



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Meeting of the Parliament

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## Scottish Parliament

Wednesday 30 October 2019

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

### European Union Exit

**The Presiding Officer (Ken Macintosh):** Good afternoon. Our first item of business is a statement by Michael Russell on the impact on Scotland of the proposed new European Union exit deal. The cabinet secretary will take questions following his statement, so I encourage members who want to ask a question to press their request-to-speak buttons.

13:30

**The Cabinet Secretary for Government Business and Constitutional Relations (Michael Russell):** This statement will consider the impact on Scotland of the new EU withdrawal agreement and political declaration, which were negotiated by Boris Johnson and are enshrined in the European Union (Withdrawal Agreement) Bill, the passage of which, at Westminster, was dramatically paused by the Prime Minister just over a week ago.

The Prime Minister, in true Trumpian fashion, calls the package of measures a “great deal”. It is nothing of the sort. No Brexit can be a good Brexit, but this deal would be a particularly rotten Brexit. It would take Scotland out of the EU, the single market and the customs union, which would be to the great detriment of the people of Scotland and would be against the will of the majority of them. It is a deal that the Conservative Party here and at Westminster wants to ram through the United Kingdom Parliament, and it is a deal on which it will, apparently, now fight the forthcoming general election.

The previous EU deal that was considered by the Scottish Parliament was rejected by 92 votes to 29. We concluded that it would be

“damaging for Scotland and the nations and regions of the UK as a whole”,

as the motion that we passed stated. Nonetheless, the Conservative members of this Parliament voted in favour of that deal. They did so because, in their own words, they were satisfied that it would preserve their “precious Union”. So important was that red line to the Scottish Conservative and Unionist Party that in the run-up to the deal’s being finalised by the then Prime Minister, Ruth Davidson and David Mundell wrote to her to say:

“We could not support any deal that creates a border of any kind in the Irish Sea and undermines the Union or leads to Northern Ireland having a different relationship with the EU than the rest of the UK, beyond what currently exists.”

Of course, they are now as much history as that deal is.

The current Tory front-bench spokesperson on the constitution, Adam Tomkins, went even further—as ever. In October last year, he wrote in the *Financial Times*:

“From a Scottish Conservative and Unionist perspective, what goes for Northern Ireland must go for Scotland also. In particular there can be no separate Brexit deal for each of the nations that comprise the United Kingdom.”

He went on to say that

“No unionist could ever endorse”—

I repeat—“ever endorse”—

“any sort of differentiated deal”.

What a difference a year and a new Prime Minister make. What a difference the very survival of the Tory party makes to its members. Twelve months on, the deal includes the clearest possible “differentiated deal” for Northern Ireland, and it is a deal that will put Scotland at a serious disadvantage.

I understand the Brexit weariness of the people of Scotland—I feel it, too. They did not want a referendum on the EU in the first place. By a large majority, they voted against leaving, but that preference has been treated with contempt by the UK Government and the UK Parliament. Three years on, that contempt continues.

However—this is bad news—there is no way that the new deal would get the awful drawn-out and debilitating process of Brexit over and done with. If the Prime Minister were to get a majority for his withdrawal bill after the election, that would not end the uncertainty. It would merely unleash on the population fresh and ever more complex, ever more acrimonious, disputes. There would be more of Boris Johnson, more of Jacob Rees Mogg, and more of Nigel Farage. What an appalling prospect. There would be a veritable continuous Halloween of sneering antidemocratic horrors on our screens, for another year, or two, or three.

The withdrawal agreement bill envisages a future relationship with the EU that would be negotiated and ratified inside barely 12 months. That beggars belief. Even if the full option of a two-year extension to the transition period were to be taken up, a three-year period would be exceptionally fast for such a negotiation.

By comparison, the EU-Canada agreement took seven years to negotiate and the EU-Japan agreement took six years. A much more likely

scenario is the UK crashing out of the transition period at the end of 2020 with no deal agreed, in order to satisfy the Brexit extremists in the Tory Party. That would mean years of economic stagnation, followed inevitably, at some point, by resumption of negotiations with the EU.

The regrettable truth is that Brexit chaos will continue to dominate UK politics for years and, possibly, decades to come, unless Scotland decides to put paid to that by ending Brexit for good. The only way to have done with Brexit is to have done with the very idea of leaving the EU—to do what Scotland did in June 2016, when it rejected Brexit, but to do it more forcibly, in an election and with a demand for us to have the right to choose to take our future into our own hands.

This afternoon, the Scottish Government is publishing an assessment of the impact of the latest withdrawal agreement and political declaration. The assessment concludes that what is being proposed is an even more damaging deal than the May deal that this Parliament rejected last year. Let me draw members' attention to several elements in it.

The deal would take Scotland out of the single market—the largest and most lucrative market in the world. Membership provides Scotland's businesses with unrestricted access to more than 510 million people. Last year, around 6,900 companies that operate in Scotland exported goods to the EU, and 11,000 companies here were reliant on imports from elsewhere in the EU.

The EU's four freedoms—free movement of goods, services, capital and people—have for decades brought huge advantages to Scotland and the UK. The economic consequences of losing those advantages will be severe; in fact, the impact of a trade agreement of the type that the UK Government intends could lower Scottish gross domestic product by 6.1 per cent by 2030, compared to what it would be under EU membership. That is equivalent to a cost of £1,600 for each and every person in Scotland.

Just today, we have had further confirmation of the extraordinary cost of Brexit. A report from the highly respected National Institute of Economic and Social Research has found that the Tory deal will cost the UK £70 billion in the next 10 years. Moreover, to make things even worse, Scotland is now to be placed at a competitive disadvantage compared with Northern Ireland because of the special deal that the Tories said must never be struck.

The Scottish Government fully and unconditionally supports the Good Friday agreement, and we recognise the importance of maintaining an invisible border on the island of Ireland. We do not want to prevent Northern

Ireland from benefiting from the special deal, but we could never accept that we should allow Scottish businesses to lose market share in the single market compared with their direct competitors in Northern Ireland. Economic growth in Scotland is already being damaged. Last week, the Fraser of Allander institute's most recent economic commentary estimated that the Scottish economy is already about 2 per cent—£3 billion—smaller than it would have been without the vote to leave the EU.

The deal is also a threat to many of our vital rights and protections. The purpose of level playing field provisions in free trade agreements is to protect businesses in one country from deregulation in another that would distort the market. It is inevitable that the EU27 will require from the UK a more robust level playing field commitment than those that were acceptable for the likes of agreements with Canada and Japan. That is, in the greatest part, because the UK's economic scale and geographic proximity make it far more of a risk to the EU marketplace as a competitor. The May deal recognised that, and agreed to inclusion of the level playing field protections within the legally binding withdrawal agreement, as part of the backstop arrangements that allowed for a closer relationship.

The Johnson Government has removed the protections from the withdrawal agreement and left only weaker references in the non-binding protocol. It says that it still respects the protections; however, that change can mean only that a more distant relationship is envisaged. Could anyone be taken in by such sleight of hand—particularly from people who have spent their entire political careers railing against those protections? Presiding Officer, the leopard does not change its spots.

The EU has played a hugely important role over decades in driving up standards for environmental protection and social and employment rights. There is no doubt that, in a few short years, all that work will have been for nothing as far as ordinary people in this country are concerned. We know that the Prime Minister is desperate to do a trade deal with Donald Trump that will open our markets to chlorine-washed chicken and hormone-injected beef, and which will, as we saw this week, damage our national health service by allowing drug prices to be driven up in order to fill American billionaires' pockets.

Our devolved competences will be sidelined in that process and, as a result, our citizens will have their basic rights and protections eroded year on year. That is what the Conservatives in this chamber support.

There are more reasons to reject absolutely this so-called "great deal". On population and

migration, the deal will undermine the rights and wellbeing of the EU citizens who have chosen to make Scotland or the UK their home, and it will make it much more difficult to attract people from across the EU to visit, study, work and live here in the future.

Let us be clear: the UK Government should not be making EU citizens apply to maintain rights that they already have—but while it is doing so, it would be wisest for EU citizens to apply for and gain settled status. The UK Government should, in return, implement in UK law the commitments that it has made to protect EU citizens' rights in the UK, as they are set out in the withdrawal agreement, and to do so without reference to the rest of the deal. That would be the fair and humane thing to do, and it would say loudly and clearly—as our First Minister did again last week—that we want EU citizens to continue to be valued members of our communities.

There is a practical reason for doing that—not doing so will discourage much-needed migration and will drive away people who are already here. In the scenario of there being 50 per cent less EU migration, our working-age population would decline by 1.9 per cent over the next 25 years, which would hit the economy, the national health service and social care very hard, especially in rural areas.

Let me make a final point about democracy and the constitution. The deal would give Northern Ireland the right to consent to any new arrangements, but would deny Scotland that right. That is democratically wrong. Moreover, in 2016 Scotland not only voted by a large majority to remain in the European Union, but we did so by a larger majority than did Northern Ireland. That choice has been, and continues to be, ignored and dismissed by the UK Government.

In July 2016 the former Prime Minister promised that she would not trigger article 50 until she thought that there was an agreed UK approach and objectives for negotiations. She helped to establish a new joint ministerial committee on EU negotiations, with terms of reference to

“seek to agree a UK approach”

for negotiations. In March 2017, however, she sent the letter to trigger article 50 without the agreement of that joint ministerial committee: indeed, she sent the letter without the committee ever having seen it.

In January 2017, the Prime Minister had also, before any discussion could even be held in the JMC, dismissed our proposed compromise position, as set out in the first “Scotland’s Place in Europe” document.

That has been the pattern for the past three years. Not once has the UK Government sought to agree with the devolved Administrations the content of the withdrawal agreement or political declaration. In fact, our views have not been sought on a single paragraph of the more than 500 pages of text that were agreed with the EU—and the present Prime Minister has been even worse than the last. He does not even know or care how devolution works; in fact, he does not even know what his own Government is doing. When he was asked last week in the House of Commons whether he would allow the bill to pass without consent being given by the Scottish Parliament, he responded:

“the Scottish Parliament has no role in approving this deal.”—[*Official Report, House of Commons*, 23 October 2019; Vol 666, c 963.]

He was just wrong. In fact, his Government had already asked for legislative consent from this Parliament. It had to do so. Should that consent be refused, he will defy democracy if he overrules us and uses a power that has been used only once before, since devolution. Given the current party of Opposition, he will have to do the same in Wales. The majority of MPs in Wales, in Scotland, and even in Northern Ireland, oppose his deal. The Prime Minister has no democratic mandate to proceed. That fact alone should—but, alas, will not—stay the hands of the Tories in this chamber and make them think again.

The paper that we have published today sets out the scale of the damage that the Tories, here and at Westminster, want to inflict on Scotland. It demonstrates beyond doubt that the Tories, here and at Westminster, have nothing but contempt for the Scottish Parliament, Government and people. The Tories, here and at Westminster, are hell-bent on imposing on Scotland a so-called deal that will leave Scotland poorer, distant from our friends in Europe and vulnerable to trade bullying by Donald Trump, with workers' rights and protections under threat and our environment trashed. We should never accept that: we will never accept that.

Scotland is a country that has enormous potential—one with talent, wealth, resources and cutting-edge industries. The people of Scotland have the right to determine our own future, free from the Brexit chaos that we see at Westminster every day. That future should be as an independent member of the European Union.

It is time that the people of Scotland were given the chance to have their say. That will happen, first of all, in an election on 12 December. Bring it on.

**The Presiding Officer:** Thank you.

**Murdo Fraser (Mid Scotland and Fife) (Con):** On a point of order, Presiding Officer. I am aware

that you chair the Parliamentary Bureau, which sets the programme for the meetings in the chamber and decides on the allocation of business. Ministerial statements should be made to inform Parliament of Government policy and to make announcements to the chamber so that parliamentarians are aware of what is coming. They should not be used to make a 15-minute party-political broadcast, which is what we have just heard, on behalf of the Scottish National Party, in the most hysterical and ridiculous terms. [*Interruption.*]

**The Presiding Officer:** Order, please. I want to hear Mr Fraser.

**Murdo Fraser:** I am aware that a general election is on its way, but will you and members of the bureau reflect on what we have just heard and ensure that, in future, parliamentary time is not abused in this fashion?

**The Presiding Officer:** I thank Mr Fraser for his point of order. He is right that the bureau agreed to set aside 45 minutes for the statement, which included 15 minutes for the cabinet secretary to make the statement. All parties—the Conservatives, Labour, the Liberal Democrats and the Greens—will have the chance to ask questions, and there will be an extended period for their opening speaker.

Given that a general election is imminent, I take this opportunity to remind members not to bring election politics into the chamber too much. I recognise that that will happen, but I ask members, please, to keep the election campaigning outside the chamber and to keep the chamber for Government business and the questioning of it.

**Adam Tomkins (Glasgow) (Con):** It is customary on such occasions to thank the cabinet secretary for early sight of his statement. I was fully expecting the cabinet secretary to come to Parliament today to apologise. [*Interruption.*] Yes, he said that the Prime Minister had no intention of negotiating a Brexit deal and was intending to take the UK out of the EU without a deal. He was wrong. However, today, there has been no apology from the SNP.

The cabinet secretary's boss, Nicola Sturgeon, who has just left the chamber—to go campaigning, I presume—said:

“no meaningful negotiation is going on”.—[*Official Report*, 5 September 2019; c 10.]

She was wrong. However, today, the cabinet secretary offers no apology for the misleading and mistaken statements of his boss. The SNP's leader in the House of Commons, Ian Blackford, who is about to lose his seat, said:

“It is a complete sham to say that negotiations are taking place.”—[*Official Report, House of Commons*, 3 September 2019; Vol 664, c 103.]

He was wrong. However, today, the cabinet secretary glosses over all of that to treat us not to a ministerial statement worthy of the name, but to a party-political broadcast on behalf of the Scottish National Party.

The truth is this: Mike Russell called for a transition period, and Boris Johnson's new deal provides for one; Mike Russell called for no hard border on the island of Ireland, and Boris Johnson's new deal ensures that we will not have one; and Nicola Sturgeon called for a guarantee on EU citizens' rights, and Boris Johnson's new deal provides it. Is it not the case that the SNP rails against this deal because it wants the most chaotic Brexit possible? Indeed, is it not the case that the SNP wants a no-deal Brexit? The only thing that the SNP cares about is independence, and it thinks that the shortest route to independence is via a no-deal Brexit. Is that not the real reason why Mr Russell has come to Parliament today armed not with apologies but with yet another stockpile of manufactured grievance?

**Michael Russell:** I thank Mr Tomkins for his very non-political questions.

I called for many things that I want Scotland to have. I have called many times for Scotland to be in the single market and the customs union. That is essential. Indeed, it was the basis of the paper that we published at the end of 2016. That call has been treated with contempt by the Conservatives north and south of the border. I called for, and I still call for, Scotland to have the right to choose what it should decide to do, which is a basic democratic right. That is opposed by the Conservatives north and south of the border.

I have constantly opposed a no-deal Brexit, because it would be tremendously damaging, but the option of a no-deal Brexit, which has been pursued by the current Prime Minister, is still on the table. Indeed, given the terms of the withdrawal agreement—people might not realise this—the decision about what happens next would be taken not at this time next year but in July next year. Brexit will not get done no matter what happens. Within five months of leaving the EU, if we leave on 31 January next year, we will be back to where we are now. That is primarily why I wish to see an end to Brexit.

Of course, Mr Tomkins wished to see no Brexit originally. It is a pity that he has walked away from that for purely party advantage.

**Alex Rowley (Mid Scotland and Fife) (Lab):** I thank the cabinet secretary for providing early sight of his statement.



I think that we can absolutely agree that a no-deal Brexit would be very damaging for Scotland, that Mrs May's deal was bad for Scotland and that Johnson's deal is even worse and would damage Scotland—of that there can be no doubt. Therefore, I hope that members across the chamber—apart from those in the Tory party—can unite in the campaign in the coming weeks to get out the message that Brexit is bad for Scotland.

However, the forthcoming campaign is about more than just Brexit; it is about the kind of economy, the kind of society and the kind of future we want for our country. Does the cabinet secretary agree that his party's growth commission proposals would be as bad for Scotland as Brexit and would give us years and, indeed, decades of austerity; that the only party that will stop austerity and transform our economy for the many is the Labour Party; and that, therefore, the only choice on 12 December is between a Labour Government and a Tory Government—a people's vote and a hard Brexit?

**Michael Russell:** I have the greatest admiration for Mr Rowley but, strangely, I do not agree with that point, for a very clear set of reasons. I agree that we should unite against Brexit. The people of Scotland voted against Brexit. Brexit should not take place, and we should try to do everything we can to make sure that it does not take place.

However, we should also consider two other things. In what circumstances could such constitutional chaos, in which Scotland votes one way and the rest of the United Kingdom votes another way and we are left powerless, happen again? How do we avoid that happening ever again? There is only one answer to that, which is independence.

Turning to the second thing that we should consider, I know that Mr Rowley and I want to bring about a better Scotland for all its citizens but, to be fair, the Labour Party has tried to do that for the past 100 years and look where we are. When it comes to providing a better Scotland—one that works for all its citizens—the solution is the normal solution of independence. What is more, we see that working all across Europe. Eleven members of the EU are the same size as or smaller than Scotland. We are as prosperous as anybody else. In fact, we are officially the best educated country in Europe. We have huge assets. We have the opportunity to do exceptionally well. *[Interruption.]*

The naysayers may shout from the Labour back benches; they will always do that. The hollowest laughter is from those who do not understand that Scotland has every bit as great a potential as any other country. Let us be real about that, realise that potential and choose independence. I look forward to working with Mr Rowley in an

independent Scotland to build the best possible place for all our citizens.

**Patrick Harvie (Glasgow) (Green):** The cabinet secretary mentioned the level playing field provisions in the withdrawal agreement—or, rather, those that have been removed from the withdrawal agreement and put into the weaker, non-binding political declaration. We know why that has been done—it is because of the hard-right libertarian agenda among some in the UK Government. Just this month, Liz Truss, the Secretary of State for International Trade, said that scrapping those protections is

“vital for giving us the freedom and flexibility to strike new trade deals”.

On the same day, an unnamed Cabinet source told *The Sun* that

“The level-playing-field promise has to go”,

because

“It would seriously restrict our ability to deregulate”.

If the withdrawal agreement bill is brought forward after the election, is there anything in the current devolution settlement that would allow the Scottish Parliament and the Scottish Government to protect Scotland from that kind of deregulation agenda, even in devolved areas? I ask that in light of the effective abolition by the UK Government of the legislative consent principle.

Has the cabinet secretary withdrawn his legislative consent memorandum on the bill, given that it has fallen for the time being, or will he still ask the Parliament to scrutinise and formally consider the memorandum, given that the bill may come back in some form or another after the election?

**Michael Russell:** On the legislative consent memorandum, I will bear in mind what the member says. The likelihood is that we will allow it to be considered, but I want a bit of time to think about that in the light of the parliamentary business that is building up. Of course, I have brought to the table at the joint ministerial committee proposals to reform the legislative consent process, which have been utterly ignored by the UK Government. Unless those processes are reformed, it is impossible to see us giving legislative consent to the bill or any other bill to do with Brexit.

The level playing field issue is central to the matters that we are discussing. The short answer to Mr Harvie is that there is nothing in the present devolution settlement that, in the end, cannot be overruled. That is why independence is the only way to defend Scotland against Brexit and to get done with Brexit by ensuring that we move on from it once and for all.

Theresa May agreed to the level playing field provisions as a means of moving forward, but they are anathema to most current Tories in the House of Commons, and particularly to the Prime Minister and the hard right around him. It is clear that the level playing field will be the major issue to be discussed and debated in the transition period, and there is no way that the EU will weaken its position on that. Monsieur Barnier says:

“No tariffs, no quotas, no dumping”.

It is central to the relationship that will exist.

Because the Prime Minister and those around him hate those regulations—they hate workers’ protections, human rights and environmental protections—they will be chipped away at and eroded bit by bit, and ordinary people will suffer greatly. Most of the parties in the Parliament, although probably not all of them, want to protect people’s basic human rights, employment rights and environmental rights. In the circumstances, only by getting rid of Brexit—actually, only by choosing independence—will we be able to do so.

**Willie Rennie (North East Fife) (LD):** The cabinet secretary is rightly incredulous that the Conservatives can defend a deal that puts a border in the Irish Sea when they condemned that deal last year. I am not sure how they can call themselves unionists any more. However, I am puzzled that the cabinet secretary states that breaking from the EU will be a disaster but breaking from the UK will be of benefit. Does he not get it by now that putting up borders and barriers costs jobs and affects the economy? Does he not understand that we need to learn the lessons of Brexit rather than repeat them with independence? Instead, we should just stop Brexit.

**Michael Russell:** I agree that we should stop Brexit, but the reality is that the member has no plan to stop it. His only plan to stop Brexit was to have a second referendum. We would still support such a referendum were there a prospect of its succeeding, but the member has consistently failed to address the central question. He cannot guarantee in any sense that there will be a defeat for the forces of Brexit now or in the future. He has to recognise that there is one surefire way of getting Brexit finished and moving on as a normal nation, and that is independence. That fact will not go away. It is staring Mr Rennie in the face and, one day, he will have to recognise it.

**The Presiding Officer:** All the parties have had a chance to make an opening statement alongside the questions, so I encourage all subsequent questioners to ask about the statement and the withdrawal agreement. In particular, I do not want to hear any pleas to vote for one party or another

on 12 December so, if that is in your question, please remove it now before I call you.

