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Tuesday 3 November 2020

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Tuesday 3 November 2020

CONTENTS

	Col.
TIME FOR REFLECTION	1
BUSINESS MOTION	3
TOPICAL QUESTION TIME	4
Furlough Payments	4
Covid-19 Restrictions (Local Government Funding)	8
Face Coverings in Schools	12
Covid-19 Testing (Guidance for Over-70s)	15
Covid-19 (Cross-border Journeys)	18
BURNTISLAND FABRICATIONS LTD	22
<i>Statement—[Fiona Hyslop].</i>	
The Cabinet Secretary for Economy, Fair Work and Culture (Fiona Hyslop)	22
FIREWORKS	34
<i>Statement—[Ash Denham].</i>	
The Minister for Community Safety (Ash Denham)	34
WINTER PREPAREDNESS IN SOCIAL CARE	47
<i>Statement—[Jeane Freeman].</i>	
The Cabinet Secretary for Health and Sport (Jeane Freeman)	47
ARTS FUNDING	63
<i>Motion moved—[Joan McAlpine].</i>	
Joan McAlpine (South Scotland) (SNP)	63
The Cabinet Secretary for Economy, Fair Work and Culture (Fiona Hyslop)	66
Maurice Golden (West Scotland) (Con)	69
Pauline McNeill (Glasgow) (Lab)	71
Beatrice Wishart (Shetland Islands) (LD)	73
Annabelle Ewing (Cowdenbeath) (SNP)	74
Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con)	76
Kenneth Gibson (Cunninghame North) (SNP)	77
Sarah Boyack (Lothian) (Lab)	79
Stewart Stevenson (Banffshire and Buchan Coast) (SNP)	81
Dean Lockhart (Mid Scotland and Fife) (Con)	82
George Adam (Paisley) (SNP)	84
Alex Rowley (Mid Scotland and Fife) (Lab)	86
Oliver Mundell (Dumfriesshire) (Con)	87
Fiona Hyslop	89
Claire Baker (Mid Scotland and Fife) (Lab)	92
DECISION TIME	96
CARE HOMES AND COVID-19 (AMNESTY INTERNATIONAL REPORT)	97
<i>Motion debated—[Neil Findlay].</i>	
Neil Findlay (Lothian) (Lab)	97
Keith Brown (Clackmannanshire and Dunblane) (SNP)	100
Brian Whittle (South Scotland) (Con)	102
Monica Lennon (Central Scotland) (Lab)	104
Alison Johnstone (Lothian) (Green)	106
The Minister for Older People and Equalities (Christina McKelvie)	108

Scottish Parliament

Tuesday 3 November 2020

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

Time for Reflection

The Presiding Officer (Ken Macintosh): Good afternoon, colleagues. We begin this afternoon's business with time for reflection. Our time for reflection leader today is the Rev Martin Thomson, who is the minister at Dalry Trinity church.

Rev Martin Thomson (Dalry Trinity Church): Presiding Officer and members of the Scottish Parliament, thank you for the opportunity to address you this afternoon.

As a church minister, over these past months, I have found—as have many of my colleagues—that by streaming services our congregations have grown. More people are listening online than attended our churches physically. It is not yet clear what the significance of that may be, but perhaps we are all learning afresh that the most important things in life are those that cannot easily be measured—and you are hearing that from a former teacher of mathematics.

In the past months, I have spent hours on the telephone speaking to people who are feeling isolated and anxious. Many of them talk reflectively about hope, significance and meaning in life; still others speak of a rediscovery of the beauty of the natural world on their daily exercise walks. Those are important things, and some of the most important things in life cannot easily be measured.

Let me illustrate. You are in a maternity hospital where a young couple recently travelled in some haste. You can imagine their growing sense of anticipation and excitement and you can guess at all the preparations that have gone into making ready for this big day. Finally, the baby arrives, and the midwife takes this precious bundle and hands her over to the new mother with the words, "I have here for you a bag of bones and biochemical reactions." Accurate though that might be, I think that most of us would think that our imaginary midwife had missed something important.

My early training was in pure mathematics. One day, I visited my supervisor with a proof of something the details of which, you will be relieved to know, I will not trouble you with. I recall being rather pleased with myself, until the good professor said, "Yes, Martin, but it's a rather ugly proof. When we meet next week, could you bring

me something more elegant?" That was my introduction to the fact that there is a longing, even in science, for beauty amidst the patterns—something beyond the mere material.

Many of the most important things in life cannot easily be measured. Perhaps that is what, at least in part, lies behind the words of Jesus when he said:

"I came that they may have life and have it abundantly",
or, in an alternative translation,

"My purpose is to give them a rich and satisfying life."

Thank you for listening.

The Presiding Officer: Thank you very much for joining us, Rev Thomson.

Business Motion

14:03

The Presiding Officer (Ken Macintosh): The next item of business is consideration of business motion S5M-23231, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, which changes decision time today.

Motion moved,

That the Parliament agrees to the following revision to the programme of business for Tuesday 3 November 2020

—
delete

5.30 pm Decision Time

and insert

6.15 pm Decision Time—[*Graeme Dey*]

Motion agreed to.

Topical Question Time

14:04

The Presiding Officer (Ken Macintosh): We move on to topical question time. I remind members that we have put aside up to an hour for topical questions today, and that there are five questions.

Furlough Payments

1. **Keith Brown (Clackmannanshire and Dunblane) (SNP):** To ask the Scottish Government what discussions it has had with the United Kingdom Government regarding the conditions under which furlough payments will continue to be paid in Scotland. (S5T-02490)

The Cabinet Secretary for Finance (Kate Forbes): Ministers and officials have pressed vigorously with our UK Government counterparts on a number of occasions in recent days to ensure that the conditions under which furlough payments are being made in England will continue to apply in Scotland. We continue to seek urgent clarification from the Treasury as to the exact terms under which the furlough scheme will be available to us.

Keith Brown: At the weekend just past, many people in Scotland lost their jobs, and some lost their businesses. They did so because the one thing that the Tories had been clear about was that furlough would not be extended. Of course, that position was supported by Tories in the Scottish Parliament. The continuing uncertainty as to when and under what circumstances furlough will continue to be paid in Scotland will continue to cost jobs and close businesses.

Does the cabinet secretary agree that, in addition to the Prime Minister's view that £1 spent in London is of more value than £1 spent in Strathclyde, it now appears that every action of the United Kingdom Tory Government supports the fear that has been expressed by one Tory member of Parliament that, to the Tory Government, a job in Scotland is of less value than a job in the south of England?

Kate Forbes: I agree with Keith Brown that the issue boils down to a very simple question: do the Prime Minister and the Chancellor of the Exchequer place as much value on a business or a job in Scotland as they do on a business or a job elsewhere in the UK?

The UK Government would not budge when we asked for furlough to be extended, when the Welsh Government asked for that to happen or when the Northern Ireland Executive did so, but at the 11th hour, just before it was due to end,

furlough was extended. Why? Because England was going into lockdown. The lack of clarity and the total confusion that appear to reign at the very top of the UK Government are not helping Scottish businesses to plan, nor are they protecting jobs. The detail needs to be clarified immediately. Full furlough must be available to Scottish businesses when they need it and full self-employed income support must be provided. We must ensure that, when the support is required, it is there for Scottish businesses.

Keith Brown: We have the UK Government's shambolic conduct, to which the cabinet secretary referred, in extending a scheme that it said that it would not extend merely hours before it was due to end. We also had the farcical and twice-delayed hasty press conference in Downing Street, and we have had different versions of UK Government policy that have been expressed by the Prime Minister, the Secretary of State for Housing, Communities and Local Government, various Tory MPs and MSPs and, most recently, the Chief Secretary to the Treasury. Given those things, what actions can the Scottish Government now take to get the UK Government to speak with one clear voice, guarantee furlough at 80 per cent in Scotland if and when it is required, and thereby halt the disgraceful destruction of Scottish jobs and businesses that the Tory Government and its supporters here in this chamber are responsible for?

Kate Forbes: As the First Minister said, woolly words do not save jobs. Since Saturday night, I have asked on four occasions for a meeting with the chancellor or the Chief Secretary to the Treasury to give them the opportunity to clear up the issue and provide clarity once and for all. Such a meeting has not been granted. One suspects that that is because the UK Government still does not know what its position is. I also suspect that the Scottish Tories are getting a little taste of the contempt in which Scotland is held and that they are starting to see and experience what we see and experience on a regular basis—a UK Government that blows in the wind. It U-turns on its U-turns and three days later still cannot give a straight answer on whether Scottish businesses are of the same value in the chancellor's eyes as English businesses.

Colin Smyth (South Scotland) (Lab): When the Scottish Government published its strategic framework, it was stated that, as part of the protection for hospitality, non-food pubs in level 2 and 3 areas would be able to open, albeit with varying restrictions on where and when they could sell alcohol. However, on Friday, with not even a hint being given in Parliament on the preceding days, the Government published regulations that closed all non-food pubs in level 2 and 3 areas. I understand why the Government did that—it did it

to allow non-food pubs to access the new job support scheme (closed) that was supposed to come into effect this week.

However, given that the UK Government has eventually agreed to extend the original furlough scheme, which is paid to businesses regardless of whether they are legally closed, will the Scottish Government urgently rethink the regulations that it published on Friday and consult the sector on whether non-food pubs, many of which will have invested a lot of money in providing safe open outdoor spaces, might want to open, particularly in level 2 areas, where it might be viable for them to do so, in line with the framework that the Government published last week?

Kate Forbes: We will continue to consult the sector, as Colin Smyth has asked us to do. He is right in saying that the extension of the furlough scheme for this month reduces some of the pressure on businesses, but when it comes to hardship support, we have tried to ensure that the funding that is available to us goes as far as possible to help as many businesses as possible. Of course, in Scotland, businesses can access the hardship scheme support regardless of what tier they are in, whereas businesses in England can do that only if they are in tier 2.

Without further consequential funding, we are not able, financially, to offer local funding packages beyond the grants that are set out in the strategic framework. If further consequential funding becomes available, we will ensure that as many businesses as possible get those small grants.

Colin Smyth: I appreciate the cabinet secretary's answer, but my question was not about the Government's grant scheme; it was about access to the furlough scheme. The Scottish Government published a framework that specifically allowed non-food pubs to open at levels 2 and 3. The Government changed that position on Friday and closed all those pubs because of access to the furlough scheme, rather than the grants scheme.

I welcome the commitment by the cabinet secretary to review those regulations but can she give an idea of the timescale? Many pubs at level 2 planned to open on Monday and were told by trading standards literally minutes before they opened that they could not do so. We are treating hospitality as a scapegoat rather than as an important sector that employs nearly 300,000 people across Scotland.

Kate Forbes: I thank the member for that clarification, which I had not picked up in his first question. On our engagement with the sector, as he says, because of the difference between the job support scheme (closed) and the job support

scheme (open), we consulted the industry, and the pub sector in particular, to understand the best way for it to access support. Based on that evidence and those discussions, we made our decision on the regulations.

There was extensive dialogue in advance. However, as the member says, without any warning, on Saturday night—at the 11th hour—the furlough scheme was extended. That has complicated matters further. We recognise that we need to get the regulations right at the end of furlough if it is not extended for Scottish businesses. We will consult businesses in advance to ensure that the regulations allow them to access as much business support as possible.

Willie Rennie (North East Fife) (LD): Does the finance secretary think that if we cannot get a straight answer from the UK Conservative Government soon about a future lockdown and furlough to support it, the Scottish Government will be forced to lock down Scotland on Thursday?

Kate Forbes: It is important to state at the outset that the evidence that we use—the five indicators that are set out in the strategic framework—is the basis on which we allocate the protection levels. The framework also makes it clear that we are dealing with four harms: Covid harm, wider health harm, wider social harm and—critically—economic harm. We will base our decisions on the evidence.

Willie Rennie makes an important point. If there is additional financial support available, it is much easier to make certain decisions. That is why the Welsh and Scottish Governments have been pressing for an extension to furlough. It has been a lifeline. Businesses need that support if we are to mitigate the current colossal economic harm.

Rhoda Grant (Highlands and Islands) (Lab): In her discussions with the UK Government, will the cabinet secretary make representations that all businesses impacted by restrictions should be able to make use of furlough? Will she also make representations to ensure that furlough can happen regionally? As Willie Rennie said, it would be unacceptable if the whole of Scotland were to be locked down in order to access that money. Regional furlough would allow regions where there was a spike in Covid to be locked down without financial hardship and would protect those businesses, as happened in regions of England. It is important for regions of Scotland, too.

Kate Forbes: I agree in principle, in that there are gaps in the furlough scheme and the self-employed income support scheme. That is why at the very beginning we supplied grants to those who were newly self-employed, who had been left behind. There are gaps and not everyone is

helped by the furlough scheme or the self-employed support scheme.

To re-emphasise the point that I made to Willie Rennie, we will make decisions on the basis of the data and the evidence on the state of the epidemic in Scotland. We will continue to make decisions on which levels apply in which area on the basis of public health and clinical advice and assessment against the four harms.

The point that has been made consistently is that if businesses are required to close or if they see their operations impacted, they need as much support as possible, because of the sacrifices that they have already made. That is why, if furlough has been extended when businesses in England are locked down, it makes sense and is entirely reasonable to argue that the same support and extension of furlough and the self-employed income support scheme should be made available to Scottish businesses that find themselves in that position.

Covid-19 Restrictions (Local Government Funding)

2. **Sarah Boyack (Lothian) (Lab):** To ask the Scottish Government whether the new five-tier restrictions come with greater funding for local government in areas where more businesses must close. (S5T-02504)

The Cabinet Secretary for Finance (Kate Forbes): The Scottish Government will resource in full the business support approach that is set out in the strategic framework.

Sarah Boyack: Can the cabinet secretary give more clarity on that issue? Local authorities are aware of businesses that now face a precipice because even if they are allowed to open, they might need to operate restrictions that mean that they cannot survive.

It has been heartbreaking to hear of small local businesses that have used up their savings to keep afloat in the past few months. Members have already talked about hospitality. Given local authorities' success in supporting businesses through the first wave, can the cabinet secretary clarify what support is available from the Scottish Government that could be distributed through councils once again?

Kate Forbes: At the outset, I want to say just how grateful I am to local authorities up and down the country and how much I appreciate their work. Working at the heart of each local authority are officials, employees and staff members who, in many cases, have gone above and beyond the call of duty to ensure that grants are processed quickly and to provide that support to businesses, and who have often worked beyond their allocated work, as it were, to make that happen.

On the business support that is available, from 2 November, grants are available for every four-week period of restrictions. In the strategic framework, which was announced last week, I outlined that grants of more than £2,000 or £3,000, depending on rateable value, will be available for businesses that are required to close by law, and that hardship grants of £1,400 or £2,100, depending again on rateable value, will be available for businesses that remain open but are directly impacted by restrictions. Those grants will be provided regardless of protection level. More information can be found on the Scottish Government's website, which is, if I remember correctly, findbusinesssupport.gov.scot.

Sarah Boyack: I very much welcome that information from the cabinet secretary, which I will be sure to share with constituents.

Infrastructure projects will be vital in kick-starting our local economies. Will the cabinet secretary clarify when and how much funding will be available from the £275 million town centre fund to enable local authorities to start planning ahead and to work with local companies? Letting local authorities get going with that investment is crucial to keeping our town centres alive.

Kate Forbes: When it comes to providing support to local government, the £230 million that we made available in June included additional funding for regeneration and the town centre capital fund. That will allow local authorities to plan ahead when it comes to infrastructure. I quite agree with Sarah Boyack that infrastructure will be key to providing jobs and revitalising local government. The detail and the breakdown of that funding, in terms of split by local authority, is also online.

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): The Chancellor of the Exchequer has committed to open-ended support for businesses in England, and is essentially writing them a blank cheque. Has the Treasury provided any assurances that funding for business support in Scotland will be similarly open ended?

Kate Forbes: That is a very important question. If businesses in, let us say, Liverpool are required to close, the Treasury will continue to provide financial support in the form of grants to those businesses. In Scotland, of course, we are given Barnett funding, but it is very challenging to forecast the costs when we do not know, right now, how many businesses will need grant support or for how long.

It is important that we can continue to provide support, which is why I have been asking for two things. One is a breakdown of the £700 million of guaranteed consequentials, to understand what portions of it are for health, transport and business

support. The second is the reassurance that if businesses need more support than can be provided within that £700 million, the UK Government will be willing to step in so that the Scottish Government can provide that support to businesses.

Annie Wells (Glasgow) (Con): In the past week, the Scottish National Party Government has already had to U-turn on contingency funding for nightclubs, and there is still some uncertainty about support for soft-play centres. What will the cabinet secretary and her colleagues do to prevent that needless uncertainty in the future, to give more clarity and guidance to our struggling local authorities and to ensure that much-needed support gets out to businesses as quickly and efficiently as possible?

Kate Forbes: It is quite remarkable that a Scottish Conservative MSP has just asked me about U-turns, business support and uncertainty.

On the support that is available to businesses, we announced several weeks ago that there would be £11 million of contingency funding. That allows a flexible approach to providing support to businesses that have not been able to open yet, or have seen much-reduced trade. They do not need to apply for the contingency funding. Local authorities will contact soft-play businesses and nightclubs directly to begin the process of providing them with support—although they, too, would of course value additional clarity and certainty from the UK Government, whose U-turn thus far has been quite shambolic.

Alex Cole-Hamilton (Edinburgh Western) (LD): Outdoor events producers have suffered more than most businesses as a result of the pandemic restrictions, but they have started to adapt and to create Covid-safe events. The organisation 21CC, which is based in my constituency, was due to have a safe drive-in fireworks display in Errol at a cost of several tens of thousands of pounds to the organisation, but it now has to cancel that event because of the cross-region tier restrictions on travel. Given that such organisations will not have been insured for Covid-related disruption, will the cabinet secretary consider repurposing part of the newly announced events recovery fund to make good any losses for outdoor events producers such as 21CC?

Kate Forbes: We recognise the huge impact on the events sector, which is why we made £10 million available for it as part of the culture, creative and heritage consequential funding. A number of other support schemes are also available.

Alex Cole-Hamilton has made a really important point. With the funding that we have been given, it is very challenging for us to ensure that all sectors

and all businesses see their lost income being replaced. That is why, in providing support, we are trying to make the funding envelope as wide as possible so that there is support available for the events sector and culture organisations. However, we appreciate that that will not be sufficient to make up for all the lost income, so we are keen to get any consequential funding that is available to us out the door as quickly as possible in order to provide support to businesses and ensure that jobs are retained.

