



OFFICIAL REPORT
AITHISG OIFIGEIL

Meeting of the Parliament

Thursday 23 January 2020

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

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CONTENTS

	Col.
GENERAL QUESTION TIME	1
HIV (Marginalised Groups).....	1
Policy Commitments (Costs).....	2
Abusive Behaviour and Sexual Harm (Scotland) Act 2016.....	3
Cancer Treatment (Wigtownshire).....	4
Medicines Dispensing (Single-use Plastics).....	5
Forestry (Planting Targets).....	6
Non-Domestic Rates (Scotland) Bill.....	7
Piscivorous Birds (Shooting Licences).....	8
FIRST MINISTER'S QUESTION TIME	10
Police Stations.....	10
Student Debt.....	13
UNICEF Guidance (National Health Service Interpretation).....	16
Low-carbon Economy (Jobs).....	17
Sheriffhall Flyover.....	18
Police Officers (Mental Health).....	18
Coronavirus.....	20
Crown Office and Procurator Fiscal Service (Solicitors' Pay).....	21
Infrastructure Commission for Scotland.....	21
Shipbuilding (Port Glasgow).....	22
Toxicology Services (University of Glasgow).....	22
Pollution.....	24
Unpaid Care Work.....	25
AIR TRAFFIC CONTROL (HIGHLANDS AND ISLANDS)	28
<i>Motion debated—[Beatrice Wishart].</i>	
Beatrice Wishart (Shetland Islands) (LD).....	28
Gail Ross (Caithness, Sutherland and Ross) (SNP).....	30
Jamie Halcro Johnston (Highlands and Islands) (Con).....	32
Rhoda Grant (Highlands and Islands) (Lab).....	34
John Finnie (Highlands and Islands) (Green).....	36
Liam McArthur (Orkney Islands) (LD).....	38
The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson).....	39
FARMING AND CROFTING (SUPPORT)	45
<i>Statement—[Fergus Ewing].</i>	
The Cabinet Secretary for the Rural Economy (Fergus Ewing).....	45
PORTFOLIO QUESTION TIME	57
EDUCATION AND SKILLS	57
Modern Languages Qualifications.....	57
Schools (Disruptive Incidents).....	58
School Exclusions (Discussions).....	59
Digital School Registration.....	60
Further Education (Financial Sustainability).....	61
Brexit (Impact on Learning Opportunities).....	63
Science, Technology, Engineering and Mathematics Education.....	64
Fair Start Scotland.....	64
CONSUMER SCOTLAND BILL: STAGE 1	66
<i>Motion moved—[Jamie Hepburn].</i>	
The Minister for Business, Fair Work and Skills (Jamie Hepburn).....	66
Gordon Lindhurst (Lothian) (Con).....	70
Dean Lockhart (Mid Scotland and Fife) (Con).....	73
Richard Leonard (Central Scotland) (Lab).....	76
Andy Wightman (Lothian) (Green).....	79
Alex Cole-Hamilton (Edinburgh Western) (LD).....	81
Gordon MacDonald (Edinburgh Pentlands) (SNP).....	84

Alexander Burnett (Aberdeenshire West) (Con).....	86
Willie Coffey (Kilmarnock and Irvine Valley) (SNP).....	88
Jackie Baillie (Dumbarton) (Lab)	90
Richard Lyle (Uddingston and Bellshill) (SNP).....	93
Tom Mason (North East Scotland) (Con)	95
Claire Baker (Mid Scotland and Fife) (Lab)	98
Stewart Stevenson (Banffshire and Buchan Coast) (SNP)	100
Rhoda Grant (Highlands and Islands) (Lab).....	103
Jamie Halcro Johnston (Highlands and Islands) (Con)	105
Jamie Hepburn	108
CONSUMER SCOTLAND BILL: FINANCIAL RESOLUTION	112
<i>Motion moved—[Derek Mackay].</i>	
DECISION TIME	113

Scottish Parliament

Thursday 23 January 2020

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

General Question Time

HIV (Marginalised Groups)

1. **David Torrance (Kirkcaldy) (SNP):** To ask the Scottish Government what action it is taking to reach marginalised groups affected by HIV. (S5O-04043)

The Minister for Public Health, Sport and Wellbeing (Joe FitzPatrick): The prevention of HIV transmission remains a priority for the Scottish Government, and there is no room for complacency. An estimated 91 per cent of HIV-positive people in Scotland know their status, 98 per cent of those people are receiving treatment and 97 per cent of those who are in treatment are achieving viral suppression. Although we have achieved the United Nations 1990 targets, increasing the number of people who know their status and so can get treatment and move towards virus suppression remains a clear priority.

David Torrance: Earlier this month, Kirkcaldy lost a popular member of its Pride community to AIDS. Ross Scott passed away at the age of just 25, having lived with HIV for two years without knowing his status. Antiretroviral drugs usually allow people with HIV to live long lives but, unfortunately, Ross's diagnosis was too late for treatment to be effective.

Does the minister agree that we all have a role to play in increasing awareness of HIV and the importance of prompt testing and treatment?

Joe FitzPatrick: I agree. It is crucial that we remain vigilant and that we work collaboratively in order to continue to make progress. A clear priority is to increase the number of people who know their status, so that they can get treatment. That is why the Scottish Government has set up a short-life working group to consider options for improving HIV testing.

We continue to work closely with national health service boards and third sector organisations to raise awareness and to eradicate the stigma around the virus, including the falsehoods, myths and prejudice that surround HIV. Stigma remains one of the biggest barriers to people getting the HIV test, which will ultimately save lives.

Neil Findlay (Lothian) (Lab): The HIV outbreak among the homeless community was exacerbated by previous cuts to the drug and alcohol budgets.

Will the minister confirm that he has made representations to the finance secretary, in the run-up to the budget, to ensure that the Government puts the right money and resources into dealing with Scotland's drugs crisis?

Joe FitzPatrick: The HIV outbreak in Glasgow is of huge concern. Neil Findlay is correct in saying that it has affected a community that crosses the boundaries of the most vulnerable groups—people who are homeless and those who inject substances. It is absolutely crucial that we take action to support Glasgow and its health board to respond to the outbreak. There have been several meetings with services in the area, which have brought those services together.

Waverley Care has been doing really useful work, along with NHS Greater Glasgow and Clyde, and has been running several projects to engage directly with the most vulnerable populations. As part of that scheme, we currently provide third sector funding of £2.13 million for projects that support people with blood-borne viruses.

Policy Commitments (Costs)

2. **Sarah Boyack (Lothian) (Lab):** To ask the Scottish Government whether it has fully costed the policy commitments it has made that are to be delivered through local government. (S5O-04044)

The Cabinet Secretary for Finance, Economy and Fair Work (Derek Mackay): All new policy commitments that have a financial cost to local government are costed and discussed with local government. That includes an agreed approach on distribution matters.

Sarah Boyack: I met local government colleagues this week, and a key concern that they raised was the issue of adequate funding for the roll-out of additional childcare. They were not against the principle of the Scottish Government's policy, but they were very worried about the difficulties of rolling out the policy, given the different challenges that exist in Scotland. Is the cabinet secretary aware of those concerns and will he act on them?

Derek Mackay: I will continue to have discussions with the Convention of Scottish Local Authorities about the budget and other matters. I will also have discussions with Opposition parties about the budget. Those discussions have begun and I look forward to their continuing in a constructive fashion.

The policy on early learning and childcare is fully funded—an agreement was reached with local government on the funding of that policy, in which distribution matters are also covered. If there are any further concerns, I would be happy to engage with COSLA to have talks on them.

Kenneth Gibson (Cunninghame North) (SNP): Can the cabinet secretary advise us whether the Labour group, given that it is so interested in full costings, has provided details of how it will cost its own proposals for local government, or said whether those will be funded by tax rises, by switching funds from other budget portfolios or by demanding additional powers for local government, which—as in the case of workplace parking—it will then undoubtedly vote against?

Derek Mackay: There was a debate on local government funding yesterday. I will set out a Scottish National Party budget to the Scottish Parliament, and it will be for the other parties to engage constructively with me. To answer Mr Gibson's question, I have not had any detailed alternative costings, but I look forward to such costings being produced if Opposition parties disagree with the proposition that I present to Parliament.

Murdo Fraser (Mid Scotland and Fife) (Con): Given that the Fraser of Allander institute has said that the Westminster block grant to Scotland will increase by 2 per cent in real terms in the coming year, does the finance secretary agree that there is therefore no justification for any further cuts to local government funding?

Derek Mackay: Murdo Fraser's proposition is very interesting, given that it is the Conservative UK Government that has been cutting our budget in real terms. I point out that we are abiding by our commitment to pass on the Barnett consequentials to the health service.

Of course, we have not cut local government's budgets. Over the time that I have been the finance secretary, local government has enjoyed real-terms increases in its resources, despite the Conservatives' calls for tax cuts for the richest in society and their opposition to those budgets, which gave more resources to local government.

Abusive Behaviour and Sexual Harm (Scotland) Act 2016

3. **James Dornan (Glasgow Cathcart) (SNP):** To ask the Scottish Government whether it will provide an update on the implementation of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016. (S5O-04045)

The Cabinet Secretary for Justice (Humza Yousaf): All the provisions in the act have been implemented except the parts that provide for the creation of sexual harm prevention orders and sexual risk orders. Until the United Kingdom Government amends the necessary reserved primary legislation, those orders will not be enforceable across the rest of the UK, and it would

therefore be inappropriate and irresponsible to enact them.

My predecessor and I have raised the matter with UK ministers on a number of occasions but, to date, the UK Government has not identified a suitable legislative vehicle through which to make the necessary changes. We will commence the orders as soon as the UK Government passes the appropriate legislation. Until that time, the existing preventative orders for sexual offending in Scotland and the multi-agency public protection arrangements provide the most robust and enforceable regime for keeping the public safe.

James Dornan: Citizens Advice Scotland has reported a 50 per cent increase in traffic to its web pages that offer advice for people who have been affected by the sharing of intimate images or videos without their consent. The news that the cabinet secretary has just given us on the failure of the UK Government to make the necessary changes is disappointing. What impact will the delay have on the victims in question?

Humza Yousaf: The figure that James Dornan cited is very stark.

The UK Government has indicated that it understands our intent and thinks that there is some wisdom in our doing what we are doing, but it has made no commitments on when it will make the necessary changes to the reserved legislation. Despite the fact that I and my predecessor have asked for that, there is no timescale in place.

As I said, there are orders that we can use at the moment to keep people safe, but we want to have a stronger regime. We believe that that could be possible if we had the orders that require legislative change by the UK Government. In the meantime, we will continue to press the UK Government to pass the necessary primary legislation as soon as possible.

Cancer Treatment (Wigtownshire)

4. **Colin Smyth (South Scotland) (Lab):** To ask the Scottish Government what support it is providing to allow NHS Dumfries and Galloway to change existing cancer pathways by aligning with the West of Scotland Cancer Network rather than the South East Scotland Cancer Network in order to reduce journey times for treatment for cancer patients in Wigtownshire. (S5O-04046)

The Cabinet Secretary for Health and Sport (Jeane Freeman): The Scottish Government is aware that NHS Dumfries and Galloway has publicly stated its intention to seek alignment with the West of Scotland Cancer Network at some point in the future. Although no formal planning discussions on any realignment have taken place, my officials have been engaging with NHS Dumfries and Galloway on the matter.

Such a significant change would require considerable discussion and planning with other neighbouring boards, and any service change would have to undergo consultation to provide safety and quality assurances and ensure that patients' waiting times were not negatively impacted.

Colin Smyth: Does the cabinet secretary accept that direct action by the Government is needed either to increase capacity at the Glasgow cancer centre or to enable another health board to, in effect, swap with Dumfries and Galloway in order to allow it to realign with the West of Scotland Cancer Network?

Given the time that it would take for that action to happen, does she support an interim measure of allowing patients in the west of the region, in Wigtownshire, to realign earlier, or will the Government promote the fact that patients already have the freedom to choose to go to Glasgow instead of taking the long journey to Edinburgh?

Jeane Freeman: At the start of his supplementary question, Mr Smyth touched on the reason why, if realignment is sought, it will take some time to address those matters through planning and discussion between NHS Dumfries and Galloway and other boards. They must be addressed to my assurance in terms of quality, safety and patient waiting times.

Mr Smyth is quite right to say that patients can request alternative treatment locations to those that are on their current primary pathway, and they do that at the moment. I understand that NHS Dumfries and Galloway is very responsive to such patient requests, and I am happy to ensure that that is more widely understood. Of course, the member himself, as an MSP for the region, can contribute significantly to ensuring that constituents understand that that choice is available while other matters are being looked at.

Medicines Dispensing (Single-use Plastics)

5. Maureen Watt (Aberdeen South and North Kincardine) (SNP): To ask the Scottish Government how it is working with drug companies and pharmacies to reduce single-use plastics in the dispensing of medicines. (S50-04047)

The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham): The licensing and safety of medicines is reserved to the United Kingdom Government. Regulations that cover medicines packaging are set out in European and UK law. Provided that the packaging type used ensures the on-going safety and quality of the medicine, the UK Medicines and Healthcare products

Regulatory Agency cannot refuse to authorise the packaging.

Maureen Watt: Does the cabinet secretary agree that, in relation to asthma inhalers, for example, things could move at a much faster pace? Only the canisters need to be dispensed; the holders can be reused several times.

Roseanna Cunningham: I agree that there is a general question that needs to be addressed at perhaps greater pace than is happening at present.

An inhaler device is a precision piece of equipment that works only with canisters from the same manufacturer. The plastic container needs to be robust enough for several cycles, and we would encourage manufacturers to work with the MHRA, the retail authority, on the licensing of products that can be reused.

A recycling scheme for inhalers, which is called Complete the Cycle, has been introduced by GlaxoSmithKline. Inhalers can be recycled at participating pharmacies.

Forestry (Planting Targets)

6. Alexander Burnett (Aberdeenshire West) (Con): I alert members to my registered interest in forestry.

To ask the Scottish Government whether it will provide an update on its forestry planting targets. (S50-04048)

The Cabinet Secretary for the Rural Economy (Fergus Ewing): Scottish Forestry provides regular updates on progress towards Government planting targets, which are publicly available on Scottish Forestry's website. The latest figures show that, so far, 10,954 hectares of grant-funded planting has been approved for planting in 2019-20. In addition, Forest and Land Scotland is expecting to plant 400 hectares in 2019-20. The final figures will be published in June.

Alexander Burnett: Recent inquiries and purchase requests to tree nurseries by people wishing to carry out planting have been knocked back, with a shortage of supply being cited. Many people are now having to delay their planting plans until May 2021. Is the cabinet secretary aware of that issue? If so, what is he doing to ensure that it does not impact on Scotland's planting targets?

Fergus Ewing: I have been aware of the issue for the past two or three years. In fact, in 2017, we started to take action to address it. The situation was exacerbated by summer drought conditions in 2018. That led to reduced supplies of seedlings from affected nurseries, which coincided with big increases in planting in Scotland.

We anticipated the issue some years ago, so we have supported 20 grant applications to bring forward more than £2 million-worth of investment projects by nursery businesses. That has resulted in an increase of, roughly, 25 per cent in the production capacity of tree nurseries in Scotland. In addition, Forestry and Land Scotland is developing plans for expanding its in-house nursery capacity and the private sector is being encouraged to consider new investments in tree nurseries.

Scotland is leading the way on forestry. Last year, we planted 84 per cent of all new plantations in Britain. We intend to continue to give that lead, to address the economy and climate change. I hope that our friends down south are taking notice.

Non-Domestic Rates (Scotland) Bill

7. Stewart Stevenson (Banffshire and Buchan Coast) (SNP): To ask the Scottish Government what its response is to a letter from 27 business groups to MSPs regarding concerns about a proposed amendment to the Non-Domestic Rates (Scotland) Bill, which would remove ministers' ability to set business rate poundage and automatically end the small business bonus scheme and other benefits. (S50-04049)

The Cabinet Secretary for Finance, Economy and Fair Work (Derek Mackay): That assessment is correct.

On 15 January, the Minister for Public Finance and Digital Economy, Kate Forbes, responded to the letter, confirming the Scottish Government's unequivocal support for the uniform business rate and her concern over the complexity, risks and unpredictability related to the stage 2 amendment to the bill, which was supported by the Green, Conservative and Labour parties.

The Scottish Government will continue to work with members of all parties to deliver a bill that supports growth, improves administration and increases fairness.

Stewart Stevenson: Has the cabinet secretary ensured that members on Opposition benches fully understand the implications of withdrawing powers from his office and from the Government in general, particularly in relation to the small business bonus scheme, which has protected high streets and small businesses both in my constituency in the north-east and across Scotland?

Derek Mackay: I would like to think that all members are aware of the legislation that they are voting for when they vote for it, so I am surprised by the position of some members on the matter. For example, as of yesterday, Jackson Carlaw's leadership bid has given us the third running Tory

position on the Non-Domestic Rates (Scotland) Bill. However, the reality is that if support for the amendment moved by Andy Wightman continues through to stage 3, the Government's ability to set national unitary poundage would be removed, and the reliefs that this Government has supported, such as the small business bonus, would be scrapped.

Unfortunately, Andy Wightman has found a way to be both anti-business and anti-environment, because there are environmental reliefs that would also be scrapped as a matter of law, including reliefs that we were about to try to deliver. For example, they include the deposit return scheme, which I thought that those who support the protection of the environment would also support. As well as the small business bonus, other reliefs that would be scrapped include renewable energy relief, district heating relief and reverse vending machines. Therefore, to support the protection of the environment and to support business, I encourage Opposition members to listen to Kate Forbes's wise words: do the right thing, understand the law, and understand what you are voting for.

Just as we want a unitary poundage, maybe those parties should have a unitary position—one that is more supportive of the outcomes that we are all trying to achieve.

Piscivorous Birds (Shooting Licences)

8. Michelle Ballantyne (South Scotland) (Con): To ask the Scottish Government what its position is on the issuing of licences for the shooting to scare, and shooting of, piscivorous birds. (S50-04050)

The Minister for Rural Affairs and the Natural Environment (Mairi Gougeon): Scottish Natural Heritage is responsible for determining licence applications, under the Wildlife and Countryside Act 1981. Licensing for the shooting to scare, and shooting of, piscivorous birds can be granted by SNH in order to prevent serious damage at fisheries or inland waters.

Applications to solve specific problems are looked at on a case-by-case basis and will only be considered if the applicant can demonstrate that they have explored all other non-lethal antipredation measures and has found them to be either ineffective or impracticable.

Michelle Ballantyne: As the minister is probably aware, the challenge for local fisheries and river management boards is that applications for those licences require organised systematic counts of the number of birds that are on the river. Many fishery boards are now drastically underfunded and often rely on volunteers, which

stifles the ability of the board to conduct the required counts.

Will the Scottish Government work with SNH to support smaller fisheries and river management boards by developing limited licences that are less resource intensive to obtain?

Mairi Gougeon: I would be happy to discuss that matter further with the member. I know that she takes a keen interest in the issue, and that she sponsored an event that was held a couple of weeks ago, at which a discussion took place about what we are doing to conserve wild salmon—that is vitally important and is a priority for this Government.

There has been discussion about whether what the member suggests could be included as part of general licences. SNH undertook a review and decided not to include it as part of the general licence. However, I will be happy to consider the matter further and correspond with her.

The Presiding Officer: That concludes general question time.

Before we turn to First Minister's question time, I am sure that members will join me in welcoming to our gallery Monsieur François Paradis, the President of the National Assembly of Quebec. *[Applause.]*

First Minister's Question Time

12:00

Police Stations

1. **Jackson Carlaw (Eastwood) (Con):** I note that the Prince of Wales is today joining world leaders who are gathering in Israel to commemorate the 75th anniversary of the liberation of the Auschwitz-Birkenau death camp, survivors of which continue to live happily among us in Scotland. We will mark the occasion with a debate next week. Scotland will remember and always stand in memory of those who perished, in order that we can prevent any such horror happening again. *[Applause.]*

Water pouring in through ceilings and windows, mushrooms growing in the carpets and rats scurrying about the mouldy floors—what word would the First Minister use to describe the state of some of Scotland's police stations?

The First Minister (Nicola Sturgeon): First, I take the opportunity to associate myself with the remarks of Jackson Carlaw about the 75th anniversary of the liberation of Auschwitz-Birkenau. The anniversary is very much in the thoughts of us all at this time. The horror of what was experienced there is beyond our imaginations and, as we prepare to mark the anniversary in our own way here in Scotland next week, we must all be determined to play our part in ensuring that a horror of that nature and on that scale can never be allowed to happen again.

Jackson Carlaw has something of a nerve to raise issues such as policing. Before I address that directly, I remind Jackson Carlaw and other members that it is the Conservative Party that has reduced the resource budget of this Government by £1.5 billion, which is 5 per cent in real terms, since 2010. It was also the Conservatives who robbed the Police Service of Scotland of £125 million in VAT, which should never have been claimed.

However, despite all that, the annual budget for policing in Scotland has increased by more than £80 million since 2016, bringing it to £1.2 billion this year. The capital budget of the service has increased by 52 per cent this year alone to support the roll-out of mobile technology. We are investing in police officers, maintaining 1,000 more police officers in our communities, while the Tories have cut 20,000 officers from the streets of England.

We will take no lectures from the Conservatives on matters of public services. As we prepare our budget for the year ahead, our priority will continue to be investment in public services. We will leave

Jackson Carlaw to argue for tax cuts for the highest paid people in our country.

Jackson Carlaw: The cliché meter was ringing loud there, was it not?

I noticed that, in the First Minister's long peroration, the one word that she did not use was "hyperbole", yet that is exactly how her Cabinet Secretary for Justice reacted when he was confronted with shocking descriptions of working conditions in some of Scotland's police stations. It is no wonder that the head of the Scottish Police Federation is furious at Mr Yousaf's denial. Warnings from front-line police officers about the conditions in which they are being forced to work have been made year after year, but little or nothing has been done. Who is right—the Scottish Police Federation or Mr Yousaf?

The First Minister: What Jackson Carlaw refers to as "cliché" is actually investment by this Government in our vital public services. I repeat the commitment of this Government to our hard-working police officers who, yes, work under pressure, like all our public sector workers do—that pressure having been exacerbated over the past 10 years by austerity imposed on this Government by Conservatives at Westminster.

This Government, in contrast to what we see south of the border, is protecting Police Scotland's revenue budget during this Parliament, which includes in this year alone a £42.3 million increase in funding. Police Scotland's total capital expenditure is the fourth highest of all United Kingdom police forces and there has been a £12 million increase in this financial year alone. We are also providing reform funding to the Scottish Police Authority and, of course, we are maintaining police numbers significantly above the level that we inherited in 2007. Into the bargain, we gave our police officers a higher pay rise than police officers got in any other part of the UK.

I know the pressure that police officers work under and I am grateful for the job that they do each and every day. We will continue in our budget decisions to prioritise our public service workers. I think that the Tories should actually be ashamed at their record in Westminster in that regard.

Jackson Carlaw: I say to the First Minister that those long perorations from civil-service-prepared briefs really do not cut it. This is not just about unpleasant, uncomfortable and potentially unsanitary situations in which police officers and staff are expected to work; there are major safety concerns, too. Even as Mr Yousaf was dismissing concerns as "hyperbole", the ceiling was falling down at the police station in Broughty Ferry—not just literally but metaphorically, on Mr Yousaf's denial. Under the Scottish National Party, out of 45

UK police forces, Police Scotland is the fifth-worst funded. However, yesterday, the UK Government announced over £1 billion extra for policing, with the Scottish Government receiving some £100 million. Will the First Minister assure our hard-working police officers that that additional funding will be used to protect police officer numbers and, at the very least, improve the environment in which they are expected to work?

The First Minister: Of course, while the Conservatives have been cutting the budget of this Government, we have been protecting the budget of Scotland's Police Service. Because of the incompetence of the UK Government, we will require to set our budget for the next financial year before we have seen the colour of the money that Jackson Carlaw keeps saying is coming our way, so I certainly hope that those promises turn out to be accurate.

We will continue to do everything that we can within our powers and resources to protect our police service the length and breadth of the country. As I said a moment ago, total capital expenditure in Police Scotland is the fourth highest of that for all UK police forces. We have increased capital budgets in this year by 52 per cent, we are protecting the revenue budget and police numbers, and we are making sure that our police officers get the rise in pay that they deserve and which police officers elsewhere in the UK are not getting. We will continue to support our police officers, as they continue to support the people of Scotland, in the excellent work that they do each and every day.

Jackson Carlaw: The budget that the SNP Government receives from Westminster is on the rise, but what do we have to show for it? Leaking police stations and collapsing ceilings; half-built ferries; boarded-up hospitals and closed-off children's wards; and a crisis in Scotland's schools. We have had years of missed opportunity from a distracted and disengaged Government. We are promised yet more updates on her favourite topic next week. What chance is there of the First Minister updating us instead on when her Government is going to start sorting out the things that really matter, which are failing under this SNP Administration?

The First Minister: I will just update Jackson Carlaw again on the reality in Scotland, as opposed to what he wants people to think: £1.5 billion in real terms removed from this Government's budget by the Conservatives over the past 10 years. However, in spite of that, we have continued to invest in our national health service, taking it to record levels of funding. We have continued to invest in our Police Service and have continued to support our public service

workers who are working so hard across the country.

I will just draw to Jackson Carlaw's attention what the Fraser of Allander institute has to say about the proposals that he has put forward in the past couple of weeks. The Fraser of Allander institute makes clear—

Jackson Carlaw: Read it out!

The First Minister: Oh, I am about to read it out.

To quote it directly, Jackson Carlaw's proposals

"would reduce the government's income tax revenues by around £270 million".