**Keith Brown (Clackmannanshire and Dunblane) (SNP):** I will make no mention of 12 December, when there is to be a general election that the Scottish National Party hopes to win.

I will simply ask the cabinet secretary, in light of the UK Government’s failure to stand by its cast-iron guarantees to refuse to send the letter to the EU, to Brexit by 31 October, which is tomorrow, and not to put a border in the Irish Sea, whether he believes that Michael Gove’s commitments to this Parliament that the transition period under this deal will end by the end of 2020 and that the UK will have negotiated and ratified a comprehensive free trade agreement with the EU by then are just as vacuous and disingenuous as any other Tory promise.

**Michael Russell:** I agree. If we look at the track record and history of the person who made those commitments, we will see that the person has not been right about much, over a long period.

We have to look more widely at what the UK ministers said about the process of negotiation with the EU over the withdrawal agreement. This was meant to be the easiest agreement on record. I think that it was David Davis who said that all the cards were in the UK’s hands and the process would essentially be over by Christmas—it will not even be over by this Christmas, let alone the Christmas that he meant.

The reality of the situation is that nobody who has any involvement or interest in, or knowledge of, free trade negotiations, particularly with the EU, which will have the best negotiators in the world, believes that the process will be concluded by the end of 2020. What is more likely—some European research group members have given the game away on this—is that the side assurances from people such as Michael Gove that there is in fact no intention of coming to a deal, because they want no deal at the end of the period, are the things that count.

People should remember that. Getting Brexit done means getting what the Tory right wing wants, and the Tory right wing does not want to be tied down by the things that the EU insists upon in the level playing field. That is the reality.

**Jamie Greene (West Scotland) (Con):** Presiding Officer,

“this agreement provides the gateway to the UK’s exit from the Common Fisheries Policy, and the UK becoming an independent coastal state.”

Those are the words of the Scottish Fishermen’s Federation. If the agreement is good enough for our fishermen, why is it not good enough for Mike Russell and the SNP?

**Michael Russell:** It is not good enough for many of the fishermen whom I represent and very considerable fears are arising. Let me give Jamie Greene one example; given that he represents the west of Scotland, he might consider it, because it will affect people that he knows. The agreement would permit boats, particularly inshore boats that fish in the Clyde and on the other side of the Mull of Kintyre, to register in Northern Ireland and to sell their produce in Northern Ireland. That would allow them to sell their produce without tariffs and without difficulties, so it could spell the end of the processing sector in parts of the west coast of Scotland. That is the reality.

Moreover, I do not think that anyone who has been involved in any way in looking at fishing over the past 10, 15, 20, 30 or 40 years would believe a word that the UK Government said to the Scottish Fishermen's Federation or anyone else, because what will happen is that fishermen's rights will be traded away, as they always have been.

Jamie Greene needs to consider the reality of what has happened and the reality of what can happen as a result of the agreement, and perhaps be a little more sceptical about what he is told by the UK Government.

**Annabelle Ewing (Cowdenbeath) (SNP):** The Tories in this Parliament used to hold to the principle that they would not support a deal that created a border of any kind in the Irish Sea or that led to Northern Ireland's relationship with the EU being different from that of the rest of the UK. Given that Boris Johnson's deal does both, will the cabinet secretary say whether he has had any indication that the Scottish Tories oppose the deal, or is it simply a case of the Tories in Scotland saying, "Those are my principles. If you don't like them, I have others"?

**Michael Russell:** That sums it up pretty well. I have quoted Ruth Davidson and David Mundell. I have quoted Adam Tomkins; I repeat his words. He said:

"there can be no separate Brexit deal for each of the nations that comprise the United Kingdom",

and

"any sort of differentiated deal"

is something that

"no unionist could ever endorse".

This is a differentiated deal—there are no ifs and buts about it; that is what it is—and it has been endorsed by the Scottish Conservatives because they are Conservatives first and, I have to say, anything else a long way behind.

**Claire Baker (Mid Scotland and Fife) (Lab):** This is an awful deal, and right now the best way to get rid of it and to stop a no deal is to get rid of

Boris Johnson. With a general election on the horizon, people now have that opportunity.

Acknowledging the paper that has been published today, will the cabinet secretary join me in calling on the UK Government to publish its economic analysis and forecast for this damaging deal, so that the electorate can be properly informed about the impact that the deal will have on our country as they go to the polls?

**The Presiding Officer:** Before the cabinet secretary replies, I wonder whether Ms Baker heard me when I suggested to members that they do not ask questions in which they urge people to vote one way or another, for or against any other party.

**Michael Russell:** I agree with Claire Baker, certainly with regard to the UK Government publishing information. However, 10 days ago I asked Michael Gove whether there had been any work done on the comparative disadvantage to Scotland and to Northern Ireland as a result of the deal, and he said that there had not. I suppose, therefore, that it is pretty impossible for the Government to publish work that it has not done, but it should have done work on the impact of the deal, and that work should be published.

**Ruth Maguire (Cunninghame South) (SNP):** The cabinet secretary will note the UK Migration Advisory Committee's conclusion in 2018 that European Economic Area migrants are net contributors to our health service and the provision of social care through both financial resources and work. My Ayrshire constituents who require vital support, both in hospital and at home, value and depend on the care that they receive from our workers from EU countries, yet the Tories cannot stop boasting about how this deal will end freedom of movement.

Will the cabinet secretary set out exactly what the deal means for EU migration? Does he agree that the implications of this Tory deal are nothing to boast about?

**Michael Russell:** Yes—of all the things that the Tories presently boast about, the boast that they have ended freedom of movement is among the most horrible and self-defeating. Freedom of movement is immensely beneficial to Scotland, and to rural Scotland in particular. In my constituency, freedom of movement is vital as a means of trying to stem the rise of depopulation and the difficulties that we have. This deal will continue to drive EU citizens out of Scotland, and it will act as a disincentive for EU citizens to come to Scotland.

Last Friday, I was speaking at the NFU Scotland autumn conference. There were farmers there, from the east coast in particular, who are involved in fruit farming; they have seen part of their crop

rot on the bushes this year. In England, part of the apple crop has rotted on the trees this year because of a shortage of labour. That will only get worse.

Supporting the end of freedom of movement is bad for incoming labour, and it is really bad for people who want to go elsewhere. This morning, I recorded a brief message for a Scottish lady who is a teaching assistant in the south of France. I did it on the basis of supporting what she is doing so that her class could also understand that Scotland is keen to continue that type of exchange rather than making it more difficult.

**Stuart McMillan (Greenock and Inverclyde) (SNP):** Less than 10 days ago, Michael Gove confirmed to the Parliament's Finance and Constitution Committee that the deal that is on the table would provide easier access to the European single market for Northern Ireland in comparison with elsewhere in the UK, including Scotland. With that in mind, what are the implications for Scottish business given that it will be at a competitive disadvantage? Does the cabinet secretary believe that the Tories have now thrown Scottish businesses under Boris's Brexit bus?

**Michael Russell:** The number of bodies under the Brexit bus is quite considerable. Northern Ireland has been thrown under the Brexit bus, along with Scottish businesses—soon there will be no room underneath it, and they will have to get another bus with another vacuous and inaccurate slogan on it.

The reality of this deal, as I indicated in my statement, is that Scottish businesses will be put at a disadvantage. It is obviously so, because Northern Ireland will have direct access to the single market and will be in two customs zones. There will be considerable difficulties in implementing that, including at Scottish ports, but there is no doubt that it will work against the interests of Scotland. If people were going to set up a business that needed to work with or within the EU, they would do so in Northern Ireland and not in Scotland. That is where we are now.

The other great disadvantage is the democratic disadvantage. It is wrong that Northern Ireland should have the opportunity to say yes or no to this deal on a regular basis. It is quite interesting that, apparently, having an independence referendum after six or seven years is wrong but the situation in Northern Ireland can be looked at every four years. That seems a rather curious contradiction. The reality is that the deal favours Northern Ireland. I am not against Northern Ireland being given all the special treatment that it wants, but Scotland should not be left at a disadvantage as a result.

**Graham Simpson (Central Scotland) (Con):** On 17 October, Dame Carolyn Fairbairn, the director general of the Confederation of British Industry, said:

“this deal unlocks a transition period, guarantees rights of the 4 million citizens living abroad in the UK and EU, and opens a pathway to a new EU/UK partnership. It would keep trade flowing freely across the island of Ireland and, most importantly, avoid a damaging no deal scenario.”

Why does the cabinet secretary think that he knows more about what is best for business than the leader of British business?

**Michael Russell:** I know that the member has been a keen Brexiteer, so maybe his eyes glossed over the start of that statement but, in fact, the director general's first premise was no Brexit at all—she said that she did not want Brexit to take place. That is exactly my first premise, too, because Brexit will be damaging, no matter what. At the stage at which businesses are suffering greatly, of course, people will grasp any straw that they can. However, a straw is what this is, and it is a very weak one. In fact, it is a straw that will not raise anyone up in the water in the slightest, because it will cause enormous difficulties, and even worse difficulties for Scotland.

I invite Mr Simpson to go online and look at the map of Scotland that we have put up that shows the impact of Brexit on 7,000 data zones. If he does so, he will find that, in every part of Scotland, damage will be done and that, in some parts of Scotland, the damage will be enormous.

At least Mr Simpson has had the courage of his convictions from the beginning. He wanted to pursue Brexit no matter the evidence, and I think that he would pursue it no matter the evidence—if he was the last man standing in a Brexit Scotland, he would be happy. However, there are people on the Tory benches who were opposed to what is happening—who knew how bad it would be—and they are really culpable, because they are allowing it to happen. They are allowing that damage to take place and they are not lifting a finger to speak up for the people they represent.

**Jenny Gilruth (Mid Fife and Glenrothes) (SNP):** Boris Johnson's commitment to protect workers' rights has been shown to be nothing but smoke and mirrors. Does the cabinet secretary view this deal, as I do, as facilitating a race to the bottom when it comes to standards and rights derived from EU membership, particularly with regard to environmental protection and the rights of working people?

**Michael Russell:** As I keep stressing, the level playing field is central to this issue. If we look at what has happened to the level playing field commitment, we can see that it has moved from the legally binding withdrawal agreement into the

non-binding protocol, which should make anyone suspicious. With regard to the non-binding protocol, we are in a position in which, behind the scenes, senior Tory figures are saying, "Don't worry lads, we'll get rid of this—we don't really want this at all." I am afraid that, in those circumstances, anybody who believes that the deal guarantees workers' rights, human rights or environmental protections is very easily taken in, or is someone who has not read it.

**Neil Findlay (Lothian) (Lab):** Out there in the real world, just yards from this place, we see people sleeping on the cold streets of this city, people dying from drugs in record numbers and waiting times for health services growing. I wish that we were hearing from the Government on those important issues rather than witnessing this pathetic knockabout today.

Does the cabinet secretary accept that Brexit is nothing compared to the complexity and upheaval of unravelling 300 years of social, economic and political integration with our friends and neighbours across the UK, and that what would be a better option for Scotland is further devolved power and no barriers with the UK market?

**Michael Russell:** I note that it is difficult for Mr Findlay to be self-reflective or self-critical, but I ask him to try that for a moment and to think about the fact that the actions of the Labour Party have enabled Tory Governments to run Scotland for generations, and that, if we had taken actions that would have prevented that happening, we would not have had austerity, we would not have had the cruel social policies that we have seen and we would not have had the bearing down upon Scottish local authority budgets that has taken place.

There is a choice for Mr Findlay to make because, no matter what he says, the longer he perpetuates the ability of the Tories to run down Scotland, the more he himself will be culpable for the problems that he talks about.

**Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** Scottish exports of technology, digital and media services represent nearly 10 per cent of our total exports to the European Union, resulting in more than £1.4 billion-worth of trade. Can the cabinet secretary confirm that, under this deal, Scotland and the UK will be operating outside the digital single market? What clarity has the UK Government provided about what that means for issues such as e-commerce, country of origin principles and geo-blocking?

**Michael Russell:** The member raises an important point. The digital single market offers a huge opportunity to companies large and small in Scotland. During the transition period, we will continue to be part of it. However, at the end of the

transition period, unless it is specifically negotiated—and because it involves issues of data security, it would be complex to negotiate—we will not be part of the digital single market. That would be bad enough, but in Brexit there are opportunities foregone—things that we would have been involved in, which will continue to grow and develop, which we are shut out from. The digital single market is a strong example of that. Not only will it disadvantage us not to be in it, if we cannot continue to progress with it, it will greatly disadvantage our growing, exciting tech sector. We should also concentrate on those opportunities foregone, which are difficult to quantify but great in number.

**Emma Harper (South Scotland) (SNP):** This week, Channel 4's "Dispatches" uncovers secret talks between the UK and US Governments and pharmaceutical industries, regarding the US having post-Brexit access to the NHS, in the form of trade deals. I find that deeply concerning. Will the cabinet secretary join me in condemning the US involvement in our NHS? Will he encourage the UK Government to disclose fully all talks between the Governments, with regard to trade deals, particularly when it comes to our NHS?

**Michael Russell:** Emma Harper makes an important point. Not only were the revelations in the "Dispatches" programme deeply troubling, they illustrated the fact that Scotland had not been consulted. My good friend, the Cabinet Secretary for Health and Sport, did not get a phone call from Matt Hancock or anybody else to say, "What do you think of this? How should we have these conversations?" We were deliberately cut out.

As with health, so it will be with agriculture, fisheries and all sectors of the Scottish economy. There will be every attempt to keep us away from any discussions on trade. Last year, we published a paper on trade. My friend, the Minister for Trade, Investment and Innovation, stands firmly behind that paper. There are ways in which we could be informed and consulted but, as I said in my statement, without that, the talks will be an attempt to give extra money to American billionaires, at the expense of ordinary people in Scotland.

## Portfolio Question Time

14:18

### Health and Sport

#### “MHA monitoring report 2018-19”

1. **Alex Cole-Hamilton (Edinburgh Western) (LD):** To ask the Scottish Government what its response is to the findings of the Mental Welfare Commission for Scotland publication, “MHA monitoring report 2018-19”. (S5O-03669)

**The Cabinet Secretary for Health and Sport (Jeane Freeman):** We are carefully considering the commission’s findings, which will inform the independent review of mental health legislation that we announced earlier this year. The review is chaired by John Scott QC and will focus, in part, on compulsion. It is currently considering how best to seek and evaluate evidence about the way persons who are subject to compulsion under the Mental Health (Care and Treatment) (Scotland) Act 2003 currently receive care and treatment. That includes issues such as how the application of compulsion has developed since the act came into force. The review will aim to produce an interim report in May 2020. Work will continue with stakeholders to ensure that compulsory treatment orders are used correctly and continue to promote patients’ rights.

**Alex Cole-Hamilton:** The report shows that since 2009, there has been a 122 per cent increase in short-term detentions among women under the age of 25. The number of times that people have needed compulsory mental health treatment in Scotland has reached a record high—in the past year alone, there have been more than 6,000 detentions under the 2003 act.

**The Deputy Presiding Officer (Christine Grahame):** What is your question?

**Alex Cole-Hamilton:** Those shocking statistics show that people are not getting help fast enough, so their needs are getting more acute. What is the cabinet secretary doing to reduce mental health treatment waiting times? When does she expect the last of the 800 key workers in general practice surgeries to be deployed?

**Jeane Freeman:** There are many reasons why there can be a rise in the number of short-term orders. Rates of detention have complex causes, which is why it is important that we look at the findings of the report and that the review undertakes the work that I have outlined.

Mr Alex Cole-Hamilton is well aware of the number of actions that we are taking to improve mental health waiting times and services, so I shall

not rehearse those again. We have already published information on our progress in relation to the 800 additional mental health workers who will be in place in this parliamentary session. I am happy to refresh his memory on that in writing, if he wishes.

**Monica Lennon (Central Scotland) (Lab):** Does the cabinet secretary agree that the sharp increase in the number of teenagers being the subject of forced detention is worrying and can she advise how many specialist national health service mental health beds are available for children and young people in Scotland?

**Jeane Freeman:** I agree with Monica Lennon that that number is a concern and it needs to be looked at in detail to find out why that might be the case. On the specific question about the number of beds, I do not have that information with me but I am happy to send it to Ms Lennon immediately after portfolio question time.

**Annie Wells (Glasgow) (Con):** Significantly, the report highlights that rates of emergency detention vary considerably across Scotland, with NHS Greater Glasgow and Clyde having the highest rate at 84 per 100,000 of the population. When it comes to compulsory treatment orders, NHS Greater Glasgow and Clyde has had a higher rate than the whole of Scotland for the past 10 years. What action will the cabinet secretary take to address the stark differences across the country?

**Jeane Freeman:** As Annie Wells knows, I am always concerned about variation in the delivery of our health services and in outcomes across a whole range of issues. I want to understand why there is that variation. That will be part of how we consider the report’s recommendations and part of the work that Mr Scott is undertaking in our review. As progress is made on that, we will ensure that members are advised.

#### National Health Service Workforce Planning (European Union Exit)

2. **Gillian Martin (Aberdeenshire East) (SNP):** To ask the Scottish Government what national health service workforce planning is taking place to account for any loss of European Union membership and freedom of movement. (S5O-03670)

**The Cabinet Secretary for Health and Sport (Jeane Freeman):** Any loss of freedom of movement between Scotland and the rest of the EU will have a detrimental impact on our ability to recruit for our health and social care services in the future, and on our ability to retain valuable EU workers in those services. We are actively attempting to mitigate those impacts through our targeted international recruitment efforts and

through increased investment in growing our own talent across health and social care. However, the damage to our NHS from losing freedom of movement will be tangible and we must make every effort to stop Brexit and protect our health service.

**Gillian Martin:** Turning to another potential area of damage, I ask for the cabinet secretary's response to the revelations in Channel 4's "Dispatches" programme on Monday, which reported on five secret meetings between senior United Kingdom Government civil servants and the US pharmaceutical industry. Was the Scottish Government aware of those meetings? What are the implications for the NHS in Scotland of a UK-US trade deal that includes supply deals on our medication?

**Jeane Freeman:** I am sure that many members were as concerned as I was by the reports in the "Dispatches" programme. We are not in any way reassured by the most recent performance by the UK Secretary of State for Health and Social Care. I say, for the benefit of members in this chamber, that the first I knew about the matter was from that television programme and, indeed, that in all my term as Cabinet Secretary for Health and Sport in Scotland, Mr Hancock has not personally responded to any of the letters that I have sent him. That entire disregard for the value of this Parliament and our devolved Administration gives the absolute lie to any claims that we are in a partnership of equals in any respect.

It is critical to our NHS that we do all that we can to keep tight control over the cost of medicines. The recent Audit Scotland report showed the essential role that less expensive generic and biosimilar products play in keeping costs under control. All that will be put at risk if the UK Government trades away our ability to get the best-value prices for our NHS. If the NHS is forced to accept the list prices of US drug companies, the implications for the sustainability of our health service will be immediate and severe, which is all the more reason why we need to take every opportunity to prevent that from happening.

**David Stewart (Highlands and Islands) (Lab):** One key aspect of NHS workforce planning post-Brexit will be the creation of a new medical school. Does the cabinet secretary share my view that there is a strong case to be made for the new school to be located in the Highlands and Islands as part of the University of the Highlands and Islands network?

**Jeane Freeman:** I give Mr Stewart all credit for being the first member to take the opportunity of arguing that point in the chamber on behalf of his area. Many others have come forward to make cases about the Government's commitment to establishing a new medical school. I think that

such a school is needed in any case, because we need to increase the numbers of our young people to whom we offer such opportunities.

As I have said to Mr Stewart and other members, I am waiting to see the offers and options that might come forward—including those from our existing medical schools, which have also been considering what it is possible for them to do. We will consider all such propositions carefully, but we will aim to ensure equity of access and the maximum opportunity for our young people and others to train to be doctors and then to be employed as such in our health service in Scotland.

### Human Papillomavirus Vaccine

3. **Anas Sarwar (Glasgow) (Lab):** To ask the Scottish Government what plans it has to review the eligibility criteria for the human papillomavirus vaccine. (S5O-03671)

**The Minister for Public Health, Sport and Wellbeing (Joe FitzPatrick):** The Scottish Government is advised on vaccination policy by the Joint Committee on Vaccination and Immunisation. The JCVI is an independent, expert group that considers a full range of available clinical and cost benefit evidence before providing advice on all aspects of vaccination, including eligibility, to each of the United Kingdom health departments.

The JCVI keeps its recommendations on all vaccination programmes under review. If it should update its recommendation on HPV vaccination at any time, the Scottish Government will give that due consideration.

**Anas Sarwar:** Up to 100,000 boys aged from 14 to 18 will not be able to get a free catch-up vaccination when the new HPV vaccination programme, which aims to reduce cancer incidence, is rolled out in January. Instead, it might be recommended that they buy doses privately. I am aware of one parent who has paid £800 to vaccinate their two 16-year-old boys. Will the Government urgently consider extending the programme to all boys, so that no parent is forced to choose between putting food on the table and paying to protect their children from cancer?

**Joe FitzPatrick:** I will always look at any advice that comes to me. Mr Sarwar will be aware that I was very sympathetic to the concept of a catch-up programme, but I have to look at the advice that comes to me from the JCVI. I understand that its advice in that regard was made on the basis that the successful 10-year programme for girls had established good levels of herd protection, which means that limited additional benefit would be gained from a catch-up programme for boys. Clearly, there are sections of boys and young men

who would not benefit from such herd protection—such as men who have sex with men—and they are able to seek vaccination. However, let me be absolutely clear: if advice should come from the JCVI to suggest that a catch-up programme would be the right thing to do, I would be very sympathetic to that.