Shona Robison (Dundee City East) (SNP): What discussions has the Scottish Government had with local authorities and banks about the eligibility criteria for the Covid-19 restrictions fund, which requires a business bank account to pay funds into if an application is successful, and about the issues that that is causing for a number of businesses in my constituency?

Kate Forbes: On engagement, we have worked closely with partners in local government to get the funds up and running quickly. The requirement for a business bank account is to help to manage the risk of fraudulent claims.

I am aware that there has been an issue with banks not opening new business bank accounts because of the volume of UK Government loan scheme applications that have been received. That has put considerable strain on account-opening resources. Fiona Hyslop has raised that issue directly with the banks at the banking and economy forum, and with Scottish Financial Enterprise.

I understand that many banks are now opening new accounts for larger businesses and existing customers who are establishing new businesses. I agree that that falls some distance short of the ideal situation, so we will continue to press the banking industry to ensure that business owners are not adversely affected by that situation and can benefit from the new scheme.

Alex Rowley (Mid Scotland and Fife) (Lab): At the weekend, I heard a number of UK Government ministers talking about the levels of funding that they are putting into local government in different ways. Labour very much supports the call for details of the funding that is coming through Barnett consequentials, and we will work with the Government on that.

However, on the different levels in Scotland, I was contacted at the weekend by a number of companies and pub owners in Fife who said that they are in level 2, but would prefer to be in level 3 because, realistically, they are unable to function. If a bar says that it is simply not feasible for it to continue to be open, will it get the same support?

Kate Forbes: I thank Alex Rowley for that question, which was raised in advance of the

protection levels coming into force. That issue was somewhat resolved by furlough being extended, because the big challenge for pubs was that, even if they were allowed to open in level 2, a ban on selling alcohol would mean that it would clearly not be viable for them to do so. There was a risk that they would not be able to access the job support scheme if they were closed, which is more generous than the support under the scheme if they were open.

In discussion with businesses and business organisations, it was concluded that it would be easier to mandate closure rather than to allow businesses to open with less financial support. We now have a window of a month to make sure that the regulations are right, because furlough is in place and the job support scheme has not come into operation, but we will need to ensure that pubs and other businesses are able to access maximum support. Of course, that will not even be a topic of consideration if the furlough scheme is extended for Scottish businesses, as the Prime Minister said yesterday it would be.

Face Coverings in Schools

3. Ross Greer (West Scotland) (Green): To ask the Scottish Government how it will ensure that the latest guidance on face coverings in school will be implemented. (S5T-02480)

The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney): I wrote to local authorities jointly with Councillor Stephen McCabe of the Convention of Scottish Local Authorities last week to emphasise the need to implement updated guidance on reducing the risks of Covid-19 in schools as swiftly and effectively as possible. Effective implementation of the package of measures in our guidance at a local level, including in respect of face coverings, is crucial to ensuring that schools remain open safely.

To support implementation in secondary schools, a communication toolkit has been produced and is available on the new Education Scotland education recovery web pages. Education Scotland will be adding examples of good practice to those pages. Our guidance also provides general advice on the local processes that should be followed when there are concerns about the implementation of risk assessments and protective measures. The Covid-19 education recovery group will continue to oversee the guidance and monitor its implementation.

Ross Greer: The clinical advice on the effectiveness of face coverings seems clear so, although I recognise that this is far from ideal, I welcome it as a vital step in keeping pupils and staff safe. However, it is only one mitigation measure and I am concerned that others are not

going ahead. We know that social distancing is not taking place consistently in most schools, for example, but we do not currently know the status of the testing programme. In August, the Deputy First Minister told me that enhanced surveillance testing would be fully operational by October. Did that happen?

John Swinney: Yes, the surveillance programme is up and running and 30,000 education staff have registered their interest in participating in it. I am advised that we have about 13,000 results already as part of that programme. Of course, that is in addition to the fact that we have made the opportunity available for any member of staff who is concerned about Covid but does not yet have symptoms to secure a test through their employer, and any member of staff who has symptoms is able to get a test whenever they require one.

Those programmes and enhanced measures are in place, and we will obviously continue to keep all possible steps under active review to ensure that our schools remain the safe places that they are for staff and pupils.

Ross Greer: This morning, the Deputy First Minister responded to a letter that I had sent early last month raising concerns on behalf of vulnerable teachers who had been pressured to return to classrooms. There is currently a postcode lottery across the country as to whether home working and alternative arrangements are being seriously considered. His response states that individual risk assessments should take place, informed by advice from the teacher's general practitioner.

Two teachers in two separate council areas have contacted me to say that their GP is advising strongly against their being in the classroom but that their school and local authority have refused alternative arrangements beyond statutory sick pay, which would have an obvious and significant financial impact in the long term. What is the Deputy First Minister's response to such situations, in which a GP has advised against a return to work but alternate arrangements have not been seriously considered?

John Swinney: Fundamentally, those are issues for local authorities to determine in their role as employers of members of staff. It is for them to take account of the guidance that has been very clearly put in place by the education recovery group, which draws together the work of Government, local authorities, professional associations and a range of education stakeholders. I would encourage staff members to engage in those discussions with their employers.

If Mr Greer is concerned about particular cases—obviously, he has raised some in his

question—and he is prepared to provide me with the details, I will look into them further. I can offer the general guidance that the education recovery group's work is focused on ensuring that our schools are safe for all staff and all categories of staff, in particular staff who have fundamental vulnerabilities in their health and are in the shielding population. Those issues should be considered individually by individual local authorities, as recommended by the education recovery group.

Jamie Greene (West Scotland) (Con): The level of frustration that members have felt over the nature of that announcement is quite palpable. Why did the cabinet secretary announce it by press release on Friday morning, rather than on a sitting day in Parliament, when we would have had ample opportunity to debate the details of his guidance? What impact assessment has the cabinet secretary undertaken on the guidance and the effect that the measure will have on pupils with physical health conditions, additional support needs and learning difficulties? Will he publish that impact assessment?

John Swinney: The Government has to act to ensure that we implement the advice that is available to us at the earliest possible opportunity during a pandemic. The education recovery group finalised its position on the advice in the course of Thursday, and we had the new tiers framework coming into place on Monday. My judgment was that we should set out that information timeously. I am, of course, here to answer questions about the advice in Parliament today.

The specific needs of young people with additional support needs or any other issue that would impede their ability to wear a face covering is already covered in the guidance, which makes very clear that exemptions should be applied if there is any reason why it is inappropriate for a young person to wear face coverings and that other mitigating actions should be taken by schools in those circumstances. That approach is consistent with the approach that we generally take to ensure that our decisions in the education system are based on the individual needs of individual pupils.

Iain Gray (East Lothian) (Lab): There is a good case for the wider use of face coverings in schools, but Jamie Greene is right that it would have been a lot easier to support, explain or defend those decisions if members had had some notice of them. There was no mention of the consideration of face coverings in schools during the many hours of parliamentary time on the five-level framework last week. The change was briefed and tweeted by journalists on Friday morning, it was confirmed by a press conference at lunch time and Parliament was told in an

inspired portfolio question, which was answered four hours later. Indeed, the initial supporting evidence that was published did not mention face coverings at all. That really is not good enough. Will the cabinet secretary undertake to do better in future?

John Swinney: I am reminded of one of Mr Gray's other contributions to a recent debate, in which he criticised me for not announcing a change to policy on exams more quickly and leaving it until I addressed Parliament several days later. Here, Mr Gray is complaining that I have acted quickly and come to answer questions from Parliament later. I think that it is a glorious example of being damned if you do and damned if you don't, in the eyes of Mr Gray.

Covid-19 Testing (Guidance for Over-70s)

4. Brian Whittle (South Scotland) (Con): To ask the Scottish Government what its response is to reports that some national health service boards reduced Covid-19 testing for patients over 70 on the basis of guidance issued by the chief nursing officer. (S5T-02494)

The Cabinet Secretary for Health and Sport (Jeane Freeman): Since 29 April, patients aged 70 or over have been tested for Covid-19 on admission to hospital. That is in addition to testing policy on discharge to care homes and testing when Covid symptoms have developed. Concerns were expressed by the Covid-19 nosocomial review group, whose work had informed the policy, about the ethics and impacts of repeat over-70s testing, those being discomfort, distress, and the risk of mucosal damage. As large numbers of repeat tests were resulting in a low positive yield, our chief nursing officer advised boards on 7 October that repeat testing of over-70s was not required unless the person became symptomatic or was part of a Covid-19 cluster, or the lead clinician considered it to be necessary. It was also made clear on 15 October that repeat four-day testing of those aged 70 or over could continue if, following a risk assessment, boards felt that it was necessary and reflected current epidemiological evidence.

Brian Whittle: I thank the cabinet secretary for her answer, but it allows me to raise once again the role of Parliament and the fact that we get much of our Scottish Government information through the media, whether it be through the daily brief or other media outlets. I recognise that the cabinet secretary has set up fortnightly meetings for health spokespeople.

Given that the CMO and Professor Jason Leitch are so instrumental in how Scotland tackles this crisis, should Parliament not at least have the opportunity to question them directly as part of openness and transparency?

Jeane Freeman: The national clinical director, the chief nursing officer, the chief medical officer, the deputy chief medical officers and our other clinical advisers are precisely that—they are advisers. The decisions that are taken on the basis of that advice are taken by elected politicians—in this case, by me. It is therefore appropriate for members to take the opportunity to question me on those decisions and judgments.

The advisers have been made available to members and I am happy that they continue to be made available to brief members; from memory, our chief medical officer attended the most recent discussion that I had with Opposition spokespeople. I am very happy that we continue to make them available—it will not necessarily be Dr Smith but might be others depending on what you are talking about—in order to update Opposition spokespeople directly on the state of the pandemic and the thinking and so on.

It is important that we are clear about the role of clinical advisers and other advisers across the Government whose professional role it is to provide advice to the best of their ability. The decisions that are then taken and the actions of Government are for ministers, the Cabinet and the First Minister, who are accountable for those decisions. It is those individuals, including myself, who you should question.

Brian Whittle: Of course, the cabinet secretary is right that the Scottish Government is responsible to Parliament. Will she consider how Parliament can be kept informed of the decisions that the Scottish Government makes, and will she ensure that Parliament's place is respected and that members do not have to get their information through media outlets?

Jeane Freeman: If Mr Whittle does not mind me saying so, I think that that is a wee bit unfair. I regularly write to the Health and Sport Committee, of which Mr Whittle is a member, on issues that we are developing and making decisions on. I am happy to look at what more I can do in that regard.

We also make sure that Parliament is aware through general inspired questions, which are usually accompanied by a letter to the Health and Sport Committee to make sure that it is aware of the question.

We publish a great deal of information. We are always looking at how we can publish more information. I am always happy to make statements to Parliament or to take part in debates in Parliament. If members think that there is more that I, as Cabinet Secretary for Health and Sport, can do to ensure that Parliament is kept absolutely up to date in addition to what we publish on a regular daily, weekly or monthly basis, and in addition to what the First Minister and I already do,

I am happy to consider that in the spirit that I want members to be informed and I want the proper democratic role of Parliament to be honoured and respected.

Monica Lennon (Central Scotland) (Lab): According to Public Health Scotland, between 1 March and 21 June, more than 1,000 discharged hospital patients were admitted to care homes with a known Covid-19 outbreak. Why did the Scottish Government guidance that was issued in March permit that, when did the practice end and will the cabinet secretary allow preliminary work on the public inquiry to begin so that issues such as the role of Scottish Government guidance in clinical decisions can be examined in the interests of both transparency and public safety?

Jeane Freeman: I do not have with me some of the detail of the answer that Ms Lennon requires. I am happy to provide that, although we have rehearsed it before. I will make a statement shortly, which will be issued to Opposition spokespeople about now. There are a number of evidence papers to support that, including not only the root cause analysis that I commissioned with respect to care homes and the results and recommendations from that, but the evidence paper and the plan itself. All of those documents, along with the independent report from Public Health Scotland and the universities of Glasgow and Edinburgh, contribute to our deepening and developing learning about what we need to do to provide more protective measures not just to people in care homes but to those who are receiving adult social care across a range of settings. I hope that, in this afternoon's statement and questions, we will be able to rehearse that evidence and have further discussion of it. As Ms Lennon knows, there will be a further debate on the matter tomorrow.

John Scott (Ayr) (Con): The cabinet secretary will be aware that NHS Ayrshire and Arran undertook to reinstate Covid testing for the over-70s. However, she has confirmed today that that is happening only for new admissions and not for existing in-patients, who were previously tested every four days. With more than 75 Covid-infected patients in Crosshouse hospital alone, should that four-day testing regime not be fully reinstated and extended to all hospital in-patients as before?

Jeane Freeman: To be completely accurate, what I said was that testing of patients aged 70 and over who are admitted to hospital continues. It has not been stopped and it carries on. What we did was in response to the concerns of the nosocomial group, which is a group of clinical and other experts. It expressed concerns about repeat testing every fourth or eighth day, on the grounds of both ethical and clinical decisions. In response to that, the most recent letter that the chief nursing

officer sent to boards said that they are not required to do that testing, but that they should do it if their clinicians think that it is necessary or if the local epidemiological data tells them about a prevalence of the virus in their area that makes them believe that it is a sensible precaution to take in public health terms.

That decision making sits with individual boards. I do not have the detail about what NHS Ayrshire and Arran is doing, but I am happy to send it to Mr Scott. However, other boards—NHS Lanarkshire, NHS Greater Glasgow and Clyde and others—are continuing with that repeat testing because that is the view that they take locally, informed by their public health experts and clinicians. I think that that is the right balance—requiring a national position but permitting local decision making by the people on the ground who know best. In terms of all admissions to hospital, patients who are coming in for elective procedures are tested, and we are working through the delivery plan to test all admissions to hospital in the very near future.

Willie Rennie (North East Fife) (LD): I am concerned about the implications of the policy for families visiting residents in care homes. I hear varying stories about access, with some families still finding it difficult to see their elderly relatives. Will the health secretary assure us that the policy will have no implications for that, and will she also update us on the testing of families to make sure that they can get the access they need?

Jeane Freeman: I assume that Mr Rennie is concerned about the consequences of the policy for visitor access to hospital patients who are over 70. There is no detrimental impact on access to visiting. The hospital visiting guidance is clear, and we encourage our boards and hospitals to take as generous an approach as they can to visits to in-patients, given where a hospital sits, the level in our strategic framework that the hospital's area is in and all the necessary precautions such as booking visits, personal protective equipment and other public health measures.

If Mr Rennie will indulge me, I will speak about access and testing for visitors to care homes in the statement that I will make shortly on the adult social care winter preparedness plan. It will be appropriate at that point to advise all members of the position, as with other issues in which the member takes a keen interest.

Covid-19 (Cross-border Journeys)

5. **Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** To ask the Scottish Government, in light of England entering lockdown and the Scottish Borders being placed at level 2 restrictions, what measures are being considered to ensure that only essential cross-border journeys take place. (S5T-02484)

The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney): To suppress the spread of Covid-19, it is essential that, with limited exceptions, there is no travel to or from areas where higher numbers of people might carry the virus, whether that is in Scotland or elsewhere in the United Kingdom. In the current circumstances, our guidance is clear—nobody should travel from Scotland to England or any other part of the UK unless it is absolutely essential. The same applies to travel from any other part of the UK into Scotland.

The reality is that we cannot police every journey and must therefore rely on people complying. That is why this is a good example of why it is so important to take the people of Scotland with us in all our decisions.

Christine Grahame: I make it plain that the issue concerns public health, not the constitution, given that travel from level 3 local authority areas that bound the Scottish Borders is prohibited except when journeys are essential. Is the Westminster Government engaging in a mutually respectful manner—I hope that it is—to prevent unnecessary cross-border travel from England into Scotland?

John Swinney: The Scottish Government is engaged in discussions with the UK Government about travel in the UK and internationally. Essentially, we come at the issue from the same perspective—we all want to minimise travel and discourage individuals from travelling, given the likelihood of spreading the virus when travelling.

If the travel restrictions that are to be in place in England are followed, journeys into Scotland will not be permissible—that is under the arrangements that the Prime Minister set out on Saturday. The same guidance exists in Scotland. I assure the Parliament and Christine Grahame that the Scottish Government is engaging constructively with the UK Government on this important question to try to stop the infection spreading.

Christine Grahame: It is good to hear of co-operation, which is welcome. How will cross-border travel be monitored on the Scottish side, and how will it be prevented? I stress that travel should be only for essential purposes such as healthcare, work and caring responsibilities. How will test and protect function if people travel from England into Scotland? Many of my constituents are concerned that, without such safeguards, Covid will be imported not only from neighbouring council areas in Scotland but from England, where the Covid transmission rate is even higher.

John Swinney: Christine Grahame raises a number of elements. There is a distinction between monitoring and policing. We can monitor

the volume of journeys from Scotland to England and vice versa through the Transport Scotland traffic monitoring system, which gives us a clear impression of the volume of traffic that is making journeys in both directions.

As for policing, as I indicated in my earlier answer, it is impossible to police every journey, but we would appeal to members of the public to follow the guidance that has been clearly set out—for example, that we do not want individuals in a level 2 area such as the Scottish Borders to travel to a level 3 area, whether that is to Midlothian, the City of Edinburgh or East Lothian, or south of the border, to Northumberland or Cumbria. That advice is in place to minimise the spread of the virus.

On the test and protect system and the apps, as Christine Grahame will be aware, the Scottish app is available to members of the public and can be utilised in other jurisdictions, too. We are working closely with the United Kingdom Government to ensure compatibility between our app and the arrangements that are in place in England, and we hope to have progress on those questions within a short timescale.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): [*Inaudible.*—essential services for my constituents south of the border, such as shopping, healthcare, assisting a vulnerable person or taking a dog to a vet in Berwick-upon-Tweed are already subject to important exemptions. Indeed, that is no different from travelling within Scotland to a tier 3 local authority area. Can the Deputy First Minister clarify whether further exemptions will be added to enable my constituents to access lifeline services over the border, such as baby-and-toddler classes, which are essential for the mental health and wellbeing of new mothers?

John Swinney: There is an interrelationship between the general issues relating to travel and the wider regulations that exist in different localities, depending on the prevalence of the coronavirus. The question that Rachael Hamilton raises relates to the interplay between the arrangements for travel in Scotland and the availability of such classes or other provisions in Berwick-upon-Tweed or any other locality.

