers into science, technology, engineering and mathematics and on to courses at universities and colleges. It is currently a challenge not only in Scotland but in many European countries, which is why Scotland has a STEM strategy. We are taking a number of actions to improve teacher recruitment in those challenging subject areas. We support universities and the development of new routes into teaching, we offer bursaries of £20,000 for career changers to do teacher training in certain STEM subjects and we are delivering our teacher recruitment campaign, teaching makes people, which focuses on STEM and other subjects for which the demand is the greatest at the moment. I assure the member that we are taking a lot of action, but we are always open to new ideas. The subject is very important, as he has highlighted, and it needs to be addressed.

### **Autistic Children (Exclusion from School)**

**3. Johann Lamont (Glasgow) (Lab):** To ask the Scottish Government what its response is to the report regarding the experiences of autistic children missing school, “Not included, not engaged, not involved”. (S5O-02421)

**The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney):** We welcome the report from Children in Scotland, the National Autistic Society and Scottish Autism into the experiences of children with autism who are missing education. We have a number of interventions under way to try to address the issues that are raised and I want the organisations involved in the survey to have confidence in those measures. I will be meeting the organisations concerned on 1 November to discuss their nine recommendations and determine what further action is required.

**Johann Lamont:** At the launch of the report by Scottish Autism, the National Autistic Society and Children in Scotland, we heard emotional and powerful testimony from parents about unlawful exclusion, lack of specialist staff, lack of training and many other ways in which too many young people and their families are being denied the opportunity to learn. As the cabinet secretary has indicated, those experiences were confirmed by the survey research in the report. Will the cabinet secretary commit not just to reading the report and meeting the families—which I very much welcome—but to reporting back to the Parliament on the nine calls for action, which I believe are an essential blueprint to address the problems that families have identified and to ensure that young people achieve their full potential?

**John Swinney:** I am very happy to make that commitment. I looked with great care at the report, and I studied all the recommendations and mapped them against the interventions that the Government is making. As I said, that is all very well for me to say, but those interventions have to command confidence among the individuals and organisations concerned. I was troubled by the evidence that was marshalled by the report, which is why I will engage with the organisations and happily come back to Parliament to report on my responses to those issues.

**Emma Harper (South Scotland) (SNP):** Students from the North West community campus in Dumfries have been temporarily moved to neighbouring schools due to the campus closure. Concerned parents have contacted me about the impact that the disruption may have on their child's learning. Will the cabinet secretary outline what discussions he has had with Dumfries and Galloway Council to ensure that all young people at the schools, particularly those with additional support needs, have adequate support in place to

ensure minimal disruption to their learning at this time?

**John Swinney:** It is vital that the needs of all young people are met by the education system. That is what underpins my approach to the handling of the issue of inclusion. The question about the particular requirements of children with additional support needs is significant in relation to the period of disruption arising out of the North West community campus temporary closure. As Ms Harper will know, I have been in touch with Dumfries and Galloway Council to ensure that the needs of all learners are being met. That is a responsibility for the council, and I assure the member of my on-going interest in making sure that it is the case.

**Oliver Mundell (Dumfriesshire) (Con):** Given that the report that Johann Lamont mentioned is the second report to highlight the widespread use of unlawful exclusions, will the Government urgently investigate the claims and work out just how widespread the problem is? If the reports are confirmed, what action will be taken?

**John Swinney:** The essential thing is to recognise that the Government's strategic guidance in the area directly contradicts the practice that is recounted in the report. The Government's position is that the experience that is recounted in the report should not be happening and that young people should be included in education with proper support. I want to ensure that we properly explore all the concerns that are raised in the report and that we engage with the organisations concerned. If we need to strengthen guidance or investigate practice, we will do so. However, I want to ensure that we properly and fully understand all the issues and, crucially, that we take into account the steps that the Government has already taken to strengthen practice to try to overcome the issues. As I said in my response to Johann Lamont, I will happily report back to Parliament in due course.

#### **Outdoor Learning (Pre-school and Early Primary Settings)**

**4. Fulton MacGregor (Coatbridge and Chryston) (SNP):** To ask the Scottish Government what it is doing to encourage outdoor learning in pre-school and early years primary settings. (S5O-02422)

**The Minister for Children and Young People (Maree Todd):** The significant expansion of funding for early learning and childcare provides an opportunity to define the type of experience that we offer children during their early years. As part of that, we are supporting eight local authorities across Scotland to develop and increase access to the outdoors as a focus of the expansion. Outdoor play and learning are

embedded in curriculum for excellence, within the theme of learning for sustainability. We will work to further promote the prominence of outdoor learning by taking forward all the recommendations of the learning for sustainability national implementation group.

**Fulton MacGregor:** I welcome the increased focus on outdoor learning. My child is at nursery and his weekly curriculum includes a forest school, which is of huge educational value to him. What is being done to further encourage play-based and more general outdoor learning in early primary?

**Maree Todd:** Play-based learning is an effective and appropriate way to deliver education, and curriculum for excellence gives teachers the flexibility to introduce play in early primary and beyond. We have highlighted the importance of active and play-based learning in our national guidance document "Building the Curriculum 2—active learning in the early years". In addition, to support teachers further in the delivery of play-based learning, Education Scotland continues to provide support and advice on it to schools and local authorities; to engage in professional dialogue with teachers on the subject as part of the inspection process; and to publish good practice examples of play-based learning in the national improvement hub.

#### **Subject Choice (Lothian)**

**5. Miles Briggs (Lothian) (Con):** To ask the Scottish Government what action it is taking to ensure that pupils in Lothian have access to as broad a range of exam level subjects as possible. (S5O-02423)

**The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney):** Education authorities and schools are responsible for the management and delivery of the curriculum in Lothian and across Scotland. We want all our young people to be encouraged to take advantage of the best educational opportunities. We are working with the Scottish Qualifications Authority and others to ensure that a broad range of high-quality awards and offers is available to meet the different needs, abilities and career aspirations of learners, as well as the needs of our economy.

**Miles Briggs:** Research by Professor Jim Scott of the University of Dundee found that 54 per cent of Scottish schools offer only six qualifications for secondary 4 pupils. Professor Scott's previous work found that some schools in Edinburgh were offering as few as five qualifications and that other schools were offering as many as eight. Is the cabinet secretary content with such a postcode lottery in subject choice for pupils who attend schools just a few miles apart from each other in the capital?

**John Swinney:** The Conservatives often make the case for schools having much more control over choices around the curriculum. I agree with that model, and I am ensuring that that is the case across the country. It is therefore difficult for Mr Briggs to complain about the consequences of decisions that are taken on the composition of the curriculum at school level.

I have looked with great care at Professor Scott's analysis. I do not think that it looks at the right question, because Professor Scott has looked at S4 experience and outcomes in two entirely different curricular systems. Under curriculum for excellence, we encourage schools to operate a three-year broad general education, so young people experience three years of a broader education than would have been the case when I was at school, and a three-year senior phase. That enables young people to broaden their attainment.

Over the past 10 years, there have been significant rises in attainment in the senior phase in Scottish education, and there has been a near doubling of the number of skills-based qualifications, which are essential attributes for young people who are entering the labour market. As a consequence, those young people's employability skills have been strengthened.

**Iain Gray (East Lothian) (Lab):** Two weeks ago, Dr Marina Shapira of the University of Stirling told the Parliament's Education and Skills Committee:

"In general, the trend is towards a narrowing of the curriculum and, on average, there has been a reduction in the number of subject choices across the entire secondary sector in Scotland. However, the reduction is larger in schools in higher areas of deprivation".

Dr Shapira said that that was

"quite striking and very worrying."—[*Official Report, Education and Skills Committee*, 19 September 2018; c 11.]

Surely the education secretary must be worried about that, too. What is he going to do?

**John Swinney:** I certainly intend to explore in much closer detail the research that Mr Gray has highlighted, because it indicates a greatly concerning pattern. I want young people in all circumstances and from all backgrounds to have the maximum educational opportunities.

I reiterate that, under curriculum for excellence, young people are exposed to a broader general education for a longer period. Into the bargain, they must also have access to a range of skills-based qualifications. The doubling of skills-based qualifications and the increases in attainment since 2012 are significant indications of the progress that has been made for a number of young people.

I will look with great care at the pattern that Mr Gray mentioned, because I want to ensure that, no matter where young people are educated, our education system is driven by the aspiration of excellence and equity for all. Those are the standards that I intend to apply as I work through the challenges in the education system.

**Gordon MacDonald (Edinburgh Pentlands) (SNP):** Can the cabinet secretary confirm that the vast majority of pupils now stay on to S6, that the proportion of pupils who get passes at higher level has increased since the changes to the senior phase were introduced and that, crucially, when considering applications, universities will look at the qualifications that a young person has gained when they leave school?

**John Swinney:** On the detail of Mr MacDonald's point, in 2007, 44 per cent of S3 pupils stayed on in school to S6. By 2017, that figure was 62 per cent, which is an 18 percentage point increase. Between 2009-10 and 2016-17, there has been a 10 percentage point increase in the proportion of pupils who get passes at higher level or better. That relates to my point on the strengthening of attainment.

With regard to the overall attainment of young people, universities, colleges and employers will look at the range of qualifications that young people have achieved across the whole of the senior phase. That is why it is important to look at national qualifications, and why we need to look at skills-based qualifications not in abstract at S4 but in the totality of the senior phase.

### Literacy (School Pupils)

**6. Gillian Martin (Aberdeenshire East) (SNP):** To ask the Scottish Government what it is doing to ensure that school pupils have a high standard of literacy. (S5O-02424)

**The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney):** Literacy is at the heart of the curriculum for excellence, alongside numeracy and health and wellbeing. We are supporting high standards through initiatives such as the First Minister's reading challenge and the school library strategy. We are investing £750 million during this parliamentary session in closing the poverty-related attainment gap, with many local authorities and schools choosing to use that funding to improve literacy.

Education Scotland supports continued improvement in standards through inspections and work with schools, local authorities and regional improvement collaboratives. Its national improvement hub hosts resources that support literacy and English teaching.



**Gillian Martin:** In the 2015 report “Improving Schools in Scotland: An OECD Perspective”, the Organisation for Economic Co-operation and Development argued for a more cohesive approach to using data in the school system to drive improvement. How is the Government acting on that specific OECD recommendation?

**John Swinney:** The Government’s direct response to the recommendation has been to establish the national improvement framework, which provides a much greater focus on the steps that are required to improve performance in the education system. We have established new mechanisms for gathering data on teachers’ professional judgments of the performance of young people throughout their broad general education. Those judgments are informed by many data factors, not least the new Scottish national standardised assessments.

We are also putting in place a range of measures to support the increased comparability of schools to aid the improvement journey, and to support self-evaluation for improvement in the school system.

**Neil Findlay (Lothian) (Lab):** During my time teaching in schools, literacy levels were greatly improved by the work of very skilled classroom assistants and teachers who had time to spend with children who needed help. Will increasing class sizes and reducing the number of classroom assistants improve literacy levels or will it have the opposite effect?

**John Swinney:** I have set out to Parliament the range of measures that the Government is taking to support improvements in literacy, not least of which is the investment of £120 million per annum through pupil equity funding. In my experience, that is being used in focused ways by different schools around the country to support the improvement of literacy. It might involve the recruitment of specialist staff to assist the building of capacity in schools for the teaching of literacy skills, or it might be for wider activities to improve literacy performance—a range of interventions can be taken.

Mr Findlay should be assured that there is a focus in the Government’s educational agenda on improving literacy measures in Scotland, which is demonstrated by the clear action that has been taken in implementing pupil equity funding.

### **Primary Schools (Teacher Pupil Ratios and Class Sizes)**

**7. Alex Rowley (Mid Scotland and Fife) (Lab):** To ask the Scottish Government what its position is on whether the teacher pupil ratio or class sizes in primary schools has an impact on learning outcomes. (S5O-02425)

**The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney):** The quality of teaching is the key factor in improving children’s learning and the outcomes that they achieve. Therefore, having the right number of high-quality teachers with the right skills in the right places is key to achieving excellence and equity for all. That is why we have provided continued funding of £88 million to local government to maintain pupil teacher ratios, which allows local authorities to take decisions flexibly about how best to meet the needs of their schools.

**Alex Rowley:** I hear what the Deputy First Minister says, but I raise the question because of the number of parents who have said to me that their kids in primary school are having trouble with numeracy or literacy, and that they are in large classes and their teachers do not have the time to put in with them. In Fife, 307 primary classes have more than 25 children in them and 117 primary classes have more than 30 children in them.

The general secretary of the Scottish Secondary Teachers Association says that small class sizes are the main selling point for parents who pay for private school places. They see the value in that, which is why they pay for it. The cabinet secretary talks about equity and every child getting the same chances in life. When will children in state schools get the same chances as those in private schools through the Government reducing the pupil teacher ratio?

**John Swinney:** The pupil teacher ratio for all publicly funded schools in Scotland is 13.6; in 2016, it was 13.7. That tells us that we have stability in pupil teacher ratios in Scotland.

I have just mentioned some of the details on resources in my response to Mr Findlay. The Government has applied pupil equity funding in a fashion that enables schools to make choices in exactly the circumstances that Mr Rowley recounts, so that young people’s needs are met. I have seen excellent teaching practice in which additional resources are put into classrooms and young people who require additional support are given that support in more intimate settings than in the classroom environment; their learning is enhanced as a consequence.

All those measures and interventions are available for schools to deploy and I encourage them to do so.

**John Mason (Glasgow Shettleston) (SNP):** The Deputy First Minister gave the pupil teacher ratios for the past year or so. How has the ratio moved during the past five years, and are there more or fewer primary school teachers compared with how many there were five years ago?

**John Swinney:** The number of teachers is rising. Last year, there was an increase of 543

teachers. If my recollection is correct, the number of teachers in Scotland at the moment is the highest that it has been since 2011.

On the history of pupil teacher ratios, the data that I have at my fingertips means that I can go back only to 2016. However, I assure Mr Mason that the Government pays close attention to ensuring that we have a strong teaching cohort in place so that the needs of young people are met within our education system.

### Sex Education

**8. Patrick Harvie (Glasgow) (Green):** To ask the Scottish Government what action it is taking to ensure that consent-based sex education is being delivered in all schools. (S5O-02426)

**The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney):** Curriculum for excellence ensures that consent is taught through sexual health and positive relationship learning experiences. A new web-based relationship, sexual health and parenthood teaching resource, which includes consent resources, will be available during 2019.

We are undertaking a national review of personal and social education, including how sexual consent is taught at all stages of education. The review will be completed by the end of 2018. Furthermore, we are considering how to take forward the recommendations of the young women lead committee's "Report on Sexual Harassment in Schools".

**Patrick Harvie:** I recognise that work is under way in this area, but the reality is that nothing ensures that young people get access to such education. Is the cabinet secretary aware of recent research and surveys that have shown, for example, that across the United Kingdom, the majority of adults believe that once they have reached the point of getting undressed with a partner, it is no longer okay to withdraw consent? There is no evidence to suggest that that is less of a problem in Scotland.

Is the cabinet secretary also aware of HIV Scotland's work that shows that, although the majority of schools provide sex education, 14 per cent do not provide it at all, and there are serious concerns about the quality of provision in other schools? Does the Government acknowledge how far away we are from all young people getting access to consent-based sex education in Scotland, and the urgency of making rapid progress?

**John Swinney:** Mr Harvie correctly says that work on this is under way. We have completed phase 2 of the review of personal and social education, which was undertaken by Education

Scotland with analysis of PSE in 55 schools across Scotland; I accept that that is a sample.

The analysis indicated that there was strength in existing performance in this area, but there is a need to ensure an appropriate focus on the issue of sexual consent, especially in primary school and the early stages of secondary school. That was one of the key findings of the Education Scotland thematic inspection.

We are working our way through phase 3 of the review, and I am mindful of the need to address that recommendation. I accept Mr Harvie's point that we need a deeper and stronger understanding of consent issues.

This is not just an educational question. I have looked at the recent crime statistics and seen the rise in the level of sexual crime. There must be a role for better education about the issue of consent in contributing to stopping that increase. I assure Mr Harvie that the issue is a significant priority for me, not least because of the educational reasons and because of what the education portfolio can contribute towards creating a better climate in our country on the understanding of sexual consent, in the hope that that influences the levels of sexual crime in our society. I will be happy to update Parliament on those issues as the work is completed.

**The Presiding Officer:** Question 9 was not lodged.

### Bullying in Schools (Monitoring)

**10. Linda Fabiani (East Kilbride) (SNP):** To ask the Scottish Government what progress it is making with implementing the universal monitoring approach that was recommended by the short-life working group on recording and monitoring of bullying incidents in schools. (S5O-02428)

**The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney):** The universal monitoring approach is being delivered through the operational support group, which supports local authorities in the implementation work that is involved. In addition, improvements have been made to the SEEMiS schools management information system, which allows schools and local authorities to record and monitor any instances of prejudice-based bullying that are reported. As part of the first phase, six local authorities are now using the updated system across all their schools and 18 local authorities will start this week, with the remainder starting early in 2019. The new system will be fully implemented by August 2019.

**Linda Fabiani:** The young women lead inquiry, as well as experience, have made it clear to me that there is inconsistency in approach, practice and reporting in and across local authorities. I am

glad to hear from the cabinet secretary that this roll-out is taking place, and I ask that he take all steps to ensure that all victims of bullying have their experiences investigated and dealt with appropriately.

**John Swinney:** I can give Linda Fabiani that assurance. Some swift work has been undertaken to revise SEEMiS to ensure that that information can be recorded in a comparable and readily accessible fashion in individual schools. Obviously, changes to management systems take time to be applied. I am deeply grateful to those who run the SEEMiS system for the fact that they have given additional priority to advancing this work amongst the other reforms that they have undertaken.

We will ensure that the information is available. I hope that that will improve the culture in a way that ensures that bullying is tackled more visibly and actively in our society, so that young people do not have to experience these dreadful situations.

#### **Pupils with Additional Needs (Co-ordinated Support Plans)**

**11. Ross Greer (West Scotland) (Green):** To ask the Scottish Government what action it is taking to ensure that pupils with additional needs receive co-ordinated support plans where appropriate. (S5O-02429)

**The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney):** Education authorities have a statutory duty under the Education (Additional Support for Learning) (Scotland) Act 2004 to consider whether children or young people for whom they are responsible require a co-ordinated support plan. A CSP enables support to be planned in a co-ordinated way to meet the needs of pupils who have complex or multiple needs that require significant support from education and another agency. In December 2017, to support those considerations, we published a revised code of practice on supporting learners, which includes guidance for authorities on meeting their duties under the act in relation to CSPs.

**Ross Greer:** The cabinet secretary is right to observe that there is a statutory duty on local authorities. However, something is not working here. In 2010, there were 55,000 children with identified additional support needs and in 2017, there were 180,000. In that same period, the number of co-ordinated support plans fell by 1,000. This is not a particular problem in one or even a handful of local authorities; it is happening across the board. Will the Scottish Government commit to at least investigating why it is happening?

**John Swinney:** I am happy to consider the detail that Mr Greer has put on the record. As I indicated earlier, there is a statutory responsibility on local authorities to undertake the work, and I encourage local authorities to follow that statute carefully. That is why, in December 2017, we put in place the supporting learners code of practice, to assist in that respect. It is important that local authorities realise that the statutory issues involved can be considered in a tribunal scenario, although I am not advocating or encouraging that route, because I think that the run-up to tribunals can be enormously stressful for families who are concerned about these issues.