Jackson Carlaw: Read on to the end!

The First Minister: Jackson Carlaw wants me to go on, so I will go on. In addition to that, the institute says that this is not about middle earners. It says:

"a policy framed as supporting 'middle earners' predominantly benefits households at the top of the distribution of household income."

There we have it—£270 million would come out of our public services and would be handed to the richest people in our society. That is what Jackson Carlaw would deliver; I will continue to deliver investment in our public services.

Student Debt

2. Richard Leonard (Central Scotland) (Lab):

I associate the Scottish Labour Party with the remarks about the importance of commemorating the liberation of Auschwitz, and about ensuring that we all accept that it is the duty of us all never to forget the Holocaust—not just for this generation, but for future generations to come.

The Scottish National Party came into office promising students that it would "dump the debt monster", but it did not dump the debt; it dumped the promise. This week, Audit Scotland revealed the consequences of that dumped promise. Student debt has soared to £5.5 billion—more than double the level in 2011. That is not simply down to expansion in student numbers; the report showed that average student debt per head has more than doubled. We know that the poorest students from the poorest communities are forced to borrow most. Will the First Minister simply admit that the SNP misled students and apologise to them?

The First Minister (Nicola Sturgeon): I point out that because of the policies of this SNP Government—not the least of which is to keep access to university free of tuition fees—Scotland has the lowest level of student debt in the United Kingdom.

Let us look at the figures. The stats that Richard Leonard cites show that average student-loan debt in Scotland is £13,800. However, that compares with a figure in England of £35,950 and a figure in Northern Ireland of £23,550. The figure of £13,800 in SNP-governed Scotland compares with a figure of £22,920 in Labour-run Wales, so perhaps the Labour Party is the party that should be apologising for its record in Wales.

Richard Leonard: Some students in Scotland have debts of £27,000; the First Minister knows in her heart of hearts that she is failing to support our students properly. That is why three years ago she set up an independent review of student support. Two years ago, it reported, and the First Minister accepted its recommendations. Parliament supported its core recommendation of a guaranteed minimum student income based on the living wage.

However, two years on, nothing has happened. The First Minister is letting students down. How many generations of Scottish students will have to go through university before the Government keeps any promise on support for student living?

The First Minister: I hope that Richard Leonard will listen carefully to the detail of this answer. However, before I get on to the detail, I say that Scotland has, as I have already told him, the lowest level of student debt in the UK. In addition, we have also seen the smallest increase in student debt in the countries of the UK. There has been an increase of £7,800 in Scotland, but there has been an £9,840 increase in Wales, where Labour is in Government. Richard Leonard says that total debt has increased in Scotland; it has, but in the rest of the UK it has trebled.

Those are the facts—but let us come to support for poorer students. Full-time students from the poorest areas receive more support than those from the richest areas, and 67 per cent of students from the 20 per cent most deprived areas got a bursary, compared with 22 per cent of those in the richest areas.

However, the part of what Richard Leonard said that I want to come on to in detail is what he said about action after the student support review. He said—I think that I am quoting him directly—that "nothing has happened." This is the detail that I would like him to pay close attention to. Since that review was published, we have begun to implement its income guarantee by increasing the bursary for care-experienced students to £8,100 a year. Following the recommendations, we have also raised the higher education bursary threshold, increased bursary support for the poorest young students, and increased bursary support for the poorest independent students in higher education.

In further education, we have increased the bursary to £4,500 a year. We will introduce a guaranteed system of further education bursaries and move further on the other recommendations. Although Richard Leonard might describe that as “nothing”, for students across the country, it means more money in their pockets, which I think they will welcome warmly.

Richard Leonard: First Minister, here are the facts. In 2013, the Government decimated bursary support. In 2013, bursary support in Scotland was worth £2,640 a year. The Government has only just put it back to £2,000 a year—more than £600 less than it was before.

To recap, I repeat that the First Minister promised to dump the debt, but student debt has soared, and students from the most deprived backgrounds are leaving university with the heaviest burden of debt. The Government is letting down our students, and it is letting down our universities.

Universities Scotland describes

“a pattern of cuts to core budgets”

Those cuts add up to a 12 per cent real-terms decrease since 2014-15, which is a cut of £700 for every Scottish student since Nicola Sturgeon became First Minister. The fact is that Government funding for our universities is decreasing faster than the Scottish Government’s own budget, which has led Universities Scotland to conclude that

“university funding has been deprioritised.”

When the budget comes to Parliament next month, will the First Minister reprioritise Scotland’s universities? *[Interruption.]* Will she reprioritise Scotland’s students, or will she—*[Interruption.]*

The Presiding Officer: Order, please.

Richard Leonard: Will she dump more cuts on our universities, and more debt on our students?

The First Minister: I remind Richard Leonard that, yesterday, his party brought to Parliament an Opposition debate demanding that we prioritise additional money for local government in the budget. Today, less than 24 hours later, he is here in the chamber demanding the same for higher education. I suggest that he come along next week to tell us where he thinks all that money should come from. Labour has no credibility on budgets; his performance demonstrates exactly why.

However, let us go back to higher education. What Richard Leonard has managed to establish today is that we have the lowest student debt anywhere in the UK and rising support for students in Scotland, including students from our most deprived areas.

Let me give him some other facts. Total full-time student support is up by 1.3 per cent, average higher education student support has increased, and more full-time higher education students than ever now receive support. In addition, of course, the access stats that came out last week show that we have record levels of Scotland-domiciled full-time first-degree entrants to university, and that the number of entrants from our most deprived areas is also at a record level.

Those are the facts. That is the reality under the SNP Government, and it is why people do not want Labour back in Government ever again.

**UNICEF Guidance
(National Health Service Interpretation)**

Bob Doris (Glasgow Maryhill and Springburn) (SNP): Thank you, Presiding Officer. I am—*[Interruption.]*

The Presiding Officer (Ken Macintosh): Please continue.

Bob Doris: I am privileged to have a wonderful baby-food bank in Springburn in my constituency—*[Interruption.]*

12:19

Meeting suspended.

12:20

On resuming—

The Presiding Officer: After that short pause, I ask Bob Doris to continue with his question.

Bob Doris: Thank you, Presiding Officer.

I am standing up to support a wonderful baby-food bank in Springburn in my constituency, although I am saddened that it is required. NHS health visitors used to refer families in need to it, but that appears to have largely stopped due to the national health service’s interpretation of UNICEF guidance on breastfeeding and the use of formula milk. A local Trussell Trust food bank is now also reviewing its guidance. I still await a reply from NHS Greater Glasgow and Clyde, but can the Scottish Government provide clarity in order to at least make sure that vulnerable families know where to go to get that valuable and vital support?

The First Minister (Nicola Sturgeon): I thank Bob Doris for his question and for representing the food bank that he has raised. Nobody should ever have to rely on charitable food provision in a country as rich as Scotland, especially families with young children. That is why we are committed to eradicating child poverty and have enhanced support across the early years with the best start

grant and the best start foods payment card. We will also introduce the new Scottish child payment for eligible children under six by Christmas this year.

In relation to the specific point, I will ask the Cabinet Secretary for Health and Sport to engage with the health board so that we can help with interpretation of UNICEF guidance if that is possible and also encourage a pragmatic approach regarding the provision of sustenance for infants, which is so important.

Low-carbon Economy (Jobs)

Alex Rowley (Mid Scotland and Fife) (Lab):

The Scottish Government published “A Low Carbon Economic Strategy for Scotland: Scotland—A Low Carbon Society” back in 2010, and on the subject of offshore wind it stated:

“this sector alone offers the potential for 28,000 direct jobs and a further 20,000 jobs in related industries and ... investment in Scotland by 2020.”

However, the jobs and opportunities are not coming to Scotland. While the yards in Fife and elsewhere lie empty, the jobs are going to the United Arab Emirates, Belgium, Spain, Indonesia and China—anywhere but Scotland. What is the Government doing to fight for Scotland, to bring jobs to Scotland and to make sure that the people of Scotland get the benefits from Scotland's natural resources?

The First Minister (Nicola Sturgeon): I thank Alex Rowley for raising that, because I share his frustration. The Government is working extremely hard to make sure that more of the economic benefit of such projects is experienced here in Scotland.

It is not true to say that no jobs are coming to Scotland. If we look at the Neart Na Gaoithe project, we hope that jacket fabrication work will go to BiFab, but we have also seen, for example, I & H Brown in Perth being awarded onshore substation work. We have seen the port of Dundee confirmed as the installation port and Eyemouth harbour confirmed as the maintenance base. Similarly, with Seagreen—I met senior management at SSE about Seagreen last week—we see work going to Montrose, and the announcement that was made last week about Petrofac is beneficial to Aberdeen.

However, we want to see more fabrication and manufacturing work coming to Scotland, which is why we established the summit that met last week. It is also why we have announced the future arrangements around the Crown Estate leasing round that will happen soon. Developers will be required to set out the anticipated level and location of supply chain impact, and the commitments will be part of the agreement

process, so there will be contractual consequences if they are not delivered.

That is what the Government is doing within the powers that we have. However, I know that Alex Rowley is absolutely sincere about this, so I hope that he will agree that we must keep putting pressure on the United Kingdom Government to do more through the contracts for difference process, because that is where the real levers lie. I know that the trade unions agree with that. I certainly think that that is important, and I hope that we will get support from Alex Rowley and Labour as we continue to pressure the UK Government to do more within its powers as well.

Sheriffhall Flyover

Alison Johnstone (Lothian) (Green): Over the past week, almost 2,000 objections have been sent to Transport Scotland—objections to the proposals for a £120 million flyover at Sheriffhall that the Scottish Government agrees will lead to even worse traffic. In the face of the climate emergency, does the First Minister agree that it is time to ditch that dated and dirty project from a bygone era and instead to invest that sum in public transport, park-and-ride facilities, cycling and walking? Does she agree that we should invest in the solutions and not in the problem?

The First Minister (Nicola Sturgeon): Obviously, the objections will be considered. There is a process to be gone through, and it is important that the matter is properly considered. I have said many times in the chamber that we have to be prepared to look at all sorts of things to make sure that we are meeting our climate obligations.

In terms of the Sheriffhall roundabout, congestion will increase if we do nothing; it will possibly increase faster, and make the situation worse. We must make sure that we are thinking carefully about such things, and that we are taking balanced action that reduces our emissions and, of course, encourages active travel as well.

The budget that we will bring forward, as well as the updated climate change action plan, will look to do all those things in the proper and sensible way.

Police Officers (Mental Health)

3. Willie Rennie (North East Fife) (LD): We must remember, so that we can learn, so that those awful events are never repeated: Holocaust memorial day is indeed so important.

The First Minister knows that I have deep concerns about the mental health of many of our police officers. New research has found that 35 per cent of police officers were turning up to work while mentally unwell. In the past few weeks, four

police officers have died from suicide. We do not know the reasons behind those tragedies, but police officers across the country want to know whether work contributed to those deaths. Will the First Minister order an investigation into the mental health of police officers and the support that is available to them?

The First Minister (Nicola Sturgeon): Willie Rennie is right to raise an important issue. I express my condolences to the families of the police officers who have died in recent weeks.

I hope that Willie Rennie will appreciate and agree that we do not yet know all the causes and factors behind those deaths. It is important that they are all properly investigated, and I do not think that it is helpful, appropriate or sensitive for us to speculate too much on individual cases.

The mental health of our police officers, indeed of everyone working in our public services, is hugely important. I have spoken in the past in the chamber—in response to Willie Rennie, I think—about some of the work that the Police Service is doing to support the wellbeing and mental health of police officers. Police officers and staff can access a range of services to care for both their physical and their mental health, including through Police Scotland's your wellbeing matters programme. The Scottish Government is providing funding to extend the Lifelines Scotland wellbeing programme to blue light responders, including Police Scotland. In 2017, Police Scotland launched a wellbeing programme that includes the introduction of wellbeing champions. That has raised awareness of the services available, such as occupational health and employee assistance, which offers counselling. A force-wide wellbeing and engagement survey will be launched soon that will help, I hope, to identify factors that impact on the wellbeing of officers and enable Police Scotland to prioritise further activities and investment.

I agree that we have to consider further action in that regard, but it is important that we make police officers as aware as possible of the support that is already there for them within Police Scotland right now.

Willie Rennie: That is a helpful response from the First Minister. We need to understand more about the mental wellbeing of our police.

I urge an investigation to look at the contracted-out welfare service for police officers. Before centralisation, each police force had dedicated welfare officers, who were directly responsible for looking after the wellbeing of a number of police. However, the service has been contracted out and Calum Steele of the Scottish Police Federation says that it is a poor substitute. Will that service be part of an investigation?

The First Minister: In the spirit of trying to respond helpfully on such an important topic, I will take that issue away and discuss it with the Cabinet Secretary for Justice and the chief constable. I will be happy to come back to Willie Rennie on that.

There are, rightly, investigations into individual circumstances, and I have already talked about some of the work that the Police Service is doing. Such matters should be, and will continue to be, investigated. I rule nothing out, and nothing should be ruled out, in terms of how we improve the mental health and wellbeing support for police officers. We want proper support to be available, given the stressful nature of the job that police officers do, and it is right not only that I am able to stand here and say that it is a quality service, but that the police officers who themselves rely on the service feel that it is a quality service.

I am happy to give further consideration to Willie Rennie's questions, and I am sure that we will come back to the issue in the future.

Coronavirus

Kenneth Gibson (Cunninghame North) (SNP): Last month, coronavirus, which causes a respiratory disease, emerged in Wuhan in China. The virus has so far killed at least six people and infected hundreds more, and it has spread to other Asian countries and Australia. Concerns have already been expressed by virologists that, due to the virus's incubation time, when no symptoms are present, many other people will already be infected. Wuhan has international air links with around 60 cities, including London, and, of course, many more Chinese people travel at this time of year because of Chinese new year. Will the First Minister advise the Parliament as to what precautions have been and are being taken to deal with coronavirus, should it reach our shores?

The First Minister (Nicola Sturgeon): I assure Kenny Gibson and other members that, together with Health Protection Scotland, we are closely monitoring what is a rapidly evolving situation. I should say that the risk to the public in Scotland and, indeed, in the United Kingdom is currently classified as low, but obviously that is kept under review. Health Protection Scotland is liaising with national health service boards and is currently in daily contact with Public Health England and liaising daily with colleagues in the UK Department of Health and Social Care. We are also paying close attention to the decisions of and advice from the World Health Organization.

Enhanced monitoring measures have been implemented for flights from Wuhan city to Heathrow. Those will involve each flight being met by a port health team, who will check for symptoms of coronavirus and provide information

to all passengers. We are considering whether any further information could helpfully be provided at Scottish airports. Obviously, the situation is evolving and we will monitor it extremely closely. The Cabinet Secretary for Health and Sport or I will ensure that Parliament is appropriately updated in the days and weeks to come.

Crown Office and Procurator Fiscal Service (Solicitors' Pay)

James Kelly (Glasgow) (Lab): I draw the First Minister's attention to the concerns of FDA union members in the Crown Office and Procurator Fiscal Service about the fact that, over a seven-year period, entry-level solicitors at other Scottish Government departments are being paid a total of £94,000 more than those working in the Crown Office and Procurator Fiscal Service. That is deeply concerning, given the importance and sensitivity of the cases that are dealt with in the COPFS. Does the First Minister agree that that pay gap is unacceptable and will she commit to taking urgent action to ensure that those who carry out similar roles and responsibilities are paid equally?

The First Minister (Nicola Sturgeon): I am aware of that situation. We value highly the work of lawyers in the Crown Office and Procurator Fiscal Service. Obviously, we are in a budget process right now. Pay discussions are primarily between employees and employer, which in this case is the Crown Office. However, we will seek to address all those matters in the budget decisions that we take to ensure not only that we value people who do those jobs but that we move to a situation as quickly as reasonably possible in which we have pay cohesion not just in that area but across our public services more generally.

Infrastructure Commission for Scotland

Mark Ruskell (Mid Scotland and Fife) (Green): Yesterday, the First Minister called for a wellbeing economy. This week, her Infrastructure Commission for Scotland laid out a path to deliver it involving a switch away from road building to road repair and an investment in congestion-busting public transport—a rebalancing of priorities and actions. Given the urgent need to tackle the climate emergency, improve our health and keep the economy moving, will the First Minister act on that advice in the forthcoming budget?

The First Minister (Nicola Sturgeon): Yes, the advice of the Infrastructure Commission will be an important part of our budget consideration. Obviously, we established the commission. Its phase 1 report, which was published in the past few days, is a helpful contribution to ensuring that the country has fit-for-purpose infrastructure over

the next decade and beyond, and in a way that is consistent with our climate change obligations. Therefore, in relation to our budget and our work to update the climate change action plan, the commission's work and recommendations are extremely helpful as we decide the best ways forward.

Shipbuilding (Port Glasgow)

Stuart McMillan (Greenock and Inverclyde) (SNP): Yesterday, at the Rural Economy and Connectivity Committee, Edward Mountain asked whether we would be better off building CalMac Ferries vessels in South Korea rather than Scotland. Will the First Minister take this opportunity to reiterate the Scottish Government's commitment to shipbuilding in Port Glasgow?

The First Minister (Nicola Sturgeon): Yes, we want to ensure that shipbuilding can continue in Port Glasgow, which is why we have taken action to secure both the jobs at Ferguson Marine right now and the future of the yard. Clearly, a parliamentary inquiry is under way into the contracts for the ferries that are being built there, but we want them to be built as quickly as possible and, in the longer term, we want shipbuilding at Ferguson's well into the future. I am not sure what the Scottish Conservatives' position is, but that is clearly the Scottish Government's position.

Toxicology Services (University of Glasgow)

4. **Sandra White (Glasgow Kelvin) (SNP):** To ask the First Minister what action the Scottish Government is taking to address the reported problems with toxicology services at the University of Glasgow. (S5F-03881)

The First Minister (Nicola Sturgeon): Forensic toxicology services are provided by the University of Glasgow under a contract between the university and the Crown Office. Last month, the Crown Office announced an extension of that contract until September this year. Those services are essential for the independent functions of the Lord Advocate to effectively prosecute crime and investigate deaths.

The announcement of the contract extension was accompanied by a £300,000 investment for the university to recruit additional staff, buy new equipment, address the backlog of cases awaiting analysis and secure better provision of the service until September. I very much appreciate the impact that delays in the service have on the families who are affected. The Lord Advocate keeps me closely updated on the steps that the Crown Office is taking to urgently address those issues.

Sandra White: Like me, and as she has said, the First Minister appreciates the pain and

frustration of those who are grieving and waiting on these reports to be completed. I acknowledge that these services are contracted independently by the Crown Office, but will the First Minister confirm that the Lord Advocate's office is taking steps not only to secure the future provision of these services but to resolve the outstanding cases as quickly as possible?

The First Minister: I thank Sandra White for raising what is an important issue. I understand that the Crown Office has identified another provider and is working with it on a transfer of staff and service provision. That is part of an overall programme of work for the longer term for pathology, mortuary and toxicology services. In the meantime, for some casework Crown Office officials are looking at increasing capacity for those services and, in discussion with health colleagues, the Crown Office is looking at the assistance of the national health service in the short to medium term.

Negative analysis amounts to 40 per cent of the outstanding cases and Crown Office officials are working with the university to identify what analysis is required in each remaining case. That will allow them to ascertain how best to manage that. We will, of course, provide whatever support we can to those efforts to ensure that the outstanding cases are resolved as quickly as is possible.

Murdo Fraser (Mid Scotland and Fife) (Con): This week, I was contacted by constituents who lost a family member in distressing circumstances in October but who have still not been told of the cause of death some three months later, due to delays in the toxicology service. I am sure that the First Minister would agree that that is highly distressing for already grieving parents. Can she give the family some assurance as to when they might get the information that they are waiting for?

The First Minister: Yes, I understand how distressing that is for the affected families. If Murdo Fraser wants to provide the details of his constituent, I will ask the Crown Office to contact them directly to provide what further information they can on that individual case.

More generally, I have already talked about the additional investment to recruit staff and some of the other steps that the Crown Office is taking to reduce the backlog, as well as indicating the direction of travel for the service in the longer term. I discuss the matter regularly with the Lord Advocate, who keeps me updated. I want the chamber to understand how seriously I take this situation and how important and urgent I think it is that the backlog is dealt with and that the service in the future does not incur such backlogs again.

Monica Lennon (Central Scotland) (Lab): To put this into context, almost 2,000 families, and possibly more, have been failed. Some have waited as long as nine months to find out why their loved one died. We have had assurances from the Lord Advocate that he would fix this and, months ago, the Cabinet Secretary for Justice told me to accept those assurances that it was all under control, but the issue has escalated into a national disgrace. Families are suffering and vital public health information, including on drug-related deaths, is being disrupted. Families want to know why this has been a low priority and why ministers and the Lord Advocate have given false assurances, but most of all they want to know why their loved ones have died. Is it not time that the First Minister gives this issue her full attention, because that is what it deserves?

The First Minister: This issue has my full attention. This is a Crown Office matter and, as I said, I have discussed it, and am discussing it, regularly with the Lord Advocate. I have set out the actions that are being taken. Those are not false assurances—they are the concrete steps, including additional investment, that are being taken to resolve what is a serious matter.

It is important that the backlog is dealt with so that the drug death statistics can be published. I want to be clear that no decision on a delay to this summer's publication has been taken and there has certainly been no indication put to ministers that publication will be delayed until next year—I saw that being speculated on in the media a couple of days ago. This is a serious issue that is commanding serious attention, and serious steps are being taken to ensure that it is resolved as quickly as possible.

Pollution

5. Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): To ask the First Minister what the Scottish Government's response is to the rise in pollution levels on main thoroughfares in Scotland's cities. (S5F-03884)

The First Minister (Nicola Sturgeon): Compared to the rest of the United Kingdom and other parts of Europe, Scotland enjoys a high level of air quality and has more stringent air quality targets, but there are still areas in which the air quality is below an acceptable level. The remaining pollution hotspots are partly attributable to road transport emissions in urban areas. We are therefore working to deliver low-emission zones across our four biggest cities by the end of this year, with the first already having been introduced in Glasgow.

We are also supporting local authorities to tackle local air pollution hotspots through £4.5 million of annual funding. An independent review

of the cleaner air for Scotland strategy has identified priorities for additional action, and a new strategy will take those findings into account when it is published, later this year.

Rachael Hamilton: It is simply unacceptable that air pollution levels continue to rise across Scotland and consistently break the legal limits, causing respiratory problems and even premature deaths. On 22 May last year, I asked the First Minister whether the Scottish Government was taking the damaging impact of air pollution seriously. Clearly, little has been done, as we see no progress and the situation is worsening.

The Scottish Conservatives have long called for air quality monitors to be given to schools, to reassure parents that their children are breathing clean air on the way to school. For the second time, I ask the First Minister to finally take affirmative action and commit to air quality monitors for all schools across Scotland for the sake of children's health.

The First Minister: We will consider all positive suggestions, including that one.

It is important to put this serious issue in context. The number of sites that exceed the objectives is reducing. For nitrogen dioxide, that number has fallen from 14 sites in 2013 to six in 2019, and for particulate matter, it has fallen from 17 in 2013 to just one in 2019. That is a reduction in the number of such sites. Nevertheless, while there are any, there are too many.

The Government is committing to low-emission zones in our four largest cities. That is important. I have already talked about the review of the cleaner air strategy, and we are considering recommendations to inform a new air quality strategy. We have already set more stringent air quality targets than the rest of the UK, and we were the first country anywhere in Europe to legislate for PM_{2.5}, which is a pollutant that causes special concern for human health.

The Government is taking serious action, and it is making other proposals such as the proposal to give local authorities the power to introduce the workplace parking levy, to keep cars out of our cities and towns where that is possible. I say gently to the Conservatives that, if they stopped their knee-jerk opposition to such proposals, perhaps they would be taken a bit more seriously on these issues.

Unpaid Care Work

6. **Mark Griffin (Central Scotland) (Lab):** To ask the First Minister what the Scottish Government's response is to figures from Oxfam Scotland, which estimate that the value of unpaid care work across the country is £36 billion. (S5F-03878)

The First Minister (Nicola Sturgeon): Our carers make an immense contribution to our society, which is why the Government is determined to do everything we can to support them.

It is important to note that Oxfam's £36 billion figure covers unpaid care and a wider range of unpaid tasks such as childcare, cooking and housework. The Carers (Scotland) Act 2016 gives every carer the right to a personalised plan and support to meet eligible needs. We are fully funding the act, having provided £17.4 million to local authorities last year and providing an additional £10.5 million this year.

Also this year, our package of investment in social care integration exceeds £700 million, which is a 29 per cent increase over the previous year. Under our new social security powers, our carers allowance supplement gives eligible carers an extra £452.40 this year over what is paid to carers in the rest of the UK.

I take the opportunity to thank unpaid carers for the work that they do each and every day.

Mark Griffin: The work, which is backed by One Parent Families Scotland, Carers Scotland and the Health and Social Care Alliance Scotland, highlights that

"Those living in or at risk of poverty tend to spend more hours caring".

Oxfam's polling also found that seven in 10 Scots support increased social security benefits for carers.

The First Minister will know that, when the Department for Work and Pensions increases the carers allowance earnings threshold by just £5 in April, it will not keep pace with the national living wage. Carers risk losing the benefit if they go 1p over the threshold, and they will be forced to negotiate with employers to potentially reduce their hours or stop working altogether.

Does the First Minister agree that the carers allowance earnings threshold cliff edge is a disincentive to work and should be urgently reformed?