#### **Emergency Departments (Use of Physiotherapists)**

**4. John Mason (Glasgow Shettleston) (SNP):** To ask the Scottish Government what the effectiveness has been of the trialling of placing physiotherapists in the emergency department at the Queen Elizabeth university hospital. (S5O-03672)

**The Cabinet Secretary for Health and Sport (Jeane Freeman):** Between January and April 2019, 99.8 per cent of patients who benefited from the specialty pathway as a result of the trial at the Queen Elizabeth were seen within four hours. The trial resulted in enhanced discharge, fewer patients being admitted and a higher quality of care for those who were seen, as well as members of the healthcare team being freed up to treat other patients more quickly.

The trial has now been extended to providing seven-day, 52-week cover at the Queen Elizabeth, with plans to extend the clinical competencies to further accident and emergency departments. NHS Greater Glasgow and Clyde's winter plan would extend it to Glasgow royal infirmary for the winter period.

**John Mason:** Does the cabinet secretary think that it might also be helpful if other specialties were put into A and E?

**Jeane Freeman:** The unscheduled care national programme works with hospitals to consider how patients can access the most appropriate healthcare professionals and obtain the right care without delay. Many hospitals are already working with multidisciplinary teams that include general practitioners, paramedics, pharmacists, allied health professionals and other healthcare workers to support appropriate care pathways. The national programme will look very closely at the impact of the trial at the Queen Elizabeth, and its extension, to see what more could be done to roll out that approach and replicate it across Scotland.

#### **Breast Cancer Screening**

**5. Pauline McNeill (Glasgow) (Lab):** To ask the Scottish Government what progress it is making on encouraging the uptake of breast cancer screening. (S5O-03673)

**The Minister for Public Health, Sport and Wellbeing (Joe FitzPatrick):** We are committed

to further increasing our work and focus on the importance of breast screening. The Scottish breast screening programme needs to be as effective as possible and to adapt in order to keep pace with the increasing population and changes in technology and lifestyles. That is why we have approved a review of the programme to ensure that it continues to support early diagnosis of breast cancer. The review, which will be carried out by the national services division, will look at everything from invitation processes, advances in technology and future requirements to ways to increase participation and address health inequalities. A systematic approach is needed to the introduction of changes in technology, such as text or electronic reminders and artificial intelligence, so that changes can be implemented quickly and effectively to benefit women.

We know that the earlier a cancer is diagnosed, the easier it is to treat, which is why we launched our £42 million detect cancer early programme in 2012.

**Pauline McNeill:** A quarter of cases are diagnosed in women aged 75 and over, but women over 70 are not routinely asked to attend mammograms every three years and are instead expected to self-refer. I wonder why that is. Given that life expectancy is increasing in Scotland—the average is 81 for women—can the minister provide an explanation for that? As a review of the breast screening programme is under way, will the minister commit to changing the policy and including invitations to older women as part of the review?

**Joe FitzPatrick:** As I said in my first answer, the review will be wide ranging, and I will make sure that the issue that the member raises is one of the things that is looked at.

#### **Mesh Removal**

**6. Neil Findlay (Lothian) (Lab):** To ask the Scottish Government what action it is taking in response to reports that some women are having “total” or “full” mesh removal recorded on their medical records following surgery at centres of excellence only to later learn they still have mesh in their body. (S5O-03674)

**The Cabinet Secretary for Health and Sport (Jeane Freeman):** As the First Minister has said, it is important that we give further consideration to those reports. This is a serious issue and the proper process requires careful review of selected patient cases. We therefore need to establish which cases require review and, importantly, to identify individuals with the required knowledge, authority, standing and independence to carry that out. Health board accountable officers discussed the matter at their meeting last week.



Taking account of what I have just said, I have asked NHS Greater Glasgow and Clyde to propose by the end of this week a means, scope and timeline for that review to be conducted, with assurance from the accountable officers group and the chief medical officer that that is the required level of response to determine the basis of the reports. Once I have that information and that assurance, I will, of course, make sure that the member is advised.

**Neil Findlay:** I welcome what the cabinet secretary has said. These are extremely important issues and the allegations that have been made are very serious. Before we take another step forward, will the cabinet secretary ensure that she consults the women involved? We do not want to replicate a situation where people who have a vested interest in the issue are the people who do the investigating. Would it not be better to ask the General Medical Council to be involved?

**Jeane Freeman:** Mr Findlay's point about assurance that those who review cases are independent is well made, and that is why I made that point in my first answer. I am very clear that the review of cases needs to have credibility, particularly in the eyes of the women making the reports that he mentioned. Once I have the proposition from NHS Greater Glasgow and Clyde, the view of the accountable officers group, which covers all our health boards, and the view of our chief medical officer, I will be very happy to also take a view from the women concerned as to whether what is proposed appears to them to meet their requirement for independence. I will then take the issue further, based on all the views that come to me. However, I am keen to ensure that we do not overly delay the matter because, as Mr Findlay rightly says, these very important assertions need to be investigated, and we need to get to the truth of the matter in the cases concerned.

### People with Dementia

**7. Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** To ask the Scottish Government how it supports people with dementia, particularly those under 65, and how all people with dementia and their families can access the care and support they require. (S5O-03675)

**The Cabinet Secretary for Health and Sport (Jeane Freeman):** Everyone who is newly diagnosed with dementia, at any age, is automatically entitled to be offered post-diagnostic support, and we are clear in our expectation that integration joint boards should ensure that it is delivered.

A new step of support this year has been our extension of free personal care to all age groups who are assessed as requiring it, including those

who have dementia. We have backed that with investment and changes to the necessary legislation to enshrine the right.

In addition, our programme for government sets out our plans to consult on and develop a new national dementia strategy, which will include a further focus on the issues for and support needs of people under 65 with the illness.

**Willie Coffey:** In local cases that I am helping with, there seems to be a marked difference in the care experience of those under 65 who have early onset dementia when compared with that of older people. On general support for families with a relative who has dementia, can the cabinet secretary reassure my constituents that their care and support needs are paramount and on an equal footing with those who live with other progressive or terminal illnesses?

**Jeane Freeman:** That should absolutely be the case for the care and support that is offered. I accept that there are areas in which it appears that that is not happening. We are actively looking at that and at what more might be done in the immediate period and in the longer term through the additional review that I outlined in my earlier answer.

I am keen that we make significant progress with that work and begin to develop further our dementia services, backed by the required resources.

### St Brendan's Hospital and Care Home (Replacement)

**8. Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP):** To ask the Scottish Government whether it will provide an update on the replacement of St Brendan's hospital and care home on the Isle of Barra. (S5O-03676)

**The Cabinet Secretary for Health and Sport (Jeane Freeman):** Work is under way between the health board, the council and the integration joint board to determine the best approach for delivery of the hospital project and the Castlebay community hub. That joint work must ensure that public infrastructure best meets the needs of the local population and provides an effective and sustainable health and education resource for the future.

The feasibility study was recently completed and a decision on the preferred way forward is expected to be taken very soon. Along with the health board and the council, we remain committed to delivering the St Brendan's re-provision at the earliest opportunity.

**Dr Allan:** Next week, the local authority is due to meet to consider the options outlined by the feasibility study into an integrated project. Does

the cabinet secretary agree that, if the commitment to have a new hospital under construction by 2021 is to be met, it is important that the community is kept fully informed and is involved as closely as possible during the project's development?

**Jeane Freeman:** We can agree on two important points in relation to the project. First, it is vital that a decision is taken quickly and that the health board and the council take the appropriate steps to implement the recommendation as quickly as possible. Secondly, the local community absolutely needs to be fully involved and engaged with the whole process, including the design of any new build. The Scottish Government remains fully committed to the project and I expect senior leadership at the health board and the council to move it forward and to deliver against the agreed timescales.

## Communities and Local Government

### Local Authority Procurement

1. **Clare Adamson (Motherwell and Wishaw) (SNP):** To ask the Scottish Government what it is doing to ensure a consistent approach to procurement across all local authorities. (S50-03677)

**The Cabinet Secretary for Communities and Local Government (Aileen Campbell):** Public procurement in Scotland is governed by our national procurement legislation, which ensures a consistent approach to how contracts are competed for, while recognising that local authorities are independent corporate bodies and, in the same way as other public bodies, are largely responsible for their own procurement processes and decisions. The Scottish Government engages with the local government sector through the public procurement group, which sets the strategic direction for public procurement for Scotland.

**Clare Adamson:** According to the Health and Safety Executive, the waste and resource management industry is the second worst-performing industry in the United Kingdom in terms of workplace fatalities. Does the cabinet secretary share my view that safety scoring must be an important and valued part of the procurement process, and that waste contracts across Scotland must be assessed consistently?

### Local Authority Procurement

**Aileen Campbell:** I recognise the work that the member does on issues around safety more generally. It is already a requirement of all public procurement exercises that suppliers comply with all health and safety law and declare any breaches. Bidders that have breached health and

safety law must demonstrate that they have taken appropriate self-cleansing measures to remedy any breaches or face being excluded from the procurement exercise.

**Alexander Stewart (Mid Scotland and Fife) (Con):** What role does the cabinet secretary expect procurement plans to have in helping councils to balance struggling budgets?

**Aileen Campbell:** I am not sure what that has to do with procurement. I would say, though, that if we had followed the Conservative tax plans, which would have taken more money out of local authorities, they would have had £500 million less. However, if the member wants to come back on issues to do with procurement, which I do not think featured in his question—

**Alexander Stewart:** It was about procurement plans.

**The Deputy Presiding Officer:** I thought that the question was relevant. It was about procurement across local authorities and comparing that to financial challenges.

**Aileen Campbell:** Sorry. I misunderstood or misheard, as I thought that the member was talking about the budget.

**Alexander Stewart:** It was about procurement plans.

**The Deputy Presiding Officer:** You are not having a discussion about it.

**Aileen Campbell:** I reiterate, however, that the Conservatives' tax plans would have taken more money out of the budget for local authorities. However, we will continue to engage on that issue at another time.

**The Deputy Presiding Officer:** We will just call all that a bit of a guddle and have a look at the *Official Report* afterwards. I am not wasting any more time on it.

### Investing in Communities Fund (Rural Communities)

2. **Maurice Corry (West Scotland) (Con):** To ask the Scottish Government what efforts it has made to deliver the investing in communities fund, particularly with regard to channelling resources for rural communities. (S50-03678)

**The Cabinet Secretary for Communities and Local Government (Aileen Campbell):** The Scottish Government launched the new £11.5 million per year investing in communities fund in 2019-20. The fund has been developed to support communities to design, develop and deliver solutions that address local priorities and challenges on their own terms. It will support our national performance framework by contributing to

achieving many of our national outcomes through targeting investment towards addressing poverty, inequality and rural disadvantage. The fund was advertised widely across community and third sector networks in Scotland, including those supporting rural areas. The fund was highly competitive, attracting over 750 applications from all local authority areas in Scotland and with rural and remote places well represented.

**Maurice Corry:** Rural communities can often face distinct challenges, such as locations that are more difficult to reach and isolation. Can the cabinet secretary provide details on how the funding grants under the investing in communities initiative have so far targeted the problems of isolation and inequality of opportunity, specifically for those in rural areas across West Scotland?

**Aileen Campbell:** Rural disadvantage was specifically included in the fund criteria, in line with the national performance framework. There is recognition of the challenges that rural communities face, as the member outlined, such as migration from rural areas, age demographic issues, dispersed populations and infrastructure. Those were taken into consideration in that funding.

**The Deputy Presiding Officer:** My signal to make it short was for Mr MacGregor on the back benches and not for you, cabinet secretary—there was a bit of confusion there. Mr MacGregor has a supplementary question.

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** Given that the fund provides flexibility for those who require resources to make meaningful changes in their communities, can the cabinet secretary outline the uptake of the multiyear awards, which can reach £250,000, compared to the uptake of the six-month and year-long awards?

**Aileen Campbell:** It was recognised that a lot of community groups required much more flexibility in the approach to support the work that they do in their communities. That issue is often raised with me by communities, which is why we approached the issue in a way that would enable communities to have longer-term funding. More than 90 per cent of applications to the fund requested grant awards extending beyond the 2019-20 financial year.

### Falling Masonry

**3. Daniel Johnson (Edinburgh Southern) (Lab):** To ask the Scottish Government what information it has on how many times masonry falls from housing have been reported in the past year. (S5O-03679)

**The Minister for Local Government, Housing and Planning (Kevin Stewart):** The Scottish

Government does not collect or hold information centrally on masonry falls from housing. Local authorities may be able to assist with the request as part of their responsibility for dealing with substandard housing in their area.

**Daniel Johnson:** In Edinburgh alone, there were 179 masonry falls in 2018, which represents a four-fold increase in just four years. That underscores not only the seriousness of the situation and the need to record it but the need for an adequate maintenance regime for our built environment. When and how will the Scottish Government respond to the recommendations of the cross-party working group on the maintenance of tenement property?

**Kevin Stewart:** I agree with Mr Johnson that the maintenance of common property is an important issue, especially when it becomes a matter of public safety. Home owners and landlords in tenements need to fully accept their shared responsibilities for the upkeep of their properties, ensuring that everybody who lives in a tenement can enjoy a quality, safe and sustainable home.

As Mr Johnson will be aware, the Scottish Government held a debate on the issue in June. I welcomed the report of the working group on the maintenance of tenement property, and I have committed to making a substantive response in the autumn to the final recommendations report. The issues are serious and require serious consideration. We intend to make our response in due course.

**Graham Simpson (Central Scotland) (Con):** Autumn ends on 22 December. Will the minister guarantee that he gives his response before then? Will he commit to giving a response in the chamber?

**Kevin Stewart:** I am not a man who makes guarantees, unless I have something written in blood. However, I have committed to making my substantive response in the autumn—Mr Simpson can be assured that that will happen.

### Accessible Housing Targets

**4. Murdo Fraser (Mid Scotland and Fife) (Con):** To ask the Scottish Government what targets it has set local authorities to deliver accessible housing. (S5O-03680)

**The Minister for Local Government, Housing and Planning (Kevin Stewart):** The Scottish Government does not set local targets for accessible housing. Specific requirements are best identified locally, informed by the needs of communities. However, our fairer Scotland for disabled people delivery plan includes a commitment to ensure that each local authority sets a realistic target in its local housing strategy

for the delivery of wheelchair-accessible housing across all tenures and that each local authority reports annually on progress. Additionally, guidance that was published in March requires local authorities to have wheelchair-accessible housing targets in place for all tenures by the end of this year. Increasing the supply of wheelchair-accessible housing will provide more choice and flexibility for disabled people.

**Murdo Fraser:** The minister will be aware that there is a desperate need for more accessible housing right around the country. Will he give members an update on how many councils have provided new strategic housing investment plans? Is he satisfied that the plans adequately address the demand for accessible housing?

**Kevin Stewart:** As far as I am aware, all 32 local authorities submitted their strategic housing investment plans last December or January. I will confirm that in writing to Mr Fraser, because I do not have the details in front of me now.

As I have previously related in the chamber, I expect local authorities not only to look at the issue in terms of their local housing strategies but to take cognisance of housing lists in their areas.

We are investing heavily in housing in Scotland at the moment. Although I have said that we are unwilling to look at the amount of subsidy that we give as a whole, I have made it clear that we are extremely flexible about subsidies for the local authorities and housing associations that want to deliver wheelchair-accessible housing.

Can I say to members—

**The Deputy Presiding Officer:** Just very briefly, minister. I am trying to get other members in.

**Kevin Stewart:** In 2018-19, 96 per cent of our new-build homes were of the housing for varying needs standard, which is extremely important.

**Kenneth Gibson (Cunninghame North) (SNP):** Will the minister advise members how many accessible and affordable homes are currently being built in Scotland per 100,000 people compared with the number that are being built in England, where Mr Fraser's party is in government?

**Kevin Stewart:** Between 2007 and 2018, the supply of affordable homes per head of population has been a third higher in Scotland than in England. That is 131 homes per 100,000 people in Scotland compared with 96 homes per 100,000 people in England. In the four years to 2018, we delivered 50 per cent more affordable homes per head of population in Scotland than were delivered in England.

In the social rented housing sector, in particular, in the four years to 2018, we delivered five times more homes per head of population in Scotland than in England, delivering 84 social homes per 100,000 people in Scotland compared with just 13 social homes per 100,000 in England.

**The Deputy Presiding Officer:** I was a wee bit tolerant there. The question was about accessible housing, not affordable homes. Be warned.

### Business Improvement Districts

**5. Dean Lockhart (Mid Scotland and Fife) (Con):** To ask the Scottish Government what support it is giving to business improvement districts. (S5O-03681)

**The Cabinet Secretary for Communities and Local Government (Aileen Campbell):** The Scottish Government is supporting Scotland's Towns Partnership to develop a new and more expansive model for BIDs, which will deliver more inclusive and energetic partnerships, improve resources and impact, and bring greater sustainable growth to areas all over Scotland. The Scottish Government also provides seedcorn funding to emerging BIDs to enable them to develop their proposals.

**Dean Lockhart:** During a recent business summit that I hosted in Stirling, concern was expressed by local businesses about the impact of increasing business rates including the large business supplement, which more than 400 firms in Stirling have to pay. That is forcing many firms to close or to cut back on staffing. Does the cabinet secretary recognise the damage that the Scottish National Party's business rates are causing to high streets and communities across Scotland?

**The Deputy Presiding Officer:** The first question was about business districts and support for them. I remind members again that supplementaries should attach themselves to the primary question. That is a useful principle.

**Aileen Campbell:** I acknowledge that Dean Lockhart will have done work in Stirling and I am happy to hear about the outcomes for businesses there.

However, I remind the member that the Scottish Government provides the most generous package of non-domestic rates anywhere in the United Kingdom, which was worth a record £750 million in 2019-20. That includes transitional relief and the small businesses bonus scheme. That scheme is crucial for small businesses in maintaining our high streets and ensuring that they remain lively and energetic. BIDs support that work and continue to support our towns across the country

We will continue to ensure that we provide support for our businesses with the generous package of relief that we currently offer.

**Non-domestic Rates (Aberdeen City Council and Aberdeenshire Council)**

**6. Tom Mason (North East Scotland) (Con):** To ask the Scottish Government what correspondence it has had with Aberdeen City and Aberdeenshire councils regarding the Non-Domestic Rates (Scotland) Bill. (S5O-03682)

**The Cabinet Secretary for Communities and Local Government (Aileen Campbell):** Aberdeen City Council and Aberdeenshire Council both responded to the Scottish Government's public consultation on the implementation of the Barclay review of non-domestic rates. We are committed to maintaining the consultative and collaborative approach that has been a key feature of our work on the Barclay review, including the Non-Domestic Rates (Scotland) Bill, so should either council have specific issues that it would like to raise with me or my cabinet colleagues, I would be more than happy to speak to it.

**The Deputy Presiding Officer:** Mr Mason, I know that your supplementary will be pertinent.

**Tom Mason:** I hope so. I declare an interest as a councillor on Aberdeen City Council.

The 2017 rates revaluation failed to reflect the downturn in the oil and gas industry and has, as a result, proved to be devastating, with many businesses in the Aberdeen area closing, and the demolition of perfectly viable office blocks in the past two years. In addition, Aberdeen City Council has had to generate—

**The Deputy Presiding Officer:** No, no, no. You are breaching another of my little golden rules, which is that I like to hear a question.

**Tom Mason:** In that case, will the Government take the opportunity that is provided by the bill and the upcoming budget to ensure a truly fair settlement to our third-largest city?

**Aileen Campbell:** We continue to treat local authorities fairly. Had the Government followed the Conservative Party's budget proposals, that would have meant £17 million less for services for Aberdeen City Council and £24 million less for Aberdeenshire Council. In contrast, we have supported local authorities and we continue to offer support through our small business bonus scheme, which has 2,300 recipients in Aberdeen and 7,300 in Aberdeenshire. That has saved much money for businesses in north-east local authority areas, and will continue to support the crucial work that happens across Aberdeen and Aberdeenshire. It is important to ensure that local

authorities are supported and that businesses are supported, as well.

**Maureen Watt (Aberdeen South and North Kincardine) (SNP):** Will the cabinet secretary set out how the Non-Domestic Rates (Scotland) Bill will build on the transitional relief that is received by offices and by all but the largest hospitality businesses in Aberdeen City and Aberdeenshire, and how the bill will ensure a fair rates deal for all businesses in the north-east by moving to three-yearly revaluation, which will mean that the rating system can respond better to economic change?

**Aileen Campbell:** Absolutely. That is part and parcel of why the bill is so critical, and why my colleague Kate Forbes continues to take that work through the Parliament. We will continue to ensure that we do as the Barclay review set out. We will continue to be consultative, and we will continue to collaborate with our local authority colleagues and others in order to move the system forward in a more agile way that responds to need in particular areas across the country.

**Park of Keir Development**

**7. Keith Brown (Clackmannanshire and Dunblane) (SNP):** To ask the Scottish Government whether it will provide an update on the negotiations between Stirling Council and the agents of the Park of Keir development. (S5O-03683)

**The Minister for Local Government, Housing and Planning (Kevin Stewart):** Negotiations between Stirling Council and the developer over the planning obligation are on-going. The Scottish Government has recently agreed to allow until 31 January 2020 for the obligation to be concluded between the parties.

