



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Meeting of the Parliament (Hybrid)

**Wednesday 23 September 2020**

**Session 5**



The Scottish Parliament  
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - [www.parliament.scot](http://www.parliament.scot) or by contacting Public Information on 0131 348 5000

---

Wednesday 23 September 2020

CONTENTS

	Col.
<b>PORTFOLIO QUESTION TIME</b> .....	1
<b>EDUCATION AND SKILLS</b> .....	1
Outdoor Education Residential Centres (Support) .....	1
Shielding Pupils and Teachers (Support) .....	2
Attainment Gap (Covid-19) .....	3
Probationary Teachers .....	4
Social Distancing (Schools) .....	6
Education Staff (Recruitment) .....	7
Disabled Children and Young People (Pandemic Support) .....	8
<b>HEALTH AND SPORT</b> .....	9
Addiction (Treatment Options) .....	9
Protect Scotland App .....	11
“Warning Lights: Ten Actions for Covid Elimination” (Government Response) .....	12
Chronic Pain Treatment (Restoration of Services) .....	13
Dentists (Pandemic Financial Support) .....	15
NHS Ayrshire and Arran (Covid-19 Control) .....	17
Community-based Football Clubs (Covid-19 Support) .....	18
<b>HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL</b> .....	20
Statement—[Humza Yousaf] .....	
The Cabinet Secretary for Justice (Humza Yousaf) .....	20
<b>PRIORITISING EDUCATION</b> .....	32
Motion moved—[Jamie Greene] .....	
Amendment moved—[John Swinney] .....	
Amendment moved—[Iain Gray] .....	
Jamie Greene (West Scotland) (Con) .....	32
The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney) .....	36
Iain Gray (East Lothian) (Lab) .....	40
Ross Greer (West Scotland) (Green) .....	43
Beatrice Wishart (Shetland Islands) (LD) .....	46
Liz Smith (Mid Scotland and Fife) (Con) .....	47
Clare Adamson (Motherwell and Wishaw) (SNP) .....	50
Johann Lamont (Glasgow) (Lab) .....	52
Kenneth Gibson (Cunninghame North) (SNP) .....	54
Alison Harris (Central Scotland) (Con) .....	57
Rona Mackay (Strathkelvin and Bearsden) (SNP) .....	59
Mary Fee (West Scotland) (Lab) .....	61
Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP) .....	63
Brian Whittle (South Scotland) (Con) .....	65
Tom Arthur (Renfrewshire South) (SNP) .....	67
Stewart Stevenson (Banffshire and Buchan Coast) (SNP) .....	70
Daniel Johnson (Edinburgh Southern) (Lab) .....	72
The Cabinet Secretary for the Constitution, Europe and External Affairs (Michael Russell) .....	74
Jamie Halcro Johnston (Highlands and Islands) (Con) .....	77
<b>BUSINESS MOTIONS</b> .....	82
Motions moved—[Graeme Dey]—and agreed to .....	
<b>PARLIAMENTARY BUREAU MOTIONS</b> .....	85
Motions moved—[Graeme Dey] .....	
Andy Wightman (Lothian) (Green) .....	85
The Minister for Local Government, Housing and Planning (Kevin Stewart) .....	85
Mike Rumbles (North East Scotland) (LD) .....	87
The Minister for Community Safety (Ash Denham) .....	88
<b>DECISION TIME</b> .....	91
<b>HEART VALVE DISEASE AWARENESS WEEK</b> .....	104
Motion debated—[David Stewart] .....	

David Stewart (Highlands and Islands) (Lab) .....	104
Brian Whittle (South Scotland) (Con) .....	106
Stewart Stevenson (Banffshire and Buchan Coast) (SNP) .....	107
James Kelly (Glasgow) (Lab) .....	108
Joan McAlpine (South Scotland) (SNP) .....	109
The Minister for Public Health, Sport and Wellbeing (Joe FitzPatrick).....	111

---

# Scottish Parliament

Wednesday 23 September 2020

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

## Portfolio Question Time

### Education and Skills

**The Deputy Presiding Officer (Lewis Macdonald):** Before we begin today's business, I remind members that social distancing measures are in place in the chamber and across the Holyrood campus and I ask that members take care to observe the measures over the course of this afternoon's business, including when entering and exiting the chamber.

The first item of business is portfolio question time. I remind members that if they wish to ask a supplementary question, they should press their request-to-speak button or enter "R" in the chat function if they are online.

#### Outdoor Education Residential Centres (Support)

1. **Jackie Baillie (Dumbarton) (Lab):** To ask the Scottish Government what plans it has to provide the outdoor learning and youth work sector with the financial support required to prevent the permanent closure of outdoor residential centres. (S5O-04609)

**The Minister for Further Education, Higher Education and Science (Richard Lochhead):** Since the initial closure of schools, the Scottish Government has worked closely with the Scottish Advisory Panel for Outdoor Education to support the appropriate use of outdoor education centres during the pandemic and to highlight the valuable contribution made by centres across Scotland.

Earlier this year, third sector organisations that run outdoor education were able to apply for support through our £25 million third sector resilience fund. In addition, centres could apply for a 0 per cent interest loan, starting at £50,000, via Social Investment Scotland. Outdoor youth work is listed as a key objective in the newly created £3 million youth work education recovery fund, which was announced in mid-September. Funding awards of £20,000 to £60,000 are available through that fund. Finally, a number of third sector outdoor centres may be eligible to apply for funding under the forthcoming community and third sector recovery programme.

**Jackie Baillie:** The minister will be aware from last night's members' business debate that

outdoor education centres in my constituency and across Scotland are facing severe financial hardship—many face closure and a substantial loss of jobs in a matter of weeks. Guidance on day trips is helpful, but it is insufficient to sustain the centres, which are not eligible for the third sector resilience fund, at least, and some have difficulty in accessing some of the other funds that the minister described. Will the minister meet representatives of outdoor education centres urgently to arrange for funding to avoid closure?

**Richard Lochhead:** As Jackie Baillie said, last night's members' business debate highlighted the importance that members across the chamber attach to the valuable role that is played by outdoor education centres in delivering valuable skills for Scotland's young people. In that debate, I gave a commitment to members that ministers will engage with the sector in the coming days. We appreciate the incredible challenges that it faces as a result of the global pandemic, which is affecting all sectors of society. We are listening closely to what the sector is saying and we recognise the valuable role that it plays. We will engage with it in the coming days. In addition, local authorities and directors of education have a big role to play in the engagement with outdoor centres.

#### Shielding Pupils and Teachers (Support)

2. **Alex Cole-Hamilton (Edinburgh Western) (LD):** To ask the Scottish Government what additional measures it is considering to support pupils and teachers who were shielding before the return to school. (S5O-04610)

**The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney):** The guidance that was prepared to support planning for the return to school sets out the particular considerations for children, young people and staff for whom special considerations are required. The guidance is clear that although the requirement to shield is currently not in place, those who are clinically vulnerable or extremely clinically vulnerable were able to return to school and work, unless they were advised not to by their general practitioner or healthcare provider. The guidance also sets out the need to continue to monitor and review these matters and to plan ahead for any potential localised outbreak.

**Alex Cole-Hamilton:** The cabinet secretary will be aware that hundreds of teachers and thousands of school pupils who were either shielding or living with somebody who was shielding will, understandably, all be feeling particularly exposed as we move into a partial lockdown. On the day that Scotland recorded its highest ever daily incidence of coronavirus infections, can the cabinet secretary advise the

chamber what he feels is the tipping point for community transmission, when it will no longer be safe for students and teachers to remain in school? What additional measures to protect them is he planning?

**John Swinney:** The emphasis in my first answer on the published guidance is designed to assure Mr Cole-Hamilton and those on whose behalf he advocates that the guidance assumes that specific consideration is given to the circumstances of any individual who faces any form of clinical challenge and who therefore may have been shielding under the previous arrangements. That approach should be pursued by individual schools, with the support of local authorities, to make sure that the needs of staff and pupils are met.

On the additional point that the member raised in his supplementary question, we listen carefully to the advice of our clinicians, and consider the work of the national incident management team, which provides us with guidance on the appropriate steps that we need to take on any localised outbreaks. Of course, the Government has taken a number of those steps in relation to the situations in Aberdeen, the west of Scotland and Dumfries and Galloway, and yesterday we announced more widespread changes to the arrangements that are in place.

### Attainment Gap (Covid-19)

**3. Maurice Golden (West Scotland) (Con):** To ask the Scottish Government what analysis it has undertaken of the impact of Covid-19 on the attainment gap. (S5O-04611)

**The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney):** I have committed to the implementation of an equity audit to deepen our understanding of the impact of Covid-19 on children from disadvantaged backgrounds and have set clear areas of focus for accelerating recovery.

Work on the equity audit has commenced and it will report in full in December. It will include a synthesis of key literature and will be supplemented with local evidence gathered from schools and other children's services. It is an important part of the recovery process and will inform policy and practice.

**Maurice Golden:** The Scottish National Party pledged to set up a digital schools network in 2007, but almost two thirds of young people had no online teacher contact during lockdown. After 13 years, why could the SNP not get the most vulnerable pupils online?

**John Swinney:** Mr Golden is well and truly mistaken in his analysis. The Government has established the digital schools network—the Glow

system is in place. Usage of the Glow system increased exponentially during lockdown. Obviously, the Government has supplemented that by providing 25,000 devices, and connectivity packages where appropriate, to schools around the country. In addition, local authorities, which carry the statutory duty for the delivery of education, have undertaken significant work to deliver devices to young children who did not have access to them. Indeed, this morning, in a call that I was involved in with headteachers, I heard some of the positive benefits of exactly that work. I suggest to Mr Golden that he look more widely at some of the issues and the progress that has been made on this important topic.

**Iain Gray (East Lothian) (Lab):** One impact of Covid-19, which may affect attainment and the attainment gap is the need for young people, not just in schools but in universities, to socially isolate. In recent days, hundreds of university students have been asked to do that. How will the Government respond to that issue?

**John Swinney:** Our response is in two parts. One important aspect is putting in place the arrangements to support individuals to self-isolate. Through the resilience partnerships that we have in place, practical support is available to individuals who have to self-isolate. Furthermore, in the context of supporting incomes, we confirmed yesterday that £500 payments will be available to individuals who must self-isolate.

The second aspect relates to curricular and digital support to individuals. I have rehearsed with Mr Golden some of the practical steps that have been taken on digital roll-out. Schools have been encouraged to develop models for the delivery of online learning, should there be disruption to learning, and they have those plans in place.

### Probationary Teachers

**4. Bill Kidd (Glasgow Anniesland) (SNP):** To ask the Scottish Government what the procedure and timescale is for probationary teachers to secure posts in schools. (S5O-04612)

**The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney):** I recently announced £80 million of additional investment in education staff. Although the recruitment and deployment of teachers are matters for local authorities, our workforce planning guidance makes clear that the recruitment of existing qualified staff should be prioritised. That includes all qualified teachers seeking work, including post-probation teachers and recently qualified teachers.

Local authorities are continuing to work through their recruitment processes. Current estimates from the Convention of Scottish Local Authorities

suggest that an additional 1,118 teachers have already been recruited, and plans are in place to recruit a further 250.

**Bill Kidd:** One of my constituents completed and passed her probationary teaching period earlier this year but, so far, she has been unable to secure a temporary or permanent teaching post. What advice can the cabinet secretary offer teachers in her situation, to enable them to move forward?

**John Swinney:** As I indicated in my first answer to Mr Kidd, local authorities are currently undertaking a recruitment process, using the additional resources that the Government has put in place. I therefore encourage Mr Kidd's constituent to pursue relevant local authorities in relation to individual posts that might be available.

Although recruitment adverts for available posts are appearing, it might not be possible for post-probation teachers to secure employment in the local authority areas in which they undertook their induction placements. Nevertheless I encourage Mr Kidd's constituent to make contact with relevant local authorities that have advertised teaching posts, to try to secure such an opportunity.

**Jamie Greene (West Scotland) (Con):** The cabinet secretary will be aware of comments made by the Educational Institute of Scotland that, during the summer, thousands of newly qualified teachers were desperate for work. The cabinet secretary might point to local authorities for the relevant numbers, but does he himself know how many such teachers have been given full-time teaching contracts this summer? What plans does the Government have to use such teachers to alleviate Covid-related pressures?

**John Swinney:** Those questions raise a number of points. It is a matter of routine form that a sizeable number of newly qualified teachers secure employment as part of local authorities' annual recruitment process for replenishing the teaching profession.

The Government has added to that through our provision of £75 million for the recruitment of additional teachers. We are working with local authorities to ensure that those resources are delivered effectively around the country.

This year's recruitment process is not yet complete. As I have just made clear to Parliament, more than 1,100 teachers have already been recruited. They will be substantially from the grouping of newly qualified teachers to which I have referred—some of them recently qualified, into the bargain. The employment position, including the relevant numbers, will become clear once that process is complete.

## Social Distancing (Schools)

**5. Murdo Fraser (Mid Scotland and Fife) (Con):** To ask the Scottish Government what measures it has put in place in schools to reinforce the message that pupils need to adhere to social distancing guidelines. (S5O-04613)

**The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney):** Our guidance makes it clear that 2m distancing between adults, and between adults and pupils, should be observed wherever possible. The Scottish Government has worked with partners to develop materials, such as the sector advice card for schools, to support understanding of the guidance. However, it is not possible for national guidance to address the varied and particular circumstances of individual schools, settings and pupils. Local authorities are best placed to identify how to meet the needs of the children and young people in their local area, and to design their school environments accordingly.

**Murdo Fraser:** A recent survey by the National Association of Schoolmasters Union of Women Teachers found that only 6 per cent of teachers working in schools in Glasgow said that school managers were reinforcing messages on the need for pupils to keep apart. That will be causing a great deal of concern to members of the teaching profession. Does the cabinet secretary recognise how serious the issue is? What more can the Scottish Government do to support local authorities to reinforce such messages to pupils?

**John Swinney:** The education recovery group devised guidance, which includes a number of mitigations, to ensure that our schools are safe. One of the mitigations is the physical distancing approach. The group monitors that guidance and tomorrow, at our next weekly meeting, we will reflect on its implementation at local level and will identify what further steps can and should be taken to enforce mitigation.

Schools have taken a number of different routes on that. For example, timetable changes have been put in place to reduce the amount of movement that goes on within the school day. There are enhanced cleaning arrangements; different routing arrangements and different entrances are being used in individual schools; and of course the Government has strengthened the guidance by putting in place the requirement for face coverings to be used by all pupils and staff in communal areas.

This issue will be the subject of continuing weekly review by the education recovery group to ensure that we maintain the high levels of safety that are prevalent in our schools today.

### Education Staff (Recruitment)

**6. Liam Kerr (North East Scotland) (Con):** To ask the Scottish Government what progress it has made with its commitment to recruit 850 extra teachers and around 200 additional support staff to help schools deal with the pressures arising from their reopening following the lockdown. (S5O-04614)

**The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney):** I recently announced £80 million of additional investment in education staff, sufficient for local authorities to recruit around 1,400 additional teachers and 200 support staff this year.

Although local authorities are still working through their recruitment processes, current Convention of Scottish Local Authorities estimates suggest that an additional 1,118 teachers have already been recruited, with plans in place to recruit another 250.

**Liam Kerr:** For full transparency, I remind the chamber that I am married to an Aberdeen teacher. I listened to the cabinet secretary's previous answer to Murdo Fraser. The Scottish Government guidance asks schools to enable social distancing

"where staffing within the school allows it".

However, 83 per cent of Aberdeen-based Educational Institute of Scotland members report no reductions in class sizes, Aberdeen Council says that its schools need twice as many staff to make that happen, and the local union secretary states that the money has to come from the Scottish Government.

Will the cabinet secretary provide the money required to allow Aberdeen schools to do as the Scottish Government requires or will he leave teachers and pupils at risk from the virus and schools at risk of closing?

**John Swinney:** I think that Mr Kerr gets more and more reckless with his language every time I hear him speak. Our schools are safe today and it does nobody any service whatsoever for a member of the Parliament to come to the Parliament and to say things as reckless as Mr Kerr's remarks were about the safety of our schools.

We put in place guidance to ensure that our schools could be safe. They have returned on a safe basis and they have sustained their operations on a safe basis; instead of coming to the chamber and scaremongering, as he has done, I suggest that Mr Kerr looks at the evidence.

**The Deputy Presiding Officer:** Clare Adamson is next. She is participating remotely.

I fear that we will not be able to hear from Clare Adamson due to technical difficulties.

### Disabled Children and Young People (Pandemic Support)

**7. Johann Lamont (Glasgow) (Lab):** To ask the Scottish Government what support it has provided to disabled children and young people during the Covid-19 pandemic. (S5O-04615)

**The Minister for Children and Young People (Maree Todd):** We recognise that disabled children and young people and their families may be finding this difficult time particularly challenging. As we work through the phases of recovery from Covid-19, it is essential that we continue to support and safeguard the wellbeing of all children and families.

Throughout the pandemic, we have worked to ensure that disabled children and young people can continue, where appropriate, to access education or childcare settings to secure continuity in their care and support and to access social care with minimal disruption. Funding has been provided to support organisations and charities through a number of funding initiatives, as well as through continuing core grant funding. Support for unpaid carers has also been improved by implementing the coronavirus carers allowance supplement. We have also opened a number of digital inclusion projects to mitigate against isolation and to improve access to services, particularly for those who have been shielding.

**Johann Lamont:** We all know that, for many families across Scotland, the pandemic has made an already challenging situation even worse. For all too many disabled young people, moving on to further or higher education or finding work or training can be an insurmountable challenge. Parents across Scotland have told me that they need legislation and a statutory right to a transition plan now more than ever. The current system is simply not working.

At the end of this month, I shall introduce a transitions bill to help young people to meet the challenges of adult life and I am delighted to have secured support for the bill from members across the chamber. Will the minister agree to work with me, parents and disabled young people to ensure that my proposal, guaranteeing the support that they so clearly need, is introduced in this parliamentary session?

**Maree Todd:** I am more than willing to work with the member to ensure that those needs are met. There is already a lot of published policy and legislation in the area, but the lived experience of children and young people is undoubtedly still inconsistent. I think that all in the chamber would agree.



I am keen to work together towards solutions. Johann Lamont will be aware, however, that until I see the bill and examine the detail I cannot give a guarantee of Government support. The member will also be aware that the Government has had to shelve plans for legislation over the next year because of the pressures related to the pandemic.

Despite that, however, we are very focused on work in the area. We have a work plan that focuses on improving front-line practice and has a number of strands. I also expect the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill to provide some transformation in this landscape, with children's rights being justiciable in future.

**The Deputy Presiding Officer (Linda Fabiani):** We have not been able to get Clare Adamson back and question 8 was withdrawn, so that concludes portfolio questions on education.

## Health and Sport

### Addiction (Treatment Options)

1. **Bob Doris (Glasgow Maryhill and Springburn) (SNP):** To ask the Scottish Government what progress it has made on ensuring that a range of treatment options are available for people living with addiction. (S5O-04617)

**The Minister for Public Health, Sport and Wellbeing (Joe FitzPatrick):** Good progress has been made, locally and nationally, to ensure that a range of treatment options is available for people in need of support.

Locally, services are already responding to Scotland's eight-point plan for the establishment of a recovery-oriented system of care around alcohol and drugs. The eight-point plan, which comes from the "Rights, respect and recovery: alcohol and drug treatment strategy", includes an emphasis on the need for a full range of treatment options to be available locally. At national level, we have developed quality principles for alcohol and drug services, which set out what people can expect when they access an alcohol or drug treatment service.

Alongside that, the drug deaths task force is currently establishing standards for the delivery of opiate substitute therapy. A growing range of opiate substitute treatment options is emerging, including long-acting alternatives such as Buvidal. In response to the Covid pandemic, we made £1.9 million available to improve access to Buvidal in prison settings, and we are developing plans to support further roll-out of those alternatives across the wider community.

**Bob Doris:** I am pleased that the minister agrees that having a range of treatment pathways is absolutely crucial. On that front, I am pleased that he will be meeting the Sustainable Interventions Supporting Change Outside group in my constituency soon. The group offers support for people in recovery in the communities that I serve. However, the minister knows of my on-going wish to see additional capacity in residential rehabilitation. Will he update me on that capacity and on any on-going work to develop treatment pathways for residential rehab?

**Joe FitzPatrick:** I look forward to joining Bob Doris at the meeting to hear about Sisco's work. It is important that we have a range of support, some of which comes directly from our public services, but I do not underestimate the importance of third sector organisations, particularly those that are based on lived and living experience.

Our strategy includes a clear commitment to better understand the need for residential services across Scotland and to develop effective services to meet that need. We have started work to map out existing pathways of rehab, to access current funding models and to scope out the overall demand for services, in order to gain a better understanding of the number and type of residential beds that are required. We are working with a range of partners to improve the pathways from prison to residential rehab as an enhanced service to support people's recovery at that time, and we have been able to accelerate that work during Covid.

We have also asked David McCartney of the Lothians and Edinburgh abstinence programme to lead a working group that will look at how we can take those options forward in order to ensure that, on the basis of information and evidence, we have not only appropriate rehabilitation services but appropriate access to those services right across Scotland.

**The Deputy Presiding Officer:** Supplementary questions and answers should be short, please.

**Brian Whittle (South Scotland) (Con):** The minister will be aware that, during lockdown, the third sector was invaluable in maintaining contact with the most vulnerable people in our communities who suffer with addiction. How does the Scottish Government plan to ensure that the third sector is appropriately supported to maintain its services throughout the Covid-19 crisis and beyond?

**Joe FitzPatrick:** Prior to Covid, I spent a huge amount of time visiting many of the third sector organisations of the kind that Mr Whittle refers to and which Mr Doris mentioned in his question. Throughout Covid, we have provided extra

funding. There is an additional £20 million within the system; there is also additional money for a range of options that is being routed through the drug deaths task force. Some of that money has been committed and some of it is being allocated through the grants process.

Mr Whittle can be absolutely assured that, from all the personal contact that I have had, I do not underestimate the huge value of the contribution of third sector partners, which is at its strongest in places such as Lanarkshire, where the third sector is working hand in hand with the public sector.

**Monica Lennon (Central Scotland) (Lab):** Scotland's drug deaths emergency is not easing. How many people have been referred to residential rehab during the pandemic? How many places are currently available? How much of the task force's money has been spent on rehab in the past year?

**Joe FitzPatrick:** The drug deaths task force is focusing on a range of work. Before I talk specifically about rehab, I want to wind back a bit. The first point that we must remember is that, in addressing this really difficult and long-standing problem, there is no magic bullet. Whether we are talking about rehab, Buvival or anything else, we must remember that it is important that a range of options is available. It almost sounded as though Monica Lennon was suggesting that, if we just spent all our money on rehab, the problem would go away, but it is clear that that is not the case.

The drug deaths task force is working on establishing a test of change to look at how an offer can be made in relation to residential rehab as part of a longer recovery journey, particularly to protect in the next stages those people who have experienced a non-fatal drug overdose.

As I said in my answer to Mr Doris, a short-term working group led by David McCartney from LEAP is looking at what more we can do to open up routes into rehabilitation for those people for whom that is appropriate.

### **Protect Scotland App**

**2. Maureen Watt (Aberdeen South and North Kincardine) (SNP):** To ask the Scottish Government what steps it is taking to reassure people in the north-east and elsewhere that signing up to the Protect Scotland app does not make them more at risk of scamming. (S5O-04618)

**The Cabinet Secretary for Health and Sport (Jeane Freeman):** Downloading the Protect Scotland app does not increase the risk of exposure to scamming. The app does not collect your name, address or age and it does not hold your phone number. The app cannot track your location and cannot reveal the identities of anyone

you have been in contact with or who has tested positive. There is no information on the app that a scammer can use to access your identity.

Phone calls or texts from genuine NHS Scotland contact tracers will always come from this number: 0800 030 8012. Callers will always introduce themselves and the reason for their call, and they will never ask for your computer passwords or your bank details.

The app is an important additional tool for our NHS test and protect system. It helps with contact tracing, particularly in circumstances in which you will not know the name or any of the details of someone you have been in close contact with—for example, in a shop or on public transport.

**Maureen Watt:** I thank the cabinet secretary for that full reply.

I hope that, by ensuring that people have confidence in the safety of the Protect Scotland app, we will increase its uptake. For it to be as effective as possible, we need people to download it. The Government has previously written to the people of Scotland regarding the pandemic. In the light of yesterday's announcement, does it plan to do so again? If that is the case, will it include in the letter details of the Protect Scotland app and the means of downloading it, such as the QR code?

