



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Meeting of the Parliament

**Thursday 8 November 2018**

**Session 5**



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# Scottish Parliament

Thursday 8 November 2018

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

## General Question Time

### ScotRail (Fife Circle)

1. **Annabelle Ewing (Cowdenbeath) (SNP):** To ask the Scottish Government what recent discussions it has had with ScotRail regarding operations on the Fife circle. (S5O-02529)

**The Minister for Energy, Connectivity and the Islands (Paul Wheelhouse):** The Cabinet Secretary for Transport, Infrastructure and Connectivity met Dominic Booth of Abellio UK last week. Only this week, he met Alex Hynes, the managing director of the ScotRail Alliance, and his team to discuss the recent rail performance issues across the country. At those meetings, the cabinet secretary stressed that performance must improve immediately to the standards expected by customers and the Scottish Government.

Our officials at Transport Scotland meet ScotRail regularly to monitor and challenge the performance issues and the delivery of the many initiatives that will support performance improvement.

**Annabelle Ewing:** I stress, for the avoidance of doubt, that my constituents are absolutely fed up with ScotRail. Those in Aberdour and Dalgety Bay face constant delays, cancellations and overcrowding, as do those in Inverkeithing and North Queensferry. Those in Cardenden have to put up with the total farce of not knowing whether their train will stop in Cardenden or at some random station that they have not chosen to go to. That is unacceptable.

I ask the minister to ensure that the cabinet secretary arranges to meet ScotRail again as a matter of urgency to make certain that, as far as the Fife circle is concerned, ScotRail gets the situation back on track.

**Paul Wheelhouse:** The cabinet secretary and I appreciate how frustrating disruption is for passengers. The problems that Annabelle Ewing has highlighted in number of localities in her constituency are of great concern—I can understand how concerned her constituents are.

As I mentioned, the cabinet secretary met Alex Hynes earlier this week. He also met the chief executive of Network Rail, Andrew Haines, several weeks ago and reiterated the need for a robust and resilient plan to deliver improvements across

the network and provide customers with a reliable railway. I am happy to confirm that the cabinet secretary will meet Annabelle Ewing to discuss the matter, and he will also arrange a meeting with the ScotRail managing director.

**Alexander Stewart (Mid Scotland and Fife) (Con):** Many constituents in the Fife circle have to endure the crush hour, as it is known—overcrowding and a lack of crews and stock, together with cancellations, as has been indicated. Promises have been broken time and again. What reassurances can the minister give to constituents that that intolerable situation will be addressed as a matter of urgency?

**Paul Wheelhouse:** We take these matters very seriously, and Alexander Stewart is right to raise them on behalf of constituents. Significant investment is now being made by the ScotRail Alliance to further improve the resilience of the rail network, including the Fife circle, through the recommendations from the Donovan independent performance review that was commissioned earlier this year. The recommendations will help to deal with infrastructure, fleet and operational reliability issues across the country.

Additionally, the industry is delivering performance interventions outwith the Donovan recommendations. Those are more immediate interventions. Some examples across Fife include Inverkeithing to Thornton, where five sets of clamp lock points have been renewed, and Inverkeithing to Ladybank, where remote condition monitoring has been installed on clamp lock points at 10 locations. Class 158 trains and engine radiator failures are being addressed, and the clutches on the trains are also being looked at. Those are all matters that have contributed to the poor performance in that area.

As I said to Annabelle Ewing, we take those matters very seriously and continue to engage with the operators.

**Mark Ruskell (Mid Scotland and Fife) (Green):** There are four stations on the Fife circle that are not fully accessible to all users. Fife Council local communities are hoping to apply for the access for all fund, but in recent years that has funded the refurbishment of only one or two stations a year. At this rate, it will be a generation before we have a fully accessible rail network in Scotland.

Will the minister inform me of any other sources of funding available for that work? Will the Scottish Government consider an accelerated programme to make the Fife circle and the rest of the rail network in Scotland accessible for all users?

**Paul Wheelhouse:** I recognise the importance of those issues. We all want to see proper access

for all users of our rail network and ensure that any barriers to use of our trains are addressed.

I make a commitment that, once I have had a discussion with the cabinet secretary, we will write to Mr Ruskell with the details of potential funding options that he has asked for, to make sure that we are identifying all the potential funding opportunities that could address local difficulties. I hope that that will be helpful.

### **National Health Service (Integration Joint Board Structure)**

**2. Liz Smith (Mid Scotland and Fife) (Con):** To ask the Scottish Government what plans it has to review the NHS integration joint board structure. (S5O-02530)

**The Cabinet Secretary for Health and Sport (Jeane Freeman):** The integration joint board structure is a partnership between NHS Scotland and local authorities. The review of progress that began in May 2018 is led jointly by the Scottish Government and the Convention of Scottish Local Authorities and is expected to conclude in January 2019, when its findings will be presented to the ministerial strategic group for health and community care.

**Liz Smith:** I thank the cabinet secretary for that helpful answer. Does she accept that the significant challenges that are faced by the administration of integrated health and social care demand very clear lines of responsibility and accountability, and that the current structures are not sufficiently robust in that respect?

**Jeane Freeman:** I am grateful to Ms Smith for raising the issue. We see a mixed picture across the country in our integration joint boards. Although I do not completely agree with Ms Smith on the matter, I am aware that what she describes is the case in some areas. The remit of the review includes looking at finance, governance and commissioning arrangements, delivery and improving outcomes. It is my intention that part of the review's focus will be on precisely the matters that she has outlined—lines of responsibility and accountability. I expect to see the review's assessment of that across all the integration joint boards, and any recommendations that it might have for us and COSLA on how we can improve and provide greater clarity on those matters.

### **Domestic Violence (Maryhill and Springburn) (Support)**

**3. Bob Doris (Glasgow Maryhill and Springburn) (SNP):** To ask the Scottish Government how it supports victims of domestic violence in the Maryhill and Springburn constituency. (S5O-02531)

**The Minister for Older People and Equalities (Christina McKelvie):** We are introducing new legislation and investing record levels of funding for front-line services to help to support victims and survivors of domestic abuse. We fund a range of services in Glasgow, including Glasgow East Women's Aid, which supports women and children, and the ASSIST—advocacy, support, safety, information services together—service.

We are also working to improve the response of justice services and have provided funding to reduce court waiting times for domestic abuse cases and expand the innovative Caledonian programme, which is a domestic abuse perpetrator programme in Glasgow. Finally, in 2019 we will commence the Domestic Abuse (Scotland) Act 2018, which creates a specific offence of domestic abuse. That will cover not just physical abuse, but other forms of psychological abuse and coercive and controlling behaviour.

**Bob Doris:** The Scottish Women's Aid report "Change, Justice, Fairness: Why should we have to move everywhere and everything because of him?" draws on the experience of women subjected to domestic and sexual abuse. It recommends making it easier for women to stay in their own home when practical and moving the perpetrator instead, as well as other related recommendations for when women are forced to flee domestic abuse. How is the Scottish Government giving serious and significant consideration to those very important matters? In this context, I note the positive engagement of the Scottish Federation of Housing Associations on the issue when I met it and Scottish Women's Aid.

**Christina McKelvie:** I agree with Bob Doris that housing and domestic abuse is a very serious issue, and I am well aware of the publication that he mentioned, which is based on research that was carried out in Fife. The programme for government committed us to consulting on further protections for people at risk of domestic abuse, through new protective orders that could be used to keep victims of domestic abuse safe by banning perpetrators from their homes. The consultation on that is currently being prepared and will include looking at whether changes are needed to the current system of exclusion orders. I urge colleagues across the chamber, the Scottish Federation of Housing Associations and others to take part in that consultation and raise these issues as part of that process.

### **Borderlands Growth Deal**

**4. Colin Smyth (South Scotland) (Lab):** To ask the Scottish Government when it will respond to the proposals from the five cross-border local authorities regarding a borderlands growth deal. (S5O-02532)

**The Minister for Energy, Connectivity and the Islands (Paul Wheelhouse):** The cabinet secretary met the leaders of the borderlands authorities on 30 October to discuss their ambitions for a growth deal. He reiterated our strong support for a borderlands deal and his desire to see it taken forward. They agreed to meet again to discuss the next steps when the cabinet secretary has had a chance to consider the detail of the proposal.

**Colin Smyth:** The five local authorities that are involved in the borderlands deal deserve great credit for developing their growth deal proposals. They were given a deadline of September to submit those proposals, with the promise that they would be considered as part of the United Kingdom budget, but, sadly, the budget did not propose any funding.

I urge the Scottish Government not to make the same mistake. I ask it to consider those plans and set out a clear funding commitment in the budget when it is published in December.

**Paul Wheelhouse:** The member will appreciate that the budget is a matter for the finance secretary, who is sitting in front of me. In order to avoid any death stares from Mr Mackay, I will not give any figures today. [*Laughter.*] I got one anyway—it was a nice smile.

We understand the need for local partners to have as much certainty as early as possible. We continue to push the UK Government not only to deal with the Borderlands but to cover 100 per cent of Scotland with growth deals. I assure the member that the cabinet secretary will push hard, as he has done with the Tay cities deal, to get a decision from the UK ministers.

**Joan McAlpine (South Scotland) (SNP):** David Mundell has been talking up a borderlands growth deal for years but the UK budget failed to deliver any money at all. Does the minister agree that that reflects very badly on Mr Mundell's influence within the UK cabinet? Can he assure us that he will demand that any money that is allocated by the Scottish Government is matched in full by the UK Government?

**The Presiding Officer (Ken Macintosh):** Please limit your comments to the latter part of the question, minister.

**Paul Wheelhouse:** I declare an interest as a representative of South Scotland.

We have made clear our commitment to securing a deal for the borderlands. We are working hard to deliver that deal as quickly as possible and recognise the need to invest in the right things that support inclusive growth. Colin Smyth and Joan McAlpine are right to be keen to see this progress, but it is incumbent on the UK

Government to demonstrate that it is able to match our commitment to move forward at pace.

There have been encouraging signals from individual UK ministers about delivering 100 per cent coverage of Scotland with growth deals, but, as yet, a formal UK Government commitment to that goal has not been forthcoming. As I said, the Scottish Government wants to achieve 100 per cent coverage, and we stand ready to make that happen along with UK Government colleagues.

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** I was pleased that the Chancellor of the Exchequer mentioned the borderlands growth deal in his autumn statement. This week I met borderlands champion John Stevenson MP to discuss the deal. Many people in my constituency believe that there should be more cross-border co-operation, especially concerning infrastructure projects such as the extension of the Borders railway. Does the minister agree that this growth deal provides a perfect opportunity to develop cross-border connectivity, and will he ensure that the Scottish Government works with the UK Government to deliver for the people of the borderlands?

**Paul Wheelhouse:** I certainly welcome the latter-day conversion of the Conservatives to supporting the extension of the Borders railway. [*Interruption.*] Members across this chamber will remember opposition from those on the Conservative benches in past times.

On the point that Rachael Hamilton makes about cross-border collaboration, of course we recognise that there are opportunities to collaborate on developing a growth deal for the borderlands and we want to see a successful outcome for local authorities on both sides of the border. It takes commitment from both sides to achieve that. The Scottish Government has made clear its commitment to all previous growth deals and has committed to match UK Government funding, so it would be good if Rachael Hamilton and her colleagues could press UK ministers to come forward with commitments on funding as soon as possible.

### South-west Transport Study

5. **Brian Whittle (South Scotland) (Con):** To ask the Scottish Government when the findings of the south-west transport study will be published. (S5O-02533)

**The Minister for Energy, Connectivity and the Islands (Paul Wheelhouse):** The study is well under way. Over 100 representatives from a wide range of stakeholder groups were invited to workshops held in Stranraer, Dumfries and Maybole in October and early November. The workshops were well attended and positive

feedback was received from participants. Furthermore, a public online survey has also been highly successful and received over 2,500 responses to date.

Analytical work is on-going and it is anticipated that the findings will be published in early 2019, with the emerging outcomes forming part of the evidence base for the second strategic transport projects review.

**Brian Whittle:** My understanding is that that will feed into the national transport study, so it will be three years before people in the south-west find out whether they are getting the investment in the infrastructure that they deserve.

There is a welcome £3 billion investment in dualling the A9, but that is as against a projected £30 million investment in the Maybole bypass. Given that the A75 and the A77 link the busiest port in Scotland at Cairnryan with the rest of Scotland and south of the border, is it not about time that the south-west's infrastructure needs were met after years of neglect?

**Paul Wheelhouse:** I was fortunate the other night to watch on television a members' business debate, led by Emma Harper, on upgrades to road infrastructure in the south-west, in which Michael Matheson made the point that we are dealing with a legacy of decades of underinvestment in south-west Scotland. This Government has made significant investment, and I hope that Mr Whittle will be open enough to admit that the progress on the Dunragit bypass has helped constituents in the south-west of Scotland. *[Interruption.]* I would appreciate it if I could answer, rather than listen to Mr Whittle wittering away on the Conservative benches. The cabinet secretary and I are trying to address the strategic transport needs of the south-west of Scotland. In this week's debate, the cabinet secretary made very clear the Government's commitment to continuing to invest in the south-west, including the A77 and A75, and I hope that he will continue to engage with Mr Whittle on that.

#### Universal Credit (Roll-out)

6. **Bill Kidd (Glasgow Anniesland) (SNP):** To ask the Scottish Government what its position is on next month's completion of the roll-out of the universal credit full service. (S5O-02534)

**The Minister for Older People and Equalities (Christina McKelvie):** We have consistently called for a halt to the roll-out of universal credit and will continue to do so. Universal credit is pushing people into poverty, rent arrears and hardship. It is simply not fit for purpose, yet the United Kingdom Government has refused to listen to the overwhelming evidence that it must be stopped until its fundamental flaws are fixed. It is

unacceptable that the UK Government should carry on with universal credit, regardless of the clear evidence of the damage that it is causing to people and communities across the country.

**Bill Kidd:** The new roll-out is due to start in Drumchapel in my Glasgow Anniesland constituency, on 5 December. As families will be caught up in this debacle just three weeks before Christmas, at one of the coldest times of the year, knowing that they will have to deal with a minimum of five weeks' delay in receiving their first payment, does the minister agree that that imposition beggars the Prime Minister's statement at her party conference that "austerity is over"?

**Christina McKelvie:** Mr Kidd will not be surprised that I agree with him. Austerity is clearly not over for most of the people who are affected by universal credit. The UK Government has missed an opportunity to use its budget to address the numerous fundamental flaws with universal credit, including the minimum five week delay in receiving a first payment. The budget has also missed an opportunity to lift the benefit freeze with immediate effect and uprate benefits in line with inflation. The benefit freeze has led to a reduction in spending of around £190 million this year, which will increase to around £370 million in 2020-21. For all the people who will be impacted by those cuts, austerity is still in their homes. This opportunity to make a much-needed change to universal credit—it was so desperately needed—has been so desperately wasted by the UK Government.

#### Homelessness (Glasgow)

7. **Johann Lamont (Glasgow) (Lab):** To ask the Scottish Government what action it is taking to alleviate homelessness in Glasgow. (S5O-02535)

**The Cabinet Secretary for Communities and Local Government (Aileen Campbell):** Ending homelessness and rough sleeping is a priority for this Government. We have allocated £23.5 million for rapid rehousing and housing first, to support people who are sleeping rough or living in temporary accommodation into settled accommodation first, then to tailor any support that they need. Up to £6.5 million of that supports our partnership with Social Bite, which is working with the Corra Foundation, Glasgow Homelessness Network and partners to deliver housing first pathfinders in five cities, including Glasgow. The homelessness prevention and strategy group is leading work to publish an ending homelessness together action plan by the end of this year.

**Johann Lamont:** The cabinet secretary must be all too aware that the Scottish Government has cut the level of funding to groups that tackle homelessness in Glasgow by more than £100,000 since 2007. She must also be aware that



Glasgow's overall budget has been cut massively in real terms since 2007, and I know that she knows that rough sleeping—the most visible evidence of homelessness—has increased significantly in Glasgow. What representation has she made to the Cabinet Secretary for Finance, Economy, and Fair Work to ensure that he will provide fair funding for Glasgow to allow it to tackle the causes and consequences of homelessness and all that that means for far too many people in communities across Glasgow.

**Aileen Campbell:** The £50 million that we have allocated to end homelessness shows our complete and utter commitment to end homelessness together, as does our work with partners across the third sector and local authorities to make sure that we transform housing policy and eradicate homelessness and prevent the unnecessary consequences that arise as a result of it.

I have regular dialogue and communications with the finance secretary about that, but the member should recognise that £50 million is a significant amount of investment in tackling the issue. We will continue to work hard and deliver on the impacts and the recommendations of the homeless and rough sleeping action group—HARSAG—to make a transformative difference to the people of Glasgow and the people of Scotland.

**The Presiding Officer:** That concludes general questions. Before we turn to First Minister's questions, members may wish to join me in welcoming to the gallery the Ambassador of the Republic of Austria to the United Kingdom, His Excellency Michael Zimmerman.

## First Minister's Question Time

12:00

### General Practice (Investment)

1. **Jackson Carlaw (Eastwood) (Con):** Why is the Scottish National Party Government still choosing to invest less in general practice than is invested in other parts of the United Kingdom?

**The First Minister (Nicola Sturgeon):** I do not accept that characterisation. We are investing record sums in our national health service more generally. Per capita spending on the NHS in Scotland is significantly higher than it is elsewhere in the UK. If we were to match UK levels, we would require to take around £850 million out of our NHS budget in a single year. Our spending levels are therefore ahead of the rest of the UK.

In general practice, or primary care, which is the more appropriate term these days as we seek to expand primary care teams, we have set a clear target to shift the balance of spend towards primary care and achieve a particular proportion of the overall NHS budget that is dedicated to services in GP practices and the wider primary care team.

We will get on with doing that work. It is the right direction of travel. When it is accompanied by, for example, the integration of health and social care—we are the first part of the UK to undertake that reform—it underlines the fact that the Government is investing in our NHS and carrying out essential reforms to it.

**Jackson Carlaw:** That was a pretty speech, but it was not an answer to the question that I posed. In each and every one of the past five years, investment in general practice has been lower in Scotland than it has been south of the border. That is a spending gap that has amounted to a whopping £660 million of support lost to primary care in Scotland. The Royal College of General Practitioners is now warning that, during the next five years, as a consequence of extra demand on services, we could be short of more than 900 family doctors in Scotland because of, in the RCGP's words, a "long-standing underfunding" of GP practices. Is the RCGP wrong?

**The First Minister:** We are working with general practitioners and wider primary care teams. I have already made the point that is beyond any argument about the higher levels of per capita NHS spend in Scotland than in the rest of the UK.

By the end of the current parliamentary session—and this is a clear target that we have set—we will be investing an additional £500 million

in primary care, including £250 million in direct support for general practice. That will raise primary care's share of the NHS front-line budget to 11 per cent by the end of the current parliamentary session. I seem to recall that, when that target was set, it was welcomed by GPs and the wider primary care teams.

We will also ensure that there is a pay rise for GPs so that general practice remains an attractive career. We have a whole range of recruitment initiatives and incentives to get more people into medical professions, and general practice in particular. We also have the new GP contract in place, which ensures that GPs are well rewarded and that we have the right focus on building primary care teams.

Finally, when I make comparisons with the rest of the UK, Jackson Carlaw says that it is not legitimate to do so, but he is doing exactly that today. We have more GPs per 100,000 of our population than the rest of the UK has. In Scotland, we have 91 for every 100,000 people compared to just 71 per 100,000 people in England. Our record withstands scrutiny and we have set out a clear direction of travel for the future.

**Jackson Carlaw:** I am sure that the RCGP will be very impressed with that slap down.

Last week, in very revealing language, the First Minister said that the £550 million coming to health was "only £550 million." I have had a look, and it turns out that it is almost £200 million more than the Scottish Government's own increase for the NHS in its previous budget. Why is it all hearts and flowers when Nicola Sturgeon comes up with the money and all grudge and grievance when Westminster gives an extra £550 million to Scotland's NHS?

We are clear that more of that increased resource should be going to general practice because, self-evidently, more funding for GPs will help our NHS, keep people out of hospital and reduce demand on critical services. The Scottish National Party says that it will eventually increase spending on primary care to 11 per cent of NHS spending, but GPs have been told that they will have to wait until 2021 to see it. Why will they have to wait? Will the First Minister do the right thing and give Scotland's GPs and patients the support that they need now?

**The First Minister:** Perhaps if Jackson Carlaw had looked at the matter more closely in advance of question time, he would have known that investment in primary care has gone up in every year of this Government. Of course, we are now working towards that 11 per cent target. Why does that have to be done on a phased basis? It is so

that we do not destabilise acute services. We have to get the balance right.

Let me give Jackson Carlaw a few more facts to chew over after this exchange has finished. Overall health spending is more than 7 per cent higher per head in Scotland than in the rest of the UK. As I said a moment ago, if we were to match the UK Government's health spending plans, our NHS would lose £850 million in this year alone. We have given a commitment to pass on all revenue consequentials to the NHS. Those consequentials are not just a gift from the UK Government; they come from Scottish taxpayers' money that goes to the Treasury before it comes back to Scotland.

Three contextual points still require to be made. First, those consequentials would be wiped out if we were to give tax cuts to the richest, as the Tories want us to do. Secondly, that £550 million, however welcome it may be, is not the £600 million that the Tories promised the Scottish budget. Yet again, the Tories are short-changing the Scottish budget and the Scottish health service. Finally, it does not take away the fact, which was confirmed by the Fraser of Allander institute in its report this morning, that from the Tories coming to power in 2010 to the end of this decade, the Scottish budget will reduce by £2 billion in real terms.

Therefore, we will take no lectures from the Conservatives on these matters. Instead, we will continue to provide record funding for our national health service.