**Keith Brown:** The minister will be aware that it is now two years since permission was granted for the development, subject to a number of conditions being met. Despite a number of extensions having been granted, the developer and Stirling Council have failed to reach agreement on terms to allow the development to proceed. Will he consider the view of my constituents that local people have faced a prolonged period of uncertainty over the development, and that if agreement cannot be reached, approval for the development should be withdrawn?

**Kevin Stewart:** I note Mr Brown's constituents' concerns. However, as it is about a live planning application, it is not appropriate for me to comment on the merits of the case.

**Mark Ruskell (Mid Scotland and Fife) (Green):** In the minister's notice of intent letter from 2017, he agreed with the reporter's findings that the

“financial implications of developing the sports facilities have not been the subject of an assessment”.

Is it now the minister’s view that such an assessment needs to be produced before he can make a decision?

**Kevin Stewart:** As members are very well aware, I am extremely restricted in what I can say. There is, in the Scottish ministerial code, a special place for me when it comes to live planning applications. As Mr Ruskell obviously has a copy of the letter of intent with him, I suggest that he look at it, because in it is my judgment on the application.

### Affordable Homes

**8. Michelle Ballantyne (South Scotland) (Con):** To ask the Scottish Government what action it is taking to ensure that families and communities have access to affordable homes. (S5O-03684)

**The Minister for Local Government, Housing and Planning (Kevin Stewart):** The Government is committed to ensuring that families and communities across Scotland have access to safe, warm and affordable homes that meet their needs.

We have transformed access to affordable housing, with record investment of more than £3.3 billion to deliver our 50,000 affordable homes target, which includes 35,000 homes for social rent, by 2021. That is a 94 per cent increase on our previous five-year investment, and it is the single biggest investment in, and delivery of, affordable housing since devolution. The Government can be very proud of its record on affordable housing, having now delivered more than 87,000 affordable homes since 2007.

**Michelle Ballantyne:** I thank the minister for that answer. I am just looking for clarification. Shortly after the last election, the Scottish Government changed its terminology, stating that it would “deliver” 50,000 homes by the end of 2021, as the minister has just said in his initial answer, as opposed to “build” 50,000 homes, as is still stated in his manifesto pledge online. Could you clarify what percentage of the 50,000 homes will be new builds, as opposed to refurbishments?

**The Deputy Presiding Officer:** Just a wee minute, Ms Ballantyne: I am sorry, but you keep using the word “you”. One of these days, you will not do that. Let us hope that it is before the end of this five-year session.

**Kevin Stewart:** As I have said in the chamber previously, the Government will deliver 50,000 affordable homes during the course of this parliamentary session, and 35,000 of those will be for social rent. That is the biggest affordable

housing programme for decades. There are members who I wish would celebrate that.

I refer Ms Ballantyne to my previous answer to Mr Gibson. If her colleagues south of the border were doing as well as we are, that would be something that she could applaud. We are delivering for the people of Scotland.

**James Dornan (Glasgow Cathcart) (SNP):** Does the minister agree with the national director of the Chartered Institute of Housing in Scotland, who said in written evidence to the Local Government and Communities Committee that

“The end of right to buy and the financial security provided by a Scottish Government target to deliver 50,000 affordable homes backed by £3 billion funding has created the opportunity for many local authorities to start building homes again”?

**Kevin Stewart:** Mr Dornan and the director of the Chartered Institute of Housing in Scotland are absolutely right. The financial security that is provided by the Scottish Government target to deliver 50,000 affordable homes, backed by record investment, and the ending of the right to buy have created the opportunity for many local authorities to start building homes again. The number of affordable new-build completions increased from zero in 2005 to 1,280 in 2018.

## Glasgow School of Art Fire

**The Deputy Presiding Officer (Christine Grahame):** The next item of business is a Culture, Tourism, Europe and External Affairs Committee debate on motion S5M-19553, in the name of Joan McAlpine, on the Glasgow School of Art fire.

15:00

**Joan McAlpine (South Scotland) (SNP):** On behalf of the Culture, Tourism, Europe and External Affairs Committee, I welcome the opportunity to debate the committee's report, "The Glasgow School of Art Mackintosh Building: The loss of a national treasure". Situated at the heart of the Glasgow School of Art's Garnethill campus, the Mackintosh building was widely considered to be one of Charles Rennie Mackintosh's seminal achievements. First conceived by the artist in 1896, the building is recognised as an architectural masterpiece of international significance.

On the night of 15 June 2018, the Mackintosh building suffered a second catastrophic fire, which caused significant damage to the building's interior as well as to the exterior facades and gables. More than 120 firefighters were called to tackle the blaze, which spread to a neighbouring music venue, the O2 ABC, and caused severe disruption to residents and businesses in the surrounding area.

The committee's report, which was published in March, sought to understand how one of Scotland's greatest architectural and artistic achievements could suffer two catastrophic fires while under the custodianship of the Glasgow School of Art. We asked what lessons could be learned and what steps could be taken to protect Scotland's built heritage in the future. I take this opportunity to thank all those who provided evidence to the committee, and our clerks, who worked so hard on the inquiry and the report.

Having weighed up the information that was provided to us in evidence, the committee concluded that there is a clear need for a wider public inquiry to take place that has judicial powers to get to the bottom of what happened to the iconic building. At the time, the committee specified that the inquiry should take place only once the Scottish Fire and Rescue Service has reported on the fire, and we look forward to the fire service's findings. However, I understand the frustrations of those who are still waiting for answers; I share those frustrations.

The issues that the committee considered in its report go way beyond the cause of the fire. We examined the wider failings that provided the context for the first fire, the measures that were

taken to avoid the second fire and the wider impact on the local community. That is why the committee remains of the view that a full public inquiry is the only means of fully understanding the events that led to the devastating fires.

**Adam Tomkins (Glasgow) (Con):** Does the member agree that the public inquiry—which I agree should be held—should look not only backwards at what happened in 2018 and why it happened but forwards at what should happen to the building in the future? The management of the Glasgow School of Art has proved itself to be an unfit custodian of this national treasure, and the public inquiry must consider whether the building and its future should be taken out of the GSA's hands and laid in some sort of public trust.

**The Deputy Presiding Officer:** You will get all your time back, Ms McAlpine.

**Joan McAlpine:** Thank you.

I do not want to pre-empt the public inquiry, but the committee's report did look forward and said that the decision on future management of the building, in relation to its purpose and how it is rebuilt, should not be for the Glasgow School of Art's management to take alone. There should be wider consultation not just with the local community but across all layers of government in Scotland. The Glasgow School of Art might be an independent institution, but it is in receipt of substantial public funds, so it is absolutely right that we scrutinise management's decisions on how those funds are spent.

Historic buildings such as the Mackintosh are awarded their category A listed status because they can be characterised as sites of unique historical or architectural interest. Often, it is those inimitable features that make such buildings so susceptible to the risks that are posed by fire. Although those risks can never be entirely mitigated, the committee sought to understand the GSA's approach to the management of risk and to ascertain whether, having identified specific risks to the Mackintosh building, it had taken proportionate measures to adequately manage those risks.

When it considered the GSA's custodianship of the building, what the committee found most concerning was not just the art school's understanding of the potential risks that fire posed to the building, but the length of time that it had known about those risks and the steps that it had taken to mitigate them.

The fire safety expert Stewart Kidd raised concerns, in writing, about the risks that were posed by fire as far back as the mid-1990s, when he visited the building with Historic Scotland. In his written evidence to the committee, he described parts of the building as working

“like a very effective chimney”.

That is just one of the many concerns that were raised by the fire safety experts and GSA alumni who gave evidence to the committee.

It was a source of great concern that the voids that were identified by Stewart Kidd back in the 1990s were found by the Scottish Fire and Rescue Service to be the cause of the rapid spread of fire in 2014—it identified that the fact that panels had been left off those voids allowed the fire to spread as it would have done through a chimney. We were also told in evidence by the GSA’s architects that those voids had still not been blocked last year, during the restoration.

In 2006, the Glasgow School of Art commissioned Buro Happold to produce a fire protection strategy to review what it called feasible options

“for the long-term protection of the occupants, property and contents”

of the Mackintosh building. In its report, Buro Happold emphasised the risk of fire to the Mackintosh building and stated that, because of the historic nature and value of the property and many of its contents, fire posed a great threat.

Despite the reassurances that the GSA provided about the building being compliant with the relevant fire safety standards, the committee took the view that, given the building’s significance, the way in which it was used by students and the risks that had been clearly identified by Buro Happold and others, the GSA appeared not to have addressed specifically the heightened risk of fire to the Mackintosh building.

The GSA has argued that its decision to install a mist suppression system following the outcome of a property protection study that was carried out in 2008 demonstrated its commitment to the building’s safety, but despite those good intentions, such a system had not been installed by the time of the 2014 fire. Why did it take so long to install a mist suppression system, which might well have prevented the spread of the first fire in 2014? It should be said that if there had not been a fire in 2014, the building would not have been destroyed in 2018.

In response to questions from the committee on the issue, the GSA stated that the timescale for the implementation of a mist suppression system was attributable to two key factors—namely, the need to obtain funding and the discovery of asbestos in the Mackintosh building. According to the GSA, once it had obtained approval in principle to install a suppression system, it had to secure funding. Following unsuccessful claims to Historic Environment Scotland and the Heritage Lottery Fund, the GSA initiated its own fundraising exercise. Fire safety experts described the GSA’s

use of fundraising to fund such a safety-critical system as unusual, and the committee questioned whether more could have been done, given the well-documented risks that existed.

When the committee questioned why funds to support the installation of a mist suppression system could not have been secured from bodies such as Historic Environment Scotland, Dr Muriel Gray explained that the installation of such a system was deemed an enhancement, so funds could not be secured through means other than fundraising. The committee found it remarkable that, having identified the risks to one of Scotland’s most iconic buildings, the art school was forced to fundraise for funds to protect the building appropriately. Furthermore, the committee remains concerned that sufficient steps were not taken in the interim to mitigate the risks and ensure the building’s safety.

Therefore, the committee recommended that the Scottish Government should undertake an assessment of whether the funding models that are currently available to higher education institutions to protect historic assets such as the Mackintosh building are adequate, and that the Scottish Government, through its agencies, should review the adequacy of powers to compel owners to put in place enhanced fire safety measures to protect buildings of national significance.

The committee was therefore pleased that, following the publication of the report, the cabinet secretary instructed officials to review the adequacy of powers to compel owners to put in place enhanced fire safety measures in the context of A listed buildings.

One area of particular concern raised by the conservation architect Dawson Stelfox was the need to better protect historic buildings such as the Mackintosh during their restoration. He said:

“A focus on the importance of the historic building asset in a fire risk assessment is currently lacking in the guidance and legislation.”

He went on:

“we need to think about how we use fire safety measures and audits to protect historic fabric in the long term. That is not a requirement at the moment”.

When the committee asked a witness from Historic Environment Scotland about that perceived gap in the statutory position with regard to the protection of assets during the construction, they acknowledged that

“Increasingly, there is an understanding with the historic environment, and with collections associated with buildings such as museums, that there is a need to protect those as assets in their own right.”—[*Official Report, Culture, Tourism, Europe and External Affairs Committee*, 17 January 2019; c 7, 32.]



Accordingly, the committee recommended that the Scottish Government review, in consultation with relevant stakeholders, the legislation concerning safety in historic buildings during the construction phase of projects in order to identify any additional legislative measures that could be put in place to protect those buildings.

The committee's report expresses considerable concern about the treatment of the local community by the GSA after both fires. Our report recommended that more community engagement should take place. As I said to Mr Tomkins, decisions on the rebuild and the future use of the building should not be for the GSA management alone.

Our report does not say too much about the 2018 fire, because the report on that from the Scottish Fire and Rescue Service has not yet been published. However, I put on record the committee's concern that we did not see the fire plan and were told that the SFRS had signed it off, only for the SFRS to then write to us to deny that. We were also concerned about the contractor's inability to tell us whether the fire alarm was operational on the night of the fire and about the amount of activity taking place in the Mackintosh building, particularly social activities, during the restoration. However, we will have to wait to see the SFRS's report before we draw any conclusions from any of that.

The committee welcomes some of the progress that the Scottish Government has made to address the issues that were identified in the committee's report. I hope that that will lead to greater protections for Scotland's most iconic buildings generally. Although we await the results of the SFRS report into the 2018 fire, the committee believes strongly that it will provide us with only part of the story. The process is not about attributing blame; it is about learning lessons so that, as a country, we ensure that our built heritage can be enjoyed by future generations. The committee and I therefore hope that the Scottish Government will commit to holding a full public inquiry following the publication of the SFRS report.

I move,

That the Parliament notes the conclusions and recommendations in the Culture, Tourism, Europe and External Affairs Committee's 2nd Report 2019 (Session 5), *The Glasgow School of Art Mackintosh Building: The loss of a national treasure* (SP Paper 487).

**The Deputy Presiding Officer:** Some members apparently want to speak but have not pressed their request-to-speak buttons, so I am at a loss as to whether they still want to speak.

15:13

**The Minister for Further Education, Higher Education and Science (Richard Lochhead):** I commend Joan McAlpine, the convener of the Culture, Tourism, Europe and External Affairs Committee, and her colleagues on it, for their substantial and thorough report and for bringing the debate to the Parliament. I believe that we all recognise the immense cultural significance of the Mackintosh building. As Peter Capaldi said after the fire in 2014,

"There is no greater symbol of the artistic spirit of Scotland than the Mackintosh Building."

That is why it is so important that Parliament has the opportunity to consider the committee's findings, which reflect on the GSA's management of the Mackintosh restoration site, and the lessons that might be learned.

I am sure that we all remember the dreadful events that led to the committee's inquiry, which Joan McAlpine outlined. The nation was rocked by the first fire back in 2014. All of Scotland, in particular civic Scotland, as well as people from beyond Scotland, came together to support the GSA in its ambition to rebuild. We watched in admiration the careful, skilful and specialist work needed to bring this icon back to its former glory but, just as the completion of that work seemed within touching distance, the tragedy of the second and much more destructive fire shook us all once more.

Again, the impact was felt worldwide, but it is important to remember the immediate and brutal impact on the GSA's staff and students and, as members will mention, on the school's neighbours in the Garnethill community. I pay tribute to residents and businesses for their patience and resilience in the face of extraordinary difficulty and to GSA staff for picking themselves up once more, facing a renewed and ever-greater challenge and, throughout, maintaining the school's core purpose, which is to provide a top-quality learning experience for more than 2,000 students.

**Adam Tomkins:** Does the minister agree that the GSA management not only allowed this iconic building to burn down twice in four years but, in the aftermath of the 2018 fire, treated its neighbours in the Garnethill community to which he referred—residents and businesses up and down Sauchiehall Street—with disdain and contempt? Is it the minister's view that, when we put all that together, we see that the time has long since passed for the Mackintosh building to be taken out of the hands of the GSA and placed into public trust?

**Richard Lochhead:** Although I would not necessarily use the same language as Adam Tomkins used, I certainly think that there are harsh

lessons to be learned—as the Glasgow School of Art management, whom I met yesterday, are the first to admit—about how the management communicated with the community following the fire. The management have taken steps to try to address such concerns and are working in a closer relationship with the local community. They are hosting meetings of the community council and have appointed a liaison officer to bring the school and the local community together. There are lessons to be learned in that regard.

We are indebted to the Scottish Fire and Rescue Service, which responded quickly on the night of the fire, arriving at the scene less than five minutes after the alarm was raised. Firefighters were faced with a well-developed fire and, despite their best efforts, they were unable to prevent the fire spreading to neighbouring properties. Of course, without the quick response from the fire service, the fire could have spread much further than it did.

Incidents such as that major fire remind us of the sheer bravery of firefighters, who are willing to put themselves in danger to assist others. Like Joan McAlpine, I take this opportunity to thank the firefighters and staff who were on the scene and in the operations control room.

The Glasgow School of Art's position is important locally, nationally and across the world. When we think of the GSA, we picture the Mack. The school itself has recognised the value of the building as a teaching venue, and it is clearly more than just a building. The outpouring of dismay that was so evident in the wake of the two tragedies is testament to that.

It is important to remember that the school is, primarily, a functioning higher education institution, as I said when I met the chair and acting director yesterday, who impressed on me their determination to continue to deliver excellent creative education and to contribute creatively to this Government's ambitions.

Despite the extreme and on-going pressure on the GSA, the school continues to achieve. I congratulate it on successfully beginning the new academic year just over three months after the second fire. The renovated Stow building, which I have had the opportunity to visit, recently opened to students, providing accommodation for the school of fine art.

I am conscious of the GSA's wider impact on the economic life of Glasgow and Scotland. It is an intrinsic part of the cultural and economic life of the city. Students and staff contribute to exhibitions, festivals and events, in Garnethill and across the city, and students often go on to settle locally and build businesses. Let us not forget that the GSA is ranked in the top 10 art and design

institutions in the QS World University Rankings 2019, which underlines the school's enviable international status.

The focus of this debate is the Culture, Tourism, Europe and External Affairs Committee's findings in relation to the Mack. The committee's report gives us all much on which to reflect. The committee said that the GSA's approach to risk management was not sufficiently robust and that the board did not have the expertise required to tackle such a complex project, and it questioned some of the decisions that were taken, for example on installation of the mist suppression system. Joan McAlpine covered other issues that were raised in the report.

Of course it is for the Glasgow School of Art, as an autonomous body and the owner of the Mackintosh building, to respond to those comments, and it has done so.

Likewise, the future use of the Mack is a decision for the school. The board has made clear its intention to rebuild on the current site and that the Mack should return as a fully functioning art school. I welcome the Glasgow School of Art's commitment to improve engagement with the local community, which will continue to be vital as the GSA develops, refines and takes forward its plans.

The Cabinet Secretary for Culture, Tourism and External Affairs, who is sitting next to me, has officially responded to the committee's recommendations for both the Government and Historic Environment Scotland. It is clear that we should seek to learn from the events of June 2018 and do what we can to help to prevent similar events happening in the future. We will look at the options for a fire mitigation review and a review of powers to intervene in fire safety in the context of A listed buildings in public and major institutional ownership.

We have also agreed to take a focused look at Historic Environment Scotland's statutory remit in relation to fire mitigation in buildings of outstanding special architectural or historic interest. Government officials are currently working on that in close liaison with colleagues from HES. In addition, HES will review and strengthen its guidance on the risks to buildings during conservation and renovation work, and its technical guidance on fire safety management. That work will take into account the findings of the SFRS investigation once it is complete. The Government will also await the investigation's outcome before considering further the committee's recommendation to establish a public inquiry.

It is important to note that ministers have no direct role in directing decisions made by the boards of Scottish higher education institutions.

However, the Scottish Funding Council has a role in supporting the GSA in its core function of delivering high-quality teaching and learning, and in ensuring that there is suitable provision for its governance and management. I am pleased that, in the face of the extreme pressures faced by the GSA, the Scottish Funding Council has stepped up its engagement with the board and the senior management team to ensure that the high standard of governance that we expect from our higher education institutions is in fact being met, and to support staff and students during what has been a very difficult time.

Five new board members have been appointed by the GSA, and it will also appoint a permanent director of estates, along with appointments to other positions, which it is hoped will improve matters by providing the school with a new set of skills.

I thank the committee once more for its report and for its focus on reducing as far as possible the risk of another disaster such as that which we have seen at the GSA. I am sure that colleagues on all sides of the chamber will join me in commending the committee for its important work.

15:22

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** I thank the Culture, Tourism, Europe and External Affairs Committee for its work and for bringing its report to the chamber today. The Charles Rennie Mackintosh building stood as a beautiful symbol of the best of Scottish art and design. Its most famous feature was its library, which housed many rare and archival materials as well as original furniture and fittings. It was so heartbreaking, as I am sure that we will hear from many colleagues, to watch the grade A listed Glasgow School of Art, affectionately known as the Mack, destroyed by fire for a second time on the night of 15 June 2018.

The community of Glasgow and beyond—indeed, everyone across Scotland—was devastated by the fire that night and by the impact that it continues to have. Businesses and local residents still have to withstand the worst consequences of the fire. That is why it is so important that, in the future, the local community is treated with respect and consulted and engaged in future processes.

I pay tribute to those who helped that night, from the fire service to the police. Their efforts ensured that we did not see further damage done. Importantly, I also pay tribute to those who lost work during the fire. Artists and restorers who worked tirelessly and meticulously to replicate beautiful Rennie Mackintosh pieces tragically lost

their great work, not only that night but in the first fire, too.

While we await the conclusion of the SFRS report, we know that, fundamentally, historic buildings require special attention during works. The delayed installation of a water mist suppression system and the presence of obsolete ventilation ducts exacerbated the two fires at the school. In the run-up to the first fire in 2014, the GSA appeared not to have specifically addressed the heightened fire risk to the Mack building. It was concerned about the length of time taken for a mist suppression system to be installed, and questioned whether more could have been done in the interim period to protect the building.

Further, it could not determine whether, in the fire in 2018, the fire alarm system was switched on and fully operational.

From the outset, my colleagues in the Scottish Conservatives have been clear that there has to be a full public inquiry into the fire. Adam Tomkins made that abundantly clear in February when he said that a public inquiry could

“compel the disclosure of information in the same way that a court can compel the release of documents in civil proceedings”.