The First Minister: I certainly agree that the DWP does not provide adequate support to carers. I would like to see that support increased and extended—Mark Griffin makes a legitimate point. That is why we are using our powers here, in Scotland, to increase the support that carers are entitled to. I said in my original answer that the carers allowance supplement gives just over £450 extra a year to each carer, which is an increase in carers allowance of around 13 per cent. We are also introducing the young carers grant, which will be an annual £300 payment.

It is about not only financial support but providing support in other ways as well. It is vital that we continue to do that. I hope that, collectively as a Parliament, we continue to urge the United Kingdom Government to give better support as well.

The Presiding Officer: That concludes First Minister's question time. We will have a short suspension, to allow members, ministers and people in the galleries to change seats for members' business.

12:46

Meeting suspended.

12:49

On resuming—

Air Traffic Control (Highlands and Islands)

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a members' business debate on motion S5M-20382, in the name of Beatrice Wishart, on the proposed centralisation of air traffic control in the Highlands and Islands. The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes the reported widespread concern in response to plans by Highlands and Islands Airports Ltd (HIAL) to centralise air traffic control (ATC) services in Inverness through the use of remote towers; acknowledges what it sees as the importance of ensuring that ATC services are modernised and remain fit for purpose, but believes that this must be balanced with the safety of passengers, the reliability of lifeline services and the need to sustain high-skilled jobs in island communities; understands that the proposed remote tower option being pursued was identified by HIAL's own advisers as carrying the greatest potential risk and cost; believes that many HIAL employees and stakeholders feel that they have not been properly consulted or that their concerns have been taken on board; considers that HIAL's ability to implement its remote tower model requires it to be able to convince existing staff to support the changes and that the level of dissatisfaction currently felt among ATC staff is likely to exacerbate any recruitment and retention problems and risks; believes that the reported recent communications failures at HIAL's airports serve to reinforce the concerns that have been expressed about its proposed centralisation model; considers that these proposals will have a detrimental impact on communities in the islands, and notes the calls on the Scottish Government to instruct HIAL to halt the remote tower project and pursue other options for modernisation.

12:50

Beatrice Wishart (Shetland Islands) (LD): I thank members for supporting the motion and for being present in the chamber. I also welcome members of staff from Highlands and Islands Airports Ltd, who are in the public gallery.

I lodged a motion for debate on air traffic control centralisation, because the issue is of huge concern to my constituents in Shetland and to communities across the Highlands and Islands that have links to HIAL-run airports. I remind members that HIAL is 100 per cent owned by the Scottish Government.

As part of its "Air Traffic Management Strategy 2030", HIAL is pushing ahead with the introduction of remote towers at seven of its airports, in effect centralising air traffic control in Inverness. According to HIAL, 86 jobs will be impacted. In our communities, that is the same as it would be if

hundreds of jobs were lost in Edinburgh or Glasgow.

Stakeholders such as Shetland Islands Council—of which I was a member at the time—were told that change was necessary because of the difficulty of recruiting and retaining air traffic controllers; because the method of air traffic control that is currently used in the HIAL network is out of date and out of step with the rest of the world; and because HIAL had to future proof its operation to ensure continuity of service.

The people to whom I have spoken are not against change. Everyone wants a safe, resilient service in the Highlands and Islands. The main concerns that those who disagree with HIAL's proposals have raised are about safety and resilience on the lifeline services that operate out of HIAL airports, along with the loss of highly skilled jobs in our communities.

In relation to the safety and reliability of remote towers, a Swedish air traffic management executive contacted me last week to tell me that the airports that his company serves have not introduced remote towers because the technology is "not mature yet".

Last February, my predecessor, Tavish Scott, highlighted that, between 2013 and October 2018, there were 79 incidents of full or partial degradation of air traffic control communications. Many of those faults involved Inverness airport. There is no suggestion that passengers were put at risk, but it raises serious questions about the technological viability of the plan.

Related to that point is the often extreme changeability of the weather in the Highlands and Islands. There is no substitute for eyes on the ground, so the remote towers plan does not fill me with confidence.

In recent years, there have been recruitment challenges, although not at Sumburgh airport. There is a shortage of air traffic controllers across the United Kingdom. It is a respected profession that requires a great deal of training, and there is only one trainer in the UK for the existing model of air traffic management on the HIAL network. HIAL's view is that it is easier to attract controllers to Inverness than to the islands, but the air traffic controllers to whom I have spoken do not want to move to Inverness. They have settled and made their homes on the islands and wish to stay in our island communities.

In any business or organisation, the most valuable asset is the staff. In implementing major change, particularly one that involves transformation on the scale that HIAL proposes, one of the first principles is to involve staff. Companies need to bring staff along with them, rather than force change on them.

A survey that Prospect conducted of its members who work for HIAL tells us that 94 per cent oppose the remote towers plan and that 82 per cent would be more likely to leave HIAL if it was implemented. HIAL is setting itself up for a recruitment crisis instead of solving one.

That brings me to the lack of consultation. Two years ago, HIAL's consultants described the remote towers option as

"one of the most expensive and certainly the most difficult and risky".

The remote towers are predicted to cost £123 million over 15 years, a figure that is almost certain to rise. Yet Parliament was told only on Tuesday, in response to a question from Liam McArthur, that HIAL will conduct an islands impact assessment of the project.

That is too little, too late: people in Shetland feel—and rightly so—that the decision has already been made. HIAL will say that it has done a thorough consultation with all stakeholders. The air traffic controllers who have contacted me have been clear that discussions with HIAL have been only one way and only happened after the board had already made its decision to proceed. Centralisation has never been in doubt and a centralised service is never based in the islands. That has been so on many other occasions.

The timing of HIAL's decision could not be more stark. On 27 December, the first national islands plan was published. The plan is a requirement of the Islands (Scotland) Act 2018. The first strategic objective in the plan is addressing population decline. We are rightly told that

"Ensuring that legislation and policy affords a supporting environment to encourage economically active people either to stay, return or move to an island ... is of the utmost importance".

HIAL's decision to rip highly skilled jobs out of our island communities beggars belief.

I agree entirely with the leader of Western Isles Council, Roddie Mackay, who said last Friday:

"This is not an attitude or approach we would expect from a Scottish government owned company."

I ask the minister to halt this centralising project. This is surely a test of whether the Islands (Scotland) Act 2018 is to live up to the promises and expectations of islanders. More than that, the delivery of our lifeline air service and highly skilled jobs are being put at risk.

The Deputy Presiding Officer: We move to the open debate. I will allow speeches of four minutes.

12:56

Gail Ross (Caithness, Sutherland and Ross) (SNP): I thank my colleague Beatrice Wishart for

bringing this important and timely debate to the chamber.

Like all my Highlands and Islands colleagues, I was concerned when I heard of HIAL's plan to centralise air traffic control operations in Inverness. No matter what anyone's opinion is on the decision, we must agree that it will fundamentally change the way in which air traffic services are provided at our rural Scottish airports. The decision will bring considerable disruption to affected staff and I fear that compulsory redundancies will be necessary—something that the Scottish Government and I are firmly against.

I have been in contact with several stakeholders over the last week, including HIAL, Prospect and Loganair. Although Loganair has broadly welcomed the changes, Prospect has nearly unanimously opposed the decision. What is clear from my correspondence with both HIAL and Prospect is that both parties are committed to the modernisation of our airports and their systems. We all acknowledge that change is necessary.

However, Prospect feels that it was not consulted thoroughly—or at all—before the decision was made. David Avery of Prospect has gone on record to say:

“It is inconceivable that such far-reaching changes can be brought in with the paltry level of consultation and transparency we have seen.”

My main concern lies with the current workforce across the affected airports, although I would also like to hear from the cabinet secretary about the safety issues that Beatrice Wishart mentioned.

We have been told that those who want to commute to Inverness will be free to do so, but it is impossible to imagine the staff located on our islands committing to making that journey. Those who live outside the commuting zone now face having relocation forced upon them. From my correspondence with HIAL, there seems to be a lack of clarity on how subsidised travel for commuters will be provided and HIAL has also acknowledged that there are no provisions in place for staff accommodation facilities in Inverness.

The centralisation process has raised valid concerns about whether this decision is in direct contravention of the Islands (Scotland) Act 2018, which came into force last summer. HIAL has acknowledged that it will review its approach depending on the outcome of an island impact assessment, which it has committed to undertake. I welcome that, although I feel—as do colleagues on the islands—that the assessment should have been conducted prior to publishing the proposed plans.

I acknowledge that the plans include investment in areas outside Inverness. New radar surveillance

equipment will be introduced at my local airport in Wick and those working with the new equipment must do so on site, so there is a degree of flexibility in place for those who do not want to relocate to Inverness. Similar changes will also take place at Benbecula.

Although I truly understand the apprehension of Prospect and its members, I know that HIAL and the Scottish Government have a track record of working hard to keep connectivity and infrastructure in place in my constituency. I remind the chamber of both parties' determination to sustain the air services to and from Wick John o' Groats over the winter period. On top of that, a lot of good work has been done by HIAL, Caithness Chamber of Commerce and others locally regarding the public service obligation business case.

I can and do give credit to HIAL for its efforts to preserve connectivity to the far north, but I urge it to continue its hard work, to engage with key stakeholders and to recognise when plans need to be amended as the current project progresses. I have listened to what the various stakeholders have had to say on the issue, and I urge HIAL to listen and to provide reassurance to the affected workers and relevant unions, as well as scrutinising its decision via a comprehensive island impact assessment.

13:00

Jamie Halcro Johnston (Highlands and Islands) (Con): I thank Beatrice Wishart for bringing this important debate to the chamber and for her contribution, and I thank Gail Ross for her thoughtful speech. It is important that the voices of service users are very much at the forefront of the process.

HIAL's plans to centralise air traffic control services are just the latest in a long line of issues on which the company—which is, of course, owned by the Scottish Government—has found itself on the wrong side of local public opinion. It is another situation in which the feeling among many people in the remote and island communities that HIAL serves is that the decision has been taken in the interests of the company and saving money.

It will come as no surprise that, since HIAL announced its proposals, constituents across my region have expressed concern. I am sure that many of the other members who are taking part in the debate will have had the same experience. As Beatrice Wishart mentioned, people recognise that modernisation and sustainability are necessary in serving a region that, as those of us who live there know, can be a challenging place in which to operate, but they are worried that those things are coming at the expense of their communities.

It is less than a year since the historic Islands (Scotland) Act 2018 was passed by this Parliament, with widespread support from all parties. It enshrines the principle that our islands have clear, distinct issues that should be considered in policy making. I welcome the news that, at the very least, an island impact assessment will be carried out on HIAL's proposed changes, but I am concerned, as others are, that HIAL's proposals are at odds with the objectives of the islands act.

The Scottish Government's "National Islands Plan" highlights the importance of local jobs. It states:

"it is clear that all islands could benefit from more opportunities for the people who live there. Sometimes, a small increase in jobs or income generating opportunities can have a huge impact on an island community".

In this instance, I agree with the Scottish Government, yet HIAL's proposals will uproot direct employment from those very same island communities, which will have an impact on families, businesses and the local economies.

Bill Bowman (North East Scotland) (Con):

Does the member agree that, although the name of the group is Highlands and Islands Airports Ltd, it includes Dundee airport and that people there could also be affected?

Jamie Halcro Johnston: I do. That is an important point to make, and I thank Bill Bowman for making it.

The islands plan also states:

"Transport is a key sector where island communities want to have an even greater voice so that they can genuinely inform decisions that will affect them day in day out."

Is the cabinet secretary confident that that objective is being met in this case? Time and again, constituents have criticised HIAL's inability to consult adequately, whether with local communities or its own staff. Is the cabinet secretary confident that those local communities that will be directly impacted by the plans have been adequately consulted and have had their voices heard?

What about the regional air traffic controllers? They are highly skilled, and the Helios report, which was commissioned by HIAL, gives the clearest possible indication that ATC staff have deep concerns about job security and do not consider relocation to be a viable alternative. The Helios report noted the potential dangers of the connection between the remote towers and airport facilities not being 100 per cent. It also outlined the potentially prohibitive costs that would be incurred in making sure that those electronic links are completely secure.

I am from Orkney, and I rely on these vital lifeline air links to get to Parliament and home again, to get out to meet my constituents and to represent them in this Parliament. I have experienced the worst of the weather conditions that those links have to operate in. One winter, I sat in Aberdeen airport for almost 10 hours and had to spend another hour or so sitting on the plane on the tarmac, waiting for a weather window that would allow us to leave Aberdeen and land in Kirkwall safely.

I simply cannot believe that the proposed centralised system would allow the operation of such flights safely in similar circumstances and conditions. Unless the cabinet secretary can guarantee today that people travelling to and from our islands communities will see absolutely no detrimental impact on flights, whether they are making personal, business or medical appointment journeys, I urge him to ask HIAL to think again.

This is an opportunity for ministers to take a different course and to refresh and reset relationships between HIAL, its employees and the communities that it serves; fully engage with those communities; and show that HIAL and the Scottish Government are genuinely listening to our concerns, that our voices will be heard, and that our concerns will not be ridden roughshod over again.

13:05

Rhoda Grant (Highlands and Islands) (Lab):

I, too, congratulate Beatrice Wishart on bringing this important debate to the chamber.

I have been speaking to air traffic controllers about this proposal for some years, and their fears, rather than being allayed, have increased. The overwhelming majority of air traffic controllers who are currently employed by HIAL are against the centralisation plan. New staff who are being recruited have a clause in their contract that makes provision for relocation from local airports to Inverness in the future, which shows that the decision was made a long time ago, without appropriate consultation with existing staff.

Proposals for alternative arrangements to remote towers have been drawn up and submitted by existing senior staff, but they seem not to have been considered at all. They have staff backing but there has been no indication that they have ever seen the light of day in HIAL.

For remote towers to work, they need very reliable digital connectivity. Normally, four separate connections are required to provide security. Remote tower operations in Scandinavian countries have hardwired cabling with back-up, and they generally serve single-

aircraft operations in airports that have around one or two flights per week. The United Kingdom is considering remote working for the busier London City airport, but that is not yet working independently, so is not a live comparator. It has multiple hardwired connectivity back-ups and several nearby large airports in controlled airspace that would help out with any problems.

There has been a suggestion that HIAL would require a lower level of resilience, but that would surely put lives and services at risk. The reality is that some of the airports do not have any adequate digital link, far less four independent ones. With the withdrawal of Connected Communities in the Western Isles, the situation is even worse. Everyone who lives on the islands and in remote parts of Scotland knows the problems of poor internet, electricity and communication infrastructures, and they see the impact that weather has on them.

This week, we heard that an islands impact assessment will be carried out, although that will be only a paper exercise, as the scheme has already been tendered and contracted. This is the first test of the islands impact assessment, so it must be meaningful. We have also heard that Benbecula and Wick airports are being downgraded. There has been no islands impact assessment for Benbecula and there has been no consultation with staff on the proposals, which have come as a bolt out of the blue. The airports that are being downgraded are the ones that will have to deal with spaceports—it makes absolutely no sense.

Gail Ross: I say, for the record, that there has been consultation with staff at Wick airport.

Rhoda Grant: My understanding is that there was no consultation with staff on Benbecula, but I am willing to be corrected.

Surely, all staff should be consulted fully before such decisions are made, and, surely, the communities should be consulted. Given that HIAL is in favour of spaceports in these areas, it needs to be sure that they can operate safely.

The truth is that the centralisation will have a huge impact on the economies of both the islands and Caithness, as Gail Ross well knows. Although the jobs are more poorly paid than their counterparts at other airports, they are more highly paid than the Scottish average, and they are permanent, year-round jobs. The families of people who do the jobs are integral to the community: they are professional staff who work in our public services and in private industry. They will not be easily replaced if they are forced to move.

Previous recruitment by HIAL was exemplary. HIAL recruited and trained local people who were

vested in their communities and who wanted to live there. Now, they are being forced to move. Many have contacted me as the scheme has emerged. They are families with mortgages, who have no choice but to move because there is no alternative employment that could pay their mortgages. Their circumstances give them no choice at all. Reading their emails is heart-breaking: the personal cost is huge. The cost to our island and remote communities is also unacceptable, and I urge the Government to stop this wrong-headed scheme.

The proposal is to develop a multimillion-pound project to put remote towers into only five airports, but, surely, it would be better and more sensible to put measures in place that would control airspace and provide the resilience that is required. The Government could do that at a fraction of the cost. The scheme is a vanity project and, like others before it, it will end in tears. I beseech the Government to put an end to it and to look at more sensible options for the future.

13:11

John Finnie (Highlands and Islands) (Green): I, too, congratulate my colleague Beatrice Wishart on bringing forward this important debate.

I do not know anyone who does not want the highest standards of safety to apply. I have received a briefing from Prospect—a union that has been a tremendous supporter not only of its own members, but of Highlands and Islands representatives—which says:

“By centralising services, HIAL are introducing multiple single points of failure to an already complex system. The cameras, the data connections and centre itself all present potential points of failure.”

It is important that we understand how decisions are reached. I am also very interested in the management structure and the role that ministers play. I absolutely understand that many people in the chamber would be critical of the cabinet secretary if he were to intervene in operational matters—I get that. However, there have been some significant matters involving HIAL over the years—including issues connected with rendition flights and the related inquiry, and its significant capital expenditure. The cabinet secretary is to be commended for one intervention that he made in relation to HIAL, and that is the one that he made in respect of a pay dispute. That was very important, and I ask that he intervenes again.

Many members have spoken about consultation or, indeed, the distinct lack of consultation about this matter. People who are familiar with the car parking charges fiasco will know of the heavy-handed way in which HIAL went about handling it.

It is important that every employer has regard to its workforce.

There is an additional responsibility placed on organisations such as HIAL. It has a unique social responsibility, given its oversight of lifeline services. What we have heard so far is disappointing.

I was really surprised to hear the cabinet secretary tell us that HIAL is going to do its islands impact assessment. In one respect that is very good. However, a key objective of the national islands plan is to display

“leadership in the public sector”

by

“demonstrating that jobs and careers can be successful on islands.”

HIAL would most certainly fail on that. Rhoda Grant mentioned the clause in new contracts. Clearly, the process is flawed, and that is because of the way that it has been approached.

We should celebrate the unique geography of the Highlands and Islands, and that means that comparing productivity or the number of flights that are overseen by an operator at Gatwick or Edinburgh and in Benbecula makes no sense whatsoever. Those are not factors that should be considered.

HIAL has something that it is right to be proud about in relation to its employment. Rhoda Grant referred to HIAL as an “exemplar”, because it trained local people. That is a very clear example of its social responsibility in terms of ensuring that quality jobs are provided in communities where the profile and range of jobs means that there are not many highly paid ones.

I will not go into the technical aspects, not least because I am not a very technical person. However, I know that one aspect that has been referred to is the question of local knowledge. That is unique.

We hear examples of the particular challenges of delivering air services in the conditions that often prevail in the Highlands and Islands.

Recruitment is an issue, but that is not unique to HIAL, Scotland, the United Kingdom or Europe. It is a worldwide issue, which we are aware of, but some of the factors and challenges in retaining staff will be compounded here. As has been said, air traffic controllers are a highly marketable commodity—they are in demand worldwide. What we absolutely must do is ensure that such jobs are retained in the islands communities.

If the outcome of any process is the removal of valuable jobs, the process is wrong. I ask the cabinet secretary to intervene to ensure that the

organisation that has oversight of our lifeline air services acts with social responsibility and not like a multinational corporation.

13:15

Liam McArthur (Orkney Islands) (LD): Like other members, I thank my friend and colleague, Beatrice Wishart, for securing this important debate. I thank her, too, for the clarity with which she set out the serious implications of the proposed centralisation for the Shetland community that she represents, as well as the very grave concerns that air traffic control staff, some of whom are in the public gallery, have been spelling out for months about HIAL’s plans. It is a picture that I recognise all too well from an Orkney perspective. From the excellent speeches of colleagues who represent other communities in the Highlands and Islands, I can see that it is the same for them.

Like Gail Ross, I want to debunk a myth that has grown up around the issue. Those of us voicing concerns about the centralisation of ATC services have been equally passionate in arguing for the modernisation of those services and the infrastructure on which they rely. It is not an either-or situation, as some have sought to portray it. Controlled air space is non-negotiable. Full radar surveillance is a must.

The fact is that centralisation—a remote tower in Inverness that covers the entire region—is not the only show in town. HIAL’s consultants recognised that. Indeed, Helios went even further, concluding that the remote tower model was the most costly and risky of the options that are available to HIAL, yet HIAL has been determined to press ahead with that plan from the get-go.

All the talk of consultation counts for little when the outcome is predetermined, and that point is not lost on staff, who remain deeply unhappy at the way in which they have been treated throughout the process. They are so unhappy that 82 per cent say that they are prepared to leave the organisation if it continues down that route. That figure alone should give HIAL pause for thought. It certainly calls into question HIAL’s ability to deliver such a radical change, but it also raises doubts about its ability to support existing services.

At topical question time on Tuesday, the Cabinet Secretary for Transport, Infrastructure and Connectivity quoted Loganair’s managing director, Jonathan Hinkles, but he failed to acknowledge what Mr Hinkles went on to say, so I will remind members. Mr Hinkles said:

“people clearly have a choice between redundancy, relocation or taking their skills elsewhere in a competitive labour market, this will be an undoubted challenge to manage.”

From my discussions with local air traffic control officers in Orkney earlier this week, and from the meeting that MSPs held immediately prior to the debate, I see no sign that HIAL is close to meeting that challenge. The consequences for the delivery of our lifeline air services if staff start voting with their feet is truly alarming.

There is also little confidence in HIAL's costs for the project. HIAL is quick to point to other parts of the world where such a measure is being delivered or considered, but all those examples have significantly better infrastructure in place than the Highlands and Islands, and none present the same difficulties. Unfortunately, by the time that reality catches up with the assertions that have been made by HIAL and, latterly, ministers, millions of pounds will have been wasted and staff will have left.

This Government's record on centralisation or major information technology projects is not unblemished—just ask our police or farmers—yet HIAL now proposes an unhappy amalgam of the two.

It is funny how such processes never lead to services being devolved outwards; they are always concentrated in the centre. If the infrastructure and system are so resilient, why not locate the tower in Kirkwall or Sumburgh? In renewables and oil and gas, for example, those communities have shown that they can be centres of excellence and attract and retain workers. However, that was never on the cards in this case. That is what happens with centralisation and when the deck is stacked from the start.

I thank Beatrice Wishart again for enabling Parliament to have the debate, and I again urge the cabinet secretary to call a halt to the potentially damaging proposals.

The Deputy Presiding Officer: I call Michael Matheson, the Cabinet Secretary for Transport, Infrastructure and Connectivity, to respond to the debate—for around seven minutes, please, cabinet secretary.

13:19

The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson): As other members have done, I congratulate Beatrice Wishart on securing time for the debate.

I have listened with interest to the speeches of colleagues across the chamber on the important issue of the future shape of air traffic control services in Highlands and Islands airports in the years ahead.

Members will recognise, of course, that provision of air traffic control services is changing

across the world. There is an unprecedented demand for controllers and a move from traditional practices to more modern working, including digital working. Those new working practices, views on safety and level of service, and new regulatory frameworks are creating a different ATC environment that all airports must adapt to if they are to continue to operate in the future.

I will deal first with the regulatory environment in which HIAL operates and will operate in the years ahead, because it provides important context. That environment is changing, so the way in which ATC services perform will have to evolve to reflect that. ATC modernisation is driven by changes that have been made by the European Aviation Safety Agency and the Civil Aviation Authority, concerning new regulations governing the use of controlled airspace. Since the work started in 2017, there has been broad agreement—as I believe there is agreement in the chamber today—that doing nothing is not an option, because it would lead to the eventual cessation of air services in the Highlands and Islands. The current practice of HIAL will not meet future operational or regulatory requirements, the current infrastructure is not suited to modern working and the current arrangements have weaknesses that ensure that there are challenges in terms of the reliability and sustainability of services, going forward.

Although the current arrangements are safe, there are—

John Finnie: Will the cabinet secretary take an intervention?

Michael Matheson: I will finish my point and will give way to John Finnie after that.

As I said, although the current arrangements are safe, there is an opportunity to make them safer and, at the same time, to achieve greater efficiency through reducing emissions from aircraft operation.

John Finnie: Does the cabinet secretary acknowledge what was said in the quotation that I read earlier from Prospect? No one has issues about the safety aspect, but the model that is proposed—I presume that the cabinet secretary will acknowledge that it is not the only model that is available—does not come without risks.

Michael Matheson: All the models come with risks. I will address that later in my speech. John Finnie has raised an important point.

I believe that we all recognise that safe and sustainable air services are essential to the economy and social wellbeing of our Highlands and Islands, and that they are a major part of supporting communities there. HIAL must therefore ensure that, at each of its airports, the company operates in compliance with all the

regulatory requirements. That is for the benefit of passengers and the wider community that HIAL serves.

Recognising the vital role of the airports and the fact that the status quo is not an option, HIAL commissioned Helios to carry out a full and detailed analysis of all the options that were available to the airports collectively and in relation to each airport in the group. A number of members have referred to the Helios report.

Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP): Will the cabinet secretary take an intervention?

Michael Matheson: I am happy to give way, Presiding Officer, but there is a lot that I need to get through, so I ask you to bear with me, timewise, so that I can do so.

Dr Allan: The cabinet secretary might be about to address this matter. What serious consideration did HIAL give to looking at sites other than Inverness for its proposed new model?

Michael Matheson: I will come to that point, too, later in my speech.

It is worth keeping it in mind that Helios is a specialist independent consultancy that works with airports around the world on such issues. Its work was detailed and dispassionate and recognised the unique environment in which HIAL operates. It benefited from engagement and contributions from HIAL air traffic control staff and other interests, and consisted of a full review of all air traffic management operations and options to address regulatory requirements. The report identified the challenges and the potential weaknesses to which Liam McArthur and others have referred.

