



OFFICIAL REPORT
AITHISG OIFIGEIL

Meeting of the Parliament

Thursday 2 May 2019

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - www.parliament.scot or by contacting Public Information on 0131 348 5000

Thursday 2 May 2019

CONTENTS

	Col.
GENERAL QUESTION TIME	1
Water Safety and Drowning Prevention	1
European Parliament Elections (European Union Citizens).....	2
Trout and Salmon (Fisheries Protection Orders).....	3
ScotRail Services (Stirling).....	4
Violent Crime	5
Roadside Litter.....	7
Western Isles Transmission Connection	8
FIRST MINISTER'S QUESTION TIME	11
Independent Scotland (Currency).....	11
Climate Change (Jobs).....	14
Healthcare Environmental Services Ltd	16
Infection Control (Hospitals)	17
Places of Worship (Vandalism)	17
Hairmyres Hospital (Payroll Changes)	18
Deaths Abroad (Support for Families).....	19
Climate Emergency	19
End to Nuclear Weapons Petition.....	21
Rape Victims (Disclosure of Data).....	22
Official Secrets Act	22
Immigration (Social and Economic Impacts).....	23
Glasgow Connectivity Commission (Infrastructure Recommendations)	24
Climate Change	25
Opiate Addiction	27
RWANDAN GENOCIDE (25TH ANNIVERSARY)	29
Iain Gray (East Lothian) (Lab)	29
Kenneth Gibson (Cunninghame North) (SNP)	31
Jeremy Balfour (Lothian) (Con)	33
Claire Baker (Mid Scotland and Fife) (Lab)	34
John Finnie (Highlands and Islands) (Green).....	36
James Dornan (Glasgow Cathcart) (SNP)	37
Alexander Stewart (Mid Scotland and Fife) (Con).....	39
The Minister for Europe, Migration and International Development (Ben Macpherson)	40
PORTFOLIO QUESTION TIME	43
COMMUNITIES AND LOCAL GOVERNMENT	43
Local Government Autonomy (Ring-fenced Funding).....	43
Social Housing (Greenock and Inverclyde)	44
Electrical Safety Checks (Social Rented Sector)	45
Relative Poverty.....	46
Food Poverty	47
Planning (Scotland) Bill (Agent of Change Principle)	48
Local Government Finance	49
Anti-destitution Strategy	50
BUSINESS MOTION	53
<i>Motion moved—[Patrick Harvie]—and agreed to.</i>	
HEALTH AND CARE (STAFFING) (SCOTLAND) BILL: STAGE 3	54
HEALTH AND CARE (STAFFING) (SCOTLAND) BILL	81
<i>Motion moved—[Jeane Freeman].</i>	
The Cabinet Secretary for Health and Sport (Jeane Freeman)	81
Miles Briggs (Lothian) (Con).....	83
Monica Lennon (Central Scotland) (Lab)	84
Alison Johnstone (Lothian) (Green).....	86
Alex Cole-Hamilton (Edinburgh Western) (LD)	87
Emma Harper (South Scotland) (SNP)	89

David Stewart (Highlands and Islands) (Lab).....	91
Brian Whittle (South Scotland) (Con)	92
Jeane Freeman.....	94
BUSINESS MOTION	96
<i>Motion moved—[Graeme Dey]—and agreed to.</i>	
MOTION WITHOUT NOTICE	97
<i>Motion moved—[Graeme Dey]—and agreed to.</i>	
DECISION TIME	98

Scottish Parliament

Thursday 2 May 2019

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

General Question Time

Water Safety and Drowning Prevention

1. Maurice Corry (West Scotland) (Con): To ask the Scottish Government what discussions it has had with Water Safety Scotland regarding its work with local authorities to promote water safety and drowning prevention. (S5O-03178)

The Minister for Community Safety (Ash Denham): First, I would like to pass on my sincere condolences to the loved ones of the two women who, sadly, died in Aberdeen on Good Friday.

The Scottish Government has supported water safety Scotland since the launch of its drowning prevention strategy in January 2018. My officials are meeting water safety Scotland and the Royal Life Saving Society UK this week as part of our continuing engagement. Although it is for local authorities to agree their own policy on water safety, I wrote last October to all community safety partnerships to support their work to promote water safety.

Maurice Corry: With the upcoming year of coasts and waters in 2020, does the minister agree that Scotland's waters must be promoted in the safest possible way, especially considering the Royal Society for the Prevention of Accidents' research that shows that 60 per cent of Scottish local authorities do not have a water safety policy?

Ash Denham: I do. Obviously, Scotland has 90 per cent of all the standing freshwater in the United Kingdom and we want people to be able to enjoy the amazing countryside of Scotland in as safe a way as possible. Over the past five years, the Scottish Government has provided ROSPA with more than £600,000 in funding to deliver its annual home and water safety programme. This year, we are providing funding of £112,000, which will support delivery of the commitments set out in the drowning prevention strategy.

We have also proactively supported implementation of the strategy and funded and distributed water safety educational material to 2,500 schoolchildren before the summer break last year, in partnership with ROSPA and water safety Scotland. We hosted a ministerial round-table meeting with water safety Scotland and sports governing bodies in June last year. A range of actions was agreed around data sharing, local

authority engagement and education and awareness raising, which are being progressed by water safety Scotland

Just to reiterate my earlier answer, I also wrote to all community safety partnerships to encourage them to do all that they can with water safety Scotland to support and implement the strategy.

European Parliament Elections (European Union Citizens)

2. Sandra White (Glasgow Kelvin) (SNP): To ask the Scottish Government what discussions it has had with the Electoral Commission regarding encouraging European Union citizens living in Scotland to register to vote in the forthcoming European Parliament elections. (S5O-03179)

The Cabinet Secretary for Government Business and Constitutional Relations (Michael Russell): I wrote to David Lidington, Chancellor of the Duchy of Lancaster, on 3 April 2019 to express my concerns that citizens of EU member states might not have sufficient time to complete the UC1 form that will allow them to vote at the European Parliament elections in the United Kingdom. If EU citizens do not have time to complete and return that form, they will be disenfranchised and will not be able to vote on 23 May.

I am pleased to note that electoral registration officers in Scotland have now contacted all registered EU citizens to encourage them to complete the forms. Scottish Government officials are participating in weekly meetings of the Electoral Commission advisory board, where planning for the European Parliament elections is discussed. The Electoral Commission's public awareness campaign will encourage all eligible electors, including EU citizens, to register to vote by the 7 May deadline in order to take part in the elections. I encourage all citizens to ensure that they are registered by 7 May.

Sandra White: EU citizens living in Scotland make a huge and positive contribution economically, culturally and academically. As I have the University of Glasgow in my constituency, I know how much they contribute academically there. Does the minister agree that the shambles at Westminster makes an essential case for an independent Scotland, where we welcome and value those who choose to make Scotland their home? Does he also agree that the forthcoming European Parliament elections offer the opportunity for everyone living in Scotland to reject Brexit again and that it is therefore imperative that those who are eligible to vote register to vote by 7 May?

Michael Russell: Since the result of the EU referendum, the Scottish Government has made it

very clear that EU citizens are welcome in Scotland. They contribute an enormous amount, we want them to stay and we will support them to stay.

One of the great advantages of independence will be the ability to tailor immigration policy for Scotland's needs and do away with the UK Government's deplorable hostile environment approach. As Sandra White said, she represents the University of Glasgow's constituency. In our university sector, 25 per cent of staff on the research side are from other EU countries. In, for example, the abattoir industry, 60 per cent of employees and 95 per cent of vets are from other EU countries. I could go through a whole range of sectors—I know that you would rather that I did not do so, Presiding Officer—that demonstrate the dependence on EU labour. In rural Scotland the dependence is particularly great.

It is an appalling thing to be pleased that freedom of movement is coming to an end and it will be very damaging for Scotland if that is allowed to happen.

Trout and Salmon (Fisheries Protection Orders)

3. Neil Findlay (Lothian) (Lab): To ask the Scottish Government when it will assess the impact of fishing protection orders on trout and salmon stocks in rivers and lochs. (S5O-03180)

The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham): The Scottish Government has no current plans to undertake a review of the 14 fisheries protection orders that are in place.

Neil Findlay: We are told that we live in an era of evidence-based policy making. Given the decline of salmon stocks in rivers that have protection orders, will the cabinet secretary now instruct an independent scientific review of the impact of protection orders on fish stocks in Scottish rivers and lochs?

Roseanna Cunningham: The Scottish Government does a number of things, particularly in connection with the salmon situation. I am very aware of Mr Findlay's concerns around protection orders, but I have indicated that there are no current plans to review the orders. From the information that I have been given, I understand that we gave full answers to Mr Findlay's points when he raised them earlier in the year. I appreciate his concerns about trout and salmon stocks, but the protection orders are actually most relevant to freshwater fisheries, and we have specific conservation measures in place for the protection of Atlantic salmon.

ScotRail Services (Stirling)

4. Dean Lockhart (Mid Scotland and Fife) (Con): To ask the Scottish Government what assessment it has made of the performance of ScotRail services using Stirling station. (S5O-03181)

The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson): In the preceding 13 rail periods, Network Rail was responsible for half of all delays that impacted on services calling at Stirling station and ScotRail was responsible for 44 per cent of them.

One hundred and fifty-nine million pounds has been invested in electrification, which is introducing brand-new electric services to Stirling. From May, there will be six extra Glasgow-Stirling-Alloa services per day, with longer formations that will provide 4,000 extra seats per day. On the Edinburgh-Stirling-Dunblane route, there will be two extra services per day, with longer formations that will provide 1,500 extra seats per day.

ScotRail must now deliver its remedial plan, monitored by Transport Scotland, with independent oversight by a railway operations expert.

Dean Lockhart: Let me remind the cabinet secretary that ScotRail data for March showed that less than 60 per cent of trains that terminate at Stirling station were on time, and 40 per cent were classified as late. Notwithstanding his assurances that everything possible is being done to remedy the issue, does the cabinet secretary agree with my constituents that the current level of service from ScotRail is unacceptable, and does he have a real plan to fix it?

Michael Matheson: The member ignores the impact that infrastructure had on those figures in March, when there were significant challenges as a result of points and signalling issues in the Edinburgh area, which had a detrimental impact on performance over that period.

Having said that, it is important that ScotRail makes improvements where it needs to do so—as I outlined, the timetable changes in May will enhance seating capacity on the routes that are served by Stirling station—and that it implements its remedial plan.

As I have said in the chamber on a number of occasions, we need to make sure that both parts of the railway system are operating effectively, which means that Network Rails needs to address the infrastructure issues that continue to have an impact on passenger services.

Bruce Crawford (Stirling) (SNP): Is the cabinet secretary aware that, although disruption has been caused by ScotRail's performance, another major

reason for disruption to passengers in the Stirling area is signal failure? The responsibility for signalling lies fairly and squarely at the door of Network Rail, responsibility for which is fully reserved to Westminster.

Does the cabinet secretary agree that responsibility for rail should be entirely devolved, so that we can have a joined-up railway system in Scotland and ensure that Network Rail is accountable to the Scottish Parliament?

Michael Matheson: The member makes a very good point. As I indicated to Dean Lockhart in answer to his supplementary question, members are often keen to point out the failings of ScotRail—rightly so, because ScotRail should be held to account for the matters for which it is responsible—but are reluctant to point out the failings of Network Rail and the impact that they have on passenger services.

I have made it clear that the current structural system to provide rail services in Scotland is no longer suitable to serve the travelling public. That is why we need to see the further devolution of railway services to the Scottish Parliament so that both parts of our rail network—ScotRail and the infrastructure provider, Network Rail—are accountable to the Parliament and the Government and we can ensure that the issues are being addressed sooner rather than later.

Violent Crime

5. Graham Simpson (Central Scotland) (Con): To ask the Scottish Government what it is doing to tackle violent crime. (S5O-03182)

The Minister for Community Safety (Ash Denham): The member will be aware that, over the past few months, Scotland's groundbreaking public health approach to violent crime of the past decade or so has been subject to much praise from across the United Kingdom and internationally. Violent crime is reducing in Scotland and, since 2006-07, recorded violent crime in Scotland has fallen by 49 per cent to one of the lowest levels seen since 1974. That is welcome, but no level of violence is acceptable. That is why we are continuing to invest in the Scottish violence reduction unit, medics against violence, YouthLink Scotland and their many partners to deliver violence prevention programmes to tackle violence wherever it persists in Scotland.

Graham Simpson: The Scottish Government statistics that were released last week show that, in South Lanarkshire, offences in which a firearm was alleged to have been involved have increased by 150 per cent since 2015-16. That is the largest increase in Scotland by a mile. In North Lanarkshire, the figure went up by 40 per cent.

Does the minister agree that that is unacceptable and will she endeavour to find out what is being done to stem the tide of such incidents across Lanarkshire?

Ash Denham: I agree that no level of firearm use in Scotland is acceptable. We are doing all that we can to reduce firearms incidents in Scotland and I will write to the member with further details on that.

Police officer numbers in Scotland remain significantly above the level that we inherited in 2007—that is one way in which we combat firearms. The number of officers in Scotland has risen by more than 900 since March 2007. At the same time, there has been a reduction of almost 20,000 officers in England and Wales. As usual, the rhetoric from the Conservatives on the issue does not match their record.

Gillian Martin (Aberdeenshire East) (SNP): Although the figures for many violent crimes in Scotland are going down, the number of sexual offences continues to rise. Sexual crimes are now at their highest level since 1971. They affect Scotland's women the most. What steps is the Scottish Government taking to tackle the decades-long rise in sexual offences? What is it doing to ensure that women get support to bring their attackers to justice?

Ash Denham: I thank the member for raising a very important issue. There are a range of issues lying behind the increase in recorded sexual crime, including a greater willingness among victims to come forward, more reporting of historical offences and the impact of new legislation. The Scottish Government provides support for victims through targeted funding, legislative improvements and partnership working with agencies and stakeholders. We are implementing equally safe, which is our strategy for preventing and eradicating violence against women and girls, and our "Equally safe: delivery plan" contains 118 commitments to achieve that.

In 2015, the First Minister announced a £20 million violence against women and girls justice fund to improve the experience of and outcomes for victims. The fund supported prevention and early intervention work. Those aims continue to inform our funding strategy.

Kenneth Gibson (Cunninghame North) (SNP): Can the minister advise us what the level of violent crime is in Scotland compared to that south of the border, where Mr Simpson's party is in power?

Ash Denham: Unfortunately, comparing levels of violent crime in Scotland with those south of the border is not a simple process because of the use of different definitions and data collection methods in recorded crime data and in our respective

surveys. However, our statistics demonstrate that we have seen significant decreases in the levels of violence across Scotland and, since 2006-2007, a 49 per cent decrease in recorded violent crime; a 51 per cent drop in the number of victims of homicide; and a 55 per cent fall in the total number of emergency admissions to hospital resulting from assault.

Roadside Litter

6. Angus MacDonald (Falkirk East) (SNP): To ask the Scottish Government what action it is taking to tackle the issue of roadside litter. (S5O-03183)

The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham): Littering is unacceptable. Roadside litter is unsightly and presents a danger to other motorists and to the operatives who clean it up. There is also a significant cost to the taxpayer, which takes valuable resources away from other public services.

On 3 April 2019, I announced my commitment to bring forward legislation in the form of a circular economy bill that will create a specific offence of littering from a vehicle. That will allow for a fixed penalty to be issued to the registered keeper of the vehicle if the responsible individual cannot be identified.

Angus MacDonald: Clearly, the introduction of a deposit return scheme will have a positive and welcome impact in reducing roadside litter. Those of us who have been supportive of a DRS for some time—in my case, since I saw such a scheme operating in Norway back in the mid-1980s—are keen that there is no slippage in the timescale for the introduction of the scheme. Can the cabinet secretary assure the chamber that the timeline for the introduction of a DRS is still on track, and can she advise when we are likely to know whether glass will be included in the scheme from day 1?

Roseanna Cunningham: We are on track. The commitment to a deposit return scheme is well established and is central to our wider circular economy ambitions. Such a scheme is also central in the contribution that it can make to reducing climate change emissions. We continue to make progress with the design of the scheme, informed by last year's extensive public consultation and on-going engagement with a wide range of stakeholders. We intend to set out next steps along with the scheme's implementation shortly, when all will be revealed.

Maurice Golden (West Scotland) (Con): Given that fewer than half of the litter fines that were issued in the three years up to 2018 were actually paid, what assurance is there that this new

measure on roadside litter will be any better enforced?

Roseanna Cunningham: Clearly, enforcement is always an issue with any change in the law and not just this one. The intention is to enable the enforcement authorities to go after a registered keeper rather than having to go through the process of trying to establish who precisely in the car did the littering at which point. If they cannot do that, it stops at that point, and it will be an issue for the registered keeper. We hope that that ability will provide a better and more appropriate way to deal with the problem of littering from cars.

Western Isles Transmission Connection

7. Donald Cameron (Highlands and Islands) (Con): To ask the Scottish Government what representations it has made to the Office of Gas and Electricity Markets regarding its consultation on the proposed Western Isles interconnector. (S5O-03184)

The Minister for Energy, Connectivity and the Islands (Paul Wheelhouse): The Scottish Government continues to work closely with Ofgem and others who have an interest in the proposed transmission link to the Western Isles. I will submit a response to Ofgem's consultation that reiterates our strong support for a 600MW link. I have written and spoken to Dermot Nolan, who is Ofgem's chief executive, to stress that a 600MW link could help to unlock the considerable renewables potential in the Western Isles—including from community-based projects—and that this opportunity must not be squandered. I will reiterate those points when I meet Ofgem's chair, Martin Cave, next week.

Donald Cameron: Given that a 600MW interconnector would greatly benefit local community groups by allowing them to develop their own wind power projects as a result of the extra capacity, will the cabinet secretary join me in calling on Ofgem to strongly reconsider the case for such an interconnector?

Paul Wheelhouse: I certainly support those remarks. I have already urged Ofgem to reconsider its position and will continue to do so in the formal submission that we will make. As Donald Cameron indicated, interconnections are vital in the Western Isles and our other island groups to deliver the community economic development opportunities that renewable energy can bring to the islands, where there are scant other means to deliver them. It is therefore important that we work together to ensure that those links are installed and that they provide sufficient opportunity to develop the economies of all three island groups.

Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP): Although I very much welcome Mr Cameron's support for the project, which is of huge importance to my constituency, I must gently point out that it comes on the back of nearly a decade of intransigence from his Conservative colleagues in the United Kingdom Government.

Does the minister agree that Ofgem should give proper consideration to the enormous socioeconomic benefits that the proposed interconnector would unlock, and will he urge politicians—particularly Scottish Conservatives—to make that argument strenuously to the UK Government and its energy minister?

Paul Wheelhouse: Dr Allan makes an important point. As the local member, he is well aware of the potential for economic development in the Western Isles that would arise from the investment. I commit to make those points in our submission.

Ofgem is not directly accountable to this Parliament so it is important that members in this chamber, especially our colleagues in the Conservatives, use their influence to encourage UK ministers to submit their thoughts to Ofgem's consultation. We urge Ofgem to consider the full range of benefits that links would provide, which should be taken into account in its assessment of those cases. It would not only develop the economy of the Western Isles but deliver cheaper energy for consumers in Great Britain, so it makes sense on both fronts.

Rhoda Grant (Highlands and Islands) (Lab): The minister will be aware that Ofgem only takes account of potential generation that is in the planning process. Therefore, community schemes that are not in the planning process are not taken into account, because communities cannot afford to proceed until there is capacity in the system. What is the Scottish Government doing to measure the potential generation by communities in order to inform Ofgem's decision?

Paul Wheelhouse: Rhoda Grant raises an important point. Through the channels of our community and renewable energy scheme—CARES—we are working closely with communities to support them with projects, but she is absolutely right that, without a good connection, the argument for the investment is undermined. It is vital that we have the good connection in the Western Isles to allow projects that have been grid constrained since 2007, which has been a major constraint on development in the Western Isles, to take place.

Between Lewis Wind Power and the Uisenis wind farm projects in the Western Isles, 360MW is already in the planning system, and there is further capacity of 49MW in the Druim Leathann

Windfarm project, which is another consented project. In total, more than 400MW of capacity is already in the system.

We believe that Ofgem should be less risk averse in pushing the boundaries of what is possible. The area has huge potential for renewables and many more projects could come forward.

First Minister's Question Time

12:01

Independent Scotland (Currency)

1. Jackson Carlaw (Eastwood) (Con): In the independence referendum campaign just a few short years ago, the First Minister pledged that we would keep the United Kingdom pound permanently and for ever, because—in her words—that was in the “best interests” of Scotland. Yet, this week, she and the Scottish National Party voted to ditch the UK pound. Can the First Minister tell me how on earth dumping the pound is in the best interests of Scotland?

The First Minister (Nicola Sturgeon): An independent Scotland, which I look forward to happening very soon—

Members: Hear, hear.

The First Minister: An independent Scotland would use the pound while that was in our interests and until such time as the conditions were right to move to a different arrangement. That is the benefit of independence: we would take decisions that are right for our interests in Scotland, rather than have decisions that are against our interests being imposed on us by Westminster.

In some ways, I admire Jackson Carlaw: it is very, very brave of him to stand up in here and talk about currency. Purely in the interests of transparency, when he next gets to his feet, would he care to share with members how much of the pound's value has been lost in the past couple of years directly as a result of Tory policy on Brexit?

Jackson Carlaw: True to the last, the First Minister is practising for two years from now, when she will be sitting here as leader of the Opposition. Her answer boils down to this: five years ago, it was, “Keep the pound for ever,” but today it is, “Ditch the pound as soon as possible.”

I hope that the First Minister has the six tests written down in front of her, because yesterday she had a wee bit of a problem remembering what they were. One of them, which she forgot yesterday, is this:

“Would a separate currency meet the needs of Scottish residents and businesses for stability and continuity of their financial arrangements, and would it command wide support?”

She failed yesterday, but I offer the First Minister a chance to redeem herself today. Will she name a single business representative body or trade union that has given its support to scrapping the pound?

The First Minister: I am sure that businesses and trade unions around the country will want a Scottish Parliament that has the ability to do what is right for Scotland.