**Jeane Freeman:** Yes. Work is already under way for a further national door drop during November. It will cover a range of topics with respect to the health service, including information on the test and protect service, the reasons why it is important that people download the Protect Scotland app if they have not yet done so, and those additional reassurances. They are also in the app, so people who download it can see them there.

### **"Warning Lights: Ten Actions for Covid Elimination" (Government Response)**

**3. Alison Johnstone (Lothian) (Green):** To ask the Scottish Government what its response is to Common Weal's paper, "Warning Lights: Ten Actions for Covid Elimination". (S5O-04619)

**The Cabinet Secretary for Health and Sport (Jeane Freeman):** We welcome Common Weal's publication. Indeed, we already have in place many of actions recommended in its report. Our approach and principles, which guide us as we take decisions, are in our publication "COVID-19: A Framework for Decision Making". Scotland has a tried and tested approach to managing outbreaks of any infection here and we continue to work closely with local incident management teams, which are critical in that work, as we respond to the outbreaks of Covid-19.

**Alison Johnstone:** The paper, which proposes a decentralised strategy, states:

“it is simply not credible to believe that an elimination strategy can be delivered if there is no monitoring of routes of new infection entering the country”.

It recommends measures to prevent incoming infection, including diverting people who arrive in Scotland’s airports through testing stations and requiring inbound travellers to isolate in a secure location, such as a hotel, to ensure that there is compliance with quarantine rules. Is the cabinet secretary considering such measures?

**Jeane Freeman:** We have never said that we have complete control over the elimination strategy that we are pursuing, because we do not control our own borders. We have had the debate and discussion about testing at airports many times. The current test that is available, valid and reliable is the polymerase chain reaction test. All that it does is tell us whether the person is positive or negative on the day of entry. It does not tell us what would happen the day after, or the day after that. That is why quarantine is so important.

I am not convinced about putting everybody into a single location to quarantine them. There must be a rights question involved in that. Australia does it, and I am mindful of the experience in Melbourne. The major outbreak that led Australia to close down that city started in one of the hotels that was used to put inbound travellers into quarantine.

On a decentralised strategy, I note that our test and protect strategy is built from the ground up. It is built on the local health protection teams and the local incident management teams, which look at the themes that are emerging as the test and protect approach identifies the index cases, the contacts, the connections between them all and so on, and makes decisions accordingly. We have that decentralised approach; equally, we have to have a national approach and a national framework that people can be accountable for.

### **Chronic Pain Treatment (Restoration of Services)**

**4. Claudia Beamish (South Scotland) (Lab):** To ask the Scottish Government what measures it is taking to restore chronic pain treatment services, in light of official statistics for the quarter ending 30 June 2020, which recorded that over half of new patients waited over 18 weeks for a first appointment. (S5O-04620)

**The Minister for Public Health, Sport and Wellbeing (Joe FitzPatrick):** I appreciate how difficult postponement of treatment has been for people with chronic pain. We remain committed to ensuring that health boards resume a full range of specialist pain services as quickly as it is safe to

do so. Tomorrow, we will publish a recovery framework for pain management services, and as part of that the Cabinet Secretary for Health and Sport will write to national health service boards to set out our expectation that they will take immediate action to ensure that pain clinics are prioritised alongside other essential services as we remobilise our NHS.

**Claudia Beamish:** I thank the minister for that answer. It is very encouraging that there will be immediate action, because many chronic pain patients have suffered without specialist pain relief for up to six months, including some in my region, since Scotland’s NHS clinics were halted. Some patients have had to seek relief in England and pay for their treatment, which is of course not possible for everybody. Those in excruciating pain are desperate to regain the services.

I highlight that the First Minister has mentioned reducing

“long-term reliance on specialist services and treatments”

that the Government claims

“demonstrate limited health outcomes.”

Will the minister explain what “limited” means in this case? Some patients get six weeks of relief from agony while others get many months. What treatments will be targeted? Were any charities consulted on the framework that is being published tomorrow, which I recognise is an important step forward? Patients are concerned, and it would be valuable to hear whether lignocaine infusions and injections are at risk of being on the list of limited treatments.

**The Deputy Presiding Officer:** I ask the minister to stick to answering the question and not to respond to the preamble.

**Joe FitzPatrick:** Okay. Sorry—I am mixed up about what was the question and what was the preamble.

The member makes a number of important points. I think that one of the questions that she asked was about consultation with organisations that represent stakeholders. She is absolutely right: it is important that we hear from those organisations and that we listen to the voice of lived experience as we take forward the recovery framework for pain management services. That is a really important point.

The recovery framework for pain management services will clearly set out the Government’s expectation that health boards will take immediate action to ensure that people with chronic pain have access to the support that they need to improve their quality of life and wellbeing.

The most important thing that I said in that answer was about the voice of lived experience

and the fact that we have consulted closely with organisations that represent the people who suffer from chronic pain.

**Emma Harper (South Scotland) (SNP):** The impact of Covid and lockdown undoubtedly will have been difficult for anyone who suffers from chronic pain. Can the minister provide an update on the modernising patient pathways programme and say how it will be factored into the Scottish Government's NHS remobilisation plan, which is prioritising the resumption of some paused services?

**Joe FitzPatrick:** The modernising patient pathways programme—MPPP—has been working closely with health boards to offer support with remobilising and redesigning patient pathways during the pandemic. That includes supporting triage processes to ensure that people are on the right treatment pathway for their needs.

As part of our wider efforts to remobilise and redesign pain services, the MPPP is funding a number of projects across Scotland to explore the provision of skilled pain practitioners in primary care and improve access to pain management support. That will help to reduce demand and relieve pressure on specialist pain management services, and allow for prioritisation of those most in need.

I hope that members see not only that I am determined that we will take immediate action, but that we are looking at how we can take longer-term action to improve the overall support that people with chronic pain receive.

#### **Dentists (Pandemic Financial Support)**

**5. Fulton MacGregor (Coatbridge and Chryston) (SNP):** To ask the Scottish Government what financial support it has put in place for national health service dentists during the Covid-19 pandemic. (S5O-04621)

**The Minister for Public Health, Sport and Wellbeing (Joe FitzPatrick):** The financial support that the Scottish Government is providing to NHS dental practices and individual contractors during the pandemic is unprecedented and greatly contributing to the continuity of NHS dental service provision in Scotland. The Scottish Government is making exceptional payments of £12 million per month to support NHS dental practices specifically. That includes additional investment of £2.75 million per month to support practices with running costs and to mitigate lower numbers of patients due to the current public health measures, which are placing restrictions on patient volume.

**Fulton MacGregor:** I have been contacted by a number of constituents who have advised me that they have been unable to get dental care through their NHS dentist. They have been advised to

seek treatment privately, but in some cases they cannot afford that. Can the minister advise whether the Scottish Government has plans to allow NHS dentists to carry out the same level of treatment that private practices are offering, while, of course, keeping all patients safe from Covid-19?

**Joe FitzPatrick:** It is important to point out that, throughout the pandemic, we have ensured a strong network of NHS provision for urgent dental care. As far as I am aware, no similar level of access to urgent care has been provided anywhere else in the United Kingdom. Clearly, however, a number of people have indicated that there appears to be a difference between what is available in NHS dentistry and private dentistry. I want to provide some context for that difference.

Dentists who perform NHS work are regulated primarily by their local NHS health board. Private dentistry is regulated by Healthcare Improvement Scotland. Whether they carry out NHS work or work privately, all dentists are subject to the same requirements to control the spread of coronavirus. The Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020 require all healthcare providers to take all reasonable measures to ensure safe practice in the controlled environment in which they are currently operating. There is, of course, scope for different practices to take slightly different approaches to meeting the same requirements, depending on the nature of the practice premises and individual situations, but those measures may necessarily include strictly limiting the number of patients who are seen each day.

Let me be clear: the most sensible way of ensuring compliance is for all dentists to comply with the dental remobilisation plan, whether they are a private dentist or an NHS dentist. Within that plan, we are continuing to look at how and when we can further increase the range of treatments that are available on the NHS.

**Rhoda Grant (Highlands and Islands) (Lab):** That does not really answer the question why someone can be refused NHS treatment and can then be offered the same treatment privately at the same dentist. I have a constituent who has paid well over £1,000 for fillings for a child at the same dentist because of the lack of personal protective equipment for NHS patients.

**Joe FitzPatrick:** Let me be absolutely clear: appropriate PPE is made freely available for NHS dentistry across Scotland. That has to be used for NHS dentistry in line with the remobilisation plan and the chief dental officer's guidelines. I encourage all dentists in Scotland to look at the CDO's guidelines and to follow them. The CDO is working really hard with the British Dental Association and others to look at how we can

remobilise all dental services across Scotland in a safe way. The suggestion that there is not enough PPE is not factual.

**The Deputy Presiding Officer:** We seem to have a problem getting Clare Adamson connected to ask question 6, so we will move on to question 7.

### **NHS Ayrshire and Arran (Covid-19 Control)**

**7. John Scott (Ayr) (Con):** To ask the Scottish Government what recent discussions it has had with NHS Ayrshire and Arran regarding measures to control the spread of Covid-19. (S5O-04623)

**The Cabinet Secretary for Health and Sport (Jeane Freeman):** There are weekly meetings between the chief executive of NHS Scotland and senior officials and chief executives of our national health service boards, including NHS Ayrshire and Arran. In addition, the Minister for Public Health, Sport and Wellbeing and I meet board chairs on a fortnightly and monthly basis, and the chief executive of NHS Ayrshire and Arran is on the recovery group for the remobilisation of the NHS, which I chair. In all those meetings, aspects of our response, our preparedness and our planning for the pandemic are discussed.

**John Scott:** The cabinet secretary will be aware from those meetings of the growing concerns of family members who are having difficulty accessing elderly relatives in care homes, particularly in the Ayr constituency. As Dr Donald Macaskill has observed:

"The longer we keep people apart, the more people will be lost to our Covid response rather than to the disease itself."

My constituents are suffering from that. What can the cabinet secretary do about that unfolding tragedy in Ayrshire and elsewhere?

**Jeane Freeman:** I am very glad that Mr Scott has asked that question, because there are a number of points that I need to make.

First of all, 40 per cent of our care homes already meet the criteria, which are that they have to be Covid free for 28 days and they have to take part in the care home staff testing programme. The 40 per cent of care homes that meet those criteria already have indoor visiting, and outdoor visiting remains.

I spoke to Mr Macaskill and the Care Inspectorate this morning. I have fortnightly meetings with both of them. When I spoke to Mr Macaskill, I raised my concern that I, too, am receiving emails from family members who tell me that their care home has now stopped all visiting, saying that it has been stopped as a requirement of the Scottish Government. Nothing could be further from the truth. I have asked him to make

that clear to all his members and I intend to write to all care homes, as I did about testing, to remind them that the restrictions that were introduced yesterday do not impose additional restrictions on care home visiting.

On the contrary, part of what we are trying to do with the new restrictions that the First Minister announced is not only to keep education open but to protect and keep our care homes open to visiting. Last Friday, I had the benefit of a discussion with the care home relatives Scotland Facebook group about how we could increase the length of time of indoor visits and the frequency of those visits for the designated indoor visitor. I will meet that group again this week or early next week.

We are actively looking with our care homes clinical and professional advisory group to see how we can do that, because I would like to be able to, in a way that continues to protect our residents—of course that is our primary objective—but also ensures that we can allow family members to be with their loved ones for longer, to eat with them and to have as close to normal visiting as we can possibly manage. That work is under way, as is the work to reintroduce health and personal care services and outdoor visits to our care homes—both of which had been paused during the pandemic.

### **Community-based Football Clubs (Covid-19 Support)**

**8. Dean Lockhart (Mid Scotland and Fife) (Con):** To ask the Scottish Government what support it is giving to small community-based football clubs that are facing financial difficulties and closure due to the Covid-19 crisis. (S5O-04624)

**The Minister for Public Health, Sport and Wellbeing (Joe FitzPatrick):** The Scottish Government has been working closely with football authorities to ensure that clubs at all levels have access to the support and advice that they need at this difficult time.

Since the start of the Covid-19 outbreak, the Scottish Government has worked closely with the United Kingdom Government as well as private and public sector partners to develop a range of support mechanisms for business. In addition, the £20 million third sector resilience fund provides support for charities, community groups, social enterprises and voluntary organisations that are working in Scotland. The fund supports organisations that already deliver services and products, but find themselves in financial difficulty directly as a result of the pandemic. The fund's primary intention is to help third sector organisations to stabilise and manage cash flows over this difficult period.

In order to safeguard our wider sporting sector, I have written to the UK sports minister to request an urgent meeting to discuss the possibility of a recovery package for sport.

**Dean Lockhart:** For community-based sports clubs, the return of ticket paying fans is, for understandable reasons, a distant prospect. Many of those clubs, such as Stirling Albion Football Club in the area that I represent, face challenging times, both financially and operationally.

Will the Scottish Government consider taking additional non-financial measures to support those clubs? That could include helping with health risk assessments to identify how clubs can use their premises for other purposes, assistance with live streaming matches to local communities and helping them to explore alternative sources of revenue so that those clubs, which are very often at the heart of their communities, are able to survive the crisis.

**Joe FitzPatrick:** I thank the member for his constructive question.

It is important that we do all those things. My officials are working closely with the Scottish Football Association and the Scottish Professional Football League on those areas. All the suggestions that the member made are things that I think are being looked at. Certainly, I have heard a fair bit about the concept of streaming tickets, for example, and some clubs are seriously looking at that.

The member is absolutely right about the challenge that making such changes presents for our clubs, which is why I have written to the UK sports minister in the same spirit of co-operation to see whether we can work together across the four nations to support what, for many people, is at the heart of their communities.

**The Deputy Presiding Officer:** That concludes questions on the health and sport portfolio. Members should note that that session lasted almost 30 minutes and we got through only seven questions. I ask members to have a think about how they ask their questions, and about the length of the answers.

Please maintain social distancing when leaving the chamber.

## Hate Crime and Public Order (Scotland) Bill

**The Deputy Presiding Officer (Linda Fabiani):** The next item of business is a statement by Humza Yousaf on the Hate Crime and Public Order (Scotland) Bill. The cabinet secretary will take questions at the end of his statement, so there should be no interventions or interruptions.

14:50

**The Cabinet Secretary for Justice (Humza Yousaf):** Two weeks ago, I promised that I would return to the chamber to outline changes that I look to make to the Hate Crime and Public Order (Scotland) Bill. Those changes are in response to the very genuine concerns that I have heard from a number of stakeholders and members over the past few months.

In particular, the operation of the “stirring up hatred” offences has been the subject of considerable attention. I want to remind members of one of the key underlying principles of the bill. At its most simple, it is tackling hate crime, which is a principle that the vast majority of key stakeholders and members share and applaud. Confronting of hate crime is central to building the Scotland that we all want. Two weeks ago, members overwhelmingly voted for that, and we promised to work together as parliamentarians to achieve it.

We cannot let down victims of hate crime. We must take forward our plans to legislate in order that we ensure that our hate crime legislation is fit for the 21st century and, most important, that it affords sufficient protection to those who need it.

I highlighted in Parliament two weeks ago how hate crime remains a significant issue that we must tackle. More than 5,600 hate crimes were reported to the Crown Office and Procurator Fiscal Service last year, but they are only the tip of the iceberg, because we know that much hate crime is not reported at all. We cannot afford to be complacent. Effective hate crime legislation makes it clear to victims, perpetrators, communities and wider society that offences that are motivated by prejudice will be treated seriously.

I have listened to the voices that have expressed concerns about the bill, and I have reflected on the agreement that was made in the chamber to seek common ground and compromise. I have spoken to a number of stakeholders to seek their views on the areas of the bill that I committed to considering. I have spoken to the Faculty of Advocates, the Law Society of Scotland, the Humanist Society Scotland, the Roman Catholic Church, the

Scottish Police Federation, a number of people in the creative industry, a range of equalities organisations and many others. I thank them all for their time and, which is most important, for their trusted advice.

I am also mindful of the request by a number of members from across the chamber, in particular the Liberal Democrats, that any proposed changes that the Government was willing to make be announced as soon as possible in order to give the Justice Committee time for due consideration. I hope that my making this statement a month before the Justice Committee is due to take oral evidence is an indication of my respect for the parliamentary process and of how important I think scrutiny of the proposals is.

The operation of the new stirring up hatred offences has raised concerns that the offences can be committed where behaviour is “likely” to stir up hatred, whether or not the accused intended to stir up hatred. Stirring up hatred offences are not new and have, in relation to race, existed across the countries of the United Kingdom for decades. The bill introduces new offences of stirring up hatred that cover the characteristics of age, disability, religion, sexual orientation, transgender identity and variations in sex characteristics. That is a significant expansion of the offence of stirring up of hatred, which aims to ensure that people who stir up hatred in respect of various characteristics can be held to account under the criminal law for their actions.

We must acknowledge, as many stakeholders do, why the bill provides for additional offences of stirring up hatred in the first place. Behaviour that stirs up hatred is corrosive. It can incite people to commit offences against individuals in the targeted group, and it can contribute to an atmosphere in which prejudice and discrimination are accepted as normal. It can leave entire communities feeling isolated, scared and vulnerable to attack. In the most serious cases, it can directly encourage activity that threatens or endangers life.

Parliament should protect people from that distinct harm by legislating for new offences of stirring up hatred. I have, however, reflected carefully on the operation of the new offences—in particular, on the fact that the new offences of stirring up hatred would not require that the accused intended to stir up hatred. People are concerned that the offence could be committed by people who are expressing controversial views but have no intention of stirring up hatred against any group.

The bill contains some protections against that, and the offences themselves set a significant threshold for criminal sanctions. Behaviour must be threatening or abusive and must be likely to stir up hatred, and not merely dislike, disapproval or

disrespect. There is also a defence that the accused’s behaviour was, in the particular circumstances, reasonable.

However, having heard the views that have been expressed in Parliament and by a range of key stakeholders, I recognise that even with the protections that I have just outlined, there is a real risk that if the offences do not require intent to stir up hatred, there could be uncertainty and a perception that operation of that aspect of the offences might be used to prosecute entirely legitimate acts of expression, which might lead to an element of self-censorship.

That is not the aim of the legislation. The bill does not seek to stifle robust debate, public discourse or artistic freedoms. Instead, the bill seeks, while respecting freedom of expression, to offer greater protection to those who suffer from this particularly damaging type of offending behaviour.

I want members from across Parliament and people across Scotland to come together so we can ensure that hate crime law can deal effectively and appropriately with the problem of stirring up hatred. That is why it is important to allay, beyond doubt, concerns about operation of the new offences.

I can advise that the Scottish Government will lodge stage 2 amendments to the bill to make the new offences of stirring up hatred based on intent only. I hope that that fundamental change will provide the necessary reassurance that the new offences of stirring up hatred strike an appropriate balance between respecting freedom of expression and protecting people who are affected by those who set out to stir up hatred.

In making the change, I will maintain the distinct approach of the bill to the stirring up racial hatred offences, which will continue to apply as they do at the moment, and as they have done for the past 34 years. Stirring up racial hatred offences in the form that they take in the bill have existed across the United Kingdom, including in England and Wales, for decades. I see no reason to fundamentally adjust a long-standing approach and protection that has worked well in practice. I would be concerned about community cohesion were there to be any weakening of the existing protections in respect of race.

The change to the offences being intent only for the additional characteristics will have direct implications for other ancillary aspects of the new offences of stirring up hatred. I am open to considering matters such as the operation of the “reasonableness” defence and the provisions concerning freedom of expression, in the light of my intention to lodge amendments to make the new offences intent only.

I am committed to continuing to engage with Parliament and stakeholders as the bill undergoes the scrutiny process, and to considering whether further amendments should be made in those ancillary areas.

There is one further specific area in which we particularly want to hear Parliament's voice through the scrutiny process: use of modernised language in the bill. Regarding the part of the bill on statutory aggravations, support has been expressed for considering again whether the test of "evincing malice and ill-will" could be changed to "demonstrating hostility", as Lord Bracadale recommended. I am committed to further engagement to consider the effect that that would have, and whether such changes might beneficially be introduced at stage 2.

I am aware that other views and concerns have been expressed. An effective scrutiny process will ensure that those are all aired during healthy and robust debate. I wanted to ensure, however, that Parliament was advised in good time of the Scottish Government's responses to the key concerns that have been expressed about the bill.

I know that hate crime is an emotive subject; I know all too well that it is a deeply personal one, too. I want to give this criminal law legislation the best chance of affording protection to those who need it. I look forward to working with members on the bill, and I thank the stakeholders with whom I have engaged for allowing me to make this announcement.

I also want to reiterate that I will make myself available if I have to appear in front of committees or Parliament during the recess or on weekends—whatever it takes. I am happy to do so, because the bill is needed for protection of people who are vulnerable to the stirring up of hatred. Any attempts to filibuster or delay the bill should be thwarted.

Finally, I want to reassure members that the misogynistic harassment working group remains a priority. We will set out our plans for it next month.

I have taken numerous bills through Parliament and have always believed that scrutiny can only strengthen legislation. I hope that I have demonstrated willingness to listen and act when concerns exist. I reiterate that although there will undoubtedly be concerns about other parts of the bill, I will continue to listen to members and key stakeholders throughout the Parliamentary process.

I am confident that the debate around the bill will help to build consensus on how we can effectively tackle hate crime, and on how we keep working together to build an inclusive and just Scotland for all.

**The Deputy Presiding Officer:** The cabinet secretary will now take questions on his statement.

**Liam Kerr (North East Scotland) (Con):** I thank the cabinet secretary for advance sight of his statement and for coming forward with it today. We now know that the Hate Crime and Public Order (Scotland) Bill has received more written responses than any other bill in the history of the Scottish Parliament. In our recent debate, the Scottish Conservatives warned about the avalanche of opposition to the bill and remain really worried that sufficient scrutiny is not given to the rest of the bill because of its controversial part 2. That scrutiny would ensure—in the cabinet secretary's words—that the bill is "fit for the 21st century."

The amendments that the Cabinet Secretary for Justice proposes do not begin to go far enough and respondents will note that the cabinet secretary has not admitted that the first draft of the bill is a threat to free speech. He makes no mention of the threshold for criminality, with regard to "threatening or abusive" behaviour or communication, which represents a significant difference to the legislation south of the border. There is still no protection in the bill for anything that is said in the privacy of one's own home and the bill's vague clauses on "inflammatory material" are not mentioned.

In the face of such outrage over part 2 of the bill, why has the Cabinet Secretary for Justice committed only to the consideration of amendments for the protection of freedom of speech, rather than lodging them now, as the Parliament demanded two weeks ago? What amendments will he lodge to protect people from prosecution for things that are said in the privacy of their own home? Why did he refuse to listen to the unprecedented backlash against the new stirring up of hatred offences, and why did he not simply scrap part 2 to allow the rest of the bill to proceed to full scrutiny and swift enactment?

**Humza Yousaf:** Dealing effectively with the new stirring-up offences by changing them to intent-only offences will mitigate and ameliorate the vast majority of concerns that a number of stakeholders have expressed. I referenced a number of stakeholders in my opening remarks, who told me that a change to intent-only offences would mitigate the vast majority of their concerns—for example, the reasonableness defence might not be needed.

I have now made that change, so we can concentrate on some of the other parts of the bill that the member mentions, such as the freedom of expression clauses or part 1 of the bill, on statutory aggravations.



The other areas of the bill—freedom of expression, private dwellings—are all things that we as parliamentarians and legislators should be capable of discussing, taking evidence on and lodging amendments on at stage 2 if necessary. I said in my opening remarks that I will make myself available to work over the recess if necessary and I hope that others are equally willing to work as hard as we possibly can to progress the legislation.

The final point I will make to Liam Kerr is that simply scrapping the stirring-up offences is not an option, because those offences are corrosive to society. Victim Support Scotland rightly said a fortnight ago that those who are the targets of hatred cannot afford to wait years and years for the vital protections that they require. The statutory aggravations already exist, with the exception of the one that we are adding for age. The stirring-up offences are corrosive to society and we should not shy away from that vital protection.

**Rhoda Grant (Highlands and Islands) (Lab):** I thank the cabinet secretary for prior sight of his statement. All of us in the Parliament find hate crime absolutely unacceptable, so this change of heart is welcome and it is useful to have the changes announced prior to scrutiny of the bill, so that they can be tested properly by the committee. When stakeholders say that the changes largely meet their needs, do they still want further protections in the bill for freedom of speech? There is a great deal of interest from stakeholders about the misogyny working group; can the cabinet secretary tell us who will sit on that group and when will it first meet?