It is important that the needs of every young person are met in our system under the getting it right for every child principles, and that local authorities act proactively to meet the needs of young people. If that includes producing a co-ordinated support plan, that is exactly what they should do.

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** Will the cabinet secretary confirm whether education authorities have increased or decreased funding for additional support needs and whether attainment of pupils with additional support needs is increasing?

**John Swinney:** We are seeing an increase in the attainment of young people with additional support needs. We have seen very encouraging data on that performance over a number of years, which is obviously supported by the further steps that we are taking. In 2017, there were 13,763 support staff supporting pupils with additional support needs in schools—an increase from the previous year's figure, which was 12,891.

#### **Zero Emissions Economy (Skills Development)**

**12. Claudia Beamish (South Scotland) (Lab):** To ask the Scottish Government what assessment it is making of the development of initial and transferable skills to support a net zero emissions economy. (S5O-02430)

**The Minister for Business, Fair Work and Skills (Jamie Hepburn):** Skills Development Scotland undertakes sectoral planning, which supports the assessment of current and future skills needs. In addition, we are establishing a just transition commission to advise ministers on the move to a low-carbon economy. I anticipate that analysis of current and future labour requirements, including skills, will form part of its considerations.

**Claudia Beamish:** In my region of South Scotland, there are fantastic opportunities for people who want valuable and forward-facing skills, whether those are opportunities in full-time or part-time education or opportunities to upskill while on the job. Ayrshire College has a full-time

course for electrical engineering with renewables and Dumfries and Galloway College has a day-release course on solar thermal domestic water systems.

How can the Scottish Government be sure that it is co-ordinating such courses? Will an audit of what is already there be undertaken in order to ensure that what is available across the country suits all needs? Will the minister also give us an update on the energy skills partnership?

**Jamie Hepburn:** What Claudia Beamish has set out is, to me, a demonstration of the responsiveness of our college sector—it is responding to the demands of the local economy, in this instance in relation to the transition to a low-carbon economy.

As I set out in my initial answer, Skills Development Scotland has a critical role in planning and is working with others to ensure that we can deliver on that. That is always the way that we move forward.

I am aware of a range of other activity that is taking place across the board to support the transition to a low-carbon economy. We have set out the skills requirements in the circular economy strategy, the manufacturing action plan and the switched on Scotland action plan. Claudia Beamish can be assured that we give this the utmost priority and we will continue to do so.

#### **Dundee and Angus College (Part-time Course Places)**

**13. Bill Bowman (North East Scotland) (Con):** To ask the Scottish Government how many part-time course places have been lost at Dundee and Angus College since 2009-10. (S5O-02431)

**The Minister for Further Education, Higher Education and Science (Richard Lochhead):** In the academic year 2016-17, there were 13,879 part-time enrolments at Dundee and Angus College. In 2009-10, there were 29,952 part-time enrolments. That is due to the deprioritisation by the Scottish Further and Higher Education Funding Council of short courses that did not lead to employment or progression.

Short courses continue to be funded and the majority of enrolments—73 per cent—continue to be part-time. In 2016-17, 97.4 per cent of learning hours were delivered on courses that led to a recognised qualification—an 8.7 percentage point increase.

**Bill Bowman:** I thank the minister for his response and welcome him to his role.

Since 2010, the head count at Dundee and Angus College has fallen by 41 per cent, but the Scottish National Party says that only full-time equivalent numbers matter. Full-time equivalents

are down by 11 per cent, but the SNP says that that is mainly from courses that are five hours long. In Scotland, for every hour cut from courses lasting five hours, 78 hours were cut from courses over 10 hours long in the same period. Will the new minister for further education commit to reversing the destructive college funding cuts that the SNP has inflicted so far?

**Richard Lochhead:** I commit to doing what is right for our students, our colleges and the Scottish economy. The Scottish Government attaches great value to short courses that lead to employment or progression, given that colleges make a vital contribution to the upskilling and reskilling of Scotland's workforce, which is what we absolutely must focus on. That is why, as I said, the majority of total enrolments in colleges are still on part-time courses—73 per cent was the figure in 2016-17.

I reiterate what I said in my initial answer. This is about ensuring that our colleges are focused on what is best for our students' long-term future in respect of fulfilling their potential and contributing to the Scottish economy. That is why the Scottish funding council took a decision to reduce the number of part-time courses in favour of other types of courses or full-time courses that allow for better progression for each student.

I should also say that the Scottish funding council has ensured that Dundee and Angus College can continue to deliver impactful learning by increasing its core teaching funding allocation to more than £27 million in 2018-19—an increase of 9.3 per cent on the previous year.

**The Presiding Officer:** Question 14 has been withdrawn.

#### **School Exclusions**

**15. Adam Tomkins (Glasgow) (Con):** To ask the Scottish Government whether it will provide an update on its approach to preventing and managing school exclusions. (S5O-02433)

**The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney):** In June 2017, the Scottish Government published its refreshed guidance on preventing and managing school exclusions, "Included, Engaged and Involved Part 2". Since then, the Scottish Government has held a number of engagement sessions with more than 400 stakeholders across Scotland to support implementation of the guidance. Education authorities are responsible for developing their own policies on exclusion, taking that guidance into account. Exclusions have continued to fall and the number of exclusions is less than half the comparable figure in 2006-07.

**Adam Tomkins:** The cabinet secretary will know that the number of school exclusions for physical assaults involving weapons has risen to a five-year high. What measures is he taking to reduce unacceptable levels of violence against pupils and staff in Scotland's schools?

**John Swinney:** That work is actively explored by the Scottish advisory group for relationships and behaviour in schools—SAGRABIS—which has looked in great detail at the implications of particular behaviours in our schools and the dangers associated with the carrying of weapons. The guidance that I talked about was the subject of extensive consultation and dialogue with that group and many stakeholders. We work very hard in those areas, to ensure that we get to agreed ways of proceeding that command confidence across the education system. I am confident that the guidance that we issued last year carries that confidence.

The Government is focused on making sure that our schools are safe and supportive places of learning where young people are included. As a consequence of that, we have seen significant reductions in the level of exclusions and we see the purposeful involvement of young people in their learning in the education system.

**The Presiding Officer:** That concludes portfolio questions.

## Remand

**The Deputy Presiding Officer (Christine Grahame):** The next item of business is a Justice Committee debate on remand. I invite members who wish to speak in the debate to press their request-to-speak buttons now. I call Margaret Mitchell to open the debate on behalf of the Justice Committee.

14:43

**Margaret Mitchell (Central Scotland) (Con):** I am pleased to open this debate on remand on behalf of the Justice Committee and to talk about our inquiry report. When a person first appears in court, a decision is taken as to whether they can be released on bail or whether they require to be remanded and held safely and securely until their trial. Remand is, therefore, a central part of our justice system, but concerns about how it is operating have been expressed for many years and remain today. That is why the committee decided to look at the issue as a priority.

We started in January of this year with a round-table evidence session on the use of remand in Scotland. More than 40 written submissions were received, with six meetings held in the spring. During that time, the committee heard from a range of witnesses representing all aspects of the justice system and the Scottish Prison Service, as well as from people involved in advocacy and support for prisoners and their families. The committee also visited Circle Supporting Families in Scotland—a charity that supports families, including those who are affected by imprisonment—to hear more about its work with remand prisoners and their families.

On the committee's behalf, I thank all who took part in our evidence sessions and who took the time to speak to us and share stories about their experiences of being on remand. Last but by no means least, I thank the committee's clerks and members for all their work to compile the inquiry report.

The committee heard and understands that judges do not refuse bail without good reason. The number of people who are held on remand varies year on year, but the former chief inspector of prisons said in his final annual report, which was published in September, that he was "still concerned" about the numbers who are held on remand.

According to official figures from the Scottish Prison Service, 1,361 people were held on remand in 2017-18, out of a total prison population of 7,644. That compares with about 1,000 people being held on remand, out of a prison population of 6,000 or so, back in 1997-98, before the

Parliament came into being. Currently, there are about 90 women on remand out of 370 women prisoners, which compares with 50 out of 200 or so way back in 2000-01.

Today's *Scotsman* quotes the new chief inspector of prisons as saying that

"Remand should be an absolute last resort"

and that

"the prison population is creeping up due to the increase in remand prisoners."

She also says that she has particular concerns about women prisoners who are held on remand.

We believe that, to make any difference in the numbers, the reasons why judges decide to remand people must be better understood. Information is not recorded consistently or in a way that allows more meaningful analysis of the reasons why remand is being used. It is not possible, for example, to determine whether remand numbers appear artificially high because they include the same individual being remanded several times, as opposed to different individuals being remanded.

The committee therefore recommends that the Scottish Government should work with the Scottish Courts and Tribunals Service to look at options for capturing data systematically. That could include the use of a pro forma on the reasons for granting or refusing bail. We ask the minister to comment this afternoon on the Scottish Government's willingness to implement that recommendation so that we can understand better why people are being remanded in custody.

The Criminal Procedure (Scotland) Act 1995 sets out the rules that the court must follow when making decisions on bail. They include consideration of any substantial risk that the person might not appear in court, might commit a further offence or might interfere with witnesses.

David Strang, the former chief inspector of prisons, has written:

"In some cases it appears that remand is used as a heavy-handed way to ensure that the accused attends court for their trial."

It is clear that failure to appear in court often has severe consequences for an individual, but the committee considers that further steps could be taken to improve how the courts keep in touch with those who are required to attend hearings.

The committee notes that text messages are already used to remind witnesses to attend court, and it considers that a similar system could be piloted for those who are accused, many of whom are categorised as having chaotic lives, to see whether that reduced the use of remand because of a risk of failure to attend. That would be a cost-

effective way to address the problem, and the committee welcomes the Scottish Government's response that it has sought the Scottish Courts and Tribunals Service's views on whether that is possible. We look forward to the promised updates.

On the experience of remand prisoners, various witnesses told us that many of those individuals can be categorised as having chaotic lives and that the relatively short period spent on remand—the average period of remand is just over three weeks—can cause a disproportionately serious long-term disruption to housing, benefits, employment, relationships and health.

The committee was also told that time spent on remand is largely unproductive, with few opportunities to engage in rehabilitative services available to remand prisoners. Members were told that there were a number of reasons for that. They include the short time that such prisoners might spend on remand and uncertainty about a release date; the sheer churn of remand prisoners through the prison system; and the fact that remand prisoners were sometimes reluctant to engage with services or other opportunities in prison, because they considered that doing so might be taken as an admission of guilt. Furthermore, the statutory obligations that require services to be provided to longer-term convicted prisoners can limit the resources available for remand prisoners.

The committee recognises the difficulties, but considers that more can be done to ensure that remand prisoners' needs are assessed and that they are offered the support and the opportunity to engage in purposeful activity. The committee has therefore included that issue in its budget scrutiny.

During the inquiry, the committee heard concerns about the negative effect of remand on an individual's physical and mental health. We heard about the barriers that those prisoners may face when merely trying to obtain their medication or continue with the services that they had accessed in the community. Reasons given for those problems include community health records not following prisoners into custody, which can result in delays to or breaks in treatment; and medication routinely being removed from prisoners on their entry into prison. The committee asks the Scottish Government and the national health service to respond to those concerns and to put procedures in place to address the problems.

The committee also heard that communication between local health boards and the SPS varies and is, in effect, a postcode lottery. The committee welcomes the indication that steps are being taken to address barriers to information sharing, and asks the Scottish Government to provide full details of and timescales for the work that is to be undertaken.

In 2008, a report by the Scottish Prisons Commission, chaired by Henry McLeish, stated that options should include establishing community-based bail accommodation to tackle the issue of people of no abode being refused of bail. Ten years later, the Justice Committee heard that that issue has not been resolved. For example, Professor Hutton undertook a small-scale study of 60 cases in a sheriff court in 2016. He found that

"In 5 cases a single reason was given for remand. 3 of these were no fixed abode".

In 2012, the commission on women offenders, chaired by Dame Elish Angiolini, found that 70 per cent of women who are remanded in custody do not ultimately receive a custodial sentence. The commission recommended that bail supervision should be available across the country, with mentoring, supported accommodation and access to community justice centres for women; that the Scottish Government should further examine the potential of electronic monitoring as a condition of bail; and that there should be improved awareness of alternatives to remand among those dealing with alleged offenders. At the time, the Scottish Government's response to the consultation accepted all three recommendations. That was six years ago; the committee hopes that its inquiry will now make those recommendations a reality.

The committee hopes that, despite the varied and complex factors affecting the level of remand in Scotland, its inquiry findings and recommendations will not be ignored but will instead help to make positive changes and improvements to how remand works in Scotland.

14:55

**The Minister for Community Safety (Ash Denham):** I am pleased to have the opportunity to speak in today's debate on remand in Scotland, following the Justice Committee's inquiry into the use of remand.

I thank the Justice Committee for its consideration of the matter and for the huge amount of work that went into the inquiry. I thank everyone who gave evidence either in person or in writing, and I thank the convener for her thoughtful speech this afternoon. Remand is a complex issue, and I welcome the priority that was given in the inquiry to issues to do with the use of remand in Scotland.

Between 2008-09 and 2017-18, the total remand population fell by 19 per cent, from 1,679 to 1,361. That is an important context for the debate. It is unfortunate that a news release that the Labour Party issued yesterday misrepresented some of the data on the remand population—*[Interruption.]* Obviously, there can be wide

fluctuations at different times of the year, so the highlighting of a December figure against an August figure, as happened yesterday, is not at all helpful—in this case, it is quite misleading.

The truth is that consideration of the average remand population, which is by far the best way to assess levels of remand—*[Interruption.]*

**The Deputy Presiding Officer:** Excuse me, minister. If members want to make some points they should just intervene—it is much handier to do it that way, and their intervention will be in the *Official Report*.

**Ash Denham:** The average remand population figures show that levels of remand have gone down in each of the past three years, from 1,525 in 2015-16 to 1,361 in 2017-18.

Despite that, I accept the committee's overall conclusion that the proportion of remand prisoners in the total prison population continues to be high. That is especially the case in relation to female prisoners.

The committee took evidence from a number of key stakeholders, to explore the issues in depth and consider how they might be resolved. In its report, it noted issues that it considered to be key, including the use of remand, the data on the reasons for remand and the impact that a period of remand can have on an individual. Reducing the use of remand, alternatives to remand and the role of the third sector were also key issues for the committee.

I agree with the committee's conclusion that remand in custody has the same negative impact on people as short-term prison sentences have. That is consistent with the evidence. Disruption to employment, housing, family life and continuity of medical care and benefits can have a substantial impact on individuals and their families. I welcome the consideration that was given to those issues and I welcome the committee's recommendations on how to address the level of remand and better support people who are held on remand.

It is important to remind ourselves that decisions on whether to remand a person in custody or release them on bail are always made by the court, based on the full facts and circumstances of the case and within the legal framework that is provided by this Parliament. That legal framework creates a presumption in favour of bail in the vast majority of cases; it also lists a number of grounds that might be relevant when the court is deciding whether to refuse bail, such as risk to public safety and risk of absconding. The report and the recommendations in it need to be considered and assessed in that context. I note that there is no suggestion in the report that the legal framework be adjusted.

I do not think that any member does not agree that remand will always be necessary for some people who have been accused of an offence. The question is whether further steps can be taken to help people who have been given bail or who could be given bail if there was additional support for them in the community.

The committee made a number of recommendations to address the level of remand, along with suggestions for how people who are held on remand could be better supported.

The Scottish Government's response to the committee's report was issued on 23 August.

**David Stewart (Highlands and Islands) (Lab):**

Does the minister share my view that people with mental health conditions are particularly at risk when on remand, especially if their medication is discontinued, albeit for a brief period?

**Ash Denham:** Those who are taken into remand with medications are assessed at the time. However, I agree with David Stewart that there is potential for some risk to them, which is why they are supported with that where possible.

Revised national guidance on bail supervision schemes will be issued to local authorities. The Scottish Government will also explore with the Convention of Scottish Local Authorities the possibility of providing funding in order radically to increase the uptake of supervised bail and support to ensure that services can be accessed across Scotland. Such provision would be in addition to supervised and supported bail programmes that are already funded through the grant funding formula for local authority criminal justice social work services, and in addition to targeted funding for women's services.

The Scottish Government's response to the committee's report was developed in dialogue with justice partners, including the Scottish Prison Service and the Scottish Courts and Tribunals Service, and sets out action across a number of areas. Of course, we are open to further engagement, and today's debate provides a welcome opportunity to hear views from across the chamber, including those of members of the committee.

As is acknowledged in the report, the issues that are faced by those on remand go beyond the justice remit, and the work that we will carry out stretches across portfolios, including health, housing and social security. In its delivery plan for "Justice Vision and Priorities", the Scottish Government sets out its intention to adopt a more progressive, evidence-based approach that is supported by partners from across the justice sector and beyond, to ensure that we live in safe, cohesive and resilient communities.

Ensuring appropriate alternatives to custody—particularly around the increased use of diversion and community sentences—is consistent with our understanding of what works to reduce reoffending. We know that short prison sentences do little to rehabilitate people or to reduce the likelihood of their reoffending. Short-term imprisonment disrupts families and communities and adversely affects employment opportunities and stable housing, which are the very things that evidence shows us support desistance from offending. Individuals who are released from short sentences of 12 months or less are reconvicted nearly twice as often as those who are sentenced to community payback orders. In the year ahead, we will extend the presumption against short sentences to 12 months, once relevant provisions in the Domestic Abuse (Scotland) Act 2018 are implemented—subject, of course, to scrutiny and approval by the Justice Committee.

Reconviction rates in Scotland have fallen to their lowest level in 19 years. However, we still have the second-highest imprisonment rate in western Europe—behind only that of England and Wales—so a bold approach is required. The new model for community justice in Scotland is being implemented by community justice partners, and we have allocated around £100 million per annum to local authorities to deliver community sentences, support rehabilitation and reduce reoffending. Our commitment to ensure that remand is used only where necessary and appropriate supports our broader approach to the prison population while keeping the public safe and reducing reoffending.

The lack of data on the use of remand was one of the primary issues raised by the committee. While the issue of whether more data would be helpful has been explored in its report, it is possible that the data on remand that already exists could be utilised more extensively. Analysis of where remand is being used, using administrative data from the SPS, the Scottish Courts and Tribunals Service, criminal justice social work and prisoner surveys that are routinely conducted by the SPS on the remand population already gives us an important insight into the characteristics and needs of the remand population and issues relating to the use of remand.

**Margaret Mitchell:** Will the minister take an intervention?

**Ash Denham:** I do not think that I have time.

**The Deputy Presiding Officer:** No—the minister is just coming into her last minute, at the very outside.

**Ash Denham:** When he appeared before the Justice Committee, the previous Cabinet



Secretary for Justice indicated that any new and burdensome requirements falling on our courts to record reasons for bail would need to be fully justified when set against the costs of such an approach. I share that view, especially at a time when the resources that are available to our justice system continue to be scarce. My preference is that analysts further develop the existing sources of information that we have, to help to inform our work on remand.

Presiding Officer, if I have time, I would like to address issues relating to women.

**The Deputy Presiding Officer:** Minister, you will have time in your summing-up. You have had an extra minute and a half.