If Jackson Carlaw wants to hear some views, let us hear the views of businesses and others about the immediate threat that Scotland is facing. How about the Institute of Directors, which has said:

“It's difficult to imagine a policy that inflicts more economic harm on ... Scotland”

than Brexit? The Resolution Foundation has said that

“Household incomes are around £1,500 a year lower today”

as a result of Brexit, and the Federation of Small Businesses has said that

“The recent months of turmoil, political uncertainty, ... economic uncertainty have had a negative impact on business confidence”.

The former chair of Standard Life said that

“Brexit ... is ... an unmitigated disaster”;

and the principal of the University of Glasgow said that

“Brexit is the single biggest public crisis we've had to face in living memory”.

It is because that disaster is being imposed on Scotland that Scotland needs the power to take its own decisions. The Tories are laughing about it, but it is no laughing matter for businesses and individuals the length and breadth of the country.

Lastly, Jackson Carlaw talked about who will be in Opposition and in Government in a couple of years. I should today congratulate him on his period of acting leadership of the Conservative Party, because polls at the weekend suggested that the Tories have, under his stewardship, gone from second place to third place and, in one poll, to fourth place in Scottish politics. Those of us in the SNP seats thoroughly endorse Jackson Carlaw's record in office.

Jackson Carlaw: That is customarily generous of the First Minister. I assure her that, unlike some people, I will not be coming to her for a reference, but I have a sister-in-law who works in human resources who can help to polish up the CV that the First Minister apparently has sitting with the United Nations, where she is looking for a future job opportunity. Let me wish her well in the two years—or perhaps significantly less time—that is left to her before the next election, which will be two years today.

Perhaps there is a reason why, in that great big long list of quotations, Nicola Sturgeon did not list one from anybody who is in favour of scrapping the pound. Perhaps that is because Nicola Sturgeon's plan from day 1 of independence could

lead to an estimated 45,000 Scottish homes being pushed into negative equity, which would be similar to what was seen during the 2008 financial crisis. I know that Scottish National Party members do not like to hear it, but—unfortunately for them—that is not just our view; it was also the verdict this week of Richard Marsh, who is one of the First Minister’s economic experts. Has he—he is an adviser to her growth commission—just got it all wrong?

The First Minister: The essence of independence is that we would take decisions in this Parliament that are right for Scotland, so that we would not have to have imposed on us by Westminster decisions that damage our interests. The real threat to Scotland right now is the damage to our economy that is coming from Brexit, which is described as a disaster by so many businesses, individuals and academics the length and breadth of the country. We see support for independence increasing, support for this Government increasing and support for the Scottish Conservatives starting to fall through the floor because people in Scotland know that the time is coming when we will need to get rid of Tory Governments once and for all, and take control of our future into our own hands.

Jackson Carlaw: We have a plan by the First Minister to ditch the pound and create a new Scottish currency. Yesterday she could not remember the six tests that she had set for it. It is not supported by any impartial business groups or trade unions, and her party’s growth commission adviser thinks that it is a turkey.

The First Minister was right when she said that permanently keeping the UK pound is in the “best interests” of Scotland. Is not it just a simple fact that the best way to keep Scotland successful, to protect our pensions and to boost jobs is for Scotland is to have nothing whatsoever to do with Nicola Sturgeon’s plans for a breakaway currency, to keep our UK pound and to keep Scotland in the UK?

The First Minister: People who have slightly longer memories than Jackson Carlaw seems to have will recall that he and his colleagues told Scotland in 2014 that we would not be allowed to keep the UK pound. There is not a shred of consistency in their arguments. Independence would mean that we would take decisions that are right for the interests of businesses and individuals the length and breadth of our country. It would mean that we would not have to face the prospect of decisions like Brexit being imposed on us by Westminster. That is why we see support for independence rising and why we see the terror in the eyes of Jackson Carlaw and his colleagues as they see that the writing is well and truly on the wall.

Climate Change (Jobs)

2. Richard Leonard (Central Scotland) (Lab): The Scottish Labour Party welcomes today’s commitment from the Scottish Government to meet ambitious climate change targets. It is the future of our planet and we need emergency action now. We also need to ensure that the transition to a net zero greenhouse gas economy is a just transition—one that is socially just and which benefits working people in Scotland. The First Minister’s predecessor promised that renewable energy and the low-carbon economy would deliver 130,000 jobs for Scotland by 2020. Can the First Minister tell us whether that promise will be delivered?

The First Minister (Nicola Sturgeon): First, I welcome Richard Leonard’s focus on climate change. I hope that everybody across the chamber welcomes the fact that, in the commitments that we are making today, Scotland is not just continuing its role as a world leader but redefining the bar for world leadership. Everybody in Scotland should be proud of that.

Richard Leonard is right to talk about a just transition. That is why the Cabinet Secretary for Environment, Climate Change and Land Reform has already established a just transition commission—something that we were encouraged to do by the Scottish Trades Union Congress. The work of that commission will be extremely important.

Meeting the targets will mean that we have to up our ambition and action across the whole range of Government responsibilities. That also puts a responsibility on the shoulders of Opposition parties not to have a knee-jerk opposition to everything that is tough or challenging, as we have seen Labour and other Opposition parties do in recent times.

On jobs, there are, today, around 50,000 jobs across our economy as a result of the move to renewable and low-carbon energy. The turnover from that sector is around £11 billion a year, but I have been very frank that Scotland is not yet doing as well on that front as we should be. That is why, this morning, at our initiative, a summit has been taking place—it includes the unions—to look at how we can increase the supply chain benefits of big renewable energy projects. I hope that we will have the support of all parties across the chamber as we make sure that, as we do the morally right thing on climate change, we also deliver all the economic benefits in Scotland that people want to see.

Richard Leonard: According to the Scottish TUC, only 46,000 jobs have been created in the sector, where the Government promised 130,000—that is just over one third of the number

promised. We all know that the figure would be much higher if contract after contract for wind turbines had not been awarded to supply chains overseas. Moving to a low-carbon, renewables-focused economy should lead to a jobs windfall for Scotland, not Spain, Belgium or the United Arab Emirates.

Today's Scottish Government meeting with the companies and unions in the offshore sector is welcome, but does the First Minister recognise that what we need is not simply a one-off summit, but the establishment of a permanent council for the sector to develop a strategy for the industry and a forward-looking action plan? Will the First Minister establish such a body?

The First Minister: If that is one of the reasonable recommendations that come from the summit, of course we will fully consider it. I would certainly not be opposed to that kind of initiative. I want to make sure that we are doing everything possible to capture the maximum economic benefit from the renewables and low-carbon revolution. It is in all our interests to do that.

This Government has shown its willingness to act. There are big challenges for companies such as Burntisland Fabrications, which is one of the reasons why we are having the summit today. However, BiFab would no longer exist right now if it had not been for this Government's intervention.

We are determined to see the benefit in our economy's supply chain. One factor—it is not the only one—is that we do not hold all the levers, which is why we invited the United Kingdom Government to take part in the summit today. I hope that I would have Richard Leonard's support if we have to ask for greater powers to deal with that issue, but I want to see us take action now. I want us to maximise the levers that are at our disposal and to see that number of around 50,000 jobs, which aligns with the figures from the trade unions, increase dramatically over the years to come. There is a massive opportunity, and I am determined that we seize it with both hands.

Richard Leonard: The First Minister talks of action and ambition, and she has a bold climate change target. However, her boldest climate change policy is a £150 million tax cut that benefits the richest people most and drives up emissions. The First Minister tells us that she has factored that in, but that is simply not good enough. If she is serious about the climate emergency, will she, once and for all, drop her commitment to cut air departure tax?

The First Minister: First, for reasons that members across the chamber are aware of, the reduction in air departure tax is not going ahead this year.

A moment ago, I said that the increase today in the scale of our ambition means that we will need to reconsider policies across the range of our responsibilities. We have committed to publishing a revised climate change plan within six months of the passage of the new legislation, as the Economy, Energy and Fair Work Committee asked us to do. Right across the range of our responsibilities, we will need to look at where we will increase the scale of our ambition. That is a discussion in which I hope all parties in the chamber will be involved.

As global experts have commented just today, one of the things that set Scotland's targets apart from those in other countries—even before today's announcement—is that we include things that other countries do not, one of which is emissions from aviation. If, for whatever reason, we see an increase there, we must offset that from a decrease elsewhere. That is one of the many things that make our targets genuinely world leading. We do not shy away from our responsibilities.

However—and I say this to Richard Leonard seriously, given his opposition to things such as the suggestion of giving councils more power over workplace parking—if Richard Leonard wants to be taken seriously on climate change, he must rethink some of his positions as well. If we are all prepared to do that, not only will Scotland be a world leader in setting targets, but, over the next few years, Scotland will be a world leader in meeting those targets.

The Presiding Officer (Ken Macintosh): We have a lot of interest in constituency questions. Alex Neil has the first.

Healthcare Environmental Services Ltd

Alex Neil (Airdrie and Shotts) (SNP): What are the consequences of the liquidation of Healthcare Environmental Services Ltd last Friday and the loss of 150 jobs in Shotts? Will the First Minister do all that she can to ensure that all the ex-employees of that company receive all the back pay and other moneys that they are still owed, which amounts to an estimated total of £1 million? When will the 250 tonnes of medical waste that are still stored at the Shotts site be removed? Finally, will the First Minister raise with the United Kingdom Government the need to deal with the inadequacies of the companies legislation and the Companies Act 2006, which were highlighted by the demise of Healthcare Environmental Services?

The First Minister: Now that Healthcare Environmental Services has formally entered insolvency, the redundancy payments service will be in touch with the liquidators to put a process in place to enable ex-employees to claim for unpaid wages and holiday pay, up to statutory limits.

With regard to Alex Neil's question about waste, recent Scottish Environment Protection Agency inspections have not identified significant environmental risk or any risk to the wellbeing of local communities from the storage of waste. However, we will continue to work with SEPA to ensure that the sites are cleared safely and that all waste is disposed of appropriately, should that become necessary.

With regard to the last aspect of Alex Neil's questions, in light of the case and all the experience that arises from it, we will consider whether any changes are required to company law. That is a reserved matter; if necessary, we will communicate the suggested changes to the UK Government.

Infection Control (Hospitals)

Jackie Baillie (Dumbarton) (Lab): Following the Easter weekend, pigeons were found roosting inside the Vale of Leven hospital. Given that Cryptococcus, an infection that is derived from pigeon droppings, contributed to the deaths of two patients at the Queen Elizabeth hospital, I am sure that the First Minister will appreciate my constituents' concerns. Will she therefore ensure that there is a review of infection control measures across all Scottish hospitals, so that we deal effectively with the problem and improve patient safety?

The First Minister: I thank Jackie Baillie for raising that issue. I understand that pigeons were found in a public area of the hospital that was not in use at the time. The facilities team removed them immediately after the incident was reported and the room was then thoroughly cleaned with the products that are recommended for that type of incident. The steps that the board took to manage that incident were appropriate. Staff have been reminded to keep the windows closed, to ensure that it does not happen again. On the wider lessons to be learned and the on-going reviews around hospital infection arising from the situation in Glasgow, we will make sure that all appropriate lessons are fed into the reviews and that they are learned.

Places of Worship (Vandalism)

Sandra White (Glasgow Kelvin) (SNP): The First Minister will be aware of the mindless acts of vandalism that were carried out this week on St Simon's Roman Catholic church in Partick in my constituency. The shrine to Our Lady of Częstochowa, which has been part of the church since the 1940s and is much loved by the Polish congregation, was desecrated. Can the First Minister offer guidance on what the Scottish Government can provide places of worship with to deter these senseless acts of vandalism?

The First Minister (Nicola Sturgeon): The vandalism of St Simon's church is absolutely appalling and a complete outrage, and I am sure that everybody is of that view. Although it is for the police to investigate such incidents, including any motivation for them, we should all be clear that such anti-Catholic—and, in this case, possibly anti-Polish—discrimination must not be tolerated. Just like antisemitism or Islamophobia, anti-Catholic discrimination is a scourge on our society, and it must be eradicated. All places of worship, whether they be Christian churches, mosques, synagogues or temples, must be places of peace and sanctuary, and that is why the justice secretary and I have committed to exploring further what the Scottish Government can do to ensure safety and security for all faith communities and their places of worship.

Hairmyres Hospital (Payroll Changes)

Monica Lennon (Central Scotland) (Lab): Workers from Hairmyres hospital in East Kilbride are protesting outside the Parliament right now against payroll changes by ISS UK that will result in a week's pay being withheld from them. These workers—hospital cleaners, porters and catering, maintenance and domestic staff—are low paid and are being forced to apply for payday loans. Richard Leonard and I addressed the rally on the way to the chamber, but will the First Minister and the health secretary go outside and listen to the GMB, Unison and the workers and commit to doing all that they can to take the matter up with ISS UK and NHS Lanarkshire?

The First Minister (Nicola Sturgeon): Because it involves a private finance initiative hospital with a PFI contract signed by a Labour Government, this is, unfortunately, an issue between a private contractor and its staff first and foremost. That said, NHS Lanarkshire is actively trying to resolve the issue.

Our concern is for the staff involved, who are valued members of the local healthcare team, and it is vital to ensure that this situation does not impact on the hospital's ability to provide services to patients. The health secretary has today written to the chief executive of ISS UK, asking that it seek an urgent resolution to this dispute in partnership with the board and the trade union. I understand that the health board has put forward solutions, and I urge the company to react positively in that respect. The health secretary has also asked to meet the chief executive in order to encourage him in person to follow the proposal from NHS Lanarkshire, and I understand that she has also offered to meet the trade unions to discuss what action the Government will take in light of this situation.

However, this is one example and illustration of why the type of PFI contracts that were signed under previous Labour Administrations were such a big mistake. I hope that Labour has learned lots of lessons from them.

Deaths Abroad (Support for Families)

Angela Constance (Almond Valley) (SNP): It is now two years since my constituent Kirsty Maxwell died in Benidorm. Having met her family, the First Minister is, I know, well aware of their ordeal. Notwithstanding the central role that the Foreign and Commonwealth Office plays in this, I believe that there is more that we in this Parliament can do to support families such as Kirsty's, whose loved one has been killed abroad. Will the First Minister commit to ensuring that, before this year is out, we can offer families such as Kirsty's something more than our condolences—say, a service that provides practical, emotional and perhaps even financial support?

The First Minister (Nicola Sturgeon): I agree very much with Angela Constance's comments. I take this opportunity to once again pass on my sincere condolences to Kirsty Maxwell's family. My thoughts are with them at this very difficult time.

The Cabinet Secretary for Justice and I have met Kirsty's family and indeed other families who have been affected by the death of a loved one abroad, and after hearing their experiences directly, I take a view similar to that expressed by Angela Constance that the current system of support is not entirely satisfactory. I am very keen that we continue to explore the issue further, particularly in the context of the victims task force and the forthcoming report from the United Kingdom all-party parliamentary group on deaths abroad and consular services.

Of course, any improvements will require change across a number of services, and I continue to welcome input from members and stakeholders on how that might best be achieved. I think that all of us want to ensure that we hear about these experiences and do everything in our power to ease, as far as we possibly can, the suffering of families in these circumstances.

Climate Emergency

3. **Alison Johnstone (Lothian) (Green):** I congratulate the First Minister on her change of heart in declaring a climate emergency, just weeks after voting against the Green motion to do just that. I welcome her change of heart and her commitment to introducing more ambitious climate targets.

I am also pleased to hear of Richard Leonard's passion for renewables jobs in light of his party's recent approval of a new coal mine.

An emergency demands immediate action. The world's climate scientists have warned that we have a decade to deliver the change that we need to avoid climate catastrophe, so what immediate changes in Government policy does the First Minister plan to make, now that she has recognised the climate emergency?

The First Minister (Nicola Sturgeon): There is no change of heart—as the chairman of the Committee on Climate Change said this morning,

“Scotland has been a leader within the UK with many of its policies to tackle climate change.”

We said that we would act on the updated advice and that is exactly what we have done. The other parts of the United Kingdom, as far as I am aware, have not yet made commitments or reacted to the report that the CCC published this morning.

On our commitment to recognise the climate emergency, the first thing that we have done is to increase the scale of our targets. We will now look at our climate change plan and bring out a revised plan within six months of the Climate Change (Emissions Reduction Targets) (Scotland) Bill becoming an act.

As I said to Richard Leonard, we will look across our whole range of responsibilities to make sure that we continue with the policies that are under way and that we increase action where that is necessary. The advice of the CCC and of non-governmental organisations will be important to us as we do that.

Alison Johnstone: Targets, policies and plans are essential and important, but we need action. Investing in public transport and safer streets has a crucial role to play in tackling the climate emergency. This Government boasts that it has doubled spending on walking and cycling, but that spending is still just 3 per cent of the transport budget, so is it a surprise that journeys by bike in Scotland currently make up just 1 per cent of all journeys made in Scotland? That is a woeful statistic.

In telling contrast, the Scottish Government continues to pursue a climate-busting tax cut worth £160 billion that would benefit wealthy frequent flyers the most. Young climate campaigners will not understand how the First Minister can support that. Now that the First Minister has recognised the climate emergency, will she abandon that unfair and environmentally damaging proposal and invest the money in active travel and in the public transport that people use every day?

The First Minister: It is because of the actions that we have been taking across a whole range of areas that we have already almost halved our emissions in Scotland. The record in Scotland is a good one and it is recognised globally as such.

However, all of us—me included—recognise that we have to do more and we have to do it faster, which is why we have made the commitment that we have today.

We have doubled the active travel budget. Alison Johnstone can dismiss that, but it was widely welcomed at the time and it is an important statement of our intent. Working with the Greens, we have come forward with a plan to give councils more power to raise more revenue to invest more in public transport—again, something that has been welcomed by those who care about the environment.

The air departure tax is not happening this year, for reasons that the Parliament is aware of. Right across all areas of our responsibility, the renewed commitment that we have made today means that we have to look carefully at every single policy.

I absolutely agree with Alison Johnstone that setting targets is one thing, but having the policy programme in place to meet them is what really matters. That is what this Government is committed to doing and I look forward to those plans being scrutinised by parties across the chamber.

It is probably not fair to say this during a Green question—it is directed more at some of the other parties in the chamber—but I hope that all parties are prepared to rise to the challenge, to drop the knee-jerk opposition that suits short-term politics and to unite behind doing what is right for the future of our planet.

End to Nuclear Weapons Petition

Bill Kidd (Glasgow Anniesland) (SNP): What is the Scottish Government's position regarding the 9.4 million signatures gathered in support of the hibakusha petition calling for an end to nuclear weapons across the world?

The First Minister (Nicola Sturgeon): Our view, which is a statement of the obvious, is that the use of nuclear weapons would be indiscriminate and devastating and would bring unspeakable human suffering and widespread and lasting environmental damage. The Scottish Government and the Scottish Parliament have made clear our opposition to nuclear weapons, and we need to do all that we can to create the conditions for a safer world without them. It is therefore encouraging to see the number of signatories in support of the petition that Bill Kidd referred to. I call again on the United Kingdom Government and all those who have not yet taken

steps to rid the world of these dreadful weapons of mass destruction to reconsider their position urgently.

Rape Victims (Disclosure of Data)

Kezia Dugdale (Lothian) (Lab): This week, women in England and Wales were told that their entire email, message and photograph history would be subjected to police examination if they reported a rape to the police. Whether the issue is what they wear, their sexual history or who they text, women are again being forced to choose between their privacy and the pursuit of justice. Will the First Minister explain what safeguards are in place to ensure that that does not and could not happen in Scotland?

The First Minister (Nicola Sturgeon): I thank Kezia Dugdale for raising the issue. In all the justice reforms that we are undertaking to tackle violence against women, including rape and domestic violence, we must place at centre stage the rights of women and those who are attacked and abused, and we must not make it more difficult, more intimidating or more off-putting for women to come forward. However, like Kezia Dugdale, I fear that the announcements elsewhere in the United Kingdom might do that. We will ensure that those considerations are at the heart of all our justice policy, and I am sure that the Parliament will work with us to create exactly such an environment.

Official Secrets Act

Keith Brown (Clackmannanshire and Dunblane) (SNP): Has the Scottish Government reviewed, or does it intend to review, the potential impact on Scotland of leaks from the National Security Council? Does the First Minister agree that as all service personnel—including members of my old unit, 45 Commando, some of whom are in the public gallery—and many others must sign and abide by the Official Secrets Act, any breach of the act by a member of the NSC should be prosecuted to the full extent of the law?

The First Minister (Nicola Sturgeon): I think that most people agree with the sentiments that Keith Brown articulated. It is for the police to determine what criminal investigations they will undertake and what the progress of those investigations is; it would not be appropriate for me to comment on that. However, as a politician, I think that it is reprehensible that there were leaks from the National Security Council. That is a sign of the complete dysfunction that is at the heart of the United Kingdom Government.

It is right for any minister who is found guilty of such a leak to lose their job. All politicians who are in government should recognise the responsibility and the privileges that we carry and should not act

for their own selfish political ends, as Gavin Williamson appears to have.

Immigration (Social and Economic Impacts)

4. Stuart McMillan (Greenock and Inverclyde) (SNP): To ask the First Minister what the social and economic impacts are of immigration. (S5F-03299)

The First Minister (Nicola Sturgeon): All of Scotland's future population growth is projected to come from migration, which is essential for our future prosperity and the delivery of our public services. All of us have a duty to dispel the many myths that exist about migration. People who come to live and work in Scotland typically contribute more through tax revenues than they consume in public services. Research that Oxford Economics published last year found that people who arrived in the United Kingdom in 2016 were projected to make a total net positive contribution of just under £27 billion to the UK's public finances over their entire stay. We should be proud that people have chosen to make Scotland their home and we should welcome the ways in which they shape our culture, our communities and our country.

Stuart McMillan: Hundreds of European Union nationals have chosen to make my Greenock and Inverclyde constituency their home, which enriches the community. Does the First Minister agree that it is incumbent on every Scottish politician to stand up for migrants in our communities and highlight the huge contribution that they make not only culturally but economically, as the statistics that the Federation of Small Businesses provided this morning show? Does she also agree that the upcoming EU elections provide an opportunity to show that Scotland is open and welcoming by ensuring that anti-immigration parties such as the UK Independence Party, the Brexit Party and the Tories do not represent Scotland in Europe?