We can never again let damage of this magnitude happen to any other prestigious listed building. Ultimately, lessons have to be learned. There are hundreds of listed buildings going through restoration at any given time, and to simply wish that something similar does not happen again would be preposterous. I am glad that the committee’s report touches on that.

We need all the involved stakeholders to get around the table to ensure that our historic buildings—whether castles, stately homes or civic buildings—are properly protected at all times, not only during restoration or construction.

The committee was right to call for a review of all the appropriate pieces of legislation that involve listed buildings. We need the Scottish Government, the Scottish Fire and Rescue Service and Historic Environment Scotland to review fire safety procedures in category A listed buildings. That could be done in line with ensuring that the Scottish Government reviews the legal protections for category A listed buildings. If those historic and valuable buildings are to be safely restored and maintained, better regulations must be in place to ensure that contractors are respecting their unique characteristics. I look forward to the minister acknowledging those points in his closing speech.

I believe that the best way forward involves better educating owners and contractors on the unique nature of listed historic buildings and the distinct set of problems that can arise during the

carrying out of restorative work. Owners must be up to date with installing fire safety measures, as was pointed out by the committee, but they must also have fire action plans in place to ensure that, should a fire break out, there are appropriate mitigation measures in place to hinder its spread. Although I acknowledge the committee's recommendation that HES needs to update guidance to ask for better compartmentation of historic buildings to hinder the spread of fire, I believe that such compartmentation has to be done sympathetically and must not be to the detriment of the historical value of the buildings.

I agree with the committee that we may need to focus our attention on the categorisation of buildings. Although category A listed buildings command the highest level of protection, does that ensure that they are safe and are equipped to deal with fires and other disasters? Further, should specific protections be extended to buildings of unique cultural and historical significance, rather than only those in the A category? Fundamentally, we need far better guidance, legislation and protection for our historic buildings in order to ensure that we do not see such a thing happen again.

What took place at the Glasgow School of Art in June 2018 will remain a constant reminder that historic buildings require special attention during restoration and construction works. Although the failings in the run-up to the fire cannot be simply narrowed down to one single issue, it is important that we recognise that the report on the cause of the fire has not yet been published by the Scottish Fire and Rescue Service, although investigations are said to be in their final phases.

I share the view of the committee that, after the SFRS report is published, the Scottish Government should establish a public inquiry, with judicial powers, into the 2014 and 2018 fires at the Glasgow School of Art. As I pointed out earlier, we have been clear on that since day 1. The transparency of the GSA management must also be scrutinised.

The inquiry should consider the susceptibility of historic buildings to fire, the risks that are posed to them by fire and the need for greater support, guidance, legislation and protection so that we can ensure that we do not see any more devastating fires such as the one at the Glasgow School of Art that night in June last year.

15:29

**Pauline McNeill (Glasgow) (Lab):** I thank the committee and its convener, Joan McAlpine. The committee made a forensic examination of the tragedy of the Glasgow School of Art fire. The committee report must be commended as one of

the most important reports that the Parliament has completed so far. It got to the heart of the tragedy and asked some questions that still have to be answered.

For the second time in four years, Glasgow School of Art was ablaze, and Sauchiehall Street was cordoned off. It was a tragedy for the school of art, for those who are associated with it and love it and for local businesses. The O2 ABC is still devastated. We still do not know the future of that important music venue—I have worked closely with Adam Tomkins on that. As he and other members mentioned, the community has been devastated. Because of the difficulties in getting emergency accommodation, families were split up. People tried to return to their homes on the night of the fire but were not allowed to return for four months. They were not allowed to go and collect personal belongings. We should never underestimate the impact of that fire.

The fire exposed the poor relationship between the local community and the Glasgow School of Art. It is important to point out to the minister that that relationship had been poor for a long time. Muriel Gray is on the record as acknowledging that. That situation can never be allowed to happen again. Such an important institution, sitting in the middle of the residential community of Garnethill, needs an excellent on-going relationship with local people. Thirty-three businesses were devastated by the Glasgow School of Art fire and they still struggle today.

Like Rachael Hamilton, I thank the 120 firefighters who fought the blaze. They are to be commended for their stamina and expertise in fighting that fierce and enormous fire. However, if we ask the residents and businesses whether there was an adequate response from authorities, they tell us that they felt abandoned by them. We must learn lessons, not just about what caused the fire—we are still to learn that—but about the conduct of the authorities during it. One reason why the committee report is so important and its questions so critical is that, if we ask local people now whether they feel safe in their homes—knowing that there have been two fires in the Glasgow School of Art—they say that they do not. Therefore, it is fundamental, especially for those people, that there is accountability for the fire and that we see the fire service report on what caused it.

The committee report, in what it established regarding the run-up to the fire, is damning of the Glasgow School of Art. I support the call for a public inquiry. It is essential. It is disappointing that we do not yet have the fire service report. I am sure that there are good reasons for that, but I thought that we would have had it by now. At the least, we should know the barriers to the

conclusion of the report. Access to the site has been difficult, but, 16 months on, we need an indication of when the report can be expected.

There were serious fire risks associated with a building of this nature. A key part of the committee report identifies the special measures that should have been taken and must be taken with a building of this kind. Lessons were not learned between the two fires. Like Rachael Hamilton, I was astonished to read in the committee report that the Glasgow School of Art was not in a position to determine whether, on the night of the fire, the fire alarm system was switched on. I had to check three or four times that I had read it correctly. Somebody must be held to account for that. How is it possible for the leadership team of Glasgow School of Art to tell the committee or anyone else that they did not know whether the alarm was switched on? It beggars belief.

There should be no question in the minds of the leadership team of Glasgow School of Art. When it came to the governance of Glasgow School of Art, the committee did not mince its words. It said explicitly that the leadership team did not give sufficient priority to safeguarding the Mackintosh. That must give ministers serious concerns. Notwithstanding what the minister said about the school of art being the guardian of the Mackintosh, it is a public institution. There must be ways in which ministers can say that they are not satisfied that the leadership team are the correct custodians of the Mackintosh building. It is a public institution and those people have to be accountable. The lack of transparency regarding the measures that they took in 2014 is another astonishing fact brought out by the committee's report. It is unbelievable.

You would think that, after one fire, the leadership team would be able to come to the committee and explicitly spell out what measures they were taking to make sure that it did not happen again, but they were unable to do so. When we read the committee report, it seems obvious that for a historic building such as the Mack, which had a dual function, there should have been additional support and guidance, in recognition of the additional fire risk.

There are odd elements to the story. The fundraising strategy for a mist sprinkler system, which was a necessity and not optional, gives a strange message to the public about funding fire safety measures. To me, the leadership's strategy was all over the place, because there must have been another way to raise funds for a system that was essential in order to protect the building. Like Adam Tomkins, I believe that there has been a complete lack of leadership and I am dissatisfied at the lack of answers that we have received.

There has been a catalogue of errors. We still do not know why Tom Inns suddenly departed. It is a public institution, so ministers should be asking why he left the Glasgow School of Art and why that happened so suddenly. Also, why are six staff members signing confidentiality agreements? What is the confidential information that they are protecting? Why were there pay-outs totalling £210,000? The dysfunctionality at the top of the institution should be unacceptable to ministers and Parliament, and it is certainly unacceptable to the general public.

We need to have answers. It is an institution that we all love. We want it to have a future and it must have a future. The public must be involved in the design and the community must be involved in all of it, but before we get to that stage we must have answers, as soon as possible, as to why we are in this situation.

15:37

**Patrick Harvie (Glasgow) (Green):** I recognise the work of the committee in producing its report and I agree with its central conclusions. Yes, indeed, the public inquiry will be required and I hope that in responding to the debate the Government will give some explicit assurances on that. I also agree that issues raised in the report go well beyond the causes and effects of the fire itself. I will say something about both those conclusions.

On the issues relating to the fire, other members have clearly set out the shock and sense of disbelief at what the inquiry found, including the fact that a fire suppression system was not only not in place but had to be fundraised for in the way that it was. The evidence that the committee heard from one fire safety expert, who said that they had never heard of any other organisation having to fundraise for safety-critical infrastructure of that kind, speaks to the extraordinary and exceptional circumstances in which the GSA found itself.

Another issue that the committee raises in the report—which, again, I ask the Government to respond to—is the fact that Historic Environment Scotland did not have the power to mandate the fire prevention and other preservation measures that were required. The report makes some recommendations around that and asks for the Government to look at the overall remit of Historic Environment Scotland.

I want to talk about the issues of context, because the Glasgow School of Art is not just a building—valued, iconic and important though it is. It is also something that sits within a context.

The written submission from the Sauchiehall Street inner cordon businesses and Garnethill

displaced residents group, which the committee's report cites, says:

"A very long-standing resident writes, 'The only interaction with local residents has been GSoA surveyors checking for movement/subsidence due to demolition/building works. We have never been included or invited to any of the degree shows or to see the buildings in the 28 years I've lived in Garnethill, though we've endured the disruption and noise every year'."

It goes on to say:

"The picture painted is of a selfish neighbour with little understanding of the impact that they have on their community".

We should be angry at that perception. We should also note and acknowledge that the Glasgow School of Art has recognised its validity: it accepted a lot of those criticisms. However, the situation has been a warning, not just to the school about the long and hard work that it will have to do to rebuild trust, but to all institutions and large organisations—be they public, private or voluntary—that have a role in shaping the nature of the community that they live in or alongside. They should build such trust before they end up encountering a crisis. If they go through a situation anything like that which the Glasgow School of Art and its community went through, it will be too late to start building that trust then; it has to be done beforehand. Everyone—not just the GSA and the organisations that are responsible for this situation—should be taking that warning seriously.

There is another aspect about context, which is not just about the local area. A proactive approach to the redevelopment of Sauchiehall Street is clearly needed. The avenues project has taken the street back to more public use being made of it: less space is being taken up by traffic and there is more for people. This should be a fantastic time of renaissance for Sauchiehall Street as a lively part of our city, and it should be a very positive one. The Government must get behind that plan and ensure that that happens.

However, the wider context is about the artistic and cultural life of our city and our country. As Pauline McNeill reflected, there has been concern not just about the GSA but about the O2. Its destruction came not so long after Glasgow lost the Arches—although that was not because of fire but because of what, in my view, was bureaucratic perversity—and in the wake of years of reductions in the arts community's funding from both the Government and the private sector, in which donations have been squeezed because of economic circumstances. A lot of that does not necessarily flow from Government causes, but it falls to the Government to respond to it and to ensure that we are investing in our arts community and giving leadership to the revival of the geographic community in the vicinity of the Glasgow School of Art.

Once again, I thank the committee for its work. I urge the Government not to feel that it is being blamed for any of this, but to recognise that it has a responsibility to provide leadership on where we should go next.

**The Deputy Presiding Officer (Linda Fabiani):** We move to the open debate. Speeches should be of a maximum of six minutes, please.

15:43

**Kenneth Gibson (Cunninghame North) (SNP):** I thank Joan McAlpine for leading the debate on behalf of the Culture, Tourism, Europe and External Affairs Committee, of which I am a member. I know that but for a family bereavement, the local member, Sandra White, would also be participating in the debate on behalf of her constituents.

I, too, was deeply saddened to hear about the first fire at the Glasgow School of Art, back in 2014. Everyone knows that if they want to see something beautiful in Glasgow, all they need to do is look up. They will be greeted by grand old buildings with beautiful, ornate facades. I would not necessarily have counted the Mack as being the prettiest piece of architecture, but it was undeniably striking, groundbreaking and of huge significance to the city. Of course, I was shocked when I heard that it was ablaze again in 2018, and I am sure that everyone else shared that emotion. Losing one of Charles Rennie Mackintosh's most iconic buildings was a real blow to the history and culture of Glasgow.

Although it might seem dramatic to call a fire with no human casualties a tragedy, thinking of such a beautiful listed building being gutted not long after its 150th anniversary and with refurbishments after the 2014 fire being so close to completion, it is hard not to feel sad. Undergraduate students were set to have access to the new building earlier this year, but that was taken away from them.

Given the two catastrophic fires, a public inquiry is essential. The GSA board has failed to act as custodians of this magnificent building, or even to act as good neighbours to local residents and businesses, whose lives have been turned upside down. Insufficient priority was given to fire prevention, and we cannot allow such a disaster to happen again anywhere in Scotland—including, if it is rebuilt, at a rejuvenated Glasgow School of Art.

The real question is how we can prevent it from happening again. It does not help that buildings that are under construction tend to be more vulnerable simply because a lot of construction—or reconstruction, as in the case of the GSA—involves something called hot work, which means

the use of flames. The 2018 Primark fire in Belfast, for instance, was caused by a blowtorch that was left on, destroying the £6 million refurbishment of a 200-year-old building. However, that cannot have been the case for Glasgow School of Art, simply because no such works were taking place at the time.

We all know that the blaze in 2014 started in a studio and was accelerated by voids and ventilation ducts in the building, which allowed it to spread up towards the library. The voids—empty spaces, such as in the roof, that simply allow for natural ventilation—were pointed out after the fire in 2014 and they had previously been noted as a potential issue during inspections in 1997 and 2006. Why was nothing done about them in the refurbishment post-2014?

Another aspect of the most recent art school fire is that fire safety measures, such as a sprinkler system, were available but not yet in use. In March this year, the Culture, Tourism, Europe and External Affairs Committee heard evidence regarding the 2018 event from fire expert Stephen Mackenzie and conservation architect Dawson Stelfox. In that session, I quoted a Glasgow School of Art spokesperson who had said in *The Times* that very day:

“As regards having a working mist suppression system at the time of the fire, there is no such system that could have been operational in the Mack prior to the completion of the build phase.”

Mr Mackenzie rejected that vehemently and Mr Stelfox responded that temporary suppression systems are indeed available.

Perhaps an even greater shame is the decision to change the then almost complete high-pressure mist system to a low-pressure one between April and August 2016. Although the reasoning behind that appeared to be sound, citing the dangers of high-pressure volumes of water for such a historic building, had the system been functional, the damage to the school of art may not have been anything like as extensive.

On how the GSA board has reacted, there are deep concerns about its approach to openness and transparency and, more widely, the way in which it presents and shares information. When the committee published its report, the response from the GSA board was—if I am being diplomatic, and to put it mildly—utterly dismissive.

There was a clear sense from stakeholders' evidence that the levels of information and transparency on the consequences of both fires were far from ideal, which led to unnecessary speculation. Seemingly, some measures were taken by the GSA, but much of the information was not easily accessible on its website and was available only on request. For example, the GSA's

website includes clear information about the restoration project, but not about the governance or the decision-making processes underpinning much of the work.

The GSA must review how it publishes information concerning the Mackintosh building in order to provide a clearer picture of its activities. We must all await the outcome of the fire investigation into the events of June 2018 before agreeing the next steps or the lessons to be learned. I am sure that many of us are frustrated that it has already taken some 15 or 16 months, and we would like to see the report—a comprehensive, detailed report—as soon as possible. However, it is clear that there must be more transparency regarding the processes that would be put in place regarding any future rebuild of the Mackintosh building.

It is no exaggeration to say that the Glasgow School of Art fires have marked the city of Glasgow, and most particularly the community that surrounds it. They have affected staff, students and Glaswegians and have reverberated beyond. We must not forget the extensive damage that was caused to the O2 ABC music venue next door or the damage to people's homes and nearby businesses, which has already been mentioned. Perhaps a modicum of good will come out of the fire in the form of awareness and robust measures being put in place to ensure that such a thing never happens again. Ultimately, that is what we all want.

15:49

**Adam Tomkins (Glasgow) (Con):** I am grateful for the opportunity to take part in the debate today, and I commend the committee for its work and its report.

In February this year, one month before the Culture, Tourism, Europe and External Affairs Committee published its report, I called for a full public inquiry into the fire at the Glasgow School of Art. I was, of course, delighted to see the committee echo in its conclusions and recommendations my call for an inquiry.

We need a full public inquiry for two reasons. First, we need to establish beyond doubt what happened in June 2018, when the Mackintosh building burned down for the second time in four years, and why it happened. Secondly—and every bit as important—we must come to a view about what should happen to the building in the future.

The Culture, Tourism, Europe and External Affairs Committee has done excellent work in identifying a series of unanswered questions, but we now need a properly empowered public inquiry to answer questions about the management and oversight of the Mack's restoration by the Glasgow

School of Art, by the principal contractor—Kier Construction—and by subcontractors. We also need to ask whether appropriate fire safety measures were implemented following the 2014 fire in the building.

The Culture, Tourism, Europe and External Affairs Committee could not get to the bottom of those issues for a variety of reasons that lay beyond its control. Key information remains hidden from the public, despite the committee's work. Minutes of GSA board meetings have been redacted, as was the Scottish Fire and Rescue Service's report into the 2014 fire. The principal contractor, Kier Construction, declined to disclose to MSPs on the committee a key document unless it was withheld from the public. A public inquiry would be able to compel disclosure of information, in the same way that a court of law can in normal civil proceedings.

We need an inquiry to answer the following key questions—although this is not an exhaustive list. First, the 2014 fire was put out quickly once the fire brigade arrived, but it had already spread to the top floor by that time. In June 2018, the fire brigade arrived on the scene within minutes of the alarm being raised, but by the time they got there, the whole of the Mack was ablaze, from top to bottom. The SFRS said that the 2018 fire must have been burning for between 45 and 60 minutes before the alarm was raised. How was that allowed to happen?

Between 2008 and 2012, the GSA spent £8.5 million of Heritage Fund money but did not spend money on protecting vents that were critical in accelerating the spread of the 2014 fire. Why?

The Culture, Tourism, Europe and External Affairs Committee was told that it appears to be the case that, in 2018, the GSA had one health and safety officer for the whole estate—not just for the Mack building—and no dedicated fire officer. Is that true?

On Kier's reconstruction work, why was there no compartmentation, which would have helped to stop the spread of the 2018 fire? If there were people trained to inspect for fire 24/7, as there surely should have been, where were they on the night of the fire, given that the building was ablaze for up to an hour before the fire crews were called? Apparently, the fire and emergency plan set out that there was to be a guard on site overnight and that there was to be 24-hour security monitoring. Why, in June 2018, was no alarm raised until the fire had been burning for an hour?

When asked about the matter by MSPs on the Culture, Tourism, Europe and External Affairs Committee, Kier Construction could not confirm that the fire alarm system had not been switched

off in June. That is extraordinary. There had been dozens of false alarms in March, April and May, but none in the three weeks prior to the 2018 fire, and apparently there was no sound of an alarm on the night of the fire. What is the explanation for that?

Those are just five of the questions to which we need answers. They have been identified by Joan McAlpine's committee, but they have not yet been answered.

Two parties come out of the disaster of the 2018 fire particularly badly. The first is the GSA itself, and the second, I am afraid to say, is the SNP administration at Glasgow City Council. The past 18 months have been profoundly difficult for the businesses and residents of Sauchiehall Street and Garnethill. They have been pushed to breaking point through no fault of their own. I have been deeply struck by their resilience and tenacity.

There was an alarming lack of a coherent and joined-up plan from Glasgow City Council to deal with the consequences of the GSA fire last year. Piecemeal information trickled down to traders and residents in the days and weeks following the fire. It was clear that the council was constantly on the back foot.

Eighteen months on, there is still no long-term strategy for the recovery of Sauchiehall Street. No one blames the council for the fires, but at a time of crisis, it seems that Susan Aitken runs an administration that runs for cover when the going gets tough. SNP councillors right now seem to be more interested in spending taxpayers' money on shoes for themselves than on helping Sauchiehall Street and Garnethill to recover.

As for Glasgow School of Art's management, they are even more culpable. Under their stewardship, Charles Rennie Mackintosh's jewel has been allowed to burn down twice. The Glasgow School of Art has straightforwardly failed in its custodianship of a national treasure. I ask the minister not to allow the management to pull the wool over his eyes. Since the 2018 fire, the GSA's management have behaved with appalling high-handedness and arrogance towards local residents, with callous disregard for local businesses, and with dismissive disdain towards members of the Scottish Parliament and other elected politicians. They are not fit to run the Glasgow School of Art. They are obstructive and secretive, they are rotten neighbours and they lack any sense of civic duty or responsibility. In my view, the Mackintosh building and its restoration should be taken away from them, and Charles Rennie Mackintosh's glory should be rebuilt not as a private art school, but as a public asset for us all to enjoy and, indeed, as a magnet to draw tourists from all over the world to Glasgow to celebrate the crowning achievement of one of our finest artists.



15:56

**Annabelle Ewing (Cowdenbeath) (SNP):** As a member of the Culture, Tourism, Europe and External Affairs Committee, I am pleased to have been called to contribute to this afternoon's debate on our committee report, entitled "The Glasgow School of Art Mackintosh Building: The loss of a national treasure". The committee approached the matter on a non-partisan basis, so I was a bit disappointed by Mr Tomkins's tone, but that is up to him. Members, on a cross-party basis, felt an incredible sense of loss, which has underlain our work on the matter. That incredible sense of loss was our key motivation in examining what happened and what must happen going forward, to ensure that lessons are learned.

I take this opportunity to thank the committee clerks for all their sterling work in producing a very comprehensive report, which was published on 8 March 2019. I believe that we have set forth fairly in the report the evidence that was received, and that we reached conclusions and made recommendations without fear or favour, which is as it should be.