The remote towers and centralised surveillance option, in conjunction with controlled air space, was recommended by Helios as the most appropriate for HIAL and the best suited to HIAL's multi-airport structure and particular needs.

Since that report was completed, further detailed examination of the options for each airport has identified that an aerodrome flight information service might be more proportionate for Benbecula and Wick airports, as was referenced by Gail Ross and Rhoda Grant. That conclusion reflects the volume and nature of flights at those airports and use of the airspace around them. The proposals mean that the airports would operate in a similar way to Barra, Tiree, Campbeltown and Islay airports.

Members will be aware that implementation of the change is currently subject to discussion with staff and a range of other parties that have interests in the matter—in particular, the main operator, Loganair. Implementation also requires

licensing and approval from the Civil Aviation Authority, as the airports regulator.

Since the decision was taken in 2018 to implement the programme of work, significant progress has been made in a number of areas. I know that some people will say that there should have been greater engagement by HIAL at an earlier stage, but I also acknowledge that, over the past two years, engagement has taken place with elected members, interested parties, airline operators and the Civil Aviation Authority.

I know that Loganair, which is the biggest operator in the Highlands and Islands, has written to members outlining its views. As the airline that has more experience than any other in operating in the Highlands and Islands, its views on safety and resilience carry significant weight.

Liam McArthur: I thank the cabinet secretary for sparing time to discuss the matter in more detail. Following topical questions on Tuesday, he will recognise the concerns that I have about the technicalities. Frankly, the consultation with staff over the last two years has seen HIAL in sales and transmit mode—not in listening mode. Part of the problem is that, two years down the line, there is not a lot of confidence among staff that HIAL is prepared to listen to the serious concerns that they continue to raise. It has got to the point where staff are preparing to leave HIAL, which puts in jeopardy not just the organisation, but delivery of lifeline services to Orkney and around the Highlands and Islands air network.

Michael Matheson: The board of HIAL has accepted the recommendation in the Helios report, which looked at the matter in great detail. It is important that in progressing the model, HIAL engages with staff and interested stakeholders to address their concerns.

I know that my colleague, Paul Wheelhouse, met Beatrice Wishart and Rhoda Grant before Christmas to cover some of the issues. He suggested that they provide a list of areas of concern and issues. This week, we received a response from Rhoda Grant. We have not yet received details from Beatrice Wishart. However, the offer remains open in order that we can make sure that the issues are picked up and addressed. I am clear about the need for HIAL to continue to engage with staff throughout the programme of work to take the project forward.

I turn to safety. A number of members have made reference to it and have suggested or implied that digital towers are less safe than the current arrangements. We need to be very clear: HIAL will introduce only arrangements that enhance safety. The new technology will improve visibility for controllers and ensure that they can

see an aircraft at all times, which is not always the case at present.

Although the current arrangements are safe, we should always strive to improve safety even further, which is an important part of the new arrangements. I am sure that all members have confidence in the Civil Aviation Authority, given that it is required to license and approve any new scheme that HIAL introduces. The Civil Aviation Authority is the safety expert on such matters. It is also driving the regulatory changes that mean that we need to change the existing operational structures for air traffic control. The authority is best placed to make that assessment.

I turn to a point that members have made about the Islands (Scotland) Act 2018. As I highlighted in my response to Liam McArthur's question on Tuesday, an islands impact assessment will be undertaken by HIAL. One was not done in 2018 because the decision predated the act. The work has been on-going for some two years now, and the assessment will be undertaken as part of our commitment within the islands act.

John Finnie rose—

I have given way twice and I really must make progress, I say with all due respect to Mr Finnie.

In relation to controllers and ATC support staff, it remains important for HIAL to undertake proper and fully detailed engagement with staff to try to address individual circumstances and concerns. I fully recognise that it is a major transformational change that will, in some cases, require staff having to be trained in new procedures and relocating to a new workplace or, potentially, commuting to Inverness for parts of the week. I recognise the challenges and concerns that that raises for staff, which is why it is important that HIAL engage directly and individually with staff who are affected by the changes that will be introduced.

Members including Alasdair Allan and Liam McArthur have asked why Inverness was chosen for the location of the digital tower. One of the reasons was a staff survey that identified Inverness as the preferred location for a central surveillance tower, if one was to be established. HIAL published the details of that survey, and it has given a commitment to continuing to be open about key operational decisions, as it makes progress.

I recognise that not all air traffic controllers are supportive of the change, which is understandable. However, the change presents an opportunity to move in a direction that is in line with the rest of the industry on provision of air traffic control services, to ensure that HIAL can meet the regulatory change that it will face in the years ahead to deliver a more resilient service

than exists at present. The change will also future proof the service with the latest technology, which will benefit service users in the years ahead.

Ultimately, however, the program will provide an opportunity to provide a much more resilient and safer service than we have now. Of course, full implementation by HIAL will be done in a fashion that I believe will involve careful and detailed assessment. Rigorous testing will be implemented throughout the process in order to meet the Civil Aviation Authority's standards. I encourage members from across the chamber to continue to raise concerns and matters that they believe need to be addressed as the program moves forward. That will allow HIAL and other stakeholders to ensure that those matters are appropriately addressed.

The Deputy Presiding Officer: I think that we might have set a record for the longest response at a members' business debate. That concludes the debate. The meeting is adjourned until 2pm.

13:34

Meeting suspended.

14:00

On resuming—

Farming and Crofting (Support)

The Deputy Presiding Officer (Christine Grahame): The next item of business is a statement by Fergus Ewing on providing financial stability for Scotland's farmers and crofters. The cabinet secretary will take questions at the end of his statement, so there should be no interventions or interruptions.

14:00

The Cabinet Secretary for the Rural Economy (Fergus Ewing): I am determined to do all that I can to provide financial stability for Scotland's farmers and crofters, but the United Kingdom Government seems equally determined to make that impossible. For three years, I have pressed the UK Government relentlessly to deliver on the promises that its Brexiteers made on future funding for farming and food production.

"The UK government will continue to give farmers and the environment as much support—or perhaps even more—as they get now."

That was what George Eustice, the UK rural affairs minister, promised in 2016. However, all that we have had is a letter from a UK Treasury minister, confirming that Scotland will receive £472 million to enable us to provide the 2019 common agricultural policy payments, and a lecture about how the UK Government is shifting its policy on supporting farming to

"value for money for the taxpayer".

That is an insult to Scotland's farmers and crofters, and I have written to George Eustice, urging him to disassociate himself from his colleague's remarks.

That signals that, far from receiving a Brexit bonus, we face a Brexit boomerang. I throw my reasonable requests for financial clarity and certainty to the UK Government; it throws them back at me with nothing in return.

Any changes that are being made are unwelcome. We are moving from having seven years of guaranteed funding from the European Union, and knowing what that funding envelope includes, to having to wait each and every year for the UK Government to say how much money will be received.

Despite that, I will do my utmost to deliver as much certainty and stability for farmers and crofters as I can. Last December, I published the 2019 CAP payment strategy, which set out when payments would be made to our customers for each of our pillar 1 and pillar 2 schemes. I am

confident that we will meet the targets in the strategy, which build on a solid track record, in recent years, of addressing the issues in the CAP information technology payment system and getting funding to farmers, crofters and land managers as promptly as possible. The IT system is now working and it is stable. Last year, all the payment targets were either met or exceeded.

We have now paid out £409 million in basic, greening and young farmer payments for 2018, and there are fewer payments left to be made during the tail period than in previous years. Nonetheless, I have asked that the final 23 complex and highly technical claims from 2018 be prioritised as a matter of urgency.

We have also paid out £46 million in coupled support payments. We are still the only part of the UK to provide that extra support directly to farmers and crofters.

In the pillar 2 scheme, we have paid out £3.5 million in forestry grants, enabling Scotland to exceed its tree planting target. We have also paid out £19.5 million through the agri-environment climate scheme and £63.3 million through the less favoured area support scheme. Until recently, we were—again—the only part of the UK to provide additional support to those who farm on the most marginal land.

Presiding Officer, you will recall that it was the UK Government's reckless intention last October to leave the EU with or without a deal in place. I was not prepared to allow that to happen without providing Scotland's farmers and crofters with as much financial stability as possible. The Scottish Government therefore put in place a national loan scheme, which gives eligible farmers and crofters 95 per cent of their basic payment entitlement at the earliest point ever under this CAP. Through the scheme, £334 million was paid out last October to 13,837 claimants. Furthermore, our payment was made about two months earlier than payments were made in any other part of the UK.

In December 2019, we launched the LFASS loan scheme, which is in addition to the basic payment loan scheme, and, to date, we have paid out £38.2 million to 7,595 claimants. Combined, the two loan schemes have so far paid out £378 million to those claimants. The objective has been to put money into farmers' and crofters' hands, where it belongs, when they are having to deal with Brexit uncertainty created by the UK Government. That figure represents 69 per cent of the total £550 million that is due to be paid out by around June this year. The remaining top-up basic, greening and young farmer payments will start to reach bank accounts in early February.

Those who did not take up the offer of a loan, and who are therefore waiting for all their 2019

CAP payments, will be prioritised. Payments in the pillar 2 schemes will begin in early April. Moreover, we will continue to improve the efficiency of the whole payments system by seeking to move further to a fully digital application process. Through our area office staff, we will provide practical support to the remaining 9 per cent or so of applicants who still submit applications on paper, to enable them to apply online. We will contact those applicants and offer them one-to-one sessions with staff who have a wealth of experience in that work, as we know that that approach is likely to be efficacious.

Those are not the only payments that our farmers and crofters will receive this year. After years of campaigning, which was led by the Scottish Government and supported by this Parliament and key stakeholder organisations, the UK Government finally agreed to right the historical wrong of keeping back the EU convergence money. As a result, Scotland will now receive historical funding of £160 million, and I have already advised Parliament of my intention to split that between the current financial year and the next. I previously advised Parliament that that would be done in two equal payments of £80 million. Since then, however, I have engaged with stakeholders including the Scottish Crofting Federation and the Scottish Tenant Farmers Association and have heard their concerns about the need to ensure that more of the funding reaches those who farm in the most marginal areas. Accordingly, I announced a further package of measures for farmers and crofters, which includes redistributing an additional £10 million in 2019-20 to those who are in the most challenging areas, to be drawn down from the second tranche of convergence funding.

I advise members today that the funding will be allocated to those who need it most—farmers and crofters in regions 2 and 3, as is explained in the handout that I provided to members with this statement. The split of the £10 million will be weighted to region 3, with 70 per cent of the funding going to that region and 30 per cent being allocated to region 2. There will be no change to the voluntary coupled support component, which will be retained at £15 million as per my previous announcement. That funding will be paid by the end of March, in addition to scheduled pillar 1 payments.

I want to be sure that the level of the payments that are received by individuals strikes the right balance between preventing excessive payments and ensuring an appropriate level of support for larger, more productive businesses. I therefore confirm that a cap of £55,000 will be placed on the basic payment element of the funding, which will be the maximum that any business or individual farm can receive. Although there are no conditions

and no specification as to what the funding can be used for, I encourage farmers and crofters to consider how best they might apply it.

We are all aware of the climate emergency and the need for all sectors—including agriculture—to do more to cut their emissions. There is a lot that farmers and crofters can do in that space to reduce their carbon footprint and improve their efficiency and productivity. However, we should acknowledge what they already do and what this Government is already supporting. Through greening, the agri-environment climate scheme, the beef efficiency scheme and forestry grant schemes, approximately one third of current funding is tied to reducing the impact of the sector on the climate or to improving biodiversity.

Unlike the UK Government, the Scottish Government considers that our farmers and crofters already deliver value for money for the taxpayer. That is why we commit today to providing farmers and crofters with support totalling £640 million in this CAP payment year. That is what this Government delivers for Scotland's rural economy. Through our payment strategy for 2019 and by our actions, this Government is providing Scotland's farmers and crofters with certainty, clarity and, above all else, financial stability.

The Deputy Presiding Officer: The cabinet secretary will now take questions on the issues that were raised in his statement. We have about 20 minutes for that.

Peter Chapman (North East Scotland) (Con): I declare an interest as a partner in a farming business, and I apologise for arriving slightly late. I thank the cabinet secretary for prior sight of his statement.

It is pretty rich for the cabinet secretary to criticise the Westminster Government in his statement. The truth is that, for three years, the Scottish National Party Government has done all that is in its power to make a Brexit deal impossible and, far from giving Scottish agriculture any certainty about future payment plans, it has only tried to increase grief, grievance and division between this place and Westminster for political point scoring. The cabinet secretary has wasted three years when he should have been planning to implement a system of support that is tailor-made for the needs of Scottish agriculture. That is the big prize that Brexit offers, but we still await any idea of what he thinks is going to happen.

The cabinet secretary boasts about making payments on time. However, he can still deliver payments on time only with loan schemes, because the expensive IT system still does not work properly five years on, despite his claim to the contrary. In the recent past, it was an

unmitigated disaster that had farmers in despair. This year, the cabinet secretary used £14 million—

The Deputy Presiding Officer: I had better warn you that your one minute is up. You are at 1 minute 30 seconds, and I have not heard your question. You had better ask it right now.

Peter Chapman: Yes, indeed. Does the cabinet secretary intend to use £42 million of the remaining £70 million of convergence funding to fill the shortfall in LFASS payments next year, bearing in mind that the shortfall should be funded from the Scottish Government budget?

Fergus Ewing: Where does one begin? Let me just answer the question, which is a duty.

First, I was delighted that the UK Government finally acknowledged the error of its ways. It committed what it admits was an historic injustice in wrongly withholding £160 million from Scotland's farmers and crofters, and it did that for six years. If I held on to property that belonged to someone else for six years, I would probably not be here; I would be in Barlinnie. However, that is what they did, and for them now to take this haughty attitude beggars belief.

Secondly, we paid money to our farmers and crofters this year through the basic payments loan scheme around two months earlier than the rest of the UK. Although they are called loans, they are de facto advance payments, and I can tell members—I think that Mr Chapman knows this—that they were very much appreciated by farmers who were desperately worried about Brexit.

Thirdly, there is no Brexit deal on farming. We do not know whether there is going to be a trade deal. Some say that there will be one, including Theresa Villiers, whom I met last Monday. Most people think that that is incredibly optimistic. If there is no deal, there will be a tax on exports to EU countries—of which we will no longer be one in a few days' time—of 49 or 50 per cent on sheep meat. At the same time, there might be no equivalence to ensure that meat that is imported to the UK from countries in the Americas, for example, meet the high standards here, thereby undermining our whole sector.

It is simply not possible to finalise any system of support for farmers and crofters in Scotland or elsewhere in the UK until those huge uncertainties are resolved, and every farmer I have spoken to is concerned about that.

What a shame it is that the Scottish Tories just do not like good news. They are desperate for bad news, and when good news comes along they just flounder around—they do not know what to do.

Colin Smyth (South Scotland) (Lab): I thank the cabinet secretary for advance sight of his statement.

Let us be clear about why we are here. When the cabinet secretary made his announcement on the allocation of the first £80 million tranche of EU convergence funding, he got it wrong. He did not listen to the warnings and calls that it should not be the source of funding to plug the LFASS gap. The backlash against that decision forced him into his hurriedly arranged announcement of a further £10 million of support to farmers and crofters, but there was no detail. The figure was plucked out of the air to placate criticism.

Today, we have that detail, which I welcome, but it remains the case that using £10 million of funding from next year will leave just £70 million, and continuing to use the fund as a source of funding to plug the LFASS gap will take a further £42 million. Why cannot the cabinet secretary rule out here and now raiding the fund yet again to cover up the fact that, when he made his commitment on LFASS, he did not have the budget to deliver it and needs to find that budget from elsewhere?

Fergus Ewing: It is a matter of fact that I made my pledge absolutely clear when I met the LFASS committee of NFU Scotland in, I believe, early 2019. I said that my pledge was to prevent the diminution of the real income of farmers in the most challenging areas through the LFASS scheme, and that I would seek to do that by winning the convergence campaign or by finding another solution. We won the convergence campaign, and therefore I have entirely delivered the promise that I made. That is accepted, I believe, by those who were present at that meeting, and I have made it clear subsequently.

Colin Smyth says that we did not know what we were doing when we made the announcement. I am afraid that he is wrong about that. The most substantial modelling was carried out by my officials; overall, I think that 33 different schemes were modelled. His glib assertion, made without actually checking any facts, that we somehow made that original—

Colin Smyth: Listen to the question—it was about the £10 million.

Fergus Ewing: I am trying to answer Colin Smyth's question, but he is barracking me. I do not mind.

We did detailed calculations. However, from the reaction that we had, it was plain that we did not get it quite right. I admitted that, and I responded. I met with the Scottish Crofting Federation—I had already met with NFUS—and we put forward alternative proposals. My belief is that that improvement has been welcomed by the majority of people.

I appreciate that not everyone will be happy—making everyone happy is an aim that cannot

realistically be achieved. However, the announcement today, with the placing of the cap at the right level—something that neither of the Opposition spokespeople has mentioned—and with the substantial increases to the region 2 and region 3 components of the payments, will be broadly welcomed.

Moreover, I wanted to make sure that the money was paid out in two tranches, with the first tranche coming before the end of the current financial year. We were in a position to start that work only around October last year. It is a great achievement to have devised, discussed, agreed and implemented a scheme by the end of March this year. I am profoundly grateful to my officials for their excellent work in enabling our farmers and crofters to receive that money by the end of March this year.

The Deputy Presiding Officer: Nine members wish to ask questions and there are 13 minutes in which to do so. I ask for succinct questions and, if possible, succinct answers.

Maureen Watt (Aberdeen South and North Kincardine) (SNP): Does the cabinet secretary share my sorrow and anger that we are being forced to leave the EU next week and that, as a consequence, our farmers and crofters are no better off? Indeed, they could be worse off, not least because of the loss of free trade and migrant labour, with no certainty about what will replace the benefits of EU membership.

Fergus Ewing: Yes, I share Maureen Watt's sentiments. The Scottish Government has consistently underlined to the UK Government that leaving the single market and the customs union will cause significant disruption to trade in animals and plants, food and drink products, and agricultural inputs such as seeds, pesticides and fertilisers, as a result of tariffs, non-tariff barriers and disruption to existing trade routes. We have been clear that the availability of skilled and unskilled labour from an EU-wide pool is essential for our agri-food businesses and producers.

This week, the First Minister made clear again just how much we value and appreciate our fellow EU citizens who have chosen to make their home here. The Scottish Government will have more to say in the near future about immigration policy and the need for a tailored solution in Scotland.

Edward Mountain (Highlands and Islands) (Con): I, too, declare that I am a member of a farming business.

The statement is all about distributing moneys. It contains no ideas for the future, and nor does the cabinet secretary's agriculture bill. When it comes to the future, does the cabinet secretary have any ideas of his own?

Fergus Ewing: The statement was made to provide an update on the financial payments. I do not know whether Mr Mountain thinks that that is unimportant but, if he does, he is entirely wrong. It is absolutely essential for farmers and crofters, who in many cases operate as businesses—sometimes substantial businesses—to have clarity about when they receive funds. I believe that Mr Mountain is or was in business and that the same applies to some of his colleagues. They should therefore understand that point better than they appear to. It is absolutely essential that we deliver information about when farmers and crofters will receive the funds to which they are entitled. For the Tories to pooh-pooh that is a failed strategy on their part.

We are of course working hard on developing future options. Mr Mountain has completely ignored the fact that, in June 2018, we published our document “Stability and Simplicity: proposals for rural funding transition period”, which set out a clear path for our farmers and crofters.

Edward Mountain: That had 47 questions and no answers.

Fergus Ewing: The UK Government's so-called plans were excoriated by the National Audit Office. The ELMS—environmental land management system—plan was ripped to shreds. Mr Mountain should look at the NAO report on that from last June and be worried about the future of payments in England.

The Deputy Presiding Officer: If members are not happy about the answers, they should not barrack from the sidelines, please, because I have to hear what is being said.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I declare a share in a small registered agricultural holding.

Will the cabinet secretary update us on what will happen following the Bew review, which recommended an additional £51 million in funding?

Fergus Ewing: The Cabinet Secretary for Finance, Economy and Fair Work has received confirmation from the Treasury that half of the money recommended by Bew—£25.7 million—will be paid in two equal parts, in financial years 2020-21 and 2021-22. However, we do not have from the UK Government a clear statement on future funding for all aspects that are covered by the EU, and obviously we are pressing on that.

Claudia Beamish (South Scotland) (Lab): The statement highlights the need for agriculture to cut emissions. Will the cabinet secretary join me in welcoming the recent WWF report entitled “Delivering on Net Zero: Scottish Agriculture” and today's Committee on Climate Change report

entitled “Land use: Policies for a Net Zero UK”, which set out a range of measures that will allow agriculture to drastically cut emissions? Will he commit today—

The Deputy Presiding Officer: Stop right there for just a wee minute. I might be missing this, and I am happy to be corrected, but what does that have to do with the statement?

Claudia Beamish: It was in the statement, Presiding Officer. That is why I said:

“the statement highlights the need for agriculture to cut emissions.”

The Deputy Presiding Officer: Right. I have been corrected. Go for it—but briefly.

Claudia Beamish: Will the cabinet secretary commit to assessing the contribution that the recommendations of those reports can make to the way forward for a sustainable farming and land use structure in Scotland?

Fergus Ewing: I acknowledge that the CCC and WWF reports make an important contribution to the debate. I have noted some of the recommendations from WWF, and I hope to meet the organisation shortly to discuss the issue. Arrangements for that are in hand, or they will be shortly. On Monday, I met Chris Stark of the CCC and we had cordial discussions.

We recognise that we need to do more to cut emissions, because we have clear statutory targets, so we will of course address that. However, we should acknowledge the good work that farmers and crofters do. Many of them sometimes feel a bit beleaguered, because the good things that they do are not sufficiently recognised. I hope that we can all acknowledge and recognise that some of the things that they do are public goods, such as the maintenance of permanent grassland and their contribution to biodiversity. However, they need to do more. We are working on a series of measures in that regard, which I hope that the vast majority of farmers will adopt and accept.

John Finnie (Highlands and Islands) (Green): I thank the cabinet secretary for providing early sight of his statement. I am sure that farmers and crofters will welcome the money.

My question is in a similar vein to Claudia Beamish’s. The cabinet secretary mentioned the climate emergency, but he also said:

“there are no conditions and no specification as to what the funding can be used for”.

How will the Scottish Government assess the impact of the moneys in addressing emissions cuts?

Fergus Ewing: It is for farmers and crofters to assess how they use their funds. It is sensible that

they consider using the money for investing in what they do. There is a strong case that the Farm Advisory Service can provide useful advice on that. However, as I said in answer to the previous questioner, we accept that we need to ensure that our climate change commitments are met.

We are looking extremely carefully at what more farmers can do. I will finish with this statement: around one third of the current money that is paid out under the CAP to farmers contributes directly to the environment, some of it to addressing climate change. Some of it contributes indirectly as well, and I think that that is understood in the chamber—I hope that we can build on that in the coming months.

David Torrance (Kirkcaldy) (SNP): I welcome the news that the LFASS loan payments have begun. Can the cabinet secretary advise whether there is still time for individuals to apply for a loan payment?

Fergus Ewing: Yes, I can, and I am glad that Mr Torrance has raised that issue, because I make a plea to LFASS recipients and those entitled to LFASS who have not yet returned the loan offer document to please do so as quickly as possible. If someone has lost their document or cannot find it, they must let the rural payments and inspections division know and a duplicate will be sent to them. We want to pay people the money to which they are entitled, but to do so we need the signed offer of loan acceptance. This is a plea for the remaining loan offer documents. As soon as we get them, we will get on with the job of paying out the remainder.

Mike Rumbles (North East Scotland) (LD): Just two months ago, during a well-publicised farm visit to Castle Douglas, Michael Gove and Alister Jack announced that the UK Government was committing to the same level of farm support that Scottish farmers receive every year, until 2024. Is the cabinet secretary saying to Parliament that the Scottish Government has to date received no such undertaking or commitment in writing from the UK Government on farm support until 2024?

Fergus Ewing: Yes; I can tell Mr Rumbles that we have not received such an assurance in writing. I know that statements have been made in the newspapers but, with respect, Governments cannot govern on the basis of what is printed in the newspapers. We can act only once we have copperplate, unequivocal assurances in writing, which must be provided to the Cabinet Secretary for Finance, Economy and Fair Work.

I have got a letter that says that the intention is to make payments for future years. It says what the payment will be this year. Incidentally, it does not mention Lord Bew’s money, nor does it confirm technical matters, such as the rate

applicable for currency exchange and how that will be dealt with. Most important is that it says:

“This decision on funding for 2020-21 should not be taken as a precedent for these Spending Review decisions.”

In other words, the payment for this year should not be taken as a precedent for the following years. If anyone here got a letter that said, “You can’t be sure that the figure this year will be met next year,” would you take that as an assurance or would you take that as, “Goodness me, I am pretty worried about what I’m going to get next year”?

I replied to Mr Eustice on 17 January, seeking confirmation. The Tories are shaking their heads, but I am just reading out what the UK Government said. I have here what it said and it is not an assurance in writing. When will it get around to that?

The last point that I will make is that the EU plans things on a seven-year basis. Farming is a long-term business, so under the EU—which apparently the Tories now hate although most of them used to support it—we knew where we were and farmers knew where they were for seven years at a time. Now, we do not know where we will be after 12 months. The Tories think that that is good news; we do not.

The Deputy Presiding Officer: I will try to take the last two questions if they are brief.

Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP): I welcome the fact that the cabinet secretary acted on the concerns expressed by crofters and that he is now allocating all of the £10 million to those on region 2 and 3 land. Will he explain further what impact that will have on those payments and when he will be able to set out his plans for the year 2 tranche, due in the next financial year?