Given the significant prevalence of the virus south of the border, adjacent to the Scottish Borders, with 190.7 cases per 100,000 people in Northumberland compared with 43.3 cases per 100,000 people in the Borders, there is clearly a risk of importation of the virus from such localities should any more than essential connections be made. I appreciate that that is very difficult for individuals who live in localities where they have to access services in other jurisdictions, whether that is in another local authority area in Scotland that is

at a different level or in a jurisdiction south of the border. Nevertheless, I would encourage members of the public to err on the side of caution and try to minimise the spread of the virus, because we must all—collectively and individually—do everything that we can to minimise its spread.

The Presiding Officer: That concludes topical question time.

Sarah Boyack (Lothian) (Lab): On a point of order, Presiding Officer. In her answer to my second supplementary question, the Cabinet Secretary for Finance gave us information on the wrong fund. I was asking about the £275 million fund for town centres, and the cabinet secretary inadvertently gave an answer that related to the £230 million communities fund. I think that the cabinet secretary is aware of that, and I would be very grateful if I could get a written answer to my question. I just wanted that to be on the record.

The Presiding Officer: Thank you for that point of information. There is a corrections procedure, and I am sure that the cabinet secretary, having been alerted, will use it.

Burntisland Fabrications Ltd

The Presiding Officer (Ken Macintosh): The next item of business is a statement by the Cabinet Secretary for Economy, Fair Work and Culture, Fiona Hyslop, on BiFab.

14:54

The Cabinet Secretary for Economy, Fair Work and Culture (Fiona Hyslop): I welcome the opportunity to address Parliament today on the current position facing BiFab. The Government has shown real commitment to BiFab, and we continue to explore all options to secure a future for the Neart na Gaoithe contract in Scotland.

I have been clear throughout the process about our priorities, which have been shared by the majority shareholder, JV Driver: to secure the build-out of the NnG contract in Scotland and to protect the public interest in terms of financial exposure and the jobs that a successful business might support.

Those priorities reflect our aspirations for offshore wind supply chain manufacturing in Scotland, and for Scottish companies and the Scottish workforce to benefit from the build-out of projects through the creation of jobs and the boost to our economy, especially in such challenging times.

Our support for BiFab has been significant—£37.4 million was converted to a 32.4 per cent equity stake, and a loan facility of up to £15 million was provided. That financial support ensured that the Beatrice offshore wind farm, the Moray east pin piles and the FIRST Exploration & Petroleum Development contracts were completed, which created more than 1,000 jobs across the three yards at Arnish, Burntisland and Methil.

As a minority shareholder, we have no role in the business's day-to-day decisions. We work closely and collaboratively with the majority shareholder, JV Driver, and the BiFab board of directors, but ultimately, it is for the directors to take all necessary decisions on the operations of the business. At this point, I emphasise that I have been disappointed by JV Driver's lack of financial investment in the business and the zero-risk position that it has adopted as a shareholder. That stance is a key factor in the situation that the business now faces.

The Government backed the strong prospects for the offshore wind supply chain in Scotland and BiFab's potential role in it. At the start of 2020, BiFab had a strong pipeline of work opportunities, with the potential to secure both the NnG and Seagreen contracts, which would have allowed continuous work from 2020 to 2022. The

pandemic delayed both the NnG and Seagreen projects, thereby impacting BiFab's cash-flow problems.

I am extremely disappointed that SSE did not award the Seagreen contract to BiFab. That decision has been pivotal in the situation that BiFab now faces. The BiFab bid was competitive with all other United Kingdom and European bids. Furthermore, BiFab's tender included fully procured Scottish steel, and therefore offered SSE an opportunity to demonstrate its support for the Scottish supply chain during these challenging times.

The UK policy context also presents challenges. The UK Government's damaging contract for difference rules work against Scotland and Scottish supply chains, meaning that companies such as BiFab have limited chances to secure work. The contract for difference auction needs to ensure that project bids are not secured purely on the price per megawatt, and the UK Government must consider the wider economy and our response to the climate emergency.

We very much welcome EDF's support of BiFab in carving out the contract for delivery of eight jackets from its wider NnG project. That commitment to the development of our Scottish supply chain is a welcome boost, especially as the wider trading circumstances are very difficult. However, the delays to the NnG contract award as a result of the pandemic and SSE's decision to award the Seagreen contract to companies in China and the middle east, compounded by JV Driver's continued lack of investment in the business, have greatly weakened BiFab's cash flow and balance sheet. Those factors bring about a position in which the Scottish Government cannot currently legally continue to provide more financial support to BiFab. I recognise the disappointment that is felt by members across the chamber, the trade unions and the remaining 30 staff who are currently employed by BiFab, and I share that disappointment.

It is not that the Scottish Government does not want to continue to support BiFab—it currently cannot. I have shared with parliamentary colleagues with a constituency or regional interest, whom I met last week, a follow-up briefing that details information on the state aid rules that impact BiFab and Scottish Government support to the business. Ministers are required to operate within the law, and no decision that is taken by ministers can be in contravention of state aid rules or any other legal provision, including international treaties by which Scotland is bound.

I have considered all legal options for Scottish Government continued financial support of BiFab. My conclusion that the Scottish Government can no longer continue to support the business is

based on a range of facts, including the current position of the business, its trading forecasts, its prospects for future work and the continued no-risk position of the majority shareholder.

For financial support to be legal, it needs to be provided in line with the market economy investor principle, which is often referred to as "MEIP compliant support". The key question in determining whether financial support to the business would be possible is whether a market economy investor would do the same. We can act only as a commercial investor would act in our situation. If the majority shareholder is not prepared to invest in the business, it is very challenging to demonstrate that another commercial investor would do so.

I will address some of the media speculation that I have seen.

Scotland remains bound by European Union state aid law, and choosing not to comply is not an option. The Scotland Act 1998 makes that clear, as does the ministerial code.

There has been some suggestion that I should check with UK ministers that I have got it right. To be clear, Scottish ministers' compliance with state aid law is a matter for Scottish ministers and there is no role for UK ministers in that. However, we sought an urgent meeting with UK ministers in order to establish what support, if any, might be within their powers. This morning, I met the Chancellor of the Duchy of Lancaster to discuss the issues that BiFab faces. The discussion was constructive, and we agreed to form a joint UK and Scottish Government working group to ensure that all possible options are explored.

As a minority shareholder, we have been exhaustive in our consideration of the options that are available to us to financially support BiFab from public funds, and we will continue to explore all options. The UK Government shares our view of the challenges that are presented by state aid rules, but we will work together to do what we can.

In parallel, the Scottish Government continues to work closely with the majority shareholder and others to find a solution to secure delivery of the NnG contract in Scotland. Both I and my officials have been in regular contact with the board of directors to explore options for our shared primary objective—namely, the delivery of NnG in Scotland.

On the back of SSE's decision on the Seagreen contract, on 18 September I met representatives of the board. I communicated to them the emerging risk that the Scottish Government would not be in a position to continue its financial support to the business. That began a period of close engagement with the board and others to explore options that would still allow for the build-out of the

NnG contract. From the point at which the majority shareholder confirmed that it was content for us to engage with the trade unions that have an interest in BiFab, we have done so actively.

We have left no stone unturned in our search for a solution to the challenges that are faced by the business. We are committed to working with all parties to deliver the best outcome for Scotland. In doing so, the Scottish Government must act within the law—on state aid regulations in particular—and should also act in a way that minimises the exposure of the public purse.

In the absence of a detailed proposal from the majority shareholder for the continued operations of the business, it is currently difficult for the Scottish Government to establish a legal and financial case for continued support. Dialogue continues with the BiFab board on a legally compliant solution to securing a future for the company. Significant hurdles remain to be overcome. However, the Government has done and will continue to do everything within its devolved powers to support the business.

I welcome the engagement of members on those important issues—on BiFab and on the wider issues that are faced by the offshore renewables supply chain in Scotland. I recognise the breadth of support from members for our objectives for BiFab and the wider industry.

We remain keen to work with all partners in order to deliver the best outcomes. We will leave no stone unturned, we will explore all options, and we will do so collectively and collaboratively with all key interests.

I will be happy to update Parliament again in due course.

The Deputy Presiding Officer (Linda Fabiani): The cabinet secretary will take questions on the issues that have been raised in her statement. I will allow around 20 minutes for that. It would be helpful if members who wish to ask a question would press their request-to-speak button now, please.

Maurice Golden (West Scotland) (Con): I thank the cabinet secretary for advance sight of her statement. I am delighted that she has had constructive discussions with the UK Government, and I look forward to seeing progress in that area.

However, the Scottish National Party keeps making, and breaking, promises on green jobs. Alex Salmond once said that Scotland would become

“the Saudi Arabia of renewable energy”.

In 2010, the SNP Government promised 28,000 green jobs by 2020. Well, it is 2020, and they have not been delivered. The nationalists’ handling of

the BiFab fiasco is another sad example of the SNP’s mishandling of Scotland’s green economy.

The former Attorney General, Lord Davidson, said that it is “remarkable” that the SNP Government did not just defer the decision on state aid until after the end of this year.

Can the cabinet secretary clarify the following three points? Does she think that Lord Davidson’s assessment is wrong, and will she commit to full transparency and release the advice that led to the judgment not to defer the decision on state aid? Why were local training and employment clauses not built into the planning consent? How much public money does the SNP Government stand to lose as a result of the fiasco?

Fiona Hyslop: The member has covered a number of areas. We are committed to green jobs for Scotland. It would make it far easier to deliver those jobs for Scotland if the key propositions and aspects were held in the hands of the Scottish Government. Not all of them are, so the contract for difference makes a key difference. That is why, despite the very good work by the director at BiFab and despite the proposition that was put forward, the tender for the Seagreen contract could not compete—not by a small margin but by a large margin—with tenders from elsewhere. It was a race to the bottom in relation to cost. There is currently a consultation on the contract for difference. From what Maurice Golden has said, I am sure that he will join others in trying to ensure that changes are made by the UK Government.

Lord Davidson acknowledges that his advice was given with a paucity of information. A number of aspects of the advice have been given without an understanding of the situation in which we find ourselves—not least, the fact that decisions by ministers are governed by their legal responsibility at the time. The situation is live and current; it does not relate to some point in the future. We are a minority shareholder, so the context of our decision would apply to another investor in the same position.

I have made it clear that it is not possible under the Scotland Act 1998 and the ministerial code—to which many Opposition members always ensure that ministers adhere—for us to provide the legal advice that was given to us. We can acknowledge that it exists, but we cannot provide it, for understandable reasons.

Local training was not a condition of planning consent because we did not have the legislative powers to do that. The transfer of powers under the Scottish Crown Estate Act 2019 means that for future contracts, such as ScotWind, we now have the ability to ensure that we have such provision and support for communities and local jobs. When we have the powers, we will use them.

Claire Baker (Mid Scotland and Fife) (Lab): I thank the cabinet secretary for advance sight of her statement.

Today, people in Fife want no more diversion of blame or finger pointing. Workers deserve a clear solution and an explanation. Why was the decision to withdraw the guarantee taken at this point, given that EDF had signalled that there would be work and that we are on the brink of changes to state aid rules? Why has it taken so long to engage with the UK Government, given that the crunch meeting with DF Barnes took place on 18 September? The workers who marched on this Parliament and whose jobs are at risk, and the communities that are set to lose out, all deserve better than what we have heard today.

Again, I call on the Scottish Government to make public the legal advice that it has received, because it has made assertions about state aid that are under question. I ask the Government to publish the minutes of the meeting that took place in September. Will the Government explain what attempts to reach a solution were made before the decision to withdraw the guarantee, which has triggered the whole situation? I ask the Government to act now, with urgency, to ensure that the BiFab yards, the workers and their communities have a future.

Fiona Hyslop: I appreciate the member's concerns. I will try to go through a number of the issues.

In my answer to Maurice Golden, I gave an explanation of why, as a minister, I am not able to provide the legal advice that Claire Baker is talking about. I can refer to the fact that it exists but, as I explained, the relationship between the ministerial code and the Scotland Act 1998 means that it is not possible for me to release that advice.

Claire Baker made a point relating to EDF and Saipem being ready to offer the contract. That was exactly the point in time when ministers had to make the judgment; it could not have been made at some point after January, when we do not know what the position will be. Negotiations are still taking place with the EU on future aspects of the level playing field and state aid, and we do not know what aspects of the United Kingdom Internal Market Bill will mean. My decisions and those of the Government are judged on whether they are legal at the point at which they are taken and not speculatively at some point in future.

The member asked about the discussions with JV Driver. We warned JV Driver of risk in September. We have explored and scrutinised multiple options, such as third-party investment and more state ownership, because we are determined to make sure that the energy jobs come to Scotland.

The member also asked why we did not contact the UK Government earlier. Approval for contacting third-party potential investors was with the majority shareholder. Since September, and even before then, JV Driver, as the majority shareholder, has taken responsibility for engaging others to secure the cash flow and working capital that it needs. We agreed with JV Driver that we should contact the UK Government and that has happened. We are setting up a joint working group with the UK Government to explore all options.

On state aid, which the member mentioned, the UK Government's understanding is the same as ours.

The Deputy Presiding Officer: We move to open questions. I was a bit lax with the length of answers to the two front-bench questions, if that could be borne in mind, please.

David Torrance (Kirkcaldy) (SNP): The BiFab yards of Methil and Burntisland both lie in my constituency. It is clear that lack of capital investment by the owners, JV Driver, has resulted in the withdrawal from the energy contract. I ask the cabinet secretary what potential there is for third-party investment in BiFab. How can the Scottish Government assist the company to secure decommissioning work from the North Sea oil industry?

Fiona Hyslop: As I have said, the Scottish Government has been working closely with JV Driver to explore all options to deliver the energy contract in Scotland. We have encouraged the board to explore options for investment in the business from its own resources and from third-party or other resources. Those are choices for the majority shareholder, and I encourage it to do all that it can to ensure such investment.

Mark Ruskell (Mid Scotland and Fife) (Green): The next round of offshore wind farm development will come with a form of jobs guarantee through the Crown Estate leasing process. I hope that the east coast of Scotland and BiFab will get a decent share of the jobs that will come from that. Does the cabinet secretary agree that, in order to prepare for those jobs, the Scottish Government needs to shift from being just a disappointed minority shareholder to a position where it has a majority stake in companies such as BiFab and a seat on the board, so that it can make strategic decisions that would maximise the future supply chain opportunities that are just waiting there?

Fiona Hyslop: Mark Ruskell makes an important point about how we can prepare to get more jobs. The ScotWind leases—which, unfortunately, are just down the track but are coming—enable that jobs guarantee to take place.

We are going through quite an economically turbulent time because of Covid. Not least because of that, we should look at the role of Government equity stakes in future. One of the missions of the Scottish National Investment Bank is a green mission, and ensuring that we are delivering net zero. There are different options that we can look at in future, but the member will appreciate that my absolute focus at this minute is on trying to secure the energy contract.

Willie Rennie (North East Fife) (LD): I am afraid that the statement is just a long list of excuses. It is no comfort to the workers at BiFab, who, not so long ago, heard ministers boasting that they had saved the company. The work is already under way off the Fife coast—we can see the surveying work for the wind farm—so to explore all options at this stage is just too late. Can the economy secretary be honest with us? What, seriously, is she going to do to bring those jobs to Scotland now?

Fiona Hyslop: I have been clear on what is required. There is an issue around the financial situation of the company and whether it can be resolved in the short term, but if it can demonstrate that there is a future for the business, that makes it much easier for us to provide the financial support that we want to but currently, legally—as the member says, it is live and current—it is not possible for us to do that.

We are continuous in our exploration of the options and as the consideration of the DEME Offshore claim is in a couple of weeks' time, that will potentially provide more security in the short term in relation to working capital, but the issue still remains about the future of the business, and that requires a detailed proposition from the company. That is not unreasonable, but is it doable in the time? The window is still potentially open with EDF and Saipen, and I have spoken to them to ensure that they understand our commitment and our recognition of their commitment to Scotland. That is where we are and I continue to make sure that we fight for those jobs if we can get them. That is live, that is current and that is now.

Annabelle Ewing (Cowdenbeath) (SNP): As I am the member for the Cowdenbeath constituency, it is a source of great anger to me that BiFab workers have been let down by SSE—the majority shareholder that refused to step up to the plate—and by the UK Government's contracts for difference rules, which work against the Scottish supply chain. Nonetheless, can the cabinet secretary offer, in circumstances that are evidently beyond her control, any hope for the future of the BiFab workforce?

Fiona Hyslop: We have the skills, but we need to secure the jobs to ensure that those skills and

the skilled workforce have a future, and that we can build in Scotland circumstances in which we can benefit from North Sea wind farms and the energy that they can provide.

The problems that the company faces are complex and cumulative; that is the issue. I have explained that a combination of factors has put particular financial pressure on the company, and that the lack of investment from the majority shareholder is problematic.

When we are considering potential options for the future, we need to be able to unlock not only developments for Buckhaven, Methil and Burntisland, but for Arnish, because there are opportunities in all those yards that are not being realised. That will take not only a financial plan, a legal position and assurances on underwriting, but the investment that is required in order that we benefit from the types of business that will be needed for the offshore sector in the future. It is about long-term investment. That is the challenge that we have in relation to the majority shareholder's current position.

Alexander Stewart (Mid Scotland and Fife) (Con): In her statement, the cabinet secretary indicated that

“Those priorities reflect our aspirations for offshore wind supply chain manufacturing in Scotland”,

but the just transition commission has warned that the switch

“to a low-carbon economy could be undermined if”

the Scottish Government fails “to secure manufacturing jobs.” Are the commission's findings justified, because that switch would kick-start the local economy and secure jobs at BiFab?

Fiona Hyslop: I have great respect for the just transition commission. It is essential, in our move to net zero emissions, that we have those manufacturing jobs, but the Scottish Government is not on the board of BiFab and we are not the business of BiFab; we are a minority shareholder. Securing the jobs involves a number of factors. We have worked to try to secure the supply chain for some big contracts, and we have impressed on SSE the importance of it committing to the supply chain, but unfortunately it was not able to do that. I commend EDF for its position, but we have to find a way to have the financial security that allows the legal support for the Scottish Government to support the NnG jobs.