**Humza Yousaf:** I thank Rhoda Grant for the tone and substance of her questions. In relation to the direct question that she asked about freedom of expression clauses, the short answer is yes—a number of stakeholders raised that concern, from the Roman Catholic Church to the Equality Network and many in between, so I will give further consideration to that area, as I mentioned in my statement.

As I said in my statement, we should be able to update the Parliament next month on the misogynistic harassment working group. Rhoda Grant may have seen that the Law Commission in England and Wales has produced some work today—around 500 pages—on that issue and I will be looking at that. I should be able to update members next month on that vital piece of work.

**Patrick Harvie (Glasgow) (Green):** I thank the cabinet secretary for advance sight of his statement, which does not, however, deal with the fundamental challenges of proving intent. Why has the cabinet secretary not chosen to take a similar approach to that taken in the Public Order Act

1986 in relation to stirring up racial hatred, where intent or likelihood are both covered? Where intent is not proved, it is a defence that the accused was not aware that their behaviour might be threatening or abusive. Surely, if we do not take that approach, we will risk a situation in which very extreme actions that clearly stir up hatred will be legitimised on the basis that an accused can merely argue that their intention was something else.

**Humza Yousaf:** I thank Patrick Harvie for his question and I put on record his steadfast support in relation to tackling hate crime in all its forms. The concerns that Patrick Harvie articulates are the very concerns that I had at the beginning of the bill process—that if we created the new stirring-up offences as intent only, a simple defence for an accused would be, “I didn’t intend to do X, Y or Z”. I tested that proposition with the Faculty of Advocates, the Law Society of Scotland and some lawyers and solicitors that I know. They provided me with a significant degree of reassurance that it is not simply a case of the accused saying that they did not intend to do something and that therefore a judge, jury or sheriff would accept that as the word of the accused. The judge, jury or sheriff would look at all the contextual factors surrounding an incident and determine whether there was an intent to stir up hatred or not. It is not simply the case that an accused could say, “I did not intend to do that.” Further, of course, intent has to be proven in relation to a number of offences, if not most of them.

I accept the point that Patrick Harvie is making, which is that we have to give those who will be affected by the new stirring-up offences confidence that they are still significant and can be prosecuted, and I am more than happy to work with Patrick Harvie on that.

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** The cabinet secretary reminded members that the key underlying principle of the bill is tackling hate crime. I whole-heartedly agree that we should not lose sight of that aim. Does the cabinet secretary agree that we now owe it to victims of hate crime to work together to create world-leading legislation that we as a Parliament can be proud of?

**Humza Yousaf:** Yes, in short. Rona Mackay asks an important question, because we sometimes forget that it is not the loudest voices that are always the ones that we should listen to. We should of course listen to people who raise concerns about freedom of expression—those concerns are legitimate, and we have demonstrated that we have listened to them—but we must also listen to those who are the most affected, the most targeted and the most

vulnerable when it comes to hate crime, and that means that we should not delay the bill or attempt to thwart it in any way, but should work as hard as we can between now and the end of the parliamentary session to ensure that we have an absolutely effective piece of legislation that protects the most vulnerable in society and, at the same time, gives people absolute confidence in relation to freedom of expression. The two factors are not mutually exclusive, and I have every confidence that we can do that.

**Liam McArthur (Orkney Islands) (LD):** I, too, thank the cabinet secretary for early sight of his statement and for responding positively to my call earlier this month for the proposed changes to part 2 of the bill to be brought forward well ahead of the committee beginning to take oral evidence at stage 1.

As he said, the proposed stirring-up offence in the bill has led to serious widespread and legitimate concerns about the consequences for freedom of expression, and the “intent to” safeguard is a welcome step in the right direction. However, Lord Bracadale said:

“almost every case which could be prosecuted as a stirring up offence could also be prosecuted using a baseline offence and an aggravation”

Can the cabinet secretary offer examples of behaviour that would be caught by a stirring-up offence but would not be caught by the bill’s aggravation provisions?

**Humza Yousaf:** If the member refers to my statement, he will see that I made the point that it is important that the criminal law appropriately prosecutes offences and records them in a way that gives confidence to the public. The member is absolutely right to say that, under current law, there are a number of pieces of legislation that could be used to prosecute offences in relation to the stirring up of hatred. However, stirring up hatred is a corrosive behaviour that not only affects an individual but could involve an entire community, and it is important that is prosecuted in that context.

The member asks for an example. The reason why a stirring-up offence is needed is because it does not require an individual to be on the receiving end of it; it could be an entire community, such as the Muslim community, the gay community or people who have disabilities, that is affected by a stirring-up offence, whereas the statute of aggravators in part 1 of the bill—as far as I know; I will have to look into this in more detail—generally involve offences that are attached to an individual. That is why it is important that, although behaviours related to stirring up hatred may well be capable of being prosecuted in some other way, they are recorded in the correct way. That is important not only for

the purposes of the bill but because, hopefully, that will give confidence to those communities that are targeted by that hatred.

**Ruth Maguire (Cunninghame South) (SNP):** I welcome the fact that the Scottish Government has listened to people who raised concerns about the bill and that it has acted. As the cabinet secretary mentioned, the Law Commission in England and Wales has today published a report on hate crime. On the issue of stirring up hatred, it proposes that the focus should be on the deliberate incitement of hatred, which provides greater protection for freedom of speech where no intent can be proven. What is the cabinet secretary’s response to the report’s recommendations?

**Humza Yousaf:** I hope that Ruth Maguire will forgive me, but I think that the report is just shy of 500 pages, and I have briefly skimmed its headlines. I will, however, take time to look at it tonight and over the coming days.

I hope that I have been able to address the general point that Ruth Maguire raises. For the new offence of stirring up hatred, we are moving to intent only. I think that that will help to give some assurances.

With regard to the concerns that she raised about a fortnight ago, if I remember correctly, she highlighted specifically the concerns of the Humanist Society Scotland. It was one of the stakeholder organisations with which I have engaged since then, and I am sure that it will articulate, if asked, that it was very positive about the change.

I will look at the Law Commission report, but I think that the change that I have announced will go a long way to reassure those who, like Ruth Maguire, had concerns about the bill’s drafting.

**Liz Smith (Mid Scotland and Fife) (Con):** Is the cabinet secretary now confirming that he recognises that there are serious flaws in several key sections of the bill, including wording that is open to misinterpretation, and that, notwithstanding what he has announced today, he will address those other concerns before the scrutiny by the Justice Committee takes place, so that there is no hint of our making bad law?

**Humza Yousaf:** I disagree with Liz Smith’s characterisation of the bill. I do not accept that there are key, fundamental flaws in the bill, although there are proposed amendments that we should consider. All of us, as parliamentarians, have a responsibility. Liz Smith has been a parliamentarian for longer than I have, and she has—no doubt very effectively—scrutinised bills over the years. We should be able to do that as a Parliament.

The change that I have announced—to an intent-only offence—will have an ancillary effect on a number of other areas of the bill. I will give that consideration, as I mentioned in my remarks.

It is incumbent on each of us, as parliamentarians, whether in opposition or in government, to make sure that we engage in the process constructively and with an open mind. I will listen with an open mind to proposals for change, as I have done thus far, but I do not think that there are fundamental flaws in the bill. Concerns can be addressed through the normal parliamentary process.

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** The cabinet secretary will recall my specific concerns about the use of the term “stirring up” in hatred offences without the necessity of proving intent or mens rea, for which there is a plethora of case law. I therefore welcome the measured move to requiring intent or mens rea. That endeavours to strike a balance between freedom of speech and expression—which is, of course, not absolute—and incitement to criminal acts.

**Humza Yousaf:** I thank Christine Grahame. She has raised the issue with me both publicly, in the Parliament, and privately. I appreciate her experience and knowledge of the law.

As I have said, a number of people had key and genuine concerns that the offences of stirring up hatred were about intent and likelihood. I am pleased that, by moving them to intent only, a number of stakeholders and, indeed, members of all parties, will—it seems to me—have greater confidence in the legislation. I hope that we will also be able to strengthen the bill so that it gives to the most vulnerable in our society the protections that we all want it to give.

**Alex Rowley (Mid Scotland and Fife) (Lab):** It is welcome that the cabinet secretary has spoken to key stakeholders, and I hope that he is committed to continuing to do so as the bill progresses.

Beyond the amendments that are proposed today, the Faculty of Advocates has suggested that some of the definitions in the bill—for example, those that concern perceived religious affiliation—are too broad and too vague. To avoid a repeat of the problems of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012, is the cabinet secretary considering amendments that would tighten the definitions in the bill?

**Humza Yousaf:** My answer is similar to that which I gave to Liz Smith: yes, of course, the Government will keep an open mind. I have done that—I have taken numerous bills through the Parliament, and I think that I accepted every

Opposition amendment on the Scottish Biometrics Commissioner Bill. I cannot promise that I will do exactly the same with this bill, but I will approach it with an open mind.

I take very seriously what the Faculty of Advocates has to say, which is why I went back to take a view from it before making my statement. The dean and the vice-dean, who are both new in their roles, have been exceptionally helpful, and I thank them for that.

In short, my answer is yes—if there are amendments or proposed amendments on the issues that Alex Rowley has mentioned, they will absolutely get a fair hearing and I will give them due consideration.

**The Deputy Presiding Officer:** I call Donald Cameron.

Oh! We seem to have lost Donald Cameron. No—there he is.

**Donald Cameron (Highlands and Islands) (Con):** I refer members to my entry in the register of members’ interests, as I am a member of the Faculty of Advocates.

As the cabinet secretary will be aware, the references to freedom of expression in sections 11 and 12 are controversial, because they relate only to two protected characteristics: sexual orientation and religion. Why is that?

The Faculty of Advocates said of those provisions:

“The current wording does not appear to afford any significant protection”.

What is the cabinet secretary’s response to that?

**Humza Yousaf:** I thank Donald Cameron for his important question. I reassure him that the point that he made about the specific nature of the freedom of expression provisions was made to me by the Equality Network, the Faculty of Advocates, the Roman Catholic Church and the Scottish Council of Jewish Communities, and my answer was that I absolutely will look again at the provisions.

As I said in my statement, we can consider whether we can have a more general freedom of expression provision and whether we can restate the freedoms that people have under article 10 of the European convention on human rights, for example. Those are considerations that I will look to include; in short, my answer to the member is yes, we will look at the provisions.

The reason why the provisions are so specific is that specific freedom of expression provisions were asked for by particular stakeholders at the time when we were consulting on the bill—through roadshows and the Government consultation. I

accept the member's general point that we should see whether we can have a broader freedom of expression provision as opposed to the more limited and specific ones that are in the bill as it is drafted.

**John Mason (Glasgow Shettleston) (SNP):** This follows on from Patrick Harvie's question. Can the cabinet secretary reassure us that the bar will not be raised too high, such that it will become too difficult to get a conviction? Can he also reassure us that there will not be confusion if race is treated differently from other protected characteristics?

**Humza Yousaf:** I am not sure whether John Mason can hear Christine Grahame, who is behind me, shouting, "There is plenty of case law!" I hope that I can provide some reassurance on that point, because I tested it. I had exactly the same concern about a move to intent only; I did not want an offence that, frankly, could not be prosecuted or that would be extremely difficult to prosecute.

The assurances that I got from the Faculty of Advocates and the Law Society of Scotland, in particular, were extremely helpful in that regard. Of course, it is for the Justice Committee to decide from whom it wants to hear oral evidence, but if it chooses to hear from the Faculty of Advocates and/or the Law Society, I think that members will want to test the area, and if they hear what I heard from those organisations I hope that they will have the necessary assurance that the new intent-only stirring-up offence will be effective in protecting the most vulnerable in our society while not impinging on people's freedom of expression.

**The Deputy Presiding Officer:** That concludes questions on the cabinet secretary's statement. I apologise to Fulton MacGregor, Claire Baker and Elaine Smith for not being able to take their questions. I remind members to take care to maintain social distancing, please, when they are leaving the chamber.

## Prioritising Education

**The Deputy Presiding Officer (Linda Fabiani):** The next item of business is a debate on motion S5M-22780, in the name of Jamie Greene, on prioritising education over independence.

15:23

**Jamie Greene (West Scotland) (Con):** This is arguably one of the most important motions that I have lodged in my time in the Parliament. It is on education. In the middle of a global pandemic, which is fresh in all our minds this week, the Parliament and the Government have much on our plates, but we should focus what time and attention we can give on education and not on passing bills on referendums. *[Interruption.]*

Let me start by offering well-deserved thanks to our beleaguered teachers and school staff—if the hecklers on the Government benches will let me continue—for the many shifts that they have had to make, from providing blended learning, making our schools safe to attend full time and dealing with the exam grades fiasco to working from home during lockdown and reaching out to pupils in every way they could.

We should also thank Scotland's young people who, through no fault of their own, have had their educational normality denied this year and are being asked to limit social interactions at an age when social interaction creates friendships that last a lifetime.

The motion for debate today is intentionally binary, because it speaks for itself. We contest that education should be the Scottish Government's priority and that closing the attainment gap in our schools is more important than independence. I cannot understand why Mr Swinney, who I respect has long-standing views on the constitution, as others do, does not agree with that sentiment. If Mr Swinney disagrees, he has to explain why and say which of those is more important to him.

The Government's proposed amendment to the motion speaks for itself too. When the Scottish National Party shoves "Brexit", "power grab" and "Boris" into an amendment to a motion for a debate on something over which it has presided for over a decade, we know that it has truly run out of arguments. We face a simple choice because, in the middle of a pandemic, an economic crisis and an ever-changing legislative landscape, it is being made ever more difficult for the Scottish Parliament to close the attainment gap.

Surely that would be a legacy that the Parliament could be proud of. Why would we make that task any more difficult for ourselves?

Why would the SNP Government think it reasonable even to contemplate introducing legislation in this session of Parliament on constitutional matters such as referendums? Why would we, as a Parliament with less than six full sitting months left, think it wise to spend our committee, civil service, legislative and chamber time on a referendum bill? I thought that education was the Government's number 1 priority—the First Minister said that it was hers—but, sadly, as is often the case with the First Minister and her Government, the rhetoric and the reality are two different things.

If the Parliament is serious about truly getting it right for every child in Scotland, it must do the right thing and put education at the heart of its deliberations. Last week, the Scottish Conservatives launched a paper that sought to add to that debate. I appreciate that those on the Government side of the chamber will go out of their way today to pick as many holes as they can in the paper, which is fine and is normal political discourse. They can pick as many holes in our ideas as they like, but at least we have some. Restoring every school to the best that it can be will require every one of us to get our heads out of the sand and admit where we can do better—that is especially true of the Government.

Last week, we heard from Mike Robinson, chief executive of the Royal Scottish Geographical Society, who warned that Scotland's schools are at risk from a system that is

"incoherent, under-supported and poorly funded".

That is a stark warning.

If things were well, the Government would not have accepted the need for a full-scale Organisation for Economic Co-operation and Development review into curriculum for excellence five years after its previous full-scale review—all 175 pages of it—nor would the latest review have had its remit expanded. If things were well, the Government would not have been repeatedly defeated in parliamentary votes on expanding that review, on missed childcare targets and on primary 1 testing.

During this debate my colleagues will talk in detail about some of our ideas and why we see value in them. They will talk about increasing teaching numbers in our schools and why that is important; increasing the choice and breadth of subjects on offer to young people; how we support, mentor and tutor those who need it most; why school inspections cannot be shelved and why they must be independent of the body that is also tasked with delivering education; why we think that no child should attend a school that is graded as being in poor or bad condition in terms

of suitability for learning; and commitments to free school meals.

We have debated education in the chamber many times, and I accept that there is no simple panacea for tackling long-term issues in education. However, as we have seen time after time in the chamber, Government ministers refuse to acknowledge disagreement and to accept any failings. No amount of constitutional wrangling is going to overcome the basic arithmetic on teacher numbers, which are at lower levels than when the SNP came to power in 2007. The warning on that has come from many quarters for many years. If we increased teacher numbers, many other issues would be addressed too.

However, it is not just a case of hiring teachers; it is a case of supporting them. It should be a huge concern to the Parliament that more than 4,000 newly qualified teachers have quit the profession since 2012. The teaching unions and focus groups of teachers have warned us repeatedly of the stress and workload that they are under, not least the effect that that is having on their physical and mental health. Additional resource in schools would clearly alleviate workload and offer that much-needed resilience, which is something that we need right now.

The policy of increasing teacher numbers is also designed to ensure that there are enough resources at hand for all of us to deal with whatever the health crisis throws at us. More teachers means smaller class sizes, which is something that we would have clearly benefited from in the current climate. That was another missed opportunity and another broken promise.

The policy of increasing teacher numbers means a reduction in multilevel teaching, which is a practice that is condemned by the teaching profession. Importantly, it also means that no teacher feels worry over how much time that they can give to any individual pupil. However, as we heard earlier today, the cabinet secretary does not even know how many newly qualified teachers have secured jobs this year.

Teacher recruitment is one thing, but retention is another. That issue is more pronounced in our rural communities, as many of us know. Liz Smith will talk more about teachers.

Our proposals aim to empower pupils with maximum choice, and that requires more than just teacher numbers. It means fairness in the breadth and depth of the subjects that are available to them. Subject choice has reduced in recent years. Professor Jim Scott, who is honorary professor of education at the University of Dundee, outlined to the Education and Skills Committee that certain subjects, including modern languages and

technology, have experienced sustained declines since the appearance of curriculum for excellence.

Iain Aitken, the principal teacher of geography at Belmont academy in Ayr, described the system that is leading to a reduction in subject choice as “fundamentally broken”. He said:

“Pupils are now effectively picking their Higher options in S3, which is far too early and the number of subjects they can do is far too restrictive.”

His words, not mine.

Those are all live issues. Therefore, it is critical that the Organisation for Economic Co-operation and Development’s review must report as soon as feasibly possible and most certainly before the next Holyrood election.

If we want to truly empower our young people, we need to equip them with skills that translate into careers and jobs, not least because our economy is shifting in new and uncertain ways.

We are proud to focus on science, technology, engineering and mathematics in our policy announcements. Our policy aims to ensure that every primary school has access to a STEM teacher, so that a young person’s interests or ambitions are not curtailed because of their postcode.

I make no apologies for being ambitious on STEM. We need to prepare the children of today for the jobs of tomorrow. Between 2017 and 2018, the United Kingdom’s tech sector grew at the rate of almost 8 per cent, six times faster than the rest of the economy. There are hundreds of technology jobs in Scotland and demand on recruitment search sites for coders, software developers, app developers and data analysts increases day by day.

Although tech is excelling in the outside world, the same cannot be said of STEM attainment in our schools. We know from the programme for international student assessment scores that Scotland is underperforming in maths. Scores in that subject are now lower than they were in 2003 and we know that one in four pupils is failing to achieve OECD level 2 ability. We also know that one in five pupils is failing to achieve that level in science, with both girls’ and boys’ attainment far lower now than it was in 2006 and well below the UK average.

I want young people not just to be excited by science and tech but to be able to study those subjects and achieve in them. That has to start with primary education. Attainment matters from a young age not just in STEM but across all subjects. The most recent Scottish household survey shows us that almost three in 10 adults in our most deprived communities have no qualifications.

Earlier this year, we saw that the attainment gap in Scotland has narrowed, as I am sure we will hear from Mr Swinney. Normally, I would say that that is something to be proud of and to take credit for, but it narrowed only because the proportion of young people in a positive destination fell faster in our least disadvantaged communities than in the most disadvantaged. Yes, it narrowed, but both groups are worse off, year on year. Mr Swinney celebrated that as an achievement. We have to close the attainment gap, but we must close it in the right way—that is, in a way that is fair to all peoples of all backgrounds.

I close my remarks with the same point that I made when I started them. My belief is that the Scottish Parliament already has not only the power but the opportunity to get things right for every child. We do not need a referendum to put Scottish education at the heart of our work.

The amendment that has been lodged by the SNP in Mr Swinney’s name is beneath him—and I think that he knows that. Quite simply, it is like someone having a last, desperate punch in the ring when they know that their time is up and the bell is about to ring. Whatever ridiculous, empty rhetoric we might hear in the debate from the SNP in defence of its position, one thing remains true. The education secretary, his party, and each and every one of us can make it abundantly clear at decision time where our priorities lie. Let us put education ahead of separation. Is that really too much to ask for?

I move,

That the Parliament believes that the Scottish Government should drop its plans for a further Referendum Bill and focus on closing the attainment gap.

15:35

**The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney):** I associate myself with Mr Greene’s remarks on the contribution of the teaching profession during the lockdown period, in which, in his words, its members delivered on the learning that was required by young people in extreme circumstances. Hearing that from Mr Greene is welcome, because that has not always been the line of argument that we have heard from the Conservatives on that point.

I welcome the opportunity to reaffirm the Scottish Government’s commitment to closing the attainment gap and raising standards for all children and young people across Scotland. The irony—which will not be lost on anyone—is that the Conservatives have linked the debate to the question of independence. That is ironic first and foremost because they are forever claiming that

we are the ones who always raise the issue of independence. *[Interruption.]*

However, that is not the only irony. We know that the root cause of the attainment gap is poverty. Schools do not create poverty—far from it; they are one of the best tools that we have to overcome it. Therefore, it is ironic that the Scottish Conservatives—the party of welfare cuts, the bedroom tax and devil-take-the-hindmost economics—should decide to bring a debate on the attainment gap.

Conservative members sit here and support policies that lead to children being fed from food banks, mothers being sanctioned on their benefits, and our most vulnerable people being abandoned by a UK Government as uncaring as it is unelected by the people of Scotland. That is not just ironic; it is downright astonishing that they have decided to pair the attainment gap with the issue of independence. They sit in a Parliament that would willingly pass laws tomorrow to end welfare cuts, that would legislate in a heartbeat to end benefit sanctions and that would pass a budget to feed the poorest and lift the most vulnerable out of destitution. The Scottish Parliament would do all that and more—so much more—to tackle the root causes of inequality in education and across society if we had the powers of an independent nation.

**Liz Smith (Mid Scotland and Fife) (Con):** The Scottish Parliament had the opportunity to pass a new education bill. Why did that not happen?

**John Swinney:** Because the Government was able to make the reforms without legislating for them. *[Interruption.]* Those reforms were about empowering schools—putting powers into the hands of our teachers and headteachers and enabling them to take the action that is required to close the attainment gap.

Not only is there irony in the Conservatives' position in the debate; there is hypocrisy. Their position is actually worse than simply refusing to will the means to tackle the root cause of the attainment gap, which, as I have said, is poverty; they are actively trying to strip the Parliament of its powers to tackle such issues. The United Kingdom Internal Market Bill is a "naked power grab". Those are not my words but those of the First Minister of Wales.

The Scottish Government has set out its plan to publish, before the end of this parliamentary session, a draft referendum bill that would set out, clearly and unambiguously, the terms of a future referendum on Scottish independence.

If there is majority support for the bill in the Scottish Parliament, there can be no moral or democratic justification whatsoever for the UK Government to ignore the rights of the people of

Scotland to choose their own future, and be in no doubt, Presiding Officer—that day is coming. Soon—very soon—the people will be heard and the Tories will be left on the wrong side of history on the Scottish question.

**The Deputy Presiding Officer (Lewis Macdonald):** I will call Daniel Johnson in a moment but first, I say to Conservative members in particular that it is important that we are all able to hear members' questions and the replies to them.

**Daniel Johnson (Edinburgh Southern) (Lab):** I understand the Deputy First Minister's frustrations about how the motion for debate was drawn up by the Conservatives, but we are four minutes into his speech, so could he maybe talk about some of the things that the Government is doing to close the attainment gap, rather than pointing the finger elsewhere?

**John Swinney:** That is timely as that is precisely the point that I have got to in my speech.

Until the Government has the opportunity to put the Scottish question to the people, we will pursue the commitment that we set out in 2015 to close the poverty-related attainment gap. Our relentless focus is on ensuring that every young person can reach their potential, with the support and the encouragement of the education system. We have the highest level of education investment per person across the UK. Indeed, spending on education has increased in real terms for the past three years—it was up by £189 million in 2018-19. As a result, teacher numbers are the highest in a decade, with the number of primary teachers the highest since 1980. That has happened against a tide of austerity over a decade from the Conservative Government.

**Iain Gray (East Lothian) (Lab):** Does Mr Swinney accept that many of those new teaching posts are part time or temporary because of how he has chosen to fund teacher number increases?

**John Swinney:** No, I do not, because the overwhelming majority—*[Interruption.]* The overwhelming majority of teaching posts are permanent posts, which I would have thought that a former teacher would have known something about.