Fergus Ewing: In thanking the member for his comments, I also thank the crofters I met in his constituency in October for a very useful exchange. Since then, and in the statement, we have made it clear that in relation to the alteration since the original statement, the region 3 payment rate has increased by 92 per cent from the original rate and region 2 has seen an increase of 65 per cent. That ensures that a significant proportion of the support is directed to those farming in our marginal and remote areas. I hope that those changes, which I explained and alluded to earlier, will be welcomed by the vast majority.

Donald Cameron (Highlands and Islands) (Con): I refer members to the farming and crofting entries in my register of member’s interests.

The cabinet secretary’s statement refers to the payment being made by the end of March 2020. Can he be any more specific, given that many

farmers and crofters in the Highlands and Islands will rely on that funding, and given the fact that this is an important time of year for them, with lambing beginning and so on?

Fergus Ewing: I have been as specific as it is wise to be at this stage. It is not so very long until the end of March. We are now nearly at the end of January.

The important thing is to ensure that the scheme is administered successfully, as all previous loan schemes have been. I take the point that Mr Cameron makes; it is perfectly fair and valid. However, I will stick with the assurance that I have made.

Also, in the interests of clarity, following today’s statement, businesses that are entitled to receive a convergence payment will know that they will receive it by the end of March. I have also indicated the payment schedule for basic payments and the other payments. I hope that all that information will be of use, will help, and will be appreciated by our farmers and crofters throughout Scotland.

Portfolio Question Time

Education and Skills

14:32

The Deputy Presiding Officer (Christine Grahame): The next item of business is education and skills portfolio question time. I advise members that questions 2 and 5 are grouped together.

Modern Languages Qualifications

1. Murdo Fraser (Mid Scotland and Fife) (Con): To ask the Scottish Government what measures are in place to increase the number of young people taking Scottish Qualifications Authority qualifications in modern languages. (S5O-04035)

The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney): Language learning equips young people with skills for an increasingly complex and globalised world, helps to build literacy and fosters tolerance and respect. Since 2013, we have provided nearly £40 million to fund local authorities and partners to support the implementation of the one-plus-two languages policy. Evidence from local authorities shows that the approach is working and that more young people than ever are learning languages.

Murdo Fraser: I share the cabinet secretary's view that learning modern languages is vital to equipping young people with the skills that they need for the future economy. However, according to research by Professor Jim Scott, there is a serious issue with schools not teaching modern languages in S1 to S3, while, at the same time, modern languages are being squeezed out in the senior phase as a result of schools offering six subjects at S3 rather than the eight subjects that many offered previously. What more can the cabinet secretary do to address that concern?

John Swinney: Young people have an entitlement to language learning as part of their broad general education, and there should be appropriate provision for language learning in that education. As we have rehearsed in previous discussions, there is a multiplicity of opportunities for young people to take SQA qualifications in the senior phase of curriculum for excellence if the senior phase is approached as the three-year experience it was originally envisaged to be. I encourage schools to ensure that young people have the opportunity to pursue language learning when they are interested in so doing.

Schools (Disruptive Incidents)

2. Maurice Corry (West Scotland) (Con): To ask the Scottish Government what steps it is taking to address the reported rise in disruptive incidents caused by pupils in schools, and the impact that this has on teaching staff. (S5O-04036)

The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney): We are clear that no teacher should have to suffer abuse in the workplace, whether that be verbal or physical abuse.

We are supporting local authorities and schools through various guidance and programmes to promote positive relationships and tackle indiscipline, including good behaviour management, restorative approaches and programmes to support social, emotional and behavioural skills.

We are taking a range of actions to support teachers' wellbeing, improve recruitment and retention rates, improve teachers' pay and tackle workload. Those actions include clarifying and simplifying the curriculum framework, removing unnecessary bureaucracy and increasing teacher numbers.

Maurice Corry: The National Association of Schoolmasters Union of Women Teachers found that 85 per cent of teachers across Scotland believe that there is a widespread problem with pupil behaviour in schools. According to the Scottish Secondary Teachers Association, indiscipline has worsened because of the reduction in the number of specialist teachers and educational support. What is the cabinet secretary doing to provide extra support for teachers and pupils alike who are experiencing those pressures?

John Swinney: By coincidence, in the past hour or so, I have just completed my annual meeting with the NASUWT, during which we discussed those issues. The NASUWT acknowledges—as do other professional associations—that the overwhelming majority of pupils in Scotland's schools behave well but that, if there is unacceptable behaviour, it must be tackled by the policy approach that we have set out, which has been developed jointly by the Government, local authorities and professional associations. That is exactly how it should be, so that we take the correct approaches to encouraging the creation of positive relationships and tackling indiscipline.

On staffing, the number of teachers is at a 10-year high of 52,247, and an increasing number of individuals are working with young people with additional support needs in our schools. I assure Mr Corry that every effort is being made to

strengthen schools' capacity to operate in such a way. We have a policy framework in place, which has been agreed with our partners, to make sure that schools are well informed about all the steps that they should be taking to de-escalate incidents and to ensure that a positive behavioural ethos is encouraged in all our schools.

School Exclusions (Discussions)

5. Richard Lyle (Uddingston and Bellshill) (SNP): To ask the Scottish Government what discussions it is having with local authorities regarding pupils who are excluded from school. (S5O-04039)

The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney): The number of exclusions has continued to fall, year on year, since 2002-03, with the rate of exclusions now being almost two thirds lower than the comparable figure for 2006-07.

In June 2017, the Scottish Government published refreshed guidance on preventing and managing school exclusions. The guidance focuses on the importance of early intervention to prevent the need for exclusion, it promotes positive relationships in schools, and it recognises that exclusion should be used only as a last resort and when it is a proportionate response. Since the publication of the guidance, we have engaged with 400 stakeholders across Scotland, including some from local authorities, to support its implementation.

Richard Lyle: I know about the work that the cabinet secretary is doing in regard to this. However, over the past few months, I have been contacted by parents of young primary school children who are being excluded from school due to attention deficit hyperactivity disorder and other behavioural problems. Parents feel that schools and local authorities, particularly North Lanarkshire Council, are not dealing with the problems quickly enough.

What action can the Scottish Government take to resolve the issue for my constituents, and will the cabinet secretary ask North Lanarkshire Council to desist from excluding young children from school?

John Swinney: I assure Mr Lyle that the focus of our policy approach is on making sure that children and young people receive the support that they require, whatever their needs, to enable them to fulfil their potential. Our guidance on inclusion in schools is framed on exactly that premise.

The policy framework should support young people. I am conscious of the fact that, when young people present with conditions such as ADHD, they will require specific and focused support to meet their needs—that is only fair on

them and on the other pupils in mainstream settings with whom they may be educated. Fundamentally, the issues are for local authorities, but, if Mr Lyle gives me the specific details, I will be happy to raise the matter directly with North Lanarkshire Council on his behalf.

Daniel Johnson (Edinburgh Southern) (Lab): I thank Richard Lyle for raising the issue, and I remind members in the chamber of my own diagnosis.

Just over a year ago, the report "Not included, not engaged, not involved: A report on the experiences of autistic children missing school" was published. I held a members' business debate on the report, and the cabinet secretary gave an undertaking to consider the recommendations and to meet stakeholders. What communications has the cabinet secretary had with education authorities about ending a policy that results in the unlawful exclusion of children with neurodevelopmental disorders, and what changes in policy and practice have been made in relation to those communications?

John Swinney: As Mr Johnson knows, the issues that he raised in his member's business debate were the subject of active debate at that time. That debate was followed up by a round-table discussion in which I drew together a number of the authors of the report with local authorities and other stakeholders in Scottish education, to advance the issues that Mr Johnson fairly raises with me today.

As a consequence, we have been working and in discussion with the Children and Young People's Commissioner Scotland and the Scottish Human Rights Commission on the formulation of policy guidance that can be applied in our education system to ensure that we have a human rights-based approach to the inclusion in education of young people who are in the circumstances that Mr Johnson recounts. We have had a good dialogue with the commissioners on that question, and they have accepted my explanation that we need to take time and care in preparing that guidance, to make sure that it can be applied and implemented swiftly. I hope that Mr Johnson understands that.

We have agreed to have on-going dialogue about the progress of the design and implementation of that guidance, and, as time takes its course, I will keep Parliament updated on those matters.

Digital School Registration

3. Mary Fee (West Scotland) (Lab): To ask the Scottish Government how many local authorities offer digital school registration. (S5O-04037)

The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney): Local authorities and schools determine the most appropriate methods to record pupil's school attendance; therefore, the Scottish Government does not collect that figure. For all young people to achieve their potential, schools should consider each pupil's positive engagement with learning.

To support schools, we published revised guidance last year—"Included, Engaged and Involved Part 1: A Positive Approach to the Promotion and Management of Attendance in Scottish Schools"—which provides advice on good practice, including that

"schools should have a clear ... strategic plan to promote and manage attendance",

including "identified personnel and systems" to track and monitor attendance, and requirements for classifying and recording attendance and absence.

Mary Fee: I thank the cabinet secretary for that response.

In West Scotland, only two out of seven councils have an online option to register a child for primary school. What further work can the Scottish Government do to encourage more local authorities to offer online registration, thereby making it easier for parents, especially those who might lose hours at work and, in some instances, income, in order to register a child in person?

John Swinney: I am happy to explore that with local authorities. The issue will be associated with the operation of the SEEMiS system, which is handled entirely by local authorities. As I have discovered with various issues that we have addressed, it takes time to amend that system.

If Mary Fee wishes to write to me with further details, I will be happy to explore the matter on her behalf and to advise Parliament accordingly.

Further Education (Financial Sustainability)

4. Jamie Halcro Johnston (Highlands and Islands) (Con): To ask the Scottish Government what assessment it has made of the financial sustainability of the further education sector. (S5O-04038)

The Minister for Further Education, Higher Education and Science (Richard Lochhead): Scotland's colleges are operating in a complex and changing financial environment, with added uncertainty due to Brexit. However, the college sector has a strong track record of adapting to change and managing challenges.

The Scottish Funding Council will continue to monitor individual institutions and engage with colleges to provide support where required.

Jamie Halcro Johnston: I thank the minister for that answer.

Last year, Audit Scotland identified that the college funding settlement would stretch only to covering changes in staff pay and conditions, with capital funding falling short of the cost of maintaining the college estate. We have heard about the cost of those funding constraints, not only in the University of the Highlands and Islands colleges in my region, but across Scotland.

Yesterday, ministers published their refreshed economic action plan, proposing that our college sector, as a world leader in skills and training, is to have a significant role in change. Ahead of the budget, can the minister clarify whether the already struggling college sector will be expected to find additional resources? Will there be a real increase in funding to match those expectations, or will grand ambitions around lifelong learning be watered down?

The Deputy Presiding Officer: I could do with shorter questions.

Richard Lochhead: I will try and answer a proportion of the member's questions.

We have the potential to have a world-leading college sector in Scotland, and are well on the way to that. I am impressed with what I see around Scotland's campuses.

Since 2007, we have invested more than £7 billion in Scotland's colleges. Against a £2 billion real-terms cut by the UK Government—Jamie Halcro Johnston's party's Government—to our resource block grant over the past decade, we continue to support colleges by having allocated more than £600 million to them in the 2019-20 budget. In forthcoming budget discussions between his party and the Scottish Government, it is open to Mr Halcro Johnston and his party to make college funding a priority.

Iain Gray (East Lothian) (Lab): Colleges Scotland has identified the sum of £29.4 million additional revenue funding, above baseline, that it will require in the next financial year in order to achieve financial stability. Will that request be granted?

Richard Lochhead: I am sure that Mr Gray will not be surprised to hear that I will not pre-empt the budget announcement.

We listen closely to representations from the college sector and we recognise the financial challenges. However, the challenges are shared by many sectors and by the Scottish Government because of the tough financial settlements from

the United Kingdom Government in recent years. We will listen closely to the college sector.

Brexit (Impact on Learning Opportunities)

6. **Bob Doris (Glasgow Maryhill and Springburn) (SNP):** To ask the Scottish Government how learning opportunities for young people in the Glasgow Maryhill and Springburn constituency could be impacted by Brexit. (S5O-04040)

The Minister for Further Education, Higher Education and Science (Richard Lochhead): Scotland's young people benefit enormously from our relationship with the European Union, and in particular from participation in the Erasmus+ programme. Exit from the EU risks there being a significant reduction of learning opportunities for young people if participation in the Erasmus+ programme and any successor is not maintained. The negative impact will likely be felt in our youth work provision, school exchange programmes and the life-changing opportunities that are available in our colleges and universities.

The Scottish Government is absolutely clear that all the advantages of European Union membership must be retained so that our young people can continue to reap the benefits of those vital programmes.

Bob Doris: Royston Youth Action in my constituency believes that Erasmus+ has been a key opportunity that is worth its weight in gold, and that ending it would be a statement of stagnation and backwardness in community learning and development. Will the minister meet young people from Royston Youth Action to hear first-hand about the contribution that Erasmus+ has made to learning? Will he join me in urging Boris Johnson to visit Royston, too, so that he can see for himself the benefits of Erasmus+?

Richard Lochhead: I would be delighted to take up Bob Doris's offer to visit Royston Youth Action. It is important that all members of all parties in Parliament remember that although people often think of Erasmus as being about college or university students on European exchange programmes—of course, that is a fundamental part of Erasmus—it also benefits other young people and youth work in Scotland. Proportionally, more people in Scotland participate in Erasmus than is the case in other parts of the UK. Therefore, any dilution of our association with Erasmus and exiting the EU will have a disproportionately damaging impact on Scotland. Royston Youth Action, which Bob Doris mentioned, is a fine example of what is happening around the country and of what we must protect for the future.

Boris Johnson and his party voted against full membership of Erasmus just last week in the UK Parliament. He would do himself a favour if he were to visit initiatives such as the one in Royston.

Science, Technology, Engineering and Mathematics Education

7. **Adam Tomkins (Glasgow) (Con):** To ask the Scottish Government when the next annual report on its STEM education and training strategy will be published. (S5O-04041)

The Minister for Further Education, Higher Education and Science (Richard Lochhead): The next annual report on the STEM education and training strategy will be published in March. As we are all aware, Scotland is a science and research nation: we punch above our weight and enjoy a global reputation for our research and innovation. STEM is an integral part of our future economic and social development.

Adam Tomkins: One of the central aims of the strategy is

“to build the capacity of the education and training system to deliver excellent STEM learning”.

Is the minister satisfied with the pace of progress in implementing the strategy, given that the latest programme for international student assessment—PISA—results show that performance in maths and science is at a record low?

Richard Lochhead: Our PISA performance in science and maths is in line with the Organisation for Economic Co-operation and Development average. Of course, that always needs to be improved, and we accept that.

I think that we are making progress in STEM. Last week, I was at Kinloss primary school in my constituency, and was bowled over by the excellent teaching of STEM that I saw in all classes in the school. That is replicated in primary and secondary schools throughout the country. Are we making enough progress? We can, of course, make more. It is important for Scotland's future wellbeing that we meet the STEM agenda.

Fair Start Scotland

8. **Dean Lockhart (Mid Scotland and Fife) (Con):** To ask the Scottish Government what its response is to figures recording that 4.1 per cent of participants in the fair start Scotland scheme were still in work after 26 weeks. (S5O-04042)

The Minister for Business, Fair Work and Skills (Jamie Hepburn): We are supporting people towards and into work through fair start Scotland, which is a voluntary service that treats people with dignity and respect, without the fear of sanctions. The statistic that Mr Lockhart has cited has been taken out of context—wilfully or

otherwise—and represents 26-week job outcomes after only 12 months of service delivery. Participants have significant barriers to employment and have often been left behind by previous UK Government initiatives. That is why intense pre-employment support is available for up to 18 months.

Dean Lockhart: Despite what the minister has just said, the reality is that only 4 per cent of participants in the fair start Scotland scheme were still in work after 26 weeks. That means that 60 per cent did not engage in the scheme or dropped out of it at an early stage. Is the minister happy with the dismal performance of the scheme? Does he accept that the scheme's voluntary nature means that the vast majority of the people involved are not seriously engaging in it, as is shown by the huge drop-out numbers?

Jamie Hepburn: No—I think that the voluntary nature of our scheme is the right approach. It ensures that people can engage in the scheme meaningfully because they want to be there and are not under threat of sanction.

Dean Lockhart's mask has slipped: his agenda is the same old nasty Tory agenda of using employability services as a means of levering people off benefits. If he is interested—hitherto, I have never noticed him being interested; I think that he has not questioned me about the matter previously—I can tell him that in the first year of fair start Scotland we have supported the equivalent of 9 per cent of the unemployed population of Scotland, whereas the Department for Work and Pensions has supported the equivalent of only 4 per cent of the unemployed population of England and Wales through its work and health programme. The DWP's work choice programme reached the equivalent of 12 per cent of the unemployed disabled population in Scotland in the last year that it operated here, whereas in its first year fair start Scotland has reached the equivalent of 19 per cent of the same population, and 92 per cent of the people who have taken part in our programme have told us that they feel that they were treated with fairness and dignity.

Fair start Scotland is a programme that I am proud of. Mr Lockhart should be ashamed of the agenda that his party promotes on employability.

Consumer Scotland Bill: Stage 1

The Deputy Presiding Officer (Christine Grahame): The next item of business is a debate on motion S5M-20544, in the name of Jamie Hepburn, on the Consumer Scotland Bill at stage 1.

14:52

The Minister for Business, Fair Work and Skills (Jamie Hepburn): I am very pleased to open the stage 1 debate on the Consumer Scotland Bill. Although it is a small bill, it has enormous potential to benefit the people of Scotland.

In 2015, ahead of the devolution of consumer advocacy and advice powers, the Scottish Government formed a working group on consumer and competition policy to explore how Scotland could best use its new powers for the good of consumers here in Scotland. The group brought together experts from across Scotland and the United Kingdom, from trading standards, Citizens Advice Scotland, Which? and others, and its work was supported by a series of expert panels drawn from regulators, academics and public services. At this stage, I want to put on record my sincere thanks to those who willingly gave their time and effort to the work of that group. As a result of that activity, the review of Scotland's consumer protection landscape was comprehensive and informed by people who understand the history of consumer protection and its current challenges.

The group's key recommendation was the establishment of a dedicated consumer champion that would speak up for consumers and represent their interests to policy makers, regulators and industry. That brings us to today's debate, in which we are debating the Consumer Scotland Bill. Since that recommendation, the idea of consumer Scotland has been tested rigorously, but the expectations have remained consistent. People expect a body that can unite a fragmented landscape, a body that can make better use of data to identify and tackle harm, and a body that can focus on the most complex problems and find solutions.

I believe that, as well as establishing such a body, the bill goes further by establishing a consumer duty that will increase the consideration that is given to consumers by relevant public authorities.

Before I talk about the bill in more detail, I offer my thanks to the Economy, Energy and Fair Work Committee for its scrutiny at stage 1. I am pleased that the committee's report recognises the need for a new consumer body, endorses the general principles of the bill and recommends that the

Parliament agree to them. I have provided a written response to the committee on its recommendations and I look forward to further discussion of the report and the bill this afternoon.

I thank those who gave evidence to the committee, particularly those who have been instrumental in testing and developing the proposals for consumer Scotland. We have reached this position as a direct result of that. I am particularly grateful to those who took the time to respond to our pre-legislative consultation or who came to our consultation events. The vast majority of respondents agreed that consumer Scotland was needed and that our proposals for the body and the duty could add genuine value to the current system. Those views were replicated in response to the committee's call for evidence.

The process of scrutinising and testing our proposals and thinking will contribute to refining and enhancing the bill, which is exactly what our legislative process is for.

The case for consumer Scotland has been made many times, but I will set it out again today. In proposing the body, I recognise that we operate in a landscape in which organisations already work hard to protect consumers. They do invaluable work and we owe them our thanks. However, we also know that the consumer protection landscape is complex and that, since the abolition of Consumer Focus Scotland, there is no longer a single organisation that can take a big-picture view of the issues that are faced by consumers in Scotland. Neither is there an organisation to co-ordinate responses to consumer harm so that limited resources are used most effectively. That is the gap that we want consumer Scotland to fill.

The bill provides the legal framework to ensure that consumer Scotland has the powers and structures to operate effectively, and it establishes it as a body with three key objectives: to reduce harm to consumers, to increase consumer confidence, and to increase the extent to which public authorities take account of consumer matters. To do that, the body will primarily carry out investigations into the most serious issues of consumer harm, using rigorous evidence gathering and analysis to identify the causes of consumer harm and recommend solutions to Government, regulators and industry.

Consumer Scotland's work beyond that will see increased collaboration across the landscape and ensure that consumers have access to high-quality consumer advice, without the body itself becoming a front-line advice organisation.

The bill is deliberately high level and enabling and does not seek to prescribe how the body will carry out its functions. That will ensure that

consumer Scotland's senior staff and board will have a direct role in shaping and prioritising its work.

I recognise that the committee has highlighted that that flexibility has resulted in some concern that the body's exact role is not fully understood. Although I continue to believe that the body should have the space to develop its operational activity, I am very clear that it must work with existing organisations and add value rather than duplicate what is already there. I have therefore committed to providing further detail on the form and functions of consumer Scotland, without, of course, restricting its scope to independently establish its own priorities and relationships. I offer assurance that, from day 1, consumer Scotland will be tasked with building strong relationships with consumer organisations, and that its work programmes and scope of activity will be developed with their input. That commitment is reflected in the bill, which makes collaboration fundamental to consumer Scotland, both in its general work and, specifically, in developing its work plans.

Following the committee's report, I will strengthen those provisions. As the bill is currently drafted, the body can take account of any organisation with a consumer interest, but it is required to take account only of public bodies with "similar functions". The committee, and many of those who gave evidence, correctly pointed out that there are, of course, many organisations in Scotland, mainly in the third sector, that work to protect consumers. The committee therefore recommended—and I agree—that consumer Scotland should be required to consider the work of other bodies, beyond those in the public sector, with the same or similar functions as consumer Scotland. We will lodge an amendment to address that.

The committee made a number of other recommendations, and I committed in my written response to the committee to giving detailed consideration to them all. However, I will highlight two more in this opening speech.

First, the Scottish Government accepts the committee's recommendation that the bill should revisit the definition of vulnerability to ensure that it reflects that vulnerability can take many forms and that it is often about context and not simply the characteristics of individual consumers. Although the bill sets out that the examples provided are illustrative and not exhaustive, it is clear that the text has caused concerns, so I have committed to exploring an amended definition to assuage those concerns. I will be very happy to work with committee members, and indeed any member with an interest, to work out how best to achieve that.

Secondly, the committee noted that many of the challenges that consumers face also apply to people who are running small businesses. It recommended an amendment that will broaden the definition of a consumer to address those concerns. As the Minister for Business, Fair Work and Skills, I am very keen to support Scotland's businesses in any way that I can. I commit to ensuring that the concerns of small businesses are addressed. I will be very happy to work with the committee on the best way to achieve that.

Establishing the legislative framework is only one part of the journey to deliver consumer Scotland. Significant practical work will also be needed to ensure that the body is ready by April 2021. If the Parliament agrees to the general principles of the bill this evening, that activity will increase. As a first step, we will begin the appointments process for the new chair to ensure that the future leaders of the body are able to take decisions on the body's work as soon as possible. More important, it will mean that the leaders can be involved in building the relationships with other consumer-focused organisations that will be vital to the body's success.

We will also take practical steps to ensure that the consumer duty we have proposed has a meaningful impact. We are the first nation in the United Kingdom to develop and propose such a duty, and we have done so in response to the support that was demonstrated through the consultation on a consumer body for Scotland. Together, the duty and the body will ensure that consumers are protected from the unintended consequences of policy making, and that their potential to drive change is recognised and encouraged.

As with the body, the duty will be developed collaboratively. I am aware of the danger that it becomes a token gesture or another burden for public authorities to deal with. That is, of course, something that I want to avoid, and it is why the bill requires that the authorities to whom it potentially applies must be consulted. I will ensure that that consultation is meaningful and that it will allow those who are affected to shape how the duty works in practice.

Establishing a new consumer body and a consumer duty for Scotland is both an opportunity and a challenge. It is an opportunity to put consumer fairness more squarely at the centre of policy and regulatory decision making, and it is a challenge for politicians, regulators and business leaders to respond positively to that.

I will continue to work across the chamber, especially with the committee, to ensure that the legislation does all that it can to make that happen and that it establishes a body and a duty that will drive real change, both for individual consumers

and for the organisations that work to protect them.

I recognise that the committee raised other issues that I have not touched on in opening today's debate. I have no doubt that they will come up in the course of our deliberations today, and I will try to respond in my closing speech. However, I make this offer here and now: if any member wants to discuss how to improve the bill, I will gladly meet them to do so.

We have an opportunity to improve the position of consumers in Scotland. We have the opportunity to do that collectively, and I hope that we will take that opportunity by passing this bill at stage 1.

I move,

That the Parliament agrees to the general principles of the Consumer Scotland Bill.

The Deputy Presiding Officer: I call Gordon Lindhurst, convener of the Economy, Energy and Fair Work Committee, to speak on behalf of the committee.

15:04

Gordon Lindhurst (Lothian) (Con): There can be little doubt that consumer spending has a significant impact on the economy. We are all consumers, after all. The late Roger Scruton said that the label of consumer belonged to,

"Whoever realises the use-value of a good, say, by eating food, by hanging and admiring a picture on his wall, by wearing clothes".

Indeed, we all buy things in shops and online. We also choose energy tariffs, compare insurance policies, switch phone providers, book train tickets and pay direct debits. Sometimes, we seek to get our money back. We might have problems with the things that we buy and try to use. We might even feel as though we have been exploited or scammed.