Our key recommendation, which has been referred to already in the debate, is that the Government establish a public inquiry once the SFRS has concluded its investigation. I was pleased to note from the minister's comments earlier that a public inquiry has not been ruled out. The need for a public inquiry is quite clear, given the significant number of disparate and important strands that are covered by the committee's report—both as far as the Mack building is concerned and as far as the wider issues that have been raised about historic buildings that are national treasures are concerned. It became quite clear that, in that regard, we need to look at the role of Historic Environment Scotland in general terms and in the context of restoration works particularly. It is regrettable that in the case of the Mack, there appears to have been an arm's-length approach. That did not help.

I turn to the Glasgow School of Art's board—the custodians of that most precious of buildings. It has to be reiterated that they presided over not just one, but two catastrophic fires. The first was on 23 May 2014 and the second was on 15 June 2018. The obvious question that arises is this: what lessons did they learn after the first catastrophic fire? The committee did its best to ascertain exactly that, but there was, sadly, a lack of clarity. For example, it was very difficult to get to the bottom of why a water-mist suppression system had not been fully installed by 2014, even although it was agreed in 2008 to proceed with installation. As we have heard, the GSA's board stated that fundraising was needed, although it is not clear why the non-core Scottish Funding

Council sums of about £198,000 per annum that were awarded for heritage purposes could not have been used. How, in fact, was that money spent? Did it go towards purchase of new buildings instead of heritage purposes? That is not clear and must be clarified.

Aside from the fundraising issue, the GSA board also stated that it was subsequently discovered only in July 2013 that there was a problem with asbestos that required to be dealt with prior to installation of the water-mist suppression system. Why was that discovered so late in the day, given that fundraising for the project commenced in 2009? A full technical survey should surely have been conducted during consideration of the project in order to determine what needed to be done. Such a survey would have informed the decision on the amount of money that needed to be raised.

Questions arose about whether proportionate measures were taken by the board on risk management and on transparency of information, including itemisation of items that were lost from the collections in 2014 and 2018 and their value.

In that regard, there were also questions about the insurance cover that was in place. In committee on 15 November, I asked that a copy of the current insurance policy be made available. Representatives of the GSA said that they would make the policy public, but subsequently refused to do so. Therefore, we have no idea what cover is in place, the conditions that are set forth in the cover, the value of the cover, whether the policy will be paid out in full or at all, and when the policy will be paid out. That is simply not acceptable—not least because the public purse paid the insurance premiums.

It is vital that we get to the bottom of all that. The Mack was not only a national treasure, but was of significant international importance. In examining the facts that we have been able to unearth thus far, it is really difficult to see how it would be possible to sustain the dual purpose of the Mack as a functioning art school and a museum. Calls have been made to set up the Mack as a public trust. With the facts that are available to us today, it is difficult to see how that position would not be preferable to the status quo.

16:02

**James Kelly (Glasgow) (Lab):** I welcome the opportunity to take part in this afternoon's debate. I thank the committee for the important work that it has done in the inquiry to highlight the key issues in respect of the two fires at the Glasgow School of Art.

I recall leaving a meeting in May 2014 in Bath Street in Glasgow and heading up towards Sauchiehall Street. It was lunchtime; smoke was

beginning to fill the sky and people were shocked and a bit fearful about what was happening. They were even more shocked later when it became apparent that the Glasgow School of Art was on fire. It is an iconic building, so that shocked many people, as members have said.

Imagine how that shock was amplified four years later. I again found myself in Glasgow city centre returning from a social event on a Friday night. I dropped somebody off on Sauchiehall Street, and we could sense that there was a bit of a commotion. However, by the time I had driven home, it was all over the news that the art school building was again on fire. Twice in four years—nobody could quite believe it. Therefore, the committee's inquiry is really important.

However, we get the sense that the committee has been slightly hamstrung in undertaking its work due to the lack of a report from the Scottish Fire and Rescue Service. It is crucial that that report be completed as quickly as possible. There were calls for that in June this year, when Pauline McNeill held her members' business debate on the issue, but four months down the line, we still await the report, which will be an important piece of the jigsaw.

Members have absolutely correctly highlighted the role of the Glasgow School of Art's management. It is astonishing that, at the time of the 2014 fire, there were fire risks associated with the building, which the committee report underlines. It is also astonishing that the water-mist suppression system, which was identified in 2008 as being necessary to give protection from fire, was not fully installed by the time of the 2014 fire. It is equally astonishing that, in 2018 on the night of the fire, the fire alarm was not working. As Pauline McNeill said, that beggars belief.

A lot of other issues are covered in the report, but those issues alone raise serious questions about the management of the Glasgow School of Art. From looking at the report and the Glasgow School of Art's response, there is a sense that it is prickly about the criticism. After two such large fires in four years and a catalogue of errors and mismanagement, we really have to ask whether it is time for somebody to take responsibility and to stand up and be counted.

Patrick Harvie and Adam Tomkins—who, along with Pauline McNeill, have done a lot of good work on the issue in Glasgow—highlighted the fact that the local community has continued to be left in an isolated position as a result of the fire. The 2018 fire devastated a lot of businesses around Sauchiehall Street, and some people were moved from their homes and split up from their families. Concerns remain about the lack of support from and engagement by the GSA. I was struck by what Patrick Harvie said about the resident who has in

28 years had no engagement with the art school—that is a real failure of public responsibility.

There are multiple issues, which is why members and the committee are right to call for a public inquiry. Such an inquiry is necessary because we still do not know properly why the fires happened in 2014 and 2018. Clearly, important lessons have to be learned from the incidents. There are serious questions to be asked about the role of the GSA, which is severely criticised in the report and in members' speeches. A public inquiry needs to look at those issues.

There should also be an examination of how we protect historic buildings throughout Scotland to ensure that there are no fire risks. In doing that, I hope that the Government will take on board the calls for a public inquiry and the need to be more proactive in looking at its role with regard to other historic buildings and the Glasgow School of Art. The Government has a responsibility in this.

The committee has carried out an important piece of work, but that is by no means the end of the matter. Many questions remain unanswered. We need a public inquiry and identification by the minister of the action that the Government will take to address the serious issues that have been mentioned this afternoon.

16:08

**Tom Arthur (Renfrewshire South) (SNP):** I am grateful for the opportunity to speak in the debate and I put on record my thanks to the committee and the clerks for producing the report, which is a substantive piece of work that I found very informative, having come to the issues as a non-committee member.

Before I turn to the substance of the report, I will reflect briefly on a previous jewel in Glasgow's architectural heritage that was lost to fire. This past Saturday marked 57 years since Glasgow lost the St Andrew's halls. I do not think that many people in the chamber will be familiar with the halls, but they were a premier music venue not just in Scotland and the United Kingdom but in Europe. The venue had legendary acoustics and was home to the Scottish National Orchestra. It hosted some of the greatest musicians of all time, from Dame Nellie Melba to Sergei Rachmaninoff, and some of the most significant political figures including David Lloyd George and Winston Churchill.

The St Andrew's halls were lost to fire following a boxing match between Scotland and Romania. Smoking was prohibited, but those who were working at the venue were lax in enforcing the rules, and they did not want to tell boxing fans that they could not smoke. As a consequence, a

cigarette ignited material that burned the venue down.

Only the facade of the venue remains today, but it stands as part of the Mitchell library complex at Charing Cross. The Mitchell library stands intact today because of the firewall between St Andrew's halls and the Mitchell library that was put in place during the second world war. That raises two questions—about the application of rules and about appropriate measures of mitigation—which have been raised in the piece of work before us today.

It is tragic that, some 52 years after the event that I have just described, another jewel should be so severely damaged and, following that, almost completely destroyed. The fire at the art school came only 10 years after the Elgin Place congregational church on Pitt Street—known to my generation as the Shack nightclub—was burned to the ground. How have we managed to find ourselves in a situation in which those architectural gems, which are so interwoven into the Glaswegian identity, have been lost? Why have those lessons not been learned over half a century?

The question arises whether there will always be an inevitability that such tragedies can happen, but my reflection from reading the committee's report is that the events that have befallen the Glasgow School of Art were ultimately preventable, to some extent. When I make my way through what the report says about the conduct of many of those involved in the management and running of the art school, I am filled with a sense of foreboding, because it seems that there was an inevitability in what eventually happened. That is a great tragedy.

As someone who was born 23 years after the St Andrew's halls burned down, I ask myself what it would have been like to be in that incredible venue. Twenty-three years from now, will people who are born today ask what it was like to visit the Mackintosh building? I appreciate that there are calls to rebuild it. Those calls are valid, and I agree with the committee that that will have to be done in consultation with the local community and wider stakeholders. Patrick Harvie raised a point about the need to build trust before encountering a crisis, and that is a lesson for us all. There is certainly now a job to restore and build trust. A key way of doing that will be to have thorough engagement and not to take any decisions pre-emptively on what the future of the site should be.

I do not endorse the position that Adam Tomkins has taken, but the anger that he expressed is visceral, and it reflects the anger of many of his constituents. I recognise that entirely. It is imperative that there is a substantive process of engagement.

Many of this afternoon's speeches have focused on the need to ask questions, and much of the debate is contingent on and caveated by the need to wait for the outcome of the SFRS inquiry. While it is frustrating that we do not yet have a report, the most vital thing is that the SFRS and all those involved have the opportunity to conduct the most full and robust inquiry, so that we have a full understanding of the events that took place. I am very sympathetic to the calls for a full public inquiry. However, it would be most beneficial to wait until we have the full results of the inquiry from the SFRS before proceeding.

It is imperative that, by whatever mechanism we achieve it, lessons are learned from the events of 2014 and 2018, and that we ensure that this never happens again. Although there may be some questions around who the future legal owner of the Mackintosh building should be, the reality is that it belongs to all of us and to future generations, and we are duty bound to protect it.

16:14

**Annie Wells (Glasgow) (Con):** Shortly before the summer recess, I spoke in the members' business debate that marked one year since the second Glasgow School of Art fire. On 15 June last year, the iconic building tragically caught fire. As we have heard, that was the second fire to hit the building in just four years. One and a half years later, the building and the surrounding area are still feeling the effects of the extensive and long-term damage.

The fact that this topic has been brought back for debate shows how important the Glasgow School of Art is to the people of Glasgow. Designed by one of the city's biggest icons, Charles Rennie Mackintosh, between 1896 and 1909, the Mackintosh building quickly became a well-established landmark in the city. It goes without saying that, due to the architect's lasting legacy and influence within the city, the words "Mackintosh" and "Glasgow" remain as synonymous as ever. Given that sentiment, we as parliamentarians must do all that we can to assist with plans on the building's long-term future and to move forward with some of the recommendations that are made in the committee's report.

On the first anniversary, it was clear that locals were still experiencing problems that were associated with the fire. The resulting blaze engulfed several buildings, including the O2 ABC, and several local households and businesses. Due to the cordon that was put in place, some businesses had to relocate, with some reporting losses of up to 75 per cent on the previous year's figures. Local residents expressed their frustrations about vehicle access, refuse collection and the insurance claims that had to be made.

Many felt that they were dumped back into their homes and expected to get on with things, and that, subsequently, they were shut out of planning for the regeneration of the area.

A number of issues remain, the first of which is deciphering who was at fault for the fire and what lessons can be learned for the future. The current inquiry is, of course, still in its final stages. Earlier this month, it was revealed that the report identifying the cause of the second fire will not be published until next year. Although that is partly understandable given the complexities of the investigation, it will be disappointing for the people in Glasgow who now just want answers.

The committee noted concerns about the GSA's stewardship of the building in the lead-up to the 2014 fire. The report states that the committee was

"not convinced that the GSA gave sufficient priority to the safeguarding of the Mackintosh building",

and that "serious consideration" should be given to placing the Mackintosh building in a trust in the future. That led to the committee's recommendation to

"establish a public inquiry with judicial powers into the 2014 and 2018 fires at the Glasgow School of Art."

As I stated in the previous debate, I support that call. As we have heard, it would compel the disclosure of information in the same way that a court can compel the release of documents in civil proceedings.

Serious concerns have been raised over key documents being hidden from public view, and questions have been asked about Glasgow School of Art's management and oversight of the restoration. Those concerns were supported by the committee, which expressed its desire for the GSA to be more transparent about what was lost from the Mackintosh collection in the 2014 and 2018 fires, and about the governance of restorations.

There have, of course, been further developments since the committee published its report in March, which have shown further causes for concern. There have been further resignations within the executive team, following the exodus of 70 staff from the school since the second devastating fire took place last year. Concerningly, it was reported recently that one in three staff at the school feel unduly stressed at work, with one in eight feeling harassed or bullied. It is clear that staff morale is extremely low, which, given the challenges ahead, is not a good place for the school to be in.

With regard to what happens next and the restoration of the building, the public will not be encouraged by those reports, nor will people be

encouraged by recent reports that a substantial amount of money—more than £1 million—was spent on trying to relocate students to a building that has now been branded "obsolete".

**Joan McAlpine:** The member quite rightly cites recent reports. Does she agree that some of the investigative journalism that has been done by *The Sunday Post* and *The Times* has been very useful in that regard?

**Annie Wells:** I absolutely agree with Joan McAlpine.

Whatever happens next, public confidence will need to be restored. Once the outcome of the fire service's inquiry is known, the public will want to know what will happen next. Will the Mackintosh building be rebuilt on the same site or will it move to another area of the city altogether? Should it be rebuilt as a working art school or as a public asset for the city? I sincerely hope that we can find a way forward soon.

We must all redouble our efforts to ensure that we can move forward from the horrific events that shocked the city on two separate occasions. The inquiry must provide the answers that ordinary Glasgow residents and businesses have been asking for; only then can we start to restore confidence in how the Glasgow School of Art is operating. That is the least that those people deserve.

16:20

**Stuart McMillan (Greenock and Inverclyde) (SNP):** I support the committee's report. As a member of the Culture, Tourism, Europe and External Affairs Committee, I found the inquiry to be both saddening and fascinating. I have no direct link to the art school—although I have some family links to it, they are quite distant in the family tree—so I looked at the evidence purely dispassionately.

I am aware of constituents who are genuinely saddened by the two fires and who want the Mackintosh building to be rebuilt, but there is an understanding that that will not be an easy task. As colleagues have done, I want to stress the point that the Scottish Fire and Rescue Service's investigation report has not yet been published, so any claims that people know what happened should be treated with some scepticism.

For me, the timeline on page 7 of the report is important. It provides a simple and quick-to-read background history of the Glasgow School of Art's Mackintosh building over the past 20 years. Many people will be angry that the second fire happened, particularly given that it occurred so soon after the first one. People will also be angry about the money that went up in smoke, especially

given the quantum of the investment by many donors and organisations.

It is clear that people want the Mackintosh building to be rebuilt, but they also want it to be safeguarded for the future. That did not happen after the first fire, which is where the conclusions in paragraphs 24 and 25 of the committee's report are important. If the committee had considered the evidence that the board of the art school provided to be robust, I am sure that our conclusions and recommendations would have been somewhat different.

The recommendation that we make at the end of paragraph 53 concerns the compartmentation that the convener spoke about and which others have touched on. That recommendation, along with the one that we make at the end of paragraph 63, is crucial as we move forward. Our committee has been hugely concerned about what happened at the Glasgow School of Art, and it is vital that we protect our historic buildings for the future. Our recommendation that Historic Environment Scotland should provide updated guidance is welcome in that regard, and I genuinely welcome the Scottish Government's response to it.

I whole-heartedly support the committee's final recommendation, which is about the need for a public inquiry. Colleagues across the chamber have spoken about the issue. I am not a member of the Scottish Parliament who calls for public inquiries on a whim. They are expensive to carry out and they take a lot of time. However, on this occasion, I believe that it is important that a public inquiry takes place. I am sure that a public inquiry, as well as providing further clarity on past events, would make important recommendations for the future.

Every member will be able to point to buildings in their constituency or region that they believe have cultural significance in their part of the country. We all understand the damage that could be caused to the cultural offer and the significant landmarks in our parts of the country. That is why I believe that a public inquiry is absolutely crucial. I know how damaging it would be for my area if we were to lose one or more of our important buildings, so I appreciate the anger and frustrations that people have about the Glasgow School of Art building in Garnethill.

For me, the one saving grace about these terrible events is that nobody lost their life. Members have touched on the fact that many people's lives have been hugely affected, including local residents, businesspeople and students. It is important that we thank those individuals for their patience and perseverance and for their determination to progress with their lives. I am genuinely thankful that, as a

consequence of the speedy response of the fire service, nobody lost their life.

I was pleased to be involved in the production of the report, but I would much rather that the committee did not have to do that type of work and instead did something more positive. However, after two fires in four years, we had no choice—we had to do it. I hope that, out of the sadness, frustration and anger, the report helps to prevent another fire at the Glasgow School of Art or at any other building of historical and cultural significance.

I could not agree more with members' comments about the fire alarm system. To be brutally honest, the lack of clarity as to whether the system was on or off is ridiculous. Like Pauline McNeill, I believe that there was a complete lack of leadership at the college. I commend the report, but I genuinely hope that the Parliament and the committee never need to undertake such an inquiry again. I would prefer us to have a more positive focus rather than look at what clearly has been an absolute disaster for the Glasgow School of Art.

**The Deputy Presiding Officer (Linda Fabiani):** We move to the closing speeches.

16:27

**Pauline McNeill:** I acknowledge Stuart McMillan's point that, fortunately, no one lost their life in the fires. A committee report such as the one that we are considering should not have been necessary but, as I said in my opening speech, it is an excellent report that has done a lot of service to the issue and has asked some burning questions to which we still need answers.

I believe that the case for a public inquiry is well made. If I was not convinced of that before, after listening to members I certainly am now. There are too many unanswered questions about what caused the fire and the management of the school. I do not say this lightly, but the only way in which we will get to the bottom of the issue is to have a public inquiry.

Annabelle Ewing made important points in her excellent contribution. It is extraordinary that the management of a public institution would not let a committee of the Parliament have sight of its insurance policy—who do they think they are? A message must go out that that is not acceptable. We are not considering the issue to give ourselves something to do; we are doing it because that is our job. It is our job to hold institutions to account and to show the general public that we are doing what we were elected to do. That issue is in itself a sad indictment.

Adam Tomkins referred to the length of time for which the building was ablaze before the alarm sounded. I am sure that members have, like me, probably heard hundreds of dreadful rumours about that. That is why we need the fire service report as soon as possible. The issue is a mystery to most people. The time delay video—in fact, it was Tom Inns who showed me it in a meeting—shows that the fire subsided and then, within seconds, the O2 building exploded in a blaze. No one can explain that. We want to know why it happened.

The management of the building, who were meant to protect it from fire, having had a warning in 2014, have been extraordinary. They did not know whether the fire alarm system was on on the night of the fire, and the fact that no one has been held accountable for that is one of the most damning aspects of the episode. For that alone, heads should have rolled at the GSA. It beggars belief that the management could not tell the committee whether the alarm was on on the night. That in itself should be the subject of a public inquiry.

There was confusion about the fire plan and the fire suppression system. There was dysfunction at every level. Adam Tomkins spoke at length about the dysfunctional nature of the GSA leadership. We need to know whether that contributed in any way to the school's management and to the fire itself.

We do not have an answer on why the director, Tom Inns, left. Let us be under no illusion: Tom Inns left under a cloud. If we are to believe the reports that we read in the press, he was sacked, but we do not know why. Six people signed a confidentiality agreement. What was in those confidentiality agreements? Why are we not allowed to see them?

There is an issue to do with the use of public funds. Most recently, £1.2 million was spent on the Charles Oakley building as a temporary measure that did not need to be taken. Did the management not think that they were under scrutiny? It is as if they do not think that anyone will question what they are doing.

As I think that Kenny Gibson said, in the committee, Sandra White and I asked Muriel Gray some direct questions. Sandra White is not here for the debate; she has done a lot of work on the issue and should be commended for that. To be fair to Muriel Gray, she acknowledged that the relationship with the local community had been poor for decades. I am glad that she said that and I commend her for acknowledging it. I asked her directly about the rumours that the GSA intended to purchase a building in Sauchiehall Street to create a frontage for the school. I and others wanted to know where in Sauchiehall Street that

building was, because people wanted to have a say on it. There is not a lot of trust between the local community and businesses and the Glasgow School of Art. If the school wants to buy a building with the millions that it seems to have, I would like to know which one.

Muriel Gray told me that she did not know which building it was, but I know for a fact that it was the O2. The school could not afford to get it. Tom Arthur made an excellent speech about the importance of the O2 in all this. That is a side issue in the context of the need to get to the bottom of what caused the fire, but the consequences have been devastating for the local community and the music community in Glasgow, and we do not yet know whether the O2 will be rebuilt as a music venue. I am spending a lot of time talking to the owners, and I have put on record my thanks to the officials at Glasgow City Council—not the leadership; Adam Tomkins is right about that—because officials, at least, are doing their very best to ensure that the O2 has an open door to put forward an affordable design that planners will accept.

It is important that we engage with all that work. If the O2 cannot be restored in three or four years and we lose it as a city venue, there will be devastating consequences for that part of Sauchiehall Street—let alone the music community. As I think Patrick Harvie said, the future of Sauchiehall Street is hanging in the balance. The Sauchiehall Street avenue project has been a success, to some degree, in changing the balance, but the jury is still out on the street's future. Businesses still come to me to say that they do not know whether they can survive.

I hope that the Scottish Fire and Rescue Service report is due. I do not know whether ministers can ask about the timescale; it would be helpful if the cabinet secretary could say, in summing up, whether that is an appropriate question to ask.

The role of ministers is critical in all this. If the committee and the Parliament cannot get answers, surely to goodness ministers, with all their authority, can get some of the answers to questions that we were unable to get. The Glasgow School of Art is a public institution.