Rhoda Grant (Highlands and Islands) (Lab): The cabinet secretary is aware that the council and the community in the Western Isles want to decouple Arnish from BiFab because of the failure to provide any work there. The terms of the lease of Arnish stipulate care and maintenance of the publicly owned infrastructure there. BiFab and,

therefore, the Scottish Government are now in breach of that clause, because BiFab has paid off the care and maintenance staff. Will BiFab now give up its lease and allow the community to bid for work in its own right and bring work to the islands?

Fiona Hyslop: Rhoda Grant has made an important point, which was also raised at the meeting that I held with MSPs, MPs and council leaders from the relevant council areas. What she suggests might be an option, if BiFab chooses to go down that route. The lease operator is Highlands and Islands Enterprise. The lease deserves careful examination to identify whether there is an opportunity, if BiFab is not using Arnish, for it to be used by others, because we know that there is a desire in others that are not part of the BiFab situation to use the yard now.

I reiterate that the Scottish Government is not the business and is not on the board of BiFab, but it is a minority shareholder. The point that Rhoda Grant makes, like the point that Councillor Roddie Mackay made last week, is worth examining, because such decoupling might provide opportunities for jobs that have not been realised because of the lack of investment and the zero-risk approach that the majority shareholder and the BiFab board have taken to date.

Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP): I draw the cabinet secretary's attention to the action for Arnish campaign, one of whose requests is that the Government consider potential uses for the yard at Arnish, other than only the BiFab option. Can the cabinet secretary speak to that and offer any assurances to the action for Arnish campaign on that?

Fiona Hyslop: I share Alasdair Allan's desire to see the full potential of the strategic site at Arnish being achieved. As a minority shareholder, the Government is not involved in operational management decisions relating to BiFab. It will be a matter for BiFab, as the leaseholder, to take decisions on future utilisation of the site.

However, we will continue to press the majority shareholder for its plan for the future, which might include allowing the Arnish yard to be used in other ways or—in relation to my previous answer—looking at the lease for Arnish, which might have potential. We should explore all options for the site to be better used in a different arrangement.

Donald Cameron (Highlands and Islands) (Con): On the issue that the cabinet secretary has just mentioned, what discussions has the Scottish Government had with the JV Driver Group about its long-term plans for the Arnish site on Lewis? The workforce there remains deeply concerned

about its future and will be even more anxious after today's news.

Fiona Hyslop: We have been pressing JV Driver on the plans for the yards and the business. As far back as the summer, I was impressing on the company the importance of setting out its long-term plans and its immediate issues in relation to Seagreen Wind Energy and NnG. As Donald Cameron suggests, we need a commitment to the sites from the company. If that commitment is not forthcoming, it is important that we look at other options.

Rona Mackay (Strathkelvin and Bearsden) (SNP): Can the cabinet secretary expand on what levers currently rest with Westminster that the Scottish Government would, if those levers were devolved, use to support the sector?

Fiona Hyslop: There are three obvious areas in which the UK Government could change its position on powers that we could use, if they were devolved to Scotland. The first is in relation to the options, which came up in the question from Mark Ruskell. Were we to have capability through powers being devolved on leases that are coming up in Scotland, we could address the jobs guarantee aspects that people are concerned about.

The other areas are the costs of development and the costs of transmission. It is outrageous that it costs more to develop and transmit from the North Sea than it does from areas that are closer to the south of England.

Those are obvious areas, and I have already—and continuously—raised them with the UK Government in my discussions with UK Minister for Business and Industry Nadhim Zahawi. I have said to him that the UK Government will, if he wants to ensure that it realises its climate change commitments, have to change its position.

It is not just about investment and money, although that is one thing; it is also about policy and regulation. The UK Government has levers and powers that it could use. In the joint working that I agreed to do with Michael Gove in my conversation with him this morning, those aspects of regulation and policy as well as investment should be on the table for exploration.

Alex Rowley (Mid Scotland and Fife) (Lab): I believe that ministers have made the wrong decision. They say that the judgment was based on the legal advice that they received. Therefore, surely it is in the public interest to publish that advice. Where did it come from and who commissioned it? Why on earth did it take until last week for ministers to contact the UK Government, when both Governments should be working together to bring jobs to Scotland through the

renewables sector? Why wait until last week, and will the Government publish the legal advice?

Fiona Hyslop: On the point about discussions with the UK Government, obviously the discussions in the past week have not been the only ones that we have had about investment in the offshore industry. It is not the first time we have discussed issues about regulation of transmission, as I just said. We have had regular discussions; we will continue to have discussions, and we will intensify them.

On the legal advice, I have said repeatedly that the ministerial code and the Scotland Act 1998 prevent us from issuing that advice. It is not necessarily in the public interest to do so. Mr Rowley will remember that, for many years, Labour Governments adopted the same position, and not just here, as the Scottish Executive, but at Westminster—except for one time. The one time that I recall the Labour Party issuing legal advice was advice on the Iraq war.

Ruth Maguire (Cunninghame South) (SNP): What engagement has the Scottish Government had with affected workers, and what support can be provided to them?

Fiona Hyslop: Since the majority shareholder and the board agreed that we could do so, we have engaged actively with the trade unions and will continue to do that. We have related to BiFab that it should actively engage with the 30 current permanent members of staff to ensure that they are recognised.

At the end of the day, the issue that brings all members together is the interests of the workforce and the constituents who are represented by MSPs. We should focus on them to ensure that they have the just transition that we have talked about, and that they have confidence to retrain. That should also apply to people in other sectors. I want to work collaboratively and co-operatively with members from across the chamber to secure the long-term future, as well as the short-term future, and the potential that still exists for NnG jobs.

The Deputy Presiding Officer: That concludes questions on the ministerial statement on BiFab. I remind all members that social distancing measures are in place, so please take care when entering and leaving the chamber and moving around the Holyrood campus.

Fireworks

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a statement by Ash Denham on fireworks. The minister will take questions at the end of her statement, so there should be no interventions or interruptions.

15:28

The Minister for Community Safety (Ash Denham): We are now only days away from bonfire night, so I welcome this opportunity to provide an update to Parliament.

First, I would like to reflect on the impact that the on-going pandemic will have on bonfire night. Like many other celebrations, it will look very different in the context of Covid-19. Many of the activities that we traditionally associate with bonfire night will simply not be able to take place as they normally would. At this point, it is important to highlight what we are asking the public to do and what we are asking people to avoid in celebrating bonfire night this year, as we continue to do everything that we can to suppress the spread of coronavirus.

Public firework displays, which normally take place in communities across Scotland, will not happen this year. I know that that will be a disappointment to the many people and families who normally attend those events, which are a safe and fun way to enjoy fireworks. However, very large gatherings are simply not viable right now.

When people choose to purchase fireworks to have their own private display, they must adhere to the guidance on meeting other households that applies in their local area. That means that anyone who uses fireworks in their back garden needs to follow the restrictions on household gatherings and to carefully follow the FACTS advice and the physical distancing guidance. I want to make it clear that there should be no private displays in gardens at which the number of spectators exceeds the numbers that are set out locally. As local areas have been placed in levels of restriction, that will mean that no more than six people from two different households will be able to attend such displays.

In addition, people who use fireworks should stringently follow the safety instructions on the packaging of the products that they purchase to reduce the risk of harm and injury. It is also important to stress that it is illegal to use fireworks in a public place in Scotland. That includes areas such as parks and fields. People cannot and should not use fireworks anywhere other than on their own property.

The measures and restrictions that I have just described are the only step that it is appropriate to take at this time by way of guidance, and I strongly encourage everyone to abide by them this bonfire night.

Although the on-going pandemic will clearly have an impact on bonfire night, substantial planning and preparation continue to be done by community safety partners at a national and a local level this year. Unfortunately, there have been persistent issues with the misuse of fireworks in Scotland over recent years. Such incidents, which are often dangerous and can be life threatening, include reports of antisocial behaviour on and around bonfire night; attacks against our emergency services; and highly distressing accounts from individuals about the inappropriate use of fireworks that they have experienced.

I am aware that, this year—over the weekend—there have already been completely unacceptable incidents of fireworks being thrown at our emergency services. The Scottish Government does not tolerate any attack on our emergency services, and the line from our police, our prosecutors and our courts is clear: people who commit such offences will be dealt with robustly.

Last month, I met senior commanders in Police Scotland and the Scottish Fire and Rescue Service, who updated me on the extensive multi-agency planning that is under way as part of operation moonbeam to ensure a safe and enjoyable bonfire season and to tackle any incidents of unacceptable behaviour that may occur. That includes the use of multi-agency control centres, where police and fire colleagues work together to co-ordinate swift and appropriate responses to incidents as they emerge. I am also aware that a significant amount of local partnership activity has been undertaken by the emergency services and other public and third sector partners to plan for bonfire season and prevent the disruption and disorder that are often associated with fireworks.

This morning, I spoke to control room staff, who briefed me on incidents involving fireworks that took place over the weekend and on the plans for the coming days. I am sure that members will join me in thanking our emergency services in communities across Scotland and applauding them for their hard work, dedication and commitment to partnership working, planning for bonfire night and responding to firework-related incidents.

I am aware that more people might choose to purchase and use their own fireworks this year. To help to ensure that people understand what is and is not allowed under the current regulations and that fireworks are used safely, three public

awareness-raising and safety campaigns have been launched to make people aware of how to use fireworks in a responsible and considerate way and minimise the impact on other people in their community.

First, there is the nationwide impact of fireworks campaign to improve people's understanding of the impact that fireworks can have on people, including those with sensory issues and our armed forces veterans, and on pets and livestock. Secondly, there is the fireworks rules and regulations campaign, which is being run in partnership with Crimestoppers, to help to improve understanding of the existing rules and regulations and of how to report the misuse of fireworks. Finally, a fireworks safety information leaflet that provides advice and guidance on the safe and appropriate use of fireworks is being distributed by participating retailers to people who purchase fireworks. That package of activity demonstrates the Government's on-going commitment to promoting the safe and appropriate use of fireworks.

Last November, following the public consultation on fireworks, which saw a significant level of public interest and engagement, with a total of more than 16,240 responses, I committed to establishing a firework review group. It was clear from the level of response to the consultation that fireworks are an important issue to the people of Scotland and that there is a strong appetite for change.

The purpose of the review group has been to look at options for legislative change and to make recommendations on tightening legislation to drive forward action to reduce the harm that fireworks can cause.

The group, chaired by Alasdair Hay, former chief officer of the Scottish Fire and Rescue Service, has representation from a number of key stakeholder organisations, including the fireworks industry, animal welfare organisations, the Scottish Fire and Rescue Service, Veterans Scotland and the national health service. That has ensured that a broad range of opinions, experiences and knowledge have contributed to the group's recommendations.

Despite the challenges that we have all faced this year in the context of the Covid-19 pandemic, the group has met eight times. It has carefully considered and reviewed the evidence available and options for change.

To reach its recommendations, the group heard directly from communities about the impact of the misuse of fireworks and undertook more detailed research to consider the experiences of other countries and to better understand the number and nature of firework-related injuries in Scotland. The group also heard from the fireworks industry

on the great strides that have been made over the years to remove dangerous products from the market and to better understand the potential impact that greater restrictions could have.

I am delighted to advise Parliament that the group has now submitted its final report to me. The group has recommended that a fundamental shift is required in how fireworks are accessed and used and that that should be done through the introduction of a comprehensive set of measures, including the introduction of mandatory conditions when fireworks are purchased from retailers; restricting the times of day that fireworks can be sold and the volume of fireworks that can be purchased at any one time; restricting the days and times that fireworks can be set off; introducing no-firework areas or zones where it is not possible for fireworks to be set off; and introducing a proxy purchasing offence so that adults are not able to give fireworks to those under the age of 18.

I welcome and endorse those recommendations to which I will be giving greater consideration in due course. They will help us take a positive step towards promoting the safe and responsible use of fireworks. I particularly welcome the recommendations on the introduction of mandatory conditions before fireworks can be purchased by the general public and on communities having a strong voice in influencing whether fireworks can be used in their local areas. I intend to explore how those recommendations can be implemented in practice as a matter of urgency and, using the full power of the Parliament, to introduce legislation to make them a reality. I will look to members across the Parliament to be involved in helping us to make those changes to improve safety in communities around Scotland.

I thank Alasdair Hay and all the members of the group for their continued engagement and for constructively sharing their expertise and views to inform the recommendations.

Although the group's final report and recommendations mark an important milestone in our journey towards a significant change in our relationship with fireworks, they form part of a bigger picture. The kind of cultural shift that we are seeking to achieve will not happen overnight; it will require continued hard work and dedication, and I am committed to that. I am determined that we will do all we can within the power of the Parliament to ensure that we have in place all the safeguards that we need to keep our communities safe from the harmful use of fireworks.

I hope that the review group's recommendations, which were outlined today and which I commit to progressing as soon as practicably possible, clearly demonstrate the Scottish Government's commitment to changing

Scotland's relationship with fireworks, guided by the voice of the people, which came across strongly in the public consultation.

I reiterate my gratitude to everyone who has contributed to the progress that we have made so far, including the members of the public and organisations who responded to the public consultation and the firework review group for its expert knowledge and advice. I thank our emergency services and our public and third sector services, as well as those in our communities who volunteer their spare time to make bonfire night safe and enjoyable, for their commitment and dedication.

I know that this year will feel very different. I wish everyone a safe bonfire night, and I reinforce the importance of following public health advice and safety guidance.

The Deputy Presiding Officer: The minister will now take questions on the issues raised in her statement, for which I will allow around 20 minutes. I ask members to please press their request-to-speak buttons if they wish to ask a question.

Liam Kerr (North East Scotland) (Con): I thank the minister for the advance sight of her statement. As I have raised matters of firework safety and protection of emergency workers for the past few years, the minister knows that the Conservatives take them very seriously. I am very pleased to hear her statement, and we join her in thanking the emergency services, who go above and beyond 24/7 but are particularly called upon at this time of year. We acknowledge that the firework review group report is a timely and serious piece of work, and we recognise the group's serious endeavour and the expertise, experience and strength of Alasdair Hay as chair.

Three questions occur to me, arising from the statement. First, the minister said that she will give greater consideration to the review group's recommendations on safeguards. Can she give us some idea of a timescale for that?

Secondly, in a week when we learned that the recorded number of assaults on emergency services workers is the highest on record, what measures are being taken to protect our emergency workers right now? For example, has the minister considered any of the package of measures to protect emergency services workers that I called for back in 2018?

Finally, two years ago, I visited Dundee fire control room on bonfire night and expressed support for the "Do not attack me" campaign. What assessment has the Government made of that campaign and what resource will the minister put behind the new campaigns, to ensure that they are successful?

Ash Denham: I thank the member for his thoughtful question. I am glad that he welcomes some of the recommendations in the report, which we will bring forward. I welcome his support for them.

I completely understand that people are very interested in the timing of introducing legislation. I would expect members to understand that, obviously, we are nearing the end of the parliamentary session, and the new session will start in May. That seriously curtails the available time that I have to introduce legislation. However, I am absolutely committed to driving forward legislative change in this area.

Some of what is proposed will be done by secondary legislation, and I will do what I can to see whether I can bring that forward in a timely way. The other recommendations, such as mandatory conditions at the point of sale and the devolving of decisions to local authorities, will require primary legislation, so I anticipate that those things might take longer. A balance must be struck between doing things in a piecemeal fashion and doing things all together, so that they make more sense to the general public. I give the commitment that I will progress things as fast as I possibly can.

I recognise that the member has asked before about attacks on emergency services workers. The Scottish Government does not and will not tolerate any attacks on our emergency services workers. No one should be the victim of abuse or violence when they are at work. The police, courts and prosecutors are very clear that they will deal robustly with anyone who is offending in this area. Those who are charged with attacks on our emergency services workers can expect to face up to life imprisonment, an unlimited fine or both.

Alex Rowley (Mid Scotland and Fife) (Lab): Public fireworks displays are the best and safest way forward for Guy Fawkes night, so it is particularly worrying that, this year, such displays have been cancelled and the pressure will therefore be far greater.

I note that the minister says that we need to help people to understand the rules and regulations around fireworks. That should have been well under way.

The problem occurs not only on bonfire night—if only it did. If it was only on bonfire night, all those people who are worried about their pets and all the rest of it could prepare for that one night. The real problem often persists over weeks, if not months.

I welcome the review group's recommendations. In recent times, we have seen that the minister's colleague Michael Russell is quite an expert in bringing parties together to produce legislation. Does the minister accept that, even if primary

legislation is needed, it would not be good enough to use the parliamentary session and an election to be back here, in the same position, next year, talking about what we need to do? People want to see progress.

Ash Denham rightly thanks our emergency and public services. More and more is being asked of those services. When she is looking at these issues, does she ask whether we have enough resources or whether our emergency and public services need more resources because more and more is being asked of them?

Ash Denham: Of course I ask about resources. I spoke to Police Scotland this morning and was assured by a senior police officer that it has good local resources in place and a specialist public order response available nationally.

Alex Rowley knows that the Government continues to invest in the police service and the fire service and that that is in direct contrast to what we often see in England and Wales. He will also be aware that we have many more firefighters available in Scotland. We have nearly double the number in England per capita, and we have far more than Wales has. The Government certainly invests in our emergency services.

Alex Rowley is right in saying that public firework displays are often the safest places for members of the public to go to enjoy fireworks safely. Obviously, public firework displays cannot take place this year because of Covid-19, and we think that there is a possibility that more people might be considering having firework parties in their gardens. People need to be very careful about doing that. They need to follow the public health advice and ensure that there are no more than six people from two households there, and they also need to follow the safety advice. Most firework injuries are incurred on private property. When people have firework parties, they are much more likely to get injured as a result of using fireworks themselves.

Alex Rowley asked about rules and regulations and the awareness-raising campaigns. In my statement, I mentioned three different awareness-raising campaigns, one of which is the fireworks rules and regulations campaign. That has gone on for several weeks now, and something very similar to it was done last year and the year before. It is therefore not correct to say that that is being done only now. Those things build on each other and continue to get messages out to the public.

On timings, I am sure that Alex Rowley would agree—and members across the chamber would accept—that changing the legislative framework is only one part of the solution. Legislation on its own will not drive the cultural shift that we want to see in Scotland. I have already made a commitment to

Liam Kerr that I will progress matters as fast as possible, but I cannot create space in the legislative timetable that simply is not there. I will commit to looking to see what secondary legislation can be brought forward in a faster timeframe, if that is possible, but I hope that Alex Rowley appreciates that primary legislation would take time.