The Presiding Officer: I encourage members not to actively campaign for the European elections when they are imminent.

The First Minister: I agree with everything that Stuart McMillan said. The statistics that the Federation of Small Businesses released today show that one in 10 businesses in Scotland are led by a migrant entrepreneur; those firms contribute more than £13 billion to the Scottish economy and provide more than 100,000 jobs.

Those statistics bring into sharp focus the catastrophic effect of the UK Government's obsession with ending free movement, and the effect that that could have on small businesses and our general economic wellbeing. It is now vital and urgent for the Parliament to have the

additional powers we need to enable the design of migration policies that meet the needs of Scottish businesses, communities and public services and to send a clear message, wherever we choose to send it, that the Tories' hostile immigration environment is not welcome in Scotland and it is time for it to end.

Glasgow Connectivity Commission (Infrastructure Recommendations)

5. Jamie Greene (West Scotland) (Con): To ask the First Minister what the Scottish Government's response is to the long-term infrastructure recommendations of the Glasgow connectivity commission. (S5F-03298)

The First Minister (Nicola Sturgeon): The publication of the commission's report is very timely, as Transport Scotland is currently undertaking a nationwide assessment of transport requirements. That is being done through an updated national transport strategy and the second strategic transport projects review. The strategic review will look at what infrastructure is needed to provide Scotland with a transport network fit for the future and will advise ministers on future investments.

We will consider the commission's recommendations as part of that appraisal, which will allow us to balance the needs of communities around the country.

Jamie Greene: I commend the work of Professor David Begg and his team in producing the sort of ambitious and forward-thinking plan that the Glasgow region is crying out for. It could transform how people travel and commute around Glasgow, and it also has a number of proposals that offer a real economic upside to the entire west of Scotland.

The report deserves proper scrutiny and debate, given the scale of its proposals and the importance to Glasgow. Can the First Minister indicate how the Government will address and respond to each recommendation that is made in the report and ensure that the report does not simply gather dust on the shelves of Glasgow City Council?

The First Minister: I think that I did that in my original answer. I am happy to agree with Jamie Greene's assessment of the commission's report. I also welcome and pay tribute to the work of Professor David Begg and to the vision of the administration in Glasgow City Council for commissioning the piece of work. It has great potential—as a Glasgow MSP and a Glasgow resident, I can see the potential of many of its recommendations.

It is right that the report is now considered in full and in the context of the broader strategic work

that Transport Scotland will undertake. The commitment I give today is that that will happen. That will allow the Government to consider all the commission's recommendations and look not just at how they will benefit Glasgow and the west of Scotland, but at how they will fit into a strategy that benefits the whole of the country. I am sure that Parliament will be kept updated as the work proceeds.

Climate Change

6. Neil Findlay (Lothian) (Lab): To ask the First Minister what action the Scottish Government is taking to address climate change. (S5F-03294)

The First Minister (Nicola Sturgeon): As we have already debated today, there is a climate emergency, and we must all act accordingly. That is why the Scottish Government embraces today's report from the Committee on Climate Change and all that it contains. This morning, we lodged amendments to the Climate Change (Scotland) Bill that, if supported by Parliament, will set a net zero emissions target for 2045, meaning that Scotland's contribution to climate change will end within a generation. The amendments will also make us carbon neutral by 2040.

The committee's advice is clear: achieving those targets will depend on action by the United Kingdom Government as well as by the Scottish Government. Therefore, we have today written to the UK ministers, requesting an urgent meeting and a collaborative approach. I have already confirmed this morning that we will also update the current climate change plan within six months of the bill receiving royal assent, as has been recommended by the Environment, Climate Change and Land Reform Committee.

Neil Findlay: I welcome the flurry of announcements from politicians including the First Minister, declaring a climate emergency. Will the First Minister advise how appalling bus and train services, an abstention by her members of Parliament on the Heathrow expansion, the failure to legislate for a ban on fracking, support for the expansion of air travel and a policy to cut and then scrap air departure tax contribute to addressing the climate emergency or could ever be described as "world leading"?

The First Minister: It is global experts who describe Scotland's actions as world leading, and today they are lining up to do exactly that, while encouraging us to go further. All parties should get behind that. Of course, we will continue to have disagreements on individual policies, but the scale of ambition in the targets puts us way ahead of any other country in the world, redefines the bar of world leadership and is something of which all of us should be proud.

I ask Neil Findlay, as I asked Richard Leonard, if Labour members want—as I believe they sincerely do—to see greater investment in bus travel, for example, why on earth are they so opposed to the proposal to give councils the power to raise the revenue to do exactly that and to help to get people out of cars and on to public transport? There is a glaring inconsistency at the heart of Labour's position. Until it sorts that out, Labour will lack credibility in asking the kind of questions that Neil Findlay has just asked.

Maurice Golden (West Scotland) (Con): I welcome the ambition on tackling climate change. However, the Scottish National Party Government is set to miss its recycling target by 12 years, it has barely moved on reducing transport emissions and its lack of planning for a landfill ban could cost taxpayers £1 billion. Given those failures and a host of others, how can the Parliament have confidence that future targets will be met by the SNP Government?

The First Minister: We are meeting the current climate change targets, and we are upping the scale of our ambition so that we will do even more in the future. On a day when the Committee on Climate Change has issued advice not just to the Scottish Government but to the UK and Welsh Governments, the Scottish Government has immediately accepted that advice. I have not heard the UK Government accept the advice that it has been given, and the Welsh Government said this morning that it might respond to the Committee on Climate Change by the end of next year. We are taking the world-leading action that people expect us to take, and we will ensure that we have in place the policies to meet the targets.

We all have a responsibility to tackle climate change, so I say to the Tories, as I have said to Labour, that we all need to step up to the plate. In the months and years to come, people will watch closely to see what the Government does, but they will also pay close attention to Tory policies. I suspect that the Tories, thus far, will be found wanting. I hope that that changes, so that, together, we can ensure that Scotland is a world leader not just in the targets that we set but in meeting those targets. That is something of which this generation and future generations will be proud.

Liam McArthur (Orkney Islands) (LD): The Scottish Liberal Democrats welcome the Scottish Government's revised commitment to there being net zero greenhouse gas emissions by 2045. However, last week, the First Minister told Willie Rennie that she would not drop her plans for a £250 million tax cut for the aviation industry. Instead, she boasted that the Government would just measure the extra emissions. She repeated that response this week. This morning, the chief

executive of the Committee on Climate Change said:

“It would help immensely with the emissions challenge there is in Scotland”

if the Government does not choose to cut taxes to boost flight numbers. Will she accept that advice and scrap the proposed aviation tax cut?

The First Minister: As I have said two or three times already today, the change is not happening this year, for reasons that have been well set out. We will consider our policies across the whole range of Government responsibilities, because that is what is required in the light of the advice that we are accepting today. We take that responsibility seriously.

I say to the Liberals, as I have said to Labour and the Tories, that, when Parliament returns to discussing workplace parking, over the next few weeks, I will remember this discussion at First Minister’s question time. Those parties cannot have it both ways: they cannot call for the Government to set world-leading targets and introduce policies but then simply oppose everything that the Government comes forward with, for knee-jerk reasons. The responsibility is on all of us, so let us see whether the other parties are willing to rise to the challenge.

Opiate Addiction

7. David Stewart (Highlands and Islands)

(Lab): To ask the First Minister what assessment the Scottish Government has made regarding the level of opiate addiction. (S5F-03284)

The First Minister (Nicola Sturgeon): Achieving a comprehensive picture of addictive opiate use is challenging, not least due to the nature of illicit drug taking, which means that there will always be a degree of estimation.

David Stewart has previously raised legitimate concerns about the impact of addiction to prescribed opioids, given the potentially highly addictive properties of such medicines. Those concerns were reflected in our chronic pain strategy and in our refreshed polypharmacy guidance, which was published last year.

Through the national therapeutic indicators, we monitor the number of people who are prescribed strong opioids over a long period, and that is informing the establishment by the chief medical officer of a short-life working group that will examine the prescribing trends in Scotland.

David Stewart: Will the First Minister join me in congratulating *The Sunday Times* on its first-class campaign, which highlights the marked spiral in the number of prescriptions for opiates and the serious associated problems of addiction and overdose? Opiates contributed to 815 drug deaths

in Scotland in 2017. Does the First Minister share my serious concerns about addiction that is created by super-strength opiate painkillers, which have a dark side and can ruin lives every bit as much as illegal drugs can?

The First Minister: Yes, I share that concern, and I congratulate *The Sunday Times* and others on raising that important issue.

Opioid prescribing can be appropriate for short-term pain if it is part of an evidence-based clinical decision. However, for longer-term pain, clinicians are and should be advised to discuss alternatives with patients as part of a quality primary care prescribing strategy.

We published our first chronic pain strategy last year, and one of its aims is to tackle the issue of overtreatment. As I said, the chief medical officer for Scotland is convening a short-life working group of experts to examine prescribing trends in Scotland, which will complement work that is being undertaken by Public Health England on the evidence for dependence on and withdrawal from prescribed medicines.

These are important issues, and it is important that we take them seriously. I give the assurance today that the Scottish Government and our clinical advisers will continue to do so.

The Presiding Officer: That concludes First Minister’s questions. We will shortly move on to a members’ business debate in the name of Iain Gray, on the 25th anniversary commemoration of the genocide against the Tutsi in Rwanda. Before that, we will have a short suspension to allow members and ministers to change seats.

12:46

Meeting suspended.

12:49

On resuming—

Rwandan Genocide (25th Anniversary)

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a members' business debate on motion S5M-16380, in the name of Iain Gray, on the 25th anniversary commemoration of the genocide against the Tutsi in Rwanda. The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes the 25th anniversary commemoration of the genocide against the Tutsi in Rwanda, in which the lives of approximately one million people were lost in 100 days; notes the links that have developed between Rwanda and East Lothian, as well as other parts of Scotland, since then; remembers with the Rwandan people as they reflect on those dark days; commends Rwanda on its remarkable progress to reconciliation within the nation; notes its considerable development in social and economic terms since 1994; acknowledges the privilege of walking with Rwanda along its path of recovery as one of Scotland's key partners in international development, and trusts that the nation will continue to flourish in peace and hope in the decades ahead.

12:49

Iain Gray (East Lothian) (Lab): As we meet, Rwanda is observing 100 days of national mourning, which began on 7 April. That was the 25th anniversary of the day in 1994 when the genocide against the Tutsis began in Rwanda. In the following 100 days, around 1 million people were slaughtered, which is around 70 per cent of the Tutsi population. Appalling atrocities were committed by the armed forces and the Hutu Interahamwe militias, and by civilians against civilians, colleagues against colleagues and neighbours against neighbours. Most of that barely believable intensity of murder was perpetrated with nothing more than machetes.

The world knew that that was happening. At the time, I worked for Oxfam. I remember being told of the now famous letter that was sent to the president of the Adventist church by a group of its pastors who had taken refuge with thousands of their congregation members in their church. It began:

"We wish to inform you that tomorrow we will be killed with our families."

They pleaded for his help, but the church president, Pastor Ntakirutimana, was a Hutu, and the next day the pastors were killed with their families. Pastor Ntakirutimana was later convicted of helping to organise the massacre.

With Oxfam, I campaigned and lobbied to get the international community to intervene, but it refused. The United Nations had a peacekeeping force in place in Rwanda. Its commander, General Dallaire, had told his superiors in the infamous genocide fax that genocide against the Tutsis was being planned. He was told to protect only foreign nationals and not to intervene in the murder of the Tutsi people. The UN force was then largely withdrawn. It is said that they burned their blue berets in shame as they left.

When the killing ended, fearing retribution, the Hutu population fled the country—at one point, 1 million people a day were crossing the border. In late August of that year, I spent some time with Oxfam's emergency team in eastern Zaire and then a few days in Rwanda. In truth, I cannot find the words to explain what it is like to see a country empty of its people—one part dead and the rest having fled. However, I can say this: what remained was something of the evil done there only days before—a darkness that gripped you at every turn.

Rwanda emerged from the genocide devastated. Life expectancy had fallen to 29 years; there were 95,000 orphans. However, in the ensuing years, great progress has been made, and although 38 per cent of that country's people still live in poverty, life expectancy is now 67 and, with economic growth averaging 7.5 per cent, it is one of the fastest growing economies in Africa.

Scottish charities such as Comfort International and Tearfund Scotland have played a part in that, and my East Lothian constituency has a special place in its heart for Rwanda, too. During the 2014 Commonwealth games, the Rwandan team was hosted by East Lothian, and those links have continued through sport and local schools—for example, Tranent Colts Football Club has sent delegations to do coaching and community-building work in Rwanda.

We can hardly imagine how difficult it is to heal the wounds of such events. It is true that some of the leaders of the genocide have been tried, convicted and imprisoned, but the guilt was widespread, and the Tutsi people of Rwanda still have to undertake acts of forgiveness and reconciliation that we can hardly understand every day of their lives.

All that we can do is try to learn the lessons. What are they? The first is that not all military interventions are bad. To this day, I burn with shame that my country failed to act to save those lives, because I know that it could have done so and I know that I failed to win the argument that it should.

Secondly, we must always remember genocide and the Holocaust, but we should be careful when

we say, “Never again.” We let this happen in Rwanda and we let it happen, a year later, in Srebrenica in Bosnia. Instead of patting ourselves on the back for our empathy for the genocides of the past, we should ask ourselves, “On which genocides today are we turning our backs?”

The final lesson is that genocide ends with machetes and murder but that is not how it begins; it begins with the words of hate. The othering of the Tutsi people by Hutu extremists had gone on for a long time before 1994. A radio station, Radio Mille Collines, was specifically created to foster hatred of the Tutsi people, who it referred to as cockroaches, and was used ultimately to unleash and encourage the slaughter. This is the lesson that we must learn: we cannot, must not and will not tolerate the language of hatred, othering and dehumanisation anywhere, ever. Perhaps then we will earn the right to say, “Never again.”

Our message to the people of Rwanda should be this: we let you down in 1994, but you have our solidarity, our prayers and our love now in your 100 days of mourning, and we will try to do better in future.

12:57

Kenneth Gibson (Cunninghame North) (SNP): Twenty-five years on from the slaughter that ripped Rwanda apart, it is right that we commemorate that genocide and reflect on its legacy for the Rwandan people and the international peacekeeping community, so I congratulate Iain Gray on securing the debate and providing us all with the opportunity to do so.

On 7 April 1994, the majority Hutu of Rwanda turned on the Tutsi minority in a wave of calculated violence. The spark that lit the fuse of the already tense relationship between Hutus and Tutsis was the death of Rwandan president Juvénal Habyarimana, a Hutu, when his plane was shot down above Kigali airport the previous day. One hundred days later, when the killing finally stopped, the death toll stood at up to 1 million; it was comprised of Tutsis as well as moderate Hutus who had bravely opposed the bloodshed. Although we still do not know who was definitively responsible for the attack, it is undeniable that, within hours, a campaign of violence spread from the capital across Rwanda. Elite Government forces, supported by the Interahamwe—a Hutu militia—rounded up and executed Tutsi military and political leaders.

Road blocks were hastily erected to catch Rwandans with personal documentation identifying them as Tutsis—a distinction that was introduced in the 1930s by the Belgian colonial authorities to divide and rule. In rural areas, where Hutus and Tutsis had sometimes married and had

children, Government propaganda in radio broadcasts and newspaper articles urged Hutus to pick up any weapon that they could find, such as machetes and clubs, to kill or maim their neighbours. Hutus were given incentives, such as money or food, or told that they could claim the land of the Tutsis they murdered. Some even stooped to destroying churches where Tutsis had taken refuge.

Sexual violence was also endemic, with the rape of up to 500,000 women, which accelerated the spread of AIDS and led to the stigmatisation of the offspring of those assaults as children of the killers. The scale of the slaughter was shocking. It was Africa’s largest genocide in modern times.

The horror did not end even after the Rwandan Patriotic Front captured Kigali, as the torrent of killings washed into the neighbouring Democratic Republic of Congo, where Hutu militias continued to operate, igniting years of strife in Africa’s great lakes region.

Shamefully, the Rwandan genocide was largely ignored by the international community, despite the United Nations having 2,500 troops in Rwanda. Years later, Kofi Annan, the head of UN peacekeeping operations, who later became UN secretary general, said:

“All of us must bitterly regret that we did not do more to prevent it.”

It is heartbreaking that the world’s largest peacekeeping force failed to intervene, just as it failed to do a year later in Srebrenica. Last month, President Emmanuel Macron of France ordered a two-year inquiry into his country’s role in the Rwandan genocide, given France’s significant role in French-speaking Africa. Perhaps that signifies that the international community is ready to take responsibility for failing to protect Rwandans. That is vital in order to ensure that lessons are learned to prevent future atrocities. Hearteningly, over the past 25 years, Rwanda has rebuilt its institutions and its economy. To bring perpetrators of the genocide to justice, the UN conducted more than 70 tribunals and Rwanda’s courts tried up to 20,000 individuals. Tutsis and Hutus, survivors and killers, now struggle to live side by side.

I am pleased that Iain Gray’s motion refers to Scotland’s close relationship with Rwanda and our two countries’ efforts to move forward together. Despite Rwanda’s recovery, deprivation remains high and persistent, with 38 per cent of people living in poverty and 16 per cent in extreme poverty. Rwanda is now in the Commonwealth and is one of Scotland’s African partner countries, and the Scottish Government is funding a sustainable economic and agriculture development programme to improve the lives of 30,000 people in 207 villages across Rwanda. The

programme aims to create alternative income generation and give access to savings and loans through self-help groups.

Agriculture is Rwanda's economic mainstay, with 70 per cent of the population engaged in the sector, although farming methods are badly out of date. Farmers are also vulnerable to land degradation, soil erosion and climate shocks. The Scottish Government supports the use of environmentally friendly agricultural techniques to improve crop productivity and food security in Rwanda, and provides training on how to build energy-saving stoves and sources of renewable energy. That is particularly important in Rwanda, which is one of Africa's most densely populated countries and where land availability is scarce.

While we reflect on the legacy of the brutal massacre of 25 years ago, Rwanda now looks forward. Whether through examining ways of preventing similar atrocities or working with international partners to support sustainable development and lift people out of poverty, there is a role for Scotland in Rwanda's future.

13:02

Jeremy Balfour (Lothian) (Con): I congratulate Iain Gray on not only his motion but his opening speech, which set the tone for the debate and offered a historical perspective on what happened in Rwanda.

As I said in the chamber last September, through Tearfund I had the privilege of visiting Rwanda and seeing some of the projects that are under way at the moment. Iain Gray was correct in what he said about our response to the genocide. Twenty-five years ago, I was a young solicitor here in Edinburgh. Some of us were at school, university or work while the genocide was on our televisions and we simply ignored it. A million people were killed within 100 days and we in the west, including the United Nations, stood back and let it happen. As Iain Gray pointed out, one of the things that we can reflect on as a Parliament and as politicians is what we will do if such events ever happen again. It is not enough for us simply to have debates and offer warm words; we need to intervene appropriately.

I will concentrate my remarks on what has happened in Rwanda since the genocide. One of the things that struck me on my visit to Rwanda nearly 25 years on from the genocide was the reconciliation that has taken place in that country. I was bowled over by the way in which people have been able to live again in neighbourhoods and villages. From the President and politicians to the media, the church and individuals, there has been an immense reconciliation.

I will never forget the Monday I talked to a man in a village under a beating sun. It emerged that he had murdered 30 or 40 people during the genocide. After spending time in prison, he had become a Christian and had come to reconcile himself with what he had done. The only place where he could go was back to his village, but he knew that most of the village would turn on him. However, in that village, he pointed to a lady and said, "I killed that lady's husband and children, but when I came back to the village she was the first one to come over and welcome me." Such reconciliation is beyond my understanding, and it puts into perspective a lot of what we talk about in the Parliament.

I, too, welcome the intervention of the Scottish Government through its working in partnership with organisations such as Tearfund. As we have heard, the statistics show that there is a long way to go, but good progress has been made. The Scottish Government has funded projects for things that we take for granted, such as water. The self-help groups that allow individuals in small communities to pool resources and money to bring the community back together are amazing. I remember visiting a project where a number of women have pooled resources to buy sewing machines to make items that they now sell to people in the local village and community and beyond.

Iain Gray is absolutely right; the message of the debate must be to say—as a country, as part of the European community and as part of the west—sorry to the people of Rwanda for turning our backs when they needed us most. We need to learn from that and move on, and I welcome the debate.

13:06

Claire Baker (Mid Scotland and Fife) (Lab): I thank Iain Gray for securing the debate and providing us with an opportunity to commemorate all those who suffered and died during the atrocities that took place in Rwanda 25 years ago. I also welcome the insight that Iain provided from his time in Rwanda and Zaire with Oxfam, when he saw first hand the aftermath of the horrific events.

To mark the loss of approximately 1 million lives in 100 days 25 years ago, Rwanda is currently observing 100 days of mourning. Here, in the Scottish Parliament, we should also reflect on the terrible events of 1994 and remember the lives that were lost and the damage that was done. Around 70 per cent of the Tutsi population was slaughtered in those 100 days, and appalling atrocities were committed by militia, armed forces and—as we have heard—civilians.

An Amnesty International briefing highlights concerns relating to the current situation in Rwanda and the sad reality of a country that still faces political and human rights challenges, as is very much evident from the reports that Amnesty International has provided on the severe restrictions on freedom of expression and the reported persecution of political opponents.

We should also recognise the progress that has been made from what was a very divisive and bloody situation to where Rwanda is today. Following the genocide, Rwanda was socially and economically devastated, with gross domestic product growth of -50 per cent, life expectancy of only 29 years and 95,000 orphaned children. There is no denying that challenges remain, particularly in the high levels of poverty, food insecurity and malnutrition. However, 25 years on, significant progress has been made, with economic growth of 7.5 per cent in the 10 years to 2017 and life expectancy now at 67 years. It is a country in which 43 per cent of the population is under the age of 15, which can present many challenges, but can also provide huge potential.