**Jackson Carlaw:** Actually, the Fraser of Allander institute is crystal clear that the growth in health spending in Scotland will double the previous projections.

The Government's record no longer fills people with confidence. We just heard the First Minister say that it does not want to destabilise the NHS, but this is a week in which we have had warnings of huge job losses in NHS Tayside, reports of locum consultants in the Highlands picking up £400,000 a year and news that delayed discharge in Scotland has reached its worst level in two years, despite promises to abolish it. That is all part of a growing legacy not just of destabilising Scotland's health service but of 11 and a half years of SNP incompetence.

The £550 million budget investment in Scotland's NHS is an opportunity to put in place a sustainable long-term plan. This morning, the Fraser of Allander institute explicitly reports that, if the SNP does not take that opportunity, even more money will eventually be needed.

Saving the family doctor is our priority; securing the future of GPs is essential. Will the First Minister use the investment to plan for the long

term, or is it to be squandered yet again, as it has been for more than a decade, on short-term fixes?

**The First Minister:** Jackson Carlaw started his questioning by suggesting that we are not spending enough money on the NHS. He then cited a Fraser of Allander institute report that shows that the proportion of the total Scottish Government budget that is dedicated to health is rising and has been rising year on year. He talks about confidence but forgets to tell us that patient satisfaction is at a record high since 2014, with 86 per cent of people rating their in-patient experience positively. He also forgets to tell us that the Fraser of Allander institute says that, per capita, the real-terms reduction in the Scottish Government budget over the decade is 7 per cent. Those are the facts.

Jackson Carlaw also mentioned delayed discharge. The most recent annual report, which was published in September, showed a reduction of 6 per cent in bed days lost to delayed discharge, which builds on reductions of 3 per cent in the previous year and 9 per cent in the year before that. There has been a decrease of 37 per cent in delayed discharge since 2006.

Those figures are the fruits of our investment, and we will continue to invest in the health service and to reform it. While the Tory Government at Westminster continues to preside over real-terms cuts to the Scottish budget, we will get on with the job of delivering for patients across the country.

### Debt (Time Limits for Recovery)

**2. Richard Leonard (Central Scotland) (Lab):** Time limits are essential in any legal system, but does the First Minister think that governmental bodies should have up to 20 years before they begin to pursue a person for debt? (S5F-02744)

**The First Minister (Nicola Sturgeon):** I am sure that Richard Leonard will go on to tell me the particular context in which he has asked that question. When he does so, I will be happy to seek to answer it in detail. Obviously, the different contexts that might apply might have implications for the answer that I would give. I look forward to hearing his next question.

**Richard Leonard:** This afternoon, Parliament will debate the Prescription (Scotland) Bill. Under the current system, the Department for Work and Pensions can take up to 20 years to notify people of debt relating to overpayment of benefits. However, the problem is not just about the DWP; Scotland's councils also have 20 years in which to notify people about council tax debts.

The Scottish Labour Party thinks that it is unfair that, 20 years after it was incurred, a person can be chased for a debt of which they had no knowledge, when no previous action had been

taken. That situation could be ended in Parliament this afternoon when, in the stage 3 debate on the Prescription (Scotland) Bill, Scottish Labour will move amendments that would cut the period to five years. That would mean that, under Scots law, Scotland's councils and the DWP would have five years, not 20, in which to notify people of debt. Why are Scottish National Party members planning to vote against that proposal this afternoon?

**The First Minister:** They will do so to protect debtors, actually.

I am glad that Richard Leonard has told me what he was asking about. Had he done so in his first question, I could have given him the answer that he was looking for.

In the submissions that it made at stage 1 of the Prescription (Scotland) Bill, the Convention of Scottish Local Authorities was very clear that any amendment that shortens the period in which overpayments can be recovered would hurt debtors most. If a debt had to be recovered within five years, that could mean higher repayment instalments, which could cause greater hardship to debtors. We have listened to COSLA's view. It also said:

"The consequences of moving to a 5-year prescription period would be so significant that any consideration of such a change should be subject to full public consultation and financial scrutiny."

The bill is not the place in which to try to make changes to council tax—or to reserved benefits—by the back door.

There may be a wider discussion to be had on the matter, but Parliament has considered such issues as the bill has gone through its stages. The Scottish Government has accepted the view of the Scottish Law Commission that the proposals should be accepted, and that exceptions should maintain the status quo as it is generally understood.

**Richard Leonard:** Let me be clear: Labour's amendments are supported by Citizens Advice Scotland, Money Advice Scotland and StepChange Debt Charity Scotland. Those organisations are on the front line: day in and day out they witness the human cost of such an unfair and unjust system. They have told us of a parent who stopped receiving child tax credits 10 years ago and was recently presented with a bill for almost £4,000, and of a son who moved in with his mother in order to care for her who was handed a bill for more than £3,000 for council tax arrears going back eight years.

The system as it stands is not only unnecessary: it is cruel. It does not serve the interests of the individual, but it does not serve the public interest, either. This afternoon, we have the

opportunity to change that. Why will the First Minister not grab it?

**The First Minister:** I have explained the reasons for that. The issues have been considered as the bill has gone through its parliamentary stages. However, it is important to say that there was, as I understand the situation, no dedicated consultation on the amendments in question. There is a view that there might well be a wider debate to be had on the matter. I certainly hope that all councils and other organisations would act sensitively in cases of the kind that Richard Leonard has raised, but it is better to have that debate properly, and with full scrutiny and full public consultation. I am happy to give an undertaking that the Government will consider whether that wider discussion is merited. However, the bill is narrowly drawn, and it would be wrong to make such changes by the back door instead of focusing on them properly.

**The Presiding Officer (Ken Macintosh):** We have a number of constituency supplementaries, the first of which is from Shona Robison.

#### **Michelin Tyre plc (Dundee)**

**Shona Robison (Dundee City East) (SNP):** Will the First Minister take this opportunity to join me in paying tribute to the Michelin workforce and local managers in Dundee for showing such resilience, tenacity and flexibility in the face of previous and, of course, current challenges? Will she reaffirm her support and that of the Scottish Government, and do everything within her power and whatever is possible to help either to retain or to repurpose the plant, and save as many jobs as possible?

Finally, will the First Minister use her offices to persuade the United Kingdom Government to contribute, as a minimum, a further £50 million to the Tay cities deal in order to match Scottish Government funding?

**The First Minister (Nicola Sturgeon):** I thank Shona Robison for her question and for engaging with Derek Mackay over the past few days to ensure that discussions with the local management at Michelin and the unions have been as constructive as they have been. Clearly, this week's news has been devastating to the 845 workers at Michelin, their families and, of course, the wider community in Dundee, and my thoughts are with all of them at this time.

Let me be clear, as Derek Mackay was in the chamber earlier this week: we will do everything we can to find a sustainable future for the plant. Our absolute priority is to pursue options for the site to continue with commercial production, and we will leave no stone unturned in working with Michelin, Dundee City Council and other partners

to secure a positive future for the plant, its workers and the wider community. I hope that we have the support of all parties in the chamber as we take that work forward.

We will continue to call on the UK Government to match the Scottish Government's contribution to the Tay cities deal. As Derek Mackay told Parliament on Tuesday, the Scottish Government will continue to look at all reasonable suggestions for additional funding that it might provide, but a good place to start would be for the UK Government to commit an additional £50 million to match the contribution from the Scottish Government, and to ensure that all partners can look to invest the money for the benefit of the wider community. We will do everything possible to support Michelin, its workers and Dundee.

#### **Stranraer Train Services**

**Finlay Carson (Galloway and West Dumfries) (Con):** Stranraer was without a train service for more than two months, because of the closure of platform 4 at Ayr station as a result of safety concerns about the stability of Ayr Station hotel. Moreover, road closures on several weekends led to lengthy delays. Such a situation would be totally unacceptable elsewhere.

I put on the record the hard work of the ScotRail Alliance and others on the task force in getting trains running again last weekend, but line closures must not happen again. Will the First Minister give the people of Stranraer her personal commitment that she will intervene to ensure that contingency plans are instated quickly so that temporary platforms can be set up at the south of Ayr station in the event of platform 4 being closed in the future?

**The First Minister (Nicola Sturgeon):** We will do everything possible to mitigate any future disruption. I know how difficult the situation has been. Of course, what happened at Ayr station was unavoidable, and ScotRail acted as quickly as possible to ensure that disruption was kept to a minimum.

It is good that trains are running again, but we must all work to ensure that the right plans and contingency options are in place so that the disruption is not replicated, so I give that undertaking today.

#### **Skretting UK**

**Gail Ross (Caithness, Sutherland and Ross) (SNP):** Skretting UK has announced this week that it will cease all operations in the United Kingdom, including its manufacturing base in Invergordon in my constituency. What support can the Scottish Government give to the employees both in

Invergordon and at the storage site in Kishorn who will be affected by this decision?

**The First Minister (Nicola Sturgeon):** I was very concerned to learn that Skretting plans to cease production at its plant in Invergordon and to close its distribution centre on Shetland. This will obviously be an anxious time for the company's staff, their families and the local areas involved.

Highlands and Islands Enterprise is engaged with the company locally and is seeking to engage with Skretting management in Norway. Highlands and Islands Enterprise is exploring all possible avenues of support to help secure a buyer for the business and retain jobs. However, in the unfortunate event of there being job losses, our partnership action for continuing employment team stands ready to offer its full support to staff. PACE does everything that it can to help those affected by redundancy to get back into work as quickly as possible. We understand that there are no immediate prospects of job losses at the warehouse in Kishorn that is used by Skretting and operated by a third party, and I can assure Gail Ross that everything possible will be done to support the company and the workers involved.

#### **Craig McClelland (Public Inquiry)**

**Neil Bibby (West Scotland) (Lab):** I am sure that the whole chamber is aware of the tragic case of Craig McClelland, and that all our thoughts are with his three little children, who will grow up without their father. They will do so because he was murdered by a dangerous criminal who was unlawfully at large and had been for nearly six months. Two reviews have indicated that there were significant failures, but they were not specifically tasked with looking at what went wrong in this case.

Craig's family have conducted themselves with unbelievable strength and dignity. Unfortunately, they have not been able to find the answers to the questions that they have been asking, and they still do not have confidence that the correct lessons have been learned or that changes have been made to prevent this kind of tragedy from happening to another family. The McClelland family now believes that only a full public inquiry will give them the answers that they deserve. Can the First Minister give them her support?

**The First Minister (Nicola Sturgeon):** This was an absolutely awful crime, and I cannot begin to imagine how Craig McClelland's family and friends are feeling. I am not surprised that there are answers that they still seek and that they feel that they have not yet had the opportunity to get those answers.

The two inspectorates reviewed the processes that led to James Wright, who committed this

awful crime, being released and the actions that were then taken to apprehend him. The Cabinet Secretary for Justice set out the Scottish Government's acceptance of all the recommendations from the inspectorates and set out in this chamber a number of immediate additional safeguards that have been or will be put in place to strengthen the home detention curfew processes. For example, there is now a presumption that individuals who are convicted of violence and knife crime will not, in normal circumstances, receive home detention curfews, so lessons have been learned from this dreadful, tragic case, and I hope that members across the chamber welcome that.

On the further action that Craig McClelland's family consider is appropriate, the justice secretary has offered to meet them again and that offer stands. The justice secretary will be happy to discuss with them the actions that they consider appropriate and we will give full consideration, as a Government, to each and every one of them.

#### **Michelin Tyre plc (Dundee)**

**3. Willie Rennie (North East Fife) (LD):** I want to return to Michelin in Dundee. It affects real people's lives and real people's jobs. They have a right to expect Governments and local authorities to stand up for them. Michelin has been a giant presence in the city of Dundee. We need to do everything that we can through the Tay cities deal and other measures to keep as many jobs in the city as possible. When Michelin pulled out of its Ballymena plant, there was a decent redundancy deal for the workers that paid proper respect to their services. Workers deserve that. Will the First Minister ensure that any Dundee workers who are made redundant get that Ballymena deal or better?

**The First Minister (Nicola Sturgeon):** I thank Willie Rennie for raising the issue and I agree with him entirely that it is incredibly important. It affects real people and real jobs, and the Government will do everything that we possibly can to support people in these incredibly difficult times. In agreeing with Willie Rennie's point, I hope that he will understand when I say that, if redundancies are inevitable, we will want workers to get the best possible deal, and Michelin has, as I understand it, already given commitments that that will be the case.

However, we do not want to assume at this stage that that is an inevitable outcome. Right now, our focus is on doing everything that we can to find a sustainable future for the plant that will see commercial production continue there. The action group that will meet on Monday, under the convener'ship of Derek Mackay, will be focused on

bringing together a plan and Scottish Enterprise will be central to that.

In such situations, I cannot stand here and guarantee that that will prove to be possible. However, if it does not prove possible, that will not be for want of trying. I hope that Willie Rennie understands that that is what we want to focus on in the short to medium term, but that if redundancies have to happen, we will absolutely demand that workers get the best possible package.

**Willie Rennie:** The First Minister is right to focus on keeping as many jobs as possible. I am pleased that the company has given that commitment and I hope that we will hold it to that commitment.

Brexit is another issue that will not help those Michelin workers. I was pleased that, yesterday, the Scottish Parliament officially backed a people's vote—the support for that from members of the Scottish Parliament has gone from five to 65 MSPs. Momentum is building for the British people to have the final say and to save us from the economic damage that will come with Brexit.

Previously, the First Minister has talked about compromising with the United Kingdom Government. The backstop could involve the whole of the UK remaining in the customs union for an unspecified time. Will the First Minister clarify whether that would be enough for her to support the deal? I hope that she rejects it and opposes everything but a people's vote. What does she think?

**The First Minister:** That would not be enough for me to give my support to the deal. I make no apology for trying to compromise in the interests of the Scottish people. However, I have said openly, expressly and explicitly that the bottom line for me, the Scottish Government and the Scottish National Party is permanent, unequivocal membership of both the single market and the customs union. That said, I would prefer that we remained in the European Union as full members—I would prefer Scotland to be in the European Union as a full independent member.

We will continue to do everything that we can to protect Scotland's interests, Scottish jobs and Scottish living standards. That is why we have said that if the proposal comes before the House of Commons, we would support the option of a people's vote, to give people across the UK the opportunity to change their mind. Of course, that would not involve people in Scotland changing their minds, because the people of Scotland voted overwhelmingly to remain in the European Union at the first time of asking.

### **Instrumental Music Tuition (Fees)**

**Ross Greer (West Scotland) (Green):** Yesterday, the Parliament's Education and Skills Committee heard from two members of the Scottish Youth Parliament, who told us how the rise in instrumental music tuition fees of hundreds of pounds was creating Victorian levels of inequality, where only the wealthy can afford to take up an instrument. Does the First Minister believe that that is acceptable and does she recognise that councils need powers to raise the money that they need to give our young people all the opportunities that they deserve?

**The First Minister (Nicola Sturgeon):** Some councils already provide music tuition on the basis that Ross Greer is suggesting and we would encourage other local authorities to consider that. The Scottish Government provides support for other music initiatives, such as Sistema—although I am not suggesting for a second that Sistema is a substitute for music tuition in schools.

On the overall support that we provide to councils, in this financial year—with the agreement of the Green Party—we are providing real-terms increases in local government budgets. We are currently in the process of finalising next year's budget and I am sure that local government finance as well as a range of other matters will continue to be the subject of intense discussion.

### **Attacks on Neil Lennon (Bigotry and Racism)**

**James Kelly (Glasgow) (Lab):** The First Minister will be aware of last week's attack on Neil Lennon and the subsequent comments from Mr Lennon that the numerous attacks that he has endured in Scotland resulted from bigotry and racism. Such treatment is wholly unacceptable in a modern and progressive country. Will the First Minister join me in condemning anti-Catholic bigotry and anti-Irish racism and commit the Scottish Government to urgent action to root out those unacceptable attitudes and behaviour?

**The First Minister (Nicola Sturgeon):** I thank James Kelly for raising an issue that is of huge concern to people across country. I condemn unequivocally the attack on Neil Lennon that took place last week. It is a matter for the police to thoroughly investigate. I saw some of Neil Lennon's press conference at the end of last week and I thought that he conducted himself with great dignity. I am sure that we all agree that nobody should have to suffer the abuse and attacks that he has had to suffer.

I unequivocally condemn anti-Catholic bigotry and anti-Irish racism. I condemn sectarianism in any shape or form. This Government will continue to take the action that is needed to ensure that Scotland is a country that demonstrates zero

tolerance of that kind of bigotry. Whatever our football loyalties may be, or if we have none, such conduct has no place in modern Scotland and all of us must unite to make that absolutely crystal clear.

### Poverty and Human Rights

**Gillian Martin (Aberdeenshire East) (SNP):** The United Nations special rapporteur is in Scotland to begin an inquiry into rising poverty across the United Kingdom. That comes on the back of Trussell Trust figures showing that food bank use in Scotland has risen by 15 per cent, driven by the roll-out of universal credit. How will the Scottish Government engage with that inquiry?

**The First Minister (Nicola Sturgeon):** I will meet the UN special rapporteur later this afternoon. Other Government ministers will also meet him and his team, and we will be very constructive in our engagement with the inquiry. We will set out the actions that the Scottish Government is taking to tackle poverty and how we see the assault on poverty as a human rights-based issue, which I think is extremely important. We will also take the opportunity to raise concerns about universal credit and about the UK Government's welfare cuts more generally, because those cuts are driving more and more people into poverty, and we are seeing demand and reliance on food banks rising. I hope that when the inquiry concludes and its outcome is published, it will be a helpful contribution to the work that all of us are doing to consign poverty to the dustbin of history.

### Real Living Wage

**4. James Dornan (Glasgow Cathcart) (SNP):** To ask the First Minister how the Scottish Government supports the real living wage. (S5F-02767)

**The First Minister (Nicola Sturgeon):** Currently, 80.6 per cent of employees in Scotland are paid at least the living wage, making Scotland the best performing of all United Kingdom countries. This week, I announced an increase in the real living wage rate. People in Scotland who receive it will earn £9 an hour. We have provided funding to enable adult social care workers to be paid the real living wage, and from 2020 that rate will be paid to all workers delivering funded childcare hours. We continue to work with partners to deliver our commitment to lift at least 25,000 more people on to the real living wage in the next three years. We are also working to adopt a fair work first approach by extending fair work criteria, including payment of the real living wage, to as many funding streams, business support grants and contracts as we can.

**James Dornan:** I thank the First Minister for that answer, but does she agree that it is a disgrace that the UK Government failed to use its budget to put in place—finally—a real living wage for every worker and that it continues to subject workers who are under the age of 25 to lower pay for no justifiable reason?

**The First Minister:** Yes. I absolutely agree with that. I would make two points. First, the UK Government should unequivocally get behind the real living wage, which is independently assessed as the level that people need for a decent standard of living.

Secondly, the age discrimination that is currently part of the Government's living wage is unacceptable in modern times. We think that people who do the same job should be paid the same wages, regardless of their age. That is one of the many reasons why I hope that in the not-too-distant future we will see powers in that regard devolved to the Scottish Parliament, so that we, instead of the UK Government, can take those decisions.

### Arthritis (Loneliness and Isolation)

**5. Brian Whittle (South Scotland) (Con):** To ask the First Minister, in light of the study, "Defying Arthritis at Every Age", what the Scottish Government is doing to reduce loneliness and isolation among people with the condition. (S5F-02759)

**The First Minister (Nicola Sturgeon):** I welcome the research and recognise the importance of raising awareness of the challenges that people who live with arthritis can experience. We know that particular groups of people, such as those with long-term health conditions, can be at greater risk of experiencing social isolation and loneliness. We are committed to publishing a strategy to tackle social isolation and loneliness, which will reflect those risks and outline a programme of work that is designed to address the issues.

The Minister for Public Health, Sport and Wellbeing will meet the group that commissioned the research this afternoon, to discuss how we can work together to improve the lives of people who are living with arthritis.

**Brian Whittle:** Despite the fact that a staggering one in six people is living with arthritis, a lack of understanding of the condition has led to an epidemic of isolation, according to the Versus Arthritis report.

Yesterday, the British Society for Rheumatology published its report, "Rheumatology in Scotland—The State of Play". In the report, the society notes that since 2010 the average waiting time for a first appointment has almost doubled, from 41 days to

79 days, against a 2016 Scottish Government target of 28 days. The report states that there is a 12-week window after the onset of arthritis symptoms in which referral to a specialist can reduce the symptoms, thereby helping to reduce disability and work limitations.

Given that a lack of mobility is often a key factor in increasing loneliness and isolation, when does the Scottish Government expect to hit its stated target on waiting times for rheumatology appointments?

**The First Minister:** A couple of weeks ago in the chamber, the Cabinet Secretary for Health and Sport set out the waiting times delivery plan that we are working towards. We are investing considerable sums of money to make sure that we achieve the targets in that plan.

More generally, it is absolutely correct that we need to do more to raise awareness of arthritis and to make sure that people who suffer from it—in particular, the newly diagnosed—get access to the support that they need so that they can continue to be active and independent in their communities.

As I mentioned, the Minister for Public Health, Sport and Wellbeing will meet Versus Arthritis this afternoon, and he looks forward to discussing all aspects of the research so that we can ensure that Government policy, whether on health service waiting times or on the wider work on loneliness and social isolation, reflects the action that needs to be taken to address some of the issues that the report has identified.

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** Digital connectivity can make a significant contribution to tackling loneliness and isolation for older people, yet 38 per cent of 65 to 79-year-olds report not being able to use a computer at all. How is the Scottish Government seeking to address such inequalities in tackling loneliness among our older citizens?

**The First Minister:** It is very important that older people can get online, and the Scottish Government is certainly committed to helping them do so. The most recent Scottish household survey shows a significant increase in internet use by adults over 60—in the 10 years between 2007 and 2017, the figure increased from 29 per cent to 63 per cent.