The Deputy Presiding Officer: The front-bench questions have taken eight minutes. I humoured that because we had some extra time, but that is simply not acceptable. I have to say to the minister that that was mainly because of the answers. I get that you wished to give out lots of information, but you have to learn to do that a bit more quickly. We have used up all the spare time, so members will have to be a bit more succinct if I am going to get everybody in.

Ruth Maguire (Cunninghame South) (SNP): I welcome the review group's recommendation that communities should be listened to when it comes to their own areas. How will the Scottish Government ensure that changes are guided by the communities that are impacted by fireworks?

The Deputy Presiding Officer: Speaking really fast does not always solve the problem.

Ash Denham: The Scottish Government is committed to ensuring that the voices of people and communities—particularly those that have experienced negative consequences of firework use—guide the changes that are made to how fireworks are accessed and used in Scotland. There was an incredible response from the public—more than 16,000 responses were received—in the public consultation on fireworks, which ran for 14 weeks in 2019. That public voice demonstrated a strong desire for change.

We will continue that open and collaborative approach with communities, and we will be guided by them. One of the review group's recommendations is that local authorities provide no-firework zones and that communities shape them. We will look at taking that recommendation forward.

Margaret Mitchell (Central Scotland) (Con): One of the review group's recommendations is to further restrict the days and times when fireworks can be set off. Can the minister confirm whether the working group gave any thought to how those restrictions would be enforced?

Ash Denham: The member is correct in saying that that was one of the recommendations that was put forward by the review group. The point applies more generally, but that report has come to me only in the past few days, as the member will accept. I have tasked my officials immediately with looking into how we might practically take those recommendations forward, but I am afraid

that I am not able to give the member any more detail at this point as to what that might look like.

Annabelle Ewing (Cowdenbeath) (SNP): As the MSP for the Cowdenbeath constituency, I am well aware of the huge distress that is caused to domestic pets, livestock and wildlife in my constituency. Therefore, I welcome the review group's report.

Can the minister advise what role silent or lower-noise fireworks such as those that are used in parts of Italy could play in the future in Scotland?

Ash Denham: The member raises an excellent point. The House of Commons Petitions Committee has recommended that the United Kingdom Government lead a review of the effects of firework noise on animal welfare, working with animal welfare experts and the fireworks industry with a view to setting a maximum decibel limit, which would diminish the risks to animal health. The UK Government has responded to that and has commissioned a programme of firework testing to determine the average decibel level for common types of retail fireworks. I am going to follow that work very carefully and see whether there is any learning that can be applied in Scotland.

Pauline McNeill (Glasgow) (Lab): I am advised that the Scottish riot police are already on standby for Thursday. Given the huge support—it is something like 87 per cent—for a complete ban on fireworks, does the minister consider that the new proposals might simply delay the inevitable: that further restrictions, unless they are enforced vigorously, might fail, and that further public support for a ban on private use may be inevitable?

Ash Denham: The review group did not look at completely banning the sale of fireworks. I asked it not to look at that because we, in Scotland, are not able to do that. It did not seem to be an appropriate use of the group's time to look at things that we are not able to do.

I have spoken to the police extensively. I spoke to the gold commanders a couple of weeks ago about the planning and so on for bonfire evening. I also spoke to Police Scotland and the Scottish Fire and Rescue Service this morning about what happened over the weekend. Obviously, we know that there are often fireworks on both weekends around bonfire night, and not just on bonfire night itself. The police will use an appropriate level of response. They have local response available, and they can pull in specialist public order resources, which they will use only when absolutely necessary.

Andy Wightman (Lothian) (Green): I thank the minister for advance sight of her statement and

welcome the publication of the review into this explosive issue.

I have three questions. First, in respect of recommendation 2, on mandatory conditions on consumers, can the minister confirm whether such conditions can be made binding for online sales, of which a lot are happening? Secondly, can she confirm that when ordinary workers are required to enforce any new restrictions, they will have the full protection of the law, which is a point that she raised during consideration of Daniel Johnson's Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Bill? Finally, as many fireworks continue to be set off in public places, can the minister inform me how many prosecutions there have been under section 80 of the Explosives Act 1875?

Ash Denham: On the member's final point, I no doubt have the information in my briefing, but I will probably not be able to locate it in time to answer his question. I will write to update him on that, if that is acceptable.

On mandatory conditions at the point of sale, we cannot expect to completely eradicate instances where those who are intent on misusing fireworks go on to do so, but that recommendation has the important potential to bring in additional safety checks and balances in order to make it harder for fireworks to fall into the wrong hands and ensure that all safety measures are fully understood and followed by everyone who is planning to use fireworks. I am having my officials look at online sales very closely. It is an important issue that the member is right to raise.

The Deputy Presiding Officer: The minister was too quick; she caught me unawares.

Liam McArthur (Orkney Islands) (LD): I thank the minister for early sight of her statement, and Alasdair Hay and his colleagues for their work on the review. Having last year raised the issue of giving local authorities and communities more control in this area, I welcome the commitment from the minister. Could she advise Parliament whether she anticipates a higher level of disturbance as a result of fireworks being set off in back gardens by those who otherwise would have attended public events?

The Deputy Presiding Officer: Did you catch all that, minister?

Ash Denham: I think that I did, and I think that the question is quite similar to one that I have answered already.

I agree with the member. We know that public displays are the safest place for people to enjoy bonfire evening. Obviously, that will not be possible this year because of the Covid regulations, and there is a possibility that many

people, who perhaps have never done so before, will consider having a fireworks party in their garden. I advise those who have not done that before to go to the SFRS website, where there is guidance on how to enjoy fireworks safely. People should make sure that they follow the operating instructions so that everyone can have a safe and enjoyable bonfire evening.

Fulton MacGregor (Coatbridge and Chryston) (SNP): As the minister said in her statement, although the group's recommendations are "an important milestone", the sort of cultural shift that will change our relationship with fireworks "will not happen overnight" but will require sustained work. How will the Scottish Government's awareness-raising and safety campaigns feed into that?

Ash Denham: I recognise that legislation in and of itself is not going to be enough to tackle all the issues around fireworks misuse. That is why the action plan that I came to Parliament to talk about this time last year set out additional actions. They include awareness raising, education and preventative activity across communities in Scotland. Even with the presence of Covid this year, preventative activity has been on-going in all our communities.

In advance of bonfire night, the three campaigns have been running over the past few weeks to ensure that people understand what is and is not allowed. I hope that a number of people across Scotland have seen the campaigns, which make people aware of what they are allowed to do and how to use fireworks safely and responsibly.

Maurice Corry (West Scotland) (Con): The minutes of the 13 August meeting of the fireworks review group note that activities to prevent antisocial behaviour on fireworks night had not been able to be progressed "due to Covid-19 restrictions". Does the minister anticipate more antisocial behaviour as a result?

Ash Denham: I am not sure that I would agree with that. From the information that I have seen, a vast amount of preventative activity has been on-going. In Edinburgh, for example, families that had previously been involved in antisocial behaviour—

The Deputy Presiding Officer: Excuse me, minister. Please speak into your microphone.

Ash Denham: Of course. Those families were either visited or given a handwritten letter. The SFRS and the police have been to primary and secondary schools—if they have not been able to do that physically, they have done so virtually, so they have still been able to get the message across. There have also been leaflet drops and awareness-raising campaigns, which have been targeted specifically at hot-spot areas where we know that the message needs to be taken forward.

I am quite confident that the preventative activity that we have seen in previous years has been carried out this year, despite Covid.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I declare an interest as the convener of the cross-party group on animal welfare and refer to my motion, "Bonfire Fright", which highlights the impact of fireworks on animals.

I note that the review group's recommendation 4 is to restrict the use of fireworks to certain days and times, thus giving advance notification to those who have animals. Has the minister settled on which days and which times?

Ash Denham: That is an important question, as we know that fireworks can cause a lot of distress to animals. The ultimate responsibility for the welfare of an animal rests with the animal's keeper, but many will take steps to protect their animals from that distress. Recommendations that seek to limit the times that fireworks can be set off could obviously provide an opportunity to minimise that distress. I advise the member that the shape of that approach has not yet been fully determined. As I said in answer to a previous question, I have tasked my officials with looking at all the recommendations immediately to see exactly how they will be taken forward.

Mark Griffin (Central Scotland) (Lab): I welcome the recommendations from the fireworks review group, and am particularly interested in the no firework zone recommendation. If the recommendation is taken forward, does the minister feel that it would be more appropriate for such zones to be enforced by Police Scotland, or should that be done by local authorities?

Ash Denham: From the conversations that I have had with the fireworks review group, I sense that there is a strong appetite among local communities to have that level of control and input into what happens in their area. Again, I cannot say exactly what that will look like when it goes forward, but giving that power to local areas so that they are able to make those decisions looks like the kind of thing that it would be good to do. They are more likely to know what is appropriate for their area.

Shona Robison (Dundee City East) (SNP): I, too, welcome the work of the fireworks review group in getting to this point. In taking forward the detail, will the minister undertake to consult further those who are most impacted by fireworks nuisance on how best to implement some of the recommendations, so that we can get them right for those who are most affected?

Ash Denham: Yes, I give the member that assurance. We will certainly interact with those who have suffered through the misuse of

fireworks. Several community organisations were represented on the review group, and they gave their input to the recommendations all the way through, so the community voice has already been represented in the recommendations.

Winter Preparedness in Social Care

The Deputy Presiding Officer (Lewis Macdonald): The next item of business is a statement by Jeane Freeman, on winter preparedness in social care. The cabinet secretary will take questions at the end of her statement, so there should be no interventions or interruptions.

16:02

The Cabinet Secretary for Health and Sport (Jeane Freeman): Every winter, our social care and health systems face significant pressures from seasonal flu and norovirus, but this year the Covid-19 pandemic magnifies those challenges as never before.

Last week, I set out how we will support our national health service to respond, and today I am publishing the interrelated plan for adult social care. Delivery of that will be backed by £112 million of additional investment to support the sector in providing care to some of the most vulnerable members of our communities.

Approximately 245,000 people in Scotland receive social care and support; that is one in 20 of the population. Of those, approximately 60,000 people are receiving home care at any one point in time.

People who use social care support in residential and community settings and in their own homes have felt the significant impact of Covid-19 this year. Many of them have lost their lives to the virus and many have become seriously ill. I again express my heartfelt condolences to all those who have been affected and to their families and their loved ones.

That impact has also been felt by the staff and the unpaid carers who provide care and support. Some of them have also lost their lives and some have become seriously ill, with long-lasting effects. I express my condolences to their families and loved ones, and my sincere gratitude to them.

The plan that was published today is supported by the evidence paper and the independent care home review that I commissioned using root cause analysis methodology. Both of those, together with the independent report from Public Health Scotland, the University of Glasgow and the University of Edinburgh, and the Care Inspectorate's care-at-home inquiry, have informed the thinking and conclusions of the plan. The winter preparedness plan that is being published today supports safe care and protection by continuing the effective measures that are already in place and by applying learning from those published reports and from our direct

experience and that of our partners to additional measures that we will introduce and require.

The plan is centred on four key principles: learning from evidence to protect people from the direct impact of Covid-19 and winter viruses; ensuring that people can benefit from good physical and mental health and wellbeing through the provision of high-quality integrated health and care services; supporting the social care workforce to deliver safe support and care and their own positive mental health and wellbeing; and collaborative working to both plan and deliver high-quality care.

The adult social care sector brings together organisations, providers and people from across the health and social care sectors from private, public and independent providers. The plan has been produced with their engagement and input, and I am pleased to say that it has the support of the Convention of Scottish Local Authorities, our key partner. I want to thank local government colleagues and others from across that wide sector for their constructive, pragmatic and positive approach.

The role of local government and health and social care partnerships in direct delivery and in commissioning from the third and independent sectors is critical to successful delivery. The NHS, health and social care partnerships and local authorities need to be able to take the lead in ensuring the successful delivery of the plan at a local level. We have set out shared values of communication, cohesion and collaboration, nationally and locally, and those must be in place and enacted if we are to have the positive impact that is needed on the lives and wellbeing of every adult who needs social care support.

I want now to set out briefly some of the key steps that are detailed in the plan against those principles. Of people receiving social care services or support, 77 per cent are aged 65 or over, and 90 per cent of people living in a care home are over 65 with one in two of that number aged over 85. We have already made significant progress with effective infection prevention and control, which protects not only against Covid-19 but against all winter viruses. However, we need not only to maintain that but to strengthen it, as the evidence tells us. We will issue new clinical guidance for care homes and community care through the clinical and professional advisory group, supported by an additional £7 million, to support increased infection prevention and control nursing support and training for social care providers.

All care homes are vulnerable to Covid-19 outbreaks, so our focus has to be threefold: preventing the virus from entering the home, early identification of cases and prevention of

transmission. For older people in the population, we now understand that there are a broader range of Covid-19 symptoms, so we are asking providers to introduce a new daily review of Covid symptoms in care home residents and staff. To support that, the clinical and professional advisory group will provide and issue a checklist of those broader Covid symptoms and we will look to provide support to staff so that they can confidently undertake that daily review.

Minimising staff movement within and between care settings is also critical to reducing the risk of transmission. The evidence is clear that reducing the number of people in close contact reduces the risk, but we need to do that in a way that does not negatively impact on individual members of this vital workforce. Therefore, to support the sector to implement necessary limitations and restrictions on staff movement, we will make funding of up to £50 million available. We need to work together across the social care sector to deliver that, working through the practical steps that are needed and ensuring that our trade union colleagues are fully engaged with us in that work.

Public Health Scotland's analysis of discharges from hospital to care homes reinforces the requirement that hospital discharge to home or to a care home is as safe as possible, so the current national testing requirements for people coming into hospital, and being discharged from it, remain and must be followed. Ensuring that that is the case is a responsibility that rests with boards, HSCP partnerships and providers, but also with Government.

Securing the physical and mental wellbeing of care home residents is critical, and I know only too well the impact that the early phase of the pandemic has had on many. Reintroducing health and care services for residents is vital. To do that as safely as possible, it is important to introduce testing for the professionals who are involved, and that will be implemented in the coming weeks.

We will continue to review visiting guidance. My aim is to maximise the quality time that families can safely spend together. We will apply additional protection through the introduction of testing for designated care home visitors and work to secure more localised, evidence-informed decisions that take into account the new strategic framework protection level arrangements, community prevalence, outbreaks and care home circumstances. We will increase our available wraparound care and continue to support social, community and primary care teams to work alongside each other.

Today, we are making up to £50 million available for the staff support fund and for sustainability payments for the sector this winter. We are committed to working with COSLA and

wider partners immediately to support the development of effective and timely allocation mechanisms for those funds. I will say more about that in a moment.

There can be no doubt about the scale of the challenge that the adult social care sector has faced. At the forefront of that and in many ways bearing the brunt of it have been its professional, compassionate and skilled workforce. We owe them our thanks and the support that they need.

We will continue to improve weekly testing for care home staff by completing the transition of the programme to our NHS labs, which will build in greater certainty of fast turnaround times. That reduces the Covid risk to staff, their families and those they care for. We will prioritise testing for care-at-home staff, with the recognition that that might be phased in as capacity allows and targeted in the first instance at those who work in areas of high prevalence.

Testing is important, but infection prevention and control also critically requires the provision of PPE to the right standard and as set out in the guidance. The Government will meet the additional costs that health and social care partnerships and providers incur for PPE and will support the provision of and access to PPE for staff, visitors and—when necessary—care recipients over the winter period.

In May, we introduced increased collaboration and oversight across partners, which involves multidisciplinary enhanced oversight arrangements to support the delivery of adult social care during the pandemic. Those arrangements remain vital to supporting safety and improvements in care, and they will continue.

We have introduced the safety huddle tool for care homes, which 100 per cent of care homes have now signed up to. That provides care homes and local partners with the real-time information that they need to manage risk effectively, prevent issues from arising and seek support when they need it. In the coming months, we will look to expand that.

In the coming weeks, we will work with Scottish Care and the Coalition of Care and Support Providers in Scotland to identify opportunities to engage with providers on the plan.

Continuing to support technology and digital improvements is important. We have provided tablets to care homes and we now commit a further £500,000 to digital support, which will ensure that all care homes have access to digital devices, connectivity and support.

All that work and more requires our commitment, collaboration and—most of all—the skill and professionalism of staff, but it also

requires money. I have agreed with COSLA that, for the month of November, we will continue the sustainability funding for social care at the level that was set for October. Over this month, we will work with COSLA and other partners to take a more targeted approach to sustainability funding to ensure that people get the support that they need, that organisations that need support can access it quickly, that services can be sustained and that value for money is secured. During November, with COSLA, we will engage intensively with commissioners and providers to ensure a smooth transition and clarity about financial support until March 2021.

This is the first national winter plan for the adult social care sector. Like all plans, it is not set in concrete and will have to adapt as circumstances change and new pressures and demands arise. That is all the more certain as we deliver on its requirements in the middle of a pandemic. However, the principles that it rests on will remain. The plan is built on partnership, and it can be delivered only in partnership, with collaboration, clear leadership, investment and pragmatism.

Our challenges are many, but our advantages are all that we have already learned, the developing and deepening evidence that informs our decisions, the relationships and leadership that we have at local level across the country and nationally, and—most of all—the skill, care and dedication of all who work in adult social care. I commend the plan and its supporting papers to members.

The Deputy Presiding Officer: The cabinet secretary will now take questions on the issues raised in her statement. I intend to allow about 20 minutes for questions, after which we will move on to the next item of business.

Donald Cameron (Highlands and Islands) (Con): I thank the cabinet secretary for prior sight of her statement. I acknowledge and thank all our social care staff for their work in supporting some of the most vulnerable people in society throughout the pandemic. As we move into winter, we know that care settings are at risk from both Covid-19 and flu.

The cabinet secretary mentioned visiting guidance in her statement, and I wish to address that specifically. Earlier today, I participated in a call with relatives of people in care homes. Some of their stories were truly heartbreaking, in that they still did not have adequate contact. While we, of course, recognise the clear need to protect care home residents and staff from the virus, we must consider safe ways to reunite families with their loved ones. Given that winter makes all this even more complicated, I have three specific questions. Has the Government considered whether the designated visitor could be changed, so that more

family members can see relatives in care settings at different times? Has the Government considered whether there could be a separate Covid-19-secure space in care homes, where visits could take place? Does the cabinet secretary recognise that there is a worrying lack of uniformity, given that care homes across Scotland are interpreting the rules differently?