As the minister outlined, the Consumer (Scotland) Bill seeks to strengthen the rights of consumers through the creation of a new public body. The intention of the new body is to strengthen consumer advocacy and advice, to identify how and why consumers experience harm in Scotland, and to mitigate that harm. It is a welcome bill, but, in many ways, it raises more questions than it answers. Stakeholders, witnesses and committee members broadly supported the bill in principle, with many telling the committee that there were gaps in the current advice and advocacy provisions. However, one could be forgiven for questioning what the bill does and what difference the new body will make to Scottish consumers in practice.

With limited detail in the bill about the overall structure and the operational model and activities of consumer Scotland, witnesses had different ideas of what the body's priorities should be. A wish list of work programme priorities emerged, with research, product recall, quality assurance of advice and alternative dispute resolution all highlighted as worthy areas for consumer Scotland's attention.

How the new body would interact with existing bodies that already work in that area was a further area of debate. Consultant Sarah O'Neill told us:

"consumer Scotland will want to set out criteria for why it will do certain pieces of work and why they are important. For example, what is the level of detriment? How many people will it affect? Is anyone else working on it?"—*[Official Report, Economy, Energy and Fair Work Committee, 5 November 2019; c 31.]*

The minister offered assurances that consumer Scotland will collaborate with existing bodies to avoid duplication, but it remains unclear how that would be done. The committee has asked the minister to outline, in advance of stage 2, further detail on the form and functions of consumer Scotland, including how it will interact with other bodies. We welcome the minister's commitment to do so.

The committee believes that the Scottish Government must ensure that the new body operates in a way that strengthens and does not impede the work of existing bodies. We saw concern from bodies such as Citizens Advice Scotland that their roles could be weakened. It remains unclear how consumer Scotland's proposed advice and advocacy role will impact on the future role of Citizens Advice Scotland and its bureaux network.

Further questions were raised about respective remits and what that would mean for long-term funding. Many noted difficulties in separating consumer issues from other forms of advice, as people often experience problems in clusters. The committee recommended that the bill's duty to collaborate is extended beyond public bodies to include third sector advice organisations, including CAS. I am pleased to say that the minister agrees and has committed to lodging an amendment at stage 2.

On a different matter, there was concern among some witnesses that consumer Scotland should have greater influence on trading standards and enforcement issues. Consumer enforcement, including trading standards powers, is reserved to the UK Government, which led some to question how consumer Scotland could seek to influence those areas. Matters of competition are also reserved, but are of equally great importance to how the consumer landscape operates. Given that background, the committee explored how

information sharing with trading standards and other organisations could benefit consumer Scotland's proposed evidence-led strategic role.

I move on to consumer duty. The bill creates a requirement for certain public bodies to consider the impact of their decisions on consumers. The Scottish Government considers that to be an important development in embedding consumer interests across policy areas and balancing what can, at times, seem like conflicting interests.

So far, so good. However, at the risk of sounding repetitive, I must say that many witnesses supported the idea of a consumer duty but were unclear about what that would involve, who it would involve and what impact it would have. Neither the nature of the duty, nor the processes for it, are specified in any detail in the bill, although consumer Scotland would have a statutory duty to publish guidance. Citizens Advice Scotland said:

"The Bill as presented is too greatly focused on the single output of creating Consumer Scotland and too little is said about how this action creates a better outcome for citizens in terms of an enhanced system to better protect their interests."

The minister told the committee that the duty's design and implementation will, again, be carried out collaboratively to avoid it becoming either a token gesture or an administrative burden. We await the outcome of those discussions, and I am sure that some of my colleagues in the debate will go into some of the issues in greater depth.

On another point, many witnesses criticised the bill's definition of consumer for excluding individuals acting in a business capacity. The minister mentioned that point in his opening remarks. For example, sole traders who run their own businesses will not be covered and neither will small or microbusinesses. Some witnesses told us that small businesses often face the same disadvantages as individual consumers in their knowledge of markets, bargaining power and ability to enforce their rights when things go wrong. The Federation of Small Businesses Scotland identified the vulnerability of smaller businesses as consumers:

"From banking to online scams, from parcel delivery to energy and water contracts"

they

"can often find themselves the victims of unfair and exploitative behaviour."

The committee believes that many challenges faced by consumers are equally, if not more applicable to people running small businesses. Those people often have limited resources to pursue complaints and may also be suffering additional detrimental impact on their ability to run their business. The minister has, of course,

committed to exploring those issues with interested parties, which I welcome.

The committee received 54 written submissions to our call for views and we heard from 19 witnesses across four committee meetings. It is always important to the committee's work to hear views from individuals—businesses and others—in any work that we do, so we thank everyone who informed our scrutiny of the bill.

Turning to another part, perhaps, of the political constellation from the one that I started with, according to President John F Kennedy:

“Consumers by definition, include us all. They are the largest economic group, affecting and affected by almost every public and private economic decision. Yet they are the only important group whose views are often not heard.”

The committee approves the general principles of the bill.

15:13

Dean Lockhart (Mid Scotland and Fife) (Con):

I, too, thank the committee clerking team, the witnesses and all those who gave evidence at stage 1 of the bill.

The Consumer Scotland Bill is enabling legislation. It sets out the framework for the creation of consumer Scotland, a body whose primary objective will be to provide consumer advocacy and advice. The powers in that area were devolved to the Scottish Parliament following the passage of the Scotland Act 2016. We, of course, support the devolution of those powers, and we will support the general principles of the bill today. However, at the same time, we will be asking the minister to take action on the recommendations that are set out in the committee's report. I welcome the minister's positive response to the committee's recommendations, as set out in his opening speech. We look forward to working with him to address some of the concerns.

With that in mind, I will highlight some of the key recommendations on which we are looking to the minister to respond. The first relates to the definition of “consumer” and identifying those who will benefit from the bill. During the evidence sessions, that definition was a primary area of concern, as was whether the protections afforded by the bill would extend beyond individuals to small businesses, whose needs are, in many respects, identical to those of individual consumers.

The bill defines a consumer as

“an individual ... who purchases ... goods or services which are supplied in the course of a business carried on by the person supplying them”,

providing that they are not acting

“wholly or mainly in the course of a business carried on by the individual”.

The committee's reading of that is that the bill would not afford protection to those acting as sole traders, small businesses or microbusinesses. Indeed, they would be excluded from the protections in the bill.

The Federation of Small Businesses wrote to the committee specifically on that issue, highlighting that

“half of all”

new

“businesses are based in homes and over one in ten Scottish workers are now self-employed.”

It further explained that,

“when purchasing goods and services, the smallest businesses often find themselves at a disadvantage because of their lack of expertise ... in making informed purchasing decisions; their lack of time to research the market; a lack of knowledge of their rights and ... poor bargaining power. But, because they are excluded from certain legal safeguards which protect individual consumers, smaller businesses”

often find themselves with

“fewer protections”.

We heard other evidence supporting those concerns. Shetland Islands Council highlighted that

“The definition of consumer excludes small businesses (of which there are many in remote rural areas and island communities) even though they often purchase goods or services in”

a manner that is very

“similar to those of”

individual

“consumers.”

The committee calls for the inclusion of small and microbusinesses in the definition of “consumer”. There is precedence for that approach. Jonathan Lenton from Ombudsman Services informed the committee that the Financial Ombudsman Service has

“expanded its remit to cover businesses with up to 50 employees.”—[*Official Report, Economy, Energy and Fair Work Committee*, 1 October 2019; c 56.]

I am not quite sure that the committee thinks that that is the right figure. However, we also heard evidence that Ombudsman Services deals with microbusinesses, which are defined as businesses with “10 employees or fewer.” To my mind, if we want to extend the definition to small businesses, that would be a good starting point. We can discuss the issue further down the line, but that is why the committee supports the calls to include sole traders, small businesses and

microbusinesses in the definition of “consumer”. As I said, I was pleased to hear the minister say in his opening speech that he is open to the suggestion, and I look forward to working with him in stage 2 to broaden the definition in that respect.

The committee also recommends that there should be clarity on how the new consumer Scotland agency will avoid overlap and duplication with existing public bodies.

On a related point, the committee recommends that consumer Scotland be empowered to support the work of existing consumer protection bodies. For example, Citizens Advice Scotland gave evidence that its role and financing may be compromised as a result of the introduction of consumer Scotland. The committee recognised the concerns relating to the potential impact on the work and financing of Citizens Advice Scotland. I supported the recommendation that calls on the Scottish Government to clarify

“Consumer Scotland’s role in relation to advice provision”.

Such clarification is needed

“in light of the expectation that”

Citizens Advice Scotland

“will lose its levy related funding, worth approximately £1m in 2019/20 with ... no commitment from the Scottish Government beyond 2020/21.”

There are concerns about the introduction of the new consumer body and how it will impact on other bodies that already provide advice, including Citizens Advice Scotland. To address some of those concerns, the committee recommends that a Scottish consumer protection partnership be created, to support better communications and co-ordination between the different agencies involved in consumer protection in Scotland, including the new agency. I look forward to the minister addressing some of those issues in his closing speech.

Questions were also raised in relation to the bill’s financial memorandum. Evidence from Energy Action Scotland suggests that the proposal for 20 staff with a budget of £2.5 million would not be sufficient for the new agency to properly carry out all the functions for which it shall be responsible. EAS highlighted that

“we are already seeing so many issues mount up”

for the agency to deal with, and said that

“we need to be explicit in the bill about its role and be more realistic about a budget.”—[*Official Report, Economy, Energy and Fair Work Committee*, 1 October 2019; c 54.]

We are not in the business of advocating for significantly more money for another public quango. However, there has to be a realistic match between the expectations, role and functions of the new agency, and the funding and

staffing resources that it will be able to rely on. I look forward to the minister addressing the questions about the budget and resourcing of the new agency, either in his closing speech or—if he wants a bit more time to think about it—at committee during stage 2.

Finally, the committee heard evidence that—as I think the minister himself recognised—much greater clarity is required on the scope of the legislation and the exact circumstances in which consumer protection will be afforded. I ask the minister to clarify in his closing speech whether legislation would protect consumers in the following circumstances: consumers who do not have superfast broadband as a result of the Scottish Government missing its targets for roll-out; the thousands of train passengers who cannot get on overcrowded trains every day; the ferry passengers across Scotland who have suffered 80,000 ferry cancellations; and the 14,000 Scottish students who applied to university, but who were rejected because of the Scottish National Party student cap.

Jamie Hepburn: Will Dean Lockhart give way?

Dean Lockhart: I have a long list here, but time prevents my listing the huge number of potential consumers who could benefit from the bill. If I have time, Presiding Officer, I will give way to the minister.

The Deputy Presiding Officer: The point is so intriguing that I am happy to hear the minister’s response.

Jamie Hepburn: The fundamental point is that we want to create an organisation that is independent and can set its own priorities in looking at the issues of greatest consumer harm. As such, it could, potentially, look at the issues that the member mentioned; it could also look at the UK Government’s failure to regulate deliveries to the Highlands and Islands, for example.

Dean Lockhart: I look forward to that, because a huge number of consumers badly need protection and have been badly let down; the examples that I mentioned are just some of the areas of concern.

We will support the general principles of the bill at stage 1, and I look forward to working with the minister to explain the exact operation and function of the new consumer body.

15:22

Richard Leonard (Central Scotland) (Lab): I will use the time that I have to probe the minister, to try to get some transparency where there is opaqueness and some clarity and substance where there is silence and spin.

I say gently to the minister that the burden of proof in demonstrating the case for consumer Scotland rests on his shoulders. This is a Government bill with the force of Government behind it. Many of us are open minded and broadly embrace the idea, but we have yet to be convinced by legislation that is largely flat and pedestrian. We want to see a passive state give way to an active state.

Of course, there are some especially acute consumer issues in Scotland, such as the additional delivery charges that are imposed on people in the north of Scotland and on the islands. Such parcel surcharging raises fundamental questions about where such a service ought to sit between the public and the private sector, what role there is for average versus marginal pricing in the charging regime, and where our commitment to the universal obligation is.

Similarly, where is that commitment to universality when it comes to the establishment of a comprehensive broadband network or mobile phone coverage across Scotland? What rights do consumers and entire communities have to equal access? Where they exist, how can those rights be realised and, where necessary, enforced?

The objectives of consumer Scotland have not yet been defined. Some ideas, such as the duty to vulnerable customers, are welcome; however, the definition of “vulnerable customers” is not inclusive enough. I welcome the minister’s comments this afternoon about revisiting that definition.

The objectives of the new body should not be based on a desire to eliminate harm alone. We heard that language again this afternoon. Rather, it should be more proactive and concerned not only with consumer protection but with consumer benefit.

We also need to consider the definition of “consumers”, because consumers are not just individuals but communities that collectively receive things and are affected by markets operating well or failing badly. Consumer Scotland should define “consumers” to include communities of interest and of place. That will be important in ensuring that it can best assist those communities.

It is suggested that the new agency will have a research focus, which might be useful in taking an evidence-led approach to consumer detriment and consumer benefit. However, is a lot of useful evidence not already collected and presented to us by Citizens Advice Scotland? Therein lies a wider point that I think we will return to again and again this afternoon. Can the minister tell us where the added value in the proposal lies, given the existing excellent work of Citizens Advice Scotland? It has a crucial role to play.

Jamie Hepburn: One of the most obvious and immediate benefits is that, as a statutory entity, consumer Scotland will have powers to demand information from certain organisations, to collate that information and to identify issues such as those that Mr Leonard has raised. We have not yet established it, but I am sure that the prospective consumer Scotland will be listening closely to him and will have heard the important issues of concern that he has raised, which it may want to take forward.

Richard Leonard: I thank the minister for that response, which was helpful and constructive. However, a question remains to be answered about the potential loss of resources to Citizens Advice Scotland, which is, after all, funded by a levy arrangement. Can the minister give us a guarantee or some assurance that the Government will put in place a long-term funding plan for Citizens Advice Scotland?

We also need to know whether consumer Scotland will have statutory powers, including powers of inquiry and investigation. Will it be able to lay reports directly before the Parliament, including recommendations about both primary—

Jamie Hepburn: Will the member take an intervention?

Richard Leonard: I will.

Jamie Hepburn: Consumer Scotland will not only be able to do that; as the bill sets out, it will have to do that. The bill places a duty on it to report on any investigation that it has concluded, to report annually, and to report on a three-yearly basis on the state of the consumer generally in Scotland. Reports on all those things will have to be placed before Parliament under statute. It is not just a question of consumer Scotland being able to do those things; it will be obliged to do them.

Richard Leonard: The point that I was in the middle of making, though, was about whether it will also be entitled—and, indeed, required—to make recommendations on both primary and secondary legislative action that is being considered by the Parliament. If it will have powers to demand information from public bodies, how will that be underpinned and enforced? What powers of enforcement will it have? In other words, will it be a watchdog that barks but does not bite? We need to know the extent to which it will be able to demand information and co-operation from all public bodies and, indeed, other parties that supply things in the public realm.

If there is to be a new consumer duty on public bodies, who will operate it? What will be consumer Scotland’s relationship with the regulators, some of which are reserved whereas others are not? How will it interact in practice with the existing consumer bodies and regulators? Will it

encourage collaboration and co-ordination? What will be the lines of accountability to Government and, more important, to the Parliament? Those are some of the fundamental questions that need to be properly and fully answered before this Government bill can progress with the Parliament's whole-hearted confidence. I look forward to the minister providing Parliament with the answers to those questions.

Jamie Hepburn: They are in the bill.

Richard Leonard: We will play a constructive role, but we will not shirk our responsibility to scrutinise the proposals. If the minister believes that that information is all in the bill, he should tell that to the organisations of great repute, such as the Law Society of Scotland, that have raised significant questions about gaps in the bill.

Jamie Hepburn: Will the member give way?

Richard Leonard: I will not, as I am concluding my remarks.

We will be critics not because we want the new consumer body to fail but precisely because we want it to succeed.

15:30

Andy Wightman (Lothian) (Green): I thank the clerks of the Economy, Energy and Fair Work Committee, the Scottish Parliament information centre and all those who gave evidence on the bill.

I have to be honest and say that, when the bill was introduced, I was sceptical of the need for it. Scotland has not had a statutory body concerned with consumer affairs since the demise, in 2008, of the Scottish Consumer Council, which had been set up by the UK Parliament. My recollections of that body include its very effective engagement, in around 2000, in the lead-up to the abolition of feudal tenure. The council identified that as an important consumer issue, as the owners of homes were subject to unfair, archaic and arbitrary feudal burdens that imposed private regulation of the use of their homes. The council's perspective was extremely valuable, coming from perhaps an unexpected source. I am therefore sympathetic to the need to have a statutory consumer body, although we need to discuss its powers in detail.

Scotland has a long history of statutory consumer law, which dates back to long before the union of 1707. Someone drew my attention to the sumptuary laws, which regulated the private consumption of goods. In 1433, an act of the Scottish Parliament limited the use of pies and baked meats to those who held the rank of baron or higher. In 1471, the Parliament restricted the wearing of silk to knights, minstrels, heralds, high-ranking burgesses and those in receipt of £100 of

annual rent. Mr Stevenson may know all about that.

Jackie Baillie: He was there.

Andy Wightman: We have had important case law since then. Members will be very familiar with the case of *Donoghue v Stevenson*, which involved a snail and a bottle of ginger beer and which went all the way to the House of Lords. The decision in that case confirmed the duty of care, in such circumstances, of people who supply goods to consumers.

The bill that is before us today is not so prescriptive. It will create a new body in a complex consumer protection and advice landscape at a time when society is questioning the fundamental nature of consumption and how it impacts on the wider world.

I thank the academics who gave evidence to the committee on the topic of consumption and consumers. I will say something about that, and I will want to speak to the minister about those areas. I welcome his commitment to having such discussions in the lead-up to stage 2.

The bill, as it stands, is framed in terms of reducing harm to consumers without, I think, adequately defining what kind of harm that might be—whether financial, emotional, direct, indirect, deliberate or unintended. I think that the concept of wellbeing—which the First Minister talked about just yesterday—would be a much more positive ambition for the new body in relation to the question—

Jamie Hepburn: Will the member give way?

Andy Wightman: Yes.

Jamie Hepburn: I agree with the fundamental premise that Andy Wightman is laying out. However, does he accept that, in setting out that it is about reducing consumer harm, the bill encompasses all the things that he has just described? If we start to constrain it further, we might leave out other areas that we have not thought of. Might that not be an unintended consequence?

Andy Wightman: That is a very fair point. We should not seek to amend the bill in such a way that we risk leaving things out by omission. Any conversations that we have will focus on that kind of technical question.

I will turn to the topic of consumers and consumption. "Consumer" is a broad category, as members have intimated. Customers in cafes are consumers, as are healthcare patients and train passengers. People can consume in groups and through their business roles.

We must also make sure that the definition of a vulnerable consumer is not so narrow that it

excludes those who are experiencing other vulnerabilities, such as young people who are experiencing financial vulnerability as they transition from being in education to supporting themselves. That is another area where we need to look at the bill's drafting and at the question that the minister has just raised about omissions.

It is important to emphasise that consumption is not a neutral activity. Consumption impacts on the world around us and on the environment—for example, through excessive consumption and harmful consumer choices. The Infrastructure Commission for Scotland's report points out that a major challenge in transforming energy usage is

“persuading consumers to change from the familiar and effective to something new”.

Changing behaviour is crucial if we are to meet our climate targets. Making ethical choices should be ingrained in our markets and societies. Ethical consumerism movements can greatly impact on business practices.

The bill does not adequately address the issue of where peer-to-peer markets or the reuse and recycling of goods fit into definitions of consumers and consumption. It is important to support the circular economy and the sharing economy if we are to meet climate targets. Consumers who participate in those markets also need to be protected, whether they are borrowing a tool from a tool library or buying a product that is made from waste products. That is particularly important as online platforms continue to disrupt traditional markets. The proposed circular economy bill that is soon to reach Parliament will reinforce the economic and environmental benefits of a circular economy. Therefore, we have quite a bit of work to do just on the definitions in section 23.

We welcome the bill, but we must ensure that it is fit for the Scotland of the future: a Scotland with a modern economy, with net zero emissions and where the priorities of people are placed above those of corporate bodies. Greens will therefore support the motion, and we look forward to having conversations with the minister in the run-up to stage 2.

15:36

Alex Cole-Hamilton (Edinburgh Western) (LD): I am new to the issue, as I do not sit on the Economy, Energy and Fair Work Committee, but I have been following the bill with interest. I echo the thanks of other members to the clerks of the committee and its members, who have worked hard to get to this point.

Anything that offers enhanced protection to our constituents is welcome, so the new consumer body that is to be created certainly has potential, but it needs to add value to whatever exists rather

than duplicate or displace it. As we have heard, the new body will be formed and will operate within a well-established ecosystem. The bill remains unclear on how consumer Scotland will interact with those bodies, so I look forward to further clarification in the minister's closing remarks. There are still outstanding issues.

We have heard a lot about Citizens Advice Scotland, which does valuable work in my constituency and those of many other members on everything from social security to housing, employment and relationships. The organisation helps hundreds of thousands of Scots each year who find themselves in tricky situations. Each week, in my constituency surgery, people come through the door with problems ranging from water or broadband issues to tenancy bills, and I regularly depend on the outstanding services that Citizens Advice employees offer my constituents and, indeed, me. Citizens Advice Scotland has done a huge amount on fuel poverty, by calling for greater investment and building the coalitions and calculations that underpin the work on that. Statistics that were released yesterday revealed the first increase in fuel poverty in this country in the past five years, which shows just how vital that work is.

I do not want the emergence of a new governmental organisation such as consumer Scotland to have an impact that makes others feel that they need to moderate the good work that they are already doing. Scotland is a better place if organisations have the licence and resource to challenge Government rather than just to be creatures of it. They should be the critical friend of the public sector and their first and only loyalty should be to ordinary people—the people who I and other members represent.

However, in other sectors, we have seen the chilling effect that can result from the fear of losing a contract or funding or of being beholden to Government. Organisations can be made to feel that they have to hold back and reserve their criticism or even cosy up to the Administration. That is not healthy, and we cannot allow it to happen with Citizens Advice Scotland, which is a vital consumer organisation.

As it stands, the creation of a whole new system through the bill does not take proper account of the other organisations in Scotland that play an important role in the consumer landscape. That is another reason why we need assurances that the new body will add value and something new. There are massive challenges ahead, and we all know that that starts with Brexit. Around 90 directives and some regulations make up the body of the European Union's consumer protection laws. Those cover car hire, holidays, restaurants, product quality and advertising. Even if we do not

realise it, each of us relies on those laws every single day of our lives, and they were all legislated for through the European Union.

However, protections could easily be diluted outside the single market. Trade agreements could expose our markets to forces that work against the interests of British consumers. Chlorinated chicken is eye-catching—perhaps even eye-watering—but it is only the beginning. I wonder what sacrifices might be made when trade deals are in the balance.

I also wonder how we will stay in touch with European agencies and reflect on their advice and support, which has often proven to be so effective. What will happen to the weekly alerts about dangerous products that we have come to rely on? We need strong advocates for consumers who are willing to campaign for change and who recognise our changing position in the international landscape.

Nowhere is the need for consumer protection greater these days than in emerging online markets. I hope that the minister will take some time in his closing remarks to touch on how consumer Scotland will protect our consumers in the online marketplace.

The Law Society notes that currently, although consumer Scotland has been granted power to demand information from other bodies, there is no reciprocal option for consumer Scotland to help other organisations' legal cases. I would welcome further information about how those arrangements will work in practice. That is another area where Brexit will have a direct impact. Power is concentrated in the hands of a few, stifling competition and consumer choice.

Companies are using our data largely unchecked. There should be a code of ethics around how our data is used and a means to call in products that breach it. People are not making informed choices about whom they give their data to and they are not getting anything in return. There should be a mechanism for people from whom companies are profiting to benefit from such big profits, particularly among tech companies that are using people's data to make money.

If consumer Scotland's objective of protecting vulnerable consumers is to be fulfilled, there needs to be a concerted effort to focus on areas that are not currently covered by organisations such as Citizens Advice Scotland. It needs to have a clear and distinctive offer. I am clear that there is a valuable role for this new organisation in intervening at a market level where vulnerable people are not adequately supported. That combination of the people-focused approach already provided by a wealth of organisations alongside a holistic higher-level approach has the

possibility to deliver real, concrete and sustainable improvements for those who need them most.

For those reasons, the Liberal Democrats will support the general principles of the bill.

15:42

Gordon MacDonald (Edinburgh Pentlands) (SNP): Since the abolition of the Scottish Consumer Council in October 2008 by the then Labour Government, there has been no dedicated Scottish body with responsibility for protecting and promoting the interests of consumers in Scotland. Until its abolition, the Scottish Consumer Council was for nearly 33 years an independent policy organisation that represented consumer interests to policy makers, regulators, service providers and suppliers. It is an important service that we have been missing for 12 years.

It is only since the Scotland Act 2016 transferred new powers to this Parliament relating to consumer advocacy and advice that the Scottish Government was able to act to help protect consumer interests. When the Scottish Government consulted on the bill in 2018, around half of those who responded said that they found the current consumer landscape in Scotland to be fragmented, complex, disjointed and confusing to navigate. Thomas Docherty of Which? said in evidence to the Economy, Energy and Fair Work Committee that

"The Scottish Government has been very clear, and we have all said, that there is a confusing landscape for consumers."

He went on to say:

"It is not always about inventing something new; it is about ensuring that consumers know where to go, whether that is to the ombudsman service for redress, or to trading standards, or to Advice Direct Scotland."—[*Official Report, Economy, Energy and Fair Work Committee*, 1 October 2019; c 54.]