We want more people to benefit from digital opportunities. Our digital participation charter fund, which was launched in partnership with BT, has made awards of more than £200,000 to 26 organisations for digital inclusion projects, and older people are a priority group for that. In addition, the Minister for Public Finance and Digital Economy is leading work with older people to better understand how digital technologies can

add value to their lives in ways that are meaningful to them.

**Pauline McNeill (Glasgow) (Lab):** Many people with multiple sclerosis and arthritis say that they would benefit from the use of medicinal cannabis, because it would help with muscle spasms or stiffness. I have raised the issue with the First Minister previously. I am sure that she will recognise the action of the UK Government in, and congratulate it on, allowing medicinal cannabis to be prescribed.

Can the First Minister say when the Scottish Government might be able to issue guidelines so that general practitioners can freely prescribe medicinal cannabis when they think that it is appropriate to do so? She will know that many arthritis sufferers feel that they would benefit from that.

**The First Minister:** I am told by the health secretary that we have already issued such guidance, so I will ask her to send Pauline McNeill a copy of that.

More generally, as I have said in previous exchanges with Pauline McNeill on the issue, I am broadly supportive of the medicinal use of cannabis or drugs that are derived from it. Such issues are not entirely within the control of the Scottish Government, which is why we rely on Westminster decisions.

I will make sure that a copy of the guidance is sent to Pauline McNeill later today.

### **Mountain Rescue Teams (Support)**

**6. Rhoda Grant (Highlands and Islands) (Lab):** To ask the First Minister what the Scottish Government is doing to support mountain rescue teams. (S5F-02752)

**The First Minister (Nicola Sturgeon):** The Scottish Government provides annual grant funding of more than £300,000 to Scottish Mountain Rescue to help the organisation and all 27 Scottish civilian volunteer teams to carry out their vital work effectively. We are the only Government in the United Kingdom to fund mountain rescue in that way.

As well as providing £100,000 over three years from 2016-17, we are providing advice on procurement to assist with the replacement of Scottish Mountain Rescue's radio equipment. In addition, Scottish Government officials work with Scottish Mountain Rescue and responder agencies to help to resolve any issues that arise to do with the co-ordination of multi-agency working.

**Rhoda Grant:** Mountain rescue volunteers put their lives at risk to save others, so it is sad that mountain rescue teams believe that they are seen as "expendable" by the agencies. If they were



recreational climbers, they would be airlifted off the hill.

Is Police Scotland able to task rescue services with airlifting mountain rescue teams on and off the mountains? If it is, will the First Minister ensure that they do that, especially when volunteers are carrying out the distressing task of retrieving the bodies of people who, sadly, have perished on the hills; when the time that it would take to get back to base is excessive; or when they are carrying equipment that poses a danger to their safety? Will she make sure that agencies support and protect our mountain rescue teams?

**The First Minister:** I thank Rhoda Grant for raising the issue. I take the opportunity to say that mountain rescue volunteers do a vital job, often putting their lives at risk. I do not consider them to be dispensable, and I do not think that anybody in the chamber or across the country would consider that to be the case. I am sure that we all want to take the opportunity to thank them for the role that they perform.

I am aware of concerns that have been raised by independent Scottish Mountain Rescue about the current search and rescue helicopter support arrangements. Scottish Government officials have previously raised those issues with the Maritime and Coastguard Agency, following earlier correspondence with the teams. Police Scotland has legislative responsibility for search and rescue in Scotland, but the levers for change around search and rescue helicopter support remain at United Kingdom Government level.

Police Scotland is introducing its helicopter to assist mountain rescue teams as a last resort for body recovery. I know that Police Scotland has written to independent Scottish Mountain Rescue about the changes and that the response has been positive. I understand that the coastguard agency has also now written to extend an invitation to a meeting, which I understand has been accepted.

I will ask the relevant minister to write to Rhoda Grant with more detail of the work that we are doing to ensure that the appropriate arrangements are in place.

**Liz Smith (Mid Scotland and Fife) (Con):** Does the First Minister accept that, among the concerns that have been raised by mountain rescue teams, one issue is the centralisation of Police Scotland, which has diluted the interaction between mountain rescue teams and local police officers, who know the relevant area much better than anyone else? According to the mountain rescue teams, that can impact on the ability to co-ordinate mountain rescue and to respond with the necessary experience.

**The First Minister:** No, I do not agree with that at all, and I do not think that there is any evidence that that is the case. However, a number of issues have been raised—the issues that I have just gone through with Rhoda Grant. As I say, we take responsibility where we have it, as does Police Scotland, but much of the responsibility lies with the coastguard agency and at UK Government level.

We will continue to take action and make the appropriate representations to ensure that mountain rescue teams get the support that they need. I hope that all of us will resist the temptation to be party political about this issue and instead will get behind our mountain rescue teams and the fantastic work that they do.

### **Scottish Water (Single-person Discount)**

**7. Jackie Baillie (Dumbarton) (Lab):** To ask the First Minister what the Scottish Government's response is to the proposal by Scottish Water to remove the 25 per cent single-person discount from at least 500,000 customers, including older people. (S5F-02746)

**The First Minister (Nicola Sturgeon):** There is no proposal to remove the discount. We recently consulted on investment priorities and principles of water charging for the 2021-27 regulatory period, which included consulting on whether reducing the single-person discount could fund an increase in the maximum discount available to households on full council tax reduction, from 25 per cent to 50 per cent. We are currently reviewing the responses to the consultation but, crucially, any detailed changes to charging policies would be subject to further consultation with customers and stakeholders, in the course of the next year, prior to implementation in the 2021-27 period. I stress that absolutely no decisions have been taken on the issue.

**Jackie Baillie:** It turns out that it is not a Scottish Water proposal; it is actually a Scottish Government proposal. We can fight over whether the word is "remove" or "reduce", but in effect the Government is proposing to cut the discount. On that basis, will the First Minister rule out now any cut to the single-person discount for water? No one would dispute the need to help the poorest more, but the Government should not fund that by taking money from lone pensioners on fixed incomes, who equally are struggling.

Because people are concerned that this is the thin end of the wedge, will the First Minister take the opportunity to rule out cuts to the single-person council tax discount, which is something that her Scottish National Party MSPs have in the past suggested should be scrapped? Will the First Minister give a commitment now that her Government will not penalise single households,

particularly as many of them are pensioners on low fixed incomes?

**The First Minister:** What I will do is say that the Government will continue to review the responses to the consultation, and then we will take decisions in the normal course. That is called responsible government. When we take the decisions, they will be progressive—they are all about making sure that the help that we provide goes to the people who need it most.

Citizens Advice Scotland has said that it

“welcomes the ... proposal to increase the maximum reduction for recipients of the Water Charges Reduction Scheme from 25% to 50%”

because that

“will provide additional benefit to over 340,000 households on full Council Tax Reduction, and another 160,000 on partial Council Tax Reduction.”

The issues are important and it is right for the Scottish Government to consult fully on them. Any detailed changes would require to go through a further consultation process, so Parliament would have plenty of opportunity to discuss any proposals. No decisions have been taken at this stage, and the Scottish Government will continue to give the issues proper and full consideration.

**The Presiding Officer:** That concludes First Minister’s question time. As members know, we normally move to members’ business at this time. However, given the significance of the anniversary on Sunday, today we will move to a motion of remembrance to mark 100 years since the end of the first world war.

Many members of the public who are in the gallery need to leave now, and many more wish to come in, so we will have a short pause to allow the gallery to clear.

## Motion of Remembrance

**The Presiding Officer (Ken Macintosh):** The next of item business is a debate on motion S5M-14666, in the name of Nicola Sturgeon, on a motion of remembrance.

12:49

**The First Minister (Nicola Sturgeon):** It is an honour to move this motion today. I suspect that everyone in the chamber will be able to picture the war memorials in their local communities. The one in Dregghorn, where I grew up, stands on a hill above the village and looks down on the primary school that I attended. It contains just over 50 names from world war one, from James Andrew to Andrew Wylie. The main war memorial of the Canongate kirk—just up the road from our Parliament—contains more than 200 names, from John Aitken to John Young. Those are just two of the more than 5,000 memorials across our country.

In total, the rolls of honour for world war one in the Scottish national war memorial contain more than 130,000 names. Those names include members of the armed forces from Scotland and of Scottish descent along with nurses, munitions workers, merchant navy sailors and others. When 134,712 names are projected on to the walls of the Parliament as part of the armistice day commemorations on Sunday, the display will take seven hours. That fact on its own gives some idea of the sheer scale of the suffering that was caused by the first world war.

It has been estimated that more than 15 million people from around the world died. Every single one of those people was somebody’s son or daughter, somebody’s sibling or somebody’s fiancé or spouse. Many millions more were injured, often grievously.

The psychological impact of the conflict, which was borne mainly by very young men and women in an age that often did not recognise or talk about mental health, is difficult for us to comprehend or even to conceive of.

In November 1919, *The Scotsman* newspaper called the first armistice day commemoration

“a reminder of vacant niches in our memories ... of lost heartache in millions of homes”.

It is maybe hard for us to fully grasp not just the intensity, but the universality of the grief that must have been evident on those earlier armistice days. However, the debt that we owe to those who served does not diminish with the passage of time. It is vital that today we remember and honour their courage and their sacrifice.

Other aspects of world war one are also worthy of reflection. Earlier this year, we marked in this chamber the centenary of the start of women's suffrage, which was partly a consequence of the war. The map of Europe was completely redrawn after the first world war, and the settlement reached at Versailles would ultimately lead towards world war two. In many respects, therefore, the first world war was instrumental in shaping modern Scotland and determining the world that we live in.

It is therefore entirely appropriate that the past four years have seen a nationwide programme of commemorations to mark the centenary of the war. The programme has been carefully considered and immaculately planned by the Scottish commemorations panel, which has been ably chaired by Norman Drummond, and its team of advisors. The panel's expertise and hard work have played a significant part in making the events such a success. It is also worth noting that the free books produced for each of the commemorations have been hugely and deservedly popular. As First Minister, I put on record my heartfelt thanks for everything that Norman, the panel and its advisors have done. It is absolutely right that today's motion gives the Parliament as a whole the chance to demonstrate our gratitude.

The panel has worked with a large range of partners, including the Royal British Legion Scotland, Poppyscotland and Government agencies. The armed services have been heavily involved and have supported all the commemorative events. They have also conducted their ceremonial duties with the professionalism that we have come to expect but which we must never take for granted.

At a local level, hundreds of community groups, faith organisations, veterans societies and many others have organised and participated in ceremonies, gatherings and cultural events across the country. For example, on Sunday after I attend the national remembrance service here in Edinburgh in the morning and the Glasgow cathedral service in the afternoon, I am hugely looking forward to seeing "Far, Far from Ypres"—a production that has received warm praise from audiences right across Scotland on its current tour.

Our schools have been heavily involved in commemorations. Almost all schools in Scotland have played a part in marking the centenary.

I have seen at first hand how successfully those different organisations have worked together at each of the commemorations that I have been privileged to attend, including the Loos commemorations in Dundee and commemorations for the Quintinshill rail disaster, the Gallipoli campaign, the battle of Jutland, the battle of the

Somme and the battle of Amiens. The beating of the retreat at Arras last year, marking a campaign where 18,000 Scots died in little over one month, is something that will stay in my memory for a very, very long time. Many of those events have had a strong international element, including, rightly and very movingly, from countries that were opponents in world war one and are now valued friends and partners.

To get back to the point about schools, one of the other things that has stayed with me from the commemorations in Arras is meeting students from Monifieth, Alloa, Duncanrig, Crieff and many other places besides, several of whom had great-grandparents or other relatives who had died or served in the great war. All of them were learning about the conflict—not just its geopolitical consequences, but its impact on people and communities.

The opportunity that this commemorative period has provided for that—not just for school students, but for all of us—may indeed prove to be its most valuable legacy. Service in world war one has now passed entirely out of living memory, and the same will happen before too much longer with world war two, but as those wars recede further into the past, our obligation to remember them is, if anything, greater now than it has ever been. After all, one of the lessons of those conflicts is that peace is something that no nation and no continent can ever take for granted—it requires constant hard work and continued attention and dedication.

When the then Prime Minister David Lloyd George addressed the House of Commons on armistice day, he famously said:

"I hope we may say that thus, this fateful morning, came to an end all wars."—[*Official Report, House of Commons*, 11 November 1918; Vol 110, c 2463-4.]

His words then expressed a universally held hope that has, of course, never been fulfilled, but it is one that we must continue to cherish and work towards each and every day.

One of the ways in which we can work towards peace—not the only way, but a very important way—is to remember and understand the cost and the sheer horror of war. These centenary commemorations have given all of us an opportunity to do that. Today, as we do every November, we remember with respect and with gratitude all those who died. We honour all those who contributed to the war effort and we resolve once again to do everything in our power to promote a more peaceful world, because ultimately that is the best, the most fitting, and perhaps the only meaningful tribute that we can pay to those who lost their lives.

I am proud to move the motion in my name.

I move,

That the Parliament acknowledges that the First World War had a devastating impact around the world, including on our nation, in which no community was unaffected; recognises the importance of honouring all those who have lost their lives in armed conflicts; notes that 2018 marks the centenary of the First World War Armistice; commends the work of the Scottish Commemorations Panel and partner organisations, which have developed a fitting programme of events to commemorate Scotland's Armistice centenary, both nationally and for communities; notes that the centenary of the Armistice will be commemorated with a National Service for Scotland in Glasgow Cathedral; recognises the many other organisations and community groups in communities across Scotland that will be delivering commemorative events that inform people about Scotland's involvement in the First World War while helping them recognise the effects of the war on their local communities and the wider world and its lasting impact on life today, and calls on the nation to come together and pay its respects on 11 November 2018 to ensure that those who suffered so much will never be forgotten, and in the hope that conflicts such as the First World War might end.

12:57

**Jackson Carlaw (Eastwood) (Con):** I begin by associating myself entirely with everything that the First Minister has just said.

And so, finally, the guns fell silent. In that era, when newspapers were the only source of news, when the pounding of the guns, right up until the appointed hour, could still be heard across the channel, their sudden and longed-for silence spoke volumes. That was 100 years ago.

One hundred years before that were Waterloo and the Napoleonic wars, which were, to those who were emerging from the first world war, a distant memory, but only as distant to them as the great war is now to us—that moment when first-hand knowledge has passed, and when fewer remain with even a strong second-hand recollection. A huge moment in the story of our nation and the world slips into history.

Laurence Binyon's enduring stanza, which begins

"They shall not grow old, as we that are left grow old",

was composed when the war was just weeks old, with all the terror and horror ahead. The poem has served as an inspiration to a nation that is determined to honour and remember the sacrifice of the fallen.

The cenotaph in Whitehall and war memorials across and in every part of the nation and the world will remain at the centre of our collective remembrance this coming Sunday—the centenary of that destructive and desperate conflict.

As the First Minister said, since 2014, we have marked the centenary anniversaries of the key conflicts: Ypres in 1914-15; Gallipoli in 1915; Verdun, Jutland and the Somme in 1916;

Passchendaele in 1917; movingly, in April last year, Arras, in which so many Scots perished; and Amiens in 1918. They have been deeply moving events that have been attended, as we might expect, by politicians, members of the royal family, members of our armed forces and, with singular dedication, Royal British Legion veterans. More moving still has been that, as we have contemplated the vastness of the loss, we have witnessed time and again the humility, pride and enduring sadness of the families of those who did not return, and who have themselves returned to where relatives fought and fell.

As a schoolboy at Glasgow Academy—itsself a war memorial trust—respect for those who served, whether they fell or survived, was profound. As pupils still do, I passed several times each day two huge memorial plaques that face each other across an atrium, one for each of the world wars, that bear the names of all those from the school who perished. In the 1970s, there were still many veterans and others who knew those names personally. I realised later that there were members of staff and other students who counted family names among those who are listed. It is also true that among those who were teaching us were many men and women who had fought in the second world war.

That proximity to events ought to have been a rich vein of knowledge, but, as we all know, those who survived, in all humility and with respect to those who had fallen, spoke little of their own direct experience. Only towards the end did gallant men like Harry Patch share their stories. He was, at one point, the oldest man in Europe and the last surviving combat soldier of the first world war from any country. He served on the Western Front and died in 2009.

The past four years have seen an extraordinary engagement in communities, in particular through schoolchildren investigating the life histories of the names on local memorials, in order to make vivid portraits of those who died: their families, their lives, where and how they met their end and the legacy that endured. Those creative acts of practical remembrance ensure that the memory of individuals survives.

The past four years have also seen many fine new histories of the great war—none more so, in my view, than Nick Lloyd's searing account of Passchendaele, which was surely, in that long conflict, the ultimate battle to illustrate the futility of so much of it.

"Between July 31st and November 10th, 500,000 men were either killed, wounded, maimed, gassed, drowned or buried"

he writes, and there were so many Scots among them. Looking at operational maps and seeing the strategic names including Dumbarton Wood,

Inverness Copse and Glencorse Wood, is vivid testament to an engagement in which so many Scots died.

Lloyd George called it

“the campaign in the mud”,

for it rained mercilessly almost the entire time, and the shelling so destabilised the fabric of the ground that it turned literally to a sea of mud. I recall seeing the Deputy First Minister John Swinney at the Menin Gate, where many of those whose remains were never recovered are listed on the memorial.

Basil Liddell Hart, in his 1930 history “The Real War”, quoted a then un-named general, who said,

“Good God, did we really send men to fight in that?”

and Siegfried Sassoon encapsulated the death of those who fell at Passchendaele, in his poem “Memorial Tablet”:

“Squire nagged and bullied till I went to fight  
(Under Lord Derby’s Scheme). I died in hell—  
(They called it Passchendaele). My wound was slight,  
And I was hobbling back; and then a shell  
Burst slick upon the duckboards: so I fell  
Into the bottomless mud, and lost the light.”

As the war ended, and in the months that followed, tens of millions more would die from influenza. All too many who had survived battle succumbed and, at home, civilians who had endured died just as suddenly as many who had fought. The first world war was, ultimately, a series of conflicts between nations and nature. Perhaps the American civil war should have given those who were leading it some premonition of what 19th century military tactics could expect when facing 20th century technology—but, if it did, it was ignored.

In commemorating the end of the first world war, in acknowledging its many horrendous conflicts and anniversaries, and in celebrating the heroism of many individuals, we do so firm in our resolve that it is not, and will not be, to glory in that war, in its ambitions or its monstrous indiscriminate slaughter, in its bloody victories or in its defeats.

Were there positive legacies? It was the beginning of the end of deference, certainly—men of all backgrounds who fought side by side in the trenches came home ambitious and confident of their equal worth. There was women’s suffrage, and there was the ambition of those who had stepped up to fight from around the world to move from Empire to Commonwealth.

Tens of millions would die in the decades that followed. It was not the war to end all wars, when in the peace that was finally struck lay the seeds of Hitler, the global war and the Holocaust, which followed just 20 years later. However, in 1918 the guns fell silent.

Presiding Officer, this debate is a salute from the world of today to the world as it was then. It is an act of remembrance of a conflict that now slips into history, of our forebears, of ordinary men and women from across the world who fought or endured at home, but especially, here in Scotland’s Parliament, of the Scots who gave their all.

13:04

**Richard Leonard (Central Scotland) (Lab):** I rise in support of the motion. It is important that the Scottish Parliament marks the centenary with the solemnity that it deserves, and with due regard to the commemorative tone of this remembrance.

Many of our own families were directly affected by the first world war. My grandfather, Richard Hopkinson, never spoke of his wartime experiences in France. They were locked away. They were compartmentalised, never to be released, and were taken to the grave—and little wonder. He volunteered with the Bradford Pals, who were part of the West Yorkshire Regiment, at the start of the war in 1914, at the age of 18. He witnessed at first hand the grimmest horror of trench warfare. He fought in the battle of the Somme, where, of the 2,000 men in the first and second battalions of the Bradford Pals, as *The Yorkshire Post* reported, 1,770 were killed or badly injured as they walked into a hail of German bullets in the first hour.

Over the following 140 days of the Somme, there were 1 million casualties, and we know that the wounds were not merely physical. My grandfather served until armistice day a century ago. In his world that I knew, of bowling greens, of family—a daughter and grandchildren—and an apple tree in the back garden, the snarling cry of the machine gun from half a century before was shut out. That was not the full story of his early life experience. There were also his brothers and sisters, who were themselves slain before the war—lives cut short by tuberculosis and slum housing.

That was a generation that suffered much; a generation to which we still owe an incalculable debt. It is fitting that this Parliament and this country remembers them—those who made it to old age and, more poignantly, those who did not; those who fell on those cold battlefields a long way from home; and those who served on the home front.

At times like this, Parliament is at its best, when we stand together across the political divides—not just to remember those who fought in the first world war, but to remember those who fell in later conflicts in the 100 years since 1918. To the families of those fallen soldiers we also owe a

debt, and to the veterans who survive we have a special responsibility. Our duty is to provide them with the support that they need, when they need it. As we commemorate the fallen, we must also speak out and take action for the living. That means that Parliament must do what it can for those who cannot shut out the trauma—the physical and the mental anguish.

We cannot change the past, but we can understand it and so build a better today and tomorrow. We can create a better future and so pay back our debt to those whose sacrifices have been great. We can do that by investing—as a priority—in public health and in public services, by tackling poor mental health and ending the stigma around it, and by working to build a future that is founded on peace and not on war, and which does not lead us into believing that there will, necessarily, be a war to end all wars.