Jeane Freeman: I am grateful to Mr Cameron for those really important questions. I have met some care home relatives and am due to meet them again this week, I believe. I have heard some very distressing stories. I completely agree on the importance of finding a better way to balance safety with the necessary connections between many care home residents and family, loved ones and friends, noting the support that that brings. That often involves nutrition, or it can be support for those suffering from dementia, and it can absolutely help to address loneliness and isolation.

In answer to Mr Cameron's specific questions, yes: we have considered and are considering whether the designated visitor might not always be the one person. In the normal course of things, if my mum was still with us and I was a designated visitor for her, I would not necessarily always be able to go every time, so I would want someone else to be able to go, too—a sibling or whoever it might be. We have that in place, with a designated visitor and back-up, although we probably need to be clearer about that.

A Covid-19-secure space is an excellent idea. Often, that is the individual's own room. The new guidance on designated visitors—with visiting times of up to four hours and so on—includes touch. People should not be chaperoned, and there should be personal protective equipment. The additional testing will assist with that, too. Those arrangements should allow for the holding of hands, the kiss on the cheek or whatever.

It is not always possible in all care homes to have a designated Covid-secure space, other than the individual's own room, so the arrangements have to be flexible enough to be applied in different care home settings, depending on the physical infrastructure that they have. Together with care home providers and Scottish Care, we are considering having a Covid-responsible officer to act as a link, which would help care homes to begin to implement some of those arrangements in a pragmatic way that gives their staff confidence that they are meeting what we need while being flexible enough.

That takes me to Mr Cameron's last question, on lack of uniformity. There is a real lack of uniformity across the sector. As members know, services are provided by the public sector, the private sector and the independent sector. On

balance, there is an understandable hesitancy on the part of many providers to take what they believe might be an additional risk. That is why we need to help them much more to understand how to assess risk, apply all those measures, and get a better balance, so that they feel confident that they will not be got at, or blamed, if they have a case of Covid. It is a really vicious virus—it sneaks in everywhere. Therefore, we have to put in place as many support measures as possible.

There are discussions to be had with our directors of public health, who have a key role in helping care home providers to assess the level of risk in the surrounding community, because that plays into the amount of risk that can be taken, and what additional measures need to be in place, in an individual care home in a particular location.

There is a lot to do with regard to the detail behind the plan, but those questions are important.

Monica Lennon (Central Scotland) (Lab): Scottish Labour called for a winter plan, so we welcome its publication and will review all the documents carefully. We have shown that we can work with the Scottish Government to achieve the right practical support and outcomes for people, such as the staff support funds, which I hope will continue to make a difference to front-line workers, to whom we are all grateful.

I am afraid that the Government is not yet in the right place on the issue of contact between residents and their family caregiver, and I think that families will be disappointed today. I welcome the practical points that Donald Cameron made—I am sure that others will make similar points—but people do not have time to wait. The cabinet secretary will be aware that a judge has ruled that care home residents in England are legally allowed visitors, and families are now having to think about taking legal action. We do not want that to be the case in Scotland, so I appeal to the cabinet secretary to work with us all on the issue.

It is not acceptable to have blanket bans in some parts of the country, which is the case right now. There are people in care homes who have not seen a member of their family or a close friend for several months. I therefore ask the cabinet secretary to work with us all so that we can get it right, and no one has to endure this winter on their own.

Jeane Freeman: I am grateful to Monica Lennon for her comments and questions. I will make two points.

I know that the documents that were published today are detailed, but they are really important. I hope that members will take the opportunity to read them, and when they do, I will be happy to continue our meeting of Opposition health

spokespeople to consider some of the detail, and bring some of the clinical advice and support to that discussion. I am happy to convene that meeting as soon as our diaries allow, in order to discuss exactly what Monica Lennon has asked for—that we work across the chamber to consider what more we can do to ensure that families and their loved ones in care homes can spend quality time together more frequently and for longer.

I cannot make care home providers do whatever I would like them to do, and I know that Monica Lennon understands that, but I want to make sure that we do not have blanket bans. That is why, in my statement, I talked about more localised decision making, so that it is not necessarily the case that, because a local authority is at level 3, for example, all care home or hospital visiting is automatically banned. If a local authority is at level 3, it is a risky area and we need to recognise that. However, we also need to consider whether the additional protective measures that I have announced, including testing for visitors and for visiting health and social care professionals, the PPE and all the other support will help providers to feel more confident about managing the risk, and directors of public health to feel more confident about giving tailored guidance to individual care homes.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I welcome the winter preparedness plan. I refer to the focus on the movement of staff between care settings as “critical to reducing the risk of transmission.”

In home settings and care homes in rural areas such as my constituency, such movement will be difficult to reduce. Will guidance take account of rurality, and will funding be available to reduce what is currently necessary travel, or for suitably robust PPE when travel between care settings in rural areas is unavoidable?

Jeane Freeman: That question is really important. As an MSP for a largely rural area myself, I completely understand the points that Christine Grahame is making.

Care-at-home staff are a particularly important group. That is why I am very anxious that, as soon as we can put it in place—in the coming weeks; not this time next year or at some time in the new year—we introduce testing for care-at-home staff, as a protective measure for them and those for whom they care, given that they will see more than one individual in any working session.

I am also keen that we make sure that there is no repetition of some of the difficulties of the first phase of the pandemic, in which care-at-home staff were given inadequate PPE supplies for the number of people for whom they were caring. With

our health and social care partnerships, we will try to ensure that that is not repeated.

My commitment to provide PPE continues for the care home and the care-at-home sectors. The distribution routes remain, and all that has been made to work well continues. We will continue to discuss with the trade unions, and with COSLA, making sure that the guidance on the right PPE in those circumstances is well understood and implemented and that individual care-at-home providers have all the PPE that they need—I would prefer it if that was for the week, as opposed to being for individual shifts.

Alison Johnstone (Lothian) (Green): An essential part of preparing the social care system for winter will be ensuring that a robust testing scheme is in place for front-line staff. I am concerned that, although routine testing is taking place, Health Protection Scotland's guidance states that staff who have previously tested positive for Covid are exempt from being re-tested, during those weekly cycles, for 90 days from the initial onset of their illness.

Given that we know so little about Covid-19 reinfection and that there has been at least one documented case of an individual being reinfected after 48 days, does the cabinet secretary believe that it is safe to exempt staff from routine testing for 90 days?

Jeane Freeman: I am grateful for that important question. I am not clinically qualified, in any respect, to say whether it is safe, but I am very happy to ask HPS to review, and to continue to review, the guidance, in the light of emerging evidence. That is a constant exercise, but it is really important that we do it.

On the question of testing, I will have a detailed discussion this week in order to plan some of those additional areas of testing of individuals who are asymptomatic, as I mentioned in my statement—such as designated visitors, visiting health and care professionals, and care-at-home staff—into the scaling up of our testing capacity. I will be happy to return with a further statement on testing as a whole—and, of course, to discuss it with my colleagues in the Opposition parties—so that members can debate that.

Alex Cole-Hamilton (Edinburgh Western) (LD): Further to Donald Cameron's questions, families still need closure after a devastating first wave, and many more will be wondering what this winter holds for the safety of their loved ones. After nine months of their not being able to have physical contact with their families and caregivers, the relaxation of visits for family carers is very welcome. However, I press the cabinet secretary on Donald Cameron's question, about the fact that many care homes are still nervous of complying

with those relaxations—sometimes for insurance reasons. What further measures can the cabinet secretary bring forward to ensure that, this Christmas, those residents are not deprived of physical contact with the people whom they love, and will care homes be part of the Scottish Government's agenda as it prepares for the United Kingdom's four-nations summit about Christmas?

Jeane Freeman: The answer to the last part of Alex Cole-Hamilton's question is yes. Care homes, care at home and adult social care—which goes much wider than elderly citizens, as it includes a range of residential settings, including supported accommodation and housing—will all be part of what we take into that summit, and I hope that we can have a productive four-nations discussion.

I completely understand the situation—as best I can—about care home relatives. I have met the care home relatives group, and I will continue to have discussions about what more we can do in addition to improving the visiting guidance and testing designated visitors, which I covered in my statement. What more can we do?

I have regular conversations with Donald Macaskill from Scottish Care and, of course, with colleagues from the Convention of Scottish Local Authorities about how care home providers are feeling and what they need. Not so long ago, I had a long conversation with the owner of the Balhousie Care Group and others, and I will continue to have such conversations.

I said in my statement that we need to have detailed discussions with Scottish Care and the CCPS, which represent the majority of providers, about how we can help to reduce the movement of staff between shifts and care homes and between care homes and other settings. We need to consider how we can help care home providers to feel more confident in applying the visiting guidance. We also need to have discussions with the directors of public health, so that we get closer to providing tailored guidance for individual care homes. That is what I meant when I talked about local decision making.

The Deputy Presiding Officer: I encourage sharply focused questions and answers.

Kenneth Gibson (Cunninghame North) (SNP): I warmly welcome the cabinet secretary's statement. I should say that my mother is resident in a care home.

We have heard similar themes from Donald Cameron, Christine Grahame and Alex Cole-Hamilton. Most members are looking for consistency to be delivered, wherever possible, in what we can do for people who are in care homes and for those who are being cared for at home, regardless of where they are in Scotland. The cabinet secretary has been very good at

emphasising her determination on that front, but I hope that she can say a wee bit more about that. We want to have consistency across the country.

Jeane Freeman: The point about consistency is really important. I know that Mr Gibson appreciates fully the restrictions on my ability to secure consistency across the piece. The importance of COSLA, Scottish Care, the CCPS and our health and social care partnerships as key partners is critical, because those partners include the commissioners and providers of much of the care. Through the months of this year, we have developed much better working and practically focused relationships with all those groups.

We will continue that work in order to look at what we can do, in real time, to address inconsistencies and to consider how commissioners, as well as providers, can work together to give us greater consistency in the work that is undertaken, visits and all the protective measures. Our job is then to ensure that primary care wraps around that really well, that we provide the PPE, testing and support for the staff who are delivering the care and that I listen all the time, not only to members across the chamber who raise issues but to families and others—particularly trade unions—who raise issues directly with me. We will keep that approach going right until the end of this parliamentary session.

Brian Whittle (South Scotland) (Con): A consistent theme is running through a lot of the questions today. A constituent emailed me today to highlight that the care home that his father is in offers five half-hour appointments a day for visiting, which is a total of 35 visits a week for 47 residents.

I have pushed the cabinet secretary on this point previously, but does the Care Inspectorate have enough significant influence in private and council-run care homes? It can surely encourage a better visiting regime in indoor, Covid-safe environments. Can the cabinet secretary offer any funding to help care homes to establish such environments?

Jeane Freeman: I am glad that Mr Whittle mentioned the Care Inspectorate, because it is a really important part of all this. The Care Inspectorate's in-service inspections—in other words, when it undertakes inspections when inspectors are in the home—are now undertaken in consultation with, or directly alongside, Health Protection Scotland, so the infection prevention and control runs right through the inspections that are undertaken.

In doing that, the Care Inspectorate discusses the wellbeing of residents with care home providers. That is about not just protecting residents from infection but allowing, within the

guidance, health and care services to come into the care home and provide care. It also relates to family visiting and so on. The Care Inspectorate is, and will continue to be, a key partner.

I repeat, though, that the only way that we can get consistency is if we can secure effective working between local government, the Scottish Government, commissioners and providers, and if we give providers the support that they need to deliver the kind of environment and safety that we require both for residents in care homes and for those who are receiving care at home.

Alex Neil (Airdrie and Shotts) (SNP): I congratulate the cabinet secretary on the first ever adult social care plan for winter and welcome, in particular, the additional resources that are being made available.

As the cabinet secretary said, 77 per cent of people requiring social care in care homes in Scotland are over 65 and about half are over 85. That is precisely the age group that, if they catch Covid, are more susceptible to ending up in hospital, in an intensive care unit. Will the cabinet secretary ask her advisory group to look at trials going on in Edinburgh and Liverpool on early interventions that might prevent that age group catching Covid and therefore reduce the hospitalisation rate for Covid among it?

Jeane Freeman: I am grateful to Mr Neil for that really important point. I am happy to ask the advisory group to do precisely that and will ensure that he and other members are fully aware of the response that I receive.

I have a couple of additional points, the first of which is the growing understanding of the range of symptoms with which older people present. We talk about the persistent dry cough and the loss of a sense of taste or smell, but for older people there are other symptoms that indicate that they might have the virus, which would trigger a test. The issue of widening our understanding of symptoms was a central part of my statement.

The second point concerns the roll-out of a service that I know Mr Neil is familiar with and very much supports, which is hospital at home. Hospital at home is not just at home but in a homely setting. NHS Lanarkshire has done fantastic work on that; it has been globally recognised for its effectiveness in providing hospital-level care in a person's own home or a homely setting. The roll-out of that will be critical in supporting our elderly residents, wherever they are living.

Sarah Boyack (Lothian) (Lab): Many of the findings in the recent inspection reports from the Care Inspectorate are concerning, with a high proportion of firms having received letters of serious concern or improvement notices, or having been graded weak. How confident can we be that

those homes will be equipped to care and will act to protect residents throughout winter and the second wave?

Jeane Freeman: That is another really important question. I completely agree with Ms Boyack that many of the Care Inspectorate's reports are of concern. I meet the Care Inspectorate every two weeks and we discuss what it has found in individual care homes and on its return visits to those homes. In between, my officials are engaged in detailed discussions about how well the NHS is stepping forward to help those homes. Whatever the issue is—a staffing issue, an issue of understanding infection prevention and control and good practice, an issue of cleanliness or an issue of PPE—how well is the local NHS stepping forward to help? How close is the health and social care partnership to working with that home? In some instances, if the home is part of a group, the Care Inspectorate deals directly with the most senior level of management of that group.

In my discussions with the Care Inspectorate, we always ask, “If nothing changes in the next week, what are we going to do about it?”

There has been one instance so far of the NHS acquiring the care home to ensure that it can run properly and to the standard that protects the residents and gives them a quality of life; that was Home Farm care home in Skye. In another instance, the health and social care partnership ended its contract with a particular care home, because it was not getting the level of response from the provider that was needed, and worked with families and residents so that people could be moved to an alternative care home that they were happy with and confident in.

We are very focused on helping care homes to improve so that they meet what we need them to do, but we will not give them forever for that happen and will act if they do not come into line as quickly as we need them to.

Ruth Maguire (Cunninghame South) (SNP): The Public Health Scotland report that was published last week highlighted the issue of care home size in relation to the spread of infection. How will the winter plan help to minimise staff movement in and between care settings to reduce the risk of transmission?

Jeane Freeman: The question of care home size was highlighted in that report; it is also in our evidence paper and has been in other papers on emerging areas, including by the Care Inspectorate. It is not a straightforward question to answer because a care home is the size that a care home is. We are about to enter discussions with providers of the larger homes about what they need to do to cohort their staff—sometimes those

care homes are on two floors—so that there are bubbles of staff that do not move between one floor and another and, as we do in hospital, cohort individuals who are Covid-positive when there is an outbreak so that the mix is minimised between those residents who have the virus and those who do not, in order to provide clinical care and protection where it is needed.

Inevitably, that will produce an additional financial requirement, and that is part of the additional £112 million that I spoke about my statement; that is additional to the additional £150 million that I previously announced, so we are looking at £262 million in addition to what was already in the Scottish budget for social care. We need to work through with the care home providers of the larger homes exactly what they need to do and how we can assist them to address the concern about the size of care homes and the movement of staff between them.

Annie Wells (Glasgow) (Con): The cabinet secretary touched on how vital for mental wellbeing it is to ensure that families can spend as much quality time as safely as possible with their loved ones. Could she expand on what additional protection will be in place in relation to testing care home visitors?

Jeane Freeman: We will introduce regular testing of all care home visitors. We are looking at whether that will be through the polymerase chain reaction testing route or a quicker testing route, and at the logistics of how we do that, care home by care home. My preference is that we do it in such a way that it is the NHS labs that process the results alongside care home staff tests.

In relation to designated visitors and lengthier visits—those visits that open up the opportunity for touch and closer care by, in effect, caregivers in the family—and what PPE requirements will be needed, our national PPE procurement service is geared up to increase the PPE that we already provide to make sure that care homes have all the PPE they need, not only for their own staff but for those visitors, so that we can make it as protective as possible. I know for sure that those families who want that level of visiting will be dedicated and thorough in all the steps that we ask them to take to protect their loved ones; I have absolutely no doubt about that at all.

George Adam (Paisley) (SNP): Can the cabinet secretary explain what further steps have been taken through the winter social care plan to enhance infection prevention and control in the care sector?

Jeane Freeman: There are a number of steps. Obviously, the testing that I have talked about in care homes for additional groups of people who are not symptomatic, as well as care-at-home

staff, is part of that. PPE is a central part of that; not only ensuring that the distribution and ordering routes continue to function well, but that people get the right PPE for their circumstances. There is continuing work to enhance infection prevention and control, so that care home and care-at-home staff feel that they have all the training and support that they need in order to know what to do, including the putting on and taking off of PPE, which is a critical element of infection prevention and control. Our Care Inspectorate, with its unannounced and planned visits—around the care home sector in particular—has a critical role to play in ensuring that infection prevention and control is of the highest possible standard. Our wraparound primary care and the involvement of our partnerships and directors of public health are also there, led by our nurse directors, to ensure that everyone has not only the kit that they need, but the training and support that they need to use it to the best effect.

Neil Findlay (Lothian) (Lab): Despite the Government's announcements, for many families, when it comes to visiting, not a lot has changed and, eight months down the line, care-at-home staff are still not being tested. I have been contacted by people who have lost their jobs and have moved into that sector—or want to move into it—who cannot believe that they do not have routine testing, so it is putting people off joining. Many staff members in the NHS deal with patients every day and have Covid in their ward but are still untested. Cabinet secretary, that is not good enough. Those people are on the front line; they are the most key workers that we have, yet we are still not routinely testing them.

Jeane Freeman: I do not disagree with Mr Findlay that it is critical that we test those individuals. As I said in my statement and in answer to a number of questions, we will introduce testing for care-at-home staff. As I also said, in answer to another question, the detailed planning for that testing will be taken further in a discussion tomorrow. As soon as I have details, dates and logistics of all the additional testing that I have described, I am happy to come back to the chamber and make another statement on testing and the roll-out of additional asymptomatic testing, so that members can scrutinise and question that. In advance, of course, I will brief our Opposition colleagues.