I hope that Scotland continues to be a key partner to Rwanda and to provide support during its on-going process of recovery. I welcome the work of organisations such as Tearfund in delivering Scottish-funded programmes that have worked to heal communities, provide access to loans and develop new skills, in order to reduce poverty.

I will speak a little about Chantal Mrimi. Born in Zaire—as it was then called—to Tutsi parents who fled there from Rwanda as refugees, Chantal spent her childhood in segregation and extreme poverty. She was 18 years old when the 1994 genocide took place and her family spent months in hiding, particularly when the killing spilled over into Zaire's refugee camps.

When Chantal and her family returned to Rwanda, the aftermath of the genocide was all around, and death was an everyday occurrence. The psychological impact of the genocide affected the entire population. In time, Chantal was able to secure a job working with the UN and, later, an opportunity to come to Fife on a temporary visa led to her emigrating to Scotland in 1999. Moving to Scotland allowed Chantal to address the trauma that she had experienced and to write a book about her story, the proceeds of which go to her education foundation in Rwanda. She is now employed by Fife Council and is an active community member, whom I have had the privilege of hearing speak.

Chantal also set up a project that lets Scots visit Rwanda, build links with its people and hear their stories. The project works to raise awareness of Rwanda's history and to promote positive

relationships between Scots and refugees. In recognition of her significant achievements, Chantal won woman of the year at the 2018 Scottish women's awards.

Chantal's story is an example of the individual links between Scotland and Rwanda, but it also serves as a powerful reminder of the capacity for individuals, communities and societies to recover and build bright futures. It reminds us that positivity and connectivity can come from even the worst atrocities.

It has been a powerful debate and I thank Iain Gray for securing it.

13:10

John Finnie (Highlands and Islands) (Green): I, too, thank Iain Gray for bringing this important and difficult subject to the Parliament. I commend him for a powerful speech and thank him for sharing his insight and experience with us—as did Mr Balfour.

The Jewish lawyer and Polish refugee Raphael Lemkin coined the word “genocide” in 1943. It is a combination of Greek and Latin. The fact that it is a Jewish-Polish fusion of Greek and Latin shows how interrelated we humans are as a species. Mr Lemkin's interest was prompted by his growing awareness of the Armenian genocide. He said:

“my worries about the murder of the innocent became more meaningful to me. I didn't know all the answers but I felt that a law against this type of racial or religious murder must be adopted by the world.”

The international community formally adopted a definition of genocide in the 1948 convention, enshrining the message, “Never again,” in international law. We have heard that message in today's debate and no doubt will hear it again.

Indeed, 1994 should have been a great year for the African continent, for those who value democracy, humanity, the right to self-determination and a new future. In May 1994, after three centuries of white rule, Nelson Mandela became South Africa's first black president. At his inauguration, he said:

“Never, never again shall it be that this beautiful land will experience the oppression of one by another”.

Sadly, around that time, Rwanda saw the worst of humanity at play; I fear that the name of the country will forever be associated with the terrible genocide of 1994.

One of the many powerful things that Mr Gray said was that such genocide begins with the words of hate. My notes say “Hutu people” and “Tutsi people”, but in fact, they are just people—that is what we should call them. Of course, we should celebrate differences, but we are all one and the same. There were 1 million deaths during 100

days of bloodshed in April and July 1994 and, as Mr Balfour said, we knew about it.

We know that wholesale slaughter was not new to the world: there is a history of pogroms visited on Jewish communities; the Holocaust; the Holodomor in the Ukraine—killing by starvation, like the Irish famine; Armenia; Cambodia; Bosnia; and the treatment of indigenous peoples by colonialists, including Scots. In many respects, mankind has a shameful history.

I was drawn to an article in *The Independent*, written by Rachael Burns in December 2018, entitled, “Why the UN convention on genocide is still failing, 70 years on”. It picks up on some of the comments that have already been made. She says:

“First, the very application of the term ‘genocide’ is applied too slowly and cautiously when atrocities happen.”

That is because it is a question of who rather than what. There is no excuse for that, given how small the world is. She goes on:

“Second, the international community fails to act effectively against genocides. Third, too few perpetrators are actually convicted”.

When there are convictions, it is heartening to see.

The role of the international community is very important. When I speak in Parliament on matters connected to Palestine and elsewhere, I return to the topic of the UN’s role and the lack of respect for the UN. It is not a group of equals—the big boys have a veto. Might is not right in that context and the developed world must have respect for international law.

The 100 days of national mourning in Rwanda have begun and the legacy of the psychological impact on the communities must be dealt with. I believe that the human spirit is strong; we must be positive; and we must believe that things can get better. What role is there for each of us, as parliamentarians, to play as global citizens who shape the future of humanity? For instance, 1994 was also the year that the United States opened Guantanamo Bay detention camp and that the Provisional Irish Republican Army declared a ceasefire, which were significant events.

The future of our fragile planet and the lovely country and people of Rwanda—our sisters and brothers—must be at the forefront of our thoughts. We will not forget and we must learn and look to the future.

13:15

James Dornan (Glasgow Cathcart) (SNP): I, too, thank Iain Gray for securing today’s very important debate. I also thank him for his clearly personal and passionate speech, which laid out

the reality of the impact of the events of those 100 days. In 2003, the United Nations General Assembly officially proclaimed 7 April the international day of reflection on the 1994 genocide against the Tutsis in Rwanda. I am grateful for the opportunity to speak about those atrocities 25 years on.

We must never forget just how awful the events of those days were or their impact on the people of Rwanda. However, we should also remember the knock-on effect that the horrors of what happened in Rwanda had on other areas in the region. After Rwanda’s genocidal Hutu regime was overthrown, more than 2 million Hutus are believed to have fled into what was then Zaire—now the Democratic Republic of the Congo—fearing reprisals against them by the new Tutsi-dominated Government. Among them were many of the militiamen who had been responsible for the genocide. They quickly allied themselves with the Government and began to attack the Democratic Republic of the Congo’s sizeable population of ethnic Tutsis, who had lived in the country for generations. It is widely believed in the east of the Democratic Republic of the Congo that the Rwandan genocide was the start of the region’s more recent problems.

An article that was written by the journalist, Maud Jullien for the 20th anniversary commemorations five years ago noted that the massacres of Hutus in the neighbouring Democratic Republic of the Congo have largely been forgotten. The article quoted a human rights activist in Goma who told Maud Jullien:

“people don’t talk about it enough ... but the Rwandan genocide was like flicking over the first domino”.

I have never been to Rwanda, but I have been to South Sudan, north Uganda and Malawi and have seen the ripple effect from the genocide in Rwanda that was felt right across the region. I have also been to Sarajevo, Belgrade and Srebrenica. As Iain Gray and others have said, it was only one year after the events in Rwanda that we had the awful events in Srebrenica; that flicking over of the first domino was at approximately the same time. It does not seem to matter what part of the world we are in; the same thing can happen.

Iain Gray and John Finnie talked about the language of hate. Probably the most important lesson that we can take from that is that if we start to “other” people and to train people to behave in a certain way because the people that they are targeting are seen as being less than human, this is the outcome. If we take any lesson from this, it should be that it is vital that we be more respectful when we speak to people and that we should not talk about people as if they were a different species from us.

One of the great things that Rwanda has done is to ban the naming of people as Tutsis and Hutus—they are called Rwandans. People are taught in school that they are Rwandans and that they have not to be labelled as Tutsis and Hutus—that is vital.

We have seen it all through history: we saw it in the partition of India and Pakistan; we saw it in the Balkans; and we saw it in Rwanda. It is important that we take that lesson away from here today and treat people with the respect that they deserve.

To be fair to Rwanda, what they have done since then has been quite remarkable. As Jeremy Balfour said, to go through the reconciliation that they have gone through after the events that they had to go through, is quite something. It is the perfect example of humanity at its best.

Hopefully, out of those horrible events, something good will come, and Rwanda will be able to get itself to a place where everybody can forgive—if not forget—what happened during those terrible days. Perhaps we can learn a lesson from the horrible things that happened then as well.

13:19

Alexander Stewart (Mid Scotland and Fife) (Con): I am pleased to take part in today's debate and I congratulate Iain Gray on securing it.

As we have heard, Rwanda is a small country on the African continent and is surrounded by the Democratic Republic of the Congo, Uganda, Tanzania and Burundi. Twenty-five years on, we must remember the genocide that took place in Rwanda. I pay tribute to the tone of the debate in speeches by all speakers; Iain Gray set that tone, and I acknowledge that his was a personal and passionate speech, which I am sure we all learned from.

There is no doubt that the Hutus and Tutsis found themselves in a difficult, dangerous and disgraceful situation in the 1990s. Rwanda had had reasonably good support mechanisms in the past, and people had lived together and supported one another, even though there were differences between individuals and tribes.

The problems went back to the United Nations in the 1960s, when Rwanda was ruled by Belgium. During that time, the colonials thought more of the minority group than the majority, which might have started the process that ended up with the crash of the presidential plane in Kigali in 1994. No culprits were found and that was when the situation started. The crash set the tone for what took place. Within hours of the crash, the presidential guard, members of the Rwandan armed forces and Hutu militias set up roadblocks and barricades

and began slaughtering people around the country. It started in the capital but quickly spread and, as we have heard, 1 million people were slaughtered in 100 days. The number of days is inconsequential in some respects, but the fact that the slaughter of that number of people could take place in 1994, which is not that far back in our memories, has had a huge impact on us all.

It is right that we remember the aftermath and the extreme nationalism of those dark days, but Rwanda has built on the difficulties that it once faced. The scars run deep, but great links have developed between Rwanda and Scotland, which we have heard about in the debate. I acknowledge that many organisations have played their part. We must also acknowledge the work that has been done in other parts of the continent, such as the structures that have been put in place in Malawi.

Although we can still focus on what happened 25 years ago, it is vitally important that Scotland plays its part in the rebuilding of Rwanda now. Scotland already has grass-roots connections through the Rwanda Scotland Alliance, and there is an honorary consul for Rwanda in Scotland. I pay tribute to the charities—such as Tearfund, which we heard about earlier—that put in a huge amount of effort to ensure that basics for life are given to the individuals who live and work in that environment.

We must continue to forge links with the country and ensure that the story of the development of civil and political rights in Rwanda since the civil war continues. The Scottish Government should continue to take any opportunity to work in partnership with Rwanda and to raise the issues loudly and clearly. Much has been achieved, but there is still much to be done.

We must never forget the genocide that took place. As other members have said, we turned our back on it, which was a major flaw.

13:23

The Minister for Europe, Migration and International Development (Ben Macpherson): I thank all members who have spoken in today's debate on the 25th anniversary commemoration of the genocide against the Tutsis in Rwanda, which has been remarkably moving. I particularly thank Iain Gray for securing the debate and for his incredibly moving and powerful opening speech.

On 7 April, Rwanda began its period of 100 days of mourning to commemorate the 1994 genocide. "Kwibuka" means "to remember" in Kinyarwanda, and the word describes the annual commemoration of the 1994 genocide against the Tutsis in Rwanda, which is the time to remember those who died. Today in Parliament—and over

the past three weeks across the world—we have come together to remember the genocide of 1994 in which, as other members have said, 1 million Tutsi people died.

On 13 April, I had the honour of joining the Rwandan high commissioner to the United Kingdom and members of the Rwandan diaspora here in Scotland—the Rwandan Scots community—at a service to commemorate the 25th anniversary. That gave me the opportunity to extend to Rwandans—those in Scotland as well as those in Rwanda—and to the Rwandan Government our deepest consideration at this time of commemoration and to reassure our Rwandan friends of our thoughts and prayers, as we committed together to remember those who died.

That commemoration service took place in Musselburgh and was hosted by East Lothian Council, reflecting the links that have developed in recent times between Rwanda and East Lothian and other parts of Scotland. As Iain Gray mentioned, Rwanda was first connected with East Lothian for the Glasgow Commonwealth games in 2014, through the “Support a second team” programme. The programme sought to use sport to foster and develop links and partnerships between Commonwealth regions, with East Lothian going on to host representatives from the Rwandan Commonwealth games team. It is a tribute to the people of East Lothian and Rwanda that those links have continued, so it was fitting that the commemoration service took place there, just a few weeks ago.

Over the 25 years since 1994, Scotland’s links with Rwanda have strengthened and deepened, as other speakers have mentioned. There are now many sectors, from education, health, civil society and faith groups to Government and business, that have connections to Rwanda and are creating more, and that is reflected in the Scottish Government’s international development programme. In 2008, the Scottish Government funded its first development project in Rwanda, and we are proud that in 2016, following a refresh of our international development strategy, Rwanda became one of four partner countries under the Scottish Government’s international development programme. Our Rwanda programme expanded and its diversity of projects now includes support for building the capacity of Rwandan coffee co-operatives, which we have recently expanded, and partnerships to support victims of sexual and gender-based violence and empower women to enjoy equal rights.

Also on gender equality, we have with Comic Relief supported projects in Rwanda under the “Levelling the field” girls’ leadership through sport programme, using football, basketball, cricket and

other sports as tools for development and a connector between people and nations.

What all those projects have in common is Rwandans’ commitment to community, to developing Rwanda and to doing so with Rwandan solutions, underpinned by a clear belief in the future of the country that permeates throughout Rwandan society. It is that belief in the modern nation of Rwanda coming out of the awful genocide against the Tutsis in 1994 that is important to remember.

The wealth of connections and relationships that have built up over the past 25 years between Scotland and Rwanda has been rewarding for all. We have heard about some of those links and partnerships in other speeches. However, there is more to do and, as I said earlier, we in the Scottish Government are very proud to be in partnership with Rwanda in our international development programme. From conversations that I have had, I know of the enthusiasm that there is, not just in the international development sector but across other sectors, to continue to build our relationship with Rwanda.

Today, of course, we are having this debate on the 25th anniversary commemoration to look back and remember. I am sure that I speak for other members and, indeed, the whole Parliament when I say again, as I did on 13 April, that the Scottish Government extends to the Rwandan diaspora in Scotland, the people back in Rwanda and the Rwandan Government our deepest consideration at this time of commemoration. We do that while also looking forward, with the people of Rwanda, to a bright future. It is our wish that Rwanda will continue to flourish in peace and hope in the decades ahead. We stand in solidarity with our Rwandan friends as they remember the genocide against the Tutsis in 1994. We remember, we unite and we support them as they renew.

13:31

Meeting suspended.

14:00

On resuming—

Portfolio Question Time

Communities and Local Government

Local Government Autonomy (Ring-fenced Funding)

1. Brian Whittle (South Scotland) (Con): To ask the Scottish Government what its position is on the impact on local authorities' autonomy of increases in ring-fenced funding. (S5O-03170)

The Cabinet Secretary for Communities and Local Government (Aileen Campbell): Local authorities have complete autonomy to allocate more than 92 per cent, or £10.3 billion, of the total funding that is provided by the Scottish Government, plus all their locally raised income. They can allocate that funding on the basis of local needs and priorities, having first fulfilled their statutory obligations and the jointly agreed set of national and local priorities.

It is important to note that ring-fenced funding is money for increased investment in services such as those in our schools, nurseries and town centres.

Brian Whittle: Although the percentage of the budget that is ring fenced has gone up, core general revenue funding has gone down across the country. That has squeezed the budgets of councils that need that money to carry out their everyday services. Does the cabinet secretary recognise that reducing core funding has a negative impact on councils' ability to provide and maintain sport and leisure facilities?

Aileen Campbell: We have worked with local authorities and have increased the proportion of funding that they get. It is also important to recognise that we have worked hard to provide local authorities with a fair settlement. I remind Brian Whittle what the consequences might have been if we had followed his party's tax plans. Potentially, there would have been £500 million less going to local authorities, which could have meant £14.9 million less for Dumfries and Galloway, £11.4 million less for East Ayrshire and £10.5 million less for South Ayrshire. I also remind him of what that would have meant for sport and leisure facilities.

We will continue to work with and support local authorities in the work that they do. My colleague, Joe FitzPatrick, will always prioritise ensuring that we get our nation active.

Richard Lyle (Uddingston and Bellshill) (SNP): Can the cabinet secretary confirm that the

overall additional funding in 2019-20 will amount to more than £600 million? Is it not the case that the 3.8 per cent real-terms increase in funding empowers local authorities to decide how to improve lives in local communities?

Aileen Campbell: Absolutely. I confirm that, this year, taken together with council tax income, local authorities will have access to more than £600 million of additional total funding. That is real funding to deliver services that will benefit local communities the length and breadth of Scotland. The Scottish Government will continue to work with our partners in local government to make sure that we continue to provide a fair settlement, recognising the good work that our colleagues across local government do.

Alex Rowley (Mid Scotland and Fife) (Lab): As the Convention of Scottish Local Authorities has pointed out time and again, £400 million of new commitments were built into the budget this year. The Cabinet Secretary for Finance, Economy and Fair Work said that councils would have to deprioritise.

This morning, the *Dunfermline Press* reported that Fife Council does not have the resources to properly look at standards in food premises.

The Deputy Presiding Officer (Christine Grahame): Ask a question, please.

Alex Rowley: The council said that cuts in staffing and budgets are responsible for that. Does the cabinet secretary accept that, in communities right across Scotland, services are being cut? Should we not be honest with the public?

The Deputy Presiding Officer: Mr Rowley, that was a long supplementary question.

Aileen Campbell: I will be honest and remind Alex Rowley that local authorities have the autonomy to allocate more than 92 per cent of the budget that the Scottish Government provides to them. I already confirmed to Richard Lyle that, this year, taken together with council tax income, local authorities will have access to more than £600 million of additional total funding.

We do not pretend that coping with the financial challenges that we face is not a challenge for everyone in public life. Nevertheless, as I outlined to Richard Lyle, we have provided a fair settlement and increased funding to local authorities. We will continue to work with local government to deliver on the shared outcomes and national priorities, and to enable them, as they set their budgets, to take the necessary action for their local priorities.

Social Housing (Greenock and Inverclyde)

2. Stuart McMillan (Greenock and Inverclyde) (SNP): To ask the Scottish Government how much has been invested in social housing in the

Greenock and Inverclyde constituency since May 2011. (S5O-03171)

The Minister for Local Government, Housing and Planning (Kevin Stewart): Between May 2011 and March 2018, the Scottish Government invested more than £40 million to deliver more social housing in Greenock and the Inverclyde local authority area. That investment has supported the completion of 829 homes for social rent in communities across Inverclyde, and it means that Inverclyde will make a significant contribution to delivering the 50,000 affordable homes target and meeting housing demand across the area.

Stuart McMillan: I very much welcome that investment and, indeed, much of the Inverclyde local development plan, which proposes a number of locations to be zoned for social housing.

However, does the minister agree that Inverclyde Council should take a cautious approach and have more concern for public safety in respect of the potential for overprovision as well as in relation to proposals such as the one for Kirm Drive in Gourrock?

Kevin Stewart: Scottish planning policy makes it very clear that the impacts of development on traffic and road safety should be taken into account in plans and decisions. I cannot comment further on sites in the Inverclyde area, because I am expecting the local development plan to come before me very shortly.

Electrical Safety Checks (Social Rented Sector)

3. John Mason (Glasgow Shettleston) (SNP): To ask the Scottish Government what its position is on introducing five-yearly electrical safety checks for homes in the social rented sector. (S5O-03172)

The Minister for Local Government, Housing and Planning (Kevin Stewart): Social landlords are required to ensure that electrical installations are safe to use in the homes that they let. Although the frequency of electrical safety checks is not prescribed, landlords should take account of the guidance in the BS7671 wiring regulations, which recommends that a competent person inspect and test electrical installations in rented housing at intervals of no more than five years.

John Mason: It seems strange that there is a stricter regime for private landlords, who have to make inspections every five years, while, as we understand it, quite a number of housing associations make such inspections only every 10 years.

Kevin Stewart: Everyone deserves to be able to live in a safe home that is protected from fire.

When the Parliament introduced a specific duty for five-yearly checks in the private rented sector, we did so in response to evidence that private tenants were considered to be particularly at risk. However, I agree with the principle that the same level of protection should apply to all rented housing, and I am happy to confirm that that point will be considered when the guidance on the Scottish housing quality standard is reviewed.

Relative Poverty

4. Bill Bowman (North East Scotland) (Con): To ask the Scottish Government what policies have been put in place to tackle the reported rise in relative poverty in Scotland's communities. (S5O-03173)

The Cabinet Secretary for Communities and Local Government (Aileen Campbell): Key policies such as fair start Scotland, our expansion of funded early learning and childcare and investment in devolved social security measures are all contributing to tackling poverty and inequality and making Scotland a fairer and more prosperous country. In addition, we have outlined a range of concrete and ambitious actions in our tackling child poverty delivery plan, which is backed by a £50 million fund. Poverty levels continue to be impacted by United Kingdom Government welfare cuts, which are estimated to reduce social security spending in Scotland by £3.7 billion by 2020-21. That is why we are also investing an annual £125 million in mitigation.

Bill Bowman: In 2017-18, Dundee overspent its share of the Scottish welfare fund by more than £104 million, and Dundee City Council paid for that overspend from its own pocket. Despite the clear need to support those living in deprivation, the Scottish Government has cut by £100,000 its 2018-19 allocation of the Scottish welfare fund to Dundee. Will the cabinet secretary explain to the chamber why this Scottish National Party Government has taken such a callous approach to tackling relative poverty in Dundee, and will she commit to ensuring that communities—

The Deputy Presiding Officer: Thank you.

Bill Bowman: —receive their fair share?

Aileen Campbell: Bill Bowman has a bit of a brass neck coming to the chamber and demanding that we further mitigate the devastating impacts of his Government's actions and the politically motivated and ideologically driven decisions of his party at Westminster, which will remove £3.7 billion from social security spending by 2020-21. He has to concede that that will have a devastating impact on people's lives, including those of the most vulnerable people, in Dundee and across the country.

As I pointed out to Brian Whittle, Tory tax plans would have taken £500 million out of the public spending budget. That would have meant £13.9 million less to spend on services in Dundee, the city that Bill Bowman is talking about. He needs to look a wee bit closer to home to see where the cause of poverty lies—and it lies with his party and his UK Government.

Elaine Smith (Central Scotland) (Lab): Does the cabinet secretary agree that unclaimed welfare benefits are a key cause of financial hardship? In particular, does she agree with a point that Age Scotland has highlighted, which is that the Department for Work and Pensions estimates that 40 per cent of couples who are eligible for pension credit are not claiming it and that upcoming pension credit changes on 15 May could cost mixed-age couples up to £7,000 a year?