I am pleased that the Scottish Government recognises that and will develop the new body in collaboration with the stakeholders that are already providing support and advice to consumers today.

We also found in committee that there is a clear need for the body to be dedicated to representing the interests of consumers in Scotland. Responses to the Scottish Government consultation on the bill found that

"There is evidence that in specific markets, Scottish consumers behave differently and have different needs from consumers in the rest of the UK, although there is no mechanism that delivers improved, targeted outcomes specifically for Scottish consumers."

Section 4 of the bill will address that issue by allowing consumer Scotland to: obtain, analyse and review information relating to consumer

matters; undertake investigations into business sectors or practices; and publish reports on any investigations that it conducts under section 4. Areas that could be investigated range from the importance of rural petrol stations, to why Scottish consumers receive more nuisance calls than those in other parts of the United Kingdom, to the ongoing issue of parcel surcharges.

Our stage 1 report also recommended that consumer Scotland should have a duty in relation to product recall where it could

“coordinate and disseminate information around major recalls of faulty products.”

Electrical Safety First noted that the average success rate of an electrical product recall in the UK is just 10 per cent to 20 per cent. It felt that consumer Scotland should have a mandatory function to co-ordinate and disseminate information and advice to consumers on significant consumer safety issues. It said:

“this is key to ensuring a consistent and effective message is delivered from a single trusted source in a timely manner.”

I understand the minister’s view, in the evidence that he gave to the committee, that consumer Scotland would be unable to issue edicts about the recall of products. That said, I am pleased that he went on to acknowledge that the body would be able to conduct investigations and make recommendations on how the Scottish Government and others should respond.

I appreciate that the Scottish Government’s subsequent response to our stage 1 report also stated:

“On the specific issue of a recall duty, the Scottish Government believes that, in practical terms, the Bill as drafted would allow Consumer Scotland to take the lead in coordinating a Scotland-wide response to product recalls.”

I very much welcome the Scottish Government recognising the role that the bill could play in improving product recall. The new organisation will recognise and understand our distinct circumstances, such as our rural population and our local industries. Thus, consumer Scotland will move beyond simply highlighting problems and focus on seeking solutions that can make a real difference to the lives of consumers in Scotland.

Sue Davies, head of consumer protection at consumer group Which? said:

“Scottish consumers have told us about how chronic problems across vital industries are negatively impacting their day-to-day lives, from diminishing everyday banking services to patchy telecoms connections. Our research has shown trust in these sectors is dwindling, so the need for a dedicated consumer body backed by the Scottish Government is clear.”

The bill will create an independent champion for the consumer in Scotland that will aim to reduce

harm to consumers, increase confidence among consumers in dealing with businesses supplying goods and services, and increase the extent to which consumer matters are taken into account by public bodies in Scotland. When the bill is passed, we will once again have a distinctive organisation safeguarding the consumers of Scotland.

The Deputy Presiding Officer (Linda Fabiani): I have a wee bit of time in hand for interventions, if anyone is so inclined.

15:48

Alexander Burnett (Aberdeenshire West) (Con): I declare interests in businesses that supply goods and services to consumers.

I start by echoing other members and adding my thanks to my colleagues on, and the clerks of, the Economy, Energy and Fair Work Committee, witnesses and all those who gave evidence on the bill at stage 1.

The Scottish Conservatives welcome the aims of the bill, which seeks to reduce harm to consumers, to increase confidence among consumers in dealing with businesses that supply goods and services to them, and to increase the extent to which consumer matters are taken into account by public bodies.

Although we support the bill in principle, the Scottish Conservatives have concerns about the extent of the powers that the new body will have. We believe that the bill needs to include clearer definition of the scope of the power that consumer Scotland will have, especially given that other organisations already provide such support. I note that the committee agreed with that, and stated in its stage 1 report that it believes that

“the Minister should outline in further detail the form and functions of Consumer Scotland, including how it would interact with other bodies, so as to ensure there is no duplication of work.”

I am sure that members across the chamber agree that Citizens Advice Scotland is a fantastic organisation. It is well known for its expert network of support to empower people in every corner of Scotland. The organisation provided more than 200,000 pieces of consumer advice in 2018-19, so I was interested to read its views on the bill.

Our small businesses are at the heart of all our communities, so we must do what we can to ensure that support is provided to them so that they can continue to build all over Scotland. As a great supporter of small businesses, I was pleased to see that Citizens Advice Scotland pushed for further support to be provided to small businesses by consumer Scotland. Citizens Advice Scotland noted that

“healthy microbusinesses are a vital component of inclusive growth; therefore we would like to see the Bill amended to include these consumers”,

which I am glad the Economy, Energy and Fair Work Committee recognised.

As I said, the great network of advice that Citizens Advice Scotland provides to consumers across the country is well known, and that is recognised by many other organisations, too. Energy Action Scotland noted how it

“provides an important perspective in the consumer landscape given the breadth and depth of its consumer data. These real-life consumer insights from the frontline help provide evidence which in turn informs their policy work”.

The Scottish Conservatives are proud to build our policies on an evidence-based approach, so I agree with Energy Action Scotland’s point that Citizens Advice Scotland needs to be more involved in the setting up of consumer Scotland. That view is echoed by Energy UK, which said that

“Further clarification is required around the role of Consumer Scotland and the existing role of CAS, in particular with regards to energy.”

Consumer Scotland’s main goal is to protect consumers. I therefore note Electrical Safety First’s key recommendation that the bill

“needs to be strengthened to ensure consumer voices are a central part of setting Consumer Scotland’s work programme with a requirement for it to consult.”

Activity that helps to ensure that consumers have a greater say in reporting their issues for further investigation should be incorporated in the bill and, therefore, into the legislation relating to consumer Scotland’s powers.

I have spoken previously in the chamber about support for regulating electricians; that principle of implementing safe practices also applies to electrical goods. Research has found that only a third of Scottish consumers currently register their appliances, which makes it difficult to contact them about recalls. Therefore, in order for consumer Scotland to be introduced as an investigatory body as well as an advocacy body, it is important that the recommendation that it prioritise investigations into key product-safety issues be noted. As Electrical Safety First noted,

“in Scotland alone, in just one year, there were over four fires a week caused by white goods”.

The bill is an opportunity for us to assist consumers in protecting themselves from poor-quality products, as well as to ensure that cheap products are safe. Less than 20 per cent of faulty electrical products are successfully recalled, which leaves companies reliant on indirect means of telling consumers about faulty products. I note that the committee has agreed that it is important for the minister to consider conferring

“a duty on Consumer Scotland to coordinate and disseminate information around major recalls of faulty products.”

The bill aims to protect our constituents as consumers. That principle is, I am sure, supported by all. Although we support the bill’s aims at this time, we will be looking for clarification of the extent of the intended powers of the body in order to avoid duplication of effort.

15:53

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): I thank the clerking team for putting together the committee report that members are referring to.

The Consumer Scotland Bill came out of the Smith commission after 2014. As Gordon MacDonald and others have reminded us, the Scottish Consumer Council was abolished 12 years ago, in 2008. I presume that that was the driver for the discussion that took place in the Smith commission about doing something new and effective for consumers in Scotland.

The idea behind the bill is simply to transfer powers to legislate for delivery of consumer advice and advocacy in order to reduce harm to consumers, to increase consumer confidence in supply of goods and services, and to raise the profile of consumer matters in businesses.

The bill will make the body accountable to the Parliament, and has a focus on supporting vulnerable consumers, which featured in discussions and has been mentioned in the debate. The bill will give consumer Scotland the power to require certain bodies to provide information, which is an issue that was also discussed at some length.

The majority of the evidence backed the creation of the new body. However, a new body being proposed naturally creates a discussion about duplication, separation of duties and access to data from other bodies that occupy the same space to a degree. The committee heard a lot about that during its meetings.

One of the earliest issues that was raised was the current fragmentation of consumer advice services, which is perhaps a result of the abolition of the Scottish Consumer Council that we heard about.

Consumer protection seems to be spread around a number of organisations that offer advice and advocacy services. The plea from everyone who gave evidence was to tidy that landscape up—to make it clear who does what and how consumer Scotland will work with existing bodies. Should the new agency be front and centre, public-facing and accessible, by offering advice

directly, or should that work be left to the existing agencies, such as Citizens Advice Scotland, which currently performs that duty? That would leave consumer Scotland to focus on high-level strategic issues that affect consumers. The minister favours the latter approach, which would allow CAS to focus on its core role of supporting the bureau network to deliver vital advice to people and to advocate on their behalf.

Consumer Scotland will have a broader remit to start building an evidence-based picture of consumer harm and to act as an advocate for change. We heard contributions on enforcement powers, which are reserved to UK Government agencies through trading standards. Although those powers cannot be contained in the bill, it is envisaged that consumer Scotland will, as a national body, use its evidence-gathering function to highlight and advocate for change with those other stakeholders.

Concern was expressed by colleagues from East Ayrshire and Glasgow City councils, who told us that there is a growing lack of capacity and resource to provide second-tier interventions for people to take action—for example, against retailers. Therefore, concerns remain about how that function can be supported in the future.

We have also heard today about product recall and whether consumer Scotland could play a leading role in that. Electrical Safety First has told us that when product-recall notices are issued for electrical goods in the UK, the average success rate is no better than 20 per cent. That means that there is a failing somewhere, so without becoming the investigating body, there might be an opportunity for the new agency to raise awareness of product recalls.

One important part of the discussion was about who and what are “vulnerable” consumers. Some members have touched on that this afternoon. The bill suggests some obvious groups of people—the elderly, the infirm, people on low incomes and people who live in remote areas. However, it soon became clear to the committee that vulnerability is more about context than characteristics. People are perhaps more vulnerable after a bereavement; people might not be aware of the myriad of terms and conditions on products for sale online; and younger people might be more vulnerable to direct and online marketing. Therefore, it was pleasing to hear the minister respond and agree to explore the issue further.

Access to data needs to be tidied up. We heard that various bodies will be expected to share data with consumer Scotland to enable it to fulfil its role, and that it will have a power to require that. There are some issues about that in relation to data protection, but the minister agreed to examine the matter further by setting up a working group to

clarify and simplify that. East Ayrshire Council and other bodies support the power to require information to be made available.

I will say a word or two about the world of online retailing and how consumer Scotland might help consumers in the global consumer market. Alex Cole-Hamilton touched on that in his speech. It is important that we think about how we protect consumers who live in Scotland and buy goods and services online from Scottish, UK, European or international companies. We would all benefit from establishing reciprocal arrangements with other jurisdictions to provide advice and advocacy support when people need help under those circumstances—post-Brexit or otherwise. It is a global market and redress should not be limited to the country that we live in.

The Consumer Scotland Bill makes a useful proposal that will help consumers in Scotland. A new national body that seeks to gather information on what matters to consumers, and to advocate for improvement across the consumer landscape, is surely a worthwhile objective. I look forward to our continuing engagement as the bill passes through the subsequent stages, and to seeing some clarity on the many issues that have been raised, which will, if they are resolved, strengthen the bill further.

16:00

Jackie Baillie (Dumbarton) (Lab): I welcome the opportunity to speak in the stage 1 debate on the Consumer Scotland Bill. Like Andy Wightman, I was sceptical about the need for the bill when there is already a crowded and confusing landscape, but I have come to accept that perhaps having an overarching body with a role of co-ordinating rather than duplicating makes some sense.

I am not sure that, at this stage, the Government has a clear view on how the body should operate, and it has not set out the specific functions of the body, preferring to leave it to consumer Scotland to work out that detail at a later stage. The committee was not entirely convinced by that approach, so I am pleased to hear that the minister will return at stage 2 to set out some of that detail in the bill. That will certainly be helpful.

I will cover four areas of the committee’s report: the role and importance of Citizens Advice Scotland; the inclusion of consumers in the new body; the question of definitions, which other members have touched on; and, finally, the issue of product recall.

Let me start with Citizens Advice Scotland. As members will know, Citizens Advice Scotland provides advocacy and advice through a network of local bureaux. The bureaux, including those in

West Dunbartonshire and Argyll and Bute, provide front-facing community advice. That is supplemented by consumer services on water, energy, post and more, which added up to over 200,000 pieces of consumer advice in the past year alone. The establishment of consumer Scotland will see resources transferred from CAS to the new body. Although the Scottish Government has helpfully said that it will provide continued funding, that will be only for one year—there is no in-principle commitment beyond that timeframe.

I was genuinely surprised when the SNP members on the committee voted to reject my amendment, which was entirely factual and asked the Scottish Government to consider a long-term funding plan. I am disappointed, and I could not help but wonder whether SNP members are allowed to ask the Scottish Government to consider things. Surely, SNP members value the work of citizens advice bureaux and the contribution of their volunteers across Scotland in providing consumer advocacy. Perhaps I am missing something. Nevertheless, I am very pleased that colleagues from other parties—and, indeed, the minister himself—seem to support my request, and I trust that the Scottish Government will look at it again.

I understand that the Scottish Government is committed to enshrining in legislation the role of Citizens Advice Scotland as consumer advocates. That is a helpful move, and I look forward to seeing an amendment on it at stage 2.

Jamie Hepburn: I concur entirely with the points that Jackie Baillie has made about Citizens Advice Scotland. Does she accept that the committee's recommendation was that we should consult a wider range of bodies beyond the public sector and Citizens Advice Scotland, to ensure that all the relevant organisations are included?

Jackie Baillie: I am delighted to concede that point. The minister will also recognise that Citizens Advice Scotland enjoyed statutory underpinning until the powers were returned to the Scottish Parliament and the Scottish Government neglected to include that in the Consumer Scotland Bill. Although I accept the widening of the definition, it is important that Citizens Advice Scotland is in the bill, too.

The bill is silent on whether consumers will have a voice or be involved in the governance of the new body. Furthermore, they do not appear to have a role in shaping the work programme. That is a mistake—the committee thought so, too. Consumers need to be involved at every level, and I encourage the Scottish Government to think further about that.

On definitions, the committee was keen for the definition of “consumer” that is set out in the bill to be widened to include small businesses—an approach that is favoured by the Federation of Small Businesses. Microbusinesses typically have fewer than 10 employees, so they probably have more in common with the domestic consumer than with larger businesses and can be vulnerable to making poor purchasing decisions or being the victims of unfair practice. Therefore, they should be included in the bill.

Willie Coffey was right about the definition of a “vulnerable consumer”—the committee was of the view that, as it is currently drafted, the definition in the bill is too narrow and restrictive. It should not be about the particular characteristics of the consumer alone but should include the circumstances that they might find themselves in, which make them vulnerable at a particular point in time. I understand that it might be useful for us to consider the guidance of the Scottish Legal Complaints Commission, because it has already grappled with the issue.

Turning to the issue of product recall, for shorthand, I will call the amendment that I intend to lodge at stage 2, to make the issue absolutely clear, the Whirlpool amendment. I thank Electrical Safety First for its evidence and for helping to get us to this point. Members across the chamber will be aware that there have been a number of product recalls, typically involving faulty or dangerous white goods. I say “dangerous” because the consequences can be severe. As Alexander Burnett said, every week in Scotland at least four fires are caused by white goods, which means that 80 per cent of house fires are caused by faulty products.

Let us think about the Whirlpool example. Just over 1 million tumble dryers and washing machines have been recalled because of fire risk concerns, yet not all of them have actually been removed from people's homes. As the average success rate is about 10 to 20 per cent, that means that hundreds of thousands of faulty tumble dryers and washing machines remain a hazard in people's homes. Consumer protection powers are reserved, but this Parliament has an opportunity to make a positive difference by ensuring that consumer Scotland has the power to disseminate information and advice about major product recalls. It can be a central, trusted source of information that, ultimately, helps to reduce the harm that is all too often caused by defective and faulty goods.

I commend the bill to the chamber at stage 1, and I look forward to the minister taking a leaf out of the cabinet secretary's book. I will certainly work with him to improve the bill.

16:06

Richard Lyle (Uddingston and Bellshill) (SNP): I welcome the opportunity to contribute to this important debate on the Consumer Scotland Bill.

Safeguarding consumers' interests and making sure that they can play a part in building a more inclusive, sustainable economy is a key priority of the Scottish Government. The achievement of that priority will be assisted by the actions that will be taken through the bill, which include the establishment of consumer Scotland and the introduction of a duty on relevant public authorities to have regard to impacts on consumers and to the desirability of reducing consumer harm when they make strategic decisions in the course of delivering their functions.

I am sure that the Scottish Government recognises that the consumer landscape is complex. To ensure that consumer Scotland adds genuine value, it must be developed in collaboration with stakeholders.

As well as establishing consumer Scotland, the bill will put consumers at the heart of policy making through the consumer duty. The new duty will require that, when a relevant public authority makes decisions of a strategic nature about how to exercise its functions, it must have regard to the impact of those decisions on consumers in Scotland and to the desirability of reducing harm to consumers.

The complexity and fragmentation of the landscape, particularly with regard to consumer advice services, is a concern. In responses to the Government's consultation, it was repeatedly suggested that consumer Scotland should address that issue.

I have already mentioned that, to ensure that they add value, stakeholder engagement and collaborative working have already taken place. Indeed, there has been extensive stakeholder engagement, and I am certain that it will continue throughout the passage of the bill.

Another key deliverable from the bill will be the creation of an independent consumer champion that is dedicated to representing the interests of consumers. Consumer Scotland will act as a consumer champion at a time when we are exiting the European Union and face rising prices, a climate emergency and rapid technological advances. It is more important than ever that there is a strong voice to champion the interests of consumers and ensure that they are not left behind.

Consumer Scotland will move beyond simply highlighting problems to actively seeking solutions that can make a real difference to the lives of

consumers. It will recognise and understand our distinct circumstances, such as those of our rural population and our devolved industries. By enshrining the body in statute, we will send a clear signal that the Scottish Government sees consumer fairness as a key part of our wider fairer Scotland agenda. Crucially, as a public body that is accountable to Parliament, consumer Scotland will have to demonstrate that it is providing value for public money by driving forward real change for people in Scotland.

The Scottish Government will continue to work with stakeholders to ensure that consumer Scotland does not duplicate existing good work in the consumer protection landscape. I am sure that, in doing so, the Scottish Government will recognise, for example, that Citizens Advice Scotland has an important place in that landscape and is committed to continuing to give a voice to many vulnerable consumers. A separate consumer body will allow Citizens Advice Scotland to focus on its core role of supporting the bureau network to deliver advice to vulnerable citizens and to advocate on their behalf.

Consumer Scotland will have a broader remit than CAS has. It will have the responsibility of building a comprehensive, evidence-based picture of consumer harm across Scotland and of identifying the solutions that are needed to tackle that harm. Consumer Scotland's advocacy for all consumers will benefit the bureaux by allowing them to focus resources on those consumers who may need more interventionist support.

Another issue that I would like to focus on is the economic importance of consumers, who are vital to our economy and to achieving vital policy outcomes such as the decarbonisation of our economy and a reduction in our use of plastic. Some figures estimate that consumers account for 60 per cent of spending in the economy. We cannot grow our economy without them, and we cannot achieve the kind of inclusive growth that we want if consumers are not treated fairly or feel unable to use their spending power to reflect the things that they care about as citizens.

We know that systemic consumer harm, or unequal consumer outcomes, can have far-reaching consequences such as the fact that those who live in poverty routinely pay more for essential goods and services. Consumers need a strong champion to challenge those inequalities and to empower them to speak up for themselves.

Consumer Scotland will not work alone. It will work with a variety of organisations that already provide advice and support to consumers, such as Citizens Advice Scotland, Which? and Advice Direct Scotland.

Given the current climate emergency, consumers will have a vital role to play if we are to transform our economy so that it becomes more sustainable and we achieve our carbon emission targets. To do that successfully, we must support consumers to change their own behaviour and encourage businesses to change theirs. The establishment of consumer Scotland and the introduction of the consumer duty will help us to achieve those aims.

An example of the sort of issue that consumer Scotland could investigate is one that colleagues such as Richard Lochhead, Gail Ross and others have been particularly vocal in raising awareness of both in and outwith this chamber: parcel deliveries. Consumers in rural and Highland areas suffer a long-standing detriment in that they sometimes pay up to 50 per cent more in delivery charges than consumers across the rest of the UK pay. Although the area is reserved to the UK Government, the Scottish Government has led on actions to tackle the issue—for example, by developing a statement of principles for use by retailers. However, the problem persists. A consumer body that was dedicated solely to Scottish issues could fully explore the underlying causes and propose to businesses and regulatory authorities practical solutions for reducing consumer detriment, which would be welcomed.

I noted with interest the comments of Caroline Normand, which were set out eloquently by my colleague Gordon MacDonald. She said:

“The move to create a dedicated consumer body backed by the Scottish Government to tackle these chronic issues is very positive.”

The mission and the ambition is to improve the lives of ordinary people across Scotland. I welcome the bill and look forward to supporting it.

16:14

Tom Mason (North East Scotland) (Con): An important piece of legislation is being considered today. A new consumer protection agency has the potential to help many people across the country and further promote consumer confidence across a variety of business sectors. Currently, there are a number of organisations that offer similar services, and a new statutory agency such as the one that is proposed in the bill can complement the work of other groups and provide a broader and more effective selection of advice on unfair trading, harm reduction and other consumer issues.

Some issues have been raised, such as the duplication of work and how the new agency will fit into the bigger picture in Scotland. There have also been a few other concerns, which I will speak

about in a while. However, I am broadly supportive of the bill and its objectives at this stage.

I thank the Economy, Energy and Fair Work Committee for its stage 1 report. I also thank the Finance and Constitution Committee and the Delegated Powers and Law Reform Committee for the consideration that they have undertaken.

The devolution of powers over consumer advice and advocacy in the Scotland Act 2016 made it necessary to create a body to deliver the objectives that are set out in the bill, operating alongside ministers and the third sector as well as equivalent bodies in other parts of the UK.

I can certainly support the three overarching aims of consumer Scotland, which are set out in section 2. Reducing consumer harm by combating unsuitable trading practices will be of great benefit to people across the country—in particular, older or vulnerable people. Increasing consumers' confidence when they are dealing with businesses will help put minds at ease and—hopefully—lead to benefits for both parties. Ensuring the salience of consumer matters will mean that both the state and the private sector are able to respond to the challenges of tomorrow in an agile way.

As it stands, the bill will ensure that consumer Scotland is subject to independent reviews every five years of its operation. Given the speed at which market practices can evolve, I wonder whether that timescale needs to be shortened to ensure continued best practice. In a similar vein, consumer Scotland will have to publish a consumer welfare report every three years. For the same reason, I think that a shorter time period would be useful, and I hope that some consideration will be given to those issues at later stages.

Jamie Hepburn: I am very happy to meet the member and consider that point. However, as I explained to Richard Leonard, it should be observed that it will be incumbent on consumer Scotland to report annually; it will not be every three years, as Tom Mason has suggested.

Tom Mason: Thank you. That helps, and it adds to the debate.

External organisations have also raised a few concerns about elements of the bill, and I will touch on a few of those.

The first is the potential duplication of work that is done by other organisations—for instance, in the charitable sector. In its very helpful briefing, the Law Society of Scotland has pointed out that there is not sufficient clarity on the functions of consumer Scotland, so there is a challenge in assessing where consumer Scotland fits into the overall consumer landscape. I hope that that can be addressed at a later stage.

The Law Society has also pointed out some details about information sharing that will need clarification in the bill. It is important that, as consumer Scotland will be able to demand information from other bodies, there should also be a mechanism for the information that it collects to be shared. That will ensure that there is a joined-up, evidence-based approach among all similar organisations, rather than all of them going in different directions based on different data.

A number of concerns have been raised about how consumer Scotland will go about protecting vulnerable people and about the definition of “vulnerable”. As the Scottish Legal Complaints Commission has pointed out, the current definition is quite narrow, and it may require further clarification if it is to be effective in fulfilling the aims that have been set out by ministers. The law governing consumer Scotland needs to be as all-encompassing as possible, so I hope that those representations from legal organisations will prompt a clarification at later stages of the bill.

I am also grateful to Citizens Advice Scotland for its contributions to the bill through its stage 1 briefing as well as its submissions to the Economy, Energy and Fair Work Committee last year. Its model of working shows us that one of the most valuable resources in identifying fundamental problems can be the people who have been negatively affected by consumer issues in the past. By drawing from people’s life experiences, we can ensure that consumer Scotland prioritises solutions to the problems that people face every day. The SLCC has pointed to the establishment of an advisory group, which seems to be a sensible approach, so I hope that the minister will take that suggestion on board.

CAS also pointed out an issue regarding its legal status as a consumer advocate, which is true in England and Wales but would not be the case in Scotland if the bill were passed, so I hope that steps can be taken to clarify or correct that later on.

The bill is a good start in creating an agency that is required to fulfil our obligations under powers that were devolved to the Scottish Parliament in the Scotland Act 2016. I am pleased about some of the ideas that have been set out—in the bill and by the minister today—for the operational priorities of consumer Scotland, and agree that they are the right priorities for consumers around the country.

Some elements of the proposed legislation will need to be improved. They are by no means insurmountable and will just require some work to be done as the bill progresses. With that in mind, I am happy to support the general principles of the bill and look forward to seeing how it progresses in the committee and beyond.

16:21

Claire Baker (Mid Scotland and Fife) (Lab): I welcome the opportunity to speak in the debate on the Consumer (Scotland) Bill. I thank the committee members for their work on the stage 1 report.

I am not a member of the committee, but I have an interest in consumer issues, and am interested to see how the bill develops. As a previous spokesperson on rural affairs, I remember the scandal of meat contaminated with horse products, when the trust of consumers was severely damaged by a weakness in the inspection regime and the complicated supply chain of processed meat products. Consumer trust is important and a robust system of advice and redress for consumers is vital in building trust and providing protection.