There is testing of some NHS staff and work is currently under way by the clinical advisory group on what additional testing we should introduce for NHS staff and in what settings. That might include emergency departments and other settings but, at the moment, it is there in oncology, as well as in long-term care of the elderly and of psychiatric patients. The clinical advisers identified that we should start in those areas, but work is already

under way to look at further testing that we should introduce for NHS staff, including NHS staff in primary care, as well as district and community nursing and community hospitals. The logistics of planning all that have to be matched against the scale-up of our NHS capacity, as well as what we can secure from the UK Government's Lighthouse lab.

The Deputy Presiding Officer: That concludes questions on the statement on winter preparedness in social care. I remind members to observe the social distancing measures that are in place across the Holyrood campus when leaving or entering the chamber.

Arts Funding

The Deputy Presiding Officer (Lewis Macdonald): The next item of business is a Culture, Tourism, Europe and External Affairs Committee debate on motion S5M-23194, in the name of John McAlpine, on arts funding. I call Joan McAlpine to speak to and move the motion on behalf of the committee.

16:49

Joan McAlpine (South Scotland) (SNP): Excuse me, Presiding Officer, can I be heard? Hello?

The Deputy Presiding Officer: Yes, you can be heard. Please carry on.

Joan McAlpine: Okay—thank you.

I welcome the opportunity to debate the Culture, Tourism, Europe and External Affairs Committee's report "Putting Artists In The Picture: A Sustainable Arts Funding System For Scotland". The committee's report was published in December last year, but due to the impact of the pandemic, it has not been possible to debate it until today.

I thank the clerks to the committee for their hard work, the committee members, some of whom have now moved on, and all the witnesses who took the trouble to provide written and oral evidence—in particular, the freelancers who did so in their own time. I also thank Fire Station Creative in Dunfermline and Ayr College, which hosted two useful fact-finding trips, and Andrew Ormston of Drew Wylie Ltd, whom we commissioned to conduct comparative international research that helped to inform our thinking.

The culture sector has been severely affected by the pandemic, and the future is uncertain for many individuals and organisations. That is relevant to our report, even though the report was concluded last December. For example, DG Unlimited—Dumfries and Galloway Chamber of the Arts—which is based in my South Scotland region, wrote to the committee recently reflecting the views of many in saying that

"The impact of COVID-19 on the cultural and creative industries will be long-term. The principle of an 'elastic economy' does not apply and the sector will not bounce back overnight once the 'new normal' has been established."

The committee's inquiry was the first committee inquiry to scrutinise overall funding of the arts since the Scottish Parliament was re-established. The committee launched the inquiry with the aim of investigating how Scotland could strengthen funding of the arts. As evidence from the

Traditional Music and Song Association of Scotland put it,

"The budget allocated for public investment in the arts ... is proportionally far below what cultural activity's impact is on the economy and wellbeing of the country."

In March 2019, the committee launched a call for views that focused on two overarching themes: what a sustainable model for arts funding would look like and how that funding should be made available to artists. The scope of the call for evidence was limited to the art forms that are supported by Creative Scotland, excluding television, film and gaming, because screen had already been the subject of a substantial committee inquiry. The committee received 69 responses from a range of individual artists and organisations, and the issues that were highlighted were scrutinised in detail over seven evidence sessions. We spoke with artists at different stages of their careers, with local authority representatives and with people otherwise working in and with the arts.

Our recommendations from that extensive work covered three main areas: investment in Scotland's artists, the current funding landscape and resetting local and national policy alignment. The deputy convener will speak later about the importance of a geographical spread of funding and alignment, and about putting the arts at the centre of policy across portfolios. However, to that end, I welcome the fact that our recommendation that the Parliament should in the next session consider legislating for a culture act, as has been done in the Republic of Ireland, is already part of the Culture Counts manifesto for next year.

I will concentrate on the recommendations that are focused on artists and creative freelancers. One of the committee's main conclusions was that public funding of the arts must ensure that artists are paid fairly. It cannot be right that people who work in administration and management of the arts have secure salaried positions while the creative people on whose shoulders those bureaucracies are built struggle to stay afloat.

The committee recommended that Creative Scotland change how funds are allocated in order to make the processes more artist friendly. Creative Scotland should measure how much of the funding that it awards to an organisation is passed on to artists who are producing artistic work. The Scottish Government should develop a new indicator in the national performance framework to monitor the number of self-employed artists and cultural freelancers who are paid a fair wage.

Neo Productions outlined the challenges that artists face in completing applications. It stated:

“It is not easy (or fair) when you are competing against/being judged at the same level with established organisations that have paid fundraising teams to create their applications.”

The committee recommended considering incorporating peer review in the application processes; having a tiered application process to reduce the burden on applicants who are unlikely to progress to later stages; and the introduction of funding programmes that are aimed at supporting artists and arts organisations at various stages of development. We said that individual artists should never have to compete against network organisations for funding.

The committee also recommended that the Scottish Government take steps to ensure that artists and cultural freelancers are included in feasibility studies on a citizens basic income, so I welcome the inclusion of artists and cultural freelancers in the Scottish Government’s report on the feasibility of citizens basic income pilots, which was published in June this year.

Visual artist Janie Nicoll described the situation that many young people face when choosing a career in the arts. She said:

“artists at all stages of their careers are competing for the same type of funding and it feels as though the fact that some are younger or recently graduated is probably not taken into consideration.”—[*Official Report, Culture, Tourism, Europe and External Affairs Committee*, 6 June 2019; c 12.]

In that regard, the committee made a recommendation that the Scottish Funding Council should ensure that artists in further and higher education be supported to build the business skills that they need in order to build a career.

There was some criticism that all funding is based on projects rather than artists’ track records. We suggested approaches such as use of bursaries and stipends, which are used in other European countries. Other possibilities include doctoral programmes, residencies, mentoring programmes and apprenticeships.

The pandemic has brought home the importance of the arts not only to the cultural economy of our society, but to our society’s wellbeing. There needs to be a cultural recovery, too. I welcome the rapid Creative Scotland and Screen Scotland responses to the pandemic, and their support for individual artists and fair work. For example, they instructed organisations that had already received funding to ensure that freelancers were paid for any cancelled events.

I also welcome the Government’s creative freelancers hardship fund, but it is very clear from the speed of responses to that fund that need is very great indeed. That point is made in the recent submission to the committee by the Scottish Contemporary Art Network—SCAN.

The pandemic has also thrown into perspective our report’s recommendations on cultural venues in the private, public and social enterprise sectors. Indeed, I argue that all the recommendations in the committee’s report are therefore now even more pertinent, and I trust that they will form the basis for consideration of how the cultural recovery can take place.

I move,

That the Parliament notes the findings set out in the Culture, Tourism, Europe and External Affairs Committee’s 5th Report, 2019 (Session 5), *Putting Artists In The Picture: A Sustainable Arts Funding System For Scotland* (SP Paper 647), which was published on 10 December 2019.

The Deputy Presiding Officer: I am sorry that Joan McAlpine could not be seen, but she was definitely heard throughout.

16:58

The Cabinet Secretary for Economy, Fair Work and Culture (Fiona Hyslop): I welcome the opportunity to debate the findings of the Culture, Tourism, Europe and External Affairs Committee’s report on arts funding, and I congratulate the committee on the broad-ranging evidence that it drew together in producing the report. I gave evidence to the committee last November, when I discussed the Scottish Government’s initial thoughts on the important topics that had been raised.

As I said when I responded formally to the committee in April in the face of the early stages of the Covid pandemic, the economic outlook that will frame our ability to plan future arts funding had already changed just a few weeks into the year. More than six months later, as we debate the committee’s report, how we will provide sustainable arts funding has no clearer short-term outlook. We face enormous economic challenges as a result of the impact of the pandemic and the continuing effect of necessary public health restrictions on the arts.

We also have the uncertainties of next year’s public expenditure decisions. The capacity for funding in the short term will not begin to become clearer until after the United Kingdom Government’s one-year spending review, later this month.

My response to the committee pointed to the Government’s culture strategy and the creation of the national partnership for culture as complementing the committee’s report in providing a strong basis for the future. The vision that the strategy sets out, of a Scotland where everyone has the opportunity to experience the transformative potential of culture, is even more relevant now than it was when it was published, shortly before the pandemic began.

Through the culture strategy, we have already established the new national partnership for culture, to keep the national culture conversation going and to provide a voice for the sector. The partnership has created a measuring change sub-group which is now developing recommendations about monitoring and evaluation of the culture strategy. That takes forward one of the committee's recommendations.

The strategy also launched new programmes and initiatives, including an innovative creative residency pilot in schools called arts alive, which focuses on areas of multiple deprivation across Scotland.

Yesterday, I was delighted to launch the creative communities programme and to speak to one of the organisations that will be supported under the new programme, Youth Connections. With our support, its intergenerational work through culture will continue to have a major impact on Greenock's Larkfield community.

The Scottish Government recognises how vital culture is to the future prosperity and wellbeing of people and places across Scotland, which is an important theme in the committee's report. The concept of place, through which people, location and resources combine to create a sense of identity and purpose, is at the heart of addressing the needs and realising the full potential of communities across Scotland.

Tomorrow sees the launch of a national culture collective pilot programme, which will establish a network of creative practitioners, organisations and communities to work together locally and nationally in response to Covid-19. Having listened to Joan McAlpine, I say that the need for the cultural recovery is very much part of that approach.

The committee raised the importance of funding reaching individual artists and creative people. The emergency Covid funding measures that have we put in place since April are already producing valuable lessons. There has been a range of support for self-employed people and freelancers.

Enhanced support for creative freelancers and organisations has been available through Creative Scotland's open fund, boosted by £3.5 million from the Scottish Government. The fund is helping to ensure that the sector across Scotland can continue to respond to the current circumstances.

As a very early response, and with our financial support, Creative Scotland's bridging bursaries for arts and creative and screen were established quickly. From March to May, more than 2,290 awards were made, with a total value of £4.3 million, to people in every local authority area in Scotland. That was direct financial help reaching people who needed it fast. It was also the

beginning of greatly increased engagement between Scotland's arts funding body and the freelance community. I hope that the committee welcomes that.

I pay tribute to Creative Scotland for the speed with which it established and delivered the bursaries and the other funding streams that have been delivered since then. Taking decisions on individual funding awards in the arts world, under intense public scrutiny, is not easy even at the best of times. We should all be grateful to Creative Scotland's staff for how they have responded to the additional demands and expectations that have been placed on them since March.

We know that freelancers and self-employed people in the creative industries have been especially badly hit. The closure of live events, in particular, has reminded us that the arts and the creative industries rely not just on professional artists but on a long supply chain of professionals including production staff, technical staff and management and promotion staff, to name just a few.

We have provided £5 million for creative freelancers across the creative freelancer hardship funding that is operated by Creative Scotland and Screen Scotland. Both the funds are eligible for applications from a wide range of occupations. The funds have been operated in collaboration with sectoral bodies in Scotland, to make sure that the money reaches those who need it. I can announce today that, in response to demand, an additional £3 million will be added to the creative freelancer hardship funding, which will allow support to reach even more people.

I now turn to the overall package of emergency funding that is available for culture and heritage. I have said from the outset that the £97 million that has been made available to Scotland in consequential funding from the UK Government is welcome. Just days before the announcement of the £97 million, the Scottish Government had announced £10 million of support from our existing budgets in order to support performing arts venues, which brought the total package to £107 million.

I know that colleagues will continue to take a close interest in how that £107 million is being spent. I updated the committee on 29 October and that letter has been published on the committee's website, if members wish to see the detail. Today sees 30 independent cinemas and two touring operators that serve communities across Scotland receiving £3.55 million in recovery and resilience funding.

Today also sees the announcement that Amazon Prime has revealed plans for a six-part supernatural thriller to be set on a North Sea oil

rig, which will be made at the First Stage film studio in Leith. [*Interruption.*] I am just closing.

My announcement today of a further £3 million for creative freelancer hardship funding is a good example of a flexible response to demands. I am sure that, as we all recognise, the way that Scotland responds to the impact of the pandemic continues to be fast moving. I will make other announcements as it is practical and sensible to do so.

Culture connects us, reflects us and inspires us, and it must be able to be experienced widely by all. The Parliament, through the committee report, and the Government, through our culture strategy, can firmly say that we place culture at the heart of Scotland.

17:05

Maurice Golden (West Scotland) (Con): Given that the committee's report was published a year ago, the temptation might be to assume that it is no longer valid in the light of the Covid crisis, but that could not be further from the truth, as many of the challenges that the committee identified have been amplified by the crisis. Not least is the precarious situation that is faced by many artists and freelancers—the people who help to shape our vibrant national identity as Scots. The massive scale of the UK Government's rescue package has, thankfully, saved many of those jobs, but there is now a need to secure them for the long term, so I welcome the committee's recommendation of an indicator to monitor payment of the living wage to artists and freelancers. Not only can that help to provide more financial stability for those working in those sectors; it will act, we hope, as an assurance that will help to attract people to those careers in the future.

Venues, too, have faced enormous pressure, with the need for both short and long-term support. Capital Theatres, for example, which owns both the King's Theatre in Glasgow and the Festival Theatre in Edinburgh, is facing a shortfall of almost £2 million as soon as March. Similar stories are repeated across the country in theatres, museums, cinemas and other venues, so I welcome the Scottish Government's announcement last week of additional support for flagship venues such as the Burrell renaissance project in Glasgow, Dundee's V&A and, I am pleased to say, Capital Theatres. However, Capital Theatres had to write to the First Minister back in September to highlight the fact that it was being excluded. In fact, it ran a crowdfunding campaign to fund its own support.

Fiona Hyslop: Will the member give way?

Maurice Golden: I was just about to mention the culture secretary, so yes.

Fiona Hyslop: I would thank the member for recognising that we have been engaging with Capital Theatres for longer than that. I also point out that it is the King's theatre in Edinburgh that has received funding as part of that funding package.

Maurice Golden: In an excellent segue, I say that I believe that the culture secretary is sincere in her desire to help venues, as that intervention clearly shows.

Nevertheless, that example highlights the point that the committee makes about a lack of stable funding and distribution of resources. Pre-crisis, that took the form of fluctuations in lottery support, Creative Scotland's budget being cut and a destructive geographic spread of resources. In fact, there was no improvement at all in the geographic distribution of regularly funded organisations in 2018.

With the Scottish and UK Governments working together, we can establish a more secure and stable long-term funding model. The UK Government has provided £97 million of arts funding to Scotland during the crisis and the chancellor has just committed a further £700 million to the Scottish budget, so there is now funding to lay the groundwork for that approach.

A good way to start would be by improving the geographic distribution of support to ensure that organisations in all parts of Scotland benefit, such as Aberdeen Performing Arts in Aberdeen, where the local authority's chief financial officer says that a crystal ball is needed to properly plan ahead right now. Beyond a more equitable distribution of immediate support, the committee's suggestion of regional arts officers to stimulate funding where applications are currently low could help to ensure on-going funding stability, especially with a revised tiered application model to reduce the burden on applicants.

Better outcomes could also be achieved through strengthening the relationship between the Scottish Government and local authorities, which do much of the heavy lifting in delivering local cultural services. The committee has made an entirely sensible suggestion about a new policy framework to help to deliver outcomes along with guidance on implementing the culture strategy. That is not to say that there should be a uniform approach to cultural services and support across Scotland, as every area will have its own needs, but greater consistency in our approach can help to deliver the outcomes that we want. For example, the committee has suggested separating local authority cultural spend from that on sport and other leisure activities. That would be a

sensible change to monitor inputs and outputs for all those sectors and to enable more consistent analysis across Scotland.

To underpin all of that, the committee has recommended bringing forward an arts bill. That is worthy of consideration, as it would be an opportunity to strengthen the sector on a proactive basis instead of simply reacting to events—as has, understandably, happened recently. If the Scottish Government is not minded to do what the committee has asked it to do, it should explain why. Perhaps that can be done in closing the debate. I appreciate that we will not take an arts bill through the Parliament in this session.

We can debate the details but, ultimately, the goal now is for the Scottish Government, the UK Government and every party here to work together. Our fight is not with each other; it is a fight together to save jobs, secure venues and ensure that Scotland's artistic and cultural life not only survives but thrives in the months and years ahead.

17:11

Pauline McNeill (Glasgow) (Lab): I recently read a Facebook post that asked people to imagine a lockdown without musical culture. Living without great music or great art is unthinkable. I wonder whether we really appreciate the creative sector as much as we should and whether we really understand what those who make a living in that sector have been through in the past eight months. I am certain that we do not. Scottish Labour therefore welcomes the opportunity to highlight the plight of the creative sector and an excellent report.

The importance of art and artists cannot be overstated. The arts improve our mental health, our wellbeing and our social lives, and community cohesion, and they boost our local and national economies. In normal times, they provide the basis for our passions and our expressions, and they enhance our lives in unique ways. However, even before the pandemic, arts funding was falling at the national and local levels. That problem was compounded by cuts to local government. Many individual artists were earning less than the Scottish Artists Union's published rates.

Recent Arts Professional UK research on pay shows that pay and fee rates in Scotland are lower than those in the rest of the UK and that a freelancer in Scotland averages £11,000-odd a year compared with the UK average of £16,000. That is why the Culture, Tourism, Europe and External Affairs Committee's report is pivotal and has come at a critical time. I commend the leadership of the committee's convener and the committee for an excellent piece of work.

One of the opportunities that the report presents in its recommendations on the back of these dreadful times is to review the way in which we recognise artists and many in the sector who were not receipt of fairness or a fair wage. There is a chance to renew our national mission to support the sector.

As others have said, many have had their livelihoods destroyed by Covid-19. Sole traders in the sector have set up their businesses in wide and varied ways, and funds have been distributed in a discriminating way. Self-employed people who set up as limited companies and pay a single wage to themselves have found it difficult to obtain Government support. I am clear that the sector needs serious attention.

As we have heard from others—the cabinet secretary mentioned this in her opening statement—the music sector, which is, of course, a diverse and important industry for Scotland, is in complete meltdown. Events, roadies, public address system companies, session musicians, recording studios, rehearsal studios, promoters, agents and lighting companies will, sadly, be among the last to return to normality. We must be alive to the dangers in between of losing important people from that industry.

Singers—from the most famous to the less well known—make a modest living from their performances, and they are devastated by the past eight months. Some might never return. That is why we must plan to rebuild the sector, based on values of decent pay, fair work and decent support. I welcome the cabinet secretary's announcement that £3 million will be added to the hardship fund, which will be needed in these times.