As we commemorate those who laid down their lives, we should recall that the great war poet Wilfred Owen wrote some of the most harrowing poems ever written in the English language—the poem about

“The old lie: *Dulce et Decorum est*”,

and the “Anthem for Doomed Youth”. He wrote them while being treated for shellshock—which is now known as a form of post-traumatic stress disorder—at the Craiglockhart war hospital in this city.

We should not airbrush from our history, either, the prominent members of the Independent Labour Party, including James Keir Hardie, John Wheatley, Jimmy Maxton, Tom Johnston, and Arthur Woodburn, or those who formed the women’s peace crusade in 1916—Helen Crawford, Agnes Dollan, Mary Barbour, Agnes Hardie and Annie Swan—who opposed the war on grounds that were at once both moral and political. It was an opposition which, in the words of Maxton, took “a world-wide humanitarian view”.

We must learn all the lessons of all our history, and remember the 135,000 women and men from Scotland who gave their lives, and whose names will be projected on to the Parliament on Sunday: those who are commemorated in every city, in every town, in every village and on every war memorial, where we will stand in silence and pay our own respects, and draw on our own memories this Sunday, at the eleventh hour of the eleventh day of the eleventh month, and resolve, as a nation, that we shall never forget.

13:10

**Patrick Harvie (Glasgow) (Green):** I am grateful for the opportunity to add remarks in support of the motion, on behalf of the Scottish

Greens. This moment of remembrance, in which we mark the 100th anniversary of the first world war armistice, is a moment of shared recognition of the horrors of a war that took so many lives, touching every community in Scotland and so far beyond.

Every one of those names, and the stories behind them, is powerful, but the scale of what we are here to remember is breathtaking: nearly 10 million military dead and twice as many wounded, most not there as volunteers but through conscription or under the threat of conscription. There were millions more civilian deaths: people from all walks of life were the direct victims of the war and unknown millions more died as a consequence of the war, as hunger, disease and emotional trauma followed conflict, as they so often do. This, too, must be remembered.

What can it mean to stand in remembrance of such staggering and unnecessary human suffering? What does it mean to honour those lives? It is, in part, a continued commitment to observe the intention that has been maintained strongly throughout the century quite simply to never forget. However, it must also be a chance to reflect on the nature of that war, an atrocity committed by the powerful against the powerless, as millions of young men were forced to enlist, marched across Europe and sent into fields and ditches to face mutual slaughter. That was, indeed, an atrocity committed by the Governments of both sides against the people of both sides, an atrocity committed also by the companies that sold arms to both sides or told lies to both sides to make war more likely and line their own pockets. This, too, must be remembered. It should have stood throughout those hundred years as the ultimate lesson on the futility of war.

We must remember and honour those who lost their lives, but to make that act meaningful, we should also remain true to the other sentiment that was expressed so strongly in the years immediately after the war. It was not only “never forget”, but also “never again”. On that second imperative, we have shown far less commitment. As we stand in remembrance of the first world war dead and all the victims of all wars, across the world today, in places like Rakhine, Yemen and Palestine, conflict rages on and the war profiteers in this country and around the world carry on their lethal business. This, too, must be remembered.

On this 100th anniversary of the armistice, Scotland marks the bravery of those who fought, but it still has no memorial to those other brave people who risked imprisonment, torture or execution by their own Government for having the courage to say no, they would not kill their fellow human beings. This, too, must be remembered, and if the proposal for such a memorial becomes a

reality, it will offer a place to reflect on the lives of those who have worked for peace in our history and around the world.

We are right to keep in our collective memory the horrors of war and the lives that were so needlessly destroyed, but remembrance is not an end in itself. It matters because human beings matter. It is an attempt to keep us connected with the reality of war that exposed what Wilfred Owen called “The old Lie”, when he urged us not to let it be the fate of the next generation to die for their country and think it noble.

If we are to truly honour those who were sent to that fate, we must be faithful to both imperatives: we must have the continued resolve to say “never forget”, but we must also find the courage to say “never again”.

13:15

**Willie Rennie (North East Fife) (LD):** On this, the 100th anniversary of the armistice, there is rightly a focus on the first world war. It is, after all, where the poppy symbol comes from. Rather than fading from memory, service in the first world war has been growing in the public’s mind in recent years. Some of that comes from the work that is being done in schools, where new resources have made it easier for children to learn about what life was like for those who served in that war. There are photographs, letters, poetry, art and links through ancestry that capture the imagination and make us want to know more.

This year, 100 years on, there is a new way of looking at the first world war, the lives it took, and the devastation that it caused. Peter Jackson’s film “They Shall Not Grow Old” has been in cinemas and will be on television this weekend. It brings film footage from the first world war to life through film that has been repaired and turned to colour. The result is a whole new way of seeing that history. The faces of the soldiers look like the faces of people we know and see around us. They might have been us. They are no longer remote, historical people.

The story told through the film is also remarkable. It surprises us in every way, and sometimes in uncomfortable ways. We do not expect to learn that men were enthusiastic and keen to join up and go to France, but they were. We do not expect men to say that they enjoyed much of their life in the Army in the war, but they do. We are sad beyond belief to know that, when they returned to Britain in 1918, many were devastated that their families did not want to hear their stories and find out what they had gone through, the lives lost, and the hell of war.

That is the point of remembrance this week—to hear, to listen to and to learn of those who served

their country, whether they were conscripts or volunteers, and to remember their sacrifice.

Wilfred Owen described the mechanised slaughter of the western front as being “as obscene as cancer”. The Scottish Poetry Library ran a public competition to choose whose words should be engraved on a new monument to commemorate the first world war. The lines that will appear on that monument are taken from Neil Munro’s poem, “Lament for the Lads”:

“Sweet be their sleep now wherever they’re lying,  
Far though they be from the hills of their home.”

13:18

*Meeting suspended.*

14:30

*On resuming—*

## Care Homes (South Lanarkshire)

**The Presiding Officer (Ken Macintosh):** The next item of business is a members' business debate on motion S5M-14123, in the name of Monica Lennon, on "South Lanarkshire Care Homes Under Threat". The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament understands that South Lanarkshire Council plans to reduce the number of its care home facilities; notes that the first phase of these plans includes the closure of McWhirter House in Larkhall and Kirkton House in Blantyre; considers that the proposed new community hub facility at the St Joseph's site in Blantyre is not a like-for-like replacement and that this will result in a reduction in the number of long-term residential beds; understands that the closure of McWhirter House will leave Larkhall with no council-run care facilities for older people; believes that council-run care provision must remain a vital part of the delivery of residential care for older people and that the ageing population requires a shift in the model of care in South Lanarkshire and the Central Scotland region; recognises that the reliance of the older population on care is likely to increase in coming decades; acknowledges calls that this should be achieved without a reduction in the availability of long-term council care beds and with the support of the community; is concerned at reports that there has not been meaningful consultation with care home staff, trade unions or the communities that are affected by the plans; acknowledges in particular the concerns raised by the GMB, and notes the calls for the SNP administration in South Lanarkshire to halt the planned closures.

14:30

**Monica Lennon (Central Scotland) (Lab):**

Ensuring good quality of care for older people who can no longer live at home and who need to live in a care home setting is an issue that should be important to us all, but such provision is at risk in part of the region that I represent.

On a positive note, South Lanarkshire Council has an excellent reputation for the eight council care homes that it operates—in 2016, it was rated the best residential care provider in Scotland by *Which?* magazine. However, South Lanarkshire Council is under new management, and the Scottish National Party administration wants to close down some of those fantastic care homes. Despite repeated pleas from Scottish Labour councillors, the residents, their families and trade unions such as the GMB and Unison, on behalf of their members who work in the homes, the council is refusing to listen to the case for keeping Kirkton house in Blantyre and McWhirter house in Larkhall open. I see that some of those care home workers and campaigners are in the gallery, where they are joined by Councillor Lynsey Hamilton and the MP for Rutherglen and Hamilton West, Ged Killen.

As a member of the GMB trade union, I refer to my entry in the register of members' interests.

The council claims that the care homes will be replaced by a new facility at the St Joseph's site in Blantyre. Although it is welcome that the new Blantyre hub will include transitional care beds and services to help people who are able to return to their own homes, it is not a like-for-like replacement. It will not help people like Hugh Brady, a McWhirter's resident who needs long-term residential care. So, the new SNP administration is making its mark, but not in a good way. It has made a deliberate choice to disinvest in long-term, council-run care, but it has not had the courage to be straight with the public.

In the fight to save McWhirter house, I had hoped that the people of Hamilton, Larkhall and Stonehouse would have found an ally in our constituency MSP, Christina McKelvie, but she refuses to condemn the council's decision to close the care home. I have written to Christina McKelvie twice to ask her to speak out against the closures and to invite her to debate the matter publicly in the constituency. I congratulate Christina McKelvie on her recent appointment as the Minister for Older People and Equalities. She will undoubtedly be under pressure to toe the party line, but I must ask what good a minister for older people is if she cannot even stand up for the older people in her own constituency—the people who gave her the privilege of being a member of this Parliament in the first place.

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** Will Monica Lennon take an intervention?

**Monica Lennon:** I must continue, because I am struggling with my voice and it is affecting my timing.

The facts support the retention of the care homes. South Lanarkshire's older population—those over the age of 75—is forecasted to increase, and research anticipates that by 2035, demand for care homes across the United Kingdom will have increased by a third. South Lanarkshire Council is making a dreadful mistake by reducing the availability of long-term, council-run residential care beds. When we have an ageing population and the likely need for care homes is set to increase, we should be doing all that we can to increase the availability of council-run, publicly owned and publicly accountable care. That is why the previous Labour administration in South Lanarkshire set aside £18 million to invest in our care homes rather than close them.

The council says that it wants to support people to remain in their homes for longer. Who would disagree? However, for many older people, staying in their own home is just not possible. I am



extremely concerned about the consequences of cutting the long-term bed numbers, especially when delayed discharge remains a pressing problem in our area, with older people trapped in hospital for longer than necessary because of insufficient care availability. That is bad for older people and expensive for the national health service.

The way that the council has managed and communicated the decision has been extremely poor. I am told that some of the staff and the families of the residents at Kirkton and McWhirter's first heard of the plans in our local newspaper, the *Hamilton Advertiser*. There are more than 90 members of staff between Kirkton and McWhirter's, the majority of whom are female and work part time, many with their own caring responsibilities. Simply stating that they will be redeployed elsewhere is little comfort to a hard-working care workforce. There is zero clarity over what will happen to the residents and the staff when the homes are closed.

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** Nonsense.

**Monica Lennon:** Mr Stevenson does not represent Lanarkshire, but let me tell him about Hugh Brady, who is 92 years old and who is living with dementia and a number of other health conditions. McWhirter's in Larkhall is his home. His daughter Anne, who has been tenacious in trying to get answers from the council, has said:

"I have had various meetings with different people, but still I am no further forward with a time-scale"—

**Stewart Stevenson:** As the member has named me, will she take an intervention?

**Monica Lennon:**

—"and what care they hope to provide for my father. My dad has worked hard all his life and it was not an easy step to have him cared for in a home, but he is settled there and very happy. I, like many others, feel let down and I'm losing sleep over what will happen next."

I have to say, Presiding Officer, there is often a robust debate in the chamber, but it is very rude of members to interrupt when I am reading a direct quote from a daughter who is worried about her 92-year-old father.

There is no good reason for closing down quality care-home beds at a time when we have an increasing reliance on them. The SNP in South Lanarkshire is willing to shut down older people's care homes rather than speak out against austerity budgets and fight for a fair settlement for the people of South Lanarkshire. I will never stop standing up for my constituents on this important issue, even when others such as Christina McKelvie, wherever she is today, do not seem to have the courage to fight for them. The SNP in South Lanarkshire must start listening to the

people and act immediately to save our care homes. *[Applause.]*

**The Presiding Officer:** I encourage members in the gallery not to applaud—sorry, I encourage members not to applaud as well, but I encourage people in the gallery not to applaud or intervene.

14:38

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** I can associate myself with Monica Lennon's comments about her voice and having a sore throat, as I, too, am carrying a cold, but I am afraid that that is probably the only association that I will make with her today.

I declare an interest, in that I was previously employed by South Lanarkshire Council. I believe that that is important, because I have great respect for the ethos in the social work department there. I did not work in older people or adult services, as I spent my 12 years there working across children and families and justice services, but there was always close working between teams. Perhaps most important for the debate is the focus on care in the community, whether in working with families to support children, in steering folk away from custody in the justice setting or in meeting the needs of older adults in their own homes.

That is the key. The motion that Monica Lennon has brought to the chamber shows a lack of understanding of the health and social care system in the very person who Labour says would be in charge of the area if Labour was in government. Thank goodness that we have an SNP Government. There has been a national shift in priority from residential care to care at home, which is universally agreed by all parties and experts to be better for those who are in residential care homes and their families. As we move more people into care at home, the requirement for long-term beds goes down. The important thing is that a proper plan is in place when doing that.

I have spoken to officials at South Lanarkshire Council and I am told that the closure of the two care homes that Monica Lennon has mentioned, which are not up to a sufficient standard to meet Care Commission requirements, will be offset by the opening of a new modern facility locally that will have a mixture of long-term and intermediate spaces.

I heard the issues that Monica Lennon raised about the staff, whom I, too, welcome to the chamber. I hope that the council will work with the staff to redeploy them and achieve a satisfactory outcome for them.

In contrast, the Labour administration in North Lanarkshire Council decided to close Monklands house in Plains—I admit that that is not in my constituency, but in Alex Neil's—with no plans for the people who reside there, for the staff or for respite care for local people.

In her attempts to play politics with the issue, Monica Lennon would have us believe that the decision in South Lanarkshire was taken to save money, but service users' wellbeing is the most important factor for any healthcare professional. I truly believe that the politicians who take such decisions base them on the experts' advice. Let us not forget that the decision was taken not only by politicians but by the equal representation on the integration joint board of health board members.

When deciding whether to advocate for IJBs across Scotland to increase the number of long-term residential care facilities rather than pursue the current focus on getting people back into the comfort of their own homes, we should all reflect on the fact that, for every 10 days that someone spends in a hospital or care home bed, they lose the equivalent of 10 years' worth of muscle capacity.

This stunt by Monica Lennon is even more embarrassing when we dig a little deeper into the process that led to the decision.

**Monica Lennon:** Will the member take an intervention?

**Fulton MacGregor:** I have to finish.

In 2016, South Lanarkshire IJB agreed its strategic commissioning plan, which included the shift of focus from residential care to intermediate care and care at home. Presiding Officer, I am sure that you will be as surprised as I was to learn that the four councillors on the IJB at that time were from the ruling Labour group, and the chair of the board was the Labour deputy council leader, Councillor Jackie Burns.

There are eight council-operated residential care homes in South Lanarkshire. The recent decision by the IJB means that the number will fall to seven.

**Monica Lennon:** Will the member give way?

**Fulton MacGregor:** No—I have a lot to get through.

In Labour-controlled North Lanarkshire, there were until last month two council-operated care homes. That figure has just dropped to one. Why is Monica Lennon not lodging motions about North Lanarkshire having one home? To its credit, North Lanarkshire is way ahead of most areas in shifting the balance of care from residential homes to the community.

That said, the Labour Party's recent decision to remove the automatic entitlement of over-75s to a community alarm—a decision that the SNP and even the Tory member of the IJB opposed—is questionable to say the least. Surely community alarms are an integral part of keeping people in their own homes. For SNP councillors to have to rely on the support of Tory members against Labour in North Lanarkshire is unthinkable. It is right that we want people to stay at home whenever possible, and we should give them all possible support to do so.

This is not a debate that was required. We should work together to make community care as effective as possible and praise our services, which work tirelessly to make that happen.

14:42

**James Kelly (Glasgow) (Lab):** I congratulate Monica Lennon on securing the debate, which is on an important issue for people in Larkhall and Blantyre. The purpose of members' business debates is to allow members to raise local concerns in the chamber and have the Government account for the decisions that have been taken.

The decision in South Lanarkshire will have an impact on people in Blantyre and, as a Glasgow regional list MSP who covers the Blantyre area, I know that people are deeply concerned about the closure of Kirkton house, which is why campaigners and staff are in the gallery, joined by Ged Killen, the local MP, and Councillor Lynsey Hamilton. People see the impact of having a home based in the Blantyre area that can look after their relatives and friends, and they see the signal that is being sent about the home closing.

The decision has two flaws. First, it is one thing to say that Kirkton house will be replaced with a hub on the St Joseph's site in Blantyre but, if the hub has 100 fewer units, the care facility will be substantially reduced. The decision is also short sighted. In the past couple of days, a report from the Finance and Constitution Committee and the Fraser of Allander institute budget event have raised the important issue of demographics and Scotland's growing elderly population, so why is a care facility being closed and replaced with a hub that will have substantially fewer units?

**Fulton MacGregor:** Will the member also condemn the decision of Labour-run North Lanarkshire Council to reduce the number of its care homes to just one?

**James Kelly:** I will tell the member what I will condemn: we are in this situation because councils have had to face £1.5 billion of accumulated cuts since 2011. The reason for that is that, every year when it comes to the budget,

MSPs such as Fulton MacGregor and Keith Brown press their buttons for a budget settlement that penalises local government and introduces cuts. That is the scandal of this SNP Administration. When we come round to the budget settlement this year, if SNP members have any guts, they will stand up for their communities and argue for a budget that stops the cuts and supports local government.

It perplexes me to see that the minister responding to the debate is Graeme Dey, the Minister for Parliamentary Business and Veterans. Given that this is an important debate on the closure of care homes, why is nobody from the Government's older people or health teams responding to it? The two MSPs concerned are Christina McKelvie and Clare Haughey—they are part of the relevant ministerial teams—and it is disappointing that they are not here to account for the Government in this debate of all debates, particularly when we have local people and campaigners in the gallery. I do not think that the SNP Government is treating the debate or the issues that it raises properly.

Monica Lennon deserves great credit for raising an important issue. I know, from the strength of feeling in Blantyre and Larkhall, that the campaign will go on. Labour will continue to press the case for proper care facilities and will oppose the closure of McWhirter house and Kirkton house.

**Neil Findlay (Lothian) (Lab):** On a point of order, Presiding Officer. I wonder whether you could help me and my colleagues. I think that this is the first time—it is certainly the first time that I have seen it in a members' business debate—that no minister for the relevant portfolio has come before Parliament to respond to a very serious debate. There are people in the gallery and in the community who are extremely concerned about the closure of care homes in their area. It is a huge discourtesy that a Government minister has not come before the Parliament to take part in the debate and, if necessary, answer questions on such an important issue.

I wonder whether you could help us, and the people who are being done a disservice. Is there anything that you can do to bring the Government here to be held to account for its budget decisions?

**The Presiding Officer:** I thank Mr Findlay for his point of order. It is up to the Government to decide which ministers to put forward. The Minister for Parliamentary Business and Veterans is, in many cases, responsible for a number of areas; it is not unusual for that minister to respond to members' business debates.

I call Graham Simpson to be followed by Claudia Beamish.

**Keith Brown (Clackmannanshire and Dunblane) (SNP):** On a point of order, Presiding Officer. I seek your guidance. I understand that, these days, members' business debates are much more like political stunts and much less like members' business debates than they used to be.

James Kelly said that he condemns the decision of the Scottish Government in relation to this matter, but the decision was taken by a council—in fact, it turns out that it was taken by previous Labour councillors, one of whom is present today. Given that that is the case, why are Labour members allowed to say that this was a Government decision, when it is plain, even from the terms of the motion, that it was a decision that was taken by the council?

**The Presiding Officer:** That sounded entirely like a point of argument, not a point of order. It is not something for me to rule on.

I call Graham Simpson to be followed by Claudia Beamish.

14:49

**Graham Simpson (Central Scotland) (Con):** Thank you, Presiding Officer—eventually. I thank Monica Lennon for securing the debate. I signed her motion to allow it to get to this point, which is important.

Monica and I were councillors in South Lanarkshire. I was on the social work committee of what was a Labour council, albeit it with support from the Conservatives. At the time, we saw the launch of a project that would start to change the model of care for older people—reshaping care for older people was trialled at Hairmyres hospital in East Kilbride. The thinking behind it was that it is far better to help older people to live independently or to be looked after in their own homes than it is for them to be in a hospital or care home. All the evidence shows that that is better for patients, and it is what most people want. There are also savings to the public purse—but as a result of doing the right thing and not for the sake of saving money.

The pilot, which was undoubtedly a success, started under the Labour council of which I and Monica Lennon were key members. I supported the pilot and, presumably, so did she. The reduction of care home facilities may be happening under an SNP Administration that is proving easy to criticise on many things but, on this, it is continuing a direction of travel that has been some years in the making.

**Monica Lennon:** For clarification—because there have been a few references to this, including from Fulton MacGregor—does Graham Simpson accept that to date the only votes on these specific

care home proposals took place at June's meeting of South Lanarkshire Council social work committee? That is where the decision was taken.

**Graham Simpson:** I do not dispute that, but I am saying that the direction of travel started some years ago, under Labour.

There has been a further pilot this year to focus on intermediate and transitional care beds in homes in South Lanarkshire. Fifty-six of the 80 people supported were able to return home, which is impressive. That model, which gives people more choice and control over their lives, can help more than three times the number of elderly people who are helped under the current system of residential care. That has got to be a good thing.

The motion focuses on the closure of McWhirter house in Larkhall and Kirkton house in Blantyre and says that

"the proposed new community hub facility at the St Joseph's site in Blantyre is not a like-for-like replacement".

The model of residential care in South Lanarkshire Council care facilities has provided an excellent service over the past 20 years, but the model itself has remained largely unchanged in that time and has not kept pace with changing demand. The new facility would have the potential to offer a service to 261 people who are at risk of hospital admission or who require support to return home post hospital admission—that is three times the number of such people in care facilities. The closure of the homes is just phase 1 of a new model of care; proposals for the next stage are yet to be worked up.