I appreciate that those changes come from the Conservatives, but why is the Scottish Government not giving priority to ensuring that there is maximum uptake in Scotland by mixed-age couples before the switch to universal credit?

Aileen Campbell: I point to the financial health check service that we fund, which Citizens Advice Scotland delivers through bureaux across the country. There is also a freephone number that people can call to access support and help to make sure that they claim all that they are entitled to. That freephone number is available to any of Elaine Smith's constituents who require that additional support and help.

Kenneth Gibson (Cunninghame North) (SNP): Can the cabinet secretary outline whether the Scottish Government would be better equipped to tackle relative poverty in Scotland if it followed Tory spending plans, which would see £0.5 billion less being available this year to invest in public services?

Aileen Campbell: I totally agree with Kenny Gibson's point. We would not be better equipped if we in this chamber had followed the Conservative tax plans. As he highlighted, implementing the income tax plans alone was forecast to leave the 2019-20 budget more than £500 million worse off. I can reveal to Kenny Gibson that that would have meant £13.3 million less to spend on services for his constituents. Again, the Conservatives need to look a wee bit closer to home to see where the causes of problems with inequality lie—and they lie with their decisions.

Food Poverty

5. Angela Constance (Almond Valley) (SNP): To ask the Scottish Government whether it will provide an update on its response to the report on food poverty, "Dignity: Ending Hunger Together in Scotland". (S5O-03174)

The Cabinet Secretary for Communities and Local Government (Aileen Campbell): At the heart of our approach to food insecurity are the independent working group on food poverty's dignity principles, which underpin our fair food fund. We have increased the fund from £1.5 million to £3.5 million this year. The fund supports dignified and rights-based responses to food insecurity, helping to tackle the causes of poverty.

No one should be left hungry and have to rely on charitable food provision in a country as prosperous as Scotland; everyone has a right to food. It is shameful that United Kingdom Government welfare cuts continue to force people into poverty and food insecurity, although we are mitigating the very worst effects; we spent £125 million last year alone.

Angela Constance: Given that West Lothian Foodbank reports a 40 per cent increase in demand since the roll-out of universal credit, does the cabinet secretary agree that we will not be a rich society until no man, woman or child has to rely on food banks? Will she therefore support calls by Nourish Scotland, the Scottish food coalition and the 1,400 respondents to the good food nation bill consultation to incorporate in Scots law the right to food?

Aileen Campbell: I agree that no one should have to rely on charity to eat in a nation as rich as Scotland. That is why a rights-based approach already runs through the actions that we are taking and we are challenging the UK Government's welfare reforms, mitigating their impact and investing in dignified responses through our £3.5 million fair food fund. We are certainly grateful to the respondents to the good food nation consultation, which recently closed, and we will look at how we may give better effect to a rights-based approach in practice.

The national task force that the First Minister committed to setting up following the recommendations of the advisory group on human rights leadership will be considering all internationally recognised human rights, including the right to food.

Planning (Scotland) Bill (Agent of Change Principle)

6. Lewis Macdonald (North East Scotland) (Lab): To ask the Scottish Government whether it will initiate cross-party discussions regarding agent of change in advance of stage 3 of the Planning (Scotland) Bill. (S5O-03175)

The Minister for Local Government, Housing and Planning (Kevin Stewart): The Scottish Government recognises the importance of ensuring that new development does not adversely impact existing businesses, particularly

music venues. I welcome the support for that view from others across the chamber.

I am happy to discuss the agent of change principle with Mr Macdonald, as I have already done with others, to make sure that we get this right for stage 3.

Lewis Macdonald: I know that the minister acknowledges that the planning system does not currently protect live music venues adequately, but I recall from discussion at the Local Government and Communities Committee that he does not wholly support the approach that the bill currently takes. What approach does the Government intend to take when the bill is considered at stage 3?

Kevin Stewart: I am fully committed to the agent of change principle, as was shown by the recent circular that the chief planner issued before we even considered the bill. I have said throughout that we will look closely at the principle—particularly in developing the national planning framework 4.

I have no doubt that the provisions on culturally significant zones that were added to the bill at stage 2 were well intentioned, but they would have serious adverse consequences, which I spelled out at stage 2. They would place a range of duties and burdens on our planning authorities and the development sector, with a hefty price tag that could affect the viability of investment in development that we need and thwart our ambitions to reinvent our high streets.

We must get this right and strike the right balance. That is why I have been pleased to talk to a number of MSPs about how we can reshape the bill at stage 3. I am more than happy to have similar discussions with Mr Macdonald.

The Deputy Presiding Officer: Very briefly, please, Mr Simpson.

Graham Simpson (Central Scotland) (Con): Does the minister agree that positive cross-party talks about the bill have been going on for some time and will continue? If Mr Macdonald had spoken to his colleague Mr Rowley, he would know that.

Kevin Stewart: I am pleased that folks from all the parties in the Parliament have engaged with me on the issue. I am happy to talk to party representatives and to individuals who have concerns. My door is always open. We must get stage 3 of the bill right, and I am sure that we can do that together, with co-operation.

Local Government Finance

7. **Liam Kerr (North East Scotland) (Con):** To ask the Scottish Government when it next expects

to publish a local government finance circular. (S5O-03176)

The Cabinet Secretary for Communities and Local Government (Aileen Campbell): The Scottish Government publishes local government finance circulars whenever there is a requirement to provide local government with new or updated information. There are set occasions when circulars are issued, but there are no set dates.

In 2019 to date, the Scottish Government has issued four local government finance circulars—on equal pay, the approved 2019-20 local government finance settlement, non-domestic rates interest for 2019-20 and capital receipts to fund transformational projects. All the circulars are published on the Scottish Government's website.

The Deputy Presiding Officer: Briefly, Mr Kerr.

Liam Kerr: Recent figures show that north-east councils make up four of the 10 local authorities that are least funded per head in Scotland. That is a massive inequality in funding for core services. Schoolchildren and pensioners in the north-east receive significantly less per head than those elsewhere. Can the cabinet secretary justify the fact that north-east councils do not receive their fair share of funding and tell the people of the north-east when they can expect a fair deal from the Scottish National Party?

Aileen Campbell: Local authority funding is allocated under a needs-based formula that is kept under constant review and agreed each year with the Convention of Scottish Local Authorities. Since the 85 per cent funding floor was introduced in 2012, Aberdeen City Council has been allocated more than £50 million over and above its needs-based formula funding allocations.

Perhaps Liam Kerr did not hear the points that I made in response to his colleagues Brian Whittle and Bill Bowman. I can reveal to Liam Kerr that, if we had followed his party's tax plans in the budget, Aberdeen City Council would have £17.6 million less and Aberdeenshire Council would have £24.2 million less, because those plans would have taken £500 million out of our budget.

My plea to Liam Kerr is to look a wee bit closer to home for where the funding challenges might have lain if we had followed his party's plans. If he is concerned about the people of Aberdeenshire and the north-east, he should look to his party and its damaging welfare changes.

The Deputy Presiding Officer: I will get Mr Harvie in.

Anti-destitution Strategy

8. **Patrick Harvie (Glasgow) (Green):** To ask the Scottish Government, further to its commitment in its response to the Equalities and

Human Rights Committee report, “Hidden Lives: New Beginnings”, by what date it will publish its anti-destitution strategy. (S5O-03177)

The Deputy Presiding Officer: You must be brief, cabinet secretary.

The Cabinet Secretary for Communities and Local Government (Aileen Campbell): The Scottish Government committed to working with stakeholders to take forward the development of an anti-destitution strategy that focuses on people with no recourse to public funds. We also committed to considering some of the committee’s other recommendations as part of that work.

In February, as a first step, the Government and the Convention of Scottish Local Authorities launched updated guidance on no recourse to public funds, and we expect to publish the anti-destitution strategy by the end of the year.

Patrick Harvie: I make the case for as much acceleration of that work as possible. The anti-destitution strategy is necessary because of the actions of the likes of Serco. The minister will be aware that this week Serco is again reported to be issuing eviction notices to some of the most vulnerable asylum seekers in their accommodation—people who literally have nowhere else to go. That will create another wave of destitution. Would the minister tell us whether Serco consulted the Scottish Government before taking that new action and will she contact Serco immediately to insist that the action be stopped, because there is no alternative destitution provision for those people?

Aileen Campbell: I will certainly look into that. I am also aware that an appeal is being lodged by Govan Law Centre. I concur with the view that changing locks and thereby forcing people into destitution is a dismal practice. That is why we continue to raise the issue with the Home Secretary, making the point that there needs to be a far better way to prepare and support people in the asylum process. We should not have a system that forces people into destitution and homelessness. I will look into the issue further, make any representations that we need to make and make the point to the Home Secretary that it needs to be sorted and sorted quickly.

The Deputy Presiding Officer: That concludes portfolio questions.

Elaine Smith (Central Scotland) (Lab): On a point of order, Presiding Officer. I ask whether the cabinet secretary, under the rules, procedures and standing orders, might want to amend the record. In answer to question 5, the cabinet secretary said that

“everyone has a right to food.”

However, the Government’s good food nation bill consultation explicitly ruled out implementing a right to food—

The Deputy Presiding Officer: I will stop you there, because what you have said is not a point of order and I do not want to take time out of the stage 3 debate. There is a process for correcting the record, and I am sure that the cabinet secretary has heard what the member has had to say. It is not a point of order—please sit down.

Business Motion

14:22

The Deputy Presiding Officer (Christine Grahame): The next item of business is consideration of business motion S5M-17146, in the name of Graeme Dey on behalf of the Parliamentary Bureau, on the timetabling of the Health and Care (Staffing) (Scotland) Bill. Any member who wishes to speak against the motion should press their request-to-speak button now.

I call Patrick Harvie, as a member of the bureau, to move the motion. That was a wee surprise for you.

Motion moved,

That the Parliament agrees that, during stage 3 of the Health and Care (Staffing) (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 5: 55 minutes

Groups 6 to 10: 1 hour 45 minutes

Groups 11 to 13: 2 hours 25 minutes.—[Patrick Harvie]

Motion agreed to.

The Deputy Presiding Officer: I will let members change seats before we resume.

14:22

Meeting suspended.

14:23

On resuming—

Health and Care (Staffing) (Scotland) Bill: Stage 3

The Presiding Officer (Ken Macintosh): The next item of business is stage 3 of the Health and Care (Staffing) (Scotland) Bill. For dealing with amendments, members should have the bill as amended at stage 2, the marshalled list and the groupings of amendments.

The division bell will sound and proceedings will be suspended for five minutes before the first division, and 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 a group of amendments should press their request-to-speak buttons as soon as possible after I call the group.

Section 1—Guiding principles for health and care staffing

The Presiding Officer: Members should refer to the marshalled list. Amendment 1, in the name of the cabinet secretary, is grouped with amendments 42 and 2 to 4.

The Cabinet Secretary for Health and Sport (Jeane Freeman): I will speak to my amendments on the bill's guiding principles.

Amendments 1 and 3 relate to amendments that were lodged by Alex Cole-Hamilton at stage 2. The duty to ensure appropriate staffing in proposed new section 12IA of the National Health Service (Scotland) Act 1978 sets out that

“every Health Board and the Agency”

have the duty

“to ensure at all times that suitably qualified and competent individuals ... are working in such numbers as are appropriate”

to ensure

“the health, wellbeing and safety of patients and ... the provision of safe and high-quality health care”.

In part 3 of the bill, there is an equivalent duty for

“any person who provides a care service”.

Sections 2 and 3 of the bill set out that every health board, in complying with proposed new section 12IA, and any person who provides a care service, in complying with section 6

“must have regard to the guiding principles”.

As such, the principles and general duty are intrinsically linked. Those who must follow the

general duty must also have regard to the guiding principles.

As the bill is worded currently, a health board will be legally required to do the same thing twice. I want to avoid confusion for the people who are expected to understand and carry out the duties that are set out in the bill, so I gently suggest that we do not need to triplicate legal duties in order for them to take effect. I therefore ask members to support my amendments that aim to correct that matter.

Amendment 2 is a technical amendment that aims to correct section 1(1)(b) so that it refers to “those main purposes”, rather than to “the main purpose”. That will show that there are two main purposes of staffing for health and care services, following Monica Lennon’s insertion at stage 2 of section 1(1)(a)(ii), which refers to ensuring

“the best health care outcomes for service users.”

Amendment 4 is a technical amendment that clarifies that the definition of standards and outcomes for service users in section 10H of the 1978 act refers specifically to section 10H(1). That would be consistent with the specific reference to section 10H(1) in section 12IB(2)(b). I welcome Monica Lennon’s amendment 42.

I move amendment 1.

Monica Lennon (Central Scotland) (Lab): Amendment 42 seeks to clarify that one of the main purposes of health service staffing is to ensure the best health and care outcomes for service users. The aim of my amendments at stage 2 was to ensure that the guiding principles placed the necessary focus on achieving the best outcomes for service users, which is a position on which I am sure we can all agree. I have welcomed the further discussions that have taken place to enhance that principle. Amendment 42 will ensure that all health and care service providers, including, for example, housing support services, are taken into account.

Alex Cole-Hamilton (Edinburgh Western) (LD): I am grateful to the Scottish Government for meeting me after stage 2 to clarify the points that have been made. I signal the support of the Liberal Democrats for the amendments in the group.

Amendment 1 agreed to.

Amendment 42 moved—[Monica Lennon]—and agreed to.

Amendments 2 to 4 moved—[Jean Freeman]—and agreed to.

Section 3—Guiding principles in care service staffing and planning

The Presiding Officer: Group 2 is on commissioning of care services. Amendment 5, in the name of the cabinet secretary, is grouped with amendments 43 and 44.

Jeane Freeman: Section 3(1) imposes a duty on care service providers to

“have regard to the guiding principles”

when they carry out the duty in section 6. Section 3(2) is about the planning and commissioning aspects, and relates to when arrangements are being secured to allow a care service to be delivered operationally by another person. The guiding principles already apply, given that commissioners need to have regard to the principles under section 3(2)(a). Amendment 5 clarifies that commissioners are also obliged to have regard to the fact that care service providers need to take the guiding principles into account.

14:30

With that in mind, I ask members to support amendment 5, which will correct the bill. I believe that the amendment provides the clarity that is needed to assist the people who need to understand and implement the legislation.

I am also happy to support David Stewart’s amendments 43 and 44.

I move amendment 5.

David Stewart: At stage 1, the committee heard from groups in the social care sector that were concerned that the bill places all its focus on care providers and does not adequately recognise the impact that commissioning decisions on funding resources have on staffing levels. I therefore lodged a stage 2 amendment seeking to place a duty on commissioners of care to ensure that providers are given appropriate resources under contract. That would have required them to take into account some of the factors that providers have to consider when setting staffing levels.

Following the raising of some concerns by the Government and local authorities, I agreed to further discussions on how the same principles could be agreed. The products of the discussions are amendments 43 and 44.

Amendment 43 would require local authorities and integration authorities to satisfy themselves, prior to agreeing a contract for care, that the contract for financial agreement will give providers “adequate resources for the provision of ... appropriate”

staffing levels. In doing so, they will have to consider for themselves the same factors that care service providers are required to take into account

under the duty that will be placed on them by section 6.

Amendment 43 also includes provision for local authorities and integration authorities, when determining whether providers are to be given adequate resources, to determine what the impact of entering the contract would be on the totality of resources—namely, the impact on the resources that would be available for other services.

It is my understanding that the provisions would mean that no local authority or integration authority should enter a contract or financial arrangement for provision of the care service when it believes that such an arrangement would leave it short of resources for delivery of other services for which it is responsible.

The draft of amendment 43 came from the Government. Therefore, before I move it, I ask the cabinet secretary what she understands the effect of the amendment will be.

Jeane Freeman: Local authorities should consider proposed new sections 3(2B)(a) and 3(2B)(b) when planning or securing the provision of a care services.

Proposed new section 3(2B) would require local authorities, when determining what constitutes “adequate resources” under proposed new section 3(2A), to have regard to

“the factors listed in section 6(2)(a) to (e)”

of the bill, and to have regard to

“the effect of securing the contract, agreement or arrangements on the resources available for the provision of all other services (including care services) for which the local authority ... is responsible.”

That consideration would happen before finalising any contract, and the provision will not prohibit the local authority from entering into a particular contract. Both parties will enter into the contract having agreed the terms and conditions of that contract.

We have all recognised the complexity and difficulty of finding a suitable provision on this issue. Should Mr Stewart, on reflection, believe that amendment 43 does not offer the improvement that he is seeking, I will not object if he seeks to withdraw it. That said, I wish to draw members’ attention to the fact that the bill still provides that commissioners must have regard to the guiding principles and duties that the bill places on providers in their planning and commissioning of services.

The Presiding Officer: Mr Stewart, would you like to come back in? It is unusual, but you may.

David Stewart: I thank the cabinet secretary for her answer. Under the bill, commissioners must have regard to the duties on care providers. I am

reluctant to see that being undermined. With permission, Presiding Officer, I seek to withdraw amendments 43 and 44.

The Presiding Officer: The amendments have not been moved, so there is no need to withdraw them. However, the point is noted.

I say to members that the way in which groups are normally managed, the person who moves the first amendment in the group gets the chance to speak. Other members then get one chance to speak on their amendments in the group, if any, and to all the other amendments in the group. The mover of the first amendment then gets to conclude. I am afraid that it is therefore not possible to have interaction such as we have just seen unless the cabinet secretary or somebody else requests to speak. However, I am flexible, so it was fine in this case.

I am just explaining the rules to make sure that you all know them.

I turn to—*[Interruption.]*

The Presiding Officer: I call the cabinet secretary to indicate whether she wishes to press or to seek to withdraw amendment 5.

Jeane Freeman: I will press amendment 5.

The Presiding Officer: I have officials to keep me straight on the rules, too—as is quite clear.

Amendment 5 agreed to.

Amendments 43 and 44 not moved.

The Presiding Officer: Group 3 is on reporting on staffing by care services. Amendment 6, in the name of the cabinet secretary, is grouped with amendments 45, 46, 39 and 39A to 39D. If amendment 6 is agreed to, I cannot call amendments 45 and 46, due to pre-emption.

Jeane Freeman: I was pleased to have the support of all parties at stage 2 for effective reporting on the progress of our staffing approach. Effective planning of staffing will feed into and support workforce planning at local and national levels. I particularly welcome Monica Lennon’s focus on ensuring transparency around the challenges that will be faced when carrying out the duties in the bill.

Amendment 39 will insert in part 3 of the bill a new section that will place a duty on ministers to publish an annual report on staffing levels in care services, particularly on the numbers of specific health professionals working in such services.

I am pleased to support amendments 45, 46, 39A, 39C and 39D in Monica Lennon’s name, and 39B in Alison Johnstone’s name.

I note that amendment 46 would remove subsections (7) to (9) from section 3. On that

basis, I am content that the reporting duty on local and integration authorities in section 3(6) remain in the bill. Therefore, when we have concluded the debate on this group of amendments, I will not press amendment 6, which is in my name. I move it now merely in order that we can get into that debate.

I move amendment 6.

The Presiding Officer: The cabinet secretary has moved amendment 6, so I will ask her to seek to withdraw it later.

I call Monica Lennon to speak to amendment 45 and the other amendments in group 3.

Monica Lennon: Just keep me right, Presiding Officer.

At stage 2, I lodged amendments with the aim of establishing reporting requirements on local authorities in relation to the duties that the bill will place on them as commissioners of care. The amendments were intended to aid scrutiny of the new duties on staffing levels that the bill creates.

The cabinet secretary's amendment 6 would move reporting duties on care service staffing levels into part 3 of the bill.

I welcome amendment 39 and the clarity that it gives on where information on care service staffing levels can be found. However, I remain of the opinion that some reporting should be required of local authorities and integration authorities because the bill still places specific duties on them. Therefore, I ask members not to support amendment 6, which is in the cabinet secretary's name, and instead to consider my amendments 45 and 46.

Amendment 46 will clarify that local authorities need make available only information on how they have complied with their duties publicly. That recognises that local authorities are accountable to their local electorates.

Amendment 45 will remove the reporting duties on ministers covered by the cabinet secretary's amendment 5; it will also remove detailed outcomes from reports, because that might not always be possible through commissioning structures.

I have lodged a number of other amendments that aim to strengthen amendment 39. Amendments 39A and 39D would ensure that the discharge of staff training requirements on providers under section 7 are also included in Scottish ministers' reports. That is important because future staffing tools that are mandated for use by Scottish ministers are likely to come with additional training requirements, so their implementation should be captured in staffing reports.

At stage 2, the cabinet secretary made it clear that, given current commissioning structures, Scottish ministers do not directly contract with care providers and therefore cannot directly provide private providers with certain funding. Despite that unsatisfactory position, the cabinet secretary also stated at stage 2 that the Scottish Government has policy approaches that come with financial commitments; for example, the living wage. In such instances, it is a matter for the Scottish Government and those who are in receipt of funding, such as local authorities, between them to decide whether the money is correctly passed on.

Amendment 39C would require ministers' reports to include information on the steps that they have taken to ensure that such money is passed on so that providers have access to funding to assist in discharging their duties under the bill.

I am grateful to the cabinet secretary for her comments and for providing clarity on amendment 6. I think that it was amendment 6. This is not straightforward, Presiding Officer.

I will be moving the amendments in my name.

Alison Johnstone (Lothian) (Green): Amendment 39B would require the Scottish ministers to set out how the information that will be contained in its annual reporting on care services will inform future workforce planning. At stage 2, I lodged an amendment that aimed to ensure that the Government would consider all relevant information available to it when it commissions training places for people who work in the care sector. We know that care homes now care for people with more complex illnesses than was previously the case, including people who require palliative care, and that there is a need for specialist input on aspects of care including nutrition and hydration.

My stage 2 amendment sought to ensure that, in relation to the care sector, which is facing significant challenges, and particularly at this time of focus on integration, we give the same consideration to ensuring that there are appropriate staff as we do in relation to the national health service. I did not press that amendment at stage 2 because of members' concerns that it was too prescriptive, but I know that we all agree that it is absolutely essential that we have appropriate and safe staffing levels in the care sector.