**Ash Denham:** I will address that in my summing-up, and I look forward to hearing the rest of the debate.

**The Deputy Presiding Officer:** I call Liam Kerr to open the debate for the Conservative Party.

15:05

**Liam Kerr (North East Scotland) (Con):** In order to be transparent, as a practising solicitor I refer members to my entry in the register of members' interests.

I am pleased to have the opportunity to open for the Scottish Conservatives in the debate on the Justice Committee's report on remand and to introduce some of the themes that I am looking forward to hearing more about this afternoon. Credit goes to the clerks for the production of the report, but also to the witnesses for what was a fascinating and highly informative inquiry.

The first major learning, which bears restating, is that we should be wary of bracketing those remanded with those convicted. The remand prisoner—at least as far as the report uses the term—has not been found guilty of a crime; rather, he is accused but kept in custody prior to trial. He holds that status because a sentencer has decided, based on statutory criteria, that remand rather than bail is appropriate.

It is important that, particularly where we seek solutions to the fact that about a fifth of the prison population is on remand, we do not rush to equate those remanded with short-term prisoners. It is also important that we look at why we remand, because of the impact that being remanded has.

The average time that is spent on remand is about 25 days. David Strang, who was then Her Majesty's chief inspector of prisons for Scotland, told the committee that it can be "disorientating, unsettling and stressful." Those remanded may face barriers to obtaining medication or continuing

services that they access in the community, and housing or employment may be disrupted.

Last weekend, I visited HMP Grampian with Families Outside, which contributed to the committee's report. It reiterated a crucial point picked up by the committee: the impact on families, as well as on the remandee, is considerable. That is particularly the case with Peterhead. Although very impressive work is going on, particularly around visiting arrangements, getting there is still a long, potentially expensive journey for many prisoners' families.

It is vital that the decision to remand is not taken lightly. My key point is that the decision to remand is difficult. It is a decision made at the start of the process, when someone who is accused is brought before a court and the sentencer must decide whether to release the accused on bail.

According to the law, bail is to be granted unless the court decides that the public interest warrants remand and there is a substantial risk that granting bail will lead to issues such as non-appearances or obstruction of the course of justice. The court will also have regard to matters including the nature of the offence and the likely punishment if convicted.

It is not a straightforward process in which a capricious judge takes one look at the accused and decides to remand. On the contrary, as Sheriff Liddle told us, judges

"are not eager to remand people".

Of course they are not. They are more aware than perhaps any of us are of the issues and the impacts set out in the committee's report. They are the experts who make the decisions daily as part of their job. Their decisions, according to Sheriff Liddle, are based on "adequate information", provided variously by the prosecution, the defence and the criminal justice social workers, whose decisions, according to the Edinburgh Bar Association, are "justified well" and it is difficult to suggest that they are made in error.

Yet, according to the statistics, there is no significant difference in the numbers being remanded over the past ten years. The numbers feel uncomfortably high but we cannot yet say that they are inappropriately high. We cannot make any legitimate value judgment, because there is not the data to know why bail is being refused or to know which of the criteria have proved definitive in a case. There are no data because the reasons for the refusal of bail are not recorded or collected in a way that allows for meaningful analysis, and without knowing why people are being remanded, it is wrong to conclude, as the then Cabinet Secretary for Justice, Michael Matheson, did, that there is "inappropriate use of remand". Maybe there is, but absent the data we cannot say.

**Rona Mackay (Strathkelvin and Bearsden)**

**(SNP):** I agree with the member's premise about data collection, but does he agree that the fact that 75 per cent of women on remand do not go on to receive a custodial sentence is compelling evidence?

**Liam Kerr:** I am not sure what that is compelling evidence of. I definitely agree that that figure is highly concerning and that there is an issue there but, absent the data to understand why those remand decisions are being taken, it is very difficult to draw the conclusions and go on to address the factors that have led to remand by using measures such as, according to the Crown Office and Procurator Fiscal Service,

"bail supervision, electronic monitoring, mentoring or other alternatives"—[*Official Report, Justice Committee*, 16 January 2018; c 22.]

that would deal with that statistic.

If we knew that most people were being remanded because judges were concerned that they would not turn up, the solution of a text message reminder would become attractive and appropriate, as well as being a great deal cheaper. If it were about restricting movement, on the other hand, we could explore the possibility of electronic tagging that David Strang raised.

More data gathering has not been universally welcomed. Judges have expressed the view that they would not find it very useful with respect to the question of bail. However, surely it would allow the third sector and social care to design alternatives to remand that addressed the key concerns of sentencers in refusing bail and raised their knowledge of and confidence in using alternatives.

The previous Cabinet Secretary for Justice argued that

"it would be difficult to create a data collection system"

that would allow greater consistency in decisions because

"sentencing decisions around bail and remand are individualised."—[*Official Report, Justice Committee*, 24 April 2018; c 6.]

Respectfully, I do not understand that. Surely the whole point is that the system ought to be as bespoke as possible with respect to decisions on remand, so that consistency—defaulting to giving individuals the same outcome of remand—can be sacrificed where a sentencer adjudges that one individual can meaningfully be diverted to a programme that is right for their individual circumstances.

It was suggested that additional data capture would increase demand on court resources and place extra pressure on clerks. No doubt, but the Law Society tells us that using alternatives to

remand would bring significant cost savings of between £2 million and £13 million over three years. The minister asks for justification for shifting that resource; I think that the justification is right there. I do not dispute the significant current pressures on the courts and staff, but if we are realising such significant savings in the remand system through adequate data capture, surely we can employ those savings elsewhere.

I commend the report to the chamber, but particularly conclusion 66 on page 18, which states:

"Information is not recorded consistently or in a way that allows for any meaningful analysis".

It also states that

"to make any difference in the numbers, the reasons why judges decide to remand people in custody have to be better understood."

These decisions are being made by professional, experienced, expert sentencers. Surely it must never be the Parliament's role to fetter the decision making of the courts. There will always be people who need to be remanded for public safety and for other reasons. Let us use appropriate data capture to ensure that those who need to be remanded are remanded, while those who should not be—who, remember, have never been convicted of a crime—do not have their liberty curtailed and face all the negative consequences that follow, simply for want of an alternative.

**The Deputy Presiding Officer:** I should say to members, including the speakers opening the debate, that I am taking a slightly light-touch approach to time. Do not look anxious; I will let you know if you are not getting any more time. Do not interpret that as my being over-generous, because you will be warned by my pen if I need you to come to a conclusion.

I call Daniel Johnson to open the debate for the Labour Party.

15:12

**Daniel Johnson (Edinburgh Southern) (Lab):** Duly noted, Presiding Officer.

The debate is important because it gives us the opportunity to discuss prison. Prison is important and necessary; it provides public protection and is our harshest punishment for the most serious of crimes, and it is right that we use it, but it is not without consequence and it should be used only as a last resort. Many issues that concern prison are reflected in remand. It is right that we use remand to protect the public but, as with prison, we have to ask whether it is making the situation better or worse. This useful debate will allow us not only to consider remand in particular but to

identify many broader issues relating to aspects of prison in general.

I thank the committee for securing the debate and the clerks for their diligent work, which enabled the Justice Committee to conduct our short inquiry earlier this year. I also thank the officers of the various prisons that I visited over the summer. They do vital work for not very much pay, and they do it with truly admirable professionalism and diligence.

Remand is a test for the Government, and indeed for Parliament. As we have already heard from the convener of the Justice Committee, from the minister and from Liam Kerr, it is not a new issue, but one that Parliament and politicians keep returning to. When we look at how to lower the prison population, remand is always one of the first matters that comes up—both the proportion and the status of those on remand.

As Liam Kerr was right to point out, people who are on remand are, in the eyes of the law and in the strictest possible sense, innocent. If we believe in the principle that someone is innocent until they are proven guilty, we have to remind ourselves of that. However, it is also clear from people such as David Strang, who is a former chief inspector of prisons for Scotland and a former chief constable of Lothian and Borders Police, and Kirstin Abercrombie of Turning Point Scotland that it is being used too frequently.

The Government must grasp that the problem is a complex one that requires investment. Prison can cause harm, but there are also savings to be had if things are done properly.

Before I continue, I want to point out that prison involves disruption. We are dealing with people whose lives are already chaotic, and there is an inextricable link and relationship there. Crime and prison can compound those factors. People in prison lose their jobs, which means that households lose incomes and children lose a parent. All too often in recent months and years, we have rightly focused on adverse childhood experiences, but are we compounding those problems by the removal of a breadwinner and a parent and by causing disruption and chaos for a child? That simply reinforces the problem and ensures that it continues. That is why the debate is important.

The importance of looking at remand is underlined when we look at the numbers. Eighteen per cent of the adult prison population and almost a quarter of the female prison population is on remand. Between the start of the millennium and 2017, the number of people on remand per 100,000 of the general population went from 19 to 25.

Remand is a significant part of the pressures that are placed on prisons. Fifty per cent of the daily incoming and the daily outgoing prisoner population is down to remand. Therefore, although remand may account for around 20 per cent of the prison population as a whole, it accounts for 50 per cent of the prison's work.

I noted the minister's remarks about the numbers that are released. I always find it interesting that, when an average figure is released, that does not reflect the accurate figure as it stands and, if a snapshot figure is released, we should be looking at the average. It is beyond doubt that prisoner numbers are at a four-year high. If the Government takes the right actions and reduces the prison population and the use of remand, I will be the first to congratulate it—but only once that happens. The reality is that, although that figure may be a snapshot, since the beginning of this year, people across the sector who have talked to me informally have expressed their concern about what they see as a rise in the use of remand. If remand is reduced, I will be the first to welcome that.

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** I simply seek clarification of what I think I heard Daniel Johnson say. I think that he said that the reception of remand prisoners is 50 per cent of prisons' work. Was that intended to mean 50 per cent of reception work?

**Daniel Johnson:** Yes. For clarity, 50 per cent of the prisoners who come into a prison each day will be remand prisoners.

Seventy-one per cent of people on remand under solemn procedure will go on to receive a custodial sentence and 43 per cent of people on remand under summary procedure will do so. That means that a majority of people on remand under summary procedure will not go on to prison. The most fundamental question is: if they do not go on to receive a custodial sentence, what are they doing in prison at all?

The cost is huge. If it costs over £35,000 a year to keep someone in prison, the total cost of the remand prison population is £55 million a year. That is the true cost, and that is why we must find alternatives. That is the right thing to do, and there are savings to be had.

Other members will mention gender issues—I know that the minister is keen to do that. We cannot escape gender issues in relation to the remand population. The numbers are stark. A quarter of the female prison population versus 18 per cent of the male prison population is on remand. Furthermore, it is considered that 80 per cent of the women in custody are victims of trauma. I hope that that issue will be covered by other members in the debate.

It is not beyond our wit to put this right. There are established alternatives, such as supervised bail accommodation, which is a tried method that works and that is cheaper; bail supervision costs £2,600 a year versus almost £36,000 for remand.

I note the minister's remarks about looking at that, but, as we heard yet again in yesterday's Justice Committee meeting, the reality is that the third sector is largely responsible for delivering supervised bail and bail accommodation. The paucity and instability of funding means that those services are highly unstable; the organisations are not able to say with confidence whether they will continue and sheriffs and sentencers do not have confidence that the services that are needed as alternatives to remand will be there. As long as that remains the case, the problem will continue and remand will continue to be overused.

15:20

**Liam McArthur (Orkney Islands) (LD):** I put on record my thanks to the clerks, the Scottish Parliament information centre and others who helped in the production of the inquiry report and to the witnesses who gave written and oral evidence. As others have said, our inquiry grew out of a general sense and strong evidence that the use of remand in Scotland remains more prevalent than we would wish it to be, more prevalent than it should be and—although direct comparisons must be made with care—more prevalent than in other countries. There is nothing in the Scottish DNA that suggests a higher predisposition to offend or, thereafter, to abscond, fail to appear in court or commit further offences, yet the numbers in our prisons remain the highest in western Europe and the proportion of them who are on remand, similarly, remains comparatively high.

Of course, there are circumstances, which everybody has acknowledged, in which bail would be inappropriate and remanding an individual is the only safe and responsible course of action. However, for anyone who is labouring under the misapprehension that a greater propensity to lock people up is a sign of a society that takes law and order seriously, let us look at the facts. Remand is not a particularly reliable indicator of the likely outcome of any court proceedings, as others have observed. Between 2014 and 2017, a little over 40 per cent of those who were remanded awaiting trial in summary proceedings received a prison sentence. The commission on women offenders reported in 2012 that a mere 30 per cent of women who are remanded go on to receive a custodial sentence. Context is imperative, but when imprisonment is deemed necessary for so many before but not after the evidence is heard, alarm bells should ring, particularly when we know

the damaging and counterproductive effect that even a short period of incarceration can have.

Remand can be the result of an individual's homelessness, but often it is a trigger. As the committee heard, remand prisoners face the same financial and attitudinal barriers as convicted prisoners when trying to access the private rented sector. Those who are in work face an increased risk of losing their job, and finding future work can be even more difficult. Potential disruption to benefits can also be significant, because those on remand who are released receive no financial support and benefits often take weeks to be reinstated. Meanwhile, the impact on family relationships can be severe and, in some cases, irreparable. The committee heard compelling evidence about that being a particular concern for women held on remand. Daniel Johnson was absolutely right to point to the gendered nature of the issue and the fact that parental imprisonment is recognised as an adverse childhood experience.

Trying to mitigate those factors for people on remand is not at all easy. As the former chief inspector of prisons, David Strang, pointed out to the committee,

"because of the shortness of the time when they are in custody ... the regime for people on remand brings reduced opportunities for activity, education and work."—[*Official Report, Justice Committee*, 16 January 2018; c 14.]

The combination of disruption and long periods of doing nothing is not a healthy one. Moreover, given the restrictions around through care, those on remand are also excluded from what the committee described as

"the benefits that properly resourced through-care support can provide in terms of rehabilitation and reintegration when a person is released from prison."

I welcome the justice secretary's earlier offer to meet to discuss through care, and I will look to raise the question of what support should be available to those on remand and those serving shorter sentences.

As well as improving the way in which remand is administered, we have to look more seriously at funding of alternatives. The Law Society of Scotland has estimated that, over a three-year period, net benefits of between £2 million and £13 million could be realised

"by utilisation of alternatives to remand".

However, as the Prison Reform Trust and the Scottish working group on women's offending wrote, the option of bail supervision is not being taken up. In 2015-16, the number was

"by far the lowest level in the last seven years."

The committee was sympathetic to the evidence that we heard about why bail is often not granted and I recognise that the decision to place

someone on remand is never made lightly. Where compliance seems uncertain and confidence in community-based support services is shaky, sentencers are faced with a real dilemma. Tom Halpin of Sacro told us:

“the courts are supportive as long as the community alternative is credible, consistent and there”.—[*Official Report, Justice Committee*, 6 February 2018; c 39.]

Daniel Johnson was right to remind us of the evidence that the Justice Committee heard earlier this week about funding for those critical third sector organisations. We heard about the squeeze on funding and the year-on-year uncertainty about the flow of funding, which cannot be helpful in providing the reassurance that courts quite reasonably look for. Given the costs of remand for individuals and society, surely we need to do more to invest in community-based services. I welcome what the minister said on that and I will look carefully at where the funding is directed and how it is applied.

The figures in the Orkney community justice partnership report for 2017 appear more encouraging. It states:

“particular recognition has been given in Orkney to the value of options of verified information to support bail, and provision of short-notice temporary accommodation where”

that

“could avoid the unnecessary use of custody.”

Although that might reflect the additional consequences and complications in an island community of holding people on remand, it shows that, with collaboration and the requisite will across relevant agencies, we can deliver results by ensuring that courts can be assured that, in all but the most extreme cases, a period on bail will be completed successfully. That should be the presumption.

There is much in our criminal justice system of which we can be rightly proud. However, the number of people we continue to lock up in our prisons is shameful. Given the unnecessarily high financial and human cost, we have to find a better and more effective way of responding.

I hope that the work that the Justice Committee has carried out and which the Scottish Government has taken up in collaboration can contribute to delivering that more effective response.

**The Deputy Presiding Officer:** We come to the open debate, with speeches of a slightly generous six minutes—that is slightly and not overwhelmingly generous.

15:27

**Shona Robison (Dundee City East) (SNP):** As a new member of the Justice Committee, I start by thanking those who helped to produce the report.

Scotland's justice system must be guided by evidence and be effective at tackling the root causes of crime. We aspire to have a justice system that is a world leader in pursuing progressive, evidence-based policy. The Scottish Government's presumption against short-term prison sentencing demonstrates the value of listening to the evidence. We understand that the disruption that is caused by short-term sentencing can worsen the root causes of crime. Those in custody for 12 months or less are nearly twice as likely to be reconvicted as are those given community sentencing, and we know that alternatives to custody such as community sentencing can be far more effective at rehabilitating offenders. The Scottish Government has listened to the evidence and has developed policy to match.

However, it must be acknowledged that the number of prisoners on remand in Scotland is too high. It is worth remembering that, as others have said, those on remand have not been convicted of a crime; they are awaiting trial. As the minister said, and as the Justice Committee outlined, the impacts of remand on individuals and their families are comparable to those of a short custodial sentence. Remand can disrupt employment and family life, prevent access to medical treatment and disrupt access to welfare support and security of housing. If an individual is unable to pay bills, they can be put into debt and arrears. For those reasons, we have adopted a presumption against short sentencing, yet those on remand, who are not convicted of a crime—and who may never be convicted—may still have to face those consequences. We must ensure that we are consistent in our approach to justice.

Remand levels in Scotland remain too high. It is right that we have a presumption in favour of bail, unless the court considers that remand is absolutely necessary. There will be times when remand is the only option, particularly when there are public safety considerations. Decisions over whether an individual is eligible for bail are matters for the courts, and their independence must be respected, but it is imperative that the use of remand is justified.

As a new member of the Justice Committee, I find it extremely worrying that only 30 per cent of women who are held on remand receive custodial sentences. That means that up to 70 per cent of those women were held in custody on charges for which the courts did not hand down a custodial sentence.

We know that remand can have a particularly negative impact on women. The Justice Committee has been told that the number of visits for women on remand can be significantly lower than the number for young men on remand and that male partners of women who are in prison are less likely to visit. We should bear it in mind that women on remand make up almost a quarter of Scotland's total women's prison population. We also need to look at the impact on families and children. Clearly, we need to question why the numbers are so high and do something about it.

There have been welcome efforts by the Scottish Government in that regard. Since 2015-16, the Scottish Government has invested £1.5 million annually to develop bail sentences and early intervention programmes for women. Bail supervision, bail support and electronic monitoring offer progressive alternatives to remand. For example, by working in partnership with social work and the third sector on bail supervision, which requires an individual to meet their bail supervisor a specified number of times each week, an individual's housing or employment opportunities can be not impacted. I am confident that such policies can have long-term positive impacts on reducing our prison population.

**Liam Kerr:** I do not necessarily disagree with anything that the member has said, but does she not agree that it is important that we understand why, despite those efforts, remand levels remain so high? Why are we still holding so many people on remand, despite the efforts that the member has alluded to?

**Shona Robison:** I agree that we need to get to the bottom of that question, and there is more work to be done in that regard. I am sure that the Scottish Government will respond to the debate and, having looked at the issues, address the problem.

I am pleased that the Scottish Government has announced that it will issue revised guidance and additional funding for supervised and supported bail. The Justice Committee has raised concerns about a lack of consistency in remand sentencing, so revised guidance might allow for a more consistent approach, and I look forward to hearing more details on that.