Increasingly, trends show that people in need of long-term care have their needs better met in a nursing home that offers clinical care. Council care homes do not have on-site, 24/7 clinical support. This is actually about increasing choice. In the future, the council will be able to deliver a mixture of residential, transitional and nursing care provision. Transitional care beds were not previously an option.

It is easy to criticise councils—particularly when they are not of our political persuasion; we can make capital out of it—but we must do so for the right reasons. I think that South Lanarkshire Council is on the right track here and, as I said earlier, it is a well-trodden path that started under Labour.

14:53

**Claudia Beamish (South Scotland) (Lab):** I, too, thank Monica Lennon for bringing the motion for debate.

We urgently need investment in our social care system. As we all know, demographics are

changing: people are living longer and the population is aging. Because of that, and in the face of a decade of SNP cuts to council budgets, local authorities are struggling to manage care packages in the community. Scotland's social care system is bulging at the seams.

A month ago, I was contacted by a constituent in Midlothian whose local authority could not provide the care package agreed by social services. My constituent was told that, with current resources, social services could not provide any more care. The situation was finally resolved and the care package was met, but not without months of uncertainty for the constituent and their family. What of others who are in a similar trap?

Increased care at home is part of the solution to increasing demand for social care. However, I highlight the comments of Graham Simpson, in that it seems that some people are saying that they will close what they already have and then analyse what they need to do more widely in future. However, that is causing enormous anxiety to people who are at present resident in our care homes in South Lanarkshire, which is not on.

I question the notion that many people who are currently living in a care facility would be better cared for at home—I stress the point that I am talking about people who are currently living in a care facility. It seems to me that most of those people went into a care facility or care home because they were no longer able to cope at home, with carers making shorter visits or unpaid carers no longer able to look after them. I know something about that, as does Graham Simpson, as we were co-conveners of the cross-party group on carers, although he has now had to resign.

McClymont house in Lanark is another such precious facility, which is very much valued in Lanark and the rural community around it. The hub-and-spoke method that is proposed for South Lanarkshire must not be an excuse to cut beds and reduce resources now, before there is a clear and broader future care plan.

We are at the tipping point for social care. Yes, people often want to stay at home, and they should be able to when that is practical and safe. There are even polls that show that people would prefer to pass away at home. However, the facilities must be there to make that possible, with the ability for more medical interventions to take place at home. Fuel poverty is also a real issue for elderly people who live in houses that are inadequately heated.

A local councillor recently told me the story of a 70-year-old constituent who is looking after her 86-year-old mother who has dementia. It is people like that who are worried sick about their future.

The kind of care home facilities that Monica Lennon was talking about need to be kept open.

**Fulton MacGregor:** Will the member take an intervention?

**Claudia Beamish:** I am sorry—I have not got time.

We need investment now to improve care in the community, and we need longer visits with more structured care at home. Some interesting approaches, which I do not have time to go into today, are being explored or are happening in other countries. I saw a BBC documentary about a Dutch system that has students living in a nursing home and offering support in return for reduced rent. There are positive intergenerational effects, including tackling loneliness and isolation and helping to tackle depression in both the older and younger people. Social cohesion can be significantly supported by such sharing of experiences and life perspectives.

However, while we must look to the future for all our sakes, not just across South Lanarkshire, but in urban, rural and the whole of Scotland, the fear that the consultation on this particular arrangement has put into people simply has not been fair, as I understand it from the people who have spoken to me. A proposal was put to people and that was it; there was no choice or discussion. What has happened in South Lanarkshire, with the care homes that Monica Lennon has highlighted, and in Lanark, with the concerns about McClymont house, is not acceptable.

I support the motion.

14:58

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** I am glad of the opportunity to speak in the debate and I thank Monica Lennon for providing the opportunity for us to have a broader-based discussion about how we support older people in our community. I do that from the perspective of being the only person in the chamber who is in his eighth decade. I am, therefore, perhaps most directly thinking about what my future may be in the event of my health deteriorating to the point that I need that kind of care.

I will make a few points of common cause with Monica Lennon at the outset, to show that we need not focus simply on what might divide us, but on what might unite us. It is entirely proper that Monica Lennon should bring forward a matter of constituency interest; I do not agree with all those members who might have suggested otherwise. She was also entirely correct to raise the issue of a 92-year-old with dementia. There are some very special needs for people with dementia that it is

worth considering for a second or two. They are—in general terms, because dementia comes in many forms—people who are relatively intolerant of any change, however small it may be. They are people who require a regular routine and certainty and whose ability to understand change—however well intentioned it may be—is more limited. Therefore, it is correct to refer in the debate to individuals who may be affected by change.

**Monica Lennon:** Will the member take an intervention?

**Stewart Stevenson:** Forgive me, but I am going to speak very briefly.

Claudia Beamish said, quite correctly, that we need to look at longer visits by carers—I think that that is a Scottish issue—and more care at home. I fundamentally agree with her on that, and on the need to look at Scotland as a whole.

We need to give a bit of context to this, and the context is undoubtedly that we are making progress. If I recall the number correctly, there has been a 37 per cent reduction in what is commonly called bed blocking, which means that we have an opportunity to look at matters in a different way. In the context of the existing care homes being criticised by the care commission for their provision, the option to do nothing is not available to the council, as it would similarly not be available to councils across Scotland.

I will close my short contribution by saying that the difficult matters that affect those individuals in our community who are in the greatest need are best conducted by building coalitions of interest. I worked with Tam Dalyell—a man with whom I had fundamental disagreements on a wide range of issues, but with whom I had an excellent personal relationship—many times on matters of joint interest. For example, Tam and I worked together when someone was about to be thrown out of the UK by the Home Office in 1999 and that person is still in the UK. That is because we were able to put our political differences to one side and put the needs of our constituents at the heart of our concerns.

In conducting the debate and taking the issue forward, I encourage us all to focus less on our differences than on the commonalities, which may help in the constituencies of Monica Lennon, James Kelly and other MSPs who represent the area. The issue is difficult but it needs attention, and we will have to make change and adapt to changing needs, changing responsibilities and different models of care.

15:02

**The Minister for Parliamentary Business and Veterans (Graeme Dey):** Whatever else the

debate has achieved, it has highlighted the vital role that care homes play in supporting people to live well in a supported, homely setting. Care, in all its guises, is something that the majority of us have had some form of personal contact with. It is an extremely important issue. It was therefore disappointing to note the tone that was set by Monica Lennon and her exploiting of the issue to launch a personal attack on another MSP, motivated by party politics. I would gently encourage her to reflect upon that point.

I acknowledge the more measured and considered approach that was taken by Graham Simpson and indeed Stewart Stevenson. Graham Simpson rightly pointed out that this is about doing the right thing. I want to continue the tone that was set by Graham Simpson and pay due respect to an issue that I recognise matters to many people.

The role of care homes is changing—that is a fact—and services are being redesigned to take account of our ageing population, who are living longer but not necessarily healthier lives; the number of older people with complex needs has increased.

Our models of health and social care need to change to ensure that we better meet the needs of an ageing population. That is why we have integrated health and social care and that is why this Government has taken steps to protect and grow services and integration by investing more than £550 million of resource.

At its heart, integration is about ensuring that people get the right support, in the right place, at the right time. Integration authorities are now responsible for almost £9 billion of funding to plan health and social care services so that they are sustainable in the long term.

**Monica Lennon:** Will the minister give way?

**Graeme Dey:** No, I will not—I am sorry.

**Monica Lennon:** Will the minister give way?

**Graeme Dey:** Monica Lennon refused to take interventions from any members; I am going to continue.

South Lanarkshire's integration authority is one of many that are redesigning services in that way. It has put forward proposals to ensure that more people can be supported to live well in their communities. At the core is a commitment to redesign a number of care facilities to provide more short and intermediate rehabilitation care, with the aim of preventing prolonged delays in hospital and inappropriate admission to hospitals or residential care.

As Graham Simpson pointed out, the current model of delivery has remained unchanged for many years while the needs of local citizens have

continued to change. At the same time, half of the council-run care homes have ageing layouts and condition. Of course, it is right to point out that the demographic growth projections for South Lanarkshire suggest that the 75-plus and 85-plus population will rise year on year by 2.7 and 5.2 per cent, respectively. However, the nature of the need is changing, too, and the provision must adapt accordingly. Perhaps most important of all, feedback has highlighted people's expressed wish to remain at home and in their community, but South Lanarkshire is one of the highest users of care home beds in Scotland; it has 41 care home beds per 1,000 population, compared with 36 across the rest of Scotland.

The proposals have been subject to extensive engagement with elected members, stakeholders, staff, the unions and the public. Crucially, the integration authority directions for residential care were unanimously supported by all voting members on the integration joint board, as was the strategic commissioning plan for 2016 to 2019.

We know from international evidence that that approach is better for people. There is local evidence to back that up by virtue of a successful pilot of the model in South Lanarkshire in 2017-18, which resulted in 56 of the 80 people who were supported returning home instead of going into residential care.

It has been claimed that there will be fewer care home beds, but the new model will mean that up to three times more people will benefit from the new service compared with the old model. Such changes are being proposed across Scotland, thanks to the opportunities to tailor services that are opened up by integration.

As we have heard today, change is, of course, challenging. It requires leadership at all levels and appropriate engagement with service users and their families. As a constituency MSP, I have seen great examples of care model reshaping in Angus South; the new Kinloch care centre and the approach to step-down care are two such cases, and I commend those who are responsible for them. However, I have also seen day-care provision being removed in a cackhanded way that caused distress to all concerned. That reminds us all of the opportunities that are available to make meaningful change and to meet the changing need; it also highlights the need to take people with us on any change of course.

**Monica Lennon:** Will the minister take an intervention?

**Graeme Dey:** I have already indicated, Presiding Officer, that I will not take an intervention from the member.

The Government will continue to support our integration authorities to take the bold steps that

are required to redesign services that reflect the changing requirements of our population. We are committed to free personal and nursing care. Scotland continues to be the only country in the United Kingdom to provide personal and nursing care that is free of charge, and funding levels have been increased over this Government's period in power.

The debate has provided an opportunity for us all to recognise the important role of our care homes. However, it has also highlighted changing needs that require us to work differently and collectively across the health and social care sector. Integration authorities are doing just that, but they can do so only with appropriate leadership from local and national partners.

I reiterate this Government's commitment to supporting integration authorities in developing services that are responsive to the changing needs of our population. I echo the words of the South Lanarkshire Council leader, John Ross, in his recent East Kilbride news column:

"I think how we look after the elderly is one of the most important issues we face. Our proposals are designed to give older folk exactly what we know they want: to live at home and in their communities and, when necessary, they want our support to help them do so for as long as possible. No one wants to go in a hospital, and when they do, they want to go home as soon as they are fit to. They do not want to go into a care home unless they really need to, and if they do have to, they want the facilities to be as good as possible. These are the principles at the heart of the care homes modernisation programme."

I want to reflect on his final comment, which echoes the points that were made by Fulton MacGregor and Graham Simpson. He urged everyone to put people before politics on this vital matter.

**The Presiding Officer:** Thank you. That concludes our members' business debate. We will shortly move on to the next item of business, which is a statement by the Cabinet Secretary for Education and Skills, John Swinney, on the educational experience of lesbian, gay, bisexual, transgender and intersex young people. Before we do that, I wish to draw the attention of members, particularly Mr Cole-Hamilton, to the fact that I have advised members not to wear ostentatious campaign material in the chamber. I noticed that every other member has observed that guidance. If Mr Cole-Hamilton wishes to be called to ask a question, I ask him to leave the chamber and change his tie. I have nothing against the TIE campaign to which it has drawn attention, and Mr Cole-Hamilton has made his point.

## Lesbian, Gay, Bisexual, Transgender and Intersex Inclusive Education

**The Deputy Presiding Officer (Linda Fabiani):** The next item of business is a statement by John Swinney on Scotland's plan to improve the educational experience of lesbian, gay, transgender and intersex young people. The cabinet secretary will take questions at the end of his statement, so there should be no interventions or interruptions.

15:11

**The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney):** The aim of the Government's education policy is to achieve excellence and equity for all our children and young people in a high-performing education system. Equity for all can be achieved only through an inclusive education system. Today, I am delighted to inform Parliament of the progressive and world-leading set of recommendations to improve the educational experience of our LGBTI young people.

I am proud of the Government's record on LGBTI rights, but we must recognise that there is more to do. We rightly abhor homophobia, biphobia and transphobia whenever it occurs, but exclusion, isolation, underrepresentation and silence are more subtle forms of discrimination. They can be equally damaging to children and young people's health and wellbeing and have no place in our education system.

It was to address the passionate and powerful campaigning of Jordan Daly and Liam Stevenson of the Time for Inclusive Education campaign that, on 19 April 2017, the Government announced our intention to form an expert group to provide advice and recommendations on the aims and pledges of TIE. That advice, which would also include the voices of organisations that have campaigned tirelessly for LGBTI equality for decades, would provide a foundation to improve the educational experience of LGBTI children and young people in Scotland.

I am grateful to Christina McKelvie MSP, here today as Minister for Older People and Equalities, for the key role that she played during her time as convener of the Parliament's Equalities and Human Rights Committee in helping to establish the working group. Christina McKelvie has staunchly supported the aims and objectives of the TIE campaign over many years. She ensured that LGBTI issues remained at the top of the political agenda, galvanising Parliament, and, through my

party's policy process, helping to ensure that we make changes for the better.

Today, I can inform Parliament that the Scottish Government will accept in full all the recommendations of the "LGBTI Inclusive Education Working Group: Report to the Scottish Ministers". I am delighted that, in the year of young people, we can present to thousands of children and young people across the country a strong and powerful message of inclusivity, tolerance, respect and equality.

The groundbreaking report includes 33 detailed recommendations outlining how we can, in partnership, improve the educational experience of LGBTI children and young people in Scotland and hopefully provide other countries around the world with a model for improving the learning experience of LGBTI pupils.

The availability of appropriate guidance for local authorities, schools and other education providers is essential. I can confirm that the Scottish Government, in partnership with the Convention of Scottish Local Authorities, will provide initial guidance to education authorities, making it clear that education should be LGBTI inclusive and encouraging schools to work together and in partnership with children and young people to enhance LGBTI inclusion. The guidance will signpost teachers towards supporting resources.

In addition, we will work with key partners to fully update the existing statutory guidance, "Conduct of Relationships, Sexual Health and Parenthood Education in Schools", originally published in 2014, to use a thematic outcomes-based approach and to ensure that it covers themes relating to LGBTI equality and inclusion.

Those themes include understanding LGBTI terminology and identities; representations of LGBTI people and their relationships; recognising, understanding and addressing homophobia, biphobia and transphobia; and an awareness of LGBTI equalities movements. The Scottish Government will evaluate the impact of the updated guidance within five years of its publication.

To assist with the inclusion of LGBTI content in curriculum for excellence, Education Scotland will review and develop specific LGBTI experiences and outcomes, as well as benchmarks that are appropriate to learners' ages and their stages of development. Those will be developed in collaboration with schools, teachers and LGBTI organisations. Education Scotland will also work with the Scottish Qualifications Authority to ensure the appropriate inclusion of LGBTI content in the development of new or adapted course specifications and relevant guidance, which will

ensure that LGBTI inclusion is embedded across the curriculum.

I recognise and value the work that has been undertaken throughout the country by initial teacher education providers in relation to LGBTI inclusion. Nevertheless, the Scottish Government can provide additional, valuable support. Therefore, we will work with our colleagues in further and higher education to ensure a long-term sustainable approach to LGBTI-inclusive education within initial teacher education provision. That will ensure that our teachers of the future are equipped with the skills and attributes that they need to deliver LGBTI inclusion within any education setting and to better support the children and young people whose lives they set out to positively influence.

I also recognise the importance of developing suitable, career-long professional learning opportunities for our existing education staff. I confirm that the Scottish Government will fund sustainable LGBTI training that is accessible to all teachers and school staff in Scotland. We will also lead and resource a new, free-to-access, basic awareness LGBTI inclusion training course that will be suitable for all schools in Scotland. That course will be piloted in 2019 and, following evaluation, made nationally available during 2020. The Scottish Government will ensure that adequate funding is in place in order to enable those programmes to meet demand.

To ensure that all schools have appropriate LGBTI teaching resources, we will review existing resources and fund the development of new teaching resources to support LGBTI-inclusive education. Those new learning resources will focus on LGBTI curricular inclusion from the early years to the senior phase. We will also work with our partners to develop a new toolkit to enhance LGBTI-inclusive education at a whole-school level, which will help to increase staff confidence in addressing instances of prejudice and bullying and in engaging with parents and carers of LGBTI children and young people. The toolkit will build on respect for all, which is our national anti-bullying approach.

Inspection has an important role in evaluating how well schools are developing and improving LGBTI inclusion. I confirm that Education Scotland will continue to provide training for school inspectors to ensure that they are able to engage in professional dialogue about LGBTI equality and inclusion and have an understanding of what LGBTI-inclusive education looks like in different educational settings.

Those actions comprise a new national framework to support the consistent and effective delivery of LGBTI-inclusive education in all Scottish schools. The working group



recommended those actions as an alternative to legislation as it believes that they are achievable by the end of the current parliamentary session. The Scottish Government will consult the working group on further measures should progress be insufficient within that timescale.

The Scottish Government and COSLA have demonstrated, through the successful implementation of the school clothing grant and educational psychologists' training, that swift and effective progress can be made through partnership working in the place of legislation.

As outlined in the debate in the chamber in April last year, action is needed now. The Scottish Government and COSLA will shortly plan the practical delivery of the recommendations. The working group recognises the Government's desire to implement its recommendations as quickly as possible to ensure that they are implemented before the end of the current parliamentary session in May 2021. Therefore, the group will reconvene as an implementation group to drive that work forward and to provide accountability and oversight.

I am aware that some might say that LGBTI-inclusive education could undermine the values of their faith or beliefs. I do not take that view. Human rights and the values of respect and tolerance are universal. Children and young people should feel happy, safe, respected and included in their learning environment, and all staff should be proactive in promoting positive relationships and behaviour in the playground, classroom, wider learning community and society. That is central to the delivery of the curriculum for excellence and the implementation of getting it right for every child. Education remains by far the most effective means that we have to improve the life chances of all young people. The actions that I have outlined will ensure that all young people have the opportunity to excel in a way that works for them as individuals. I am confident that that is the right approach for Scotland so that we continue to get it right for every child.

Finally, I thank each member of the group, and all who have contributed over the past year, for their energy, commitment and determination to improve LGBTI-inclusive education. Reaching consensus among such a diverse group was not easy. Individuals understandably came to the table with their own perspectives, priorities and concerns. Around that table, there was great strength of feeling, which was driven by the passion and importance that individuals attach to their work and their roles—and nobody is wrong to feel like that. However, through a process of patient and respectful dialogue, members of deeply varied perspectives unanimously agreed the delivery of a world-leading set of

recommendations that will make a real difference to the educational experience of not just LGBTI young people, but all children and young people in Scotland. That is an immense achievement that each member of the group has contributed to, of which each member should be immensely proud and that Parliament should value, commend and embrace.

One of the most enduring and, for me, inspiring characteristics of Scottish society is our belief in equality. It is the beating heart of our country's approach to education. It is a value that is enshrined in our approach to social security. It drives our route to creating an inclusive economy. It is central to the importance that we attach to our human rights. Today, we take another step forward, by ensuring that all our children and young people will have the opportunity to better appreciate LGBTI issues within our education system, and our country will be the better for it.

**The Deputy Presiding Officer:** Before we move on, I say to the people in the gallery that we do not allow clapping, cheering or jeering, so please refrain from doing so.

The cabinet secretary will now take questions on the issues that were raised in his statement, for which I intend to allow about 20 minutes. I invite members who wish to ask questions to press their request-to-speak buttons.

**Annie Wells (Glasgow) (Con):** I thank the cabinet secretary for advance sight of his statement.

As someone who has been on board with improving the education experience of LGBTI young people since day 1 of my being a member of the Scottish Parliament, I sincerely welcome today's statement. I, too, record my thanks to the individuals and organisations who have helped us to reach this point.

I appreciate that the aim is to ensure that the report's recommendations are in place by the end of the parliamentary session. However, when does the cabinet secretary expect us to see a published timetable for implementation? How will the Scottish Government ensure consistency across all local authorities, and that the approach is not led just by individual teachers and headteachers who are passionate about the cause?

Will teacher training be mandatory and accessible to all school staff? Finally, will parliamentarians have the opportunity to review progress regularly, in an entirely transparent process? At what stage will the cabinet secretary step in if not enough progress has been made?

**John Swinney:** I thank Annie Wells for her endorsement of the direction of travel. I assure her now—as, I hope, my statement did—that the

Government and our partners who have worked with us to produce the report are serious about ensuring that the recommendations happen, and as quickly as possible. The nature of the recommendations from the working group is that early and swift progress should be made. I embrace that as an objective. I assure Annie Wells that we will come to Parliament with a timetable for implementation as soon as we agree it with our partners.

As I have said, the working group will continue to oversee the process as the implementation group. I suspect that if there is any slacking in the timescale, I will hear about it not only from Annie Wells but from the implementation group—and rightly so.

As for consistency across all local authorities, that brings us to the nub of some of the dilemmas that we in this institution wrestle with all the time. The Government sets out guidance and looks to local authorities to take it forward in a consistent fashion. However, there are checks and balances in the system, such as the inspection role that is played by Education Scotland, which can give feedback on whether practice is changing on the ground in our school community.

Training will, of course, be accessible to all staff. I am in Parliament's hands as to the amount of information that it wants on the matter. I am happy to report to Parliament periodically by placing information in the Scottish Parliament information centre. Perhaps we should also, in due course, use Government time for a debate to enable us to take stock and to see whether sufficient progress has been made. I give Annie Wells a commitment on behalf of the Government to doing all that we can to move swiftly on the agenda.