Importantly, amendment 39B will ensure that Scottish ministers take account of the reporting on staffing in care services that will be established by amendment 39 when

"determining the future supply of ... registered nurses" and other health and care professionals.

I will vote for amendments 45 and 46, in the name of Monica Lennon, because I agree that it is still a worthwhile and useful endeavour for local authorities and integration authorities to publish the proposed information.

The Presiding Officer: I ask the cabinet secretary, having moved amendment 6 to allow debate on the group, to wind up on the group and to say whether she wants to press or withdraw the amendment.

Jeane Freeman: I will not press it.

Amendment 6, by agreement, withdrawn.

Amendments 45 and 46 moved—[Monica Lennon]—and agreed to.

Section 4—NHS duties in relation to staffing

The Presiding Officer: Group 4 is on the duty on health boards and care services to ensure appropriate staffing: staff wellbeing. Amendment 7, in the name of Alex Cole-Hamilton, is grouped with amendments 8, 9, 37 and 38.

Alex Cole-Hamilton: It gives me pleasure to speak to the amendments in my name in this group and in support of the other amendments in the group. At stage 2, I was gratified when members of the Health and Sport Committee agreed to amendments in my name that expanded the scope of the bill and the definitions of safety that are used in it. Unsurprisingly, the bill was first drafted with the safety of patients in mind, and that should be the starting point for any such legislation. However, during the stage 1 evidence, the committee was told a compelling story about a situation on a mental health ward when the Royal College of Nursing phoned the duty charge nurse one night to ask whether the ward was safely staffed and the charge nurse said, “We’re safe for the patients but not for us.” The point is that the ward operated on an attack-response basis and there was insufficient staffing that night to allow staff to protect each other if something occurred.

So it was that I, with the help of the RCN, drafted amendments to increase the consideration of the safety of staff in the bill, and those amendments were agreed to at stage 2. I am grateful to the Government for bringing to my attention potential problems in relation to the devolution settlement, in that the amendments that were agreed to at stage 2 strayed into health and safety at work legislation, which is of course reserved. Working with the Government, I have constructed amendments 7 and 9 in my name, which absolutely retain the meaning of the original stage 2 amendments but recognise the nuances of the devolution settlement.

I offer the support of the Liberal Democrats for the other amendments in the group.

I move amendment 7.

Jeane Freeman: I thank Mr Cole-Hamilton for taking the time to speak to me about the amendments that he inserted at stage 2. We share the view that the wellbeing of staff is of paramount importance, and I welcome his amendments 7, 9 and 37.

My amendments 8 and 38 are intended to remove the words “and services” from the general duties for health and care services. Those words were inserted at stage 2, but they are unnecessary as healthcare is already defined in proposed new section 12IG of the National Health Service (Scotland) Act 1978 as

“a service for or in connection with the prevention, diagnosis or treatment of illness”.

Further, the care service is already defined in section 9 as

“a service mentioned in section 47(1) of the Public Services Reform (Scotland) Act 2010”.

The words “and services” therefore create unnecessary duplication, so I ask members to support amendments 8 and 38.

Amendment 7 agreed to.

Amendment 8 moved—[Jeane Freeman]—and agreed to.

Amendment 9 moved—[Alex Cole-Hamilton]—and agreed to.

14:45

The Presiding Officer: Group 5 is on the duty on health boards to ensure appropriate staffing: agency workers. Amendment 47, in the name of Anas Sarwar, is the only amendment in the group.

Anas Sarwar (Glasgow) (Lab): What amendment 47 seeks to do is pretty clear from its wording; it seeks to ensure value for money for our health boards and NHS Scotland more widely. We have seen agency staff being paid whole-time equivalent salaries that are four times as much as we pay NHS staff. Amendment 47 would at least set the principle of a cap so that such payments do not go above 150 per cent of a whole-time equivalent NHS salary. It would leave protection for emergency situations in which health boards have to employ people from agencies at salaries above that rate, but it would also ensure that there is a responsibility to publish the reasons why that has happened, the number of occasions on which it has happened and what the trends behind that are. There would also be a ministerial responsibility to update on why those situations have occurred.

We have had very positive interaction with the Government since lodging a similar amendment at

stage 2, which I did not press in order that we could have further interaction with the cabinet secretary. I am pleased with how that interaction has gone and I hope that, given that we have accepted all the Government's suggested amendments to our amendment, the cabinet secretary will support amendment 47.

I move amendment 47.

Jeane Freeman: I am grateful to Mr Sarwar for working with me and my team since stage 2 on the amendment.

I am still of the belief that the bill as amended will drive the necessary changes in the way in which staffing decisions are made to reduce the use of agency staff. In developing and scrutinising the legislation, both the Government and Opposition members have considered the whole-system approach to staffing decisions. By that I mean that we have looked beyond the evidence-based staffing tools and methodologies and considered how decisions are taken at every level of the organisation.

There has also been a focus on how those decisions are fed back to the staff who have informed them. That is why I, Miles Briggs, David Stewart and others have put a significant amount of effort into working with our stakeholders to finalise the provisions on real-time assessment of staffing, escalation processes and appropriate clinical advice. It is that system of effective and informed governance that will drive the changes that we all wish to see. In ensuring that staffing decisions are taken based on workload and taking into account appropriate clinical evidence, we will move towards the appointment of a sustainable staffing establishment. It will also ensure that, if agency staff are used, that is as part of an appropriate risk-mitigation approach.

I absolutely appreciate the intention behind Mr Sarwar's amendment 47 and I thank him again for taking the time to discuss it further with me. I think that there are some difficulties with the drafting of amendment 47 and that the requirements on boards could be considered to be ambiguous, but I believe that that can be clarified in the statutory guidance that will accompany the bill. In this instance, it is my view that the value of the intention outweighs those points of difficulty and I am therefore happy to support amendment 47.

Anas Sarwar: I welcome all the content of the cabinet secretary's response. I think that we both have the exact same intention and therefore I welcome her support for my amendment.

Amendment 47 agreed to.

The Presiding Officer: Group 6 is on staffing assessment and risk escalation by health boards. Amendment 10, in the name of the cabinet

secretary, is grouped with amendments 48 to 59, 11, 12, 60 to 62, 20 and 23.

Jeane Freeman: I welcome all the amendments in this group lodged by Mr Briggs and Mr Stewart and I thank them for their collaborative work on the provisions. I also thank the members of the escalation working group, who have put a significant amount of effort into ensuring that the provisions work for all staff groups and across our healthcare system.

My amendments are fairly technical in nature. Amendment 10 inserts the word "safe" into section 12IAA(2)(a)(ii) so that it is consistent with the wording in the general duty for health following the addition of that wording by Mr Cole-Hamilton at stage 2.

Amendment 11 inserts reference to the new paragraph added through David Stewart's amendment 59 into the list of those staff members who must be notified of every decision made in relation to risk so that all those who have been involved in attempting to reach a decision on the mitigation of a risk under this section should be notified of the final decision reached and should have the opportunity to record disagreement with that decision if they wish.

Similarly, amendment 12 inserts reference to the new paragraph to section 12IAB(2)(d)(iv), so that those who have provided clinical advice in any part of the procedures put in place under the section should be notified of the decision reached and, again, should have the opportunity to record disagreement with that decision if they wish.

Amendment 20 amends section 12IE, which is entitled "Reporting on staffing", to include reference to section 12IABA, on the duty to have arrangements to address severe and recurrent risks, inserted by David Stewart's amendment 62; section 12IABB, on the duty to seek clinical advice on staffing, inserted by Mr Briggs's amendment 63; section 12IAD, on the duty to ensure adequate time is given to clinical leaders, inserted by my amendment 18; and section 12IAE, on the duty to ensure appropriate staffing and training of staff, which was inserted at stage 2 by Ms Johnstone. That will ensure that health boards and the agency must include information on their compliance with those duties in the reports that they are to provide to ministers on an annual basis.

Finally, amendment 23 sets out that ministers can issue guidance under section 12IF on the new duty to have arrangements to address severe and recurrent risks imposed by the new section 12IABA.

I move amendment 10.

David Stewart: I thank the cabinet secretary for the very helpful meetings that we had about

planning these amendments to make sure that we have a stronger bill.

The Royal College of Nursing, representatives of which I welcome to the gallery, made it clear from the start of the bill process that the bill will be effective only if it deals with how to manage day-to-day staffing levels, not just with setting expected staffing establishments. For that reason, I was glad to see the introduction of provisions on risk assessment and escalation by the Government at stage 2.

My amendments 48 to 51 and 53 to 60 make only minor changes to those successful provisions from stage 2. The purpose of the amendments is purely technical; they are aimed at strengthening the risk assessment and escalation processes that have been established. To that end, I will speak to the amendments according to their purpose rather than in chronological order.

Amendment 48 ensures that any risk assessment procedures include a method by which staff members may notify responsible individuals of possible risk, closing a potential gap in the procedures that currently exist.

Amendments 49, 53 and 54 alter the precise definition of the individuals and management structures involved in the process so that non-clinical managers who bear responsibility for staffing levels can be included in the procedures. That said, the role of clinical experience and advice in staffing decisions cannot be overlooked. It is therefore protected by amendments 55 and 57, which put a requirement on decision-making individuals in the structure to seek and have regard to clinical advice.

Amendments 56 and 58 empower the individuals involved to take decisions on how to mitigate any risk that is identified and escalated. Amendment 59 allows for the escalation of any risk up the management chain as far as necessary and potentially up to board level.

Amendment 60 ensures that there is an opportunity and process for individuals to request a review of a decision on risk, should they be concerned or dissatisfied by the final outcome. Risk assessment notification procedures are only of use if staff are aware of them and they can be utilised. For that reason, amendment 51 requires health boards to proactively encourage and enable staff to make use of the procedures. In the same vein, I can confirm that we support amendments 52 and 61, lodged by Miles Briggs, which similarly ensure that staff are equipped to use the procedures.

Finally, amendment 62 seeks not to alter, but to add to the provisions that are already in place. As important as real-time risk assessment and escalation are, it is crucial that they are not used

purely for firefighting on the ground. Health boards and those who scrutinise them should be able to have an overview of the risks to their staffing levels, especially if those risks are substantial and likely to recur. Where there are long-standing vacancies across a number of key posts in our health service, day-to-day assessment and mitigation will not be satisfactory or sufficient.

Therefore, amendment 62 establishes a requirement for health boards to keep a record of the most significant and potentially recurring risks, as well as to put in place a plan for how those will be managed. The majority of health boards should already have a similar process in place for risks to staffing. Amendment 62 merely makes the requirement clear and should provide a mechanism for linking the situations staff have to deal with on the ground to higher-level monitoring and planning.

Miles Briggs (Lothian) (Con): Amendment 52 relates to amendment 105, which I lodged at stage 2. However, unlike that amendment, amendment 52 takes account of the fact that only those individuals with lead professional responsibility will be responsible for carrying out the staffing assessment procedures and so it sets out that those individuals are to be given the training and resources necessary to carry them out.

Similarly, amendment 61 provides that individuals with lead professional responsibility and other senior decision-makers are to be given the training, time and resources necessary to carry out the risk escalation procedures detailed in section 12IAB. I ask members to support both amendments 52 and 61.

The Presiding Officer: As no other members wish to speak, I invite the cabinet secretary to wind up.

Jeane Freeman: I have nothing further to add, Presiding Officer.

Amendment 10 agreed to.

Amendments 48 to 51 moved—[David Stewart]—and agreed to.

Amendment 52 moved—[Miles Briggs]—and agreed to.

Amendments 53 to 59 moved—[David Stewart]—and agreed to.

Amendments 11 and 12 moved—[Jeane Freeman]—and agreed to.

15:00

Amendment 60 moved—[David Stewart]—and agreed to.

Amendment 61 moved—[Miles Briggs]—and agreed to.

Amendment 62 moved—[David Stewart]—and agreed to.

The Presiding Officer: Group 7 is on clinical role and advice in health board governance. Amendment 63, in the name of Miles Briggs, is grouped with amendments 18, 18A and 18B.

Miles Briggs: Amendment 63 is an alternative to amendment 123, on the role of the designated person, which I lodged and then withdrew at stage 2.

I have had a number of discussions with the cabinet secretary to agree an alternative approach to ensure that the bill captures the crucial role of clinical advice in relation to the decisions that are made by boards under the various duties that are placed on them by the bill.

Rather than requiring health boards to designate a person, amendment 63 seeks to put them under a duty to put in place arrangements to ensure that clinical advice is sought in relation to staffing decisions and any arrangements that they put in place in relation to staffing, such as the development of a risk escalation process under section 12IAB of the 1978 act, and to have regard to that advice.

When a board makes a staffing decision that goes against clinical advice, that must be noted, and those who provided the advice must be informed. Boards must also identify any risks that might arise as a result of that decision and take appropriate action to mitigate them.

Amendment 63 also provides for an internal reporting procedure, which is an important element in relation to board transparency and accountability. Senior clinical professionals would report to the members of the board at least quarterly on the extent to which—in their view—the board was complying with its duties under the bill. The inclusion of the phrase “at least” would allow them to submit reports to the board at any time if they felt that it was not meeting those duties. I ask members to support this alternative approach.

I move amendment 63.

Jeane Freeman: Again, I start by expressing my gratitude to Mr Briggs for working with me following the stage 2 proceedings. As he said, amendment 63 seeks to amend the bill by placing health boards under a duty to put in place arrangements to ensure that they seek clinical advice from senior clinical professionals, and to have regard to that advice in reaching any decision on staffing.

I agree with Mr Briggs on the importance of ensuring that the professional voice is heard. That is already woven throughout the bill, but I believe that amendment 63 strengthens the approach and

is the appropriate way to ensure that health boards must seek that professional advice, while ensuring that the accountability for decisions remains with the board. I am therefore happy to support amendment 63.

Amendment 18 in my name will remove and replace proposed new section 12IAD of the 1978 act. I fully recognise the unique role of the senior charge nurse and agree that it is important that the role is protected. However, I do not believe that the existing wording of section 12IAD—which does not take account of the multidisciplinary teams or allow for flexibility with regard to the size of the team and the service delivery model—is the best way to achieve that.

It is not always appropriate to require health boards to make all senior charge nurses 100 per cent non-case load holding. One example of many would be on the Shetland Isles, where a number of community nursing teams are spread over the islands, with between two and eight members of staff in each. Two senior charge nurses currently provide clinical leadership across all those teams. As currently drafted, section 12IAD would not allow for that model and would require a senior nurse in each team to be 100 per cent non-case load holding. Each of those nurses would have to be backfilled. That approach is not sustainable and would not allow health boards to develop models of care that suit their local needs and their patients.

Because the definition of “caseload holding” is tied to the wider requirement to meet patient needs and not to the more specific requirement to provide direct patient care, I do not believe that it delivers the intention of ensuring that senior charge nurses have protected time to fulfil their clinical leadership role, and I imagine that it would be difficult for boards to identify senior nurses who were not required to meet patient needs. I am also aware of stakeholder concerns that a requirement for a fully non-case load holding senior nurse in every rostered location could have the unintended consequence of diverting resources away from other clinical team leaders.

For those reasons, it is essential that we replace the existing section 12IAD with a provision that works in all clinical settings. Therefore, I have worked with Ms Johnstone and stakeholders from a number of professional groups to develop an amendment that applies to not just senior charge nurses but whomever the appropriate clinical team leader is for a team of staff, be that a midwife, an allied health professional, a nurse or a doctor.

Amendment 18 seeks to recognise the unique roles and responsibilities of all clinical team leaders and to ensure that they receive adequate time to discharge their leadership responsibility and their other professional duties. It will provide

flexibility for the appropriate amount of time to be allocated, depending on the local context, the size and nature of the team, and the healthcare setting. I ask members to support amendment 18.

I am content with Ms Johnstone's amendments 18A and 18B to my amendment 18, and I welcome her support for it.

Alison Johnstone: Amendments 18A and 18B have come about as a result of discussions with the Royal College of Nursing, allied health professionals, the Royal College of Midwives and the Government.

At stage 2, as members heard, I was successful in amending the bill to ensure that senior charge nurses will have the time that they need to carry out their important clinical leadership roles. The results of a freedom of information request from the Royal College of Nursing to NHS boards show that, of the 911 whole-time equivalent senior charge nurses that were identified in September 2017, only 115 were non-case load holding. I listened to what the cabinet secretary said, and I am sure that she will agree that there are many occasions when it is entirely appropriate for senior charge nurses to be non-case load holding. We must ensure that that is the case when that is appropriate.

I am pleased that we now have a proposal that all healthcare professionals are content with, but I was happy to push my stage 2 amendment, because nurses make up 42 per cent of the NHS workforce. My new amendments have been welcomed by nurses, midwives and allied health professionals. They seek to make absolutely sure that all lead professionals will have sufficient time and the resources that they require to carry out their leadership role and that that role is fully recognised.

Amendment 18A seeks to amend amendment 18 to ensure that clinical leaders have the resources that they require, as well as the time, to satisfactorily discharge their leadership responsibilities. Similarly, amendment 18B seeks to clarify that clinical leaders need sufficient time to "lead" the delivery of healthcare because, arguably, all healthcare professionals and staff "contribute to" its delivery.

Amendment 63 agreed to.

The Presiding Officer: Group 8 is on the duty on health boards to ensure appropriate staffing: numbers and training of healthcare professionals. Amendment 13, in the name of Alison Johnstone, is grouped with amendments 15, 17 and 19.

Alison Johnstone: Proposed new section 12IAC of the 1978 act will ensure that enough student places are offered to train a workforce that will better ensure that we deliver the healthcare

that will meet Scotland's changing needs. Amendment 13 seeks to acknowledge that there are factors that are outwith the Scottish ministers' control, but still requires them to take "all reasonable steps" to ensure that there are sufficient numbers of registered healthcare professionals.

Amendment 15 seeks to add a stipulation that the Scottish ministers must take into account variation in staffing needs that are caused by differences in geographical areas. The healthcare needs of rural populations often differ greatly from those of more urban communities. Our rural and island NHS boards face particular challenges around recruitment and retention, and amendment 15 will ensure that the Scottish ministers have regard to rural-specific issues in their determinations.

Amendment 17 seeks to clarify what is expected of the Scottish ministers in reporting to Parliament on the provisions in question and setting out the extent to which ministers' compliance with the duty to comply with section 12IAC has enabled health boards to comply with their duty to ensure appropriate staffing under section 12IA.

Section 12IAE places a duty on NHS boards to ensure that employees receive the time to carry out continuing professional development. NHS governance standards already state that employers will give time to staff for CPD but, as we are all too well aware, that time is often lost because of the demands on staff and their time. Amendment 19 will ensure that employees will receive sufficient time and resources to undertake training, but it will allow health boards to take a reasonable approach in determining what is appropriate training and resourcing.

I move amendment 13.

Jeane Freeman: I welcome Ms Johnstone's amendments, and I am grateful that we were able to work on them. In particular, I am pleased about the recognition of the open-ended nature of section 12IAE, which was inserted by her amendment at stage 2. Amendment 13 will ensure that health boards must ensure that appropriate time is provided for training, provided that continuity of staff and high-quality services are maintained. I offer my support for her amendments.

Amendment 13 agreed to.

The Presiding Officer: Group 9 is on the application of duties in the bill to special health boards. Amendment 14, in the name of the cabinet secretary, is grouped with amendments 16 and 24 to 35.

Jeane Freeman: New section 12IAC of the 1978 act, which places a duty on the Scottish

ministers to ensure that sufficient numbers of staff are available to every geographical health board and the Common Services Agency to enable them to comply with the general duty, was inserted at stage 2 by Alison Johnstone. My amendments 14 and 16 will ensure that that duty also applies to clinical-facing special health boards, meaning the State Hospitals Board for Scotland, the Scottish Ambulance Service, NHS 24 and the national waiting times centre board.

Amendments 24 to 35 will ensure that the new sections that are being inserted through stage 3 amendments, along with new section 12IAE on the training of staff, will also apply to those special health boards.

I move amendment 14.

Amendment 14 agreed to.

Amendment 15 moved—[Alison Johnstone]—and agreed to.

Amendment 16 moved—[Jeane Freeman]—and agreed to.

Amendment 17 moved—[Alison Johnstone]—and agreed to.

Amendment 18 moved—[Jeane Freeman].

Amendments 18A and 18B moved—[Alison Johnstone]—and agreed to.

Amendment 18, as amended, agreed to.

15:15

Amendment 19 moved—[Alison Johnstone]—and agreed to.

The Presiding Officer: Group 10 is on the duty to follow the common staffing method for healthcare. Amendment 64, in the name of Miles Briggs, is grouped with amendments 65 to 69, 21 and 22.

Miles Briggs: I have met the cabinet secretary to discuss the amendments that were made to the bill at stage 2, and her skills of persuasion have convinced me that further amendment of new section 12IB of the 1978 act is required to make it clear that setting the staffing establishment is not the only purpose of the common staffing method and to avoid any duplication that might cause confusion among those responsible for carrying out the method. I made it clear at stage 2 that it was never my intention to prevent the common staffing method from being used for other purposes, such as supporting the redesign of services.

With that in mind, amendments 64, 68 and 69 would remove new sections 12IB(1A) and 12IB(1B) of the 1978 act, which were placed in the bill by an amendment of mine at stage 2, and

instead alter new section 12IB(2)(d) so that it states that, having followed the steps in the common staffing method, the health board is to decide “what changes (if any) are needed as a result to its staffing establishment, and to the way in which it provides health care.” A definition of the term “staffing establishment” is provided.

Amendment 65 clarifies that the measures for monitoring and improving the quality of healthcare that are published as standards and outcomes by the Scottish ministers under section 10H(1) of the 1978 act and that are to be taken account of as part of the common staffing method include any measures that are developed as part of a national care assurance framework.

Amendment 67 would make a minor change to the common staffing method. At stage 2, I lodged an amendment, which was agreed to by the committee, that added a new step in the common staffing method that requires health boards to take account of the experience of using the real-time assessment and risk escalation processes in new sections 12IAA and 12IAB of the 1978 act. It seems to me that the new linked duty in David Stewart’s amendment 62, which we have already debated, to have arrangements in place to address severe and recurrent risks, should also be included in that step in the common staffing method. Therefore, amendment 67 would add into the new step a reference to new section 12IABA.