As we recognise the need for remand to be used appropriately, so compassion and support for the victims of crimes must always be guiding principles of our justice system. To develop progressive alternatives to custody is not to neglect the needs of victims, who must always have our respect and our support. That is why I welcome the Scottish Government's commitment to provide an additional £1.1 million of funding to allow trials for crimes involving rape to begin as early as possible, in order to minimise the distress

caused to victims. The funding will be in addition to the £18 million that the Scottish Government has already provided to support the victims of crime, including support for organisations such as Victim Support Scotland, which does a tremendously important job.

We need a progressive approach to justice that ensures that all are treated fairly and equally. As I said, of course there is more work to be done in that area. In particular, the number of women on remand is still disproportionately high, and we need to get to the bottom of that. I am confident that, by developing progressive alternatives to custodial sentences, we can continue to work to ensure that remand is used appropriately as part of Scotland's progressive approach to justice.

15:34

**Maurice Corry (West Scotland) (Con):** I, too, thank the clerks and the organisations that have provided input and evidence for the report. The use of remand must not be ignored, so I welcome this debate in which we can address the issue.

As has been stated, remand figures have been on the rise since 1997. There is also a significant proportion of people who are remanded but, in the end, do not receive a custodial sentence. We must look at the system head on and recognise that reasons for remand should be better understood. I do not doubt that, in many cases, it is necessary to have remand in place. Individuals are put on remand either before their first appearance in court, before they are sentenced or before they are granted an appeal. It can be the best option for some, especially if they have a long record of past crime or a history of breached bail, or if they fail to adhere to court orders. In those cases, it is obvious that it is safer to place those individuals on remand.

However, we have to be careful to recognise that problems can stem from remand and that using remand less would lessen its negative impact. It has been overused in Scotland, with remand prisoners making up around a fifth of the overall prison population and a quarter of the female prison population. Due to that high level, overcrowding in prisons is a common problem, which means that prison staff can be placed under enormous pressure to tackle difficult situations.

We know that bail is not refused without good reason, and judges understand the patterns of crime better than we do. However, the frequency must be examined in further detail. Why do judges remand such a high number of people? Having the answer would allow us to better understand why remand cases have risen. As my colleagues have already said, that could be achieved by collecting more data and gaining knowledge about the

reasons for remand. Having access to that would help us to properly evaluate the current system and determine how it can be improved.

I welcome the research that was conducted by Professor Neil Hutton on that matter. His work found that it is uncommon for offenders to be remanded solely because they might represent a danger to the community or due to the seriousness of their crime. Instead, his research shows that individuals are placed on remand due to a lack of services or information in the local community to offer support.

A host of issues can arise from a person being placed on remand. Their lives can be unnecessarily disrupted. While on remand, employment prospects are lowered and housing situations can become less stable. It is often a struggle to continue relationships and healthcare.

I am especially concerned about the toll of remand on mental health. The uncertainty about the length of time in prison can potentially worsen feelings of anxiety and depression in vulnerable individuals, which surely makes it harder for them to escape the increasing likelihood of reoffence. Mental health issues are more difficult to tackle without strong communication between local authority health boards and the Prison Service, and the lack of dialogue means that some offenders can slip through the cracks in the remand system. The Scottish Government must not allow that to happen.

As the Justice Committee heard, remand time is largely unproductive and the opportunities for rehabilitation are limited and fail to stop the damaging effect on the individual who has been placed on remand and the effect on their families. As the charity Families Outside has found, time on remand is too short to allow proper engagement between the offender and their family to kick-start changes that they can make in their behaviour. As the Justice Committee found, parental imprisonment can have a strong impact on children and can lead to offending behaviour in the future.

It would be valuable to have a greater focus on rehabilitation activities from the start for those on remand. Constructive programmes encouraging education and work would be beneficial and would help them to focus their sights beyond the prison walls, which could break up the cycle of crime and reoffending that we see in our communities. It would create avenues of purpose that could redirect the lives of offenders.

Currently, remanded prisoners fail to be offered a robust support system on their release. The challenges that they face outside prison, such as with welfare and housing, have not been handled as seriously as they should be. Rehabilitation

services would encourage that support to be readily available from the time of their release to decrease the likelihood of reoffence and the burden of remand.

Stronger communication is needed between the various bodies in our criminal justice system, which would ensure that information on the best support programmes is considered, rather than placing offenders on remand. Stronger collaboration between housing groups and the prison service would help to meet accommodation needs with more and better advice on offer.

Remand should not be an unproductive, one-size-fits-all system. For some, support needs to be more readily available to allow them to effectively rehabilitate their lives.

15:38

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** I welcome the opportunity to speak in this important debate. I was a member of the Justice Committee when it was doing the remand inquiry, and I am pleased to say that I have recently gone back on to the Justice Committee. As other members have said, I thank the clerks for the amazing work that they have done.

I will quickly declare an interest. I am a social worker registered with the Scottish Social Services Council, and I have previous experience in the justice field.

The number of remand cases is decreasing, but it remains high. The committee explored possible reasons for that, as well as the impact on the person remanded and possible solutions.

Evidence to the committee has suggested that time spent on remand can result in significant disruption to the lives of the accused and their wider family. It can affect an individual's benefits, housing, employment, education and medical treatment, as well as having a negative impact on the accused's family and children. Some families experience considerable stress, especially when procedures are unfamiliar and outcomes unknown, with consequential impacts on their physical and mental health and wellbeing.

That was the main focus of the inquiry. The Scottish Government has made considerable progress in implementing the presumption against short-term sentences, but a remand period is, in effect, a short-term sentence. In some ways, it is even worse.

David Strang, Her Majesty's chief inspector of prisons for Scotland, stated to the committee:

"In general, the regime for people on remand brings reduced opportunities for activity, education and work."—*[Official Report, Justice Committee, 16 January 2018; c 14.]*

I agree with that. Remand prisoners have restricted visits, and restricted access to the gym, exercise and participation in educational studies or meaningful work. They spend much of the day in their cell awaiting their court appearance. Remember that this is before they have been convicted of any offence or wrongdoing.

We must, however, acknowledge that there is appropriate use of remand and, as Michael Matheson, when he was the cabinet secretary, and the minister today have rightly pointed out, it is a matter for the courts. However, it was agreed, and there is a general consensus, that we must all work together to reduce the need for the unnecessary use of remand. With the majority of those who are remanded spending an average of 26 days in prison, it must be noted that that is a lengthy period of time. Surely there must be a better way to move forward.

**Liam Kerr:** The member talked about the unnecessary use of remand. How can the member know that it is unnecessary without understanding why it has been used in the first place?

**Fulton MacGregor:** I thank the member for his point and I will come to that issue. However, as he knows, from the evidence that we took at the committee we know that, although judges and sheriffs do not use remand lightly, there is an element of remand being used in circumstances that we could move away from. I will come back to that.

Remand has a major impact on the lives of those who are subject to it. It does not have a positive impact on rates of recidivism; it leads to an increased likelihood of offending. Housing, benefits and so on are all affected, as I said earlier. Access to medications and other health initiatives and interventions can be limited or, in some cases, cut off for a short period of time.

The impact on an individual's mental health can also be major, perhaps because of a lack of access to treatment, a lack of contact with family or the experience of being remanded itself. Reflecting on the evidence that Anne Pinkman gave us, remand should not be used as an alternative to a mental health facility. Indeed, this week, a constituent told me about a situation in which a family member's involvement with the criminal justice system and court appearances were the result of mental health issues, and they have led to treatment. I am pleased that the Scottish Government has committed to funding 800 additional mental health workers in key settings, including prisons, as part of its mental health strategy.

Members have also spoken about the impact of remand on women and young people, and that was also highlighted at the committee. We need

bespoke solutions for women and young people who offend, and I am pleased about recent funding for community justice projects in these areas.

Some of the most powerful evidence that we heard during the inquiry was about the impact of remand on children and families, as Liam Kerr mentioned. It can be difficult for us to imagine the stress and stigma that are caused to families. Families Outside described the impact on children and the trauma that can be caused by the arrest and subsequent remand of a parent.

Of course, we must remember that the opposite can be true. In my time as a social worker with children and families, when a period of remand was given for a domestic abuse offence, for example, it removed a perpetrator from the situation. We must understand that there can be other circumstances in which the use of remand can keep people safe.

We must acknowledge that there is appropriate use of remand and understand what can be done to reduce its use, particularly when the main reasons are chaotic lives, missed court appearances and so on. That might answer Liam Kerr's question. There should not be a concrete danger or threat to others. That was something that we heard during the inquiry.

I believe that more intensive community sentences are the answer. The Scottish Government provides additional funding for bail support services, specifically for women. I support bail supervision services and had a good experience of that resource while working in South Lanarkshire. Unlike remand, bail supervision does not disrupt families and communities, and, through intense intervention, does not adversely impact on employment opportunities and stable housing.

Bail supervision is a social work or third sector service whereby people who would otherwise be held on remand are released on bail on condition that they meet with a bail supervisor a number of times a week—it can be up to every day but is usually two, three or four times a week. Just yesterday, the Justice Committee heard from third sector organisations such as Sacro that would be well placed to carry out that work if local authorities cannot.

Some £1.5 million has been invested annually since 2015-16 specifically in the development of bail supervision services and early intervention schemes for women. Courts could also consider arrangements for those who are already on community orders but who pick up another offence—perhaps folks who are already on supervision orders.

The issue of more communication between courts and social work was raised. That happened



in my area when I was involved in social work, but the committee heard that the situation was patchy across the country. There is perhaps something that we can do in that regard.

I had more to say, but I can see that I am running out of time. I will end by saying that I am pleased that the Scottish Government is committed to ensuring that remand is used only when it is appropriate and necessary. In the programme for government 2018, the Scottish Government announced that it will issue revised guidance and provide additional funding for supervised and supported bail to ensure that remand is used only in the appropriate circumstances.

I hope that, if the committee takes evidence on the issue in the future, it will see that those steps have been taken and have worked.

**The Deputy Presiding Officer:** I remind members that I said that there was room for me to be slightly generous with time. Do not fash yourself, Mr MacGregor; if I had thought that you were taking too much time, I would have told you.

15:46

**Mary Fee (West Scotland) (Lab):** I thank the Justice Committee for the in-depth analysis that it has carried out in its inquiry into the use of remand in Scotland.

During my time on the Justice Committee and through numerous meetings that I have had with organisations that are involved in the criminal justice system, I have heard about the long-standing issues around remand and the impact that its overuse has on individuals, families and the justice system.

I welcome the analysis and findings of the inquiry, and I hope that they act as a starting point for the minister and the Scottish Government to reduce the use of remand and to limit the impact on families and children and on the health and wellbeing of those who are on remand or are serving custodial sentences.

Most of my speech will focus on issues that are faced by women in the justice system. Colleagues will be aware that I have given great focus to that issue during my time in Parliament. At this point, I also want to remind colleagues of my involvement in the cross-party group on families affected by imprisonment and in the newly formed cross-party group on women's justice.

In assessing the average daily population by type of custody for the decade between 2007 and 2017, the statistics tell us that women are more likely to be on remand than men, despite there being a decrease in the sets of figures for both men and women. We need to have a clearer

understanding of why there is a gender disparity, and a further understanding of the impact that that has on children and families.

The commission on women offenders reported six years ago. Although it is acknowledged that there has been some progress on the recommendations, it is clear that women remain at a greater risk of reoffending and of falling into destitution as a result of a period of imprisonment.

The complex needs and issues of women offenders can exacerbate pre-existing trauma and mental health issues. That is why we need alternatives to prison such as wrap-around health and social care programmes, which are vital. However, it is fundamental to the success of these types of programmes that funding is guaranteed and that support is tailored to the needs of individuals and is in place for as long as it is required.

Evidence that was given to the Justice Committee has shown that 80 per cent of women in custody have experienced trauma and abuse and that, without the appropriate support in and out of prison, long-term problems that are associated with remand and reoffending continue to impact disproportionately on women. That also has an impact on public funding that goes directly to the criminal justice system and to the external organisations that support women.

In the many meetings that I have had with third sector organisations, I often hear about the unintended consequences that women experience when they are held on remand. One of the most distressing concerns is that women receive fewer visits when they are on remand or sentenced and are more likely to lose contact with or be physically distant from their children. That is partly due to the provisions of the women's estate.

Homelessness is also a major worry, as the committee recognised in its report. Single women, and single mothers, often find themselves losing their tenancy when they are held on remand, even for a short time, or when they are given a custodial sentence.

Ensuring that alternatives to remand are available will be beneficial to women and families. However, resources must be spent throughout the process to directly support women and prevent homelessness. Such alternatives to custody should also provide support to the whole family. Children can be, and are being, unfairly punished and are often forgotten in this process, especially if they are taken into care. Colleagues across the chamber will know that I have spoken frequently about children being the forgotten victims of crime, suffering loss and distress with no help and support.

Partnerships between statutory services and the third sector are crucial in keeping families together after parental imprisonment. Evidence to the committee showed that alternatives to remand, such as the Glasgow women's supported bail service, reduce the damaging impact of imprisonment and increase positive outcomes. Addressing the underlying causes of women's offending is key to that. Third sector groups such as the Prison Reform Trust, Families Outside and Turning Point Scotland are vital to identifying and addressing those issues. The causes can include poverty, family breakdown, mental health issues and drugs or alcohol abuse.

I agree with the committee that supervised and supported bail programmes should receive more funding in the next budget and should be made readily available to those who could benefit from them.

I stress that prison should be a last resort. If someone is found guilty of breaking the law, they should expect to receive some form of punishment. However, too many people end up in prison, especially through remand, when more suitable options should be available.

Tackling the underlying causes of crime—substance abuse, poor mental health and poverty—should be a key driver in the Scottish Government's plans to assess remand and break the cycle of reoffending.

15:53

**Ruth Maguire (Cunninghame South) (SNP):** Short-term imprisonment is often ineffective. Reducing the use of ineffective short-term imprisonment and increasing use of robust bail options are part of a smarter approach to tackling offending and making our communities safer.

Evidence indicates that it is possible, that through its weakening of social bonds and decreasing of job stability, short-term imprisonment can increase long-term offending. I will focus my remarks on the importance of social bonds and on remand's impact on families and children.

I recently took part in the "Send your MSP to prison" campaign, which was organised by Families Outside. It is the only national independent charity that works solely on behalf of families in Scotland who are affected by imprisonment. I am grateful to it for the opportunity to experience a flavour—it could be only a flavour—of what families experience, and for the work that it does to support families and professionals.

I travelled from my home in Irvine to Kilmarnock prison. The journey involved two buses and about

30 minutes of walking, and cost £8. For all of us sitting here, that does not sound too taxing, but at various stages of the journey it was not too hard to imagine how much harder it would have been if I had had children in tow, if there had been in bad weather, if that £8 was making a big dent in my income for the week or if I was going to visit a loved one, as I was running characteristically late.

When a person goes into custody on remand, the issues that families face are very similar to the impact of longer periods of custody once they are sentenced.

**Liam Kerr:** That point about the bus is very good. When I did the journey to Peterhead prison, the transport was paid for. The Scottish Government is funding a six-month trial to see whether that will work, which is excellent. Will Ruth Maguire ask the minister to say in closing whether that trial can be extended?

**Ruth Maguire:** I am sure that the minister has heard Liam Kerr.

Even with short periods of custody on remand, families experience considerable stress, especially where procedures are unfamiliar and outcomes unknown. The impact on people's physical and mental health and wellbeing is obvious. It might put their income and housing at risk, especially if that was previously unstable, and the potential breakdown in trust can lead to division within families and breakdown of family relationships, which is likely to be of longer duration than the period of remand.

Explaining custodial remand to children can be difficult, and younger children are unlikely to draw a distinction between imprisonment as sentence and imprisonment on remand. Children who have witnessed an arrest will be particularly traumatised, and the publicity and stigma surrounding a person's arrest and custodial remand can potentially leave lasting suspicion among family, friends, and neighbours, even if the person is not convicted.

For the person in prison, their experience in the first 24 hours of custody can be crucial to how they cope, especially in terms of their risk of suicide. Visits from family can help to alleviate stress and depression in prisoners, but prison visits can be particularly challenging for families during remand.

Families Outside told me that when someone is in prison on remand, their families are allowed to visit daily for half an hour. Families will, of course, want to make those visits, as we all would if someone whom we loved was remanded, but although daily visits are welcome, many families are not in a position to travel to the prison for such regular visits because of distance, cost, time and transport constraints. From the neighbouring town, my journey took nearly two hours and cost £8. I

know from constituency casework of families having to make much longer and more expensive journeys, and I know of the heartache that is experienced when they are unable to make visits because of distance or finances.

The Justice Committee took powerful evidence about the impact of placing a person on remand. Concerns include lack of information about court procedures, loss of trust in and breakdown of relationships, impacts on physical and mental health, and what to tell the children. The families of offenders or alleged offenders are not guilty. The children of offenders or alleged offenders are not guilty.

I want to acknowledge the many folk who are doing good work in the area, and to make particular mention and give grateful thanks to Families Outside, East Ayrshire positive play, Centrestage Communities Ltd and the prison officers whom I saw first hand doing their very best for families and children who were visiting Kilmarnock prison. Parental imprisonment is recognised as an adverse childhood experience, and such childhood experiences can lead to offending behaviour.

I recognise that bail decisions are, of course, a matter for the courts, and I welcome the Scottish Government's commitment to reducing the high rate of imprisonment. However, we must never forget that the families of offenders or alleged offenders are not guilty, or that the children of offenders or alleged offenders are not guilty. If we aspire to becoming a trauma-informed nation that breaks cycles of harmful behaviour, all of us must do everything in our power to minimise the disruption and upset in children's lives when a parent offends because, quite simply, it is the right thing to do.

15:59

**Oliver Mundell (Dumfriesshire) (Con):** I join other members in thanking the Justice Committee and its clerks for producing a vital report. There is no doubt that the number of people who are held on remand appears to be too high. The reasons for that need to be interrogated further.

We must make it clear that the safety of our communities comes first. As the committee said,

"Remand should always be used where necessary for public safety."

However, remand can be a blunt tool. The state exercises great power over the individual when it removes their liberty, so that power must be matched by the highest level of responsibility, especially when the person who is to be locked up has not yet been found guilty of a crime and—as others have pointed out—might never be found guilty.

Spending a few weeks in jail represents not only the removal of liberty; it can also mean that the person loses their job, their home and their family. Chaotic lives are inadvertently made more chaotic by the system, and it is much harder for people to rebuild their lives when they eventually leave prison, so there must be good reason for refusing bail.

Sheriffs tell us that there is always good reason and that they do not take such decisions lightly. It is difficult to disagree. Judges are the experts and, as a general principle, we should not interfere with their work. They are—rightly—-independent of politicians, and it should always be for judges to decide on individual cases. However, as the committee pointed out, there is no way to analyse meaningfully the reasons why judges use remand.

We can address any problems that might exist only once we start to understand what is going on by recording systematically why bail is refused. As my colleague Liam Kerr made clear, we need to gather that data, as the first step. Whatever action the Government takes must be led by the evidence; however, at the moment, there is not enough to reach any conclusion.