The Government is also making a range of other investments to support struggling families. We have introduced a national minimum school clothing grant of £100 to help more families afford to meet school uniform costs. Our expansion of free school meals saves families with children in P1 to P3 an average of £400 per child, per year and it means that children are being provided with a nutritious meal at the heart of the day. We are leading the way as the only Administration in the UK to offer bursary support targeted specifically at

care-experienced students. That and more has been done to directly help struggling families.

We have also put more resources into the hands of schools through the pupil equity fund. That makes teachers the decision makers on how best to invest in their schools. Earlier this year, we confirmed that, for the first time, more than £250 million in pupil equity funding will be available to 97 per cent of schools in this school year and the next.

National evidence shows that that focus is making a real difference. The attainment gap between the most and least disadvantaged has narrowed on most indicators, with 95 per cent of school leavers in a positive destination such as study, work or training three months after leaving school in 2019, which is up from 87.7 per cent in 2009-10, and most headteachers have indicated that the poverty-related attainment gap in their school is closing as a consequence of the Government's investment in the Scottish attainment challenge.

We know that lockdown has been particularly difficult for pupils and families from the most disadvantaged communities. One result of Covid-19 is a widening of the attainment gap, which is why it is key that we continue to act by investing in extra teachers, digital learning and youth work to ensure that we close the poverty-related attainment gap.

**Jamie Halcro Johnston (Highlands and Islands) (Con):** I return to a subject that I have asked the cabinet secretary about many times before—the digital poverty gap and the technology that is required. I am still getting correspondence—as I am sure other members are—from teachers, pupils and parents about pupils who do not have access to digital learning because they do not have the facilities or the technology.

Can the cabinet secretary tell me how many pupils across Scotland the Government thinks do not have access to digital learning?

**John Swinney:** The estimates of the likely number of pupils who did not have access to digital learning were of the order of 70,000. Through the first tranche of the proposals that the Government put in place, we provided 25,000 devices to tackle that issue. We then distributed a sum of money that was almost three times the amount that was allocated for the 25,000 digital devices for local authorities to fill the local gaps in a targeted way to meet that need. The Government put the resources directly into closing the digital divide, empowering our schools and local authorities with the resources to do exactly that.

This is a timely and welcome debate focusing on the attainment gap, but it is the ultimate in hypocrisy for the Conservative Party to suggest that the link between the closure of the attainment gap and the debate on independence is negative. The attainment gap is created by poverty; independence would give us the powers to tackle the issue of poverty and that is why Scotland needs to be an independent country.

I move amendment S5M-22780.3, to leave out from “believes” to end and insert:

“supports work to close the attainment gap; confirms that closing the attainment gap and raising standards for all must remain the top priority for the education system; recognises that the attainment gap is caused by the underlying poverty and inequality in society, which are exacerbated by the policy choices of the Conservative administration at Westminster; further recognises that the impact of COVID-19 has disrupted teaching and learning and risks exacerbating the attainment gap and considers therefore that the Scottish Government, local authorities and all education agencies must do everything practicable to support early learning and childcare, schools, colleges and universities through the pandemic; commends the hard work and dedication of teachers, staff and pupils in adapting to the impact of coronavirus, and believes that in education, and across a broad range of powers of the Scottish Parliament, the UK Government is using the EU exit to enact a power grab against the people of Scotland, demonstrating beyond all doubt that decisions about Scotland should be taken by the people who live here and not by a Conservative administration at Westminster led by Boris Johnson, which has been comprehensively rejected by the people of Scotland.”

15:45

**Iain Gray (East Lothian) (Lab):** I know that the Tory motion is designed to wind up the SNP—it seems to have worked with Mr Swinney—but it points to an inconvenient truth for SNP members, because all the evidence shows that they have consistently prioritised the pursuit of independence over education.

Since 2007, we have had not just an actual referendum and a white paper on independence, but countless discussion documents, draft bills, bills, consultation papers, commissions, consultations on draft bills and more white papers, and now here we are with the machinery of government putting its shoulder to the wheel of yet another draft referendum bill.

Meanwhile, those same years have seen broken promises on teacher numbers, class sizes, student debt and closing the attainment gap. Cuts in teacher numbers, cuts in support staff, cuts in additional support specialists, rising class sizes, falling literacy and numeracy rates compared with those in other countries and in previous years, falling higher pass rates year on year, and pupils routinely being taught in classes of two, three, or even four different levels.



Those years have also seen an attainment gap that stubbornly refuses to close, except through Mr Swinney's ever more convoluted ways of trying to measure it. What is more, not only has the Government failed on the attainment gap, but it is failing on the causes of the attainment gap.

Mr Swinney is correct that it is poverty that underlies that attainment gap. There is no doubt that success in education is the best route out of poverty. If there is a magic key to unlock greater opportunity and a better life, it is education. Equity in education means that we must provide every additional support that we can to the pupils who face the greatest barriers to educational success, to help them overcome those barriers and achieve.

However—in this Mr Swinney is right, too—schools cannot by themselves rid society of poverty. If we are to eliminate the systemic poverty-related attainment gap, we must eradicate poverty itself. That is why I will move the amendment in my name.

I say that the Government is failing because the evidence shows that by the age of three, children from higher-income families already outperform those from low-income households, and by the age of five, there is a 10-month gap in problem-solving development and a 13-month gap in vocabulary. In the struggle between poverty and education, education is running to catch up from the word go.

One in four children in Scotland lives in poverty and faces those barriers to educational success, and there are 50,000 more of them than there were just five years ago. Much of that is, indeed, to do with welfare reforms and austerity programmes driven by Conservative Governments in Westminster, but the Scottish Government's poverty commissioner has repeatedly told the Government that it is failing those children, too. We see the consequences in their mental and physical health and in the attainment gap.

**John Swinney:** I invite Mr Gray to reflect on what he has just said. Perhaps that will help him to understand why his party is in some political difficulty in Scotland. In the way in which he expressed his position, he absolved the Conservatives of their responsibility for inflicting poverty on thousands of children in our society.

**Iain Gray:** No, I did not. The truth is that those children are being failed by Mr Swinney's Government and by the Conservative Government.

That is why the Government's amendment, for all that there is much in it to agree with, is ultimately unsupportable. Dreadful though the United Kingdom Internal Market Bill is, to suggest that it is the most urgent threat to school education

today is just daft, and to imply that the attainment gap and poverty are all completely to do with 13 months of Boris Johnson and nothing whatever to do with 13 years of Alex Salmond and Nicola Sturgeon really is a Herculean denial of reality and responsibility. *[Interruption.]*

If making education the top priority for Scotland's Government was an imperative before the pandemic, how much more so is it now? Everyone knows that the attainment gap will have increased during lockdown—after all, we know that it increases over a normal summer closure, never mind a closure for months on end. We know that low-income families found home schooling more of a challenge and harder to engage with. We know, too, that the pandemic has increased poverty, and that it will increase it more as the economic consequences play through, furlough ends and those families who depend on low-paid and insecure part-time or zero-hours contracts get hit the hardest.

Therefore, we would think that every sinew of Government would be aimed at addressing poverty and providing additional support to those young people as they return to school, who face a mountain that is higher than ever, yet that is not what we have seen. An awards algorithm that institutionalised systemic inequality was signed off and defended to the hilt until pupils had to take to the streets in protest; schools have returned with no targeted support in place; and an equity audit to scope the problem will fade away into December—there is simply a long-term strategy, with no timescale at all for any consequent action.

Resources for closing the gap have increased by not a single penny. All that is there is what was there before the pandemic.

**John Swinney:** The Government has put in £135 million of new resources to assist schools in the recovery, including through the provision of new staff. Why can Mr Gray not acknowledge that in his miserable speech?

**Iain Gray:** The resources that John Swinney refers to are the additional resources that local authorities needed just to get schools reopened safely for everyone. *[Interruption.]* That is what councils say. The additional resources that he refers to are the pupil equity fund resources, which were already in place before the pandemic. No additional funding has been allocated to provide additional support to close the attainment gap. *[Interruption.]*

When we look at the Scottish Government's programme for the year, what do we see? There is nothing new to address the widening of the attainment gap. *[Interruption.]*

**The Deputy Presiding Officer:** Mr Swinney!

**Iain Gray:** Nothing will be provided to help the families of children who are living in poverty until February. Despite that, there is all the time in the world for the Government to draft an independence referendum bill.

The programme for government is about the priorities of the Government, and the SNP Government's priorities are laid bare in its programme. We can only conclude that, whatever it says, its priority is not lifting children from poverty or raising their educational aspirations and attainment; it never has been and it never will be.

I move amendment S5M-22780.1, to insert at end

"by action in schools and also by addressing the underlying cause of that gap, the negative impact of poverty on children and young people's wellbeing, development and life chances, which affects one-in-four children growing up in Scotland."

**The Deputy Presiding Officer:** I again remind members to desist from making comments from a sedentary position, in order that the debate can be properly heard.

15:54

**Ross Greer (West Scotland) (Green):** I have to admit to being somewhat bemused by the Tories' motion. At the weekend, they were briefing the press that they would bring the issue of the 2021 exam diet to the chamber for debate this afternoon. That might have been pre-emptive, given that the Priestley review is not yet complete, but it is certainly a topic of substance and one that is genuinely focused on an important issue in our education system this year.

The motion that Jamie Greene lodged instead is not really about Scottish education. It is about independence—the one issue that the Tories claim everyone is sick of talking about, but which they cannot help themselves from bringing up at every opportunity. I think that they are a bit obsessed. However, I am happy to take the motion at face value and explain to our Conservative colleagues why the goal of independence is not mutually exclusive with closing the attainment gap and why their actions simultaneously grow support for independence and make the attainment gap worse.

Before moving on to the wider issue of the UK Conservative Government driving up child poverty and inequality, I want to pick up on the cabinet secretary's argument, which is contained in his amendment, regarding the Brexit process and the United Kingdom Internal Market Bill, because it is relevant to Scottish education.

Clauses 22 through 27 of the bill cover recognition of professional qualifications such as teaching qualifications. In 2017, the cabinet

secretary seemed to be toying with the idea of allowing Teach First and similar so-called fast-track teaching programmes to begin in Scotland, to address the teacher shortage. A number of us—inside Parliament and outside it—made it clear that that would not be acceptable, and with such powers being entirely devolved, the Scottish Government's decision not to proceed with Teach First was the end of the matter.

However, Teach First is permitted in England, of course, and with the passage of the bill, it could be imposed on Scotland as well. The Tory power grab directly threatens the high professional standards of Scotland's teaching profession, which that profession has fought hard to maintain.

I turn to the attainment gap. The Conservatives need to accept that that gap is not created in classrooms, as the cabinet secretary and Iain Gray have already said, but is the result of existing inequalities in our society. The Scottish Government may not be bold enough to take the action that is available to it to close the gap, but it is not causing it.

As every child poverty campaigner, every children's rights organisation and every food bank provider in this country will tell us, it is decisions that are made by the UK Government—a Conservative Government—that are making inequality worse and pushing more families into poverty.

The changes to the welfare system that were introduced by the Conservatives and the Liberal Democrats have driven more families into crisis. The process to claim universal credit was made convoluted and arbitrary, with the imposition of cruel sanctions for even the slightest misstep by people who are just struggling to get by.

Every member of this Parliament knows that food bank use in our communities exploded after the introduction of universal credit. Every one of us will have stories of parents—often single parents—being sanctioned by the Department for Work and Pensions. What impact do the Conservatives think hunger has on a child's ability to learn?

If the motion had been lodged by the Labour Party, I would still have opposed it, but I would at least have believed it to be a sincere motion for a sincere debate. I cannot believe that there is any sincerity from the Conservatives here today.

The indisputable reality is that Conservative policies and Conservative actions in government make the attainment gap worse. They push more children into poverty and more families into crisis. Their actions and their contempt for the most vulnerable people in our society are among the reasons why the Scottish Greens believe in independence. With full powers over social

security sitting with this Parliament, we could tackle the causes of the attainment gap and not just its symptoms once they reach the classroom.

Of course, it goes beyond social security. Some 72 per cent of children who are living in poverty in the UK are in households where at least one parent works. The reason for that is very simple: the Conservatives have kept the minimum wage below the level that is needed to live above the poverty line.

With independence, we can—and I believe that we will—choose differently. With independence, we can set a real living wage, ensure that proper employment protections are in place and restore the role of trade unions in our society. We can eliminate in-work poverty; we in the Greens certainly do not believe that it will be eliminated within the UK. That is how we can tackle the socioeconomic inequalities that cause the attainment gap in our schools.

To be clear, we believe that far, far more can and should be done now with the powers that are currently available to the Scottish Government. The Greens have long proposed universal free school meals, including a breakfast offer, and it looks as if we are approaching a consensus on that, which is really welcome.

We can also reduce unnecessary costs to families, particularly for required items such as uniforms. Some schools, especially in more affluent areas, require completely unnecessary and expensive items, such as blazers with braiding and logos that are often available from only one retailer, which puts huge pressure on family budgets, even after the uniform grant.

We can restore the hundreds of lost additional support needs posts—both teachers and support staff—because we know the link between additional needs and socioeconomic background, and we can expand the healthier, wealthier children scheme in Glasgow by ensuring that every school has associated income advisers.

Those proposals were all made in the “Level the Playing Field” paper that the Greens published in 2018, alongside others that have already been achieved, such as restoring the bursary for educational psychology. They are actions that the Scottish Government could take today. Unless it does so, it cannot credibly claim to be doing all that it can for Scotland’s children.

The Greens are committed to closing the attainment gap, eliminating child poverty and achieving a more just and equal society. It is for exactly those reasons that we are also committed to the cause of Scottish independence. We will not take any lessons from a Conservative Party that, with deliberate malice, inflicted further suffering on

the most vulnerable children in our society, so we will certainly oppose the motion.

16:01

**Beatrice Wishart (Shetland Islands) (LD):** In March, just as the country was starting to comprehend the scale and seriousness of the pandemic, we debated the state of Scottish education. The PISA results had just made clear what many teachers had long suspected: that, despite their best efforts, something was going wrong in Scottish education. Now, as we gear up to bear more restrictions once again, there is a strong sense of history repeating itself.

During that debate in March, we spoke about subject choices narrowing, the harmful roll-out of standardised testing, the decimation of the ASN and support staff workforce, and the overburdened workforce that remained. Those problems have not gone away—the list has just got longer.

Since then, Angela Morgan’s review has shown that parents and carers of children with additional support needs are battling a system that does not have the resources that it needs to help their children to thrive. Larry Flanagan of the Educational Institute of Scotland says that children will have been “severely traumatised” by the past few months and that “schools have been stripped” of the staff that are needed to support them.

The “credible” alternative to exams that the Scottish Government promised was anything but. Ministers were repeatedly warned by teachers, pupils and this Parliament that the 2020 exam alternative was going to crush ambitions and penalise pupils from poorer backgrounds the most. However, the warnings fell on deaf ears and teachers are now being asked to plan lessons without knowing what pupils will be assessed on or how those assessments will be made.

None of those problems will be addressed by the constitutional wrangling that both the Conservatives and the SNP are determined to put this Parliament through. The head of the Scottish civil service warned the SNP Government that the “de-prioritisation” of public services would be the result of its referendum planning. That is the last thing that is needed.

Instead of using their time to stand up for those at the hard end of the SNP’s Scotland, the Tories have leaned into the constitutional divide. Their motion offers nothing constructive. This debate could have been an opportunity to generate parliamentary consensus or for Opposition parties to force the pace of this minority Government. Instead, it has been used to play the political game that the Tories and the SNP enjoy so much. As a result, there will be no grown-up decisions made in the Scottish Parliament today.

I want to bring the chamber back to something more helpful for the teachers, pupils and parents who are doing their best in these challenging times. These are concrete actions that could make things better for everyone, and I believe that we should all be able to agree on them. My amendment sought to set some of them out.

We should get the 1,140 hours provision fully up and running as soon as possible, so that children have a safe space in which to be looked after and parents have the certainty of stable childcare while the working world gets back on its feet. The meeting to review the new timescale needs to take place urgently, as a first step.

We should embolden the pupil equity fund, so that it can be used to address the attainment gap as it was originally supposed to do, instead of plugging all the other gaps as it has been left to do. We should strengthen Covid testing for staff and pupils so that their return to school is not put in jeopardy. We should accept, and clearly set out how to address, the concerns that were raised in the Morgan review.

We need to get more boots on the ground, so that mental health support can be transformed. Child and adolescent mental health services waiting times should not be the only marker of how child and adolescent mental health is doing.

Money needs to be spent before crises demand it. Counsellors, educational psychologists and support staff need to be widely and consistently available across Scotland. Outdoor learning centres, which have offered generation after generation the opportunity to experience and learn outside the classroom, cannot be left to shut their doors. Colleges and universities should be setting up for the emergency that will exist long after a vaccine has been found. If we are to meet the 2030 targets that are set out in the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, they need to be ready for a mass programme of training and retraining.

Finally, the Scottish Government must request an early report on education from the OECD so that, when the Conservatives and the SNP try to throw constitutional blinkers over debates ahead of the election next year, voters might have a fighting chance of being able to clearly see the facts.

That is what Parliament should be agreeing on today.

16:05

**Liz Smith (Mid Scotland and Fife) (Con):** It is, of course, common knowledge that, in several programmes for government, the SNP has been unequivocal in placing education at the top of its

priorities—and, specifically, policies that are designed to narrow the stubborn attainment gap. When that was first announced, it was generally popular and very well received by parents, schools, colleges, universities and members of the Scottish Parliament. The commitment chimed with public opinion and the need to restore our schools to their former pre-eminence. They were much admired and, indeed, copied around the world.

Looking back at what the SNP said at the time, in the chamber and in committee, it was hard to disagree with the broad principles, especially those that aspired to excellence and equity. Sadly, we are here now, several years later, with the unequivocal evidence that Iain Gray spoke about in his speech to support us, noting that the SNP's commitments have most certainly not been delivered and that there has been no closing of the gap between the SNP's rhetoric and its delivery. For the sake of our young people, it is surely incumbent on all of us not only to analyse what has gone wrong but to make policy recommendations to improve matters quickly.

Let me concentrate on the question of teacher numbers. In our book and in the eyes of parents, teacher numbers are absolutely critical to improving educational standards. They are also, of course, the key to getting curriculum for excellence back on track.

Teacher numbers are bound to fluctuate as a result of changing pupil demographics. I remember Mike Russell saying that when he was the Cabinet Secretary for Education and Lifelong Learning. However, that does not explain away the significant drop of just under 3,000 teachers since 2007. That has had a profound effect on the ability of schools to deliver top-class education, given the resulting pressures on resources. In particular, groups such as the Scottish Children's Services Coalition have regularly produced worrying statistics that show the cumulative effects on additional support for learning—and the most recent data indicates that around a quarter of Scottish school pupils are identified with those additional support needs.

**John Swinney:** I understand Liz Smith's argument about teacher numbers, but is she going to pass comment at some stage on the financial environment of austerity that we have been living under since 2010, which was created by the Conservative Government?

**Liz Smith:** In the past few days, we have laid out exactly how we hope to address the question of teacher numbers. We have made specific calculations—[*Interruption.*] They are about exactly what we are going to do.

**John Swinney:** Liz Smith has made an historical point about the reduction in teacher

numbers compared with the number in 2007. I accept those numbers, but I ask Liz Smith to acknowledge the fact that we have had to operate within the financial constraints of austerity that have been inflicted by a Government that she has enthusiastically supported.

**Liz Smith:** It has been the choice of Mr Swinney's Government to make those decisions. That is why we have seen a reduction in teacher numbers. It is nothing whatever to do with what has happened at Westminster.

Let me come to the question of subject choice, which is relevant to the number of teachers. We know that there has been a reduction in subject choice and that that has had a significant effect on core subjects. Of course, that will get worse with Covid-19, but the reduction in core subjects has had a significant effect. As Iain Gray set out, it has also had an effect on multilevel teaching.

We also know that, on far too many occasions in recent years, the inability of some local authorities to find teachers to employ, often after extensive advertisement, has laid bare the fact that workforce planning is inadequate in some crucial areas. There are clearly barriers within the system that are preventing a more flexible and freer movement of qualified teachers across it.

As I have said before, I fully appreciate that we cannot turn that around overnight. However, we can make a lot of progress—and we should have been making that progress, because we were warned about the problem many years ago. To give Fiona Hyslop due credit, when she took over the job of Cabinet Secretary for Education and Lifelong Learning, she said in 2008 that she was surprised that local government teacher requirements were not fully factored into national planning. She asked her teacher employment working group, as it was known in those days, to address that. However, on top of that came cuts—from 30 million teachers down to 22 million in 2016.

Too often, we have heard from probationers who have given evidence to the Education and Skills Committee that there are constraints within the system that create a disincentive to apply for some of the posts of their choice. Too often, there has been a disconnect between teaching universities, the General Teaching Council for Scotland and local government. Although that is beginning to improve, there are still situations in which willing teachers are finding it very difficult to get work because they have to manipulate the system to get the necessary accreditation. That puts some people off.

I will tell the Parliament about the Teach First situation, because I understand that, at one stage, Mr Swinney was interested in having a Scottish

version of it. At the time, he spoke to the University of Aberdeen and the GTCS about having a GTCS-accredited Scottish Teach First programme. I will be interested to see whether he chooses to deny that, because that held the possibility of getting rid of some of the inflexibility in the system.

We also know that in 2016, the Scottish Government's STEMEC—science, technology, engineering and mathematics education committee—report called for the routes into science teaching to be diversified. I think that we are making some progress on the STEM bursary scheme, but we have not had very many updates on that. I re-echo the Conservative Party's support in 2015 for the Royal Society of Chemistry's call for a dedicated science teacher to be assigned to every primary school.

Quite rightly, Mr Swinney acknowledges that he is ultimately responsible for decision making in education. The public agree, but they share our frustration that, despite all the undoubted talent in Scotland's schools, we are not performing nearly as well as we should be, which is a conclusion that the OECD came to in 2015.

The oft-quoted mantra that education is the SNP's top priority has proven to be no more than hollow words, especially when the main priority in this year's programme for government is all about independence.

16:12

**Clare Adamson (Motherwell and Wishaw) (SNP):** I am glad to be speaking in the debate led by the Conservative Party, but I note that in lodging the motion and telling the SNP to focus on closing the attainment gap, the Conservatives have failed to give the matter at hand its full title: the poverty-related attainment gap.

I say to Mr Gray that the inconvenient truth of the afternoon is that the Conservatives are responsible for the austerity policies that cause poverty and that they hold the levers of power to address the issue fully. That leaves the Scottish Government mitigating for poor ideological decisions that are taken elsewhere—a conundrum that would easily be solved by a vote for independence.

The Scottish Government has tackled poverty. We are still in the delivery stages of every child, every chance. That will deliver £12 million of investment in intensive employment support for parents, increased funding for the workplace equality fund to support employer-led projects to advance equality at work and a new minimum payment for school clothing grants. An additional £1 million will be provided for practical support for children who are experiencing food insecurity

during school holidays. There is also a new focus on families in the warmer homes Scotland initiative; £3 million of investment has been made in the new financial health check service; and the UK Carnegie Trust affordable credit loan fund has been delivered. All those measures are designed to improve the poverty situation that causes the attainment gap.

When I sat on the Welfare Reform Committee during the last session of Parliament, we commissioned Sheffield Hallam University to report on the cumulative impact of welfare reform on households in Scotland. It was known that welfare reform would reduce incomes in Scotland by £1.5 billion a year—that is £440 for every adult of working age. Families with dependent children are one of the largest losers in the welfare reform agenda. Couples with children lose an average of £1,400 a year, while lone parents lose up to £1,800 a year. Those cumulative impacts have been largely hidden. Families with children lose an estimated £960 million a year, which approaches two thirds of the overall financial loss to Scotland from welfare reform. Nearly half of those benefit cuts were expected to fall on in-work households.

Since then, the Scottish Government has invested over £576 million in tackling the poverty-related attainment gap. The UK, on the other hand, has binned statistics on child poverty, cut benefits and introduced the despicable “rape clause”.

The Scottish Government has made its central mission the delivery of both excellence and equity across our education. I will not reiterate the successes that have been mentioned this afternoon. The SNP Government has brought in a host of measures and achievements to attain the goal of excellence and equity in education, but that is not what the Conservatives are interested in. They have chosen to position their own debate on education around constitutional politics.

I will accept the Conservatives’ invitation and discuss the constitutional situation in Scotland. The Conservatives do not accept that constitutional constraints on the Scottish Parliament and the Scottish Government have a direct impact on our ability to deal with issues that the Opposition professes to care about. Constitutional constraints have a very real and tangible impact on our ability to legislate and invest in policy areas that matter to the people of Scotland.