I ask members to support all my amendments, and I move amendment 64.

David Stewart: I have only one minor amendment in the group. At stage 2, a number of additions and alterations were made to the bill in order to make explicit, and to protect, its multidisciplinary nature. Staff groups for which there is not yet a staffing tool had expressed concern that using the existing tools might draw resources away from other staff groups—an unintended consequence of not yet having multidisciplinary tools in place. At stage 2, therefore, I lodged an amendment that would require the impact on other staff groups to be taken into account in using the common staffing method to establish staffing levels.

Amendment 66 seeks only to alter the wording of that addition. The language of the bill refers to the tools that should be used for different types of “health care” rather than different types of professions, and amendment 66 would change the wording of my stage 2 addition to reflect that. The original purpose would remain the same: that the delivery of services for which a staffing tool did not yet exist should not be overlooked or understaffed by appropriate professionals so that statutory establishments could be met elsewhere.

Jeane Freeman: I am pleased to offer my full support to Mr Briggs's amendments 64, 68 and 69.

Amendment 22 is consequential to Mr Briggs's amendment 68 in that it amends the words "staffing levels" in new section 12IF of the 1978 act—"Ministerial guidance on staffing"—to "staffing establishment" for the purpose of consistency.

Amendment 21 is a technical amendment to clarify that guidance may cover a step in the common staffing method that was inserted at stage 2.

I support Mr Briggs's amendments 65 and 67 and Mr Stewart's amendment 66, which provide helpful clarifications of the common staffing method that is set out in new section 12IB of the 1978 act.

The Presiding Officer: As no other member wishes to speak to this group, I call Miles Briggs to wind up and to press or withdraw amendment 64.

Miles Briggs: I have nothing further to add, Presiding Officer.

I press amendment 64.

Amendment 64 agreed to.

Amendment 65 moved—[Miles Briggs]—and agreed to.

Amendment 66 moved—[David Stewart]—and agreed to.

Amendments 67 to 69 moved—[Miles Briggs]—and agreed to.

Amendments 20 to 23 moved—[Jeane Freeman]—and agreed to.

Section 5—Application of duties to certain Special Health Boards

Amendments 24 to 35 moved—[Jeane Freeman]—and agreed to.

Section 5A—Role of Healthcare Improvement Scotland in relation to staffing

The Presiding Officer: Amendment 36 is grouped with amendment 70.

Jeane Freeman: Amendment 36 is a technical amendment that adds to the list of duties, at new section 12IH of the 1978 act, that Healthcare Improvement Scotland "must monitor the discharge" of

"by every Health Board, relevant Special Health Board"

and the Common Services Agency. That will ensure that HIS will have oversight of the discharge by health boards of every aspect of the legislation. Having worked with Miles Briggs prior to today, I am also happy to support amendment 70, which is in his name.

I move amendment 36.

Miles Briggs: Since stage 2, I have had helpful discussions with the cabinet secretary around how Healthcare Improvement Scotland will review and develop staffing tools in the health service and what evidence and guidance it will take into account while doing so. I hope that amendment 70 reflects that and ensures that the development of staffing tools and methods continues to be based on the best available professional guidance and clinical evidence.

Therefore, I ask members to support amendment 70.

The Presiding Officer: As no other member wishes to speak to this group, does the cabinet secretary wish to add any comments in winding up?

Jeane Freeman: I have nothing further to add, Presiding Officer.

Amendment 36 agreed to.

Amendment 70 moved—[Miles Briggs]—and agreed to.

Section 6—Duty on care service providers to ensure appropriate staffing

Amendment 37 moved—[Alex Cole-Hamilton]—and agreed to.

Amendment 38 moved—[Jeane Freeman]—and agreed to.

Section 7—Training of staff

The Presiding Officer: Amendment 71, in the name of Monica Lennon, is grouped with amendments 72 to 78.

Monica Lennon: In February, the fair work convention's report "Fair Work in Scotland's Social Care Sector 2019" found that the social care sector is not consistently delivering fair work and that its ability to do so is hindered by the current funding and commissioning structures. We know that the bill will not produce the additional caring staff that Scotland needs, but Scottish Labour believes that improving conditions in the sector would be a key step to addressing the social care challenges that Scotland currently faces.

Section 7 requires care providers to provide their staff with appropriate training for their jobs and suitable assistance in completing that training, and those provisions are an encouraging recognition of the need to support care service workers better. The guiding principles of staffing in section 1 contain the provision that staffing should "be arranged while ... ensuring the wellbeing of staff".

Amendments 71 to 78 in my name would add to those provisions along fair work principles. The bill

does not contain any definition of “wellbeing”, but I would argue that my amendments go some way towards defining the standards required by wellbeing, as they would see care service workers properly reimbursed for costs that are incurred through the course of their work, be they uniform and clothing costs, travel costs for journeys between service visits, fees for necessary professional registrations or the costs of any training that workers must undergo. It is not acceptable that staff are still required to pay out of their own pocket for such items.

Amendment 75 would place on a statutory footing the Scottish Government’s current policy commitment to care service workers being paid a living wage, while amendment 77 defines such a living wage using language that is lifted straight out of the Scottish Government’s own Procurement Reform (Scotland) Act 2014. Amendment 76 and consequential amendment 78 would ensure that care service workers are given contracts with clearly defined hours, which would give them the security that a zero-hours contract could never offer.

The bill acknowledges that staffing is central to the delivery of “safe and high-quality” health and care services, and amendments 71 to 78 are in line with that principle. The social care that service users want and need cannot be delivered by staff who are overworked, stressed, struggling to get by and at risk of burn-out, and I know that the cabinet secretary understands and, indeed, agrees with that sentiment. I believe that the amendments would give Scottish workers in care services a guarantee of fair work.

Since I lodged the amendments last week, a number of organisations have expressed to me and colleagues their view that such standards should definitely be in place. However, I have appreciated the opportunity to talk to the cabinet secretary and her officials about these amendments, and I have taken on board their concerns that some of them fall outside the Parliament’s legislative competence. Moreover, the cabinet secretary has, in our discussions, confirmed that she is supportive of the principle that the amendments aim to meet, and I know that many others in the chamber concur with that view. I am not clear as to how my amendments substantially differ from the apparent workers’ rights provisions in sections 1 and 7, but I acknowledge the Scottish Government’s concern, and I do not want the debate to become about setting one legal opinion against another, given that there is so much in the bill that we can support and, indeed, which we have already supported.

The cabinet secretary has indicated to me that, as an alternative, she will ensure that guidance

accompanying the bill will make clear that these fair work standards are to be followed in the delivery of care services. If the cabinet secretary is willing to make a clear commitment to the chamber today with regard to these standards and to producing alongside the bill guidance that follows these fair work practices in care commissioning and delivery, I will be content not to move my amendments. *[Interruption.]*

I was not sure whether the cabinet secretary was going to come in at that point. If I have her commitment, I will not press—

The Presiding Officer: I suggest that Monica Lennon move amendment 71. If, in her response, the cabinet secretary agrees with the member, she can withdraw her amendment then.

Monica Lennon: I am happy to do so. I move amendment 71.

Alex Cole-Hamilton: Colleagues will remember the case of my constituent George Ballantyne, who spent 150 nights in Liberton hospital after he was declared fit to go home. That was partly due to a deficiency in the availability of social care provision in Edinburgh. There is a crisis in social care in the nation’s capital and I am therefore compelled by Monica Lennon’s arguments. We need to do more to recognise fair work in the social care sector, and we need to make the profession attractive to people right from the early days of primary school so that they can direct their careers that way. Unless we start to make these kinds of changes, we will reap the whirlwind of that crisis in our social care sector.

As I have said, I am happy to support Monica Lennon’s amendments, but if she does not press amendment 71 or move the other amendments in the group, I, too, want the cabinet secretary to make a commitment to addressing this issue in guidance backing the bill.

Jeane Freeman: I welcome the intention behind Monica Lennon’s amendments. As a Government, we have done what we can within the powers that we have to encourage every organisation, regardless of size, sector or location, to ensure that all staff receive a fair level of pay and, where possible, to pay the real living wage. We are committed to fair work. Payment of the real living wage and becoming accredited can make a difference to the lives of people working in Scotland; it benefits the economy and sends a positive signal to the wider community. I completely accept that it is also an important factor in the recruitment and retention of staff in this important sector.

15:30

We have condemned and continue to condemn exploitative business practice and, as members are aware, our fair work action plan, which was developed with the Scottish Trades Union Congress, was published in February this year.

However, for as long as employment law remains reserved to the United Kingdom Parliament, the next steps that many of us in the chamber would want to take are restricted. That means that Ms Lennon's amendments are strictly outwith the competence of this Parliament. Nonetheless, we have demonstrated that, regardless of that barrier, we will push for changes.

I am grateful to Ms Lennon not only for lodging her amendments but for indicating her intention not to press them, provided that the assurance that I can give her is satisfactory. I believe that, if the amendments were passed, it would be inevitable that the entire piece of legislation would be referred to the UK Supreme Court because we would have strayed into reserved areas. I know that no one in the chamber who supports what the bill intends to achieve for our staff in health and social care would wish for that to happen.

I am more than content to offer Ms Lennon the assurance that the fair work principles that are set out in her amendments will be included in the guidance that supports the implementation of the bill. I will return to the Health and Sport Committee with the draft guidance to consult it on this and other matters relating to the guidance. I hope that that assurance is enough for Ms Lennon and I urge her not to press her amendments but to work with me when we are constructing the guidance.

The Presiding Officer: As no other members wish to speak, I ask Monica Lennon to wind up.

Monica Lennon: I thank Alex Cole-Hamilton and the Scottish Liberal Democrats for their support on this matter. Indeed, I think that there has been support across the chamber.

Building on the constructive talks that I have had with the cabinet secretary and the remarks that she has just made, I welcome her strong commitment and strong assurance and I look forward to the guidance coming before the Health and Sport Committee. I am sure that colleagues on the committee will do a good job of ensuring that the guidance fully takes on board the points that were made in the amendments and I appreciate the cabinet secretary's commitment on that.

Amendment 71, by agreement, withdrawn.

Amendments 72 to 78 not moved.

Amendment 39 moved—[Jeane Freeman].

Amendment 39A moved—[Monica Lennon]—and agreed to.

Amendment 39B moved—[Alison Johnstone]—and agreed to.

Amendments 39C and 39D moved—[Monica Lennon]—and agreed to.

Amendment 39, as amended, agreed to.

Section 10—Functions of SCSWIS in relation to staffing methods

The Presiding Officer: Group 13 is on staffing methods for care services. Amendment 79, in the name of David Stewart, is grouped with amendments 80 to 82, 40 and 41.

David Stewart: The amendments all relate to the staffing tools that might be developed for the care sector. Amendments 80 to 82, which Miles Briggs lodged, would ensure that professional and clinical guidance, as well as any accepted care indicators, could be taken into account in the development of such tools. That seems sensible and appropriate.

Amendment 79, which is in my name, would establish parity with health services under part 2. As we have discussed, it is crucial in health services that risks to staffing levels can be identified, appropriately escalated and mitigated. The same point applies to social care services.

I recognise that, unlike the health service, the social care sector is made up of a range of providers whose size and services vary. For that reason, it would be inappropriate to set out in primary legislation precise procedures on staffing risk for all providers to establish and follow, as has been done for the health service in part 2. The different staff and management structures across the care sector make it unlikely that it would be possible to craft even a general process that worked for everyone.

Amendment 79 includes the option to build risk management guidance into staffing tools that are developed for care services. Importantly, the amendment would allow flexibility in how risk management procedures were developed for different care services.

I move amendment 79.

Miles Briggs: Amendment 80 relates to my stage 2 amendment 122, which I did not move. As with staffing methods in health services, it is crucial for the professional voice to be at the core of staffing methods in care services. To recognise the diversity of the staff groups that provide care, amendment 80 sets out that a staffing method that

is recommended for use by care service providers may take account of

“recommendations of senior care sector or health care professionals with qualifications and experience that are appropriate to the care services in question”.

As staffing methods are developed, that will ensure that consideration is given to who is best placed—be that a nurse, a care worker or an allied health professional—to provide advice on staffing decisions that are based on the method.

Amendments 81 and 82 relate to my stage 2 amendments 117 and 120. Given that not all care providers provide clinical care, it would not be appropriate to have clinical quality indicators for all care services. It is important to remember that the care setting is often someone’s home. Amendment 81 therefore provides that any staffing method that is developed and recommended for use in care services may take into account

“such indicators or measures relating to the quality of care as”

the Care Inspectorate

“considers appropriate”.

My amendment 70 provided that, in developing new or revised staffing tools for health settings, Healthcare Improvement Scotland must have regard to relevant evidence and professional guidance. Amendment 82 would create a parallel provision on the care side, so that the Care Inspectorate should also consider, when developing new staffing methods for care services in collaboration with stakeholders, whether appropriate evidence and professional guidance should be included in the method.

I ask members to support my amendments.

Jeane Freeman: I thank David Stewart and Miles Briggs for working with me following stage 2 to produce their amendments as alternatives. I am happy to support amendment 79, in Mr Stewart’s name, and amendments 80 to 82, in Miles Briggs’s name.

Amendment 40 was lodged to introduce a regulation-making power to allow ministers to amend the list, in section 82A(5) of the Public Services Reform (Scotland) Act 2010, of what a staffing method for care services may include at the Care Inspectorate’s discretion. Amendment 41 was lodged to make that power subject to the affirmative procedure.

It would be inappropriate to specify absolute requirements for the development of staffing tools and methodologies for the care sector. Such tools and methodologies have not yet been developed, and I have consistently given the care sector the commitment that they will be developed by and for the sector. It should be up to those who are

involved in developing methods to determine their content.

Amendment 40 was lodged to ensure that flexibility was maintained. I am pleased that, following our discussions at stage 2, members agree that flexibility is important and have not sought to be overly prescriptive in what must be included in a staffing methodology for the care sector. As I have already let the Delegated Powers and Law Reform Committee know, I therefore intend not to move amendments 40 and 41, as they are no longer required.

Amendment 79 agreed to.

Amendments 80 to 82 moved—[Miles Briggs]—and agreed to.

Amendment 40 not moved.

Section 11—Care services: consequential amendments

Amendment 41 not moved.

The Presiding Officer: That ends consideration of amendments.

As members will be aware, I am required by standing orders to decide at this stage whether in my view any provision of the bill relates to a protected subject matter—that is, whether the bill affects the franchise for Scottish parliamentary elections. It is my view that the bill does not and therefore does not require a supermajority at stage 3. I know that Mr Swinney is fascinated to hear that.

Members will be delighted to hear that we have made very rapid progress through the bill. I will consult business managers and we will almost certainly move to bring forward decision time. We will suspend briefly before we resume for the stage 3 debate.

15:42

Meeting suspended.

15:52

On resuming—

Health and Care (Staffing) (Scotland) Bill

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a debate on motion S5M-17127, in the name of Jeane Freeman, on stage 3 of the Health and Care (Staffing) (Scotland) Bill. I ask those who wish to speak in the debate to press their request-to-speak buttons.

The Cabinet Secretary for Health and Sport (Jeane Freeman): The bill will put into legislation a system-wide approach to supporting and empowering staff across the health and care system to assess and respond to the workload associated with the delivery of high-quality patient care. I start the debate by thanking the organisations and members across the chamber who have so constructively contributed to the development and improvement of such important legislation.

The Health and Care (Staffing) (Scotland) Bill is grounded in, and builds on, the excellent approach to workload planning led by our nurses and midwives. This morning, I was fortunate to be at Forth Valley to see how that approach works to develop and improve safe care and quality care.

The development of the staffing methodology and specialty-specific tools has been innovative, evidence-based and, importantly, a professionally led approach. Scotland has led the way in developing those tools and methodologies for nursing and midwifery. Now we can become world leading by enshrining the approach in legislation and extending its core principles across our health and care system.

The legislation matters to our national health service and healthcare staff, but it also matters to patients and those who receive social care. We see the crucial link between safe staffing, the utilisation of the multiple skills of the multidisciplinary team and the quality and safety of the service received. It is a critical component of a safer healthcare system for the people of Scotland.

At the recent international forum on quality and safety in healthcare that was held in Glasgow, we welcomed leaders of healthcare systems from across the world. When we hear the head of Healthcare Denmark say,

"I have been following Scotland for the last ten years and have seen major changes and outstanding outcomes that we do not see anywhere else in the world at a system level",

I think that our healthcare staff should be very proud of the work, effort and experience that they have applied to get us to this point.

When I opened the stage 1 debate, I talked about the opportunities that the bill offers us as a critical component in the safety and quality landscape. I very much appreciate the valuable work that the members of the Health and Sport Committee and health spokespeople from all parties have put into the bill at every stage. Although we may have disagreed at points, I know that we all had a shared intention: that the legislation should recognise the importance of dynamic workload assessment to inform professional judgment on skill mix, recognise the need to meet the demands of that workload and recognise the critical importance of the clinical and professional voice in all that. We all recognised the importance of an evidence-based approach, founded on the needs of the patient or service user, to contribute to our planning of the workforce locally and nationally.

I know that we all wanted legislation that would work for the whole system—across all health and care settings—and work for and be respectful of our key partners, be they professional bodies, local authorities or care providers. We agree that high-quality care is possible only when we recognise the importance of the multidisciplinary team and the valuable experience and expertise that each of the roles brings to that.

Together with Miles Briggs and David Stewart, we have made significant changes to the bill that set out that health boards must have in place clear processes to allow those on the front line to carry out real-time assessment of staffing needs and effectively mitigate risks.

The legislation will ensure that the voice of the professionals—be that the midwife and doctor on a busy labour ward, the nurse and the physiotherapist working together in the community, or the executive nurse or medical director at board level—will be heard and will influence staffing decisions. The legislation will promote a continuing culture of transparency and engagement with staff, helping to create and sustain the conditions that staff need to use their experience and expertise to drive continuous improvement in our health and care service, while always keeping the individual in receipt of that care at the centre of delivery.

Of course, a great deal more work is to come to ensure that the staffing method and tools for health settings are kept up to date with advances in the way that care is delivered, to develop the multidisciplinary tools and to work with and support the care sector and local authority, third sector and private care providers to take the core methodology and build an approach that works for

them. There is learning from health that can be shared with the care sector in that regard; I am also sure that there will be learning from the care sector to share with health, which is exactly as it should be.

In passing the bill, I firmly believe that we will be supporting our health and care staff to meet the commitment that I know that they deliver on every single day; to apply their skills, expertise and compassion to deliver high-quality, safe care; and to find ways to improve how care is delivered, regardless of where it is delivered. I am very pleased to move the motion in my name.

I move,

That the Parliament agrees that the Health and Care (Staffing) (Scotland) Bill be passed.

15:58

Miles Briggs (Lothian) (Con): This may sound a bit like an Oscar awards speech. I thank a number of organisations and people who have helped, including my Scottish Conservative research team, the Royal College of Nursing Scotland, the Allied Health Professions Federation Scotland, the Convention of Scottish Local Authorities, Scottish Care and all those health professionals who have contacted me. I also thank the Health and Sport Committee team, the Scottish Parliament's legislation team and the Scottish Government's Health and Care (Staffing) (Scotland) Bill team.

Scottish Conservatives believe that the most valuable resource in our national health service is its people, and we want the Health and Care (Staffing) (Scotland) Bill to do all that it can to help them with their lives and jobs. Therefore, the amendments that I lodged focused on several themes: a duty to seek clinical advice on staffing, improving real-time assessment and risk escalation procedures, and improving staffing methods for care services.

Scottish Conservatives believe that it is essential for the professional voice to be heard throughout the legislation, hence my amendment 63 on a duty to seek clinical advice on staffing. Now that that amendment has been agreed to, the professional voice will be heard in all areas of the bill, including the duty to ensure appropriate staffing, having arrangements in place to address severe and recurrent risks and ensuring that adequate time is given to NHS clinical leaders for the training that they need, with resources to enable that. The amendments will aid the bill's whole-systems approach, which the cabinet secretary outlined. The bill needs to be as effective as possible, and ensuring that the professional voice is heard throughout it is a step forward in achieving that.

I also lodged amendments that looked to improve real-time assessment and risk escalation procedures. The amendments will ensure that staff with lead professional responsibility are trained and given sufficient time and resources to identify and mitigate risk. For other employees, the health board or agency will be under a duty to raise awareness of the escalation process and to encourage staff to identify and report risks that are caused by staffing inefficiencies. Real-time assessment is part of that.

Scottish Conservatives put forward numerous amendments that focused on staffing methods in care services. Throughout the Health and Sport Committee's discussions and evidence gathering on the bill, it was clear that there are opportunities to develop tools in partnership with the care sector. That was an important part of how I wanted the bill to progress, so I am pleased that my amendments will ensure that the appropriate people and organisations are involved in developing tools in future.

During the Health and Sport Committee's consideration of the bill, all members recognised that some care settings are people's homes and that that requires a different focus and staffing complement. I am pleased that that has now been recognised, and I hope that we will see the progression of the tools as soon as possible, when guidance is brought forward. The bill provides the acute sector with opportunities now, and I hope that we progress the opportunities for the care sector as soon as possible.

As I said during the stage 1 debate,

"Scottish Conservatives recognise that our health and social care workforce faces a number of key challenges. With or without legislation, unless we urgently resolve the staff shortages across NHS Scotland, safe staffing levels will remain a dream instead of a reality."—[*Official Report*, 6 December 2018; c 54.]

I hope that the Health and Care (Staffing) (Scotland) Bill will provide a critical contribution to driving the necessary improvements in cultural and organisational change that we need to meet the challenges and the expectations of health and social care staff across Scotland. We all agree on the principal objective of the bill, which is to provide improvements to deliver safe, effective and person-centred services and outcomes for people across Scotland. We now need the Scottish Government to ensure that it delivers that.

16:02

Monica Lennon (Central Scotland) (Lab): I congratulate the cabinet secretary and her officials, the Health and Sport Committee and the committee clerks, the legislation team and all the organisations that have put so much work into not just driving forward the bill but improving it. That is

a great reflection on everyone. I also thank the many people in the public gallery who have followed the debate, particularly the Royal College of Nursing representatives.