**Iain Gray (East Lothian) (Lab):** I, too, thank the cabinet secretary for early sight of his statement.

I begin by associating the Labour group with the cabinet secretary's praise for Jordan Daly, Liam Stevenson and the TIE campaign, which was not only powerful and passionate, but tactically astute and carefully cross-party. As a result, it has—as we have heard today—been very effective indeed. The formation of the Government's expert group and the Government's acceptance of the group's recommendations should certainly mean that we will make a significant stride forward in LGBTI young people's right to a fair, inclusive and equal educational experience, safe from bullying and discrimination. We can all be proud of that, and no one more so than Liam and Jordan.

I have two questions for clarification. First, what resource does the cabinet secretary envisage will be made available to cover in-service training, learning materials and other costs? Secondly, when the cabinet secretary says that he will work

with key partners to update statutory guidance for schools, which key partners does he mean and can he assure us about the breadth of that engagement?

**John Swinney:** On resources, the costs will be conditional on the manner and method of implementation, so we will take time to discuss with our local authority partners how best to proceed. Consistent with my answer to Annie Wells, I say that I am happy to come back to Parliament in due course to share that information.

As for further guidance, I have tried to take as broadly inclusive an approach as possible, and I am profoundly grateful to organisations of various backgrounds and perspectives for coming together to take forward the agenda. That is the spirit in which I want to proceed in the further stages. I think that that is by far the healthiest way to proceed.

Our local authority partners will be absolutely central in implementation of the agenda, as will our work with professional associations, interested stakeholder organisations and the implementation group, with which I continue to work. I assure Parliament that I intend to be as inclusive as possible in order to ensure that we reach the kind of agreement on how to proceed that we have already managed to reach in order to get to this point.

**The Deputy Presiding Officer:** A lot of members wish to ask questions, so I ask everyone to be concise in their questions and answers.

**Ruth Maguire (Cunninghame South) (SNP):** I support the TIE campaign, because I believe that our young people have the right to see themselves and their families being respectfully and honestly reflected in what they are taught in school. I agree with the cabinet secretary that human rights and values of respect and tolerance are universal.

How will the Scottish Government monitor private schools to ensure that their provision of relationship, sexual health and parenthood education is inclusive, appropriate and respectful and, which is important, that it meets the needs of all the young people who are in their care?

**The Deputy Presiding Officer:** That was a very good question, but it was hardly concise. [Laughter.]

**John Swinney:** I will try to do slightly better, Presiding Officer, so that I do not incur comments like that.

Education Scotland obviously has a role in undertaking school inspections of private schools, and the issues that I have raised and the perspectives that I have brought to Parliament will be reflected in inspections. In many respects, independent schools have a lot of good practice in

this area. A number of independent schools have been recognised with LGBT Youth Scotland gold charter awards as an indication of their commitment to the agenda, and I am quite sure that independent schools will wish to be part of the inclusive approach that the Government is taking.

**Jamie Greene (West Scotland) (Con):** Although the fact that we need statements like today's still saddens me, the fact that we have had it greatly encourages me, so I thank the cabinet secretary for his words today.

I want to push a little bit further and get clarification. The guidance and training that have been announced today will be mandatory in all schools for all teachers and school staff. If the cabinet secretary is not happy that the spirit behind today's announcement is being delivered in practice, will there be additional legislative options available to him to ensure that every pupil in every school receives the support that they deserve?

**John Swinney:** Jamie Greene's question gets to the nub of some of the challenging issues in how our education system operates. As I have rehearsed in Parliament on various topics, our education system operates on the basis that we create a framework within which individual schools operate, and we expect individual schools to operate in a way that is consistent with that framework, but without all individual schools having to deliver exactly the same practice, because the context will vary from school to school.

Two elements should give Parliament confidence. The first is that we have gone to great lengths to create an inclusive process across all the different perspectives to get us to the strongest point of agreeing the framework. We have now reached that point, and I very much welcome the fact that Jamie Greene also welcomes the process.

The second thing that should give us confidence is that the guidance that we take forward on all aspects of education is, in my opinion, broadly taken forward by individual schools. When we look at Education Scotland inspection reports—I see them every single week of my life, as they are published—we see that they demonstrate how schools are operating within the framework of the advice that we give, and we expect schools to be able to do that. I hope that that gives Parliament some confidence.

On the final question about what other mechanisms are available to me, there is always the mechanism of legislation that we can enforce. The approach that we are taking now allows us, however, to get on with things faster than that. We demonstrated with school clothing grants that we could within six months go from identification of

the challenge to a solution. That is the kind of pace that I want to set to advance this process.

**Monica Lennon (Central Scotland) (Lab):** The news from the cabinet secretary is very welcome. I led a debate in Parliament on the TIE campaign last year to promote its aims, and today's statement is a monumental victory for the vibrant campaign that has been led by Jordan Daly, Liam Stevenson and others.

Does the cabinet secretary agree that it is crucial that the momentum behind the TIE campaign be not lost? How will the Scottish Government help to ensure that the movement to secure long-lasting change in our society continues to go from strength to strength?

**John Swinney:** The measures that I have set out today in responding to and accepting all the recommendations of the working group are designed to give us that opportunity to proceed and to advance in the matter. I have put in place sufficient checks and balances to ensure that that is the case, but as I said in my response to Annie Wells, I will be happy to come back to Parliament in due course for a stocktaking debate, using Government time, to assess progress and to ensure that the commitments that have been made are being reflected by practice on the ground.

In fairness to many of our schools around the country, I say that I already see a lot of practice on the ground reflecting the commitments. I say with the greatest of respect to the working group that many schools have not waited for its fine words and have already embarked on that activity. I saw some fabulous work in that respect at Prestwick academy when I was there last week, and I see it in many other schools across the country. Kirkcaldy high school has just won a prestigious award from the Convention of Scottish Local Authorities for work that it has done on LGBTI awareness, and I had the opportunity just the other day to congratulate the headteacher on the school receiving that award.

**The Deputy Presiding Officer:** I remind members to be brief.

**Jenny Gilruth (Mid Fife and Glenrothes) (SNP):** I, too, welcome the statement this afternoon, both as a member of Scotland's LGBTI community and as a former teacher.

Under curriculum for excellence, health and wellbeing are the responsibility of all. Therefore, how will the Scottish Government ensure that all teaching staff have the necessary knowledge, skills and expertise to deliver LGBTI-inclusive education in every single one of Scotland's secondary schools? Will the Government seek to monitor the impact of any agreed training on people's experience of their educational journey?

**John Swinney:** There are two critical aspects to how we proceed in relation to teacher education. First, we must ensure that initial teacher education is correctly focused to accommodate all those questions. That will be a priority for new teachers. Secondly, many current members of staff will require support. I was very pleased to see the comments made by the Educational Institute of Scotland, which recognised the approach that the Government intends to take to support its work.

On Jenny Gilruth's point about the opinions of pupils, a priority that I am keen to develop is the strengthening of the pupil voice in our education system. I see many strong elements of the articulation of that pupil voice during the time that I spend in schools. I saw that vividly yesterday at Newbattle high school in Midlothian. I would expect to hear that articulation of pupil experience through the channel of pupil voices—it is vital that we listen to and hear that experience.

**Ross Greer (West Scotland) (Green):** I congratulate Jordan Daly, Liam Stevenson and everyone who has delivered something that will not just transform lives but save lives. The cabinet secretary says that Education Scotland will continue to provide training for school inspectors, but will that training change in line with the higher expectations that we now have for our schools? Will the framework for inspections change as well as the training for inspectors?

**John Swinney:** The framework for inspection reflects the priorities that we expect to see in Scottish education, so that change will follow from the statement that I set out to Parliament today.

On the support for inspectors, we want to ensure that our inspectors assess whether the education system is consistent with the frameworks that we have in place on this important question, as they do on all activities.

**Alex Cole-Hamilton (Edinburgh Western) (LD):** I congratulate those involved in the TIE campaign and I look forward to celebrating with them all later.

Is the cabinet secretary aware of the unspoken pressure that is still felt by some teachers in Scottish faith schools to avoid inclusive education, which is caused by the tension that is felt to exist between the promotion of LGBTI rights and the teachings of the church? Further to Ross Greer's question, will the cabinet secretary expand on the working group's recommendations 30 and 31, so that the delivery of inclusive education is a key standard against which schools are scored in the inspection regime?

**John Swinney:** First of all, I want to make it crystal clear that schools are not scored. That is a very old-fashioned concept—if I may say so to Mr Cole-Hamilton. The purpose of inspection is to

assist schools in improving performance to meet the needs of young people as described in the frameworks of education. That is the purpose of inspection.

In relation to the issues in faith schools, I have been deeply appreciative of the breadth of opinion that has come together in the working group. In my statement, I highlighted the fact that the working group includes people from very different perspectives and backgrounds. The success of the working group is that members of the group, including the Scottish Catholic Education Service, have been able to reach a point of agreement. That is deeply valued by the Government and I commend every organisation that contributed to that work. That indicates the willingness of everyone across the broad cross-section of education to make progress on the vital issue of LGBTI-inclusive education and to see it reflected in every educational setting.

**Gail Ross (Caithness, Sutherland and Ross) (SNP):** I, too, add my warmest congratulations to everyone in the TIE campaign. What a day!

How will the Scottish Government ensure that the implementation of the whole report is delivered consistently in all schools so that young people can receive an education that is inclusive of the wider LGBTI community, its history and its contributions to our society?

**John Swinney:** That will be reflected in a combination of the guidance and the resources that we make available, which will be a significant part of the work that needs to be done. I assure Gail Ross that many of those practical and operational questions flow directly from the working group's recommendations and will be addressed as part of the implementation programme.

**Oliver Mundell (Dumfriesshire) (Con):** Campaigners in third sector organisations have been instrumental in getting us to this point. Will the cabinet secretary outline the day-to-day role that he sees them playing in the practical delivery of the recommendations?

**John Swinney:** I would like those organisations not only to be involved in ensuring that we deliver all of this—which is very important—but to give us the benefit of their input in shaping the approaches that are taken, to make sure that the materials, resources, training and approaches that are designed are appropriate to achieve the objectives that have been set out in the report. Consistent with what I said to Iain Gray a few moments ago, I am keen to ensure that the process is inclusive of the organisations that have contributed so much to get us to where we are today. I want that sentiment to continue to underpin the approach to implementation.

**James Dornan (Glasgow Cathcart) (SNP):** I welcome today's announcement and congratulate the TIE campaign—Jordan, Liam and everybody else who is involved—for all that it has achieved. Scotland is widely recognised as one of the most progressive countries in Europe on LGBTI rights. Today's announcement only reinforces that position. However, what other action has the Scottish Government taken to protect and promote the rights of the LGBTI community?

**John Swinney:** The Government has introduced a range of measures through the funding and support that we make available to organisations that advance the issues and concerns of the LGBTI community. We undertake work to tackle hate crime and prejudice, and we have a very explicit approach to tackling inequalities. The approach on education will be another component of the wider agenda that the Government advances in this respect.

**Kezia Dugdale (Lothian) (Lab):** What a day and what a distance we have come from section 2A of the Local Government Act 1986. I offer my sincerest congratulations to all those involved. Does the cabinet secretary accept that cultural attitudes to sexuality have advanced far faster than attitudes to gender identity? What are his plans to address that and the growing contention around the self-declaration of gender in schools?

**John Swinney:** I recognise the significant progress that has been made on the question of sexuality and, as I hope that I conveyed adequately in my statement, I think that the country is the better for it.

We are taking care to make sure that schools are well supported in dealing with issues of sexual identity. The matter is under active consideration in the Government and ministers will come back to the Parliament with updates on progress in that respect. I assure Kezia Dugdale of the Government's determination—again, I hope that I conveyed this in my statement—to ensure that we are in no way tolerant of the exercise of prejudice towards individuals for the choices that they make. We should take people for who they are and who they believe themselves to be, and that should be reflected in the approaches that we take.

**David Torrance (Kirkcaldy) (SNP):** Does the cabinet secretary agree that schools can learn from one another and share good practice, and that groups such as the LGBT+ group in Kirkcaldy high school, in my constituency, which recently won the president's award at the 2018 COSLA excellence awards for its work to provide a safe space for pupils who are tackling homophobia and for its campaigning and training work with groups and organisations across Fife and the rest of the country, set an example for other schools to follow?

**John Swinney:** I got to Kirkcaldy high school before Mr Torrance did, but his question allows me to reiterate Kirkcaldy high school's very significant achievement in winning the president's award at the 2018 COSLA excellence awards. That illustrates the point that I made to members a few moments ago, which is that many schools are advancing on the agenda far faster than our wider society is doing, because they are listening to pupils' voices and making sure that our schools are safe places where young people can feel at ease and comfortable.

I unreservedly commend Kirkcaldy high school for its tremendous achievement. Mr Torrance is entitled to be very proud of the achievement of one of the secondary schools in his constituency.

## Business Motion

15:46

**The Deputy Presiding Officer (Christine Grahame):** The next item of business is consideration of business motion S5M-14664, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, on the timetable for the Prescription (Scotland) Bill at stage 3.

*Motion moved,*

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

Groups 1 to 2: 45 minutes.—[*Graeme Dey*]

*Motion agreed to.*

## Prescription (Scotland) Bill: Stage 3

15:46

**The Deputy Presiding Officer (Christine Grahame):** The next item of business is stage 3 proceedings on the Prescription (Scotland) Bill. In dealing with the amendments, members should have the bill as amended at stage 2—that is, SP Bill 26A—the marshalled list and the groupings.

The division bell will sound and proceedings will be suspended for five minutes for the first division of the afternoon. The period of voting for the first division will be 30 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate.

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

I ask members to refer to the marshalled list of amendments.

### Section 3—Statutory obligations

**The Deputy Presiding Officer:** Amendment 1, in the name of Neil Findlay, is grouped with amendments 3 to 7.

**Neil Findlay (Lothian) (Lab):** The bill makes a number of commonsense reforms, which the Delegated Powers and Law Reform Committee accepted unanimously, but there are other areas in which I believe that further change is needed. Chief among those is the period of time for which authorities can chase council tax arrears and for which debts relating to reserved social security benefits and tax credits, including overpayments, can be recovered.

At the moment in Scotland, that period can be as long as 20 years. I ask members to think of all the things that have gone on in their lives over the past 20 years and then to think of what it would be like if they had a debt—one that they might not have been aware of—that at any time, with little warning, could be called in by a creditor, despite their having no records or recollection of that debt and despite not necessarily knowing that they had ever had such a debt. That cannot be right, but that is what is being proposed for debts that are owed for council tax and debts that are owed to the Department for Work and Pensions in relation to reserved benefits.

I do not understand why the Scottish Government appears to be taking its line from the DWP on the matter, nor do I understand why the Government is proactively seeking the

endorsement of the DWP, as the Minister for Community Safety did in her letter to the agency, when, in England, the prescription period for the same benefits is six years.

The intention of my amendments is not to reduce the amount of money to which councils have access. Over the years, Scottish Labour has fought relentlessly for sustainable and meaningful solutions to the chronic underfunding of Scotland's local authorities. We are talking about the collection of debt payments within a reasonable timescale. I make it clear that the exemptions that are proposed in the bill would not mean that the pursuer would have 20 years for the recovery of the entire debt or 20 years from when the debt was incurred; they would have 20 years from the most recent payment or acknowledgement. That situation could leave people in Scotland open to penalties for decades after the event in question occurred, even if they are not aware that it actually happened.

Many debtors in Scotland have already been pursued for council tax arrears or benefit overpayments more than five years after the debts allegedly arose. Citizens Advice Scotland and others have shown us numerous case studies involving clients who are being pursued for debts that they have never been notified about and where the historical records from councils and the DWP produce very little to back up the case. That causes stress, anxiety and family pressure.

On Tuesday, ministers and many of the rest of us rightly laid into the DWP for its shambolic handling of universal credit. At the same time, the minister has written to Esther McVey, of all people, to seek her advice on how the Government can agree the line and give answers to the Parliament about the more punitive debt recovery system in Scotland. Why is the Scottish Government asking for a period of five years for debt to the Scottish social security agency but a period of 20 years to continue in relation to reserved benefits?

The amendments would bring us more in line with England and Wales and are supported by Citizens Advice Scotland, the Govan Law Centre, StepChange, Money Advice Scotland, welfare rights organisations and the Law Society of Scotland.

With amendments 5, 6 and 7, we are offering a compromise through which we can delay the introduction of five-year prescription by five years to allow local authorities to collect the affected debts. I hope that members will support the amendments and ensure that we have a fair, humane and timeous debt recovery system.

**The Minister for Community Safety (Ash Denham):** Will the member take an intervention?

**The Deputy Presiding Officer:** Have you concluded, Mr Findlay?

**Neil Findlay:** I have concluded.

I move amendment 1.

**Graham Simpson (Central Scotland) (Con):** I will try to keep this brief. All the amendments in this group and the second group relate to section 3, which says that all statutory obligations to pay money should fall within five-year prescription, but then lists some exceptions that are to remain subject to 20-year prescription. The stage 3 amendments all relate to the exceptions in section 3. The policy debate is about whether debts relating to council tax and reserved social security benefits should be subject to five or 20-year prescription.

The first group of amendments are all from Neil Findlay, whom I thank personally for his time on the Delegated Powers and Law Reform Committee. The amendments deal with exceptions for council tax. The question is whether we allow councils 20 years to recover debts or limit the period to just five years. On that, the submission from the Convention of Scottish Local Authorities is compelling. The committee wrote to all councils asking for their views. COSLA has said that any attempt to impose a five-year prescription period

“would have significant consequences financially and in terms of the social contract between citizens and their local authority area.”

**Neil Findlay:** Will the member take an intervention on that point?

**Graham Simpson:** I wish to carry on.

Moving to a five-year prescription period for local tax would undermine those aims. Councils would be forced to secure court decrees through affirmative court proceedings, which would increase costs for councils, citizens and the Scottish Courts and Tribunals Service, and condensing the prescription period would potentially mean that local authorities would not have the space to be flexible and come to individual payment plans with a debtor, instead having to acknowledge the debt through early court action, resulting in decree.

More than £2 billion-worth of council tax is currently owed across Scotland, and £1.2 billion of that relates to debts that are more than five years old. That is money that could be spent on local services. Making the prescription period for those debts five years would likely force a change in the way that councils recover the debt. For those reasons, we do not support Neil Findlay's amendments.

**Tom Arthur (Renfrewshire South) (SNP):** I intend to be very brief. As a member of the

Delegated Powers and Law Reform Committee, I put on record my thanks to my fellow committee members and the clerks, legal advisers and researchers, who for me have shed light on a complicated piece of law. As I said at stage 2, when similar amendments to nearly all those that we are considering today were discussed and rejected, I have a great deal of sympathy for the aims and motivations behind the amendments. However, the concerns that I had at stage 2 remain. Fundamentally, they are about unintended consequences.

With regards to council tax, COSLA has been very clear on its position. I recall that, when Mike Dailly gave evidence to the committee, he floated the idea of a compromise through which there would normally be five-year prescription but, in exceptional circumstances, such as where fraud was suspected, there could be 20-year prescription. That kind of idea merits further investigation, but unfortunately we have not had the opportunity to explore all those areas fully in scrutinising the bill, which is narrowly defined and technical.

I am sympathetic to the intentions and motivations that are behind the amendments, but unfortunately not enough work has been done on them to ensure that we are in a position to be absolutely sure that they would have no unintended consequences.

I am sympathetic to the point about reserved benefits, but we have been unable to explore any unintended consequences properly. I say gently to the Labour Party that the best solution is for benefits to be completely devolved to this Parliament, which Labour resisted absolutely in the Smith commission process.

**Ash Denham:** The bill is about the difficulties that negative prescription has had in practice. It is not an appropriate place to make substantial policy changes in specific areas, and it is not a short cut for Neil Findlay to make far-reaching and unrecognised changes to the recovery of council tax.

The bill's aim is not to change the position of council tax, as suggested by Mr Findlay, but to maintain the status quo as it is understood. Local taxes form a substantial source of income for local authorities and pay for essential services such as education, housing and roads. COSLA told the Delegated Powers and Law Reform Committee that a 20-year prescription period for the recovery of arrears allows local authorities to begin the recovery process quickly, at minimal cost to taxpayers, while protecting those who owe arrears by entering into long-term arrangements. All that would be jeopardised if the prescription period was shortened.

**Andy Wightman (Lothian) (Green):** Does the minister accept that the current regime for recovering council tax debt is pernicious? Probably every member has had casework that has involved people who lost their jobs, who were students and then not students, who moved out of shared accommodation or who split up from their partners and who found themselves with the tyranny of sheriff officers knocking at their doors. Does she accept the powerful case, which we made as early as June 2016, for fundamental reform of how council tax is administered, to prevent the dire circumstances in which many people have found themselves?

**Ash Denham:** I take the member's point, but the bill is not the place to address those issues.

**Neil Findlay:** Will the minister give way?

**Ash Denham:** COSLA said:

"It would be extremely rare for an action to be raised on an account which was more than 5 years old. However, it is common for debt to be repaid in small amounts over a period of more than 5 years—particularly as"

council tax

"debt is a recurring obligation."

Although local authorities have 20 years before the debt that is owed is extinguished by prescription, that does not mean that they can wait 10, 15 or even 19 years before attempting recovery. Scots law recognises the separate doctrine of delay. If local authorities waited unduly before seeking to recover their debt, that defence might be available to the debtor to bar the pursuer from enforcing their rights.

The Delegated Powers and Law Reform Committee wrote to seek further information and received an impressive number of responses. Of the 32 local authorities, 26 responded, and not one agreed that changing the prescription period was appropriate.