The Scottish Government is delivering on its commitment and, at the same time, polls show that a consistent majority in Scotland are in favour of independence. The Conservatives believe that those issues are mutually exclusive, but I disagree. I do not agree that independence comes

at the expense of all other issues, and neither, it seems, do the people of Scotland.

Conservative members seem rancorous when independence is even uttered by the members of the SNP, but they are content for their own party to drive a coach and horses through our constitutional arrangements. They are silent when faced with UK legislation that will rip up the devolution settlement, but irate when the Scottish Government suggests that it should take its own decisions when they will affect the people of Scotland.

In an interview answer, it was said once that the first referendum would be a once in a generation opportunity and that has been held to be sacrosanct, yet binding laws that arise from an international treaty are being broken at will by the UK Conservatives. They cannot have it both ways.

16:19

**Johann Lamont (Glasgow) (Lab):** I welcome the opportunity to discuss how we create a fairer society and tackle inequality—inequality that is particularly visible in education.

We know that decisions in an education system can reinforce inequality and deny opportunity but, where policy is rigorous, education can also be seen as an important means of creating greater fairness in society. That is why I was so angry about what the Scottish Government chose to do about the exam results. That was a clear example of choices being made that would disadvantage those who are already most disadvantaged. We need to understand that tackling inequality in education requires an understanding of economic and social inequality and the inequity of life chances more broadly in our communities, and how that feeds into formal education.

In response to a request from the young me for some frivolous spending money, my mother would say, “Every penny should be a prisoner since it came from the sweat of your father’s brow.” Although I have never lived by that approach myself, possibly because I have never had to work as hard as my father did, there is a truth there for the Government to reflect on in these terrible and frightening times. Every penny, every budget, every resource, every bit of intellectual time and energy needs to be focused on tackling this crisis and understanding how disproportionately it is now affecting those who are already the most disadvantaged.

The evidence of the unfolding disaster for all too many families is all too clear. In recent weeks, I have heard evidence from groups such as adult survivors of abuse, carers, unpaid young carers and disabled people, among others. They have all given powerful testimony about the toll of the

current crisis on their wellbeing, their income and the support that they receive, and how that is compounding the challenges that are already at the core of their lives. It does those people a grave disservice to suggest that focusing on the constitution can address their needs now. We should not be overwhelmed by the scale of the challenge, but we need and expect the Government's total focus to be on those challenges. It is not good enough to point out what we cannot do when Government is resisting taking many of the actions that would make a difference.

In every aspect of our lives, there are examples of inequality, but today's debate focuses on education. I repeat my strongly held view that the Scottish Government's action in education is making things worse, whether it is around multilevel teaching, the reduction in subject choices, the reduction in support for young people with additional support needs, or the reduction of support staff in our schools. In this crisis, those problems are multiplied.

We are clear about the impact of the lack of access to digital support. We can only fear what the impact of lockdown was on young people for whom school has been a sanctuary. We see the way in which opportunities for some young people are enhanced and determined by what their families can make available to their own children; in their own way, trips, visits, access to books and extra tutoring can make up for the loss that all young people have experienced by being out of school. We can also see how excluded and disadvantaged those children are whose families cannot bring to bear those extra resources to close that gap.

In education, we need to harness the important work of groups such as Home-Start or the Volunteer Tutors Organisation, or many of the other groups that support vulnerable young people in our communities. At the same time, in my city, cuts are being made to the budgets of the very groups that work closely with individual families. Those choices, made by the Scottish Government, are having a direct impact on the opportunities of young people in our cities. Indeed, the great idea is for libraries to support all in accessing knowledge but, in our city, we are seeing the potential for libraries to be closed.

**Jamie Greene:** Will Labour members support our calls for a national tutoring and mentoring scheme, using some of those organisations, properly funded, to deliver support to families who need it most in some of those communities?

**Johann Lamont:** I would be hesitant to support any proposal without reading all the details, but I know that there are people who are willing to support youngsters. I am involved with Volunteer Support Scotland, which looks at how we can

harness people's commitment to supporting our young people, not as a substitute for formal education but as a way of bolstering and supporting individual families.

We need more support staff, not fewer. We need more home link staff, not fewer. We need more teachers and learning support teachers, not fewer. We need resources to be directed into the most disadvantaged communities. I have not heard a commitment from the cabinet secretary to direct resources into those schools where the most vulnerable children must now be supported when heaven knows what has happened to them when they were out of school.

Local government is critical to delivering support at the local level into families, and the cuts to local government budgets need to stop. The Government needs to stop its top slicing for headlines—such as the invisible 25,000 laptops—and needs to get resources into our communities. We cannot mark our success only in how we support those who survive through to higher education. We see young people drop out long before the end of their compulsory education, so we need to dismantle the barriers that see young people achieve less than their full potential. Nobody says that it will be easy.

I will be kind to Ross Greer, but it is beyond belief to suggest that the only cause of the attainment gap is what is done at UK level—although, of course, what the Tories do at UK level has a massive and disgraceful impact on our communities.

We know that there is much to do: we should use our time, resources, energy and the talents of our people to make a real difference to the lives of young people, right now. There is no greater challenge or privilege and nothing more dishonest than a get-out clause through the constitution, which prevents us from confronting the real challenges that our communities face right now.

16:26

**Kenneth Gibson (Cunninghame North) (SNP):** Rather than a get-out clause, a constitutional change would mean that this Parliament would have the responsibilities to take all the decisions that we need to take.

It was once said that President Gerald Ford was so dumb that he could not walk and chew gum at the same time—at least, that is the polite version. Jamie Greene and other unionists appear to be from the same stable as Gerald Ford—they think that Governments can do only one thing at a time. If education is that one thing this year, what will next year's be—the NHS, the economy, police and fire? When will we get around to the environment or rural affairs? Governments can do more than

one thing at a time—that is why we have different cabinet and ministerial portfolios.

I represent many of Scotland's most-disadvantaged children and young people, and I know the challenges that they face. I have also seen at first hand the positive impact of the Scottish Government's commitment to closing the attainment gap. The cabinet secretary recognises that there is no room for a one-size-fits-all approach to education funding. Every child in school has different needs, hence the specific focused funding that is available at all levels to support the children who need it most.

Through the Scottish attainment challenge, the Scottish Government has invested £750 million over the past five years to support pupils in communities with the highest deprivation. North Ayrshire is currently one of nine challenge authorities, and it received £5.8 million this year, as well as additional resources to provide focused support to pupils in literacy, numeracy, health and wellbeing. That funding sits in a range of Government initiatives and programmes that are geared to providing all our children and young people with the opportunity to fulfil their potential. The Government believes that schools know their pupils best and must have a say in how additional resources are spent and work closely with school leaders at every level to ensure that they play an active part in the closure of the attainment gap.

Parental socioeconomic background has more influence on attainment than the school that the pupil attends. Pupil equity funding is allocated directly to help close the poverty-related attainment gap in each school. This year, headteachers in North Ayrshire will see £4.3 million go directly into their schools, which is ring fenced to support children who are eligible for free school meals and additional children at the headteacher's discretion.

Through the co-ordination of authority-wide investment and school-specific funding, the cabinet secretary delivers real change for the children who need it most. Eighty-eight per cent of headteachers agree that those interventions have had a positive impact on the closure of the attainment gap and 95 per cent expect further improvements over the next five years.

When significant improvements are made, ministers are committed to learning from those experiences and implementing them in a way that works well for every school. Investment in school infrastructure is also vital to raising attainment. Teachers teach better and pupils learn better when they are equipped with modern, fit-for-purpose facilities and when their building does not crumble around them.

I am delighted that the Government invested over £40 million through the schools for the future programme in Cunninghame North, including £25 million for the Largs campus and £19 million for Garnock community campus, both of which I campaigned for. The Cabinet Secretary for Education and Skills has further committed to investing in a new Ardrossan campus, which was given the go-ahead this summer.

Those campuses not only provide an enhanced education environment but create a sense of community and pride in one's learning environment. Construction is now under way on the Lockhart campus, which is a new, state-of-the-art additional support needs campus and respite and residential facility with purpose-built facilities in partnership with North Ayrshire Council, which will provide ASN-specific nursery care for the first time in North Ayrshire.

Those brand new schools either currently have or will have a profoundly positive impact on young people and their families for years to come. The Government has worked hard to continue to support young people throughout the coronavirus pandemic and recognised the disproportionate impact that lockdown has had on pupils from disadvantaged backgrounds, which is why it has extended the pupil equity fund, making £250 million available over the next two years.

Councils and schools have also been given power to redirect attainment Scotland funding towards the measures to mitigate the impact on the most-disadvantaged families. That has enabled schools to provide tablets and deliver digital and summer learning and support programmes over what has been a difficult six months for many families.

Clearly, the SNP Government believes that independence is a vital step for Scotland; it is always better to make your own decisions than to allow your next-door neighbour to make them for you, especially when that neighbour is led by Boris Johnson. Independence is not an end in itself, and we are determined that we must deliver a fairer and more progressive Scotland. In education, the Scottish Government has worked relentlessly to provide, through targeted investment and close communication with those who know Scotland's pupils best, the best possible start for every child. That is a far cry from independence at the cost of all else.

What Labour cannot accept is that SNP members actually believe in something. In recent years across the UK, Labour has moved from centre-right to soft left to hard left and back again. When I was Glasgow's only SNP councillor, Labour offered me all sorts of blandishments to join—for example, the convenership of the housing committee with a stipend and a safe



Westminster seat. “The SNP will never amount to anything,” Labour said. How political fortunes can change when you persuade people of your beliefs rather than trying to go with the flow and second-guess the electorate.

Liz Smith and Iain Gray attacked the Scottish Government on teacher numbers, yet there are only 5,445 teachers per 100,000 pupils under the Tories in England and 5,038 per 100,000 under Labour in Wales; here in Scotland there are 7,485 teachers per 100,000 pupils, so Scotland is clearly doing better than the areas of the UK that are run by the unionist parties.

As for Mr Greene, who is attacking me from a sedentary position, what does he believe in? Who knows? Take Brexit for example—he abstained on our first parliamentary vote before coming out after the European Union referendum as a remainer who was saddened by the result but keen to make Brexit work. He then transformed into a committed Brexiteer who had always been so. He is a gun for hire who just wants to get on. The majority of the Scottish Parliament will be relieved that it is John Swinney and not Mr Greene who is in charge of Scottish education.

**The Deputy Presiding Officer:** I remind everyone who is hoping to take part in the debate to press their request-to-speak buttons in good time.

16:32

**Alison Harris (Central Scotland) (Con):** The Scottish Government must regret saying that education would be its number 1 priority and the issue that it wanted to be judged on by parents across Scotland. It was clear, even before the coronavirus pandemic, that that was not the case. As we heard from my colleague Liz Smith, teacher numbers have fallen significantly, with a drop of just under 3,000 teachers since 2007, when the SNP came into power. The performance rates of pupils in a number of subjects, not least core topics such as numeracy and literacy, were not on a level with other countries across the world, and the infamous attainment gap, which has plagued children from deprived communities across Scotland for years, was not closing. Then the Covid-19 global pandemic hit and the SNP Government faced a new range of problems in relation to education.

Recent months could have been a chance for the Scottish Government to finally come good on its pledge that education would be its number 1 priority, but instead the problems have worsened. SNP ministers will not want to be reminded of the exam chaos that left tens of thousands of children devastated that years of school work had resulted in hugely unfair rewards, leaving their dreams,

ambitions and prospects in tatters. Although I appreciate that decisions were reversed after vocal and passionate pressure from parents and pupils, and from across this chamber, we must do everything possible not to repeat the situation for pupils who are sitting exams next year. Those pupils and teachers need certainty, and although the pandemic is unprecedented, the Scottish Government must exhaust all avenues before scrapping next year's national 5 exams and restricting highs. Surely we owe that to our children.

As my colleague recently said, nobody is pretending that it will be easy, but our central goal must be to give pupils a return to as much normality as possible. It is important, at this stage, to pay tribute to the hard-working teachers who have helped to make that happen across the country. Their dedication needs and deserves to be repeatedly recognised in this Parliament.

I want to address something else in our education system: school inspections. We know that, under the SNP, more than 600 primary schools have not been inspected for more than a decade—in fact, one has been identified as not having been inspected for 16 years. That represents thousands of children going through their entire primary school journey without a single visit from inspectors.

I know that we are currently living with coronavirus, and suspending inspections until next year to relieve pressure on the system in order to allow education establishments to focus on reopening schools was the reason that was given for school inspections being suspended. That was perfectly reasonable. However, the fact is that schools are back, and they should be inspected as normal. That is essential to the maintenance of high standards. We need to get inspections up and running now.

A major concern that I have is that Education Scotland has a role in both running and inspecting our schools, essentially marking its own homework. That is simply not good enough. The Scottish Conservatives have long believed that that needs to change. That is why we would create an independent body of inspectors that would shake things up and report directly to the Scottish Parliament.

As well as the inspectorate proposals, the Scottish Conservatives have put together a comprehensive package of education pledges, set out by my colleague Jamie Greene earlier, to restore our schools and restore Scotland's reputation as a world leader in the education of children. That package includes investing to recruit 3,000 new teachers; allowing every primary school pupil access to a free school breakfast and lunch; and introducing a national tutoring programme,

which would go some way towards helping bridge the attainment gap. Those are measures that will take Scottish education back to where it belongs, making it again a world leader in the schooling of children.

Too much has gone wrong under this SNP Government—before the pandemic and, indeed, during it—and parents, pupils and teachers deserve a much-needed change. *[Interruption.]* I am sorry; I am just about to finish.

With all that in mind, and for the sake of Scotland's schools, we should all support the motion in the name of Jamie Greene today.

**The Deputy Presiding Officer:** I say to the member who just tried to intervene that, without their card being in their console, that might have been rather difficult.

16:37

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** I welcome any opportunity to debate education in the chamber as it is, without doubt, an overriding priority of this Government. The education of our young people—the next generation of Scotland—is crucial, and I know that that, at least, is agreed throughout the chamber. Of course, opportunities to debate education should lead to some consensus, and it would be good to think that we could achieve that at some level today, despite the tone of the Conservative motion.

The motion calls on the Parliament to drop its plans for a referendum bill and focus on closing the attainment gap. The fact is that, in an independent Scotland free from Tory welfare cuts that constantly disadvantage more and more people, plunging them into poverty, the job of closing the attainment gap would be much easier.

These are also facts. In 2020-21, the Government is investing a further £182 million in education, including more than £121 million of pupil equity funding, which goes directly to 97 per cent of headteachers in Scotland. A further £750 million is being invested in the attainment Scotland fund to help Scotland's most disadvantaged areas. All pupils in primaries 1 to 3 now benefit from access to free school meals, allowing families to save around £400 per child per year. The Scottish Government has provided extra resources to councils, allowing spending on education to increase in real terms for the past three years, and it is now up by £189 million.

In addition, record numbers of students from the most deprived communities are now winning a place at university, and we are leading the way as the only Administration in the UK to offer bursary

support that is targeted specifically at care-experienced students.

Further, as part of earlier announcements in May, the Scottish Government committed £30 million to support digital inclusion for disadvantaged learners. Headteachers have said that attainment Scotland funding is making a difference. Most improvements around closing the poverty-related attainment gap are as a result of those interventions, and almost all headteachers expect to see improvements over the next five years. The Scottish Government has committed to publishing evidence of progress in closing the poverty-related attainment gap by March 2021.

Perhaps those facts, which show the progress that we have made, are an inconvenient truth for the Tories—or rather, an inconvenient Ruth.

The Tory motion ignores the growing number of people in our nation who want the chance to live in an independent Scotland. The Tories would deny them that chance and ignore the democratic wish of the people. The SNP would never deny the Scottish people that, and the Tories know it. We will always stand up for Scotland, despite Tory cynicism.

Before the end of this parliamentary session, the Scottish Government plans to publish a draft bill for an independence referendum that will set out clearly to the people of Scotland the terms of a future referendum. Independence would allow Scotland to make the public spending choices that are best suited to its own interests, such as not investing hundreds of billions of pounds—

**Jamie Greene:** Will the member take an intervention on that point?

**Rona Mackay:** No, thank you.

I was talking about public spending choices, such as not investing hundreds of billions of pounds in the Trident missile programme or in a rail track that comes nowhere near Scotland.

This year, young people have had an upheaval in every part of their lives due to coronavirus. As a Government, we must do everything that we can to minimise the harmful impact on them of having lost months of education. A further £135 million has therefore been allocated over the next two years to support the return to school. That new funding will see us invest to tackle the impact of coronavirus, including investment in teaching resources to support the wellbeing and attainment of children and young people.

During normal times, every MSP will have visited schools in their constituencies. Like me, they will have been super-impressed with the learning environment and dedicated staff.

Last weekend, pupils at Bishopbriggs academy took part in a fantastic team effort to raise funds for the Beatson Cancer Charity. Their aim was to walk and run the distance from their school to Dubai via Mount Everest and K2. They set £3,000 as their fundraising target, but, amazingly, over three days, pupils and staff covered 7,759 miles and raised more than £12,000 for the Beatson. Those pupils have attained their goal and have created memories that will last throughout their lives.

Let us therefore put more emphasis on the amazing positivity in Scottish education, rather than concentrating on the negative. Let us focus on the achievements of young people and their teachers. That would be far more productive than talking about failure and crisis, in this year of all years. Surely we owe our children and young people that, as well as the chance to prosper and grow in a flourishing nation.

16:42

**Mary Fee (West Scotland) (Lab):** The debate is a wasted opportunity from the Conservatives. Rather than use their time for a real focus on education, the debate is a proxy for an argument on constitutional questions. The debate is nothing more than a press opportunity for the Tories, because they know that it would force the Scottish Government to amend their motion in favour of independence and divert the topic of the debate away from the very important issue of education and on to the constitution.

I will address the motion directly. The pandemic has placed a considerable strain on public services, and schools have not been immune to those pressures. It is unforgivable of the Scottish Government to plan for a second referendum at this time. Civil servants' time and resources should be focused on our recovery, not on breaking up the UK. They should be focused on tackling the stubborn education attainment gap at a time when the risk of poverty is growing because of the pandemic. That is why Scottish Labour lodged our amendment, as it raises the underlying issue of poverty, which causes the attainment gap.

Poverty is more than an economic issue; it is a health issue and an education issue. One in four children in Scotland is growing up in poverty, and that impacts daily on their development and learning.

The Tories are not absolved from blame when it comes to the attainment gap and they cannot be trusted when they claim to stand up for the education of our children and young people. For more than a decade, children and young people, and the poorest and most vulnerable, have borne

the brunt of austerity imposed by the Tories and the Liberal Democrats in the UK Government.

Child poverty reduction was and remains central to Labour but was abandoned by the Tories for ideological reasons.

Children from higher-income families significantly outperform those from low-income households at ages 3 and 5. By age 5, there is a gap of 10 months in problem-solving development and of 13 months in vocabulary.

In primary 1, the gap in literacy between the most deprived and the least deprived is 19.2 points. In primary 4, the literacy gap rises to 21.5 points. The numeracy gap follows the same trend, rising from 13 points in primary 1 to 18.3 points in primary 4.

The attainment gap is exacerbated by the cuts to resources and spending in schools that the SNP Government has made, year on year, since 2007. There are now 2,853 fewer teachers than there were in 2007, and primary class sizes have increased, despite the SNP pledge to cut class size to 18 pupils or fewer.

In secondary schools, before the grading fiasco of a few months ago, attainment rates at higher had fallen for the fourth year running. There is also a narrowing of the curriculum in our secondary schools—Reform Scotland and the Parliament's Education and Skills Committee back that statement up. Reform Scotland found that only a minority of Scottish state schools allow pupils to sit more than six exams, whereas independent schools offer eight or nine. The Education and Skills Committee found that around three quarters of schools said that difficulty in recruiting teachers limited subject choice and that more than half of pupils said that they had not been able to take all the subjects that they had planned to take.

It is clear that neither the SNP nor the Scottish Conservatives can be trusted to improve schools and tackle the attainment gap. Instead, they would rather focus on the constitutional questions of the day, despite the global pandemic. When we finally come out the other side of this crisis and return to some form of normality, there will be young people who have been let down by the Scottish and UK Governments throughout their education and young lives. They will be blighted by poverty and a lack of opportunity.

Tackling poverty is central to tackling the attainment gap. The crisis through which we are living will leave more people in poverty, and we need both Governments and all parties to focus on the needs of the people and not on the constitutional aims of their parties.

16:48

**Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP):** From what little I dimly remember of such things, “*reductio ad absurdum*” is a method of proving the falsity of a premise by showing that its logical consequence is absurd or contradictory.

What I have to say today does not claim to subject the Conservative motion to that test in any strict logical sense. I leave Stewart Stevenson to apply his skills to confirm or deny that, after the debate. However, more generally, I want to challenge as absurd the premise of the Tory motion today, which asserts that supporting independence and supporting education are somehow in competition with each other, to the point of incompatibility.

Before I do that, let us consider some of the achievements of Scotland’s education system in recent years. Some 95 per cent of young people leave school to go on to positive destinations, and the gap between the achievements of those from the most and least deprived communities, albeit that it is still very real, is reducing.

Pupils in primaries 1 to 3 now benefit from access to free school meals, which is allowing families to save about £400 per child per year. More than 900 schools have been upgraded since 2007 and now provide well designed, accessible and inclusive learning environments for pupils, the benefit of which I have seen in my constituency—as, I am sure, other members have, in theirs.

In recent years, record numbers of students have enrolled at Scottish universities and record numbers of students from the most deprived communities are now winning places at university. Since 2012, more than £1 billion per year has been invested in Scotland’s universities, and the Government in Scotland is also leading the way as the only Administration in the UK to offer bursary support that is targeted specifically at care-experienced students.

Since 2015-16, the Scottish Government has invested more than £576 million in tackling the poverty-related attainment gap. In 2020-21, a further £182 million is being invested, which includes more than £120 million of pupil equity funding that is going directly to headteachers.

The Scottish Government has also invested in the attainment Scotland fund to drive improvements in Scotland’s most disadvantaged areas, and has introduced a national minimum school clothing grant to help more families to afford school uniforms.

There are many more things that I could list in that vein, but I want to say just this: the Tories seem to think that countries that seek their independence do so out of wanton carelessness

about education. That begs the question whether the Tories are implying that countries that are already independent—we can take the UK as a hypothetical example—continue in statehood out of a similar disregard for their nation’s schools.

**Jamie Greene:** The intention of the motion is quite simple. I have a question for Alasdair Allan, which gets to the crux of our motion and also applies to all members in Parliament today, about what we should be doing with our parliamentary time. Does he think that a referendum bill is more important than an education bill?

**Dr Allan:** I was rather hoping for that intervention, because before the Conservatives tell us that they are not the ones planning to divert political energies from education into constitutional matters, they would do well to reflect on the ramshackle constitutional mystery tour on which their party has taken us all, these past five years. For long months on end, the Conservatives’ constitutional obsessions ensured that it was not possible to get a single piece of legislation on anything whatsoever, education included, through the UK Parliament—and that was before they illegally attempted to shut down Parliament altogether.

Since then, of course, they have shifted their energies not into education but into further constitutional mayhem, by attacking the powers of our national Parliament, breaking international law and, most recently, showing an increasing determination to destroy our only immediate chances of a meaningful economic relationship with our European neighbours—and all in the middle of a global pandemic.

Yes—we do need to think boldly about how to improve continually our education system in Scotland, and we have heard ideas on that from across the chamber. However, the Conservatives’ relentless negativity about Scotland’s state schools is as unhelpful as it is ill-founded. The premise of the Tory motion deserves to be called out for what it is. I will not take lectures from the Conservatives about prioritising education over the constitution.

To date, the Conservatives’ argument against independence has, in part, rested lazily on the assumption that they speak for the majority and therefore do not really need to say much more than that. That might explain the quality of their offering today, in their argument that people who believe in independence somehow do not really believe in education. This fact might have passed them by, but seven opinion polls in a row have suggested that the Conservatives who attack independence are, in fact, speaking for what is now a minority position in Scotland. Perhaps above all else the Conservatives should look at what those polls have had to say about the views

of the young people for whom they have attempted to speak today. One recent poll showed that almost three quarters of Scotland's young people support Scottish independence.

Minority opinions are often honourably held and are worthy of respect, but they also deserve to be held up to the cold light of democracy, as I expect the Conservatives' opinions on independence will be at a future election and, more immediately, at 5 o'clock tonight.

16:55

**Brian Whittle (South Scotland) (Con):** I declare that one of my daughters is a secondary school teacher.

I have always maintained that education is the solution to health and welfare, and I will not apologise for using my time to continue to develop that argument. My point is that education has such a significant impact on just about every portfolio.