In the past five minutes, I have read that the Glasgow School of Art has five new governors. I read about who they are and they look like very good people. However, really? This was an opportunity to appoint someone who could have represented the people of Glasgow and addressed that disengagement issue, but the GSA did not take that opportunity. I think that it is sending a clear message in response to the committee's suggestion that it should be controlled by a trust. The message is, "No. We will take control of the Mackintosh. We've appointed five new governors.

You can go away.” I do not know whether the GSA has learned any lessons.

There must be a public inquiry. I know that the cabinet secretary will say that he needs to read the Scottish Fire and Rescue Service report, and I understand that, but will he indicate how warm he is to the idea? What are his feelings on it? I do not argue lightly for a public inquiry—I know that we are often quick to jump in and say that we must have a public inquiry. However, we really need a public inquiry in this case, and I hope that, after ministers have read the SFRS report, they will back our calls for one.

16:35

**Alexander Stewart (Mid Scotland and Fife) (Con):** I am pleased to close for the Scottish Conservatives in the Culture, Tourism, Europe and External Affairs Committee debate on the Glasgow School of Art fires. As we have heard, those fires have been a catastrophe for Scotland and have meant the loss of a national treasure. The GSA has such a prominent place in people’s hearts, not only locally in Glasgow but across Scotland, the United Kingdom, Europe and the world. Many people look on the school as an iconic building, and that has been lost.

As a member of the committee, I have been very interested to hear the many comments and excellent contributions from members on the whole saga. I commend and congratulate the firefighters, who did all that they could to save the school during the fires. It is also salient to reiterate at this stage that the Scottish Conservatives have been calling for a full public inquiry since well before the committee published its report.

Although it is for the Scottish Fire and Rescue Service to determine whether the building met fire safety standards, it is clear that the Glasgow School of Art did not take the increased fire risk to the Mackintosh building into account prior to the fire in 2014. We on the committee expressed concerns at the length of time that it took the GSA to install a mist suppression system, which was agreed back in 2008 but had not been installed by the time of the fire in 2014. We were not convinced that the GSA gave sufficient priority to safeguarding the Mackintosh building, which is an absolute scandal.

The GSA must be more transparent about what was lost from the Mackintosh collection in the 2014 and 2018 fires, and there are serious concerns about the scrutiny and governance of the restorations. Immediately after the fires, we wanted Glasgow City Council to ensure that local businesses and residents were being looked after. We have heard today that there are still concerns about whether that is happening day to day.

I pay tribute to my colleagues Adam Tomkins and Annie Wells, our MSPs in Glasgow, who have been working tirelessly. I know that Pauline McNeill and Sandra White, and other members across the chamber, have also been working collectively to support individuals and residents in the community.

The GSA acted in its usual manner as site guardian during the restorations following the fires. As we have seen, the lack of transparency ensured that there was negative publicity, which continues to be the case. Questions need to be asked, as people have serious concerns about what took place. We still have not had a full report—I am sure that the minister will go into that in his summing up.

As I said, we have heard some very good contributions, and I want to speak to some of them. The committee convener, Joan McAlpine, talked about the risks and the mismanagement of the fires, and the amount of money that the GSA has received from the public purse. Fire safety risks were identified in the building as far back as 1990, and the asset has not been protected. As I said, there are still issues with regard to the local community.

The minister spoke about the shock wave that occurred when the fires took place, and said that lessons need to be learned. He is dead right—lessons do need to be learned, and questions need to be answered, given the value of the school not only for its students but for the economic life of Glasgow.

My colleague Rachael Hamilton spoke about the work that was lost to the school and to the students, and about the need to protect historic and listed buildings. A review needs to take place to ensure that we protect those valuable assets—that must come out of this process.

Pauline McNeill talked about the disbelief at the events that are taking place: the catalogue of errors, the number of staff leaving and the confidentiality clauses that are required. The public just want to know why, after all this time, there is so much secrecy and so great a possibility that things will not be told to them. The public have a right to know what is going on.

Adam Tomkins spoke about the mismanagement of the fires and talked about minutes of board meetings not being seen. He mentioned that there needs to be a public inquiry and spoke about the £8.5 million-worth of public money that has been spent, the problems with the fire alarm system and the false alarms that took place—there is a catalogue of them, but there appears to have been no alarm when the fire took place.

My committee colleague Annabelle Ewing talked about the insurance policy—that is a vital issue—and the difficulties that surrounded that. Is that policy fit for purpose? It would appear not to have been. We could not get answers from the company about the situation.

Annie Wells spoke about the morale of the staff. While all of what we have been talking about has been going on, the staff of the school have had to cope with all the bad publicity and the questions that have been asked. The public have lost confidence in the school and the board. There have been a number of changes, but that does not necessarily mean that the public have any confidence in how things are going to go forward. It is vital that all those questions are asked.

We feel that the Glasgow School of Art should give serious consideration to placing the Mackintosh building in a trust, as has been mentioned today. The committee would also like the Scottish Government to establish a public inquiry, with judicial powers, into the 2014 and 2018 fires. Further, the Scottish Government, the Scottish Fire and Rescue Service and Historic Environment Scotland should clarify and review fire safety procedures in category A listed buildings.

Finally, we want the Scottish Government to review the legal protections for category A listed buildings. It is vital that there is some weight behind that and that the Government compels and supports owners of certain buildings to install fire safety measures.

This entire saga has been damaging to the cultural heritage of Scotland. There are many more questions to be asked of the board of the Glasgow School of Art. It must be said that, when members of the board appeared at the committee to give evidence, they were evasive and many of their answers were less than convincing.

I commend the report and thank everyone who gave evidence to the committee. However, I am disappointed that, when the report came out, the Glasgow School of Art chose to criticise the committee for its findings. Lessons need to be learned from this sorry saga. It must not happen again. The only light spot in this whole process was that no lives were lost. However, that was down to circumstances; there could easily have been fatalities. The fires should never have been allowed to happen. They should have been preventable.

16:42

**Richard Lochhead:** I thank colleagues for their thoughtful and constructive contributions to this afternoon's debate. MSPs across the chamber have made powerful and thought-provoking

comments. The cabinet secretary and I will reflect on those important points.

It is important to put on record that my colleague Sandra White, who has the Glasgow School of Art in her constituency, would have been here today to make a forceful contribution on the subject, but, as we all know, she cannot be here with us, for understandable reasons. Our thoughts are certainly with her this week.

As Minister for Further Education, Higher Education and Science, my first obligation is, naturally, to ensure the highest-quality learning experience for students in Scotland. Therefore, I am pleased that, despite the impact of these two dreadful fires, the Glasgow School of Art has continued to attract the brightest and best from across the world while nurturing the best of Scotland's talent and contributing energy and passion to our vital creative industries in this country. As I said in my opening remarks, the Glasgow School of Art ranks in the top 10 art and design institutions in the QS World University Rankings 2019.

James Kelly spoke about being in Glasgow on the day of the fire and experiencing at first hand the public's response to the devastation; and I recall following the story on social media when the news broke, finding it hard to comprehend the scale of the devastation. As Annabelle Ewing said, the community is still trying to come to terms with the scale of the loss.

Therefore, it is important that we use the opportunity to learn lessons from those fires, to ensure that, as much as they can be, our iconic, historic buildings are protected. Having met GSA's acting chair, Professor Nora Kearney, yesterday, I know that the board strongly agrees.

Members have referred to a number of recommendations to the Glasgow School of Art, including that it should: consider putting the Mackintosh building into a trust; review how it presents information on its website—specifically, information related to items lost during the 2014 and 2018 fires—be more transparent in its processes, particularly in relation to any rebuild of the Mack; in consultation with the local community, establish formal methods of communication; and, before deciding the future of the Mack, undertake a full consultation exercise.

In the body of its excellent report, the committee also calls into question: the school's approach to risk management; the capacity and expertise of the board and the priority it gave to safeguarding the building; the length of time taken to install the mist suppression system; and the school's ability to articulate the lessons that it learned as a result of the 2014 fire.



A number of issues were raised. I am not the Glasgow School of Art and I am not responsible for many of those issues. I cannot respond to them all. Some have to be put in context. Of course, we must bear in mind that the contractor had day-to-day control of the site. The committee acknowledged that the school had oversight arrangements in place for that. Patrick Harvie mentioned not having access to the insurance policy. Our understanding is that the insurers did not give their consent to release that, because the claims are not closed. I am giving context for some of the points, because, at this stage, we do not know some of the answers to many of the issues that were raised.

The GSA is an autonomous body. Its board has responsibility for strategic decision making and ensuring operational efficiency. It has responded to many of the criticisms that have been made today.

It has made clear its intention—in principle—to rebuild the Mackintosh building. It has committed to review how it disseminates and shares information and to appoint a dedicated community engagement officer to support its efforts to build trust with its neighbours.

I recognise the concerns that members across the chamber have expressed about the need for trust and transparency and to give greater focus to a more positive relationship with the local community. During my meeting yesterday with management, a large part of our conversation was focused on that subject. The management team gave me many assurances and guarantees that it will be much higher up the agenda and that it recognises the concerns raised by local members and in the committee's report.

On the question of a trust, the board has been clear that the Mackintosh building is core to what makes the Glasgow School of Art experience unique. As I said in my opening remarks and other members referred to, the board sees it not just as a building but as part of the teaching experience—as a tool for teaching in itself. However, the GSA has said that it will consider all options for the management of the building.

Of course, I am aware of the genuine and widespread concern raised in the press and in public discourse about decisions that the school of art has made in the years since the 2014 fire. It is not for ministers to pre-empt the outcome of the fire investigation or to form a view on the fire prevention strategies that have been employed during the rebuild project. However, as I said before, in some areas, we have to put things into context, with regard to who was in charge of the site on a day-to-day basis, when the second fire took place.

There have also been concerns around the use of public funding. The Scottish Government pledged £5 million in the wake of the 2014 fire, in order to support GSA to restore the Mackintosh building to its former glory. The phoenix bursary fund provided an extra £750,000 to support up to 102 final-year students to recreate their work. The UK Government provided £5 million for the purchase of the former Stow College building.

With regard to the debate that has taken place around the funding, the restoration of the damaged west wing was covered by the art school's insurance. However, in consultation with Historic Environment Scotland, the decision was taken to include the whole building in the restoration works, in order to ensure the integrity and safety of building-wide systems and to ensure that the whole building was fit for purpose.

Therefore, we ministers are satisfied that the GSA spent the money that was provided by the Scottish Government in the way that was intended, given the need to extend the refurbishment beyond those parts of the building that were damaged by the fire and covered by the insurance.

I recognise that members are also concerned about the use of funds raised through public donations, which was mentioned by a few members in the debate. I understand that the Scottish Fundraising Standards Panel is considering that matter at the moment, in light of many reports in the media. I have no evidence of any impropriety, but that investigation is taking place in response to the media coverage and there is, therefore, no more information that ministers can give in response to that concern at the moment.

Of course, the committee's recommendations impact more widely than simply on the Glasgow School of Art. As I mentioned earlier, Historic Environment Scotland's statutory remit in relation to fire mitigation in buildings of outstanding special architectural or historic interest will be considered by the Government. In addition, the agency will review and strengthen its guidance on the risks to buildings during conservation and renovation work and its technical guidance on fire safety management. Another feature of this debate is that many such fires take place in buildings when they are under construction. That is a vulnerable period and those issues are important, which is why members are raising them. All of that is important work to safeguard our heritage buildings in Scotland, and we will have to take into account the findings of the Scottish Fire and Rescue Service's investigations, once those are complete.

Given the time available, I will move on to the issue of the public inquiry, for which many members have forcefully made the case. I will

repeat what I said before; it is absolutely right that we await the outcome of the investigations that are under way before giving further consideration to the committee's recommendation to establish a public inquiry. The Government has not ruled out a public inquiry, but there are clearly many different factors to weigh up prior to taking any decision. No decision can even be contemplated until we know the detail of the SFRS's investigations. That will provide us with a lot more evidence, which will enable us to take the right decisions moving forward.

In conclusion, I urge all organisations with responsibility for the upkeep and preservation of the many fantastic historic buildings that we have in Scotland to take heed of the detailed and valuable findings of the committee's thorough and powerful report. I thank fellow MSPs again for their contributions to the debate, on which I and colleagues in the Government will certainly reflect.

16:52

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

As deputy convener of the Culture, Tourism, Europe and External Affairs Committee, I am pleased to close the debate. I thank members for their excellent speeches.

The value of the Mackintosh building cannot be overestimated. Charles Rennie Mackintosh's importance to modern architecture and design is significant, and the stunning building was a remarkable fixture in the heart of Glasgow.

People were devastated by the 2014 fire; footage from the scene is heartbreaking. Then, at the point of the building's resurrection and rebirth, to witness a second fire that was reported as being more devastating than the first was terrible. The shock of the two fires, and questions about how that could possibly happen, prompted the committee to undertake its inquiry in order to examine the overall management and custodianship of the Mackintosh building, and to consider what lessons can be learned and what we can do to better protect Scotland's built heritage.

Although it was not the focus of the culture committee's inquiry, we should not underestimate the human cost of the two fires. The Scottish Fire and Rescue Service responded professionally and passionately to both fires, but we cannot overstate the risk that was involved in tackling those dangerous and complex incidents.

The loss of the O2 ABC venue is also a blow to the cultural life of Glasgow and, as Pauline McNeill's members' business debate earlier this year highlighted, the 2018 fire has been extremely disruptive for residents and businesses in the area. They have expressed to the committee their

dissatisfaction with the GSA's approach. The 2018 blaze caused substantial disruption to the Garnethill community: many local residents and businesses were displaced for a substantial time.

The committee convener, Joan McAlpine, and other members have today set out the committee's concerns, which are significant enough for it to call for a public inquiry with judicial powers, following the conclusion of the SFRS investigation. Although the GSA has questioned the committee's conclusions, the committee remains convinced that there is a need for further analysis of what happened and why, and that further scrutiny and expertise need to be applied to the sequence of events that led to the two catastrophic fires.

At times, the committee's inquiry was challenging. Committee members received contradictory evidence, which we had to weigh up in order to identify the areas in which we believe there remain concerns about how the Mackintosh building was left vulnerable to fire. Measures can be implemented to reduce the risk of fire and to limit the effect of the damage that it causes if it does happen. The Glasgow School of Art sought to implement a range of measures, but as other members have highlighted, there had been delay in installing a water-mist suppression system prior to the 2014 fire, even though the risk of fire was evident.

Although the challenges of achieving compartmentation in an historic building are recognised, questions can be raised about the extent to which that happened during the construction phase before the 2018 fire, which appears to have spread very quickly through the site. The committee awaits the SFRS's report, but what it learned during its inquiry suggests that more could have been done on the construction site.

As interesting as the committee's report is, there is more to come following its publication. The committee received a lengthy response from the Glasgow School of Art, which, in an attempt to counter some of the concerns that were raised by the committee, also managed, in my view, to confirm some of its concerns. I will make a couple of points on those.

The 2014 fire was found to have been accidental. Following it, the GSA agreed to five key targets for fire protection for the Mackintosh building once it was returned to it as a functioning school. The targets included improved compartmentation and installation of fire stopping in ducts, a state-of-the-art fire-detection system, a water-mist suppression system and a smoke-extraction system.

Those targets were all sensible measures that should, it is arguable, have been applied in the

building prior to the fire. However, I have a concern that they do not recognise the need for a culture change in the approach to health and safety and fire prevention in the building. The fire was classed as accidental, but there is no evidence that the GSA has reflected on the culture of the school, or on how to ensure safe or appropriate use of modern equipment or materials there. The culture of an organisation is as important as its processes and prevention measures.

The school's focus on an individual student's mistake indicates its lack of consideration of whether it was in any way responsible for the set of circumstances that enabled that mistake, which had significant consequences and risked fatalities. There have been reports of the tension between artistic expression and concerns about health and safety, and between the purpose of the art school and safeguarding of the building. It is not good enough for the GSA to dismiss such concerns.

The GSA has made it clear that the Mackintosh building was compliant with the relevant fire safety standards, which I do not doubt. It described the water-mist suppression system as an "enhancement", although we know that it was not installed in 2014. The focus of fire safety standards is protection of life; I do not think that they claim to be able to protect grade A listed buildings. The question is whether enough emphasis and priority were given to protection of the building. The committee was not satisfied that that could be demonstrated.

The future of the Mackintosh building is still to be decided, but the GSA has so far been resolute in its intention to rebuild. We should all recognise the uniqueness of the building. It is owned by the Glasgow School of Art, but it belongs to the country. The impact of the two fires has again raised questions about the appropriateness of GSA's having responsibility for it. Is it the best custodian, given its other responsibilities in running an internationally competitive art school? *[Interruption.]*

**The Presiding Officer (Ken Macintosh):** Keep the noise down, please.

**Claire Baker:** Thank you, Presiding Officer.

Other universities and colleges own grade A listed and historic buildings, but the Glasgow School of Art is alone in having such a unique and valuable building as part of its working estate. It is a complex building. I do not question its value to the few students who get to work there, but there are questions to be answered about whether such use of the building is appropriate. The GSA defended dual use of the school, but questions have been asked about the focus that such use receives as part of its activities.

The school generates strong passions. As architect Malcolm Fraser commented in his evidence to the committee:

"They were not looking after the jewel at the heart of their estate; that was the primary failure of Glasgow School of Art, and many institutions do the same. They fail to care for the jewel at their heart."—*[Official Report, Culture, Tourism, Europe and External Affairs Committee, 20 September 2018; c 8.]*

The suggestion that the Mack be placed in a trust is not new, nor would it necessarily mean that students could no longer access the building. Furthermore, that would alleviate some of the burden on the GSA and would better prioritise the building's safety. The committee therefore suggests that the GSA give serious consideration to placing any future Mackintosh building in a trust, perhaps once a new director of the art school has been appointed.

The committee made a number of recommendations about the role of Historic Environment Scotland. I welcome the response to them by the Cabinet Secretary for Culture, Tourism and External Affairs. I welcome her willingness to review and to consider those and other matters that the committee raised in relation to Historic Environment Scotland. I hope that she will soon be in a position to update the committee on progress.

I welcome the opportunity for us to debate the committee's report on the Glasgow School of Art fires. It is clear from the discussion that many unanswered questions remain and deserve further scrutiny. The committee will continue to pay attention to the project, as it goes forward.

## Business Motions

17:00

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of motion S5M-19632, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out a business programme.

*Motion moved,*

That the Parliament agrees—

(a) the following programme of business—

Tuesday 5 November 2019

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)

*followed by* Stage 1 Debate: UEFA European Championship (Scotland) Bill

*followed by* Committee Announcements

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 6 November 2019

1.15 pm Parliamentary Bureau Motions

1.15 pm Members' Business

2.00 pm Portfolio Questions:  
Finance, Economy and Fair Work;  
Environment, Climate Change and Land Reform

*followed by* Scottish Conservative and Unionist Party Business

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 7 November 2019

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

*followed by* Members' Business

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions:  
Rural Economy

*followed by* Stage 1 Debate: Referendums (Scotland) Bill

*followed by* Financial Resolution: Referendums (Scotland) Bill

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 12 November 2019

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)

*followed by* Scottish Government Business

*followed by* Committee Announcements

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 13 November 2019

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions:  
Transport, Infrastructure and  
Connectivity;  
Justice and the Law Officers

*followed by* Scottish Government Business

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 14 November 2019

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

*followed by* Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Portfolio Questions:  
Government Business and  
Constitutional Relations

*followed by* Scottish Government Business

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

(b) that, for the purposes of Portfolio Questions in the week beginning 5 November 2019, in rule 13.7.3, after the word "except" the words "to the extent to which the Presiding Officer considers that the questions are on the same or similar subject matter or" are inserted.—[*Graeme Dey*]

*Motion agreed to.*

**The Presiding Officer:** The next item is consideration of business motions S5M-19625, on the stage 1 timetable for a bill, and S5M-19620, on the timing of a stage 1 debate.

*Motions moved,*

That the Parliament agrees that consideration of the UEFA European Championship (Scotland) Bill at stage 1 be completed by 8 November 2019.

That the Parliament agrees, for the purposes of its consideration of the UEFA European Championship

(Scotland) Bill, under Rule 9.6.3A of the Standing Orders, that the Parliament shall consider the general principles of the Bill on the second sitting day after publication of the lead committee report.—[*Graeme Dey*]

*Motions agreed to.*

## Parliamentary Bureau Motions

17:01

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of four Parliamentary Bureau motions. I ask Graeme Dey to move, on behalf of the Parliamentary Bureau, motions S5M-19621, on approval of a Scottish statutory instrument; S5M-19622, on committee meeting times; and S5M-19623 and S5M-19624, on designation of lead committees.

*Motions moved,*

That the Parliament agrees that the Conservation (Natural Habitats, &c.) (Miscellaneous Amendments) (Scotland) Regulations 2019 [draft] be approved.

That the Parliament agrees that, under Rule 12.3.3B of Standing Orders, the Culture, Tourism, Europe and External Affairs Committee can meet, if necessary, at the same time as a meeting of the Parliament during General Questions, Members' Business and Portfolio Questions on Thursday 31 October 2019 for the purpose of considering and agreeing its stage 1 report on the UEFA European Championship (Scotland) Bill, and to take evidence on the Scottish Government's legislative consent memorandum on the European Union (Withdrawal Agreement) Bill.

That the Parliament agrees that the Finance and Constitution Committee be designated as the lead committee in consideration of the legislative consent memorandum in relation to the European Union (Withdrawal Agreement) Bill (UK Legislation).