It is important that any new body brings additional value to the current situation. Although new powers have been devolved that enable us to legislate for the delivery of consumer advice and advocacy, most consumer powers are reserved to Westminster. In a common UK market for goods and services, that makes a degree of sense. However, the new power enables the establishment of the new body to address any issues that are specific to Scotland or have a strong Scottish dimension, and to provide robust research and a strong advocacy role to influence Government.

It is worth recognising that, as this change occurs in the UK, the EU also has consumer powers, sharing competence for consumer protection with member states, which ensures a baseline standard of protection around the EU, and responsibility for product safety and competition. As we leave the EU at the end of the month, there could be a role for consumer Scotland in identifying any weaknesses or gaps that might develop after the transition period, depending on the level of regulatory alignment that is agreed.

It is positive that many of the points that were highlighted by the committee have received a positive response from the Government at stage 1. The committee has secured a number of commitments, including on the definition of vulnerability, sole traders and microbusinesses, the financial memorandum and the Convention of Scottish Local Authorities, and the need for the duty to collaborate to include the third sector. There is much agreement and anticipated work for the committee at stage 2.

However, the stage 1 report and the briefings that Citizens Advice Scotland and the Law Society provided for the debate are united in their concern that consumer Scotland’s objectives are not

defined, and external organisations are unclear about how consumer Scotland will operate. Although the Scottish Government argues that it will be for the body to set its strategic direction and work priorities, there is a need for greater clarity about how the new body will operate, how it will work with existing consumer bodies and how it will work with the regulators that have enforcement powers that the new body will not have. In Scotland, we have established consumer rights organisations, including Citizens Advice Scotland and consumeradvice.scot, whose representatives I spoke to in the Scottish Parliament last week. Those are front-line services that offer advice and support to consumers who are facing difficulties. It needs to be clear that the new body will not detract from—and will complement—their work, which is another reason why the issue of levy-related funding and CAS needs to be resolved.

Most people do not think about influencing Government or investigating a sector when they want to complain about a product or look for advice on how to resolve an issue. Those will still be the services that consumers want to directly use. We have to ensure that advice services are properly funded and that the investigative and enforcement services of trading standards officers in our local authorities are also fully resourced. Consumer Scotland will need to work closely with the Competition and Markets Authority, and it is important that structured opportunities for that and for other collaborative work are created.

As a member of the Culture, Tourism, Europe and External Affairs Committee, I recently worked on the UEFA European Championship (Scotland) Bill for the Euro 2020 tournament, which included measures to stop ticket touting during the tournament. Ticket touting is a practice that exploits music and sport fans by reselling tickets at inflated prices and creating a profit margin that does not support the artist, promoter or venue but goes into the pockets of unscrupulous dealers and businesses. The Competition and Markets Authority undertook a compliance review and forced secondary ticket sellers to comply with consumer law, which makes the process more transparent for the consumer, but I completely disagree with the business model that is used by resale companies. I recently got a letter from a company that operates a resale platform in which it describes “dynamic pricing” and argues that

“concepts such as ‘face value’ are becoming increasingly outdated and irrelevant.”

That is nonsense. I do not know of any fan who has been happy to be ripped off to secure tickets to a concert, when they find themselves sitting in a row in which everyone else has paid half the price that they have. It is that kind of gap in our

legislation that consumer Scotland should focus on.

We recently passed the legislation on Euro 2020, but there was a degree of frustration that the legislation covered only the term of the tournament. That was similar to the position for the Commonwealth games, in that the Scottish Government could legislate to protect a major event but the legislation was limited to that time period. In response to questions on that during the committee’s evidence sessions, the Minister for Europe, Migration and International Development, Ben Macpherson, said that consideration was being given to introducing a framework bill. However, we need clarity about how that would work with reserved powers.

Although there are issues to be addressed around what the Law Society described in its briefing as what consumer Scotland “will actually do”, I hope that the new body can work positively to impact on issues such as tackling the rise of secondary ticket selling in Scotland. We have seen progress through enforcement of the Consumer Rights Act 2015 in a recent case that was brought by consumeradvice.scot and East Ayrshire Council’s trading standards department, whereby a fine was issued through the legislation for the first time in Scotland—it was also the first successful case of its kind in the UK. That case tackled a misleading ticket sale in which the consumer did not have the information that they were entitled to. However, current legislation does not restrict the selling of tickets for an inflated price, which is exploitative. I would welcome consumer Scotland, when it is created, working to understand the situation in Scotland and to propose how we can address it to protect the consumer.

16:27

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): The debate reminds me that I asked the whips at the beginning of this parliamentary session whether I could be on the Economy, Energy and Fair Work Committee—unfortunately, they put me elsewhere—because the committee’s work is clearly interesting and of value. The report that the committee produced on the Consumer Scotland Bill is an example of that. I now find myself on the Rural Economy and Connectivity Committee and the Environment, Climate Change and Land Reform Committee marking my own report card by reviewing things that I did as a minister—it is a bit odd, but there we are.

The Scotland Act 2016 devolved responsibility for consumer advocacy and advice to the Scottish Parliament, which is very much to be welcomed and is the foundation of the legislation that we are

debating. However, advocacy and advice need not be all that we do, because we can also inform—for example, we can inform manufacturers and small businesses. The important point is to understand through evidence why consumers experience harm, and then to develop solutions that increase fairness to consumers, thereby increasing consumer confidence.

It is important to consider that, in the context of the Consumer Scotland Bill, we are not setting up something in opposition to manufacturers and suppliers; on the contrary, an informed and demanding consumer who raises the game of suppliers and manufacturers is in the interests of those businesses, because that will make them more competitive in their efforts to sell into their local and export markets. In other words, good products command a market, so the legislation is not the enemy of businesses.

I turn to some of the detail. I note from paragraph 29 of the policy memorandum that consumer Scotland will be

“a body corporate”

and that one thing that will be necessary is to have

“an Order in Council”

because

“the civil service is a reserved matter.”

I simply ask that the minister advise—perhaps now or at a later point—whether he has engaged with the UK Government to get assurance that such consent will be given. I would be surprised if there were any difficulties in getting that, but it would be useful to know that for the sake of completeness.

Paragraph 66 of the policy memorandum—and elsewhere—talks about the impact on highland and island communities and rural communities more generally. As someone who represents a hybrid area that is very rural and has significant large towns, I have particular interest in the application of the legislation to areas that are more distant from city centres. I see no reason to doubt that there will be benefits to those areas, as there will be elsewhere.

A number of members—most notably and recently Jackie Baillie, in relation to white goods—raised the topic of product recall. I have said before in the Parliament that we should seek to get the serial number of our white goods on the front of the goods. The number is always on the back and people have to take the product out of where it is installed in order to find it. I think that that is a big contributory factor to why so many recalls do not have high returns—people find it very difficult to find out whether their Whirlpool, or whatever the brand of the product might be, is

subject to a recall. Although we do not have the power to command that, we might, through this legislation, have the power to inform consumers, persuade them about the issue and demand that that change happens.

Richard Leonard spoke about additional delivery charges, as did Gordon Lindhurst, when speaking in his role as convener of the Economy, Energy and Fair Work Committee.

The issue of chlorinated chicken was also mentioned. That leads us to the issue of the labelling of products and their origins, because that informs the consumer whether the product that they might be contemplating buying, particularly in relation to food, is one that they want to engage with and buy. However, we cannot do everything that we might want to do—we cannot cut into competition law or operational matters, but we can certainly assist consumers in making choices.

Another reserved issue that we can, nonetheless, engage in is helping consumers to understand what advertising means. I include in that much of what happens on social media, where the boundary between advertising, comment and information is not always particularly clear.

The bill, and what will be done, is not just about preventing harm; it is about delivering real benefits. Others have talked about Citizens Advice Scotland, which I strongly support it; I regularly send my constituents in its direction when they have difficulties. I certainly would not wish to see its role being diminished in the many communities in which it is represented on the ground, with local people as directors and other local people who understand the communities' needs. A central body elsewhere might be less able to engage directly with local issues.

I will close on the issue of vulnerability and vulnerable consumers, which has also been raised. Andy Wightman mentioned the *Donoghue v Stevenson* case, which was brought in 1929. One of the interesting things is that May Donoghue, who pursued that case, relied on in *forma pauperis*. She was a pauper and was able to take her case all the way to the House of Lords because she was relieved under that provision of carrying the costs of her opponent, should she lose the case.

I think that that is an interesting example, going back some distance, that might inform how we see the new consumer body operate. May Donoghue was a pauper to the extent that only one of her four sons survived into adulthood. She has delivered, as the most famous litigant in life, a little bit that contributes to this debate.

16:34

Rhoda Grant (Highlands and Islands) (Lab): Nobody disagrees with strengthening consumer protection in Scotland; however, a number of issues in the bill require clarification. It appears that it is enabling legislation, but its objectives are not altogether clear, and there is no clear view or vision. That point was made by Claire Baker, among others. It appears that much more needs to be consulted on, and that consultation surely should have been done before the bill was introduced, albeit that it is welcome at this stage to give more clarity to the role of the organisation.

A number of members mentioned the organisation's interaction with other bodies. The Law Society of Scotland also raised that issue, as did the Co-operative Party—of which I am a member—in its briefing for the debate. It is not clear how the body will interact with existing bodies and regulators that are already tasked with taking enforcement action. In his opening speech, Jamie Hepburn said that he hoped that it would unite a fragmented landscape; however, the fear is that it will just add to the clutter of the landscape. As such, clarity on the issue would be welcome. The body needs to do something new and not simply replicate or replace existing organisations.

Members talked about Citizens Advice Scotland, and there was support from around the chamber for the important role that it plays. In his opening speech, Jamie Hepburn talked about consumer Scotland taking account of the role of the voluntary sector, but again it is not clear what that means. Citizens Advice Scotland will be impacted by the bill, particularly in the light of the expectation that it will lose its levy-related funding; that point was made by Richard Leonard. That funding was worth about £1 million in 2019-20, and there is no commitment from the Scottish Government beyond 2021. Jackie Baillie suggested that that funding would transfer from Citizens Advice Scotland to consumer Scotland. There is a concern about that, because it is very unclear what the benefit of the new organisation to Citizens Advice Scotland will be. It provided more than 221,000 pieces of consumer advice in 2018-19, which was nearly 30 per cent of its work. As such, if consumer Scotland is not providing front-line services, will Citizens Advice Scotland still provide that service, and, if so, how will it be funded for doing that work? We have to be very clear that consumer Scotland does not take over from Citizens Advice Scotland, and that it and local authorities—which also provide front-line services—are properly financed to provide that support.

There was also discussion about the consumer duty, which—again—is not very clear. It falls to local bodies, and I know that local authorities are

concerned that it might place more stresses on them and mean that they have further duties to fulfil.

Jamie Hepburn: Rhoda Grant mentioned that local authorities are concerned. However, she will be aware that Glasgow City Council, for example, came out strongly in support of the duty, as an enhancement of any public authority on which we decide to confer that responsibility as part of its consideration of the place of the consumer as it takes forward its policy making.

Rhoda Grant: Nonetheless, clarity is, again, required. Although the Government is consulting on what the duty is and how it works, those bodies that will have that duty placed on them need to know what it means for them here and now—indeed, when the bill is going through Parliament.

A number of members spoke about product recall. My colleague Jackie Baillie talked about her “Whirlpool amendment”, which is catchy—that is going to stick. Consumer Scotland has to have a role in product recall and in raising awareness. We are all aware of the Whirlpool situation, whereby people have difficulty getting information, getting their machines removed or changed through a replacement, or being compensated. That is a huge fire risk, but it also means that people are having to live without an essential piece of equipment—their washing machine. They may be left with a washing machine that they dare not use and cannot afford to replace. Alexander Burnett talked about consumer Scotland's role in co-ordinating information, but it must also have a stronger role in requiring companies to assist consumers when such things happen.

Many members said that small businesses are consumers. On the whole, that is right, although some thought needs to be given to the definition to ensure that small businesses do not receive protection when they are suppliers and that consumers are not disadvantaged.

Richard Leonard's point that communities should be considered to be consumers is important. Many members talked about broadband, parcel surcharges and universal services, and communities need to be able to exercise their consumer rights collectively in relation to such things, as do the other groups that Andy Wightman mentioned.

Claire Baker brought something new to the debate when she talked about ticket touting. It is important that the new organisation has the powers to deal with that and take action on it. We have spoken about ticket touting many times, but it seems that nobody has been able to take action on it.

Vulnerable customers need to be protected, and I agree with the comments that Jackie Baillie and

Willie Coffey made on that. It is not just about people with certain characteristics because, when people are preyed on, it is often the circumstances that have made them vulnerable.

We need to be sure about what consumer Scotland will be and what it will do. A number of members talked about it being a campaigning organisation, but will it be a watchdog with teeth that can make a real difference or simply a new pressure group that will campaign? Will it do both things? Will it be able to compel organisations that do not fall within this Parliament's remit, such as utility companies, to act?

We support the bill at stage 1. We will want to see much more detail as it goes through the other stages, but if it will bring something new to consumers and protect them better, it will be welcomed by the whole Parliament.

16:42

Jamie Halcro Johnston (Highlands and Islands) (Con): I add my thanks to the committee's clerking team for its work in relation to the stage 1 report that we produced together, and I thank the organisations and experts that provided evidence to us as part of our scrutiny work. It was extremely helpful and useful in our decision making.

Our convener, Gordon Lindhurst, speaking for the committee, outlined some of the detail of our stage 1 report. Although the bill is in many ways framework legislation for the new body, I strongly believe that there is still a considerable body of work to be done before the Parliament can be confident that the bill and consumer Scotland will succeed in their objectives.

The committee has welcomed the general principles of the bill, and I believe that all members will look to approach it constructively and in a spirit of improvement. However, our work raised significant questions about the role, aims and operation of the new body—questions that I feel are fundamental. Some of them have been covered in this debate.

At this stage, there is still a considerable lack of clarity over how consumer Scotland will function. I have read the Scottish Government's response to the committee's stage 1 report, but I am not sure that I am any clearer on several central points about its functions. The Scottish Government has been at pains to clarify its remit, but the broader issue of where it will sit within the existing body of consumer organisations remains largely unanswered.

The Scottish Government's response that much of that involves what will be operational questions for the new organisation's board seems simply to

kick some of the questions further down the road. As the bill progresses, we should have at least some conception of the direction of the body and how it will avoid simply duplicating large amounts of existing work that is undertaken by other organisations.

It is positive that ministers have accepted the committee's suggestion of a Scottish consumer protection partnership to formalise some of the working relationships including with trading standards in Scotland, which has the benefit of being a well-recognised and long-standing part of the consumer landscape.

The position in relation to citizens advice bureaux has been raised several times. We all know from our constituents the value that is placed on consumer protection and the excellent work that those organisations do on the public's behalf. In many cases, they and advocates such as us are the only buffers that stand in the way of sharp practices and exploitation, particularly against vulnerable constituents.

In my Highlands and Islands region, for example, we have raised concerns over a number of out-and-out scams. I have also campaigned on issues such as delivery charges, which have been mentioned today, whereby people outside the central belt can be charged entirely disproportionate costs for having things delivered to their homes. In some cases, charges are hidden below free delivery "guarantees".

The Parliament now has increased powers to act in those areas. The further powers were part of the Scotland Act 2016, which implemented the recommendations of the Smith commission, which every party in this chamber supported. There is clearly space for the Scottish Government to act in terms of consumer advocacy and advice. I am sure that that view is shared across political divides.

As parliamentarians, we seek devolved consumer arrangements that are appropriate and that meet the expectations of the people who contact us, or whose issues are referred to us. Ministers should look at the points that have been raised today in that light .

As things stand, however, we do not have enough information on the Scottish Government's proposals to be clear that consumer Scotland will make the real difference that ministers suggest.

I have spoken about relationships with other organisations. What shone through the evidence is that enduring and well-considered working links must be created between consumer Scotland and other regulatory bodies. However, again, we lack some of the details.

To give one example, on information sharing, the committee highlighted provisions for data sharing in the relevant framework under the Enterprise Act 2002. We proposed working with the UK Government to ensure that consumer Scotland could benefit from those arrangements. We now have assurances that that will be explored by the Scottish Government and that conclusions will be shared. However, it is surprising that, faced with the bill, we are still only at the stage of explorations. A number of other colleagues have raised similar concerns, on which, yet again, I hope that the minister will be able to provide some answers as the bill progresses.

My colleague Dean Lockhart echoed issues around strengthening, not detracting from, other bodies operating in the area. He also raised the issue of how consumer protections apply to small businesses, especially in remote and rural areas, drawing on the evidence of Shetland Islands Council. In my region, such businesses often comprise one or two people, and they find that in their business transactions they have very different protections and access to support. I welcome the minister's comments on that in his opening speech.

The issue of duplication has already been covered in some detail, so I will not rehash it, but I again point to the concerns around Citizens Advice Scotland.

Dean Lockhart also pointed out that there is something of a disconnect between the bill and the experience of the public in dealing with the Scottish Government and its agencies. Where, he asked, were the similar protections for citizens who receive poor service from the public sector?

Tom Mason raised the reporting requirements of the new body, and its proposed annual consumer welfare report that will be laid before this Parliament. Again, it was interesting to get clarification on that from the minister. He also noted the significance of the reviews of the organisation that are proposed in the bill. However, ministers should reflect on the length of that period going forward.

That said, these are positive steps, which will help to ensure accountability and which must be taken seriously, particularly in the early years of consumer Scotland's operation.

There were other very thoughtful contributions from fellow committee members, which covered many of the areas that the committee had considered.

My colleague Alexander Burnett praised Citizens Advice Scotland, and welcomed its support for the inclusion of small businesses in the bill. Rhoda Grant raised concerns over the future

funding of Citizens Advice Scotland. That area of concern came up a number of times.

Concerns were also expressed around the funding of local authorities, and particularly of departments such as trading standards, which require to be properly funded so that they can engage in some of the campaigns that the new body may work on.

Consumer rights provide protections, in recognition that the normal process of law cannot resolve every disagreement experienced by the public in the average day. Not every purchase, nor every service provided, should or will be brought to the courts when a dispute arises. Therefore, when consumers are mistreated, it is often to consumer advice, protection and advocacy groups that they turn. Such issues strike at the heart of fairness in our societies and providing a level of justice to all.

Consumer Scotland can make a difference to how consumers are supported, but the Scottish Government's approach, while having merit, does not yet provide the clarity that will be necessary for such success.

The Deputy Presiding Officer (Linda Fabiani): I call Jamie Hepburn to wind up the debate. Ten minutes will take us to just before decision time.

16:49

Jamie Hepburn: I thank members from across the chamber who have taken the time to contribute to the debate. By and large, the debate has been positive, although there have been a few issues raised that might suggest the contrary. I have the broad sense that the direction of travel in establishing consumer Scotland as a new organisation to look out for the interests of consumers across the country is welcomed, so I welcome that. Several members have raised issues and concerns; it is incumbent on me, as the minister in charge of the bill, to engage with them, so I commit to doing so.

A number of members commented on the limited detail on how consumer Scotland will operate when it is established. My first observation on that is that the bill is a high-level enabling bill. By and large, that is the right way to proceed. I hope that members all understand the core purpose and function of consumer Scotland—not least because that is laid out clearly in section 2. Not ramming the bill full of detail about how consumer Scotland will operate day to day is as much a strength as it could be perceived to be a weakness. I imagine that most members subscribe to our intention that the body will be wholly independent of Government and of political direction. On that basis, it is appropriate that we

set up an organisation that can, as far as possible, determine itself how it operates.

That said, I have committed to providing more detail on how consumer Scotland will operate. I hope that the committee feels that my response to its report was positive. I have taken on board all of its recommendations, not least on that issue. Further amendment might not be required, but if it is felt that that would be helpful, I will of course be willing to consider doing so.

I again record my thanks to Gordon Lindhurst's committee for its consideration. Mr Lindhurst spoke about how a range of organisations set out in evidence what they perceive the priorities for consumer Scotland should be. We have heard a bit on that during the debate, with members raising a range of issues to do with consumer harm, as they perceive it, that have occurred recently. That, too, is a strength, because it shows that there is no shortage of views or of organisations that will want to engage with consumer Scotland to make clear the issues that they think should be a priority. It will be incumbent on consumer Scotland to interact with and consult those organisations.

I again make the point that consumer Scotland will have to consult on its forward work programme. That is laid out in the bill, and we are going to strengthen the provision so that, as I said to Jackie Baillie, consumer Scotland will take account not only of public sector organisations that have a similar function, but of organisations beyond the public sector, in order to come up with a coherent work programme.

That takes me to the concern that was raised by Alex Cole-Hamilton and others about ensuring that there is no duplication of effort. I agree with that, which is why I responded positively to the committee's suggestion, which we discussed when I gave evidence to it, on the creation of a Scottish consumer protection partnership, so that all the relevant organisations can come together to discuss the issues of the day, and so that duplication is minimised. I have committed to taking that forward; I have said that we will do it.

Alex Cole-Hamilton said—I hope that I am quoting him correctly—that the new body should not cause other bodies to modify the good work that they do or have a “chilling effect”, such that those bodies do not challenge the Government. On his latter point, I say that if that is what we had intended, it has had very limited practical effect thus far—although, of course, we do not seek to do that. It is appropriate that organisations robustly challenge Government and it is intended that consumer Scotland will exercise such a function. That should, if anything, encourage other bodies to do the same.

A number of members talked about the concern that was expressed at stage 1 that the definition of “consumer” excludes small businesses. I know that the Federation of Small Businesses has raised that. It set out that small businesses often face the same hurdles as individual consumers. I concede the point; we have acknowledged that and will lodge an amendment on it. Of course, there are different ways to achieve that. We could set out a specific reference to small businesses and define them by size. As Dean Lockhart mentioned, Ombudsman Services, which I met earlier this week, has a definition. I observe that there is a slight difference in functionality because it is a redress body through which a small business or microbusiness can seek redress. The situation is not quite the same here.

I thought that Richard Leonard made an interesting observation that communities could be consumers. Maybe there is an opportunity to widen the definition of “consumer” to deal with such things. I would be happy to discuss that with him. I look forward to his full engagement and to his responding positively to my invitation to discuss that or any other issue.

Richard Leonard also said that he wants the bill to be transformed from being “passive” to “active”. I have to concede that I am not entirely sure what that means. I would be delighted if he would meet me to enlighten me on that point. He talked about the need for enforcement powers in relation to the demand for information by Consumer Scotland if an organisation refuses to provide such information. I was surprised that he was not aware that that is in the bill, between sections 8 and 12. It is in print, so I urge him to have a look. As I said, I will be happy to meet him.

A number of members talked about product recall, which is an issue that we have debated recently, and one which I discussed yesterday with Electrical Safety First. Jackie Baillie talked about Consumer Scotland being made able to take forward such activity. The bill already provides that ability—I think that the issue is the suggestion that it should be a duty. I am open to considering that. I look forward to seeing the “Whirlpool amendment”, as she called it, when she lodges it. I note that we need to be careful not to create confusion and to give a consistent message, because other organisations undertake some such activity. We also have to consider what is devolved and what is reserved. I am willing to look at the issue.

Andy Wightman talked about the wellbeing agenda in the consumer context—an issue that he raised at committee. Similarly, he raised the place of the consumer in a changing economy, which was also mentioned by Richard Lyle. I believe that our ambition is a shared one; the issues that Andy Wightman raised are pertinent and important and

are part of the purpose of the bill. The definition of “consumer” that is in the bill encompasses that, but I am happy to discuss the matter with him to see whether we need to finesse the bill further.

The definition of “vulnerability” was mentioned by a number of members. We have never sought to define vulnerability narrowly. I appreciate that that has been raised as a concern, and am committed to addressing it. Jackie Baillie suggested that Scottish Legal Complaints Commission guidance might be helpful; I am willing to look at it as an example. I assure every member that the fundamental position that we are committed to is that we will support and amend the bill to take cognisance of their concerns.

I will close by talking about citizens advice, because concern has been expressed. I greatly value the work of Citizens Advice Scotland and of individual citizens advice bureaux. Every member does. What we seek to implement will not encumber the ability of citizens advice bureaux to continue the work that they do. I say to Rhoda Grant that the funding that we have historically given CAS and have continued up to this financial year has not been to fund provision of front-line consumer advice. We will continue to work with CAS. I engage with the organisation regularly and will meet the chief executive next week. I will continue to engage because of the important role that CAS plays in supporting consumers and citizens.

I could say much more about the bill, but time prohibits me from doing so. I hope that Parliament will unite this evening to agree to the general principles of the bill. I will be happy to come back to say a lot more about the Consumer Scotland Bill in due course.

Consumer Scotland Bill: Financial Resolution

17:00

The Presiding Officer (Ken Macintosh): The next item of business is consideration of motion S5M-20319, in the name of Derek Mackay, on a financial resolution for the Consumer Scotland Bill.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Consumer Scotland Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3(b) of the Parliament’s Standing Orders arising in consequence of the Act.—[*Derek Mackay*]

Decision Time

17:01

The Presiding Officer (Ken Macintosh): The first question is, that motion S5M-20544, in the name of Jamie Hepburn, on stage 1 of the Consumer Scotland Bill, be agreed to.

Motion agreed to,

That the Parliament agrees to the general principles of the Consumer Scotland Bill.

The Presiding Officer: The final question is, that motion S5M-20319, in the name of Derek Mackay, on the financial resolution for the Consumer Scotland Bill be agreed to.

Motion agreed to,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Consumer Scotland Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3(b) of the Parliament's Standing Orders arising in consequence of the Act.

Meeting closed at 17:01.

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

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

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