**Johann Lamont (Glasgow) (Lab):** Will the minister take an intervention?

**Ash Denham:** Instead, the councils were all adamant that the status quo should not be changed. That even includes 10 councils that are under Labour leadership.

**Daniel Johnson (Edinburgh Southern) (Lab):** Will the minister give way?

**Ash Denham:** Among the comments that local authorities made was the point that the policy reasons that justify excepting from the five-year prescription period taxes that are payable to the Crown—to Her Majesty's Revenue & Customs and Revenue Scotland—apply equally to taxes that are payable to local authorities. In other words, no distinction should be made between taxes that are



owed to central Government and those that are owed to local authorities.

I will give way.

**Neil Findlay:** A distinction is made in relation to benefits, because the bill sets a 20-year period for reserved benefits but a five-year period for Scottish benefits. Why are the periods not being brought into line?

**Ash Denham:** For devolved benefits, the Scottish ministers have complete control over the policy and the processes. The Scottish ministers do not control the policies or processes of councils or the DWP.

Neil Findlay really ought to explain to Parliament why he thinks that all the councils in Scotland are wrong on the issue and he is right. Does he take no account of councils' views on the issue? That includes Labour councils—the member's colleagues are telling him that his proposal is inappropriate.

**Johann Lamont:** Will the minister take an intervention?

**Daniel Johnson:** Will the minister take an intervention?

**The Deputy Presiding Officer:** I ask both members to sit down, please. The minister is not taking an intervention.

**Ash Denham:** Councils pointed out that any change to prescription, by reducing it—

**Gordon Lindhurst (Lothian) (Con):** Will the minister take an intervention?

**The Deputy Presiding Officer:** Mr Lindhurst, I do not know whether you are trying to intervene—

**Gordon Lindhurst:** I am.

**The Deputy Presiding Officer:** If the minister is not giving way, you have to sit down.

16:00

**Ash Denham:** Thank you, Presiding Officer. Any reduction to the prescription period would likely force a change in the way in which councils recover the debt, potentially making it more expensive to recover the moneys owed. That would be all to the detriment of those who use and rely on our local services. In addition, local authorities are concerned that reducing the prescription period will create an incentive for those who wish to avoid paying their taxes in the first place.

Local authorities continue to recover a significant amount of arrears each year. More than £2 billion of council tax debt is currently owed across Scotland and more than £1 billion of that relates to debts that are more than five years old.

Although we are told that we are reaching the end of austerity, that money is vital not just for the debtor, but for local services.

At the beginning of the week, we had Labour's communities spokesperson, Alex Rowley, talking about an end to austerity for local government and a renewal of powers for our councils. At the end of the week, however, we have Neil Findlay not only making it more difficult for local government to collect the vital sums of money that it is owed, but making it even easier for those who do not want to pay council tax not to do so.

**Gordon Lindhurst:** On a point of order, Presiding Officer. The minister referred to the concept of delay in Scots law preventing the raising of legal actions—

**The Deputy Presiding Officer:** I am afraid that that is not a point of order.

**Gordon Lindhurst:** I want to know what she was referring to.

**The Deputy Presiding Officer:** That is not a point of order, Mr Lindhurst—thank you.

**Ash Denham:** Tell me, how is that fair to the millions of hard-working Scots who struggle to pay their council tax every month?

In this chamber on Tuesday, Mr Findlay talked about his time as a front-line housing officer. He said that he saw daily the struggles and challenges that are faced by people just trying to get by. How do his amendments help them if all that they achieve is to force local authorities to raise individual court actions—as they have told us that they would—to recover the debt?

It is because his amendments would make it easier for those who will not pay and more difficult for those who need more time to pay that I urge Neil Findlay not to press them.

**Neil Findlay:** I am sure that the minister welcomed her briefing from Esther McVey, because it seemed to provide the entirety of her speech. The reality is that the five-year period can be rolled over if a payment or an acknowledgement is made.

**Ash Denham:** That is not true.

**Neil Findlay:** It is absolutely true. Therefore, there is no barrier—the minister is, to be frank, wrong on that.

Councils were written to as part of the consultation, but it is hardly a surprise that when we write to council chief finance officers, they come back and say that they want to collect money—of course they will say that.

Let me say this, however. Is it not welcome that the Government listens to COSLA on something? I

hope that it will listen to COSLA on the budget, on council workers' pay and on the testing of primary school kids—or does it listen to COSLA only selectively? I think that it does.

What happened to poll tax debt? What did council chief finance officers say about that? And yet we dealt with that because this Parliament agreed to. The minister is wrong again. This is about putting in place a decent and fair regime for debt recovery in Scotland, in line with that in England.

What we will have now—what the Government is pursuing—is a more punitive regime for Scotland. So much for standing up for Scotland.

**The Deputy Presiding Officer:** Mr Findlay, will you say whether you are pressing amendment 1? I am sure that you are, but will you just say so?

**Neil Findlay:** I shall press amendment 1.

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

**Members:** No.

**The Deputy Presiding Officer:** There will be a division. As this is the first division of the stage, the Parliament will be suspended for five minutes.

16:04

*Meeting suspended.*

16:09

*On resuming—*

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

**For**

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

Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)

**Against**

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bowman, Bill (North East Scotland) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Corry, Maurice (West Scotland) (Con)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harris, Alison (Central Scotland) (Con)  
 Haughey, Clare (Rutherglen) (SNP)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)

Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rumbles, Mike (North East Scotland) (LD)  
 Scott, John (Ayr) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Tomkins, Adam (Glasgow) (Con)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 27, Against 78, Abstentions 0.

*Amendment 1 disagreed to.*

**The Deputy Presiding Officer:** Amendment 2, in the name of Mark Griffin, is in a group on its own.

**Mark Griffin (Central Scotland) (Lab):** Amendment 2 is the same as the amendment that I submitted at stage 2 and withdrew with the agreement of the committee. As I explained then, I am seeking to reduce the prescription period for reserved and DWP debts to five years. The amendment removes the exception to the five-year rule that the Government wishes to pursue. To be clear—something that was missing earlier today—that would not consolidate the debt-recovery process into five years; it would mean that recovery must begin in those five years.

Not only is my amendment 2 consistent with the Scottish Law Commission's original principle that all debts should be covered by a five-year rule, but it would put the rules in line with debts that are owed to Social Security Scotland under our new system that is built on dignity and respect. In their joint briefing in support of my amendment, Citizens Advice Scotland, Money Advice Scotland and StepChange explained that, if it is passed in its current form today, the Prescription (Scotland) Bill will afford the DWP a more privileged status to recover debts than Social Security Scotland.

Given that DWP debts do not have an explicit place in the Prescription and Limitation (Scotland) Act 1973, the Government's exceptions mean that Scots law would go further and explicitly extend the powers of the DWP. The DWP may implicitly rely on paragraph 2(a) of schedule 1 to the 1973 act, but to explicitly spell out new rights excepting it from the five-year rule would go further.

I am sure that that is not the intention of this chamber or our desired policy outcome, which is why I am asking members to support my amendment. At stage 2, I asked the minister what the Scottish Government's view was on treating DWP debt in the same way that we will treat debt

in Scotland. The minister's response was that it was a matter for the DWP and that this bill is not the place to change that.

That is patently wrong. This is the Prescription (Scotland) Bill in the devolved Scottish Parliament; this is precisely where we change it. It is for this Parliament to decide on our own laws governing debt collection, and not for the DWP to dictate a timescale and the Government passively to accept that demand.

The minister told the committee repeatedly, whole-heartedly relying on the DWP's evidence, that it was the DWP's view that a five-year rule would cause hardship through over-zealous and rapid recovery. Since then, the minister has written to Esther McVey of the Tory Government, of all people, for answers to the points that I made at that stage 2 meeting. That is unbelievable. The minister is either looking for the DWP to tell her whether she should support the five-year rule, or she is looking for the DWP to tell MSPs that they are wrong.

**Ash Denham:** The reason why the Scottish Government was seeking clarity on some of the issues was because Mark Griffin had said that he thought that the amendments would affect only a very small number of people. The reality is that the number is 413,000. What does Mark Griffin have to say to that?

**Mark Griffin:** That was a good answer from Esther McVey that the minister read out. It is clear that the Scottish Government does not know why it opposes Labour's amendment; it is only doing what Esther McVey tells it. However, the DWP's assertion that it would need to collect all debts within the five years is wrong. It is built on a misconception of both the bill and how the five-year rule works.

Even if this bill passes unmodified, the DWP has a plethora of tools for collecting debts—and believe me, it does that. Earnings and bank attachments, deductions from live benefits and even seizures are used in some way or another before the DWP relies on a court process. As Citizens Advice Scotland reiterates, if the debt is called or acknowledged, or even a single payment is made using those recovery mechanisms, that five-year window restarts up to the hard 20-year limit that this bill will introduce.

16:15

At stage 2, I told the Delegated Powers and Law Reform Committee that the DWP should get its house in order. If it is doing its job and paying people the right benefits, it can surely recover debts in a timely fashion. It is wrong for the DWP to wait years to chase up its debts or for it be given another 15 years to do so. Should it not

have its house in order and collect those debts within five years?

We know that the DWP would prefer to recover debts through its reserved powers, not through a court decree or document of debt. However, if it did exercise its right under amendment 2 it would have five years to take action. That is far more reasonable than 20 years and, crucially, it is in line with the position of this Parliament and our own Social Security (Scotland) Act 2018. In May, the then Minister for Social Security said:

“If Parliament’s view is that five years is generally a fair and equitable period to allow for the recovery of debts, the Scottish Government’s view is that it fits best with the aim of treating people with dignity and respect by that general rule. Where there has been an overpayment, people should expect the agency to act promptly in deciding whether to recover it.”

Surely, given that Parliament agreed accordingly in April, the same principle applies to DWP debts.

This debate is in stark contrast to Tuesday’s debate. Just two days ago, the whole chamber, apart from the Tories, collectively condemned the United Kingdom Government, and the DWP in particular, for their handling of universal credit and the misery and poverty that it is causing. Today, the Scottish Government is doing the bidding of the DWP and the Tory Government—the DWP and the Tory Government of the rape clause, the two-child limit, the benefits freeze, sanctions, the bedroom tax and everything else—by imposing far longer periods for the recovery of reserved social security debts than the Scottish social security agency has.

I move amendment 2.

**The Deputy Presiding Officer:** Before I call Tom Arthur, I remind members that if they want to speak to an amendment, it is helpful if they press their request-to-speak buttons as soon as we move on to that amendment.

**Tom Arthur:** The arguments put forward by Mr Griffin are almost identical to those that he put forward at stage 2. As I said at that stage, and as I said to Neil Findlay this afternoon, I am sympathetic to the motives and the intentions, but clearly there is a concern for unintended consequences, given that he is referring to reserved benefits. I asked Mr Griffin at stage 2 what engagement he had had with the DWP in order to clarify the position. His answer was “none”. I ask him what work he has done ahead of stage 3 to clarify the point because, ultimately, there is a danger of unintended consequences and it is our responsibility and duty as legislators to fully investigate those matters.

**Neil Findlay** *rose*—

**Mark Griffin** *rose*—

**The Deputy Presiding Officer:** Have you concluded?

**Tom Arthur:** I have concluded.

**The Deputy Presiding Officer:** I am sorry—the member has concluded so he cannot take interventions. I call the minister.

**Ash Denham:** I begin by reiterating that the aim of the bill is not a fundamental reform of the law of negative prescription but rather to fix problems that have arisen in practice. The amendment that Mark Griffin has lodged departs from the status quo.

I listened to the speech that Mark Griffin made in the chamber on Tuesday, in which he urged MSPs to act to help people who are suffering. However, his amendment changes the length of time in which the DWP can recover overpayments of reserved benefit, reducing it from the current 20 years to five years. Why does that matter? It matters because it would force the DWP to take debtors to court so that they can have the same amount of time that they already have under the current system.

In terms of the potential impact, the value of debt owed to the DWP that is more than five years old stands at just over £1.2 billion, and it belongs to 413,000 debtors. For those who can pay off their debts, but only in periods of time over the five-year mark—for example, in six, seven, eight or more years—Mark Griffin’s amendment would have an enormous impact. It would make a large number of families face even more hardship. That is especially so given that the rate of deductions taken from benefits is set out in legislation and other debts can take priority.

It was only on Tuesday that Mark Griffin talked about the growing number of arrears as a result of universal credit. The amendment will mean that debtors not only will have to pay off their debt but may have the extra expense of legal proceedings over and above the original sum. They will also have to pay an annual judicial rate of interest of 8 per cent. To put that into context, the current UK base rate of interest is 0.75 per cent. Not only that, the debtor will then have a mark on their credit score that will affect their ability to gain credit in the future.

Writing about wider income pressures, the head of advocacy at the Carnegie UK Trust, Douglas White, recently pointed out that, for many people, credit is something to be relied on as part of normal life. As a result of Mark Griffin’s proposed changes, debtors may find it more difficult to pay for unexpected bills.

**Johann Lamont** *rose*—

**Ash Denham:** Mark Griffin has suggested that it is unfair to have a debt hanging over someone’s

head for 18 years before the DWP takes action. Does he not realise that Scots common law recognises the doctrine of delay? That law sits alongside negative prescription but is separate from it, and the bill does not affect it. That means that, if a pursuer were to wait 18 years before raising an action, as he suggested, the debtor would be able to rely on that defence to bar a pursuer from enforcing their rights.

**The Deputy Presiding Officer:** Excuse me, a minute.

Ms Lamont, when the member is not taking an intervention, please resume your seat. [*Interruption.*] She is not taking an intervention. She has waved you away. Minister, are you taking an intervention?

**Ash Denham:** No.

**The Deputy Presiding Officer:** Ms Lamont, please resume your seat. [*Interruption.*] I have asked you to resume your seat, politely. Thank you. Minister, please continue.

**Ash Denham:** Mark Griffin is trying to alter the behaviour of the DWP by changing the period of prescription from 20 years to the shorter period of five years but—this is the important point, so members may wish to listen to this—without fully understanding and taking cognisance of the unintended consequences. There has been no widespread public consultation on what the amendment would mean.

**Neil Findlay:** Does the minister think that Citizens Advice Scotland would have put forward that case if what she says is correct? Does she think that the Govan Law Centre, the Law Society of Scotland and StepChange would have done so? The minister is wrong and she knows it. She is trying to blank out all the advice that they have had from the money agencies.

**Ash Denham:** The Scottish ministers are not in control of the policies and processes of reserved benefits. I had assumed that that would be clear to the Labour Party. Am I a fan of universal credit? No, I am not, and I am on record saying that. However, is this bill the place to make changes to try to control that?

**Members:** Yes.

**Ash Denham:** No, it is not. I assure members that I have the debtor firmly in my mind as I think about this issue. When I say that the unintended consequences of the amendment are very likely to increase hardship, I ask members to please take consideration of that.

**Neil Findlay:** Go and sit over there with the Conservatives!

**The Deputy Presiding Officer:** Mr Findlay. [*Interruption.*] Minister, please sit down.

This is a very passionate debate, which I understand. However, I want courtesy. We have an interventions system, and it is up to the member whether they wish to take an intervention. I do not want shouting across the chamber; it does nobody any good service.

Minister, please. You will have to conclude.

**Ash Denham:** Thank you, Presiding Officer.

Amendment 2 would have unintended consequences, which could be extremely far reaching. After all, it seems like common sense that, if a person is told that they will have more time to recover a debt if they take out court action, that will result in more court actions. The bill is intended to bring clarity to this area of the law. Accepting the amendment would create uncertainty, which is highly undesirable. For those reasons, I urge Mark Griffin not to press the amendment.

**The Deputy Presiding Officer:** I call Mark Griffin to wind up and press or withdraw amendment 2.

**Mark Griffin:** I say in answer to Tom Arthur's question that I looked carefully at the DWP's evidence. I also looked carefully at the evidence from Citizens Advice Scotland, StepChange, Money Advice Scotland, the Govan Law Centre and members who gave evidence. The key is that, after reading that evidence, I came to the informed position that I have now. I will press the amendment. The difference between the Labour side and the Government side is that I have come to my own conclusion and I am not reading from a DWP script.

Amendment 2 would mean that recovery action would have to be taken within five years for reserved DWP debts. If any action was taken to recover debt within that five years, that five-year period would then extend another five years from the point of collection. If a single payment was made, the clock would start again for another five years. If an acknowledgement is made of the debt, the five-year clock starts again on another five years to collection, all up to a hard limit of a total of 20 years as set out in the bill. That seems to be a sensible position to take. It is the position that Parliament took in relation to Social Security Scotland debts, and the Government's reasoning for that at the time was that it was considered to give people dignity and respect and the ability to challenge decisions.

From our extensive casework, we know that there are many occasions on which the DWP makes overpayments to people through agency error. Where is the ability for someone to look back 20 years to challenge a DWP decision on overpayment and see whether it was their fault or

the agency's fault? Who keeps records for 20 years?

I urge members to support amendment 2 for the reasons that I have set out and for the reasons that have been set out by the Govan Law Centre, Citizens Advice Scotland, Money Advice Scotland, StepChange and a whole range of public debt advocates. I urge members to reject the DWP arguments that the minister has brought to the chamber today.

I will press amendment 2.

**The Deputy Presiding Officer:** The question is, that amendment 2 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### For

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

#### Against

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)

Corry, Maurice (West Scotland) (Con)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harris, Alison (Central Scotland) (Con)  
 Haughey, Clare (Rutherglen) (SNP)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rumbles, Mike (North East Scotland) (LD)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Tomkins, Adam (Glasgow) (Con)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 29, Against 81, Abstentions 0.

*Amendment 2 disagreed to.*

*Amendment 3 moved—[Neil Findlay].*

**The Deputy Presiding Officer:** The question is, that amendment 3 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

**For**

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Dugdale, Kezia (Lothian) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
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 Lamont, Johann (Glasgow) (Lab)  
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 McDonald, Mark (Aberdeen Donside) (Ind)  
 McNeill, Pauline (Glasgow) (Lab)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)  
 Wightman, Andy (Lothian) (Green)

**Against**

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Corry, Maurice (West Scotland) (Con)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)

FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
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 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rumbles, Mike (North East Scotland) (LD)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Tomkins, Adam (Glasgow) (Con)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 29, Against 81, Abstentions 0.

*Amendment 3 disagreed to.*

*Amendment 4 moved—[Neil Findlay].*

**The Deputy Presiding Officer:** The question is, that amendment 4 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

**For**

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

**Against**

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Corry, Maurice (West Scotland) (Con)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Harper, Emma (South Scotland) (SNP)  
 Harris, Alison (Central Scotland) (Con)  
 Haughey, Clare (Rutherglen) (SNP)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rumbles, Mike (North East Scotland) (LD)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Tomkins, Adam (Glasgow) (Con)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 29, Against 81, Abstentions 0.

*Amendment 4 disagreed to.*

*Amendment 5 not moved.*

*Amendment 6 not moved.*

**Section 16—Commencement**

*Amendment 7 not moved.*

**The Deputy Presiding Officer:** That ends consideration of amendments.

Before we begin the debate on the bill, as members will be aware, at this point in the proceedings the Presiding Officer is required under standing orders to decide whether, in his view, any provision of the bill relates to a protected subject matter—that is, whether it modifies the electoral system and franchise for Scottish Parliament elections. In the case of the



Prescription (Scotland) Bill, the Presiding Officer has decided that, in his view, no provision of the bill relates to a protected subject matter, so the bill does not require a supermajority to be passed at stage 3.

## Prescription (Scotland) Bill

**The Deputy Presiding Officer (Christine Grahame):** The next item of business is a debate on motion S5M-14665, in the name of Ash Denham, on the Prescription (Scotland) Bill at stage 3.

Before I invite Ash Denham to open the debate, I call the Cabinet Secretary for Justice, Humza Yousaf, to signify Crown consent to the bill.

**The Cabinet Secretary for Justice (Humza Yousaf):** For the purposes of rule 9.11 of the standing orders, I advise the Parliament that Her Majesty, having been informed of the purport of the Prescription (Scotland) Bill, has consented to place her prerogative and interests, in so far as they are affected by the bill, at the disposal of the Parliament for the purposes of the bill.

**The Deputy Presiding Officer:** Thank you.

16:32

**The Minister for Community Safety (Ash Denham):** I am pleased to be here today to open the debate on the Prescription (Scotland) Bill. I thank members of the Delegated Powers and Law Reform Committee for their work in considering the bill and I thank the clerks for supporting them. I also thank David Johnston QC and Gillian Swanson, whose work at the Scottish Law Commission informed the bill.

The aim of the bill is to increase clarity, legal certainty and fairness in the law of negative prescription. In civil law, the doctrine of negative prescription serves the vital function of setting time limits for when obligations and rights are extinguished. That serves the interests of individuals where, after a certain lapse of time, it is fairer to deprive one person of a right rather than to allow it to trouble another, and it serves the public interest because litigation begun promptly encourages legal certainty.

The law of negative prescription cuts across many policy areas; we saw that today when we discussed amendment 2, in the name of Mark Griffin. Negative prescription is just one piece of a jigsaw, but it is an important piece. It is worth bearing in mind that the intentions of the bill are to resolve certain issues in negative prescription law that have caused difficulty in practice. The intention is not to make changes in specific policy areas.

So what does the bill do? We have already heard what section 3 does not do, so I will begin by explaining what it does. It extends the five-year negative prescription to cover all statutory obligations to make payments that are not already subject to that rule. The new general rule

significantly simplifies the law in that area, because there are currently some such obligations that are not subject to five-year prescription, and it means that the list of specific obligations does not have to be continually updated. However, as we know there are exceptions to the new rule—such as for taxes, council tax and Department for Work and Pensions overpayments—that maintain the current position.