That the Parliament agrees that the Economy, Energy and Fair Work Committee be designated as the lead committee in consideration of the Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Bill at stage 1.—[*Graeme Dey*]

## Decision Time

17:01

**The Presiding Officer (Ken Macintosh):** The first question is, that motion S5M-19553, in the name of Joan McAlpine, on the Glasgow School of Art fires, be agreed to.

*Motion agreed to,*

That the Parliament notes the conclusions and recommendations in the Culture, Tourism, Europe and External Affairs Committee's 2nd Report 2019 (Session 5), *The Glasgow School of Art Mackintosh Building: The loss of a national treasure* (SP Paper 487).

**The Presiding Officer:** The next question is, that motions S5M-19621 to S5M-19624, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, be agreed to.

*Motions agreed to,*

That the Parliament agrees that the Conservation (Natural Habitats, &c.) (Miscellaneous Amendments) (Scotland) Regulations 2019 [draft] be approved.

That the Parliament agrees that, under Rule 12.3.3B of Standing Orders, the Culture, Tourism, Europe and External Affairs Committee can meet, if necessary, at the same time as a meeting of the Parliament during General Questions, Members' Business and Portfolio Questions on Thursday 31 October 2019 for the purpose of considering and agreeing its stage 1 report on the UEFA European Championship (Scotland) Bill, and to take evidence on the Scottish Government's legislative consent memorandum on the European Union (Withdrawal Agreement) Bill.

That the Parliament agrees that the Finance and Constitution Committee be designated as the lead committee in consideration of the legislative consent memorandum in relation to the European Union (Withdrawal Agreement) Bill (UK Legislation).

That the Parliament agrees that the Economy, Energy and Fair Work Committee be designated as the lead committee in consideration of the Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Bill at stage 1.

## Charities, Scotland and Holyrood

**The Deputy Presiding Officer (Christine Grahame):** The final item of business today is a members' business debate on motion S5M-18693, in the name of Margaret Mitchell, on charities, Scotland and Holyrood. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament welcomes the publication of *Charities, Scotland & Holyrood: Twenty Years Delivering Change*, which is a limited edition book that has been produced by SCVO to celebrate the Parliament's 20th anniversary; believes that it offers a reflective look at the last 20 years of the voluntary sector working with, challenging, persuading and influencing the Parliament; notes that it explores this relationship by highlighting 20 key voluntary sector campaigns that have helped shape society in Scotland since devolution; recognises what it sees as the vital role that the third sector plays not only in strengthening communities, such as those across Central Scotland, but also in advocating for legislative change and national action to tackle pressing societal challenges, including climate change, human trafficking and access to care; considers that Scotland's third sector organisations have unparalleled experience and knowledge that brings value to the work of the Parliament, and looks forward to these groups working constructively with Scotland's many charities and voluntary organisations for the next 20 years and beyond.

17:04

**Margaret Mitchell (Central Scotland) (Con):** It is a great pleasure to open this debate, which welcomes the publication of the limited edition book "Charities, Scotland & Holyrood: Twenty Years Delivering Change". The book has been produced by the Scottish Council for Voluntary Organisations to mark the Parliament's 20th anniversary and to celebrate the partnership working between the Parliament and Scotland's charities and voluntary and third sectors. It is a partnership that has developed, grown in strength and proved to be hugely successful in raising awareness about issues too numerous to count, and in advocating and helping to deliver legislative change.

The SCVO is an umbrella organisation operating at a national level to support, promote and develop a confident and sustainable voluntary sector in Scotland. It has more than 2,000 members and, during 70 years of operation, it has provided information on how to set up and run a charity, as well as creating policy and research papers, and briefings for debates on relevant topics.

The book selects 20 key issues, including smoke-free public places, saving marine life, justice for victims of asbestos-related diseases, organ donation opt-outs, debt arrangement schemes, affordable housing, free personal care for older people, community right to buy, and

human trafficking and exploitation. There are also other issues in the book that individual members and cross-party groups have actively promoted and supported.

In the time remaining to me, I want to cover the particular issue of human trafficking and exploitation. Ten years ago, signs of human trafficking often went unnoticed. Research carried out by Amnesty International, the trafficking awareness raising alliance—TARA—and Stop The Traffik Glasgow exposed the fact that people were being trafficked across Scotland and that, although victims were identified and helped by the police, no one had been convicted of human trafficking and exploitation in Scotland.

That research was fundamental in making the case for a change in the law on human trafficking. In 2013, major and decisive legislative progress was made with the consultation on Jenny Marra MSP's proposed human trafficking (Scotland) bill. One year later, that led to the then justice secretary, Kenny MacAskill, announcing that the Scottish Government would introduce trafficking legislation. In 2015, the Human Trafficking and Exploitation (Scotland) Bill was passed unanimously. I pay tribute to the work that Jenny Marra carried out on that issue.

As part of the its scrutiny of that legislation, the Justice Committee drew heavily on the experience and expertise of third sector organisations such as TARA. During a visit to the charity's Glasgow office, I was extremely fortunate to have a one-to-one meeting with a trafficked survivor. Her story about the obstacles that she had overcome proved invaluable in helping me to understand the complexities surrounding this deeply troubling issue. I was immensely impressed and humbled by her courage, her determination and her optimism about the future, despite her horrific experiences.

Sadly, trafficking remains a very much alive and extremely vexing issue, both inter and intra state. Despite that, there is no doubt that the Human Trafficking and Exploitation (Scotland) Act 2015 consolidated and strengthened the existing criminal law against human trafficking, as well as the offence relating to slavery, servitude and forced or compulsory labour. It is only right to acknowledge and thank the voluntary organisations who supplied the evidence, lobbied for legislation, and played such an important role in improving the legislation during the scrutiny process.

It has been a privilege to open this debate, which celebrates and champions the outstanding work of the voluntary sector, in which an amazing 1.3 million adults volunteered last year. I want to finish by rearranging a quote from chief executive of the SCVO, Anna Fowlie, who represents

volunteers and the dedicated 105,000 people who are employed in the third sector.

I stress that

"it is crucial"

that

"the Scottish Government, the Scottish Parliament and MSPs from all parties"

work constructively with charities

"to ensure that the communities"

that we represent and are here to support

"are not forgotten."

I know that I speak for everyone in the chamber when I say that it is in that spirit that we look forward to the next 20 years and to continuing to work together to harness the motivation, diversity and talent that is Scotland's vibrant, eclectic third sector.

17:10

**Kenneth Gibson (Cunninghame North) (SNP):** I congratulate Margaret Mitchell on bringing the debate to the chamber.

While uncertainty rages on around us, it is all the more important that we celebrate something as positive and constructive as volunteering. The work done by the Scottish Council for Voluntary Organisations and volunteers across Scotland is always worth highlighting. I am delighted that the SCVO has produced the book "Charities, Scotland & Holyrood: Twenty Years Delivering Change"—I, too, have a copy—in order to celebrate two decades of the wonderful volunteer sector that we have here in Scotland, which works in partnership with both local authorities and the Scottish Parliament.

I am even more thrilled to have been involved in some of the campaigns highlighted in the book, most notably the campaign for smoke-free public places. It is a topic that I campaigned on from the commencement of the first parliamentary session back in 1999, prior to the Labour-Liberal Democrat coalition formally introducing the Smoking, Health and Social Care (Scotland) Bill in 2005. I am sure that we all remember walking into a restaurant and being asked, "Smoking or non-smoking?", or being asked that in cinemas, pubs or public transport. How long ago that now seems.

I am quoted in the SCVO's book as saying:

"Smoking is still far too prevalent, but real progress has been made in reducing its acceptability, prevalence and health impact. It is now hard to believe that folk once smoked more or less everywhere and I am glad to have played a part in the radical culture change we have seen over the last 13 years."

Those against the ban claimed that it would mean that places such as bars or restaurants would lose business, but the opposite was true and the public came out in overwhelming support of it. Thanks to their efforts, the health benefits and changes in attitudes to smoking have proven to have been significant. Of course, the Scottish National Party Government has continued with ambitious legislation in many areas towards the aim of creating a tobacco-free generation by 2034. That legislation includes banning the sale of tobacco and nicotine vapour products to under-18s, introducing statutory age-verification measures and banning smoking in cars where children are present.

I am delighted that the SCVO's book also celebrates other important changes, such as the SNP Government's abolition in 2008 of backdoor tuition fees for Scottish students and the Human Trafficking and Exploitation (Scotland) Act 2015, which Margaret Mitchell discussed in some detail. The bill that became the 2015 act was met with unanimous support by the Parliament and sought to

"consolidate and strengthen the existing ... law against human trafficking"

and offer more robust support to victims.

As someone who led a members' business debate on the issue in the first parliamentary session, I was delighted when the bill was passed.

Of course, Scotland's voluntary sector is an integral part of not just our society but our economy. The sector has an annual income of more than £5.8 billion and 107,000 paid staff, and is comprised of more than 45,000 organisations. In my area of North Ayrshire alone, there are 335 third sector charities employing 701 people, and 27 per cent of adults volunteer in some capacity, from Garnock Valley Men's Shed and North Ayrshire Foodbank, to Boyd Orr neighbourhood watch, to name just three.

The 20 key campaigns highlighted in the book touch on a number of issues, and it is clear that third sector engagement has resulted in not just some but much legislation being created for the benefit of the people of Scotland. Indeed, the third sector is a key consultee in virtually all legislation brought forward in this Parliament. The SCVO is often at the very heart of that.

I believe that this debate has affirmed that there is an important and special relationship between the third sector and the Scottish Parliament, working constructively to effect important and lasting change for our country. It is a pleasure to celebrate that wonderful history of volunteering and the Government's continued co-operation with Scottish volunteering organisations to create such groundbreaking and inspirational legislation. I

hope that we can continue that great partnership for another 20 years and beyond as we all seek to build a better Scotland. I thank Margaret Mitchell again for bringing forward this debate.

17:14

**Gordon Lindhurst (Lothian) (Con):** The voluntary and charitable sector is a key and important part of the Scottish way of life. Last year, four in every five Scots used a third sector organisation in some capacity, which speaks volumes about the importance of the voluntary sector in Scotland's communities.

The third sector plays a key role in the lives of many in our communities who need our help and assistance. Churches, charitable organisations and volunteers all have a role to play. Indeed, we all benefit from and need the third sector. It is true that it is more blessed to give than to receive. Government and state organisations simply could not make up the gap if the third sector that we rely on was to disappear overnight.

It is my understanding that some 32 per cent of people in the city of Edinburgh participate regularly in voluntary work, which is slightly above the national average. However, whatever the statistics say, it is important to encourage more people everywhere, including young people, to engage in volunteering to ensure that the level of commitment that we have seen in Scotland in the past continues. It is also important that the Scottish Parliament and the Scottish Government play their roles in facilitating the voluntary sector, and do not place unnecessary regulatory or other burdens on it.

Part of the Parliament's role is about the public perception of the third sector, and the Parliament and its facilities present an opportunity to showcase the work of the third sector. Today, I attended an event in the Parliament that was held by Safe Families For Children Scotland, which is a charity that, according to its website,

"provides isolated families going through a difficult time with support and guidance by offering friendship, resources and a short break for children until their parents are back on their feet with a stable support network around them."

It is but one of the myriad of charities that, over the years, have held receptions and events here in the Scottish Parliament.

Many charities from close by have been named in the Parliament, including Bethany Christian Trust for the homeless and Social Bite which, in the recent past, has begun new community projects constructing sustainable homes for those who find themselves without a home.

Let us in this Parliament continue to support all worthwhile third sector charities and organisations



throughout Scotland, as well as umbrella organisations such as the SCVO. Let us support them in what we say and what we do.

17:17

**Elaine Smith (Central Scotland) (Lab):** I thank Margaret Mitchell for bringing the debate to the chamber this evening. I thank the SCVO for providing a copy of its book and welcome to the public gallery some of its representatives.

I am pleased to speak tonight about the positive changes that voluntary sector and other third sector organisations have helped to bring about in Scotland since 1999. As an MSP since then, I know at first hand that those organisations have been important partners to the Scottish Parliament, because they have challenged, persuaded and influenced us to take action. Kenneth Gibson also made that point.

The organisations have provided a wonderful example of how partnerships and collective strength can help to identify the changes that need to be made. Additionally, the third sector often gives a voice to people who do not want or feel unable to engage with public bodies or the Scottish Parliament.

The variety of the 20 campaigns that are covered by the book is a testament in itself. The campaigns show how our Parliament, by looking outwards to civic society, has become a leader. For example—this is not in the book, but it is a good example—Scotland was the first country in the United Kingdom to introduce protection for mums and babies with a breastfeeding law, which came about due to my members' bill and with the involvement of charities and the third sector.

Other examples, which are in the book, are that we were the second legislature of a European country to introduce legislation on smoke-free public places, and we brought justice and compensation to workers and their families who have been devastated by exposure to asbestos.

The partnership has been one of the successes of our devolved Parliament. The Scottish Parliament has become a world leader in the way in which it works with the voluntary sector, and much of our policy and legislation is based on its input.

This week, Aberlour Child Care Trust—Scotland's children's charity—is here in the Parliament. I note Aberlour's conviction in pushing for the eradication of child poverty. It reminds us that we have the power to achieve that by making bold commitments to prioritise child wellbeing in our economic policies.

Third sector charities contribute almost as much to the Scottish economy as whisky and tourism. In

North Lanarkshire, the sector employs nearly 5,000 paid staff and spends more than £171 million. It is particularly active in social services, culture, recreation, sport and community development.

The SCVO's book celebrates the positive partnership and results that have been achieved between charities and the Scottish Parliament. I was delighted to provide a quote on the campaign for free school meals; I fully supported the campaign from session 1 and I co-sponsored Frances Curran's bill in the second session. However, although I welcome free school meals in P1 to P3 very much, I remind the Government that children in Scotland still rely on charities, with many going hungry during school holidays. It is sad that many children going into P4 have to revert from nutritious school meals to cheap bread pieces, for example, for their lunches. I strongly urge the Scottish Government to follow up on the initial promise to roll out free school meals to all primary children.

Sadly, our initial success in reducing child poverty in Scotland has reversed somewhat, and we must all focus our efforts on the targets that were set in the Child Poverty (Scotland) Act 2017. I am sure that the cabinet secretary will comment on that when she responds to the debate. I have no doubt that the third sector will keep up the pressure and co-ordinate campaigns to give a voice to those who are most affected by falling living standards.

Another area in which third sector organisations have shaped debates and policy development has been service provision for women and girls who experience violence. One of the earliest debates in the Parliament made clear that we would resource women-specific services and invest in organisations such as Women's Aid to give a voice to women and girls.

Although I celebrate the successes of the third sector tonight, I also take the opportunity to highlight the challenges that it faces. As a provider of services to local authorities, the sector is affected by shrinking public sector budgets. The possible loss of other vital funding streams could put charities under extreme financial pressure. I encourage all members to read the book and to celebrate the work of all our charities, volunteers and third sector organisations, and once again, I congratulate Margaret Mitchell.

17:22

**The Cabinet Secretary for Communities and Local Government (Aileen Campbell):** As others have, I thank Margaret Mitchell for the motion and thank all members for the contributions that we have heard across the chamber this evening.

The debate has been enjoyable because it has enabled us to have the opportunity to reflect on—and celebrate—the role of the Scottish Parliament over the past 20 years and the role that the third sector has played in shaping the Scotland that we live in today: a Scotland where our people are at the heart of policy making and a Scotland that is brave, progressive and ambitious.

The book that the SCVO has produced is a beautiful illustration of the story of the third sector over the past two decades. In those reflections of the past 20 years, we see Scotland shaping its policies and approaches to respond to its distinctive needs. The reconvening of our Parliament signalled not just the creation of a new legislature but the flourishing of a confident civic Scotland and a third sector that has a platform to influence and to bring about lasting change. Indeed, this Parliament was brought about not just by politicians but by that mass momentum to bring decision making closer to home.

Although we have had the chance as parliamentarians to celebrate the anniversary of this Parliament, tonight is a really useful opportunity to celebrate the role of the third sector and its positive influence in Scottish public life. It has been valuable to hear directly from members about their experiences and the things that they have achieved through the past 20 years that have been shaped by the third sector. Margaret Mitchell spoke authoritatively and with great passion from the outset about the impact of the third sector that she felt during the scrutiny of the Human Trafficking and Exploitation (Scotland) Bill—an issue of great relevance to the on-going investigation in Essex, which shows how important it is to make sure that we get those policies and legislation right. The process of going from having a member's bill to the Government adopting a bill and the bill being passed—enabled through involvement and engagement by the third sector—again shows the knitting together of one Parliament coming together to achieve great things.

Elaine Smith also spoke about something that is not part of the book: her involvement in work to move forward breastfeeding.

When I became a breastfeeding mum, I did so in a country that had been influenced by the work that Elaine Smith and the third sector had done to make my experience far easier than that of many of the mums who had gone before me. That positive impact that the Parliament and its members have on people's day-to-day lives is something that we should not forget, among all the uncertainty that surrounds us.

Kenny Gibson spoke about some of the massive things that the Parliament has achieved, such as the smoking ban and the abolition of tuition fees—

hugely impactful policies that were influenced and pushed through by the flourishing third sector that we are right to celebrate tonight.

Regardless of the policies that we pursue, Gordon Lindhurst was correct to point out the day-to-day impact of the third sector on all our lives, irrespective of what we do here. Third sector organisations operate with an authenticity and a reach that we perhaps cannot have as a Government and that local government cannot have, because those organisations are agile, they are part of our community and they have day-to-day interaction with people who require our support. That all points to the need to ensure that we celebrate the role of the third sector, as we did on the 20th anniversary of the Parliament.

Tonight's debate gives me the chance, thinking about my own experience as a parliamentarian and a minister, to consider what the third sector has done. The passing of the Children and Young People (Scotland) Act 2014 was touched on in the SCVO's book. One of the biggest things that impacted on me was the continue to care campaign, which has kick-started an on-going dialogue with our care-experienced young people, who deserve our doing all that we can, as their corporate parents, to make life as good as it can be. That initiative was pushed through by third sector organisations enabling a dialogue between parliamentarians and young people. That shaped and honed the legislation to create a culture where the young people who will experience care in the future have better life opportunities than those who went before them.

The influence of the third sector continues in my current portfolio. Third sector organisations have been a key partner in our fight to end poverty and to create a social security system based on dignity, fairness and respect.

The SCVO and many of its members have been important critical friends throughout the devolution of social security. The United Nations special rapporteur, Professor Philip Alston, recently said that the spirit of the welfare state is still alive in Scotland, and I believe that that is thanks to the third sector and its support for it.

That relationship with the third sector was particularly important for the development of our new Scottish child payment, which I was proud to announce on 26 June. The Child Poverty Action Group has called the new payment “an absolute game changer” in tackling poverty, and it represents a really important way in which we are putting our ambitious tackling child poverty delivery plan into action.

As we know, the Scottish child payment will be delivered by Social Security Scotland, with £10 per week per child for eligible families in receipt of

qualifying benefits. Poverty campaigners had stressed the importance of taking immediate action to help struggling families, and representatives from across civil society wrote to the First Minister, calling for the benefit to be introduced as quickly as possible. Again, we listened to the third sector, we responded to the calls that were made, we acted when we needed to and we worked and engaged with the third sector to ensure that the policy was absolutely right. That illustrates the knitting together of the Government, parliamentarians and the third sector to ensure that we can develop policies that work for the people of this country.

Devolution and the re-establishment of this Parliament undoubtedly marked a turning point in Scotland's history, and allowed us to make our own decisions on the priorities for Scotland's people. It has given us the freedom to do things differently, and it has afforded us the opportunity to take a different path.

I believe that we have collectively achieved an awful lot over the past 20 years, and I value the role that the third sector has played in that journey. It is an honour and a privilege to be a member of the Parliament, and I am really proud of the lively and vibrant democracy that we have in our country, where people and communities are empowered and supported to participate in and shape society. At a time of uncertainty, we want to encourage that, not deter it. We welcome debate and challenge, and we see that as an essential part of the democratic process.

There is no escaping the fact that we live in uncertain times. None of us really knows what challenges will unfold over the next 20 years, but I know that the Government and Parliament will continue to view the third sector as a key strategic partner, and we will continue to value the role that third sector organisations play in helping us to tackle poverty, reduce inequality and create a fairer and more prosperous Scotland.

As we look to the future—to the next 20 years—it seems fitting to end by reflecting on Donald Dewar's words in his speech at the opening of the Parliament 20 years ago. He said:

"We are fallible ... We will make mistakes. But ... we will never lose sight of what brought us here: the striving to do right by the people of Scotland; to respect their priorities; to better their lot; and to contribute to the common weal."

That is what we all endeavour to do, and it is what we have done for 20 years in this Parliament, aided by the third sector. That has allowed us to look back with pride on the achievements of the Parliament; to look to the future in relation to what we need to achieve to create the fairer Scotland that we all seek; to ensure that we have wellbeing at the heart of all that we do; and to ensure that together we can create a better Scotland that will

enable future generations to enjoy living here. That Scotland will be shaped by a strong Parliament, but it is critical that it is helped by the third sector to ensure that we get decisions right.

I thank Margaret Mitchell and every member who has taken part in the debate. I give my sincere thanks to the members of the third sector and the SCVO who are in the public gallery, because they do so much to help to improve the lives of others.

*Meeting closed at 17:30.*



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

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