Here we are again, in another education debate that has been brought to the chamber not by the Scottish Government, but by the Opposition. Let us be honest: the topic is not one that has been a particularly happy hunting ground for the Government.

However, Deputy Presiding Officer—

I just demoted you, Presiding Officer. I want to discuss what we could achieve by focusing effort on developing an inclusive, innovative and effective education environment that enables all pupils to achieve, no matter their background or personal circumstances.

When we are discussing improving the economic activity or developing economic productivity—I think that phrase was stolen from the Scottish Conservatives, I have to say—I am always struck by how the Government never says from where it will develop that. It has to be from the point of view of improving the opportunities and aspirations of the people who have the least. Given that, we will support the Labour amendment. We agree whole-heartedly with that approach, although we might disagree about how we would get there. However, it is about the changes that need to be made to enable that intervention and outcome.

I have always been struck by the variance and the inequality that exists in accessing extracurricular activity across schools. Last night, Liz Smith led a members' business debate on the importance of residential outdoor activity centres; that very point about inequality of access was highlighted by members of all parties.

We know that mental health is at its lowest in the lower Scottish index of multiple deprivation

areas, but we also know from Scottish Association for Mental Health reports, among others, that being physically active is a key driver of good mental health.

The Mental Health Foundation has a fantastic publication called "Food for Thought: Mental health and nutrition briefing", which makes what should be an obvious point: having a decent diet promotes good mental and physical health.

The school environment is the obvious place to promote that policy. Therefore, I am pleased that free school meals and breakfast clubs feature so prominently in a recently published Scottish Conservative education document.

Developing the Government's centrist and controlled procurement contract would be an excellent opportunity to support our rural economy and our food producers, through procuring local produce. I have been talking about the topic since I entered Parliament. Surely, it is an obvious route to take. It makes perfect sense to me, but not to the Scottish Government, apparently, because only 16 per cent of the food that is served in schools and hospitals comes from Government-procured contracts. However, East Ayrshire Council, which does its own procurement, manages more than 75 per cent. The Government's response, of course, was to bin the one piece of forthcoming legislation that was on the books that could have made the difference—the good food nation bill. Once again, we see avoidance.

Despite all the political machinations and gnashing of teeth, there are obvious positive policies that we could implement while we are having our political bun fights. I have to say that, in my opinion, the greatest failing of this Parliament, and especially of the SNP Government, is that although portfolios such as education and health having been devolved to this place for 20 years, thereby affording the Government the opportunity to innovate, to be creative and to look at different ways of allowing our children to experience education, this SNP Government has singularly failed to do those things. It has shown a lack of ability to think for itself.

Instead, the Government is content to point down south and to deflect blame for its inadequacies towards anyone but itself. If members want evidence of how desperate the Scottish Government is to deflect any scrutiny of its record on education, they should look at the Government's amendment, in the name of John Swinney. Did he say, "Quickly—let's just throw in 'UK Government'. Say 'Conservatives'. Can we squeeze in 'Westminster' and 'Boris Johnson'? In fact, throw in 'EU' and 'power grab' for good measure." That is, it will say anything but will not take responsibility for a portfolio that is completely

devolved and is therefore the responsibility of John Swinney and his Government alone.

In his amendment, John Swinney also says that “closing the attainment gap and raising standards for all must remain the top priority for the education system”.

Words, Mr Swinney. Words. What matters are outcomes.

In the 13 years for which the SNP has been in power, teacher numbers have fallen by nearly 3,000. We have seen all the issues that multilevel teaching and limiting of choices have caused, and a litany of failures has been highlighted in the debate. Instead, Mr Swinney and the one-dimensional SNP Government end their amendment by referring to the only thing that matters to them—their answer to anything and everything, and their reason for failing—which is their blinkered charge towards independence. I ask Mr Swinney: where is the planned education bill?

To be honest, if I were sitting in Mr Swinney's seat, as the Government's Cabinet Secretary for Education and Skills, I would be reluctant to get on my feet and look teachers and pupils in the eye while trying to explain the Government's failure and to defend its actions. “Judge me on education,” Nicola Sturgeon proclaimed in her first speech of this parliamentary session. *[Interruption.]* I am just getting toward the end of my speech. I say that that is exactly what we are now doing—and the report card does not make good reading.

The Scottish Government should get back to working on what is important to the people of Scotland: education, health, justice and closing the attainment gap. It is said that Nero fiddled while Rome burned. I say to Mr Swinney and the rest of the SNP that they should lift their heads, dump their obsession with independence and get back to the day job.

17:01

**Tom Arthur (Renfrewshire South) (SNP):** I am grateful for the opportunity to participate in the debate. As other members have thanked those in their constituencies, I sincerely thank the teachers, school staff and all educational professionals in mine, who have been absolutely magnificent over the past six months. They really are among the best of us. There is no adequate way for me to express my gratitude for their selfless dedication to ensuring that young people in my constituency have been continuously provided with learning opportunities.

I also thank them for their professionalism and the expeditious way in which they responded to pupils' concerns when the exam results were

announced last month. I am grateful to all the headteachers, education directors, other teachers, pupils and parents for the opportunity to engage with them directly following those results, to hear about the particular issues and challenges that they were facing, and I thank them for making their time available.

Since I was elected to the Scottish Parliament, I have had the opportunity to visit all the schools in my constituency—many of them on multiple occasions. I am always astounded by the levels of professionalism and enthusiasm that exist among our teaching staff. I say that because I recognise that we in the Scottish Parliament have a duty to debate the subject of education, but from many of the conversations that I have had with staff I know that hearing the political rhetoric around it can be quite demoralising for them. Whatever our intent and purpose might be, hearing that rhetoric has an effect on the people who are listening and paying attention to it. We therefore have a duty to ensure that we always have debates in a way that is respectful and recognises the work that goes on in our schools.

One of the key pieces of work that is under way is the work on attempting to close the attainment gap. As other members have pointed out—but the Conservative motion fails to highlight—that gap is caused by poverty. Mr Whittle might have said that education is a fully devolved portfolio, but the social determinants of inequality, and the policy levers to address it, are not the exclusive preserve of the Scottish Parliament; they are part of a split competency. As other members also recognised, many of the policy drivers for inequality and poverty emanate from decisions taken by the UK Government over the past 10 years, on welfare and social security spending. That factor has also been recognised by many third sector partners and, indeed, by the United Nations.

What action is the Government taking to address poverty? There is the attainment challenge fund. Renfrewshire Council, which is one of the local authorities in my constituency, has such funding. There is also the pupil equity fund, from which millions of pounds go directly into schools in my constituency. I have seen at first hand the variety of ways in which that resource has been deployed by teachers, the difference that it makes and the impact that it has. There is also the investment that is being made in our school estate—for example, the new Barrhead high school, the new Neilston and St Thomas's primary campus that will soon be under construction, and the commitment to a new Thorn primary school in Johnstone, all of which will make a positive impact by providing safe, secure and warm environments in which our pupils can be educated.

However, the Government's approach is not just about the money that goes into our schools—it is far wider than that, which is why the impact that will be felt from the Scottish Parliament using its limited powers on social security will be profound and transformative.

The Scottish child payment for children aged under six, which will begin next year, will be transformative. Combined with the best start grant and best start foods, that will provide over £5,000 of financial support for families by the time their first child turns six. For their second child and subsequent children, that will provide £4,900 of support.

The Scottish child payment will have a positive effect on 3,700 children in East Renfrewshire and 6,300 children in Renfrewshire and the Scottish Fiscal Commission estimates that 194,000 children aged under six will be eligible for that payment across Scotland. We are providing other benefits, such as the carers allowance supplement and young carers grants as well as the best start grants. There is also the work on housing. In East Renfrewshire, in Barrhead in my constituency, we are seeing council houses being built for the first time in a generation.

All of that combined will have an impact on reducing poverty and the attainment gap. It is not just about what goes on inside our classrooms. I should declare an interest—before I was in politics, I was a music tutor and although the one hour or 30 minutes that I had with each student was important, what happened in the intervening week was the most important part. That is the reality for all educational environments; it is about not just what goes on in the classroom but what goes on at home.

The Conservatives have to realise that their policy decisions at Westminster have resulted in an increase in child poverty. [*Interruption.*] I am sorry, but I am afraid that I do not have time to take an intervention. I am in my last 30 seconds. I want to speak about the lack of willingness to acknowledge that point and the fact that, in moving his motion, Jamie Greene could not even bring himself to mention the word “poverty”. He is an MSP for West Scotland, and, even with all the inherited inequalities that we have from 18 years of Conservative Government, he cannot bring himself to mention the word “poverty” when talking about inequality in my constituency. He comes here to lecture this Government about the actions that we are taking when he has voted against budgets year after year that have delivered pupil equity funding and attainment challenge money to schools in my constituency. It is easy for Mr Greene to come out with the rhetoric, but maybe when we have the budget negotiations in the coming weeks and months, he could come

forward with some constructive proposals; he could come forward and engage; and, for once, he could call out the disgraceful actions of his colleagues at Westminster.

17:08

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** My personal connections with teaching are relatively substantial. My grandfather was a fellow of the Educational Institute of Scotland and was a teacher; my mother was a teacher; I have nephews and nieces who are teachers in England, Scotland and Denmark; and I have great-nephews and great-nieces scattered across the globe, so I get regular reports on what goes on.

We have heard from the Tories in particular the suggestion that STEM is important and that is one thing on which I can absolutely agree with them. Jamie Greene wants us to spend more time on education and less time talking about independence, so I will use my mathematical background to look a little bit at how the Tories talk about independence. I decided to get up early this morning, at about 4.30, and do a quick analysis, using the [www.theyworkforyou.com](http://www.theyworkforyou.com) website, of how often different parties reference independence. I had time to check only the Conservative and the SNP members. Of the top 11 members who most frequently use the word “independence”, five are Conservatives, and at the top of the table is Baroness Davidson. On average, she speaks 22.22 times per annum on independence.

With five Tories in the top 11, the Tories are 1.7 times more likely than SNP members to be in the top part of the speaking-about-independence group in Parliament. Specifically, the average number of times that a Conservative speaks about independence is 6.24 per annum while for SNP members the average is 5.4 times.

Therefore, the obsession with independence in the Parliament comes from the Conservative members. It is quite proper to ask ourselves why that should be. The answer is straightforward. It is simply a cover for their inattention to the development of policy, not just in education—vital as that undoubtedly is—but right across a wide range of the areas of responsibility that lie with this Parliament.

I see, as will others in Parliament, that the Conservative leaflets that are coming out in advance of next year's Scottish Parliament election, and the leaflets that have come out over the past 10 years, talk about virtually nothing but independence. That happens not just in the leaflets but on the websites of Conservative MSPs.

The person who comes bottom of the frequency table for talking about independence in this place is Tom Mason. Well done, Tom—you obviously have other concerns. However, when we look at his website we see that it lists only two campaigns: one is about cashpoints—I can probably make common cause with him on that—but the other is about opposing independence. The message that comes across every time the Tories open their mouths is their opposition to independence, which is because they have so little time to think about anything else.

Jamie Greene talked about choice. We have choices about the issues that we bring to the Parliament and education is a perfectly proper choice. However, the debate was not about education. In reality, by putting independence for Scotland front and centre, the Tories showed once again that they are using their obsession with it to cover up their shortcomings elsewhere.

By the way, Jamie Greene could not even get the Government's plan right. It is to bring a draft bill, so I am not sure why he talked about committee time and so on. Ross Greer clearly agrees with the points that I am making because he talked about Tories bringing up independence every time they speak.

I will close by going back to the fact that Baroness Davidson came top of the table.

**The Presiding Officer (Ken Macintosh):** Mr Stevenson, can you hear me? I will stop you there and let you finish in a second. I was going to wait til the end. The leader of the Conservative group in the Parliament is called Ruth Davidson. She does not have a title. I am sure that Mr Stevenson will be respectful to all members as he always is, so he can call her either Ruth Davidson or Miss Davidson. Those are the only terms by which she will be called.

**Stewart Stevenson:** I apologise if I have transgressed the rules. I have obviously not been keeping up with her plans to become Baroness Davidson. I am sure that that is something that she will look forward to in the future. I apologise unreservedly to her, but she has been a wee bit shy on the whole subject.

She does have one novel achievement in this Parliament, which is not about being a baroness. She is the first leader of the Conservatives to announce that she is standing down before she assumed the office. However, she is also the cheerleader for talking about independence in Parliament.

**The Presiding Officer:** We move to the closing speeches.

17:14

**Daniel Johnson (Edinburgh Southern) (Lab):** This might have been a debate about education, but I, for one, have found it profoundly unenlightening. It was perhaps summed up by the argument of the member who spoke before me, who attempted to claim that, were it not for the Conservatives, the SNP would not discuss independence at all.

Education must be the top priority in this place and across all Governments, because it impacts everything. The economy depends on education—it depends on education to provide the skills and understanding that future workers will need. We cannot have wellbeing in our society if people do not understand themselves and their context in society. When it comes to equality, as a number of members have said, education is the single most powerful tool for enabling people to deliver themselves from poverty.

However, the problem with education is that its effects and actions are long term. It takes 13 years for a child to progress from primary 1 to emerge from secondary 6. It is somewhat ironic that we have now had an SNP Government for 13 years. Therefore, it must answer for and own the results of our education system.

I agree with what Alasdair Allan said in that there has been a degree of absurdity in the debate. The terms of the Conservatives' motion are such that it would be a bit like me lodging a motion that asked the Scottish Parliament not to think about penguins. I bet I know what flightless bird every member in the chamber is now thinking about. A party cannot pretend that it is lodging a motion about education when it explicitly cites the constitution in that motion. Quite frankly, as Gordon Brown put it yesterday, the Conservative Government and the SNP Government are engaged in a war of nationalisms. Instead of focusing on issues, they would rather focus on divisions; instead of finding solutions to the long-term problems that we have in our society, both of them would like to create new borders.

The issues were best summed up by Iain Gray and Liz Smith, who are long-standing members of this Parliament with a deep insight into education. Iain Gray spoke about the Scottish Government's record on education, while Liz Smith focused on the attainment gap. Despite the figures and the supposed facts that Mr Swinney is able to muster, the simple facts are that, according to the OECD, we have the largest class sizes; we have fewer teachers teaching in our schools today than we had in 2007, when the SNP came to power; and, despite what Mr Swinney says about investment in education, the local government benchmarking exercise makes it clear that, since the SNP came to power, spend per pupil in our primary schools is



10 per cent down, and spend per pupil in our secondary schools is 4 per cent down, in real terms.

In our education system, we have very few measures that we can use consistently across the 13 years of the SNP's term in office, but we can look at the higher pass rate. Over the most recent four years in which pupils were able to sit higher, the proportion of those who passed their higher declined.

On a point of consensus, I think that we can all agree—as Liz Smith pointed out—on the importance of closing the attainment gap. It is important that we use all the energies of Government to tackle the poverty-related attainment gap. When the Scottish Government came forward with its renewed focus on the issue, we all agreed with it, but I did not hear it say, “We would like to focus on this, but we do not have the powers to do so,” or, “This is the most important issue, but we cannot tackle it because the powers that we have in this place are such that we are incapable of doing that.” Those were not the terms on which the issue was raised. In fact, the assumption was that the necessary powers were available.

Therefore, we must ask ourselves why we have not been able to tackle the attainment gap. Although there has been a marginal improvement, as others have pointed out, that is largely because of a fall in the level of more affluent pupils going on to positive destinations. Likewise, if we look at SCQF level 6, there has again been a narrowing of the gap, but only because more affluent pupils are attaining less well.

The real issue was perhaps highlighted best by Ross Greer, although he may have conceded the point grudgingly. He put it like this: the Scottish Government has the options available to it, but it is unwilling to use them. The reality is that this Parliament has powers over tax. We can raise income tax to levels that would enable us to sustain the changes to poverty and inequality that our society needs. We can introduce new levies and new welfare benefits, but unfortunately this SNP Government keeps delaying them.

The reality is that education has been devolved, certainly from an administrative perspective, ever since the act of union. It is baked into that act. However, it seems to be this Government's contention that, even though we managed to maintain a world-leading education system throughout that period, we have somehow been unable to sustain such a system since full parliamentary devolution. That contention is quite simply unsustainable and absurd.

**The Presiding Officer:** I call the cabinet secretary, Michael Russell, to conclude for the Government.

17:21

**The Cabinet Secretary for the Constitution, Europe and External Affairs (Michael Russell):** I want to start with something that should be non-controversial, but which I suspect will become controversial eventually. I think that all of us across the chamber should agree that dealing with the attainment gap, using the resources that we have and working every day to do so should be a priority for any Government. Indeed, the work that the Scottish Government has done on the matter is considerable, and it continues.

We know that the poverty-related attainment gap is narrowing. At SCQF levels 6 and 7, the gap has narrowed. There has been a steady increase, between 2016 and 2018-19, in the proportion of primary pupils who are achieving the expected level in both literacy and numeracy. The gap between the proportion of primary pupils from the most and least deprived areas who have achieved the expected level in literacy narrowed between 2017-18 and 2018-19.

In secondary schools, the proportion of S3 pupils who are achieving the expected levels of numeracy has risen, and the gap between the proportion of secondary pupils from the most and least deprived areas who have achieved the expected level in numeracy has narrowed.

Those are all facts, and the work continues. It continues, as Mr Swinney said, against the headwind of Tory austerity and the legacy of poverty—physical and aspirational—that was left behind in the poorest places by Labour over generations.

The challenge is to take the resources of Scotland and apply them to the problems of Scotland—it is the old “Highland problem” writ large. However, that cannot be done at the present moment. Why not? It is because the powers do not exist in this Parliament to take the resources of Scotland and the achievements that have been recorded so far and go further. That task should engage us all and bring us all together.

It is therefore a shame that, this afternoon, the Conservatives chose the most divisive way possible to debate the issue, and it is even worse that Labour and the Liberals lapped it up. They lapped up the opportunity not to come together and agree on attainment but to put politics before education. That is what we have seen demonstrated this afternoon.

**Jamie Greene:** Will the cabinet secretary take an intervention?

**Michael Russell:** I will not. I do not have enough time. Jamie Greene made the point that this is the most important debate in which he has ever taken part in the chamber. Well, I want to take part in it and put some facts on the record for a change. *[Interruption.]* The Tories will not like the facts. We know that they do not like educational facts, and I will come on to that in a moment, too.

Let me ask a question. Why would the Tories choose this incredibly divisive way to debate the issue? The reason is that they are absolutely scared stiff of the polls as they are at the present moment, particularly on the issue of independence. They are absolutely scared stiff, and we can predict the behaviour of all three Opposition parties based on that fact.

The first thing is that the Tories will do anything that they can do to avoid responsibility for the austerity and poverty that they created. They will run a mile from it, and in doing so they will run down anything they can that is positive about Scotland. We can also predict the reaction of the Labour Party, because it will go hand in glove with the Tories. Indeed, it will go further. Let me quote Ian Murray: it will “destroy itself” in order to be alongside the Tories on this issue.

**Jamie Halcro Johnston:** Will the member take an intervention?

**Michael Russell:** No, thank you.

Moreover, Ian Murray has said that it would “do it again.” That is born out of bitterness and a sense of thwarted entitlement.

We can predict that the Liberals will do anything to get themselves noticed. They will have failed in that this afternoon, as ever.

I am saying this helpfully to the Opposition parties. Unfortunately, they have made—*[Interruption.]* I know that Mr Simpson appreciates my being helpful to him. I am trying to be helpful, so let me be helpful.

They have made a number of serious mistakes in how they have approached these issues. The first of those mistakes has been a common theme across the chamber for the past 13 years that anything and everything that this Government does is bad. The reality, of course, is that that is not true. This Government has been successful on a wide variety of things. We could always do better, but that view is a mistake.

The evidence that it is a mistake is all around us. In the past 13 years, we have been elected to Government three times. We are currently at more than 50 per cent in the opinion polls. Independence is the choice of the majority, so the

tactic of saying, “Everything these people do is bad” clearly has not worked.

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

**Michael Russell:** Oh, no. I shall come to Ms Lamont in a moment.

The second mistake is to say that discussing anything to do with the future of the country is a constitutional abstraction. Let me answer that in a single word: Brexit. That is all we are hearing about all the time from the Tories. This very day, in the House of Commons, Michael Gove admitted that there will be queues in Kent of 7,000 lorries, which will be carrying, of course, medicine and vital supplies—*[Interruption.]* No, I am not seeking a point from the member. Brexit, Brexit, Brexit.

I will make another point, about the internal market bill. What we have in this chamber is a deflection from the constitutional abstractions that are impoverishing Scotland all over again. The poverty that we have, which is worsening the attainment gap and working against the work that we are doing on it, will be made much worse by Brexit. *[Interruption.]* No, thank you. It will be made much worse by Brexit and the loss of the powers that are going to be taken away from this Parliament.

The third mistake and fallacy is this: if only the public could see the truth.

**Liz Smith:** Will the member take an intervention?

**Michael Russell:** No, thank you.

That leads to the ludicrous action of trying to prevent the First Minister from undertaking public health briefings. Such is the ludicrous position of the Opposition parties that we get to the stage where they would try to stop the public hearing from Scotland’s First Minister.

The Tories cannot understand why they cannot get any traction on any of those issues. *[Interruption.]* I admire the member’s persistence, but the answer is still no.

The reason that they cannot get traction on those issues is that they are the people who have created poverty in Scotland. Scotland will not forgive them. They have been seen through.

**The Presiding Officer:** Will you begin to conclude, please?

**Michael Russell:** Labour cannot understand why it has lost its hegemony in Scotland. The reason that it has lost it is that it has gone hand in glove with the Conservatives on these matters. It has sold every principle that it had to go hand in glove with—

**Johann Lamont:** Nonsense!

**Michael Russell:** I hear the word “nonsense” from Johann Lamont—a woman who today used all the arguments against independence that the Tories used against devolution for 20 years, and she did so without a blush; a woman who today used the words “my city” about Glasgow, which says a great deal about her sense of entitlement.

Let me come to the saddest part of all this, which is that there was agreement on Scottish education a decade ago. Indeed, there was agreement on Scottish education at the start of this parliamentary session. Curriculum for excellence was born out of a national debate and the inquiry into the purposes of education, which I took part in. We agreed that we should work together. *[Interruption.]* I hear Mr Whittle shouting, “Outcomes.” The outcomes that we should have had included ensuring that we have successful learners.

**The Presiding Officer:** Please conclude, Mr Russell.

**Michael Russell:** We should have absolutely confident individuals, responsible citizens and effective communicators. On the evidence today, there has been no successful learning by the Tories. After 13 years, they are still getting it wrong. There are no confident individuals in the Opposition, because they are terrified of independence, and there are no responsible citizens in it, because the Opposition parties have put politics before education. As for effective contributors, they are only on the SNP benches.

17:30

**Jamie Halcro Johnston (Highlands and Islands) (Con):** I am not sure where to start after that abysmal contribution to a debate about education. It probably left all members wishing that we had had an encore from John Swinney so that at least somebody from the education team had closed for the Scottish Government, because it really was woeful.

The debate has been important. Over the year, Scotland’s schools have faced a double challenge. Most obviously, they have faced the unprecedented situation in which education throughout Scotland has been severely interrupted by the Covid pandemic. We still do not know what impact that will have on thousands of young people. However—and just as important—the consequences of more than a decade of neglect by the Scottish Government and successive education ministers have come to a head.

Over many years, we have seen Scotland’s education system, which was once the envy of the world, tumble down the global rankings, and we

remain in the unenviable and unacceptable position in which the background of a young person in Scotland still plays a key part in whether he or she will reach their potential.

The situation should come as no surprise. Teachers are overstretched, with their number 3,000 lower than when the SNP came into government. ASN education is a patchwork, with some schools having virtually no resources to cater for young people with additional needs. Many of us will have heard directly from teachers about just how hard they have been working over this period. They have worked themselves to the bone to try to maintain high-quality learning for their pupils. However, in too many cases, they find themselves swimming against the current and operating in a system that is increasingly overstretched. The sad reality is that our schools have suffered from a lack of remaining resilience in a system that has been continually expected to do more with less.

To some extent, the debate is about priorities. Time after time, we are reminded that, for all the nationalist Government’s rhetoric, education is not at the top of its agenda.

It is important and very welcome that pupils returned to school at the end of this year’s summer holiday. It is vital that something approaching normal education has returned, and I do not underestimate the work done by schools, teachers and local authorities that went into making that happen. I thank them all. I am sure that we all recall that that came after the same teachers, schools and local authorities were told to plan extensively for a plan A that never happened.