Regardless of that, alternatives that work must be readily available. One of the most compelling parts of the report was the evidence that suggested that something as simple as a text message to the accused on the day before a trial has enormous potential to improve attendance rates at court. If those rates improved and we could be surer that people will turn up, fewer might need to be on remand. Text messages have promise. We send them for things such as general practitioner appointments, and the technology has been around for a while. We should all support that commonsense approach, and I urge the Government to get moving with a pilot in one court or more, as the committee recommended.

I will touch on the lack of opportunity that is offered inside prison walls. Even if remand figures are too high, there will always be a need for remand when there is a clear risk of the person reoffending or interfering with witnesses, or when the offence is among the most serious.

For people who are on remand, the lack of work and education in prison is a problem that will continue if nothing is done. Purposeful activity in general has declined in our prisons. In the past year alone, the number of hours of it has dropped by nearly 300,000, and the figure is at its lowest level since 2011. That is not good enough. The number of vocational qualifications that are completed in prisons is also plummeting. Again, that is not good enough. The situation is unacceptable and must be reversed. We know that meaningful activity is crucial to rehabilitation, so effort must be made to ensure that remand

prisoners use their time to work or learn, which will not only help them but will serve our communities.

Remand must always be an option to keep victims and the public safe, but we need more data to find out whether it is being used effectively. The important work that the committee has done has shown that.

The report deserves action and attention from the Government. It cannot be beyond the Government's power to get on top of the issue and to help members and witnesses, as well as the individuals, families and communities that are affected, to understand what is happening with remand so that we make better policy, and so that judges are clearer about their decisions and the effects of those decisions.

16:05

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** I was previously the SNP shadow deputy justice minister, between September 2004 and May 2007, and as such I was responsible in particular for prisons. I am fortunate to have visited prisons in four countries, and I found that they work to very different patterns.

My parliamentary constituency, from the point at which I was elected, included Peterhead prison, which originally opened in 1888. It was a classic Victorian prison that was long overdue for replacement. Now, we have the modern HMP Grampian, which serves very different purposes and is much more of a local prison for a mixed prison population, including remand prisoners.

It is worth making the point that the committee's report, which is wide in scope, makes many interesting and useful recommendations that have led us to today's useful debate. I want to start with a few observations on statistics, on which almost every contributor this afternoon has made comment.

In the course of the 270-plus justice committee meetings that I have attended since being elected—it feels like even more at times, Presiding Officer—we have made visits to many different places, and one that I remember in particular was a Monday visit to Glasgow sheriff court. There were eight courts running in parallel, and the court that we were visiting was dealing with the weekend incarcerations. There were 59 appearances in the hour for which we were in that court, and a fair number of them ended up as remands. We have to ask ourselves how much consideration was given to the remand process when the time that was being spent per case was about one minute. That is a good and valid question that we should properly ask ourselves.

It is also worth making the point—this is my judgment, and that is all, although it was shared by other members who were present at the time—that there was not a newcomer among the 59 people. They all knew the system, so I could see where the judge was coming from.

However, I would like to focus on the proportion of people who are subsequently convicted, having been remanded, but are not imprisoned thereafter. That is the part of the issue that might be most susceptible, if it were to be studied in depth, of giving us information. If we were to look at a case in which a judge decided, for whatever reason, that remand was the proper thing to do—part of that reason would, I presume, be the consideration that imprisonment might be the ultimate end—we should be able to see why there appears to be a mismatch between the judgment that was made at remand and the ultimate outcome. That might particularly inform us, and perhaps the judicial system, about remand decisions. The Government might consider getting an academic to look at an appropriate number of cases that fit those criteria.

The committee report, at paragraph 154, discusses what informs a remand decision, and a series of things is listed, but it makes the comment that

“decisions are usually made under significant time pressures”.

I have seen that and I think that the report is spot on. Similarly, the report mentions the fact that there is some data and that some courts have a tick list to record it. As the committee recommends, that could be more widely done.

In evidence, the Sheriffs Association said that

“written reasons for refusal of bail are provided if an appeal is taken”,

but only then. Most of the reasons are given orally.

I have been in court and watched witnesses and accused persons hear a rapid oral delivery of various information about bail conditions and so forth, and it is perfectly clear that people do not absorb all that information. There is a danger that justice is not being served if we do not write information down and ensure that the prisoner and their lawyer get it and know exactly what is happening.

In the short time that I have remaining, I will make a comment or two about health. The committee noted in paragraph 84 that even when remand is someone's only experience of prison, the mark of prison is left on the person, which carries considerable risk.

In paragraph 98, the committee said:

“The Committee considers that procedures should be in place to ensure that, where appropriate, remand prisoners retain access to prescribed medication”.

I am picking at the committee's choice of words: I do not know what "where appropriate" means in that context. I would have thought that there would be almost no occasion when a prisoner should be denied access to medication that had been prescribed by a qualified practitioner from elsewhere.

**Jenny Marra (North East Scotland) (Lab):** Will the member take an intervention?

**Stewart Stevenson:** I will, if the Presiding Officer permits it.

**The Deputy Presiding Officer (Linda Fabiani):** Yes, I can allow that.

**Jenny Marra:** Thank you, Presiding Officer.

A few years ago, the Government decided that the NHS would take over health services in prisons. Does the member share my concern that there appears not to be more seamless provision between health services outside prison and services inside prison as a result of the change?

**Stewart Stevenson:** With the NHS supporting people in the community and in prison, one might imagine that sharing data would be easier than it would be if other arrangements were in place. That is certainly something that we should look at. I think that there are general issues to do with medical data, which sometimes get in the way of what health professionals do.

On the immediate needs referral, which is being piloted, the Government said in its response to the committee's report:

"Whilst there is no statutory obligation, where local resources permit, establishments may extend this model to include those on remand."

I encourage the Government to act on that worthy thought.

The whole issue of the NHS, on which I have just taken an intervention, is covered in the Government's response.

The report is useful. The Government is listening—I see the minister has been making extensive notes during the debate, and I am sure that she will read the *Official Report*. I hope that the finance secretary will also read it.

16:12

**David Stewart (Highlands and Islands) (Lab):** I welcome Ash Denham to her new position and wish her well for the future.

I praise the members of the Justice Committee for their first-class report on remand, which was well researched and well constructed.

I want to follow on from Stewart Stevenson's comments and focus on the health implications for

remand prisoners. I draw members' attention to the Health and Sport Committee's report "Healthcare in Prisons", which was published last year. I will draw on my experiences in the early 1980s, when I was a young social worker working with remand prisoners across the country, from Dumfries prison to Porterfield prison, in Inverness.

The Justice Committee heard in evidence that the time that people spend on remand is often unproductive and can lead to offending behaviour in future—many members talked about that. The committee said that we must look carefully at alternatives to remand. Members talked about the importance of bail supervision, mentoring and electronic monitoring.

As we heard, judges carefully consider the dichotomy between bail and custody and have a clear framework under the Criminal Procedure (Scotland) Act 1995. I am not for a second suggesting that decisions to remand are taken lightly by our experienced judges in Scotland. However, as the committee concluded, limited services are available to remand prisoners. There is, for example, limited access to the education and training services that are available to convicted prisoners. I saw that for myself a few months ago when I visited Porterfield prison with Caroline Cooper, who is regional family support co-ordinator for Families Outside.

My own assessment is that when someone is put on remand, we must ensure that they get services and treatment that are appropriate to them as individuals. There must be proper evidence gathering on and assessment of their mental health. There must also be information sharing among organisations with which individuals come into contact, such as local authorities, health boards and other public bodies. All those points reinforce a number of observations in the Justice Committee's report.

Serious concerns have been raised about those who are remanded not receiving the same level of medical service as they did when they were not in prison, and Stewart Stevenson touched on those. Such issues included problems with medication and continuing medical services. There was also some evidence of failure to pass over medical records to those taking over care. Marie Cairns, who is the family visitor centre manager at Polmont young offenders institution, said:

"some families have told us that they are extremely concerned about a family member in prison because the person cannot articulate their problems to the medical services."—[*Official Report, Justice Committee*, 20 March 2018; c 6.]

Some of the wider data-sharing issues that have been touched on by other members have been addressed by the health and justice collaboration improvement board.

My own particular interest is in mental health. As Anne Pinkman of the Scottish working group on women's offending said,

"Too often, prison is used as an alternative to a mental health facility."—[*Official Report, Justice Committee*, 16 January 2018; c 16.]

Real anxieties have been raised about remand being, in effect, a detox from medication for mental health conditions. We all know that mood stabilisers and talking therapies are essential for conditions such as bipolar disorders. We also know that a staggering 70 per cent of prisoners have some form of mental health problem—and that includes remand prisoners.

The current position, which was reinforced to me on my recent visit to Porterfield, is that a prisoner on remand will see a qualified nurse and a doctor within 24 hours. However, the committee heard evidence that remand prisoners sometimes had their medication removed while waiting to be assessed by prison-based NHS staff, which will have had a serious effect on them. I hope that the minister will touch on that in her winding up. Frankly, I have no idea why that happens in prisons, and we really have to get to grips with it.

I fully support the Justice Committee's recommendations. We have a postcode lottery for care, depending on which prison or health board area is involved. We must look carefully at our information sharing, including information technology systems and new protocols.

I turn to the Health and Sport Committee's report that I mentioned earlier, and I want to tie the two reports together. As we have heard, in November 2011, provision for healthcare in prisons transferred from the Scottish Prison Service to the NHS. A series of issues has been raised about the deployment of healthcare staff across the prison estate, and the differences between establishments. Currently, no national workforce standard is in place. In its report, the Health and Sport Committee recommended a minimum workforce standard, which it is to be hoped would address some of those issues. I want to mention a piece of information that I picked up just this afternoon. A tool for prison workforce planning—particularly for health provision—is in preparation. However, it will not take effect for five years.

I will mention another point that has not been picked up by other members, as far as I am aware. As members will know, next month there will be a smoking ban across the prison estate, and many, including me, will have sympathy with that. It will affect remand prisoners who smoke. However, vaping will still be allowed. On my visit to Porterfield prison, staff raised with me their concerns about the short-term implications for prisoner behaviour that that might entail.

Many public health initiatives in prisons, such as alcohol interventions, blood-borne virus testing and various screening programmes, do not always involve prisoners on remand, even though those prisoners might benefit from them. As the Health and Sport Committee concluded, there is a lack of national indicators that are applicable to prison healthcare.

Another key point is that prison healthcare staff cannot currently electronically prescribe medication; all such records are kept manually. That is very challenging, as 75 per cent of all prisoners are in receipt of prescription drugs. As Her Majesty's chief inspector of prisons has argued, many prisoners have poor health and so

"prisons should be well placed to tackle health inequalities".

Therefore, to improve health we must also identify prisoners' long-term conditions, or conditions of which they are at risk—for example, obesity, diabetes, heart disease and cancer. However, access to national screening for remand prisoners is also needed. For instance, they should be tested for blood-borne viruses such as HIV and hepatitis C. Testing is currently inconsistent, poorly managed and the treatment is not confidential, which clearly discourages testing and therefore treatment. However, it should be noted that a short-term working group is consulting on guidelines on BBV testing as we speak.

The Justice Committee's report is an excellent report that provides a policy platform for changes to justice and health programmes. I am very concerned that there is a health postcode lottery in prisons, and I echo the Health and Sport Committee's disappointment about the opportunities to address health inequalities.

Remand prisoners, who are, by definition, untried, face unique challenges and stigma. They are often described as the Cinderellas of the health service. Let us have a new focus and get them centre stage.

16:20

**Richard Lyle (Uddingston and Bellshill) (SNP):** I, too, welcome the minister to her new post.

I welcome the opportunity to contribute to this debate on the process of remand in our justice system. In the early 1980s, when I was a district councillor, it was my privilege to be nominated as a justice of the peace to serve on Motherwell district court. After appropriate training, I sat on the court twice a month. Over the years, I heard various cases on breaches of the peace, television licensing, motoring offences and neighbour disputes. I also dealt with a multitude of other

issues, including the interesting way in which warrants are signed.

It was certainly an interesting experience, and it is because of that that I have come to the conclusion that remanding individuals should be a last-resort option and not common practice. Of course, situations exist where a person who is waiting for trial is a threat to society in some way, and it is right and proper that in such cases they are remanded for the sake of public safety. Unfortunately, many believe that remand is being used far more often than is necessary. Although the use of remand is necessary in certain circumstances, remand levels are high. Often, remanding is counterproductive and undermines our goals of bettering our society and upholding justice, which are ambitions that I hope that all parties share.

The Scottish Government, as stated in the programme for government 2018-19, is committed to ensuring

“that remand is only used where ... appropriate.”

However, practical action needs to be taken to achieve that objective. I am interested in hearing the minister’s view on how that can be achieved.

There is a big difference between the number of those who are remanded and those who end up receiving a sentence. I infer from that that our goal is not being met. It also seems that women appear to suffer more from that practice, and I am interested to know why that is the case.

The 2012 report by the commission on women offenders notes that

“Only 30 per cent of women held on remand go on to receive a custodial sentence.”

In other words, about 70 per cent of women who are remanded are judged innocent or not given a custodial sentence by our justice system.

In 2012-13, the average remand period for women was about 22 days. The cost to society of that is staggering. For 22 days, the women on remand, most of whom were later judged to be innocent, were in custody away from family, children, loved ones, friends, employment and day-to-day lives. If a person is absent from their normal life for more than three weeks, that can have long-lasting and irreversible impacts. The disruption of family and social relationships, as well as the loss of a job or future income opportunities, can make an innocent person fall into desperation. There is a cost to the person personally and to their family. That is a severe disservice not only to those who are remanded, but to the rest of us here in Scotland.

The cost of prison is high and therefore the cost of needless remand is also high. As

representatives of the people, we are charged with being good stewards of our people’s money. Imprisoning people on remand for numerous weeks does not seem to be a particularly effective use of our limited funds.

I understand that the Scottish Government believes strongly in lowering our incarceration rates. High remand rates are not in accordance with that goal. Remand is, in essence, a shortened sentence in prison.

On 24 April, the former justice secretary told the Justice Committee:

“It is clear to me that remand is just as disruptive as short prison sentences. It impacts on families and communities and it adversely affects employment opportunities and stable housing—the very things that evidence shows support desistance from offending.”—*[Official Report, Justice Committee, 24 April 2018; c 2.]*

I have to agree.

I have already briefly mentioned the impact that remand can have on a person, but it can further be argued that remand should be viewed as a shortened jail sentence. Remand is simply not in line with our commitment to move away from short-term jail sentences and replace them with community sentences. People serving a custodial sentence of 12 months or less reoffend almost twice as often as those who receive a community sentence instead. That means more crimes, more victims and more prison costs.

Our use of remand only supports an outdated method of sentencing that clearly does more harm than good, so I suggest that it is time to change or revise the practice. Remand can affect access to benefits. The ramifications for every facet of someone’s life are huge: they can include loss of wages or housing, as has been said.

I conclude by reiterating my main concerns with our current practice of remanding. Our society depends on a properly functioning justice system. If remand is used when it is not necessary, everyone suffers the consequences. The person being remanded wastes away in jail awaiting trial, potentially for a long time, which not only makes them an unproductive member of society, but increases their chances of reoffending on release. Our justice system should seek to turn those who some call criminals into productive members of society, not the other way around.

There is an obvious need to take action on the use of remand in our courts if we are to improve our justice system and our country. I would be interested to know what the Government will do after today’s debate to draw our court officials’ attention to the need to take action to reduce remand. I, for one, hope that we take that action.

**The Deputy Presiding Officer:** We move to the closing speeches. I call Jenny Marra for a generous six minutes.

16:27

**Jenny Marra (North East Scotland) (Lab):** It has been a great honour and privilege to be part of this afternoon's enlightening debate. It has been a few years since I was on the Justice Committee, but I remember that when I was asked to serve on it I thought that it would not be appropriate to do so until I had visited some prisons in Scotland and seen for myself the conditions there and the kind of punishment into which we send our prisoners. I had the opportunity to visit HMP Perth, HMYOI Polmont, HMP and YOI Cornton Vale and HMP Castle Huntly, which gave me a flavour of the regime under which prisons in Scotland operate. They were not easy visits to make, as colleagues across the chamber will know; no one who labours under the idea that prison is some sort of easy option would reach that conclusion if they visited any of our prisons.

This afternoon's discussion of remand has been very useful. I believe that there are a couple of clear conclusions to draw, but let us be under no illusion: remand is a relief. When used properly, it is a relief for victims of serious crimes and for public safety. Remand protects the public; that is one of the considerations that the sheriffs and the High Court take into account. It can be justified by the accused's previous convictions, and sometimes it is the only way in which the court can get the accused to appear; it can be used when sheriffs just cannot get the accused to appear, often because their life is so chaotic.

However, my understanding is that sheriffs want to use alternatives to remand. For me, that is one of the main conclusions from this debate. There has been a lot of discussion from many members and especially from the Government about alternatives to remand, such as supervised bail and bail centres. My big question for the minister is: how widely available are those alternatives? I hope that she can address that question. Daniel Johnson, who sat through all the committee's evidence taking on that, said in his contribution that the committee heard that sheriffs simply were not convinced that those alternatives were available when the accused was leaving the dock, so they have gone for the option of remand. I do not think that bail centres are available throughout the country, but I ask the minister to address that point in her summing-up speech.

That leads me to our second conclusion, which is that that backs up the need for data. The call for that was articulately made by Liam Kerr of the Conservative Party and my Labour colleague Daniel Johnson. The need for data and for sheriffs'

reasons for making remand decisions is vital. We seem to be having this debate in the absence of that data. However, I understand that Edinburgh sheriff court has a form for its own court records that asks the sheriff to list the reasons for bail. After this debate, and on the back of the committee's recommendations, I would like the Government to make a pledge that it will roll out that approach throughout the Scottish court system so that we will at least have those reasons. We can go back and look at the reasons and make more informed suggestions about what the alternatives should be in a year or 18 months.

**Stewart Stevenson:** I support the general point that Jenny Marra is making but, given that the sheriff states the reasons orally, that could be done by a court official. That might be more operationally efficient and might prevent the sheriff from being delayed in doing some things that he or she is doing.

**Jenny Marra:** I am sure that people who are more informed than we are can work out the whys and wherefores of how and by whom that information should be recorded. The Government should make a commitment to get that information recorded, to get it back to the convener of the Justice Committee, and to bring it back to the chamber. We will then know why remand continues to be so high.

I say to the minister in all good faith that the Labour Party would consider that to be preventative spend. We still have a problem in Scotland 10-plus years on from the Christie commission. Daniel Johnson said that the cost of imprisonment is in excess of £35,000 per prisoner per year. If we think that we are using remand too much and that there are better alternatives that would be more efficient for the public purse, the minister should see that investment as an appropriate use of public money.

I will do a short canter through some of the contributions to the debate. Shona Robison detailed a lot of remand alternatives. However, as Daniel Johnson had already pointed out, sheriffs are not convinced that those alternatives are available.

Mary Fee and Ruth Maguire spoke eloquently about issues relating to families who are affected by imprisonment. I know that Ruth Maguire is quite new to this, but my colleague Mary Fee has done many years of work on representing families and especially children who are affected by imprisonment. Her commitment to that continues to humble and impress me. It is important to have that strong voice in Parliament.

Ruth Maguire made a personal and touching speech. She was right that a trauma-informed nation must break the cycle for children. Prisons



are not places for children to go to. Children should not be taken out of school and taken to prisons during the day. We must find alternatives to that.

Like Stewart Stevenson, I have sat in Glasgow sheriff court. I have seen how quick it is, and I agree with him.