Scottish Labour welcomes the bill as amended. It is vital that we have safe levels of health and social care staff, so we welcome all attempts to ensure that we get them. No one has claimed that the bill is a panacea. Our NHS workforce is working under serious pressure and workforce planning has been poor. Scotland's fragile social care sector is facing a staffing and funding crisis. Scottish Labour continues to believe that the Scottish Government must urgently take action to address those on-going issues.

Alongside many stakeholders, Scottish Labour raised significant concerns about the bill at stage 1, so we are pleased that it has been substantially improved since then. I am pleased about the positive impact that Scottish Labour amendments will have for those working in the health and social care sector and ultimately for those who they care for.

It is important that NHS patients and people who are cared for by social care services are central to the bill. That belief is shared by staff, who commit their working lives to the health and wellbeing of others. My amendment 42 will ensure that the guiding principles of the bill focus on the outcomes for service users.

To have a positive impact, it is vital that workforce and workload planning are considered jointly. My amendments increase the public reporting requirements in the bill and, together with Alison Johnstone's amendments, mean that the bill now takes into account workforce planning as well as workload planning.

I am glad that we have been successful in strengthening the links between the bill and national workforce planning.

On robust risk assessment and escalation procedures, David Stewart's amendments will help to embed multidisciplinary principles into the planning of staffing levels. Anas Sarwar's amendment 47 will ensure that, in principle, there will be a welcome cap on agency fees and that clearer information will be available on agency staff use.

Social care staff do valuable and rewarding work, but they often face difficult working conditions, with low pay and insecure work. My amendments 71 to 78 aimed to ensure that they would be paid at least the Scottish living wage, would have secure hours, would not be employed on zero-hours contracts, and would be reimbursed for travel, training and registration fees and uniform costs that are directly related to their work. I am pleased that the cabinet secretary agrees

with me that social work terms and conditions must be drastically overhauled to improve the sustainability of the sector, and I am also pleased that they will now be included in guidance that will come before the committee.

Scottish Labour welcomes the Health and Care (Staffing) (Scotland) Bill and backs any opportunity to ensure safe staffing level for our vital health and care staff. The legislation is a step towards fixing the workforce crisis in our health and social care services, which sees staff being overworked and undervalued. However, I remain concerned that that crisis will not be resolved by the bill alone. In order to make real, sustainable change happen, our health and social care services need radical policy decisions that are backed up by investment.

16:06

Alison Johnstone (Lothian) (Green): I thank the numerous organisations that have provided briefings and support during stages 2 and 3 of the bill's passage. I also thank members of the Royal College of Nursing, whose input during the process has been invaluable. As Monica Lennon said, representatives of the college are present in the gallery today. I also thank our allied health professionals and the Royal College of Midwives. Most important, however, is that I thank all the people who work in health and social care—from consultants to cleaners—for the work that they do every day.

Greens support the aims of the Health and Care (Staffing) (Scotland) Bill, and welcome the debate. As the Royal College of Nursing has said, it presents an opportunity to get the right number of staff, with the right skills, in the right place, so that patients and residents receive safe and effective care. There is a clear link between safe staffing levels and delivery of high-quality healthcare. A study by Anne Marie Rafferty, who is a professor of nursing policy, revealed that patients and nurses in hospitals in which there are favourable patient to nurse ratios had consistently better outcomes than those in hospitals with less favourable ratios.

Greens also support the guiding principles for health and care staffing, including respecting the dignity and rights of service users, ensuring the wellbeing of staff, and taking account of the views of staff and service users. We must do all that we can to support those who devote their working lives to caring for Scotland's people. During the bill's passage, we have carefully considered how the legislation will impact on them. That is key, because the evidence that has come from people who currently work in health and care services emphasises that the legislation is timely and necessary.

The RCN's report "Safe and Effective Staffing: Nursing Against the Odds" revealed that 51 per cent of respondents reported a staffing shortfall in their previous shift, and 46 per cent said that they were not able to provide the quality of care that they would like to receive if they were patients.

Similarly, the British Medical Association conducted a survey of doctors, which showed that 62 per cent felt that rota gaps and lack of doctors were affecting their ability to deliver safe patient care.

In 2018, a report by Scottish Care revealed that 77 per cent of surveyed care homes had vacancies. Such stark figures stress that the protections that will be introduced by the bill will be vital to the delivery of safe and high-quality patient care.

We must continue to strive for real integration, and to give the care sector the attention that we give the NHS. Although they were either withdrawn or not moved, I welcomed Monica Lennon's amendments 71 to 78, which aimed to improve conditions for people who work in the sector. They presented a welcome opportunity to raise important issues.

The most recent statistics show that 5.1 per cent of nursing and midwifery posts and 4.9 per cent of allied health professional posts are vacant. Although those figures represent an increase in staffing levels from the previous year, six territorial NHS boards reported a reduction in the number of qualified nursing and midwifery staff who were in post. There is also still considerable disparity between health boards that needs to be addressed.

As she did when she was Minister for Social Security, Jeane Freeman has worked hard to seek cross-party input and consensus, which I appreciate. We need a well-staffed NHS for patients and for the people who work in it. Workload and workforce are inextricably linked. Working in an overstretched and overstressful environment is not sustainable.

The bill alone will not create more health and care professionals. It will not address the fundamental shortages that are being experienced across the sector. However, it is a starting point. Work must continue in order that we ensure that Scotland has the health and care staff that it needs. I am certain, however, that the bill will play a key role in ensuring that our health and social care services are appropriately staffed, and that staff can deliver the best standards of patient care.

16:10

Alex Cole-Hamilton (Edinburgh Western) (LD): On the margins of this meeting, the cabinet

secretary confided to me in private that she was looking for another consensus bill. I think that she has found it, so I congratulate her on her achievement. She worked very hard between stage 2 and stage 3 to reach accommodation on a range of tensions that existed at stage 2, which I think she has achieved.

I also pay tribute to Kirsty Williams, who is a Liberal Democrat member of the National Assembly for Wales who stewarded a similar bill through it. I leaned on her guidance in developing my understanding. I thank the clerks, the witnesses in the stage 1 process and, in particular, the members of the RCN, who started briefing members of our committee two and a half years ago on what they wanted to happen. I hope that they are pleased today. I thank Sarah Atherton, in particular. She is a friend and colleague of long standing, who was readily available to provide technical briefings on which we, as newcomers to aspects of this, relied heavily. I also thank the allied health professionals.

From the outset, it was clear that the bill needed to be slightly more than it was when it was originally drafted. It recognises the new strata in which we deliver health and social care. There is a multidisciplinary focus like never before. The integration of health and social care means that we need to think outside silos and to recognise that what applies to a clinical staff team might also apply to a social care staff team.

Alison Johnstone referred to the very scary survey of staff attitudes and beliefs, and to staff's view that patient care had been compromised on their most recent shift. Obviously there will be a resource imperative, but the bill does something to give the staff the tools that they require to ensure that services are adequately staffed not just for the safety of patients, but for the safety of the staff cohort.

There is much about the bill that matters. It provides the facility to ensure that the voice of practitioners and nurses on the ground, who understand the wards that they occupy and their needs, is heard. Expertise matters in planning and understanding what a dynamic shift environment looks like. It is important to make sure that services are staffed accordingly, that there is planning for risk and that staff have faith in the process and faith that their views will be listened to. In normal times, that might be about ensuring that ideas from the grass roots about improving staffing are listened to, extrapolated from and taken forward across the NHS. At the more serious end of the spectrum, it is about ensuring that whistleblowers are treated well and dealt with appropriately.

The bill that we will pass into law today will mean that changes are felt in the quiet wards

across the NHS, and in the noisy ones, too. Giving senior staff the time and space to get their heads around the planning and overview of the wards and areas of work in which they find themselves is one of the most significant and important changes that we are enacting. I congratulate Alison Johnstone on securing amendments on that. Those provisions will provide an important strategic overview, which will enhance staff safety and patient safety.

Allowing change to germinate from the grass roots works in any organisation: our NHS, social care structure and allied health professional structure are no different. The bill provides the opportunity for that to happen.

At first reading, it seemed that the bill was about a toolkit, but it is about so much more than that. It has been great to be part of its development, not least to hear about where it will take our workforce. More important, it has been a reminder of the importance and commitment of the workforce that it will serve. Those staff do so much for us; it is about time that we started doing something for them. In the pages of the bill, we achieve something of that.

The Deputy Presiding Officer: We move to the open debate, in which just one member will speak.

16:14

Emma Harper (South Scotland) (SNP): I have enjoyed working on the Health and Care (Staffing) (Scotland) Bill since joining the Health and Sport Committee. The aim of the bill, as set out in the policy memorandum, is

“to provide a statutory basis for the provision of appropriate staffing in health and care settings, thereby enabling safe and high quality care and improved outcomes for service users”

—and all patients. The policy memorandum states:

“Provision of high quality care requires the right people, in the right place, with the right skills at the right time to ensure the best health and care outcomes for service users and people experiencing care.”

I fully agree with that and I know that the amendments that were lodged by the Government and by members of parties across the Parliament will allow that aim to be achieved.

It is clear that members have engaged in a process that has achieved cross-party agreement. We discussed staffing tools, continuous professional development, issues around case-holding and non-case holding senior charge nurses, and many other issues related to acute and community care, and the requirement for a multidisciplinary team approach to providing appropriate health and care staffing.

I am pleased that amendments 18, 18A and 18B were agreed at stage 2. We had wide-ranging debate in the committee at stage 2. The cabinet secretary provided an excellent example of team working from Shetland, which requires the local team to be case-holding. I want to offer another example of that: senior charge nurses often provide direct patient care in the perioperative environment. For example, when surgery is extended or complications occur, the experience or expertise of the senior charge nurse might be required to provide the immediate care assistance that is needed when someone’s belly is open on the operating table.

I would like to thank everyone who provided evidence to the committee—whether it was written or provided at evidence sessions. It was all well-informed, and it helped committee members to come to informed conclusions. I also commend the committee clerks and the Scottish Parliament information centre team. Miles Briggs has mentioned all the people who provided the committee with information. I, too, am grateful to all the organisations that provided briefings that helped to inform debate. I have had lots of phone calls and direct advice from the Royal College of Nursing, chief nursing officers from NHS Dumfries and Galloway and NHS Ayrshire and Arran, and representatives from Scottish Care.

I was a new MSP for South Scotland when the First Minister announced the Scottish Government’s intention to enshrine safe staffing in law at the Royal College of Nursing congress in Glasgow in 2016. I was so new that only about a month before that I had been providing direct patient care. My work as a nurse educator and as a perioperative nurse, with 30 years’ clinical experience in America, England and Scotland, has helped to inform my scrutiny of the bill at the committee stage.

When I started nursing 30 years ago, we still had Nightingale wards, with rows of beds on either side. That certainly had some positives, particularly in relation to staffing. However, there were also negatives, including there being no personal space or privacy. Curtains are not walls and every voice and noise is heard in multi-occupancy rooms. There is also greater risk of hospital-acquired infection.

The bill enables a rigorous evidence-based approach to decision making on safe and effective staffing. It takes account of the health and care needs of patients and service users, assists in exercising of professional judgment and promotes a safe environment for patients and staff. Scotland is leading the UK with our groundbreaking evidence-based approach to nursing and midwifery workload and workforce planning.

The bill also puts in place a framework to support the systematic identification of the workload that is needed to improve outcomes and to deliver high-quality care. In introducing the bill, the Scottish Government, aided by experts from across health and social care, has understood the workload that is generated in any given setting and circumstance and, therefore, the skills that are required and the staff mix that will provide them.

I thank again all those who provided evidence to the committee. I also thank all those who work in health and social care across Scotland: they do a fantastic job every day.

16:19

David Stewart (Highlands and Islands) (Lab):

This has been an excellent—albeit short and snappy—debate. There have been a lot of insightful and well-informed speeches from across the chamber. I am impressed to see how many SNP back benchers are here, because I understand that last night was their Christmas party. *[Interruption.]* I am very impressed by their dedication in turning up. I understand that there was a run on paracetamol at the local shop, but I will not go there.

As a member of the Health and Sport Committee, I took an active part in the questioning of all our witnesses, who included the cabinet secretary. *[Interruption.]* I am being heckled by the Deputy Presiding Officer behind me. However, to paraphrase the conclusion of the committee's stage 1 report, nobody can object to the bill's guiding principles of having the right people with the right skills in the right place at the right time to ensure the highest quality of care.

As Monica Lennon made clear, Labour supports the general principles of the bill. However, as Alison Johnstone and Alex Cole-Hamilton made clear, there were some areas of concern. Nonetheless, I believe that the cross-party consensus on the amendments strengthened the bill. As I said earlier, I thank the cabinet secretary—I hope that that does not damage her career—for her consensual and helpful role in ensuring that we have amendments that work for everyone.

In response to the committee's stage 1 report, the cabinet secretary said:

"This Bill is about workload planning not workforce planning."

Scottish Labour believes that health and social care policy should be focused on achieving the best outcomes for people and protecting staff wellbeing. As COSLA has argued, overreliance in the past on bureaucratic box-ticking exercises has not been helpful. I hope that we can avoid that.

We should also learn lessons from history. As I have raised before, the Francis inquiry report into bullying and whistleblowing in NHS England concluded that losing trained talent from the NHS led to inadequate staffing levels and poor quality of care. As the cabinet secretary knows well, there will be a statement on Thursday, to which Monica Lennon and I will contribute. I am sure that the Francis report will be picked up by the current report that the cabinet secretary has set up.

I am conscious of time and the fact that people are anxious to get away. I believe that all members in the chamber recognise the commitment and dedication of our hard-working front-line staff.

To make just a small amendment to correct my earlier comments, I think that I said "Christmas party". I was, of course, a little bit early for that. However, it was a party nevertheless. Don't let anyone say that I never correct the record when I am wrong.

As David Oliver, a consultant in geriatrics, said recently in the *BMJ*,

"Without adequate staffing in clinical roles NHS performance will decline, and services will become unsustainable. Morale will worsen, and staff will leave or choose to do less—a vicious circle. The workforce is surely the most pressing existential threat."

In the short time that I have available, I make the key point that we cannot legislate staff into existence. However, I believe that the cross-party consensus on amendments has strengthened and improved the bill, which is the nature of this place—to ensure that legislation becomes better. There are much bigger issues that I do not have time to comment on, such as demand forecasting for future planning; the management of predictive training for front-line staff; the effect of Brexit—which will, in my view, be disastrous for NHS employment; the effect that the bullying culture in some areas may have on retention; and the strong rural element, which someone from the Highlands and Islands would of course argue.

The amended bill is a step in the right direction and Labour will support it. As Nye Bevan, the founder of the NHS, said,

"The NHS will last as long as there's folk with faith left to fight for it."

16:23

Brian Whittle (South Scotland) (Con): I am pleased to close this important and consensual debate on behalf of the Scottish Conservatives.

On first considering a bill entitled the Health and Care (Staffing) (Scotland) Bill—originally called the safe staffing bill—I believe that most people would instinctively think it to be entirely sensible. Of

course ensuring that there are appropriate numbers of suitably trained staff in place is an entirely reasonable objective. However, as we heard in the speeches from across the chamber today, and from scrutiny of the bill in the Health and Sport Committee, crucial questions were raised as the bill developed. For example, in setting appropriate numbers of staff, it is important that the term “appropriate staff”—as well as what actions will be taken if the appropriate staffing levels are not met—is properly defined and unambiguous, so that NHS boards and the care sector know exactly what they are working to. Given the multidisciplinary nature of healthcare teams, we need to ask whether the bill is drafted in such a way as to include all facets of healthcare.

The Health and Sport Committee took evidence and questioned the cabinet secretary on the need to develop workforce planning tools and how to address that need. The technology that would be required to implement the bill as intended is not yet available and the workforce planning tools do not currently include all healthcare professions and disciplines—the evidence suggested that they are limited to nursing and midwifery. The tools are currently bolted on to the payroll platform. When I questioned the cabinet secretary in committee, she said that the required technology was under consideration, including the further development of workforce planning tools and, potentially, a platform for them to sit on. I would be grateful if the cabinet secretary, when summing up, will confirm that.

The specification of the required tools and the integrity of the platform on which they will sit should have been scoped out at the outset of the bill and, without a properly considered and implemented technical solution, the bill risks falling short of its intentions. If all that is not considered, it is in danger of being no more than window dressing and adding to a lengthy list of non-actionable targets.

As Miles Briggs and his amendments made clear, there is a need to strengthen the reporting requirements on health boards to ensure proper scrutiny, especially given the call for clinical advice to be sought on staffing bills as a prerequisite.

Underpinning the debate is the issue of staff retention and recruitment, which has been raised by several members. The Health and Care (Staffing) (Scotland) Bill cannot make the differences that are intended without the appropriate number of staff overall. It is obvious that the ability to ensure appropriate staffing at any one time will be impaired by a general shortage of staff. As David Stewart noted, the Royal College of Physicians stated that we

“cannot legislate doctors into existence.”

It is difficult to argue that the projected shortfall of doctors in Scotland will not have an impact on the potential of the bill.

Outcomes were mentioned by the cabinet secretary. In general, we are looking for improved services for patients and improved quality of working environments and improved work-life balance for NHS and care staff. That is why I was pleased to see Alison Johnstone’s amendment .

We spoke in committee about the importance of time for CPD for front-line staff. Without that, the implementation of the bill will not happen. We have always stated that looking after the health of our healthcare professionals is important in delivering a quality healthcare service, as it impacts absenteeism and staff retention.

The Scottish Conservatives will support the bill, but it should not be seen as a panacea. Its success will rely on progress being made in other areas, especially the swift development of appropriate technology and data analysis, the need to give professionals a strong voice in the staffing process and tackling the not insignificant challenges of retention and recruitment.

16:28

Jeane Freeman: I thank members for their contributions to the debate. I am glad that Mr Stewart corrected the record, but members on the SNP benches are always up for a wee party, so I am sure that we will have had more than one.

I also thank David Stewart for making the important point that our role as parliamentarians in the chamber is to make the best laws that we can and to make legislation that is appropriate for the needs of our country. With this bill, that is exactly what we are doing.

As I said when I opened the debate, I am immensely proud of the work that is carried out by our health and care staff to ensure not just that the quality of care is consistent but that it is of a high quality and is improving. The bill will improve the experience of the patient and drive the improvement of outcomes. It recognises that it is people and citizens who deliver patient experience and care, and it provides a balanced, evidence-based approach to support patients, professionals and organisational outcomes.

As members noted and as I have made clear on many occasions, there is no single thing that we need to do to ensure safe, effective, person-centred care; rather, there are a number of important steps that we need to take. This legislation, which will sit alongside our Scottish patient safety programme and our excellence in care work, is the next important piece that will

ensure that we continue to drive our commitment to safe and effective patient care.

There are a number of important steps that we need to take next. The important work of making this legislation come alive—to improve outcomes for the people of Scotland and to create conditions in which our staff can flourish—continues with the development of guidance as the next step in the journey. That guidance will be drafted in collaboration with all stakeholders and will, of course, be shared with our Health and Sport Committee. It is worth noting that regulations will be laid for every new staffing tool that is developed, which will be subject to affirmative procedure, thereby allowing further scrutiny by members across this chamber to ensure that they match the intention and the principles behind the bill.

I completely take Mr Whittle's point about digital. A great deal of work is going on, in health, on digital platforms. I make the offer to the Health and Sport Committee to come forward, in due course, to explain and present all that work, so that it can see where we are.

It is appropriate for me to conclude with a number of thank yous for support for the bill, which has taken us to the point of having a significant and important piece of legislation to which I hope we are all about to agree. I thank the Allied Health Professions Federation Scotland, the Royal College of Midwives, the Royal College of Nursing, the BMA, the Academy of Medical Royal Colleges and Faculties in Scotland, COSLA, Unison, staff group representatives, Scottish Care and representatives of integration authorities. It is an indication of the importance of this legislation that all those organisations actively contributed, along with their members, to the bill that we have before us today.

I also thank the Health and Sport Committee, the Delegated Powers and Law Reform Committee and the Finance and Constitution Committee for their contributions to the development of the bill as it has gone through all the stages. Finally, I must thank the bill team, whose work has been extensive and driven by direct front-line experience and expertise. They have been unstinting, and I am certain that, without them, we would not be where we are at this moment.

Together with all of that, there is a shared commitment across the chamber to get this right for those who work in our health and social care sectors—they deserve nothing less, and nor do our patients and those who use our care services. I very much look forward to continuing this shared work with members across the chamber as we take the next steps to make this important legislation a reality.

Business Motion

16:32

The Presiding Officer (Ken Macintosh): The next item of business is consideration of business motion S5M-17152, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, which sets out a revised business programme.

Motion moved,

That the Parliament agrees to the following revisions to the programme of business for Wednesday 8 May 2019—

delete

followed by Stage 3 Debate: Health and Care (Staffing) (Scotland) Bill

6.00 pm Decision Time

insert

5.00 pm Decision Time.—[*Graeme Dey*]

Motion agreed to.

Motion without Notice

16:32

The Presiding Officer (Ken Macintosh): I am minded to accept a motion without notice, under rule 11.2.4 of the standing orders, that decision time be brought forward to now.

Motion moved,

That, under Rule 11.2.4, Decision Time be brought forward to 4.32 pm.—[*Graeme Dey*]

Motion agreed to.

Decision Time

16:32

The Presiding Officer (Ken Macintosh): There is only one question to be put, which is that motion S5M-17127, in the name of Jeane Freeman, on the Health and Care (Staffing) (Scotland) Bill, be agreed to. As the question is on passing a bill, there will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 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)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 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)
 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)
 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)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)

Halcro Johnston, Jamie (Highlands and Islands) (Con)
 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)
 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)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 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, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine)
 (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 113, Against 0, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Health and Care (Staffing) (Scotland) Bill be passed.

Meeting closed at 16:34.

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.

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

All documents are available on
the Scottish Parliament website at:

www.parliament.scot

Information on non-endorsed print suppliers
is available here:

www.parliament.scot/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: sp.info@parliament.scot



The Scottish Parliament
Pàrlamaid na h-Alba