During the extended lockdown period, some schools embraced remote learning, but that was not feasible for many. Although many pupils were able to engage with the opportunities that remained available, too many—often those who were already the hardest to reach and the most difficult to support—could not or did not. The inequalities that we have seen in our education system worsened.

When targeted practical support from the Scottish Government and its agencies was needed, there was too often a void. When the Scottish Government was challenged, we repeatedly heard that central Government simply did not hold, and was not seeking to hold, information on remote learning and engagement. The Scottish Government all too easily took to the role of dispassionate observer. It watched from the sidelines when it should have been leading from the front. Although the Covid outbreak is unprecedented, the impact on pupils has been made worse not just by the Government’s previous actions, but by its inaction.

It is now more than a month since the schools returned. However, where is the detailed plan to address the disadvantages that have been caused for our young people? Where is the national leadership in supporting schools to help pupils to catch up with what they have missed?

The debate has brought forward not just a reflection of where we are. There have been positive ideas for change, such as proper workforce planning to ensure that staff are in place to deliver for pupils throughout Scotland; investing again in our school buildings to address those that remain in an unsatisfactory condition for learning; and a national tutoring programme to help some of the pupils who are most in need of direct support on a personalised level.

I do not underestimate the scale of the challenge—none of us should. I appreciate that change is not always easy or cost free. However, in this debate, there has been an understanding, once shared by the education secretary, that things are not working and that a new direction is necessary.

As it became ever more clear that a different approach was required, the Scottish Government responded by dropping its flagship education bill. When shown the need to reform the curriculum around a broad general education, the Government sat back and watched as subject choice narrowed across schools. After getting halfway across the line in acknowledging the problems that are faced by the curriculum for excellence, the independent review of its workings has been pushed into the long grass until after the 2021 election. When faced with positive examples of improvements in other countries, the Government's response was to pull Scotland out of international comparisons. Coming from a Government that once promised to

"oversee a revolution in transparency about school performance",

that action alone would be laughable if it were not so serious. Quite simply, that is not good enough.

When the First Minister labelled improving Scotland's education system as her top priority and asked to be judged on her achievements, many took her at her word. However, with every passing year, it has become clearer and clearer that education is seen not as the defining mission of the Government—its interests lie elsewhere—but as something to be explained away. The First Minister's words now ring hollow: a cheap commitment buying time to get through a new cycle. The Government amendment for today's debate again focuses on what the Government claims it cannot do, rather than on what it can do, and is the clearest indication that the SNP's

approach is about finding excuses, not solutions. That is shameful.

There were a number of notable contributions to the debate. Jamie Greene thanked teachers and young people for all their efforts during Covid-19 and talked about the benefits of having more teachers: smaller class sizes, reduced teacher workloads and more individual education for pupils. He also highlighted the importance of STEM, about which I am sure that most members in the chamber can agree.

Liz Smith spoke extensively about the proposals to narrow the attainment gap and the principles that were presented to the Parliament. Sadly, she noted, as did I, that there is a clear lack of delivery, with pressure on teacher numbers and ASN resources. There are pressing problems with vacancies, particularly in some local authority areas, and there are barriers to working in the profession. We often praise work to diversify routes into professions where there are identifiable shortages, but it appears that teaching is not one of those professions. We all value having skilled and dedicated people working in our schools, but there are real signs that the system remains far too inflexible.

Alison Harris touched on the 2020 exam diet and spoke about her sincere hope that any severe changes to examinations are seen as a last resort.

Iain Gray made an important contribution in which he highlighted the SNP's broken promises, falling pass rates and cuts in the sector.

**Edward Mountain:** On a point of order, Presiding Officer. I am struggling to hear Mr Halcro Johnston given the noise in the background. I am keen to hear about education and the points that he is making, but that is difficult when people at the back are talking—I cannot hear.

**The Presiding Officer:** Mr Mountain raises an important point of order. There is a tendency among all members when they come into the chamber to continue conversations that have been happening outside. If members are in the chamber, they should listen to the contributions, please, and then get ready to vote.

**Jamie Halcro Johnston:** My fellow Conservative Highlands and Islands MSP made an important and loyal point.

Johann Lamont said that the Scottish Government's action on education was making things worse and highlighted the impact of SNP cuts in Glasgow.

At least for part of his speech, Kenny Gibson talked about education before enlightening us about his flirtations with the Labour Party. He also talked about Scottish Government investment in

schools in his area, but he did not mention the 250 Scottish schools whose condition is deemed to be bad or poor.

Brian Whittle talked passionately about his experience of schools and about the need to provide good nutrition and physical activity in schools. He also highlighted the Scottish Government's failure to take responsibility for this devolved area.

Predictably, SNP ministers have attacked the Scottish Conservatives' plans. I ask them to show us their own plans—show us an alternative vision for an education system that gets better, rather than one that is in managed decline. Then, perhaps, the Scottish Government will have something to bring to the chamber other than more denial and negativity.

The sense that we are moving backwards has gone beyond the chamber. It can be seen—while we still participate in PISA—across the world. It is a concern of parents outside every school gate, who are worried about their children's progress and their futures.

Change is not simply about creating strategies that are soon forgotten; it is about real investment—in people, in the resources that teachers need to do their job, and in our schools as modern centres of learning. It is that investment that pays dividends. The return is not simply a better skilled, more productive workforce, although that alone is a good enough reason; it is young people having the opportunities that they deserve.

There is time for the Scottish Government to do the right thing and set aside its real priority—the constitutional obsession that drives it at the expense of everything else. There is time for it focus instead on improving education for all Scotland's young people, to listen to this Parliament and the voices of experts, teachers and parents across Scotland, and to do what it promised to do: to make education a priority—and to do it before it is too late.

**The Presiding Officer:** That concludes the debate on prioritising education over independence.

## Business Motions

17:41

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of business motion S5M-22795, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out a business programme.

*Motion moved,*

That the Parliament agrees—

(a) the following programme of business—

Tuesday 29 September 2020

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions

*followed by* Standards, Procedures and Public Appointments Committee debate: Complaints against MSPs, amendment of the Scottish Parliamentary Standards Commissioner Act 2002

*followed by* Stage 3 Proceedings: Social Security Administration and Tribunal Membership (Scotland) Bill

*followed by* Committee Announcements

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 30 September 2020

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Question Time: Social Security and Older People; Finance

*followed by* Scottish Labour Party Business

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

*followed by* Approval of SSIs (if required)

5.10 pm Decision Time

*followed by* Members' Business

Thursday 1 October 2020

12.20 pm Parliamentary Bureau Motions

12.20 pm First Ministers Questions

2.45 pm Parliamentary Bureau Motions

2.45 pm Portfolio Questions: Environment, Climate Change and Land Reform

*followed by* Stage 1 Debate: Forensic Medical Services (Victims of Sexual Offences) (Scotland) Bill

*followed by* Financial Resolution: Forensic Medical

Services (Victims of Sexual Offences)  
(Scotland) Bill

22797, in the name of Graeme Dey, on the stage  
2 timetable for a bill.

*followed by* Scottish Government Business

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.05 pm Decision Time

Tuesday 6 October 2020

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions

*followed by* Scottish Government Business

*followed by* Committee Announcements

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 7 October 2020

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions:  
Rural Economy and Tourism;  
Transport, Infrastructure and  
Connectivity

*followed by* Scottish Government Business

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

*followed by* Approval of SSIs (if required)

5.10 pm Decision Time

*followed by* Members' Business

Thursday 8 October 2020

12.20 pm Parliamentary Bureau Motions

12.20 pm First Minister's Questions

2.30 pm Parliamentary Bureau Motions

2.30 pm Portfolio Questions:  
Justice and the Law Officers

*followed by* Scottish Government Business

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.05 pm Decision Time

(b) that, for the purposes of Portfolio Questions in the week beginning 28 September 2020, in rule 13.7.3, after the word "except" the words "to the extent to which the Presiding Officer considers that the questions are on the same or similar subject matter or" are inserted.—[*Graeme Dey*]

*Motion agreed to.*

**The Presiding Officer:** The next item of business is consideration of business motion S5M-22796, in the name of Graeme Dey, on the stage 1 timetable for a bill, and business motion S5M-

*Motions moved,*

That the Parliament agrees that consideration of the Dogs (Protection of Livestock) (Amendment) (Scotland) Bill at stage 1 be completed by 15 January 2021.

That the Parliament agrees that consideration of the Period Products (Free Provision) (Scotland) Bill at stage 2 be completed by 6 November 2020.—[*Graeme Dey*]

*Motions agreed to.*

## Parliamentary Bureau Motions

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of Parliamentary Bureau motion S5M-22805, on approval of a Scottish statutory instrument.

*Motion moved,*

That the Parliament agrees that the Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020 [draft] be approved.—[*Graeme Dey*]

**The Presiding Officer:** I believe that Andy Wightman wishes to speak against the motion.

17:41

**Andy Wightman (Lothian) (Green):** For the avoidance of doubt, I am speaking on the rent arrears pre-action protocol SSI, but we will be voting for that SSI. We will oppose the next SSI, which is on international organisations' immunities and privileges, but not speaking to it.

This SSI introduces a pre-action protocol for rent arrears eviction cases that come before the housing tribunal during the period that is covered by the coronavirus emergency legislation. The report from the Local Government and Communities Committee to Parliament recommending approval of the SSI states that, during evidence on 4 September 2020, the minister, Kevin Stewart, confirmed that

“representatives of private rented sector tenants had been consulted on the regulations”.

However, as I understand matters, no representatives of private sector tenants have been consulted on the instrument.

The SSI will be of some utility, but that is undermined by the fact that, although representatives of landlords have had their say on the drafting of it, no representatives of Scotland's private renters have had that opportunity. Parliament should be aware of that important qualification.

17:42

**The Minister for Local Government, Housing and Planning (Kevin Stewart):** I find it a bit bizarre that Mr Wightman has chosen to speak against an SSI that he will be supporting, and not to speak on an SSI that he will be opposing, but there you go.

The past few months have been extremely challenging across society. The coronavirus pandemic has had significant implications for everyone, including the many people in Scotland who live in private rented accommodation. In responding to the pandemic, we have been clear that taking eviction action against a tenant

because they have suffered financial hardship due to coronavirus should be a last resort. Instead, we want landlords to be flexible with their tenants, by signposting them to the range of financial support that is available and working with them to manage any arrears that occur.

We took swift action in March to introduce legislation to protect renters from eviction until the end of September. We have made most grounds for evictions discretionary, so that tribunals can take all individual circumstances into account in their deliberations. We have already said that those protections will be extended to the end of March 2021, subject to parliamentary agreement.

Beyond that, we want to ensure that, where tenants find themselves in difficulties, private landlords must work with them to help them manage any arrears before they seek eviction. The regulations under consideration do that by clearly setting out the steps that landlords must take to help tenants.

We have introduced those requirements through regulations to establish them on a statutory basis, making sure that the steps that private landlords must take are absolutely clear and in line with the social sector, where appropriate. By temporarily making most grounds for eviction discretionary, we are ensuring that the tribunals can consider the impact of the pandemic on individuals before an eviction order is granted. Adding compliance with the pre-action requirements as part of the discretionary consideration strengthens that power further and is the best way of making sure that the independent judicial process takes into account the actions of the landlord.

The regulations have been drafted with input from stakeholders, representing the interests of tenants, landlords, and local authorities through the PRS resilience group that we set up to help us to respond to the pandemic. They agreed that the introduction of the regulations will help to sustain tenancies and create a level playing field for tenants. The benefits go beyond the response to the pandemic and we will be looking at what is needed to make the pre-action requirements permanent. We will take every opportunity to learn from the implementation of the temporary regulations and will continue to work with stakeholders across the sector to identify any lessons learned.

In summary, the regulations represent strength and protection for tenants in the private rented sector who are facing difficulty with rent payments as a result of the pandemic. They are proportionate, and they strike a careful balance between protecting tenants and still allowing landlords to deal with issues of non-payment of rent. I ask Parliament to support the introduction of the regulations.

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

The next item is consideration of Parliamentary Bureau motion S5M-22800, on approval of an SSI.

*Motion moved,*

That the Parliament agrees that the Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Regulations 2020 (SSI 2020/262) be approved.—[*Graeme Dey.*]

**The Presiding Officer:** Mike Rumbles wishes to speak against the motion.

17:47

**Mike Rumbles (North East Scotland) (LD):** I am conscious that we are often asked to vote through secondary legislation on the nod and I am sure that, if I had not objected to this particular piece of secondary legislation, that would also have happened this time. Emergency legislation is too important to operate in this way. In my view, we cannot do our duty as MSPs if we simply leave such important scrutiny of secondary legislation to the COVID-19 Committee alone, no matter how well it fulfils its role.

When Mike Russell gave evidence to the COVID-19 Committee on 16 September, he said:

“The regulations are not perfect, but they are necessary and proportionate, which is why they need to be supported.”—[*Official Report, COVID-19 Committee, 16 September 2020; c 30.*]

I make it clear that I fully support the purpose of these regulations, which is to

“make provision for a local authority to give directions relating to specified premises, events and public outdoor places in its area”

for the purpose of preventing, protecting against, controlling and providing a public health response to the incidence or spread of infection by coronavirus in the local authority’s area. Those directions can include closing down premises and/or restricting access to them and must be proportionate to addressing the public health problem.

I have no problem with any of that, because it is putting control of the measures into the hands of our local authorities, which are obviously in the best place to decide on these issues. However, regulation 4 also states that the Scottish ministers have the power to overrule those decisions of local authorities. In the policy note, the Scottish Government makes it clear that the regulations apply only to “specified premises” and do not affect other regulations giving emergency powers to the Scottish Government to implement wide restrictions. Why, therefore, is it that the Scottish Government still seems to think that it knows best

over local authorities when it comes to specific premises in a local authority area?

I return to what Mike Russell said in evidence to the COVID-19 Committee on the regulations—they are not perfect. They are not perfect because the Scottish Government still wishes to be able to direct local authorities to take action on specific premises—I see that the cabinet secretary is nodding his head, but it is true. The Scottish Government wishes to have the ability to micro-manage the issue, which is another example of how its management of the health emergency is so wrong. Mr Russell is laughing—it is not good enough to laugh.

I do not mind so much if I am the only MSP to vote against that particular regulation. I will vote against any regulation that is as wrong as that one is. When it comes to review the regulations—as is required before 9 October—I urge the Scottish Government to think again and to amend them, to reflect the trust that we should have in our local authorities to do the right thing about restrictions on specific premises in their own areas.

17:50

**The Minister for Community Safety (Ash Denham):** These regulations are a key part of the effort to control and suppress coronavirus, to protect health and to save lives in Scotland. They give local authorities the powers to make directions in respect of premises, events and public outdoor places. Directions can close premises or prohibit events from taking place, or can impose public health conditions on them.

Local authorities can give directions only when strict conditions are met. A direction needs to be necessary for the purpose of prevention of, protection against, control of, or provision of a public health response to the incidence or spread of infection by coronavirus, needs to achieve those through proportionate means, and needs to be reviewed at least every seven days.

Directions that are made about premises or public outdoor places can last only for a maximum of 21 days, and local authorities must take all reasonable steps to give advance notice of a direction to those it affects. The Scottish ministers must be notified of every direction that is given and can revoke it if they do not consider that the conditions have been met. Those whom the directions affect can appeal them to the sheriff. We consider that the scheme is rigorous, balanced and fair, with a range of safeguards in it to protect those who are affected.

As well as the safeguards in the regulations, the Scottish ministers have now issued statutory guidance about how those powers should be used. The regulations require local authorities to



have regard to that guidance, which makes absolutely clear that the direction should be issued only as a last resort, and that reasonable effort should be made first to resolve any issues by agreement between the local authority and business owner or event organiser.

The guidance requires the use of the four Es model—engage, explain, encourage and, only then, enforce—which ministers produced in conjunction with local authorities. We are committed to keeping the guidance updated and to learning from how the powers are, and are not, used on the ground.

The regulations are necessary, and the powers in them can be used only when necessary. The Scottish ministers who work with local authorities have given them those powers and we have also allocated further funding of up to £2.9 million over the next two financial years to support that process and allow local authorities to step up inspection and enforcement. We are working with the Convention of Scottish Local Authorities on the allocation of that funding to local authorities, which want and need those powers to protect those who live in their areas against the greatest threat to public health in any of our lifetimes. Parliament should support those new powers and those regulations.

**The Presiding Officer:** The question on the motion will be taken at decision time. The next item of business is consideration of Parliamentary Bureau motion S5M-22803, on the approval of an SSI.

*Motion moved,*

That the Parliament agrees that the International Organisations (Immunities and Privileges) (Scotland) Amendment Order 2020 [draft] be approved.—[*Graeme Dey*]

**The Presiding Officer:** The next item is consideration of five Parliamentary Bureau motions. I call Graeme Dey to move motions S5M-22798, S5M-22799, S5M-22801, S5M-22802 and S5M-22804 on approval of SSIs.

*Motions moved,*

That the Parliament agrees that the Coronavirus (Scotland) Acts (Amendment of Expiry Dates) Regulations 2020 [draft] be approved.

That the Parliament agrees that the Equality Act 2010 (Specification of Public Authorities) (Scotland) Order 2020 [draft] be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 11) Regulations 2020 (SSI 2020/263) be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 12) Regulations 2020 (SSI 2020/271) be approved.

That the Parliament agrees that the Management of Offenders (Scotland) Act 2019 (Consequential

Amendments) Regulations 2020 [draft] be approved.—  
[*Graeme Dey*]

## Decision Time

17:54

**The Presiding Officer:** The next item of business is decision time. I remind members that if the amendment in the name of John Swinney is agreed to, the amendment in the name of Iain Gray will fall.

The first question is, that amendment S5M-22780.3, in the name of John Swinney, which seeks to amend motion S5M-22780, in the name of Jamie Greene, on prioritising education over independence, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division. We will use remote voting to allow members who are joining us from their constituencies to vote. I will suspend Parliament for a few minutes to allow all members to log on to the system.

17:54

*Meeting suspended.*

18:00

*On resuming—*

**The Presiding Officer:** Thank you colleagues. We will move to the division on amendment S5M-22780.3. Members should cast their votes now. This is a one-minute division.

Any member who thinks that their vote was not recorded should raise their hand to get an official to help them, or make a point of order, once voting has closed.

Voting has closed. I believe that a couple of members struggled to vote.

**The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson):** The voting app did not open on my account, and I would have voted in favour of John Swinney's amendment.

**The Presiding Officer:** Thank you. I will make sure that your vote is added to the record before we announce the result.

**Gillian Martin (Aberdeenshire East) (SNP):** I was not able to vote, and would have voted in favour of John Swinney's amendment.

**The Presiding Officer:** Thank you. I will make sure that your vote is also added before we announce the result.

No other member wishes to raise a point of order.

## For

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wightman, Andy (Lothian) (Green)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**Against**

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kelly, James (Glasgow) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Lamont, Johann (Glasgow) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Mason, Tom (North East Scotland) (Con)  
 McArthur, Liam (Orkney Islands) (LD)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Rennie, Willie (North East Fife) (LD)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Sarwar, Anas (Glasgow) (Lab)  
 Scott, John (Ayr) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)

**The Presiding Officer:** The result of the division is: For 65, No 55, Abstentions 0.

*Amendment agreed to.*

**The Presiding Officer:** The amendment in the name of Iain Gray is pre-empted. The next question is, that motion S5M-22780, in the name of Jamie Greene, on prioritising independence over education, as amended, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division. Again, this will be a one-minute division. If any member has a difficulty, they should raise their hand to get an official to help them, or make a point of order, if they are online.

Voting has closed. If any members were not able to register their vote, they should raise a point of order.

**Gillian Martin:** I was not able to vote; I would have voted in favour of the amended motion.

**The Presiding Officer:** That is noted as a vote in favour of the amended motion. That will be added to the vote before it is announced.

**John Scott (Ayr) (Con):** On a point of order, Presiding Officer.

I want to make certain that the vote was correct, and that I did, indeed, vote against the amendment. Has my vote been cast?

**The Presiding Officer:** There should be a message on your screen to say that you have voted.

**John Scott:** I believe so, but it said it was for motion S5M-22780, and I am not certain that that is—

**The Presiding Officer:** It is the motion as amended by Mr Swinney.

**John Scott:** It did not say, “as amended”.

**The Presiding Officer:** The vote was on the motion as amended by Mr Swinney; I read it out.

Mr Scott’s point is noted.

**Maurice Corry (West Scotland) (Con):** On a point of order, Presiding Officer.

I have exactly the same situation as John Scott.

**The Presiding Officer:** I want to clarify whether Maurice Corry thinks that he has voted, but in favour of the amended motion, when he meant to vote against the amended motion.

**Maurice Corry:** That is correct; the same as John Scott—[*Interruption.*]

**The Presiding Officer:** Can we have some order, please, so that I can hear Mr Corry?

Mr Corry, the key thing that I need to consider is whether you have used your vote and whether it was registered.

**Maurice Corry:** I used my vote, Presiding Officer, but it seems to be confused—

**The Presiding Officer:** I accept the point, Mr Corry. You have clarified it.

Points of order are not for changing how people vote. [*Laughter.*] That is an important point. They are simply to make sure that members have voted.

I understand; this is a new system, and members are becoming familiar with it. *[Interruption.]* Can I have some order at the back of the chamber, please?

I want to be clear. The point of order system is to make sure that members exercise their votes. I cannot change a member's vote if they voted one way but meant to vote another. However, Maurice Corry's point is noted, and that will be recorded.

### For

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Corry, Maurice (West Scotland) (Con)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

Stewart, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wightman, Andy (Lothian) (Green)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

### Against

Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (West Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Mason, Tom (North East Scotland) (Con)  
 Matheson, Michael (Falkirk West) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Rennie, Willie (North East Fife) (LD)  
 Rumbles, Mike (North East Scotland) (LD)  
 Scott, John (Ayr) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)

### Abstentions

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kelly, James (Glasgow) (Lab)  
 Lamont, Johann (Glasgow) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)

**The Presiding Officer:** The result of the division is: For 64, Against 35, Abstentions 21.

*Motion, as amended, agreed to,*

That the Scottish Parliament supports work to close the attainment gap; confirms that closing the attainment gap and raising standards for all must remain the top priority for the education system; recognises that the attainment gap is caused by the underlying poverty and inequality in society, which are exacerbated by the policy choices of the Conservative administration at Westminster; further recognises that the impact of COVID-19 has disrupted teaching and learning and risks exacerbating the attainment gap and considers therefore that the Scottish Government, local authorities and all education agencies must do everything practicable to support early learning and childcare, schools, colleges and universities through the pandemic; commends the hard work and dedication of teachers, staff and pupils in adapting to the impact of coronavirus, and believes that in education, and across a broad range of powers of the Scottish Parliament, the UK Government is using the EU exit to enact a power grab against the people of Scotland, demonstrating beyond all doubt that decisions about Scotland should be taken by the people who live here and not by a Conservative administration at Westminster led by Boris Johnson, which has been comprehensively rejected by the people of Scotland.

**The Presiding Officer:** The next question is, that motion S5M-22805, in the name of Graeme Dey, on approval of an SSI, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020 [draft] be approved.

**The Presiding Officer:** The next question is, that motion S5M-22800, in the name of Graeme Dey, on approval of an SSI—the Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Regulations 2020—be agreed to. Are we agreed?

**Members:** No.

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

**Andy Wightman (Lothian) (Green):** Presiding Officer, I think that you said that we were voting on motion S5M-22803 but then said that we were voting on health protection regulations. Did I mishear?

**The Presiding Officer:** I said that the question is on motion S5M-22800, on the Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Regulations 2020—the motion against which Mr Rumbles spoke.

Now that the vote has closed, does any member in the chamber or online think that their vote was not recorded and want to make a point of order?

**Gillian Martin:** Presiding Officer, my vote was not recorded. I would have voted in favour of the motion.

**Margaret Mitchell (Central Scotland) (Con):** No vote was recorded on my screen. I would have voted yes.

**Clare Haughey (Rutherglen) (SNP):** I could not connect to the voting platform. I would have voted in favour of the motion.

**The Presiding Officer:** Thank you. Your votes will be added to the roll. [Interruption.] Patience, members; it is important that we all get the chance to exercise our vote.

I am sorry—I think that we are still having difficulty with members who are voting online.

**Maurice Corry (West Scotland) (Con):** I would have voted yes, but I could not get on to the platform.

**The Presiding Officer:** Thank you, Mr Corry.

Murdo Fraser, am I right in thinking that you were not able to vote? No, I see that you have voted.

Clare Adamson, I understand that you want to make a point of order, but I can tell you that your vote has been recorded.