Negative prescription is about the extinction of obligations after they become enforceable, but it is difficult for someone to say that there is an enforceable obligation unless they know who to enforce it against. If they may be entitled to damages, it is only fair that if they do not know who is responsible, the clock should not start to run until they know—or can reasonably be expected to know—who caused the loss, injury or damage. Section 5 of the bill does just that for five-year prescription, because it makes little sense for the prescription clock to start running when the creditor is aware of the cause of their loss but does not know who is responsible for it. If it is fair to creditors that the five-year clock will not start until they discover the identity of the person responsible, it is also fair to defenders that the 20-year clock does not carry on against them indefinitely.

It is a feature of the current law that both the five-year and the 20-year prescriptive periods run from when an obligation becomes enforceable. For obligations to pay damages, that means when the loss, injury or damage occurs. As a result, a long period of time can pass after an act or omission before the 20-year period starts to run. Another feature is that the 20-year prescription period can be interrupted and the clock reset, so it is possible for a very long time to pass before an obligation finally prescribes. The bill will address both of those features by making the 20-year prescription, in relation to obligations to pay damages, begin on the date of the defender's act or omission, and also making it a true long stop by preventing that period from being interrupted. Where proceedings are on-going when the 20-year period expires, the prescriptive period will be extended until the proceedings are finished. I am grateful to the committee for its work in clarifying how such an extension would apply to property rights.

As time is running out, I will briefly mention some of the miscellaneous provisions that are set out in the bill. First, once a dispute has arisen, the bill allows parties to agree to extend the five-year prescriptive period once only, for a maximum of one year. That is so that they can negotiate an end to their dispute without the need to resort to legal proceedings, meaning that they can avoid the expense of protracted litigation.

Secondly, the bill seeks to take account of claims that are made in sequestrations and company administration receiverships, both of which are not covered by the definition of “relevant claim” and so cannot stop the prescription clock.

The approach that is taken in the bill is not one of wholesale reform. It is, after all, one piece of the wider jigsaw that is Scots law. The focus is on areas that have been identified by the Scottish Law Commission as causing difficulty in practice, and it is such areas that the bill addresses.

Prescription plays an essential part in Scots law, in balancing the interests of creditors on the one hand and debtors on the other. I believe that the bill strikes a fair balance overall, redressing cases of unfairness for creditors and debtors while also serving the wider interests of fairness, justice and certainty.

I move,

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

16:38

**Graham Simpson (Central Scotland) (Con):** Until this point, the Prescription (Scotland) Bill has made its way through the parliamentary process barely noticed. Members can be thankful to the DPLR Committee for doing the heavy work on the bill and protecting them from its intricacies, and I thank the committee's clerks. Members would have been none the wiser about the bill until Richard Leonard brought it to the First Minister's attention earlier today. No doubt a nation will now be watching the debate agog, thanks to Mr Leonard.

The bill may not have set the heather on fire until today, but it is important nonetheless. Gordon Lindhurst spoke at length—well, it certainly seemed that way—during the stage 1 debate, and—*[Interruption.]*

**Gordon Lindhurst (Lothian) (Con) rose—**

**Graham Simpson:** I give way to Mr Lindhurst.

**Gordon Lindhurst:** In fairness to me, now that my contribution—or non-contribution—has been mentioned, does the member agree that it would be helpful if, given the question of the five-year and 20-year prescription periods, the minister were to clarify what she meant when she suggested that a 20-year period might, in fact, be meaningless because of some Scots law concept of delay? That would, if anything, make the argument for Neil Findlay's amendments, which have already been rejected.

**The Deputy Presiding Officer:** That intervention was somewhat lengthy, but I will give you some of your time back, Mr Simpson.

**Graham Simpson:** I think that I agree with Mr Lindhurst, Presiding Officer. You can see why his catchphrase is a dry pause. [*Laughter.*] This Scottish Law Commission bill aims to amend the law relating to the extinction of civil rights and obligations by the passage of time. [*Interruption.*] Is Mr Lindhurst okay back there?

The bill concerns only negative prescription, which is the time limit within which a person who is aggrieved must raise their claim in court. If the time limit is missed, the ability to pursue the claim is lost. The bill would amend the current law found in the Prescription and Limitation (Scotland) Act 1973, which says that some legal obligations are affected by five-year prescription, some are affected by only 20-year prescription and some are never brought to an end by prescription. In other words, there are some cases where people have five years in which to take action and others where they have 20 years. It is important that the right balance is struck.

Most of the bill is not controversial. As we have already heard about and debated the areas that are, I do not propose to go over them again. However, I want to give the chamber another example of why the bill is so important—and it is not related to council tax or benefits. I am talking about the case of Morrison v ICL Plastics. It stemmed from the tragic explosion at the Stockline plastics factory in Glasgow in May 2004, in which nine employees were killed and many were left seriously injured. The case centred on a nearby business, David T Morrison and Co. It had suffered significant damage from the explosion, and when it sued ICL Plastics, which owned Stockline, for its loss, ICL defended the claim on the basis that it had already prescribed. In essence, Mr Morrison was told that he was too late to receive justice.

The case revolved around the interpretation of the existing legislation and the start date of the loss, injury or damage. Morrison believed that the start date was in 2013, when it found out that the explosion was ICL's fault; however, ICL argued that the start date was in 2004, when Morrison's had initially suffered the loss, and the Supreme Court found in favour of ICL by a majority of three to two. Because it allows the pursuer to know who caused the loss before the prescription period begins, the bill will mean that, in the future, people like David Morrison who are trying to seek recompense for damage that they have suffered due to negligence will not be told that it is too late. That is a welcome change to the law, and we therefore support the bill.

16:43

**Daniel Johnson (Edinburgh Southern) (Lab):** Prescription might be a technical area of law, but it

undoubtedly has very direct and real human consequences. It is right that we reform the law not only to protect people from the unreasonable pursuit of debt, but to protect some of the most vulnerable people who are in the most difficult of circumstances.

Labour will therefore support the bill and what it sets out to do. However, let me be clear that it is far from perfect. We sought to amend it to make it fairer and more just, so we are disappointed that the Government did not support our amendments. That was a missed opportunity.

I want to thank the many people and organisations who have shared their insights and experience, which have undoubtedly been of use in informing the debate. I also thank the DPLR Committee and its clerks. In particular, I want to acknowledge the work of the Scottish Law Commission, which prompted the bill's introduction in the first place.

Prescription encourages people to enforce their rights promptly before it becomes too difficult for the person or organisation that is defending the claim to gather appropriate evidence. Delay can cause the quality of evidence that is needed to defend a court case to deteriorate. Bills and bank statements can be damaged or destroyed, for example. Who here keeps their bank statements for more than a couple of years, let alone for 20 years? Witnesses might also die or become untraceable, or might simply not recall the facts.

An unduly long time limit might lead to people being pursued for debts after a length of time that anyone would consider to be unreasonable, which could leave people vulnerable to high penalties many years after they first incurred the debt, and when they might not even be aware, or have received notice, of those debts.

The Prescription (Scotland) Bill therefore makes positive changes, including the test of discoverability, which will ensure that three criteria must be fulfilled before a five-year prescription period begins. The changes are positive and will make a real difference, but that is also why the Government's failure to back our amendments is so disappointing, because that failure renders the approach inconsistent.

As the bill stands, council tax and benefit payments that are administered by the Department for Work and Pensions are exempted from the five-year prescription period, making them subject to the 20-year period. The bill makes it clear that it is unreasonable for individuals and private companies to be subject to a 20-year prescription period. If it is unreasonable for individuals and private companies to pursue debts in those circumstances, does the Government believe that it is acceptable for state bodies,

whose very existence and purpose is to support people, to be exempted from a five-year prescription period? If five years is right for Scottish social security debt, surely it is a reasonable period for United Kingdom social security debt.

That inconsistency—that double standard—at best encourages and facilitates bad practice and inefficiency from the state, which should be leading by example, not looking for get-out clauses. It is deeply unfair that people can be pursued for up to 20 years for a debt of which they were unaware, and charged interest. That is why we proposed to reduce the amount of time that local authorities have in which to notify people that they are in debt before that debt expires. We do not believe that it is too much to expect our public bodies to be able to organise their finances in that reasonable time.

Recognising that that would be a significant change to the bill, we offered a compromise. We offered the Government a delay of five years in the introduction of a five-year prescription for council tax debt—a grace period that would have given local authorities 10 years to get their affairs in order. But, no. Given the evidence, the argument for removing the exemption from the five-year prescription from council tax is compelling. That is why Citizens Advice Scotland, StepChange Debt Charity Scotland, Money Advice Scotland and the Law Society of Scotland support it.

I turn to the advice that the Government sought. Not too long ago, people were being hounded for historical poll tax debt. Why, then, is the Scottish Government enabling historical injustices to be repeated? Why is the Scottish Government taking its cues from the UK Government? Let us be clear. We are talking about debts that have been accrued through the public benefits system from, among other things, the roll-out of universal credit, so why on earth are Scottish National Party ministers seeking advice from a Government as reviled as the current Tory Government at Westminster is, in a policy area where that Government is wilfully impoverishing people, and why are they writing to ask for advice from Esther McVey—the very minister who is responsible for so much of the damage that is being done through the roll-out of universal credit? That is shocking. The SNP should be ashamed that it is taking its policy cues from that shameful Conservative Government.

To conclude, I say that the bill contains many good measures and we will be supporting it, but it is undoubtedly a missed opportunity.

16:48

**Liam McArthur (Orkney Islands) (LD):** I know that time is short, and I do not want to speak for long. However, the controversy surrounding the amendments that were debated earlier makes it worth my while to set out some thoughts on the core issue of dispute. Before I do that, I join other members in thanking the Scottish Law Commission for its work, and the DPLR Committee for the scrutiny that it carried out so diligently. I record the Scottish Liberal Democrats' support for legislation that will, I believe, help to modernise and to bring greater clarity to the law on prescription.

Establishing a cut-off point for claims to be raised or rights to be asserted has the advantage of providing certainty and giving individuals and businesses a chance to organise their affairs and plan for the future. People who pursue a claim, debt or obligation will also benefit from the enforced discipline of making a claim in good time.

On the proposed exemption for council tax and business rates from the five-year prescription, I accept that the case may be more nuanced than has been suggested. We have heard some of that debate being played out this afternoon. CAS and others that work to support people who find themselves in financial difficulty have concerns about the exemption, as does the Law Society of Scotland. I agree that councils—like other organisations—must do everything possible to pursue debt in a timely fashion, but I struggle to accept that the 6 per cent penalty charge that attaches to unpaid council tax would act as a disincentive on the collecting council. I cannot see a council adopting a strategy—in effect, that is what it would be—to delay collections deliberately in order to increase penalty charges.

The Convention of Scottish Local Authorities' concern that introducing five-year prescription would

“dis-incentivise payment and lead to a decline in in-year collection”

seems credible and worthy of our consideration. Even with the grace period that was suggested by Daniel Johnson, it could also inhibit current work to collect outstanding debt at a time when every council in Scotland is having to deal with budget cuts.

On balance, my party was not persuaded by the case that was put forward by Neil Findlay. Of course, we will be interested in the outcome of any future consultation on the specific issue.

However, today, I confirm that the Scottish Liberal Democrats will support the bill at decision time.

16:51

**Ash Denham:** I thank all the members today for their speeches in what has been an important debate. I have listened to what has been said and I welcome the support offered for the provisions of the bill by members of parties from across the chamber.

In closing the debate, I will pick up on a few of the provisions that have been discussed this afternoon, which aim to bring clarity, legal certainty and fairness to the law of negative prescription in Scotland.

As has already been mentioned, section 3 of the bill extends the five-year negative prescription to cover all statutory obligations to make payment that are not already subject to that rule, with some exceptions. That general rule provides a more straightforward means to establish whether an obligation prescribes after five years or after 20 years.

We have already spent a lot of time this afternoon discussing some of the exceptions to the general rule, so I will not go over them again. It is enough to say that there are some exceptions to the rule—obligations that are primarily of a public nature—and that they maintain the status quo.

Section 5 is an important section because it has caused some anxiety among practitioners. The bill seeks to restore a more equal balance between a pursuer and a defender where damages are sought. It does that by laying out a three-part test that, when met, begins the five-year prescription clock. That clock will now not start until pursuers discover the identity of the person responsible for the loss, injury or damage caused or could reasonably be expected to have identified the person responsible.

Equally, the 20-year prescription clock does not carry on indefinitely against defenders. That creates a fine balance between the rights of a pursuer seeking to enforce their obligation and the duties of a defender to undertake their obligation.

In the case of obligations to pay damages, the 20-year prescriptive period begins on the date of the act or omission giving rise to the claim. It makes the 20-year prescription no longer amenable to interruption either by a relevant claim or by a relevant acknowledgment, while allowing the 20-year prescriptive period to be extended in cases where a relevant claim has been made during the prescriptive period and where, by the end of that period, that claim has not been finally disposed of and proceedings are on-going.

Finally, I want to mention the extension of the five-year negative prescriptive period by agreement that the bill allows. The provision recognises the need to balance the interest of

legal certainty with a way of resolving disputes that does not require going to court in the first instance. Such agreements can be entered into only after a dispute has arisen and would allow the prescriptive period to be extended by a maximum of one year. I was glad that the committee recognised the merit of such agreements at stage 1.

I again thank members who contributed to today's debate. I am pleased to hear members express their support for the principles of the bill, which aims to provide fairness, clarity and certainty to areas of the law of negative prescription that have caused practical difficulties in their operation.

The bill's provisions protect those who have a claim from running out of time in which to proceed with it, change the current situation of possible perpetual liability, including for people who have historical council tax debt, and make clearer which obligations prescribe after five years.

I commend the motion in my name.

## Code of Conduct (Breach)

**The Deputy Presiding Officer (Christine Grahame):** The next item of business is consideration of motion S5M-14602, in the name of Bill Kidd, on the Standards, Procedures and Public Appointments Committee's sixth report in 2018, session 5, "Complaint against Annie Wells MSP".

16:56

**Bill Kidd (Glasgow Anniesland) (SNP):** The details of the Standards, Procedures and Public Appointments Committee's consideration of the complaint that was made against Annie Wells MSP are set out in the report that the committee published on 1 November. The report includes a copy of the investigation by the Commissioner for Ethical Standards in Public Life in Scotland.

In summary, the complaint was that Annie Wells sought political advantage by making advance public comment on the Equalities and Human Rights Committee's report, "Prisoner Voting in Scotland".

The Parliament has made it clear that when a committee deems information to be confidential, notably in relation to a committee report, the information should remain confidential until any agreed publication date.

The Equalities and Human Rights Committee had agreed that its report be subject to an embargo until 14 May. However, comments on the report attributed to Annie Wells were included in a press release issued on 11 May and were subsequently reported in a newspaper on the same day.

The commissioner therefore concluded that Annie Wells had breached the confidentiality rules in paragraphs 12, 15 and 16 of section 7 of the code of conduct for MSPs.

The SPPA committee noted Annie Wells's explanation, as recorded in the commissioner's report, which was that her remarks merely reflected her party's long-standing position and had been prompted by inquiries from the press. However, in her comments, Ms Wells had referred to the committee's deliberations and expressed the Scottish Conservative and Unionist Party's dissent with the committee's report.

That is a breach of the code of conduct. When an MSP discloses the details of an unpublished committee report, particularly to record dissent, that seriously undermines the report's impact and is deeply disrespectful to fellow committee members and everyone who was involved in the inquiry.

Any MSP who finds themselves in a position of uncertainty can take advice from committee or standards clerks before they respond to an inquiry, to satisfy themselves that actions that they wish to take do not breach the code of conduct.

The Standards, Procedures and Appointments Committee agreed unanimously with the findings in fact and conclusions of the commissioner. The committee also agreed unanimously to recommend to the Parliament a sanction that it considered to be proportionate and reasonable.

The committee considered previous breaches of the code of conduct that were of a similar nature and agreed that the sanctions against Annie Wells should mirror the sanctions that had been given for those breaches. Therefore, the committee agreed to recommend to the Parliament that Annie Wells MSP be excluded from all meetings of the Parliament and its committees for the first five sitting days immediately after the motion is agreed to.

I move,

That the Parliament notes the 6th Report, 2018 (Session 5) of the Standards and Public Appointments Committee Complaint against Annie Wells MSP (SP Paper 408) and agrees to impose the sanction recommended in the report that Annie Wells MSP be excluded from all meetings of the Parliament and all meetings of its committees for the first five sitting days after this motion is agreed.

16:59

**Maurice Golden (West Scotland) (Con):** The Scottish Conservatives accept that Annie Wells was in breach of what we believe to be a technical charge. However, we believe that the procedure was not in the public interest. In fact, the process that we are involved in is not helping a single person in Scotland, and the people of Scotland are who we are all here to represent.

Moreover, the proposed sanction is disproportionate to the offence. The complaint itself is regrettable and utterly unhelpful; all that it does is score political points.

I put on the record the fact that Annie Wells did not seek or gain anything from the remarks that she made. The media had already published stories, and Annie merely commented on those news reports, which were, by then, in the public domain. In fact, the substitution of one word in Annie's statement could have made the difference between Annie receiving the proposed sanction before us and her having no case to answer.

In the wake of the news of the judgment, Annie Wells has been subjected to online abuse that has been, frankly, abhorrent. Such abuse is aimed increasingly at the female MSPs who are sitting behind me. I will let members make their own judgments on why they are being singled out.

Those attacks are a disgrace, and none of us should ever accept that they come with the territory.

Annie Wells has been brought before the Commissioner for Ethical Standards in Public Life in Scotland and the Standards, Procedures and Public Appointments Committee—

**Mark Ruskell (Mid Scotland and Fife) (Green)**  
rose—

**Maurice Golden:** —and she potentially faces a similar sanction to MSPs whom Parliament has previously determined have deliberately and wilfully leaked reports. Annie Wells did not and would not do that. It is not in her nature; she would never neglect her privileged position of public office. She is a proud advocate for her Glasgow constituents who stands up for many important issues. Annie Wells is a responsible parliamentarian and an asset to this democratic institution.

That is why, after careful deliberation, we will vote against the sanction at decision time. I invite others to do the same.

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

## Decision Time

17:02

**The Presiding Officer (Ken Macintosh):** There are three questions to be put as a result of today's business. The first question is, that motion S5M-14666, in the name of Nicola Sturgeon, on the motion of remembrance, be agreed to.

*Motion agreed to,*

That the Parliament acknowledges that the First World War had a devastating impact around the world, including on our nation, in which no community was unaffected; recognises the importance of honouring all those who have lost their lives in armed conflicts; notes that 2018 marks the centenary of the First World War Armistice; commends the work of the Scottish Commemorations Panel and partner organisations, which have developed a fitting programme of events to commemorate Scotland's Armistice centenary, both nationally and for communities; notes that the centenary of the Armistice will be commemorated with a National Service for Scotland in Glasgow Cathedral; recognises the many other organisations and community groups in communities across Scotland that will be delivering commemorative events that inform people about Scotland's involvement in the First World War while helping them recognise the effects of the war on their local communities and the wider world and its lasting impact on life today, and calls on the nation to come together and pay its respects on 11 November 2018 to ensure that those who suffered so much will never be forgotten, and in the hope that conflicts such as the First World War might end.

**The Presiding Officer:** The next question is, that motion S5M-14665, in the name of Ash Denham, on the Prescription (Scotland) Bill, be agreed to. In this case, we must have a vote because we are passing an act of Parliament, so I ask members to press their buttons now.

**For**

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Corry, Maurice (West Scotland) (Con)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)

Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harris, Alison (Central Scotland) (Con)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)

Simpson, Graham (Central Scotland) (Con)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Tomkins, Adam (Glasgow) (Con)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wightman, Andy (Lothian) (Green)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 111, Against 0, Abstentions 0.

Therefore, the motion has been agreed to unanimously, and the Prescription (Scotland) Bill has been passed. [*Applause.*]

*Motion agreed to,*

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

**The Presiding Officer:** The final question is, that motion S5M-14602, in the name of Bill Kidd, on a complaint against Annie Wells, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)



Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and  
 Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse)  
 (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine)  
 (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 Wightman, Andy (Lothian) (Green)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

### Against

Ballantyne, Michelle (South Scotland) (Con)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Corry, Maurice (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (West Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)

(Con)  
 Harris, Alison (Central Scotland) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Rennie, Willie (North East Fife) (LD)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Tomkins, Adam (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

**The Presiding Officer:** The result of the  
 division is: For 84, Against 27, Abstentions 0.

### *Motion agreed to,*

That the Parliament notes the 6th Report, 2018 (Session  
 5) of the Standards and Public Appointments Committee  
 Complaint against Annie Wells MSP (SP Paper 408) and  
 agrees to impose the sanction recommended in the report  
 that Annie Wells MSP be excluded from all meetings of the  
 Parliament and all meetings of its committees for the first  
 five sitting days after this motion is agreed.

## Point of Order

17:05

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** On a point of order, Presiding Officer. In today's member's business debate at 2.30 pm, there was considerable opprobrium and repeated comments about the absence of two Government ministers in responding to the debate. If it were the case that the members who made those comments were aware of section 7 of the ministerial code, which governs the participation of ministers in matters that relate to their constituency, would they have seen a lack of respect and courtesy to members? Just to be clear, I make no suggestion that the members were aware of the requirements of the ministerial code in relation to my two colleagues, but it would be helpful if you could guide us as to the future conduct of members in such matters.

### **The Presiding Officer (Ken Macintosh):**

Thank you, Mr Stevenson. I was in the chair at the time, so I heard all the contributions, including your own measured contribution. The ministerial code is not a matter for my interpretation; it is for each individual member to make themselves aware, or otherwise, of it. In this case, although the attacks were political, they were not disrespectful, so there is no point of order for me to rule on.

*Meeting closed at 17:06.*

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

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