The debate has been excellent, but I hope that the minister will address the points on data in her summing-up speech.

16:34

**Michelle Ballantyne (South Scotland) (Con):** I am pleased to close the debate for the Scottish Conservatives on this important issue. As many members have said, the Justice Committee and its clerks deserve our thanks for the report. Their work has been invaluable and I have enjoyed the debate that the report has created—it has been very insightful, with thoughtful contributions from around the chamber.

Margaret Mitchell elaborated on the committee's work; it is clear that the report is the product of thorough analysis and evidence that was collected from a broad range of sources. I add my call to those of others for stronger data capturing. Information is the key to understanding the issue. Continued ignorance will only lead to greater churn through the system, which would be a solution that would help nobody: it would not help prisoners, society, sheriffs or their staff, who would have to deal with enlarged caseloads, or our already stretched prison staff—and it certainly would not help the taxpayer. Jenny Marra was quite right to say that the spend would be preventative and we need to allocate money appropriately.

Liam Kerr spoke in detail on the issue and gave a clear explanation about why data capture is so important. In commending the report, he highlighted conclusion 66 on page 18, which bears repeating, particularly in light of the minister's opening speech. It states:

"Information is not recorded consistently or in a way that allows for any meaningful analysis of the reasons why remand is being used ... to make any difference in the numbers, the reasons why judges decide to remand people in custody have to be better understood. Without improved knowledge and data, it is difficult to know which interventions or changes should be made to the current system."

The minister appeared to suggest that no further data is required but, rather, better analysis of what already exists, which appears to directly contradict the report's finding. I would be interested to hear the minister address the issue again in her summing up, after she has heard the debate, because we do not want a system that is designed

and taken forward on value judgments rather than on robust analysis.

**Daniel Johnson:** Does Michelle Ballantyne agree with Jenny Marra that the Edinburgh system of a simple form should be looked at and rolled out across Scotland, so that data could be gathered and collated?

**Michelle Ballantyne:** I have not seen the form, but having sat in court with my client base, when I headed the drug and alcohol unit, I know that there has to be a simple way to capture the data. If the Edinburgh form works, I would have no issues with that.

Daniel Johnson, Liam McArthur, Shona Robison and others spoke about the disruption that remand causes to individuals' lives, particularly women's, and the negative impact that it can have on their rehabilitation and their families.

I listened with interest to Maurice Corry's contribution and his focus on mental health and the need for services to support individuals to be productive during the remand period. Mr Corry was right to say that remand should not be a one-size-fits-all approach. Oliver Mundell highlighted that there has been a general decline of purposeful activity in our prisons over the past few years; nearly 300,000 hours were lost in the past year and the figure is at its lowest level since 2011. There is also a reducing number of vocational qualifications and that combination is cause for concern if we are serious about rehabilitation, particularly for people on remand.

As Jenny Marra said, the contributions from Mary Fee and, in particular, Ruth Maguire were extremely poignant. The effect on children of people being in prison, when on remand or on a sentence, is horrific. I have worked with many children who have suffered as a result of that and I echo Liam Kerr's plea that the trial to provide free transport from the station to the prison should be extended because, as Ruth Maguire was right to remind us, the children are not guilty and we should not punish them. The cost of getting to prison to visit people is a punishment to families; I ask that the plea to extend the trial be looked at.

**Ruth Maguire:** I thank Michelle Ballantyne for her comments. Does she agree that the impact on and the damage to children and families are the same whether it is a short sentence or remand?

**Michelle Ballantyne:** To a degree, yes. Obviously, for a child there is a difference between a short sentence and a longer sentence, because the role model may disappear completely or the relationship with that person may change. However, that real damage and impact are definitely there, regardless of the length of sentence.

David Stewart and Stewart Stevenson raised important issues to do with health and the risks when records are not shared appropriately. Again, I have seen the serious issues that that can cause for young people who are placed on remand. I would welcome the minister's comments on how we ensure that there is no break in people's treatment with prescribed drugs.

I will address a couple of further points, although they may have been touched on already. Our prisons are growing increasingly dangerous. Overcrowding has only increased pressure on an already creaking system, and unnecessarily keeping prisoners on remand only adds to that. In 2016-17, there were only five serious prisoner-on-staff assaults, yet in 2017-18 the number leapt to 14. Minor and no-injury staff assaults have also increased, with the number jumping from 193 to 283 in the same period. By correctly striking the balance between bail and remand and, as my colleagues have noted, introducing greater opportunity in our prisons, we can make the service safer for all concerned.

Having listened to the debate, I sound a note of caution: we should be careful not to interfere in the independence of the judiciary when it comes to judges getting it right in considering whether to grant bail. It is not Parliament's role to tie judges' hands; indeed, such meddling goes against the concept of the separation of powers. Instead, it is up to judges to make individual decisions. Sheriffs have a lifetime of irreplaceable experience, and we should make use of that rather than hamper them in their work. That is why I advise against too much debate on whether judges are getting it right. They are applying the law that they are provided with, as is their duty.

I ask the minister to consider whether the evidence that she has is sufficient to commit money effectively to make a difference to the accused and the victim. Parliament's role is to make good law and then to monitor whether it is working appropriately.

**The Presiding Officer (Ken Macintosh):** I call Ash Denham to wind up for the Government.

16:42

**Ash Denham:** I again thank the Justice Committee for its interest in remand, and I thank everyone from across the chamber who has contributed to today's interesting and helpful debate. It is clear from the discussions that the matter of remand is complex and spans a number of areas, and not just justice. Daniel Johnson raised that point, and I assure him that the Government fully grasps the complexity of the matter and is looking seriously at it.

I do not have time to cover all the many points that have been raised in the debate, but I will address a couple of key points.

Bail decisions are for the courts alone. In general, bail must be granted unless, with regard to the public interest, there is good reason for refusing. The public interest is defined to include the interests of public safety, which may require that a person should be remanded for the duration of the proceedings, even if there is no realistic prospect of a custodial sentence. I am sure that members will accept that that is sometimes the case.

Although bail decisions are a matter for the courts, we are committed to reducing the unacceptably high rate of imprisonment in Scotland, which remains the second highest in western Europe. I accept the committee's finding that remand is as disruptive as short prison sentences, and I believe that there is consensus on that across the chamber. Short-term imprisonment disrupts families and communities and adversely affects employment opportunities and stable housing, which are the very things that the evidence shows support desistance from offending.

In recent years, the remand population has accounted for approximately 20 per cent of the average daily prison population and it has fallen by one fifth since 2008. Holding individuals on remand for a period does not help to reduce reoffending in the long term, because remand prisoners do not have the opportunity to take part in rehabilitation programmes, education or work. Therefore, reducing the use of ineffective short-term imprisonment and increasing the use of robust bail options are part of our smarter approach to tackling offending.

In the year ahead, we will extend the presumption against short sentences, once the additional protections in the Domestic Abuse (Scotland) Act 2018 are implemented.

Unlike remand, bail supervision, which was mentioned by many members, does not disrupt families and communities and does not adversely impact on employment opportunities and stable housing. The Scottish Government provides funding for each local authority to provide bail information and supervision schemes. To answer Jenny Marra's point, although all local authorities provide community justice services that are aimed at reducing reoffending and that will, in part, support people who are at risk of being held on remand, bail supervision and bail support services are specifically provided in at least 23 of the 32 local authorities.

The funding that we are committing to—which will be discussed further with COSLA, before

being finalised—will help to ensure that bail supervision can be accessed from all areas. Many members, including Liam McArthur and Daniel Johnson, raised the point about funding for bail supervision. Subject to the spending review and discussions with COSLA, we intend to double the capacity for bail supervision services from 2019-20. I hope that that answers Daniel Johnson's point.

**Daniel Johnson:** Does Ash Denham acknowledge the point that was made by Tom Halpin from Sacro yesterday, that one of the key factors that undermines the services that she has talked about is not the level of funding but the stability of funding?

**Ash Denham:** I take the member's point on board. However, we are in a one-year funding cycle—that is the way in which the Parliament operates.

**Liam Kerr:** Will the member take an intervention?

**Ash Denham:** If I am to get through the points that have been raised in the debate, I am afraid that I will need to press on.

I will address the issues relating to women that were raised by a number of members, including Shona Robison and Mary Fee. The proportion of the female prison population on remand peaked at 32 per cent in 2008-09. Although the proportion of the prison population on remand is similar for men and women, once the like-for-like comparisons are made, particular attention needs to be given to the impact of remand on women. The Government is looking at that issue and has taken specific action on the problems related to women on remand. We have provided £1.5 million per annum of additional funding for bail support services specifically for women on remand, and provided support for the shine mentoring service for women in the justice system. We will look at what more we can do in that area.

I will address the points on data that Liam Kerr, Margaret Mitchell and Jenny Marra raised. I have some sympathy with the argument on data collection that many members raised. However, I note that, in its written evidence, the Scottish Courts and Tribunals Service commented that recording the reason for refusal of bail

"could be prejudicial to the accused at any future trial diet."

For example, it could result in reference being made in court minutes to a schedule of previous convictions, prior to a trial. The Sheriffs Association made a similar point. Although it might be possible to extract data from papers when an appeal against the refusal of bail is lodged, any such extraction and collation would be a manual

process, which would significantly impact on SCTS resources.

The three penal policy improvement projects that ran a couple of years ago supported local efforts to reduce the use of remand. Those pathfinder projects collected data and found that the reasons for remanding people were quite consistent and mostly related to previous convictions, the nature of the offence or the fact that there was simply no application for bail.

The Lord President has observed that the noting of reasons in court would impose a substantial burden on the clerk, and that the sheriff might also be required to recheck that work. I have listened carefully to what has been said in the chamber but, on balance, I am not yet convinced that additional recording in court is the most helpful way to impact on the use of remand. I have mentioned the opportunities for further analysis of the existing data on remand, and we should take those opportunities to see whether we can extract more information from that data, in order to help to inform our work on remand.

I will address support for families, which was raised by Ruth Maguire and other members. The SPS family strategy puts families and family contact at the heart of supporting prisoners during their time in custody, and recognises the positive contribution that families can have on supporting reintegration.

The family strategy does not differentiate between convicted and remand prisoners, and there are family hubs in many prisons that hold remand prisoners. In the hubs, families can access information regarding social and other services for their relatives in prison. I note that the Scottish Government also provides annual funding to each prisoner visitor centre.

I thank members for taking part in this afternoon's debate. Their contribution will inform our next steps. Our programme for government made a clear commitment to actions to reduce remand and to make sure that it is only used when necessary and appropriate. We will continue to work with partners to support that aim.

16:50

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** I am pleased to close this excellent debate on an important subject.

Ensuring that we find a balance between society's need to be protected and the rights of someone who has been charged with an offence and considered for remand rather than bail is a central issue in our criminal justice system. The evidence that we took during our inquiry into remand was filled with personal stories of women,

families, young people and people struggling with mental health, homelessness and addiction.

As the Justice Committee convener stated in her opening speech, we had the chance during our work to visit Circle, which is a national charity that supports families that face issues related to imprisonment, poverty and addiction. What we heard from Circle and its partner organisations was a story of complex problems that lead to imprisonment and that can arise from a period of time on remand. Over and over, we heard the words “unpredictable”, “chaotic”, “addiction”, “children” and “health”.

Our report talks about the number of people being placed on remand and the problems that that can cause beyond the criminal justice system, incorporating health, housing and education services and more. We have heard more of that in today’s excellent speeches.

Speaking to Circle and its partners, we heard that the voluntary and third sector organisations that support remand prisoners need more predictable and secure funding, with which I totally agree. We called for that in our report, and I am pleased that the cabinet secretary recognises the value of the third sector and alternatives to remand. I welcome his commitment to provide increased financial support for those programmes. The issue of how we fund the voluntary and third sector is a major focus of our pre-budget scrutiny this year.

Along with Mary Fee, I am co-convenor of a parliamentary cross-party group that focuses on women’s justice. A wide and growing range of stakeholders is involved and we all have the same belief: we must stop locking up women. Six years ago, Dame Elish Angiolini’s report urged a reduction in the number of women behind bars. At that time, there were more than 400 women in jail. There has been a slight reduction since then, but the number is still far too high, as recent figures showed that 400 women were in prison in Scotland. Seventy-five per cent of women on remand do not go on to be given a custodial sentence. This is simply unacceptable. Women placed on remand can lose contact with their children—causing an adverse experience for the child—or lose their tenancy and face homelessness on release, all of which we have heard about in the debate. We must surely realise that remanding women is not working and is extremely damaging. Many women need holistic support for a huge variety of issues and, as a humane society, we must be in a position to offer that.

The committee also heard stories of the many people in prison who have addiction issues. In a Scottish Prison Service survey last year, around 40 per cent of prisoners reported illegal drug use

and around one fifth of prisoners were being prescribed methadone. Even a short period of remand might remove people from access to the local programmes that they use to manage those addictions, unless treatment is quickly provided in prison. Further, a period in prison can reintroduce addictions that were previously under control.

We repeatedly heard those themes when we visited Circle and throughout evidence taking, and they have come up again in the debate.

In the limited time that I have left, I will highlight some of the stand-out parts of the thoughtful speeches in the debate, rather than go on with my speech.

I agree with all the points that were raised in Justice Committee convener Margaret Mitchell’s opening speech. I agree with her, Liam Kerr and Jenny Marra that consistent recorded data is essential so that we can get to grips with why so many people are being remanded, and I will think about what the minister said about that.

**Michelle Ballantyne:** I am glad to hear you echoing some of the members’ thoughts. The minister said that data capture was not a good idea because it could be used against the person in later convictions or hearings. Do you agree that the data does not need to be identifiable? It is about capturing data that allows us to make informed decisions about remand. If that is a concern, it is simple to make data unidentifiable and collect it accordingly so that it can inform decision-making.

**The Presiding Officer:** I urge members to speak through the chair and not to refer to other members as “you”.

**Rona Mackay:** That might be a way of doing it. I am no expert on court procedure, that is for sure, but I definitely think that there is a need for consistent data.

Liam Kerr talked about the impact of remand on families and how remand has to be a last resort and a decision that should not be taken lightly. He also talked about the cost savings that could be made by not remanding so many people.

Daniel Johnson’s contribution was pretty outstanding, to be honest. He asked the pertinent question: is remand making the situation better or worse? He said that prison can compound chaotic living and that 80 per cent of women who are in prison are victims of trauma, which speaks volumes.

Liam McArthur said that the number of people who are being locked up is shameful. He also talked about the disruption to family life and how imprisonment is an adverse childhood experience, as we are now aware. He also said that community alternatives need to be viable and

certain, and that funding for the third sector must be secure.

Shona Robison argued for a progressive approach to justice and said that the number of people who are on remand is too high. She also talked about the impact on women and the fact that they have significantly fewer visits than men. She is pleased that the revised guidance has been issued by the Scottish Government, as am I, and she also said that victims should be supported.

Maurice Corry said that we need to know the reasons for remand and that lack of support in the community can sometimes be a reason.

Fulton MacGregor said that remand prisoners are restricted before they have even been convicted, and that we must work together to reduce the need for remand. He also talked about remand prisoners' access to medication being delayed and the effect of remand on mental health, and on children and families.

I join Jenny Marra in congratulating Mary Fee on her amazing commitment to working on the impact of remand on women and families for such a long time. It is commendable. She also said that we must seek further understanding of why women are at a greater risk of reoffending. She also talked about how it exacerbates health issues, and said that funding must be guaranteed and tailored, and I could not agree more.

Ruth Maguire made a fantastic contribution and spoke about families and children, her visit to HMP Kilmarnock, and the cost to families of the journey to prison and the stigma of imprisonment. She praised the organisations that are working with families.

Oliver Mundell said that remand means that people have been locked up who have not been found guilty of any crime, and that there is a lack of opportunity inside prison.

Stewart Stevenson talked about different patterns in prisons throughout the country and of his experience at Glasgow sheriff court on a Monday when 59 cases were heard. He asked how much time could be given to considering remand in such circumstances, and he suggested that there should be a study of those who go on to be sentenced.

David Stewart's contribution was amazing. He talked about the health implications for people who are on remand, and the limited services that are available. He said that information sharing is a must, that there is a postcode lottery for care, and that 70 per cent of prisoners have some form of mental health issue. That must be addressed, and David Stewart has asked for national screening for prisoners who are on remand.

Richard Lyle talked about remand being a last resort and recalled his experiences as a JP. He said that women are suffering disproportionately, that the cost of prison is high and needless, and that remand is not effective.

I do not know how much time I have left, Presiding Officer.

**The Presiding Officer:** You should probably bring your remarks to a conclusion now.

**Rona Mackay:** I am not sure that we have been able to give all the answers today, but I hope that the report raises the urgent issues that need to be addressed. The debate has been valuable.

I again thank everyone who gave evidence to the committee, and I acknowledge the hard work of the clerks who supported us. I hope that we can write a new story for those on remand in our criminal justice system.

## Business Motion

17:00

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of business motion S5M-14182, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out a business programme.

*Motion moved,*

That the Parliament agrees—

(a) the following programme of business—

Tuesday 23 October 2018

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)

*followed by* Ministerial Statement: Response to Recommendations on Financial Redress for Survivors of Child Abuse in Care

*followed by* Ministerial Statement: NHS Performance

*followed by* Culture, Tourism, Europe and External Affairs Committee Debate: Making Scotland a Screen Leader – Report Examining the Scottish Screen Sector

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

*followed by* Committee Announcements

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 24 October 2018

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions:  
Health and Sport

*followed by* Scottish Labour Party Business

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 25 October 2018

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

*followed by* Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Ministerial Statement: Update on Primary 1 National Standardised Assessment

*followed by* Scottish Government Debate: Scottish Government's Inaugural Contribution to Development Report

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 30 October 2018

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)

*followed by* Scottish Government Business

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

*followed by* Committee Announcements

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 31 October 2018

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions:  
Communities and Local Government;  
Social Security and Older People

*followed by* Scottish Government Business

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 1 November 2018

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

*followed by* Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Scottish Government Business

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

(b) that, in relation to any debate on a business motion setting out a business programme taken on Wednesday 24 October, the second sentence of rule 8.11.3 is suspended and replaced with "Any Member may speak on the motion at the discretion of the Presiding Officer, and

(c) that, in relation to First Minister's Questions on 25 October 2018, in rule 13.6.2, insert at end "and may provide an opportunity for Party Leaders or their representatives to question the First Minister".—[Graeme Dey]

*Motion agreed to.*

## Parliamentary Bureau Motions

17:00

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of three Parliamentary Bureau motions. I ask Graeme Dey to move motions S5M-14183, on designation of a lead committee, and motions S5M-14185 and S5M-14187, on approval of Scottish statutory instruments.

*Motions moved,*

That the Parliament agrees that the Rural Economy and Connectivity Committee be designated as the lead committee in consideration of the Restricted Roads (20 mph Speed Limit) (Scotland) Bill at stage 1.

That the Parliament agrees that the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (Treatment of Poverty and Inequality Commission and Scottish Commission on Social Security as Specified Authorities) Order 2018 [draft] be approved.

That the Parliament agrees that the Public Services Reform (Poverty and Inequality Commission) (Scotland) Order 2018 [draft] be approved.—[*Graeme Dey*]

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

## Decision Time

17:01

**The Presiding Officer (Ken Macintosh):** The question is, that motions S5M-14183, on designation of a lead committee, and motions S5M-14185 and S5M-14187, on approval of Scottish statutory instruments, be agreed to.