#### For

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Corry, Maurice (West Scotland) (Con)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley)

(SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harris, Alison (Central Scotland) (Con)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Mason, Tom (North East Scotland) (Con)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 Scott, John (Ayr) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Tomkins, Adam (Glasgow) (Con)  
 Torrance, David (Kirkcaldy) (SNP)

Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wells, Annie (Glasgow) (Con)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

### Against

Rumbles, Mike (North East Scotland) (LD)

**The Presiding Officer:** The result of the division is: For 114, Against 1, Abstentions 0.

### *Motion agreed to,*

That the Parliament agrees that the Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Regulations 2020 (SSI 2020/262) be approved.

**The Presiding Officer:** The next question is, that motion S5M-22803, in the name of Graeme Dey, on approval of a Scottish statutory instrument—the International Organisations (Immunities and Privileges) (Scotland) Amendment Order 2020—be agreed to. Are we agreed?

**Members:** No.

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

That vote is now closed, but I will ask a few members about their vote as there have clearly been technical problems again. We will follow up later on the technical problems with each member concerned. First, I invite Gillian Martin to comment.

**Gillian Martin (Aberdeenshire East) (SNP):** My vote was not recorded, but it would have been yes.

**The Presiding Officer:** Thank you. That will be added to the votes. Next is Maurice Corry.

**Maurice Corry (West Scotland) (Con):** My vote was not recorded, but it would have been yes.

**The Presiding Officer:** Thank you. That will also be added to the roll. Next is Clare Haughey.

**Clare Haughey (Rutherglen) (SNP):** My vote was not recorded because I could not get on to the platform, but I would have voted yes.

**The Presiding Officer:** Thank you. We will follow up on those problems with all three members.

**Alex Neil (Airdrie and Shotts) (SNP):** On a point of order, Presiding Officer.

**The Presiding Officer:** One second, Mr Neil. Ruth Davidson has a point of order.

**Ruth Davidson (Edinburgh Central) (Con):** My vote was not recorded, but I would have voted yes.

**The Presiding Officer:** Thank you. Mr Neil has a point of order.

**Alex Neil:** The system would not let me on the platform for this vote, but I would have voted yes.

**The Presiding Officer:** Thank you. That is also added for the record. Clare Adamson has a point of order.

**Clare Adamson (Motherwell and Wishaw) (SNP):** I had multiple issues and was thrown out of the system. I had a message that I had not seen before, between casting my vote and the system coming back to say that there was no vote currently open, which said “connecting”. I therefore have no idea whether my vote was cast, but I would have voted yes.

**The Presiding Officer:** Thank you. That will also be added to the roll.

#### For

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Corry, Maurice (West Scotland) (Con)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greene, Jamie (West Scotland) (Con)

Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harris, Alison (Central Scotland) (Con)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kelly, James (Glasgow) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Mason, Tom (North East Scotland) (Con)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 Scott, John (Ayr) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Tomkins, Adam (Glasgow) (Con)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wells, Annie (Glasgow) (Con)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Against

Finnie, John (Highlands and Islands) (Green)  
 Greer, Ross (West Scotland) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnstone, Alison (Lothian) (Green)

Ruskell, Mark (Mid Scotland and Fife) (Green)  
Wightman, Andy (Lothian) (Green)

**The Presiding Officer:** I thank colleagues for their patience. Clearly, a number of members are having technical difficulties this evening, but we will look into each individual case.

The result of the division is: For 108, Against 6, Abstentions 0.

*Motion agreed to,*

That the Parliament agrees that the International Organisations (Immunities and Privileges) (Scotland) Amendment Order 2020 [draft] be approved.

**The Presiding Officer:** I propose to ask a single question on the five Parliamentary Bureau motions, unless any member objects. No member objects.

The question is, that motions S5M-22798, S5M-22799, S5M-22801, S5M-22802 and S5M-22804, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, be agreed to. Are we agreed?

*Motions agreed to,*

That the Parliament agrees that the Coronavirus (Scotland) Acts (Amendment of Expiry Dates) Regulations 2020 [draft] be approved.

That the Parliament agrees that the Equality Act 2010 (Specification of Public Authorities) (Scotland) Order 2020 [draft] be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 11) Regulations 2020 (SSI 2020/263) be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 12) Regulations 2020 (SSI 2020/271) be approved.

That the Parliament agrees that the Management of Offenders (Scotland) Act 2019 (Consequential Amendments) Regulations 2020 [draft] be approved.

## Heart Valve Disease Awareness Week

**The Deputy Presiding Officer (Christine Grahame):** The final item of business is a members' business debate on motion S5M-22646, in the name of David Stewart, on heart valve disease awareness week. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament welcomes Heart Valve Disease Awareness Week, which takes place from 14 to 20 September 2020; notes what it sees as the need to improve early detection of heart valve disease in Scotland; acknowledges the reported increasing prevalence of severe heart valve disease in an ageing population; notes what it considers the missed opportunities to detect the disease during the COVID-19 lockdown restrictions; believes that, in the medium term, this may result in a second wave of deaths from non-COVID-19-related diseases, and notes the calls for more funding to be made available for minimally invasive, proactive and curative treatments, which it considers have a huge advantage of reducing critical care occupancy by shortening the convalescence period and increasing treatment capacity.

18:22

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

I thank all colleagues who are joining me in this debate on national heart valve disease awareness week. I would particularly like to thank the hardy band of members still here in the chamber who are joining us for the twilight shift after our machinations earlier on. I am very grateful to every one of them for being here and to all the colleagues who could not attend but have signed my motion, which laid the groundwork for today's debate on building awareness of the symptoms of heart valve disease and drawing attention to better diagnosis and treatment options for what is a forgotten epidemic.

As members are probably aware, heart valve disease is a debilitating condition that causes functional cardiovascular decline and leads to premature death if left untreated. It is caused, as we all know, by wear, disease or damage to one or more of the valves affecting the flow of blood through the heart. For some people, heart valve disease can progress very slowly with unspecified symptoms. However, if left untreated, it can be serious. Symptoms of heart valve disease include tiredness under exertion, breathlessness and dizziness. As one would probably expect, heart valve disease is more prevalent in older people. Approximately 135,000 Scots over the age of 65 live with moderate or severe heart valve disease.

Despite that, diagnosis is poor and treatment options are limited. Heart valve disease can be detected through a simple stethoscope check. However, nearly 80 per cent of people aged 60



and over report rarely or never being checked with a stethoscope by their general practitioner. The result of that is a reduction in early diagnosis and proactive interventions that can be life saving and more cost effective to the national health service.

Treatment options are often inaccessible for many of those affected by heart valve disease. Only 1,117 valve surgeries were performed on people in Scotland aged over 65 in 2018-19—that is less than 1 per cent of heart valve disease patients. Another treatment, transcatheter aortic valve implementation, avoids the need for high-risk, uncompromising open-heart surgery but is available only in selected Scottish hospitals, such as the Golden Jubilee, the Royal infirmary of Edinburgh and Aberdeen royal infirmary, where access is capped at fewer than 400 procedures per year. In my region, the Highlands and Islands, many constituents have to travel more than 200 miles to get treatment, which exemplifies the inequality in access that marks heart valve disease treatment in Scotland. Perhaps it is a case of geographic inequality. I hope that, during this evening's discussion with our select band, we can consider that issue, which haunts the broader Scottish health system and which the British Heart Foundation recently identified as one of the critical issues to tackle in its 2021 strategy on heart disease in Scotland.

The issues around diagnosis and treatment have been exacerbated, of course, by the Covid-19 pandemic. Thousands of routine heart check-ups have been missed, and scores of people with the life-threatening condition may still be undiagnosed. Patients, of course, need to trust health professionals to attend their scheduled medical visits and avoid any risk of the disease worsening. As the threat of a second Covid-19 wave approaches us and further health service disruption looms, I hope that we can use this heart valve awareness week as not only an opportunity to provide better diagnoses and equal treatment for people with structural heart diseases but a means of reducing patients' vulnerability to Covid-19 by delivering timely treatments that can have the advantage of reducing critical care occupancy and providing a safe option through Covid-19.

I would like to pay special thanks to the patient charity Heart Valve Voice for its particular efforts on this debate and its work with the Global Heart Hub and other charities in raising awareness of heart valve disease across the UK. I hope that the debate will help to raise awareness in Scotland of this condition and ensure that our older citizens in particular can access treatment for healthy ageing.

The purpose of the debate is to awareness of the symptoms of heart valve disease, applaud the work that is being carried out by our hard-working NHS staff and the patient charity Heart Valve

Voice, and to draw attention to diagnosis and treatment options for this forgotten epidemic. That is a demanding and challenging objective to achieve but, as the renowned Chinese philosopher Lao Tzu said,

"A journey of a thousand miles begins with the first step."

18:27

**Brian Whittle (South Scotland) (Con):** I congratulate Dave Stewart on bringing the debate to the chamber. I apologise to Mr Stewart and other members because I will have to leave after my speech. I am supposed to be chairing an annual general meeting of a cross-party group that started about 20 minutes ago. After today's business, I am not quite sure whether it is still Wednesday.

Dave Stewart has brought the debate to the chamber to highlight heart valve disease awareness week. It had a really simple ask this year, which was "Listen to your heart". It urged everybody to ask their doctor for a stethoscope check, which is the first step in diagnosing heart valve disease. As Mr Stewart says, it is a very debilitating condition that causes functional cardiovascular decline and leads to premature death if left untreated. It is caused by wear and tear, disease or damage to one or more of the valves affecting the flow of blood through the heart. I was quite surprised to hear the number of people in Scotland who suffer from heart valve disease: 130,000. It is obviously more prevalent in older people, and that figure is projected to rise to almost 200,000 by 2040, as Scotland's population ages.

Given the disease's prevalence, it is surprising to hear that fewer than 1 per cent of the total number of heart valve disease patients in Scotland are treated every year. Only 1,117 surgeries were performed on people aged over 65 in 2018-19. I was also really struck by the barrier, in Scotland's hospitals, to accessing what is, initially, a minimally invasive therapy that can help with heart valve disease, which has the huge advantage of helping people to avoid the critical care occupancy that Dave Stewart talked about, by shortening the convalescence period. That treatment option can allow patients to leave hospital in a much timelier manner, which makes it safer and more efficient for older patients.

Obviously, we cannot go past this debate without mentioning the dreaded Covid-19, which would seriously impact on the condition. Having the condition or a condition such as obesity or type 2 diabetes, which Mr Stewart and I have a particular interest in, means that a person is more likely to have a poor outcome from Covid-19. It is therefore significant when we talk about the

number of people in Scotland who suffer from the condition. Obviously, there is a backlog in heart valve disease diagnosis and treatment while we tackle the Covid pandemic.

The recommendations do not seem to be a big ask. The uptake of stethoscope checks and access to echocardiography for Scottish patients do not seem to me to be a big ask. The fact that there are geographical anomalies in the treatment of unpreventable heart valve disease has been highlighted, and we should look to close them. Access to suitable treatment options, which we have discussed, to enable shorter convalescent periods, assessment of a second wave of mortality from non-Covid-19 diseases, treatment options that reduce the vulnerability to Covid-19, especially for older patients, and ensuring the treatment of treatable heart conditions to allow for healthy ageing have been recommended.

Those recommendations look like very simple ways forward. I talk a lot about preventable conditions and treatments, and this seems to be one of those cases.

Again, I thank David Stewart for bringing the debate to the chamber, and I apologise to members for having to leave early.

**The Deputy Presiding Officer:** That is fine, Mr Whittle. You gave me advance notice of that.

18:32

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** I thank David Stewart for bringing a topic that is clearly important to the chamber.

I express sympathy for all those who live with heart valve disease. We are in exceptional times. Covid-19, which has rightly been referred to, is placing stress on the health service and on many people physically and mentally. There is a real risk for people who have serious health conditions such as heart valve disease, and I recognise the struggle that they may be experiencing. I hope that, in the near future, they will be more comforted by the way that things are going.

I am part of the ageing population; I will be 74 in a couple of weeks' time. For me, the stethoscope test probably does not matter very much, because I have seen a general practitioner only once since I was elected to the Parliament 20 years ago, so a GP has not had the opportunity to put a stethoscope on my chest. I have my fingers crossed that nothing is going on in there that I should be worrying about. However, age is the big risk factor, so perhaps the next time the nurse inoculates me against the flu, I should ask her or him—although they are all female at my practice—to have a listen if possible. For me, there is a bit of self-interest in my interest in the issue.

Age is not the only risk factor; genetics can be a significant factor in predetermining whether people have heart problems of one sort or another. HVD risk factors include lifestyle issues, such as smoking, physical inactivity and being significantly overweight or obese. With a little professional help, we can do something about some of those things at our own hand.

Since lockdown, I have managed to walk 600-plus miles because a bit of time has been created by my not commuting for 12 hours a week between home and the Parliament. I have experienced the health benefits of doing that. Walking is, of course, a cheap, non-medical intervention. Lifestyle is important, and I hope that health professionals will aid people to understand what they can do at their own hand.

However, the stethoscope test is the main thing that we should focus on. It is disturbing to hear that so many people with heart valve disease are undiagnosed. Perhaps people do not notice the slow attrition of their health that comes from it and do not seek the assistance that they should seek as early as possible. It is widely recognised that one of the risks associated with the coronavirus pandemic is that people are a little less eager to see their GP and more likely just to lift the phone and talk to NHS 24. I certainly encourage people to go to their GP and get that stethoscope on their chest, as recommended by the British Heart Foundation. After all, HVD causes 22 per cent of premature deaths.

I agree with David Stewart and the British Heart Foundation about the importance of HVD, I congratulate David Stewart again for bringing the issue to the Parliament and I am grateful for the opportunity to make a small contribution to the debate.

18:36

**James Kelly (Glasgow) (Lab):** I congratulate my colleague David Stewart on securing this debate on the important issue of heart valve disease. I am aware that Mr Stewart will stand down from Parliament next year, so I pay tribute to him for the work that he has done over the past 13 years in bringing such issues to the Parliament in members' business debates, questions and other interventions.

Heart valve disease and similar issues are practical issues that have an impact on all our constituents. The hard work of MSPs such as Mr Stewart help to bring them to the fore and to the awareness of ministers and the Government in a way that, I hope, ultimately makes a difference to people's lives.

At the heart of the motion is heart valve disease awareness week and raising awareness of heart

disease. As David Stewart said, the issue is clearly a matter of concern for people, particularly older people, in whom heart problems are detected. Such problems can be debilitating and can lead to premature death.

As other members have highlighted, early detection is required to address the issue. However, that can be difficult, because an echocardiogram is required for proper detection. However, Stewart Stevenson highlighted the British Heart Foundation's point about the stethoscope check, which is easy and practical. The BHF campaign seeks to make people aware of that so that they can follow it up with their GP. People might not automatically link symptoms such as tiredness and lightheadedness to a heart problem, and might think that they have just been slightly overdoing it. However, a stethoscope check might find an issue with their heart. Early detection and proper medication might not cure the problem, but they can slow down the deterioration of the heart and make a big difference to the quality of people's lives.

In his motion, David Stewart makes a point about the impact of the Covid-19 pandemic, which has understandably caused a massive backlog in normal health checks that would detect some health issues. It is important to emphasise to people that the health service has not closed down, and, to be fair, the Government is doing that. If people have symptoms or concerns, they can contact their GP and follow that up with an appointment to address their concerns.

The British Heart Foundation campaign also makes some reasonable funding demands. There is always sensitivity around funding and demands on budgets, but there are real benefits to be had from the British Heart Foundation's demands. The campaign is about early detection and slowing down the deterioration of a heart condition. Ultimately, if the condition is detected early and properly medicated, there will be less strain on the health service and those affected will be able to continue to be active.

Dave Stewart has highlighted an important issue that affects a lot of people in Scotland. It is important that we follow up on the campaign's demands in relation to both early detection, by encouraging people to visit their GP for a proper check-up, and the allocation of funding for proper support, which could make a real difference. I look forward to hearing the minister's response.

18:41

**Joan McAlpine (South Scotland) (SNP):** I, too, congratulate Dave Stewart on securing the debate and wish him all the best when he steps down from Parliament.

I asked to speak in the debate because I thought that my family experience might be of use. My partner Stuart had emergency open-heart surgery for the condition in the Edinburgh royal infirmary in 2018 at the age of just 52. That shows that it affects younger people as well. His experience is a warning to other people not to ignore symptoms.

For about six months before his hospital admission, Stuart had what he thought was a cold that he could not shake off. He became more and more ill, coughing at night and finding it difficult to sleep, and he was short of breath and tired all the time. I thought that he might have chronic obstructive pulmonary disease or some other kind of lung disease and I nagged him to stop smoking and to see the GP. Eventually, he went to the GP in Dumfries and Galloway who sent him for an X-ray that was inconclusive.

However, just a few weeks later, Stuart was in Edinburgh and found that he could not walk to the shops to buy a pint of milk. It was a weekend and he was on his own, so he went to the accident and emergency department at Edinburgh royal infirmary. The tests showed that he had a bicuspid aortic valve. That is a type of abnormality that some people are born with, so I could not blame smoking in his case, although smoking is linked to many different forms of heart disease.

In a bicuspid aortic valve, the valve has only two small flaps instead of the normal three that most people are born with. It is a really common congenital cardiac abnormality, with a prevalence rate of 1 to 2 per cent of the population, and it is almost three times more common in males than in females.

The condition means that the valve eventually narrows and stops opening fully, which reduces blood flow from the heart to the body. Stuart had emergency open-heart surgery to replace his aortic valve with an artificial one and to repair his mitral valve, which was damaged through trying to compensate for the failed valve. He was later told that he would have had literally days left to live if he had not presented at A and E.

We are hugely grateful for the care that Stuart received from the team at the Edinburgh royal, which was world class. Dr Miles Behan, the cardiologist, and Mr Renzo Pessotto, the surgeon, did a first-class job. As members can imagine, Mr Pessotto is Italian, which further underlines the importance of talented European citizens to our NHS.

Stuart's experience is why I ask people not to ignore symptoms such as exhaustion, coughing, fluid retention and chest pain, should they occur. As the First Minister said yesterday, despite Covid,

the Government's priority is to ensure that the NHS can and will cope with all conditions.

Stuart stopped smoking in order to ensure that he could cope with the surgery and recover fully and, apart from a few slips, he is still a non-smoker two years later, so the story has a healthy as well as happy ending.

I congratulate David Stewart again on securing the debate and urge everyone who has symptoms to get checked out.

**The Deputy Presiding Officer:** I call Joe FitzPatrick to close for the Government.

18:44

**The Minister for Public Health, Sport and Wellbeing (Joe FitzPatrick):** I am delighted to respond to the debate on behalf of the Government. I thank David Stewart for lodging the motion, and I congratulate him on securing cross-Parliament support for it. I echo James Kelly's recognition of David Stewart's long-standing commitment to raising such issues in the chamber. I am not going to wish him the best on his retirement yet, because, knowing him, he will continue to be tenacious in bringing such matters to our attention and—in the gentlest and most constructive of ways—encouraging the Government to look at and work constructively with him and others on them.

I fully agree that, together, we should be instrumental in raising awareness of heart valve disease and the impact of that important condition on people across Scotland. I also agree that the prevention, detection, diagnosis, treatment and management of the condition should be regarded as a priority. That is why heart disease remains a clinical priority for NHS Scotland and the Scottish Government. There has been substantive investment in and redesign of cardiology services, which has contributed to a reduction of more than 32.4 per cent in the mortality rate over the past 10 years.

We are continuing to implement our "Heart Disease Improvement Plan", which sets out the priorities and actions for delivering improved prevention, diagnosis, treatment and care for people in Scotland who live with or are affected by heart disease, including heart valve disease. The plan identifies a number of priority areas for improvement, on all of which progress has been made. There has been a focus on new ways of encouraging heart disease patients to influence their treatment and an emphasis on specialist heart disease rehabilitation to reduce mortality and long-term disability, as well as on improving the provision of supported self-management, physical activity and services.

However, that is only part of the solution and, as Stewart Stevenson reminded us, the main way to further decrease heart disease lies in lifestyle changes. As Stewart Stevenson said, taking regular exercise, stopping smoking—which Joan McAlpine mentioned—and cutting down on alcohol consumption are some of the steps that we can all take to reduce our risk.

As the Covid crisis has highlighted, reducing health inequalities is one of the biggest challenges that we face; indeed, Covid has undoubtedly exacerbated the situation. That is why, through our programme for government, we have committed to promoting healthier and more active lifestyles for everyone. An ageing population, increasingly complex healthcare needs and more people living with one or more long-term conditions all have the potential to add to the demand on our health and social care services. We know that valvular heart disease remains a significant cause of morbidity and mortality, particularly among elderly patients. David Stewart gave us a good outline of the condition.

As part of our "Heart Disease Improvement Plan", we have continued to make progress in diagnosis of the condition and delivery of the right treatment and care for people in Scotland who live with or who are affected by valvular heart disease. Joan McAlpine talked about a very invasive open heart surgery, and I am glad to hear that Stuart is doing so well and is keeping off the cigarettes. We have seen growth in the number of treatments that are available for valvular heart disease, many of which are much less invasive than open heart surgery—in fact, they are minimally invasive, as well as being proactive and curative.

For example, the Scottish percutaneous mitral valve and related interventions service in NHS Lothian, which has been fully funded by the national services division for almost three years, offers minimally invasive procedures to correct disorders that affect the mitral valve. That treatment benefits patients who are deemed to be at high operative risk and is preferential to open surgical treatment. As David Stewart told us, TAVI also provides a less invasive alternative to surgical aortic valve replacement in the case of patients who have severe aortic stenosis. There has been some talk about the impact of Covid on some treatments in the NHS, but it is good to note that the TAVI service at the Golden Jubilee national hospital has been maintained throughout the pandemic, with no reduction in the volume of procedures, and has continued to provide excellent outcomes for patients.

However, we know that that has not been the case for all heart disease services during Covid, and we are aware of the impact that it has had on all our lives. Some people have faced the

experience of personal ill health, some the loss of a loved one, and everyone has had to deal with the impact of lockdown restrictions and a changed way of living.

Although our knowledge is not complete, we know that the virus can leave long-term physical and psychological consequences for many who contract it. We know that there is an increased risk for people living with chronic heart disease and, in particular, the potential for their cardiac condition to worsen should they contract Covid-19. We also know that there have been excess deaths since the start of the pandemic, not all of which have been related to Covid. The recent publication by Public Health Scotland on the underlying causes of excess deaths in Scotland during the Covid-19 pandemic by area deprivation clearly shows us the impact that Covid has had on those who are living with underlying health conditions. We need to better understand excess deaths during the pandemic, and work is on-going in that area. The Scottish Government, Public Health Scotland and National Records of Scotland are engaged in a programme of research to understand the wider impact of Covid-19 on Scotland's population.

Although our efforts are currently focused on saving lives, we are also planning how our NHS can move forward after the crisis has passed. Our immediate priority is the remobilisation of NHS work to restart services that were paused due to Covid and tackle the backlog of procedures that was mentioned by Brian Whittle and James Kelly. That work is already under way.

We have begun safely and incrementally resuming services that had been suspended, delayed or deferred due to Covid-19, but the reality is that the coronavirus is likely to be with us for some time to come, and restarting paused services has to be measured against the need to keep the virus under control while continuing to protect the NHS and save lives.

As the pandemic eases, we are following an evidence-based, cautious and phased approach to restarting NHS services, and we are working closely with health boards to minimise delays going forward, supported by the actions that are set out in local remobilisation plans, while also being able to respond to on-going Covid-19 requirements as necessary. It is clear that Covid continues to create pressures on NHS services and affect service delivery, which will undoubtedly have an adverse impact on people living with heart conditions. However, our NHS is well prepared to deal with any second wave of Covid-19, by learning from our experiences over the past few months and building on the new and innovative ways in which services have responded.

Through the refresh of the heart disease improvement plan, we will continue to drive

improvements in diagnosis, care, treatment and support, specifically for people living with heart disease, taking into account the legacy of Covid-19. By combining all our efforts, we can make a real difference to those who are living with heart valve disease in Scotland. I look forward to continuing the constructive and productive discussions as we continue to improve heart valve disease outcomes in Scotland. I am confident that tonight's debate, which was instigated by David Stewart, will help to raise awareness of this very important condition.

*Meeting closed at 18:53.*



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

---

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

---

All documents are available on  
the Scottish Parliament website at:

[www.parliament.scot](http://www.parliament.scot)

Information on non-endorsed print suppliers  
is available here:

[www.parliament.scot/documents](http://www.parliament.scot/documents)

For information on the Scottish Parliament contact  
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: [sp.info@parliament.scot](mailto:sp.info@parliament.scot)

---



The Scottish Parliament  
Pàrlamaid na h-Alba