*Motions agreed to.*

That the Parliament agrees that the Rural Economy and Connectivity Committee be designated as the lead committee in consideration of the Restricted Roads (20 mph Speed Limit) (Scotland) Bill at stage 1.

That the Parliament agrees that the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (Treatment of Poverty and Inequality Commission and Scottish Commission on Social Security as Specified Authorities) Order 2018 [draft] be approved.

That the Parliament agrees that the Public Services Reform (Poverty and Inequality Commission) (Scotland) Order 2018 [draft] be approved.

## Age Scotland (75th Anniversary)

**The Deputy Presiding Officer (Linda Fabiani):** The final item of business is a members' business debate on motion S5M-13889, in the name of Sandra White, on the 75th anniversary of Age Scotland. The debate will be concluded without any question being put.

### *Motion debated,*

That the Parliament congratulates Age Scotland on reaching its landmark 75th year; recalls its establishment in 1943 as the Scottish Older People's Welfare Committee; notes the subsequent formation of Age Concern and Help the Aged, whose merger in 2009 led to a new charity dedicated to improving later life for everyone in Scotland; wishes the staff and volunteers of Age Scotland every success for the future as they work to promote positive views of ageing and later life, help older people to be as well as they can be and help to tackle loneliness and isolation; recognises the contribution made by its network of over 1,100 local groups, which allow older people to meet socially, discuss issues affecting their lives, raise awareness about the help and support available locally and promote their health and wellbeing through activities such as body boosting bingo, walking football and men's sheds; acknowledges the range of innovative projects led by Age Scotland and Age Scotland enterprises based in the Glasgow Kelvin constituency with the aim of improving later life, including its Housing project, which focuses on housing needs, the Warm and Well project, which delivers advice sessions on how to stay warm and reduce fuel bills in the winter months, its Helpline, which provides information and advice annually to over 10,000 older people and generated £587,000 in previously unclaimed benefits in 2017, its Early Stage Dementia project, which seeks to raise awareness of early stage dementia and the signs and symptoms of the condition, and its Veterans project, which, through the Unforgotten Forces consortium, boosts the health and wellbeing of veterans aged 65 and over; recognises the positive value of lifeline services in Orkney, such as Age Scotland Orkney's Good Day call service and the emerging partnership with Care and Repair Edinburgh; notes the work of its regional ambassadors, its policy engagement work, the Age Scotland Awards and its Annual Conference; commends its campaigning work on social care, access to transport services, particularly in rural areas, community facilities such as cash machines and public toilets, and the take-up of social security entitlements; pays tribute to the work of Luminate, Scotland's creative ageing organisation, which is supported by Age Scotland, for its internationally-acclaimed festival and work to improve the lives of older people through the arts, and hopes that Age Scotland will continue to work positively on behalf of older people for many years to come.

17:03

**Sandra White (Glasgow Kelvin) (SNP):** It gives me enormous pleasure, as the convener of the cross-party group on older people, age and ageing, to open this debate on the 75th anniversary of Age Scotland. I am grateful to colleagues across the chamber who supported the motion in my name in order to allow the debate to take place. I welcome people in the public gallery, some of whom were at the reception last night.

We are here to celebrate 75 years of national and local older people's groups and organisations, which have operated in Scotland since 1943. That is a remarkable achievement and this is an opportunity to pay tribute to the spirit and vitality of the many outstanding men and women who have made that work possible—older people who have dedicated their lives to the development and operation of older people's groups and organisations. Those groups have enriched the lives of older people in our communities across the country and those organisations have helped to shape Government policy and legislation to improve the lives of older people in Scotland. All those groups and organisations continue to make an enormous contribution to advancing positive views of ageing and later life.

Indeed, at last night's reception, we met groups and individuals who did just that. I thank Age Scotland and its chair, George Foulkes, Christine Grahame and the minister, who gave such a welcoming speech, and the many organisations that took the time to attend and make the evening such a great success.

Life for Age Scotland began with the establishment in 1943 of the Scottish Old People's Welfare Committee. The founding members included an array of organisations that were active at the time, such as the Church of Scotland, Edinburgh and Leith Old People's Welfare Council and Dundee Old People's Welfare Committee. Sadly, at the time there was not such a committee in Glasgow; however, in 1954, Glasgow Old People's Welfare Association was established. It is now known as Glasgow's Golden Generation and it won an award last night; I am very proud of that fact because it is based in my constituency. Other member organisations included the Central Council of Scottish Women's Rural Institutes, the Scottish Council of Women Citizens Associations and the Scottish Trades Union Congress. Later we saw the formation of Age Concern and Help the Aged, whose merger in 2009 led to the creation of a new charity, Age Scotland, which is dedicated to improving later life for everyone in Scotland.

It is worth reflecting for a moment on some of the landmark achievements of the past 75 years. Those include legislation to make the provision of a home help service a duty on local authorities; the exclusion of amenity housing from the right-to-buy legislation in the 1980s; the introduction of free nursing and personal care for older people in Scotland; and the Scotland-wide free bus travel scheme for older and disabled people, which provides free travel on local registered bus services for people aged 60-plus.

I will give a wee plug here for Simon Ritchie from Age Scotland, who has been carrying out a major engagement exercise with Transport



Scotland to gather the views of hundreds of older people, which will directly shape the new national transport strategy. I welcome Simon to the gallery tonight.

Other achievements include legislation making it unlawful to take a decision on employment and training based on a person's age rather than their competence; the Adult Support and Protection (Scotland) Act 2007, which was introduced to help stamp out the abuse and mistreatment of older people who may be vulnerable; and "Reshaping Care for Older People: A Programme for Change 2011-2021". In 2015, the Scottish Parliament's Equal Opportunities Committee investigated age and isolation—the first formal parliamentary examination of loneliness anywhere in the world. As I was the deputy convener of that committee, I am very proud of the work that we carried out on that.

There is a range of life-enhancing activities in Scotland every week that are facilitated by older people's groups. In my area, examples include—I say this first one with great care—the Partick Pluckers, which is a music group, stained glass making and knitting and crocheting blankets for conflict victims. Those are all carried out at the Partick annexe in my constituency. There is also the lunch club in the church hall or neighbourhood centre, which brings older people together to share a healthy meal and companionship, and there is camaraderie for older men and women who meet in the men's shed to use their skills to make or repair things or just to have a blether over a cup of tea or coffee.

Other examples include activities that help older people remain active and healthy, such as body-boosting bingo, which can improve strength and balance, and walking netball, which helps keep people fit. These activities also involve bringing the generations together by enabling young children to visit older people in their care home. One recent activity that is really taking off is walking football, which allows men and women to get fit through regular exercise. People might remember that that was famously depicted in an episode of the popular BBC Scotland comedy "Still Game", complete with Isa as a goalie—although I would not advocate the on-pitch violence that occurred on that occasion. That is a wee plug for "Still Game."

In my constituency we have a newbie on the block. Wait for this: we have weekday wow factor, which includes discos, which are fantastic, zip sliding, speed boating on the Clyde and many other activities. We are not all just sitting there, Presiding Officer.

In the brief time available I have been able to provide only a short, but I hope valuable, snapshot of the work of Age Scotland, which I know that

colleagues will want to expand on further. I will close with a short quotation from Professor Sir Stewart Sutherland, who said:

"To say Scotland is facing an ageing crisis is a myth. While it is certainly true that Scotland, along with the rest of the world, is getting older, that, in itself, does not constitute a crisis."

I think it has to be repeated that it

"does not constitute a crisis."

Professor Sutherland was challenging the view that older people are a burden and a drain on our society and public services, as Age Scotland and its predecessor organisations have done for 75 years.

Instead of repeating that view, as people often do on the bus or on television or elsewhere in the media, we should celebrate what we know to be true: older people are an asset to our society and economy and they are the life-blood of our communities, providing the backbone of charities, volunteering and acting as a reserve army of unpaid carers. Let us join together to congratulate Age Scotland on its 75th anniversary, thank it for

"Speaking Up for Our Age"

and wish it every success for the next 75 years in being the effective voice of older people in Scotland.

17:10

**Jackie Baillie (Dumbarton) (Lab):** I congratulate Sandra White on securing time for this debate. I confess to being slightly nervous and, indeed, exhausted after listening to her list of activities that I am sure I will have to engage with as I get older. To be honest, I am not sure about zip sliding at any age.

No matter how much we fight it, or how young we feel on the inside, we are all growing older—albeit that some are growing older more disgracefully than others. For many, the prospect of old age, and everything that accompanies it can be quite daunting, but I think that it is wonderful and liberating. Aside from the knowledge and wisdom that we acquire simply because we have seen more, I like the fact that older people can get away with saying what they think. It is wonderfully liberating, although I am not sure that all my colleagues regard that in the same light.

I thank Age Scotland for all its work, which has meant that thousands of older people in Scotland were given a voice when they needed it the most. For 75 years, day in and day out, Age Scotland has championed the needs of older people, making sure that care and support were on offer to them, if and when they needed it. I, too, make special mention of Lord George Foulkes. He is the chair of the board and he was, of course, the first

director of Age Scotland. He tells me that that was not 75 years ago, but we only have his word for it.

I want to highlight a couple of the initiatives that Age Scotland has been engaged in. First, the housing project and the warm and well project have meant that Scotland's ageing population are much better equipped to stay in their own homes—something that we all want—and able to cope with ever-increasing fuel bills. Secondly, through its persistence, hard work and dedication, in 2017 alone Age Scotland's helpline service claimed more than £500,000 of previously unclaimed benefits for older people. That, I have no doubt, will have dramatically improved the quality of life of thousands of vulnerable people and helped to educate others about the benefits to which they are entitled.

Recent research carried out by NHS Scotland on social isolation and loneliness showed that the older we get, the lonelier we feel and the less likely we are to have frequent social interactions with our family members and the wider community. Loneliness at any age is debilitating, but for people who are less mobile or who do not have family members living close by, feelings of loneliness are inevitable and all-encompassing.

Age Scotland has taken on the fight against isolation head-on, through its many social events and its good day calls service. The support that it gives to more than 1,000 local community groups across Scotland is so important, including through groups such as Age Concern Dumbarton and Age Concern Vale of Leven. It gives many people a reason to get involved again in their local community.

We cannot begin to thank Age Scotland enough for that kind of work, but it is equally important that Government stands alongside voluntary organisations to ensure that we all have dignity in our old age. The Labour Party has demonstrated that commitment to older people time and again, and I am proud to have been part of a Scottish Government that introduced free bus passes and the central heating programme, way back at that start of this Parliament. I am pleased that the present Government has continued some of that to this day.

I am also proud that we were responsible for introducing free television licences. I have no control over the content of programmes, but I still think that introducing free licences was a valuable thing to do. Other initiatives included increases to income support, state second pensions for low earners and winter fuel payments, to name just a few. Older people in Britain would not have had that support had it not been for the Labour Government. I want such support to continue.

I wish Age Scotland a happy 75th birthday and I hope that it will continue to receive substantial Government funding. For the sake of current and future generations, we must continue to ensure that our older people are a priority.

17:15

**Bill Kidd (Glasgow Anniesland) (SNP):** I congratulate Sandra White on bringing this important debate to Parliament. I also wish Age Scotland a happy birthday as it reaches 75 years as the national charity for older people in Scotland. Seventy-five years: that really is quite something—although I think from looking at my colleagues around the chamber that it might be less to some than it is to others. *[Interruption.]* Sorry, Sandra—I wisnae looking at you.

For 75 years, Age Scotland has tirelessly supported older people and has constantly worked hard behind the scenes—many of us do not realise how much work is put into the support that it provides. The charity offers one-to-one support and projects in community centres, and it provides insight into older people's needs to us, in Parliament. Age Scotland's impact reverberates throughout Scottish society.

True to that, Age Scotland gave invaluable insight earlier this year to the then Economy, Jobs and Fair Work Committee on internet use across the country. It said that 67 per cent of over-75s do not use the internet at all, which explains the impact of bank closures on that demographic. The committee's report on bank closures drew on that important insight. That example illustrates how impactful the charity's work is for we parliamentarians—and for big ones, too. That was a joke—thank you. *[Laughter.]* Having to tell people that it was a joke is a bit of a problem, but there you go.

In terms of societal impact, what stands out most is Age Scotland's contribution to improving older people's lives directly by working in communities across Scotland. In recognising the charity's 75 years of work, it is important to highlight its rich history. As Sandra White said, it was formed in 1943 as the Scottish Old People's Welfare Committee, and it has supported older people through significant events in the 20th and 21st centuries, including the end of the second world war, the birth of the national health service and the introduction of the welfare state. Aside from that, the charity has witnessed momentous technological changes. It has adapted and evolved continuously to meet and promote older people's needs.

My Glasgow Anniesland constituency used to be the constituency with the oldest demographic in Europe, so Age Scotland's work has been

particularly pertinent to it over the years. My constituents have frequently highlighted the charity's positive impact on their situation or that of family members.

Moving forward to 2018 and beyond, the charity now works with a network of more than 1,100 local groups across Scotland to provide projects, among other services, for people to become involved with. Many of the projects tackle two of the biggest issues for all of us, which are particular issues for older people— isolation and loneliness, which Jackie Baillie mentioned.

Community-focused activities have a tremendous impact on improving quality of life. Through a partnership with Glasgow Life, Age Scotland organises health walks across Glasgow, which not only keep up people's fitness but create a sense of community and belonging. That project and many others have the capacity to be life changing, so I encourage my constituents to see whether there is any activity or project that they would like to participate in. Age Scotland has a lot to offer.

Looking forward to the future, it is projected that by 2041 the over-75 age group will be the largest in Scotland, so the work of Age Scotland will be relevant to an increasing number of our fellow Scots.

With that in mind, I would like to finish by thanking Age Scotland not only for all its dedicated work, but for its continued advocacy of older people's rights and welfare into the future. I will just throw in a word of my own: Ye're better aff auld than deid, so just get on wi it.

**The Deputy Presiding Officer:** I was just thinking, Mr Kidd, that maybe you could give me written notice of your next joke, with appropriate timings marked.

17:20

**Jeremy Balfour (Lothian) (Con):** I start by wishing a happy birthday to Age Scotland and by thanking it for the reception that was held last night. I also thank Sandra White for bringing the debate to the chamber. For the first time, and maybe the last, I fully endorse every word that she said in her speech, especially her final comments.

Age is an interesting issue. I recently visited what is called a lunch club for old people, but I think that everybody in the chamber now—except perhaps Mr Arthur—would be welcome at it, because lunch clubs get younger and younger. At the other extreme, my father is in his late 80s and still working three days a week for the Government. Age is often relative.

Age Scotland, as we know, is a charity that works to ensure that the voices of older people are

heard. It wants to support older people's rights and their interests so that each person can live a full life, and to make Scotland a better place for older people. Sandra White was absolutely right to say that we need to get away from the mentality of saying that old people are a drain on society and on our resources. They often bring so much benefit and wisdom; we need to tap into that far more, as a society.

There are some interesting statistics available from the Scottish Government website. In June 2017 just under one in five people in Scotland, or 19 per cent, was aged 65 or over, compared with 16 per cent in mid-2007. Here in the Lothians, in 2012 nearly 20 per cent of the population was aged 65 or over, but in 20 years their number will be 72 per cent higher. I read that and found it to be almost unbelievable. There are going to be challenges and we need organisations such as Age Scotland to be heard and to give the support that older people will require.

As a number of members have already mentioned, loneliness is one of the biggest problems that face not only the older population but other groups. Age Scotland is one of the leading organisations that are doing amazing work to tackle the problem. It celebrates ageing through funding and supporting more than 1,000 member groups that are run for and by older people.

An example is its men's sheds—one of the member group initiatives. A men's shed provides a space for men to meet in a friendly environment and to take part in activities that they enjoy. It also provides a space where they are able to learn about the services that are available to them. It creates a vital community where friendships can be made, and a place where older people are able to get the support that they need.

One of the challenges for society as we go on is how to engage with people who are lonely and who have little contact with Scottish Government services or civic society. Somebody gave the recent example of a hotel that put on a lunch for £5, but the people who came were those who already go out regularly. We need to spend more time working out a strategy for how we can engage with people who are lonely but are being ignored.

I finish by again wishing a happy birthday to Age Scotland. I wish it well in its work and I thank Sandra White for allowing us to debate the subject tonight.

17:24

**David Torrance (Kirkcaldy) (SNP):** I thank Sandra White for securing the debate and I welcome the opportunity to celebrate Age Scotland's 75th anniversary and to draw attention

to the vital role that the Age Scotland network plays throughout Scotland. This year marks 75 years of amazing work and dedication from all the staff and volunteers at Age Scotland—past and present—who ensure delivery of many invaluable services, through a network of more than 1,000 groups across Scotland.

The groups ensure that the voices of our older people are heard, they provide support and care, they encourage health and wellbeing and they help to tackle loneliness and isolation. They work in partnership to identify opportunities and to develop initiatives that challenge inequalities and improve the quality of life of older people through a range of delivery methods including self-help, one-to-one interventions, group services and wider community engagement.

In Fife, 19.9 per cent of our population is of pensionable age. That is slightly above Scotland's national average, which is 18.5 per cent. The proportion of people of working age is below the national average. Projections of populations in Fife and Scotland as a whole show a large increase in the over-65s demographic, alongside a large decrease in the 35 to 65 age group. The demographics of this country are changing, as more people live longer and healthier into old age than ever before.

There are many upsides to increased life expectancy, which we should celebrate. More children will know their grandparents and great-grandparents, and a wealth of knowledge will be passed on to younger generations.

However, an ever-increasing ageing population also presents many challenges for our communities. People living longer presents social and economic challenges including increased pressure on health and social services, gaps in the job market, with an increasing dependency on people of working age, and concerns about individuals' health and ability to adapt to technological change.

A major issue for our growing older population is isolation and loneliness. We know that social isolation has a detrimental impact on the health and wellbeing of individuals. It can greatly affect the quality of life of older people and often contributes to decreasing physical capacity, severe health problems and depression. Depression can go undiagnosed or be misdiagnosed in older people.

In Kirkcaldy, many fantastic groups follow Age Scotland's lead and work in partnership to address such obstacles. One such group is the grey panthers senior citizens club, which meets weekly at a community centre, gathering together older women who range in age from 75 to 90, to chat and to exercise their minds and bodies through

gentle activity and quizzes. The group, which has been running for many years, currently has about 30 members, for whom it provides valuable social opportunities.

One member, Mary Walls, won an Age Scotland inspiration award in 2018. The awards recognise people from all over Scotland who have made an exceptional contribution to improving the lives of older people. I have known Mary for many years and can attest to her devotion to and enthusiasm for helping those around her. She truly is an inspiration and she is much loved, not just by the grey panthers but by the whole community. She is a very deserving recipient of the award.

Also in my constituency, the Kinghorn Friday lunch club encourages social interaction and tackles isolation at its weekly meetings. The group formed in response to the lack of opportunities for older people in Kinghorn. Many of its members do not have family and often used to go several days without seeing or speaking to anyone. The club has provided a lifeline by connecting individuals and building meaningful bonds.

Such groups are an essential part of the social fabric of my constituency in Fife. Without their efforts, we would be a lot worse off. They bring the community together, enable people to form new relationships and have an enormous impact on our older people by tackling social isolation, building relationships, developing skills and providing advice and support.

I again thank Sandra White for bringing the debate to Parliament. I thank Age Scotland for its valuable contribution to communities and individuals over the past 75 years, and I wish it all the best for the future.

**The Deputy Presiding Officer:** Before I call Mr McArthur, I advise members that there are a few more members who want to speak in the debate, so I would be happy to accept a motion without notice, under rule 8.14.3, to extend the debate by up to 30 minutes.

*Motion moved,*

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

*Motion agreed to.*

17:29

**Liam McArthur (Orkney Islands) (LD):** Presiding Officer, that motion without notice was timely, because I should start with an apology to you and the chamber, in that I may need to leave before the end of the debate as I am due to host an event on behalf of Heriot-Watt University. By way of atonement, I extend a cordial invitation to all members to join us in committee room 1 later on.

I add my voice to those congratulating Sandra White—not just on securing the debate but on her valiant attempt to snatch back from Oliver Mundell the record for the longest-ever parliamentary motion. Given the breadth, reach and significance of the excellent work done by Age Scotland, now and in its various guises over the past 75 years, it is perhaps no surprise that Sandra White found it difficult to avoid the motion turning into something of a mini novella.

Yesterday evening, it was wonderful to see the garden lobby packed out for Age Scotland's 75th birthday celebration—and I say that as someone who was hosting a competing event somewhere else in the building. However, I was delighted to be able to drop in later and catch up with Gillian Skuse, who heads up Age Scotland Orkney. It is an independent charity, but a brand partner of Age Scotland. For some 25 years now it has been working with and for older people in the islands that I represent. As well as supporting older people to be able to live in their own homes for longer and to enjoy a good quality of life with dignity and independence, Age Scotland Orkney is taking steps, along with other statutory and voluntary sector partners, to prepare for the consequences of current demographic trends. Already, Orkney has a population that is ageing more rapidly than the national average. Trends suggest that, over the decade leading up to 2022, there will be a 50 per cent increase in its population that is aged 75 and over. Such a change would present challenges for the delivery of services anywhere. In an Orkney context, given that its population is dispersed over a number of islands, some of which are very small indeed, such challenges are magnified.

That makes the work of Age Scotland Orkney, in collaboration with other partners, absolutely critical for allowing the community to benefit fully from people who, as Sandra White reminded us, are assets in it. At present, that work includes a traditional home help service called here2help, which assists people with cleaning, shopping, laundry and a range of household tasks. Here2care is a person-centred care approach for adults who require additional help with personal care, helping older people to live at home independently for longer. Age Scotland Orkney also runs a podiatry clinic with a fully qualified podiatrist who offers a range of different treatments.

Then there is the dementia hub, which I had the pleasure of visiting over the summer. It was officially launched in March, and aims to improve the quality of life of people living with dementia, their carers and families through projects that promote health and wellbeing. Funded through the Life Changes Trust and dementia friendly Orkney, the hub is a one-stop shop where people living

with dementia can go for information and advice about national and local dementia services, local groups and activities that can provide support for people living with dementia to live well in Orkney.

During my visit to the weekly drop-in session, it was immediately clear how much those attending the hub get out of the experience. There was an opportunity for those affected by dementia, and their families and carers, to share a cup of tea and have a chat or take part in therapeutic activities, including a state-of-the-art Tovertafel—or magic table—which was truly hypnotic. I also had the chance to get a better understanding of what life is like for those living with dementia, including some of the many frustrations that they experience on a daily basis, and how much more care and attention need to be taken in engaging with them.

No doubt all that excellent work was part of the reason that Age Scotland Orkney was chosen to run Age Scotland's new national good day calls service, as part of the independent living programme. The new daily phone service provides reassurance to older people and their families that someone will call to speak to them 365 days a year, checking in to ensure that they are well, offering support and a friendly chat and, in so doing, helping to tackle loneliness. The service has been running in Orkney for some years already, and those who benefit from it are in no doubt about what it offers. Margaret, aged 73, said:

"The thing that matters to me is the peace of mind that someone is checking that I'm okay as I'm on my own."

Bill, aged 80, said:

"The Good Day Calls help me get my day underway with a cheery chat".

I hope that that success will be replicated nationwide. Let us face it—who would not look forward to a daily cheery chat from somebody in Orkney?

I thank all those involved with Age Scotland across the country for their tireless work. I again thank Sandra White for giving Parliament the chance to recognise that work. I wish Age Scotland all the best over the next 75 years, during which time we are all likely to take more of an interest in its work.

**The Deputy Presiding Officer:** Just because we have extended the debate by 30 minutes, that does not mean that members have to fill it. *[Laughter.]*

17:35

**Kenneth Gibson (Cunninghame North) (SNP):** I am delighted to speak in the debate, and I congratulate my colleague Sandra White on securing it. Campaigning for 75 years is an

incredible achievement, and it is fitting that we celebrate Age Scotland in the chamber, given that so much of Parliament's work since 1999 has been informed by the guidance and support of its outstanding efforts. Indeed, the merger that brought together Age Concern Scotland and Help the Aged in 2009 also brought together a combined 90 years of expertise and a wide network of older people's groups and forums.

Age Scotland's successes over the past 75 years have been numerous. On topics ranging from transport, housing and healthcare to loneliness, it has provided vital guidance on the Scottish Government's legislative programme and its impact on Scotland's older population.

In August, the Government's revised housing strategy "Age, Home and Community: A Strategy for Housing for Scotland's Older People: 2012-2021" was launched at Age Scotland's office. Indeed, it would not exist in its current form without Age Scotland's valuable contribution to the strategy's monitoring and advisory committee. Housing choices can have an enormous impact on our lives as we age, and the strategy rightly champions independent living for older people in their own community, better reflecting the needs and aspirations of older people.

Working with MSPs, Age Scotland was recently successful in having the amendments to the Planning (Scotland) Bill that it supports agreed to at stage 2.

The revised strategy intersects with other efforts in related areas such as dementia and tackling loneliness, which is an issue that Age Scotland is also addressing.

Of course, Age Scotland's work extends far beyond policy, and its most tangible impact on the lives of older people is perhaps its network of more than 1,100 local groups, which host an innumerable range of activities and workshops throughout the year, as highlighted by Sandra White's motion.

More and more innovative groups now better meet the diverse needs of older people across Scotland. A particularly exciting project that has taken root in my constituency—I am aware that there is not a similar project in Sandra White's constituency—is the Garnock valley men's shed, which is part of a wider network of Scottish men's sheds that Age Scotland has promoted.

Men's shed provides a space to relax over a tea or coffee, indulge in pastimes, catch up with friends, laugh and be creative, which again contributes to our nationwide effort to reduce loneliness and social isolation. Age Scotland's report into the benefits of the groups, "The Shed Effect: Stories from sheddders in Scotland", found that they made an enormous contribution to men's

lives, to promoting positive views of ageing and to enhancing later life in Scotland. I have no doubt that Age Scotland will continue to champion initiatives such as those for many years to come.

As well as celebrating success, we must be frank about the challenges that lie ahead. Scotland's population is ageing rapidly, as colleagues have touched on. The number of people living with dementia is expected to rise to 120,000 in the next two decades, which is a challenge that we must prepare and plan for now. Age Scotland has taken a proactive approach by launching its early stage dementia project, which provides free dementia awareness workshops for organisations across Scotland and information guides. The project is an invaluable resource for individuals and organisations alike.

As Scotland's demography changes, so too does our workforce. One third of workers are aged over 50, and people are increasingly working into their 70s, retraining and starting new careers in later life, or—in the case of one or two of my colleagues—continuing careers in later life. Simultaneously, the supply of younger workers is falling and employers must be proactive to avoid skills shortages and shrinking talent pools. Retaining experienced and committed employees is a central facet of a proactive approach and Age Scotland has, to date, provided 190 Scottish businesses with practical, well-informed and legislatively accurate advice to help foster a workplace culture that is open, inclusive and positive about the benefits of age diversity. That work should be celebrated and replicated even more broadly.

As part of the Scottish Government's older people strategic action forum, Age Scotland has played and will continue to play a vital role in future proofing all aspects of Scottish public services. The value of its contribution cannot be overstated.

I offer my thanks to the staff and volunteers who work tirelessly to promote a positive view of later life and support the wellbeing of older people. Here's to many more years of Age Scotland. Happy birthday!

**The Deputy Presiding Officer:** I call the youthful Tom Mason, to be followed by the very youthful Christine Grahame.

17:39

**Tom Mason (North East Scotland) (Con):** It is a pleasure to contribute to this debate on the 75th anniversary of Age Scotland. I thank Sandra White for bringing the topic to the chamber. I should declare an interest: my age makes me a potential customer of Age Scotland, although fortunately I have not had to call on its services thus far.

Age Scotland is a remarkable organisation, with a storied history that spans not only a considerable time period, but a great many changes in the challenges that older people face. When the Scottish Old People's Welfare Committee was formed in 1943, we were at the height of the second world war. Indeed, the committee was formed only a few days after I was born—I was born slightly prematurely because a bomb dropped next to our house. It is safe to say that conditions are somewhat different today. As a population, we are now living longer and largely healthier lives, thanks to advances in medical care and technology. That is welcome, of course, but it leads to higher demand for the care and services that our older people require. Even something like ensuring that an older person has someone to talk to is so important. Isolation and loneliness are subjects too seldom discussed, but the older we get, the more difficult it becomes to meet new people and socialise, especially if we have lost a partner or spouse.

Age Scotland is unafraid to champion older people's issues, most notably through its men's sheds, its walking football, its hiking groups and its intergenerational projects. I whole-heartedly commend all those projects and many others. It is at the forefront of efforts on a number of fronts; the motion cites a wide variety of its on-going work to help people right across Scotland, from its housing project and its veterans project to the warm and well project. In my region of the north-east, vital work is going on across the board to help people with financial and legal matters and with finding the right care homes, housing and even energy tariffs. My constituents are well served by the support that the local Age Scotland team provides.

I had the privilege of attending Age Scotland's reception here in Parliament last night. It was great to meet some of the people involved with these efforts and fantastic to hear about their passion for their work. I am encouraged by and—more importantly—grateful for their endeavours. Here in Parliament, the Age Scotland policy team is instrumental in driving forward change. It is always willing and able to debate challenges and opportunities, as well as the impact of legislation and all the work that we do here.

I thank Age Scotland for everything that it does: for making sure that our older people have a home that suits their needs, for providing such valuable advice to pensioners on household issues, and for doing its bit to ensure that no one gets left behind. If Age Scotland approaches the challenges of the future with the same determination and drive that we have seen over the past 75 years, our golden generation—including me—is in very safe hands indeed.

17:43

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** I declare an interest, as Tom Mason did: I, too, am a septuagenarian. I congratulate Sandra White on her role as convener of the cross-party group on older people, age and ageing, and on securing this timely debate. I also congratulate Age Scotland on its 75th birthday; I had the privilege of sponsoring its event here last night. Most of all, as others have done, I congratulate the 1,100 local groups and volunteers who work hard throughout Scotland.

It was an excellent move to merge Age Concern and Help the Aged into Age Scotland, and especially to ditch the terms "concern" and "help". In themselves, concern and help are no bad things, but please let us not always associate older people with problems. If I am a problem, that has everything to do with me and nothing to do with age. Of course, we have our problems that come particularly with age: groaning when we rise from a chair or assume a seated position, creaking limbs, a tendency not to suffer fools gladly, and having long lost the desire to linger scantily clad before a mirror. [*Laughter.*] I knew that that would set Kenneth Gibson's heather alight.

But—it is a big "but"—I must slot in the fact that I am weary of being told that I am a demographic problem when I am, as we all are, a demographic plus. Give me an older person on the till at Tesco any day so that I am not competing with the grocery conveyor belt to pack and pay in double-quick time. Give me the older person in B&Q—the retired tradesman—who will escort me to the appropriate tools for my low skill level. By the way, just in case I have to use them, other superstores should also be commended.

Grandparenting gives time to teach and sing old songs after a fashion. One of my granddaughters and I belt out "My Bonnie Lies over the Ocean"—

**The Deputy Presiding Officer:** Not here, Mrs Grahame, please.

**Christine Grahame:** —as we cruise along in my open-topped two-seater Mazda. That is my last stab at youth. In reciprocation, we sing together "All About That Bass". Stories are read and invented, and there are lessons on how to be friends with Mr Smokey and when he has had enough. There are special moments shared with grandchildren with their own special granny rules and non-rules and sometimes unadulterated mischief—I have not told the parents about that.

Of course we need support. Some of us will not admit that, and some do not have family units, as I do. Age Scotland and local groups can step in. In particular, men's sheds, which have already been mentioned, have addressed the issue of isolation

for older men. In Peebles, that initiative has hit an impasse, as no site has been provided that is suitable for premises. As has been said, it has hit a metaphorical brick wall. I wish there was a real brick wall. The council should start to help it.

The good day call service that has been introduced recently is very important, because not everybody is as lucky as I am.

There is a mix of requirements that change over time as we age. Most of all, those requirements need to be met through conversations with older people. Age Scotland does that. The last thing that we need is to be patronised. Some foolish individuals—I will not name them—have tried to talk down to me as if I had dropped half of my marbles. They were soon put right.

I say well done to Age Scotland for getting the balance and the tone absolutely right—and happy birthday.

17:47

**The Minister for Older People and Equalities (Christina McKelvie):** I thank all members who have taken part in this lovely debate with a serious message. The contributions have been very helpful to me and very informative for the work that I need to do in the Government. I especially thank Sandra White, who has been a real champion in calling for this debate to mark Age Scotland's landmark birthday. It is in the week in which we celebrate the international day of older persons. I also give special thanks and pay special tribute to all the volunteers who generously give their time. That is filled with the spirit and vitality that Sandra White talked about at the beginning of her speech.

It is important that Parliament comes together to send the unambiguous message that we support and value our older people. Many contributions, including that by Jeremy Balfour, have included figures relating to our changing demographics. I will not repeat those figures; the point is that there will be a lot more older people in the population in a very short timeframe.

We are all ageing, and the workforce is older and ageing. Sadly, "older" is now defined as being 50 or above. That seems to be far too young to me these days. Maybe we should look at that.

We have heard from everyone about the positive impact of Age Scotland and the 1,000-odd groups in its network, and we have heard about the great impact on constituencies and how invaluable that has been to MSPs. However, I suppose that members want to know what the Government is doing.

We in Government need to look at the opportunities and the challenges now. Mahatma Gandhi said:

"The future depends on what you do today."

We have a job to do.

The Government is taking action. We have a minister for older people, although she may not quite be in that category yet; we are developing an older people's framework, which we will publish next March and which will be co-produced by stakeholders such as Age Scotland and many other older people's organisations; and we will publish a social isolation and loneliness strategy before the end of this year. The fact that that strategy is very important has come through clearly in the debate. We are working through the consultation responses. I reassure Jackie Baillie that we are taking the issue incredibly seriously.

We are also taking forward the fair work agenda, because we have an older and ageing workforce. Kenny Gibson spoke about the housing strategy and, with the warmer homes initiative, the fuel poverty strategy and many other things, we are ensuring that we have policies for now and for the future that will maintain safety and security in the home.

The Government is also looking at hate crime. We will publish a public consultation later this year, following Lord Bracadale's recommendations on hate crime legislation in Scotland. He recognised that older people can be targeted by perpetrators not because of hatred of the elderly but because of a perception that they are more vulnerable—they should talk to some of the older members in the chamber, because they are far from vulnerable. He made an important point and recommended that the Scottish Government should consider the introduction of a general aggravation concerning exploitation of that vulnerability. He also recommended that there should be a new statutory hate crime aggravation based on age hostility. We are open to views on the best way forward and will consult widely; I am sure that Age Scotland and many of its partners will take part. I spoke at the conference on elder abuse and I heard first hand the heartbreak caused to older people and their families as a result of instances of hate crime and abuse of vulnerability—we take that seriously.

I will move on to social security, which is an important part of how we support people in their older life. We need to enable older people to contribute and thrive and we need to look after those who are unable to do that through ill health or disability. We need to make sure that systems are in place to allow people to live as independently as possible for as long as they want or need. That is why the Cabinet Secretary for Social Security and Older People announced last week that in Scotland we will do things differently from the Department for Work and Pensions when delivering the 11 devolved benefits. People will not



be subject to undignified assessments that are carried out by private contractors—we all welcomed that in the chamber in yesterday's debate on the social security charter. We will treat people with dignity and respect, and in doing that we will ensure that we address Bill Kidd's concern about digital by default. We will create ways to enable older people to engage with the Social Security Scotland agency that work for the individual—that can only be welcomed. The cabinet secretary also shared the aim of ensuring that older people in Scotland have the opportunity to lead the best life that they can and feel valued and respected, and I agree with her on that.

I will turn to the positive contributions that are made by older people. They contribute in so many ways, including unpaid caring roles, volunteering and continuing to work. They act as “sandwich carers”—I do not like that term—by looking after grandchildren as well as elderly relatives, often with no financial support. David Torrance spoke passionately about local champions; it was a local champion in South Lanarkshire who brought about our Carers (Scotland) Act 2016, which was passed a few years ago and took effect from 1 April this year. That development is really welcome, because we need to underpin the progress that we make with legislation. In 2018-19, the Scottish budget includes £66 million to support additional expenditure by local government on social care—I hope that that will help to make a difference.

I will look at some of the negative perceptions. As a society, many of us are too quick to judge others; stereotyping can be offensive, hurtful or even dangerous, as Christine Grahame reminded us. Older people deserve better. They are not a homogenous group, just as younger people are not. We have all seen and heard incredible stories of people in their 70s running marathons, climbing mountains or winning Nobel prizes for physics. Those achievements are amazing, but may not be quite in the reach of everyone. Perhaps Jackie Baillie will reach for that zip slide when she reaches the status of an older person. We need to say no to the relentless negative media portrayals that bombard us and say that, once a person retires, they are a burden or a drain on society. I saw nobody at last night's Age Scotland reception who was a burden or a drain on society.

We have spoken about the many barriers and about ensuring that we maintain concessionary travel schemes. Liam McArthur spoke about cheery chat at the Orkney hub and the benefits of public transport.

I will quickly talk about Queens Cross Housing Association, which has created a new intervention service. It was piloted at Queens Cross and funded by Glasgow health and social care partnership. I heard from Agnes, Mary and John,

who have been supported by the service and who shared their compelling stories of the positive benefits that it has for them. The service provides rapid response in times of crisis or when high and critical health support needs are identified. The service lasts for up to six weeks, to allow recovery or for long-term support to be arranged.

Let us celebrate ageing because, even if it was a bomb that brought us into the world, like Tom Mason, or if, like Christine Grahame, we linger scantily clad in front of a mirror, getting older is something to be celebrated, and not everyone is fortunate enough to achieve it. We should celebrate it as a nation, possibly at a lunch club with Jeremy Balfour—that would be lovely. As a poetry fan, I sometimes look to poetry for inspiration. In Robert Browning's poem “Rabbi Ben Ezra”, which was published in 1864 and which still resonates today, he wrote:

“Grow old along with me!  
The best is yet to be”.

I love the aspiration in those lines. I have a great picture in my head of Christine Grahame singing in her two-seater Mazda and teaching the grandkids how to have fun and be disgraceful.

I look forward to working with all the organisations such as Age Scotland that champion older people's rights to ensure that the best is yet to come for Scotland's older people. I finish by saying: happy birthday, Age Scotland.

*Meeting closed at 17:56.*



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

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