Nicola Benedetti, an award-winning musician who always speaks out on behalf of musicians, said:

"Many musicians are facing retraining, many are talking about leaving the country ... That's not just a fabrication, that's a real-life situation that we don't want to see happen. This is not just about saying we want hand-outs, it's about everyone talking and finding a way out of this that is safe, but that looks to preserve music and performance long-term."

I have heard that Claire Baker has secured a members' business debate next week that is supported by Tom Arthur, the convener of the cross-party group on music. That is important, because I believe that performing music is so important for many people, and for young people in particular. It will also give us an opportunity to discuss a pilot, which was mentioned in a previous debate, that is being promoted by LiveNation and will run this month in Estonia. It will use a testing regime for those attending a live music concert to see whether that works and can be a way forward.

I believe that it is time to reverse the ban on background music in hospitality settings, as we are the only nation that seems to have it. I welcome the First Minister's announcement on that last week, but I hope that the expert group does not take too long to come to the obvious conclusion that it is time to reverse that ban.

The committee's recommendations are substantial. In closing, I will mention one: the recommendation that children should have at least one year of music tuition in primary school. It is vital that we do not lose any more children who are desperate for the chance to learn a musical instrument.

It is time to refresh and renew our commitment to funding the arts. The committee's report has a lot to offer on that.

17:17

Beatrice Wishart (Shetland Islands) (LD): It is a particularly bleak time for the creative arts industry. The workforce faces widespread redundancies and the prospect of being under lockdown for longer than any other sector.

Research by Oxford Economics projects that the creative sector will be hit twice as hard as the wider economy in 2020. The reasons for that are obvious. As the advisory group on economic recovery's report wrote,

"sectors most dependent on physical presence, travel and discretionary spending by consumers—hospitality, tourism, culture and leisure—have been hit the hardest."

The Federation of Scottish Theatre offered a submission to the committee in May that called the impact of Covid-19 "immediate and devastating". The ripple effects are far reaching. Closing a theatre means that professionals in the supply chain working in catering or on audiovisuals are affected too. Even though the creative world looks completely different from how it did when the committee's report was published in December, it is even more important to have this debate.

According to the Scottish Government's latest figures, the creative industries sector is made up of around 15,000 businesses employing more than 70,000 people, not including a large freelance workforce.

In my constituency, the sector is vibrant and exciting. The Shetland Arts Development Agency reported that, in 2019-20, there were 4,357 concerts, screenings and exhibition days across the islands, with 185,636 audience attendances. For an island population of 23,000, that is not bad. If the arts need a defence, then those numbers speak for themselves.

Although there has been significant capital investment in museums over the past decade, net

spending on museum services across Scotland has fallen by 5.9 per cent since 2010-11. The ability to make further savings while maintaining current services has now reached its limit. In a survey conducted by Museums Galleries Scotland, 70 per cent of arm's-length external organisations that responded said that they had made all possible savings through operating efficiencies, and that further cuts would require venue closures.

The creative industries add indisputable benefits to communities and individuals—to our "social capital", as the Benny Higgins report described; to our health and wellbeing; and to our communities' coherence and development. When we have discussions about how we might rebuild the sector and consider what kind of world we want to see on the other side of the pandemic, nobody wishes for one where those jobs and benefits do not exist. Without robust Government support, however, that could very well happen. Too many people have fallen in the gaps between the various support schemes that have been offered by the UK and Scottish Governments. There has been a clear failure to recognise the value of investing in people such as freelancers. Liberal Democrats have been calling for the UK Government and the Scottish Government to work together to introduce a universal basic income and to give some stability to creative professionals in this time of crisis. Supporting the arts industry to recover is a pressing challenge.

Once we do that, we need to return seriously to the issues that are raised in the committee's report. Unfortunately, the stressful churn of moving from lifeline application to lifeline application will already be familiar to many in the arts industry. There was already a mountain of paperwork for people to wade through just to survive. Structure and stability are desperately needed, even outwith a pandemic. The committee heard how artists felt like they had to jump through hoops to access funding and that decisions by funding bodies were often opaque and demoralising. That has to change, so that the Government and its agencies do better at supporting our creative professionals, who add so much to the communities that we all live in and to national life.

The Deputy Presiding Officer: We move to open debate speeches.

17:21

Annabelle Ewing (Cowdenbeath) (SNP): As a member of the Culture, Tourism, Europe and External Affairs Committee, I am pleased to be called to speak on our December 2019 report on sustainable arts funding in Scotland.

Before turning to the report, I take the opportunity to pay tribute to Sir Sean Connery,

who sadly died on Saturday. He was an immense Scottish cultural icon, a true international superstar and, without question, the best James Bond ever. His commitment to the arts in Scotland is well known, and his contribution via the Scottish International Education Trust has directly impacted the lives of so many in Scotland, including people in the arts.

The committee report is a substantial piece of work, as we have heard. It would simply not be possible to do it justice within my four-minute speaking slot, so I will focus on a few key points.

In addition to receiving 69 written submissions, we held seven oral evidence sessions, conducted two fact-finding missions and produced 28 recommendations addressed to the Scottish Government, Creative Scotland, local authorities and others. The key focus of our inquiry, of course, was on funding. There was support for a cross-portfolio approach, given that the benefits of arts and culture to society at large do not fit within a single portfolio, and people did not want a silo mentality.

The European Union's creative Europe programme, which provides matched funding, has been mentioned. It is regrettable that, even though membership of the programme is not limited to EU countries, the UK Government has indicated that it is not minded to continue our membership. Whether that is still its position can perhaps be clarified. Mention has also been made of the UK shared prosperity fund, which is intended to be the successor to the European structural and investment funds. Again, there seems to be no clarity as to what that new fund will entail, in particular for the arts and culture sector.

With regard to the distribution of funding, we have heard that the view was strongly expressed that Creative Scotland's geographical reach needed to be looked at. The report also recognised the need for the Scottish Government and local government to work more closely together on an overarching, strategic approach. Creative Scotland's decision-making process was also a concern, and we recommended that the organisation move to a peer-review approach, which has been very successful in Ireland.

I welcome the cabinet secretary's announcement of an additional £3 million for the hardship fund for creative freelancers. I know from direct experience with a constituent that, within hours of the opening of the fund on 26 October, the programme was oversubscribed and had to be paused. The additional money is therefore good news indeed.

During a global pandemic, the focus has to be on getting through the immediate future, but the cabinet secretary has demonstrated her

understanding of and commitment to the arts in Scotland. I am confident that she will do all that she can to do right by artists and the arts in Scotland.

17:25

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): I thank the Culture, Tourism, Europe and External Affairs Committee for its report on a sustainable arts funding system. It sets out a wealth of recommendations that strive to build on and enhance the sector.

Maya Angelou said:

"You can't use up creativity. The more you use, the more you have."

It is with that in mind that I pay tribute to our wonderful arts and cultural venue sector. It would normally be thriving right now if it was not for Covid-19. Scotland has a wealth of cultural talent and it is disappointing to see it all so negatively impacted by the times that we are living in.

I am particularly concerned about our young people, given the number of venues and theatres that remain closed for business. We must remember that, although there is no silver bullet, support has been given, with the UK committing £97 million to supporting Scotland's artistic and cultural heritage, in comparison with the Scottish National Party's £10 million, which was committed prior to the UK Government's intervention.

Ultimately, young people are paying the price for the closure of arts venues and the lack of sustainable arts funding. We know that, this year, they have not had the same opportunities to develop their talents in Scotland. With the closure of rehearsal spaces and limits on gatherings, it has been an extremely difficult year.

Sadly, we did not have the opportunity to enjoy the Edinburgh fringe in its entirety this year. I know what a significant cultural and economic loss that was to the arts sector.

Young people are crucial to the survival of the arts sector, and encouraging new talent to come forward should be a top priority, even in a landscape of ambiguity.

I was glad to see that the report includes a recommendation on free music tuition for school pupils. The Scottish Conservatives believe that starting to learn music at a young age both promotes new talent and is scientifically proven to help with other areas of educational development. Free music tuition is already partially provided through the youth music initiative, which exists to ensure that all councils can offer at least one year of free music tuition in primary schools. All councils are committed to that target, but provision

could be expanded further to fulfil the recommendation in the committee's report.

Scotland's top artists have been outspoken about the matter. World-famous violinist, Nicola Benedetti, said:

"Without learning to play an instrument, who knows what potential talent we might be missing out on? We could have the next Bach, the next Nicola Benedetti, the next anyone in our schools".

Back in January, English schools received £80 million for music tuition, and the investment will be instrumental in making students musically literate and exposing them to a wide range of styles and traditions. The Scottish Government should seriously consider the importance of free music tuition in schools in the future. Given that so much is at stake because of Covid-19, and given the declining uptake of musical instruments and qualifications, I recommend an urgent review of the impact of restrictions on the delivery of music tuition and, especially, the impact that they might have on closing the Scottish education attainment gap.

I welcome the report. I believe that it goes some way towards addressing the deep-rooted issues that lie at the heart of arts funding and its long-term fragility. We need sustainable funding that delivers long-lasting results in promoting culture and the arts in Scotland. That has only become harder against the backdrop of the Covid pandemic, so we need to see action from both Scotland's Governments, working constructively together, to ensure that the arts sector will weather the storm.

17:29

Kenneth Gibson (Cunninghame North) (SNP): The lockdown period earlier this year was a challenging and lonely time for many of us. People were told to refrain from all kinds of social interaction and stay at home. During that time, many of us were able to find some comfort in the arts, whether it was re-reading our favourite book, listening to some music to relax or watching the latest film releases on a streaming service—when not inundated by messages from constituents, of course.

The arts made those difficult months a little bit easier for most of us. However, for theatre, opera and cinema buffs and the artists who provide the entertainment, or for people who work in our museums, the National Trust and so many other areas of cultural life that we have come to rely on, this period has been awful, with even the world-famous Edinburgh festival cancelled.

Unfortunately, as a society, we do not always value our artists and cultural freelancers enough. Too often, we just take their work for granted. I am

therefore glad that the Scottish Government has already committed to support the culture, creative and heritage sectors with more than £107 million of emergency funding. That includes financial support for our flagship cultural venues and, crucially, for smaller organisations and individuals in the culture sector.

Culture has a major impact on the sense of wellbeing of both individuals and communities. That is the case in normal times as much as during the on-going pandemic. Our work in the committee showed that arts funding was already facing significant challenges and uncertainty before the pandemic, including from Brexit and from fluctuations in Creative Scotland's national lottery income. I am therefore grateful that the Cabinet Secretary for Economy, Fair Work and Culture is committed to monitoring and reviewing national lottery income as part of the totality of Creative Scotland's budget and will build any projected fluctuations into Government planning assumptions.

I also appreciate that the cabinet secretary has written to the UK Secretary of State for Digital, Culture, Media and Sport to express concerns about the reckless decision to drag Scotland out of the creative Europe programme, even though participation in that programme is entirely open to non-EU member states. Unfortunately, I fear that her pleas will continue to fall on deaf ears.

It is absolutely vital that Scotland's artists receive a level of funding from the UK Government's proposed UK shared prosperity fund that is at least similar to what they receive at present. The Scottish Government's hands are, however, not completely tied and the committee's work shows that there are actions that can be taken to ensure that the art sector's recovery plays an instrumental role in building back better after the pandemic.

It is encouraging that the cabinet secretary will also develop cross-Government policy compacts, embedding culture at the centre of policy making. Plans to make the culture and heritage sectors part of the work for Scotland to be a fair work nation by 2025 also give us cause for optimism, and those plans are more important now than ever before. Artists and cultural freelancers must also be included in the range of participants selected for the on-going feasibility studies for universal and unconditional income payments, and I am glad that the cabinet secretary has already indicated that that shall be the case. It is equally encouraging that Creative Scotland has taken steps to urge all organisations that it funds to adopt fair work practices.

However, in order to make Creative Scotland's distribution of funding fairer and more diverse, a peer review with rotating panels should be

included in its application processes, as recommended by the committee. Moreover, the early stages of the application process should be tiered to focus on artistic merit. I am glad that the chief executive of Creative Scotland has already indicated that he agrees with those principles.

Scotland's arts scene as we knew it pre-Covid will make a full return only if our artists can make a living and see a sustainable future in their line of work. I know that musicians, in particular, are struggling at this time. Although the economic outlook is now very different from that which was predicted before Covid-19, we must invest in Scotland's fantastic artists, including cultural freelancers. The committee's report sets out a number of practical and viable solutions as to how that can be done and I look forward to seeing them implemented.

17:33

Sarah Boyack (Lothian) (Lab): The report prepared by the Culture, Tourism and External Affairs Committee is fantastic. I thank the committee members, clerks and all the people who gave evidence for that report, which we are debating today. As everybody has commented, although we are in the middle of a pandemic it is vital to support our artists and cultural sector, not just to get us through the pandemic but to flourish and come together afterwards as a society.

We all know that the arts improve our mental health and wellbeing, improve our social lives and community cohesion, and boost our local and national economies. As colleagues have said, we missed out on the festivals this year and although some of those were able to go online that has left a huge gap in our lives and our economy.

I want to focus on some of the recommendations in the report. We need support for artists not just during the pandemic but going forward. Pauline McNeill raised the reality of the pay that artists receive. The Scottish Artists Union informed the committee that

“three out of four members consistently fail to be paid rates equivalent to the union's published rates”,

and the Musicians' Union noted that the availability of paid work is a “critical issue” for its members and that publicly funded projects should be

“remunerated fairly and ideally in line with minimum suggested union rates”.

I am sure that I am not alone in having had several self-employed constituents—actors and artists—get in touch to say that they are really worried about their future and about how they will pay their bills now. I welcome the support for artists and we must publish the information, but it is critical for them to earn a fair wage, so that they

have the confidence to stay in the sector. The committee's recommendation on fair pay is vital.

As other colleagues have said, wider funding for the sector is crucial. It is clear that there has been a real-terms reduction in funding for the arts and that Scotland spends a relatively low proportion of gross domestic product on the arts in comparison with EU countries. We need to fix that. Resources have been provided, but neither the UK Government nor the Scottish Government has provided enough support to recognise the importance of the arts. The report also highlights the need to address potential gaps from the loss of EU structural funds and to ensure stable funding, given the fluctuations in national lottery income.

Fiona Hyslop: An important point has been raised. Several members have said that culture budgets in Scotland have been cut. I understand that there will be pressures, but those budgets have not been cut. In the level 3 figures for 2020-21, for example, the total for culture and tourism went up by £1.5 million. The idea of a cut is wrong; that is an important part of the continuing evidence to the committee.

Sarah Boyack: That takes me neatly on to my next point, which is about the committee's important recommendation that the Scottish Government should be clearer about its upcoming culture strategy spending fund and identify opportunities to support the arts sector from other portfolios. Funding should come not just from an arts portfolio but from opportunities across the Government.

Last night, I was at a meeting with a local regional equality council, at which we talked about how to promote climate change action and get the issue out there. The arts provide one key way for people to engage with that. The committee's recommendation is vital to acknowledging the challenge that the sector and artists in particular face. We need funding investment.

A critical failure, on which the committee focused, involves local authorities promoting and supporting the arts in our communities. The committee highlights decreasing expenditure by local authorities across culture and related services, along with the relatively small amount that is spent on libraries and cultural and heritage policy in comparison with recreation and sport.

There are tough questions, which have been compounded not only by the brutal cuts that the SNP Government has made to local authority budgets but by an increase in the ring fencing of local authority funding for Scottish Government commitments, which are not totally funded and do not include art and culture. It is critical to address the crisis at local level so that we support our communities.

I strongly support what the report says about music tuition, which needs to be secured and be available for all young people.

The Presiding Officer (Ken Macintosh): You must conclude now, please. You had only four minutes and we are already at four minutes and 50 seconds.

Sarah Boyack: I apologise, Presiding Officer—I thought that I had six minutes.

The Presiding Officer: We are having four-minute speeches.

Sarah Boyack: My last point is that I hope that the cabinet secretary can do more to support Capital Theatres. The King's theatre project must be secured by January; otherwise, it will not go ahead, and that will jeopardise arts and culture in Edinburgh. I acknowledge the contribution that has been made to Capital Theatres so far, but much more needs to be done.

I hope that the committee's recommendations will be accepted, because they would help us to keep the sector viable and ensure that it flourishes in the future. I apologise for going over my time, Presiding Officer.

The Presiding Officer: That is all right. I remind Stewart Stevenson, who will be followed by Dean Lockhart, that it is speeches of four minutes.

17:39

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): Thank you, Presiding Officer—I have started my stopwatch.

I congratulate our convener on turning Marcel Marceau's art on its head; the convener engaged us without images, whereas Marcel Marceau did so without speech.

More critically, like others, I affirm the importance of the arts. They take many forms and achieve many things. They can help us to cope, educate us, illuminate truth, create joy and sorrow, and even reveal who we are and change who we are.

My spouse is particularly keen on that last one, as she has the view that I am one of the least artistic and least cultural people she knows. She welcomes my very recent elevation to the Culture, Tourism, Europe and External Affairs Committee.

My personal art is photography—I take wonderful photographs. Who knows? You might agree.

The havens of art—theatres, museums and music halls—are basically unable to operate in the current environment, as we have been hearing. Clearly, that is the right decision in the face of a health crisis, but we should recognise that art

maintains a crucial role in creating community—in creating a shared experience.

How will we deal with the pandemic without art? The psychological challenge that we now face might be healed by an artistic re-emergence after this sad history is over. With many months of not being able to congregate with others, to laugh with others and to be emotionally stirred by those who bring art into our homes and who bring us into theatres, art will continue to have an important role in getting us through all this. It can play a key part in healing the common sorrow that we have felt through the loss of friends and loved ones, and by being out of contact with our many friends. It is more important than we sometimes realise until we experience that loss.

It would be a grave mistake to allow art and the people who create the arts for us to wither on the vine. We need to ensure, for one thing, that we have measurements that enable us to justify some of the things that we will have to do. Specifically, I agree with the committee's recommendation that we should establish a cultural observatory, which could draw together data to measure the spread and impact of the public funding of the arts across Scotland. If we are to achieve progress and success, we need to be able to measure it—but not to exclude particular parts from the system, because we want risk to be taken, with some things not doing as well as we might hope. If we do not know the baselines, however, we do not know when we have departed from them.

I support the recommendation that culture spend be disaggregated and provided separately, away from tourism. That would help us all to understand what we are spending at all levels of public life; it would enable us to make a proper assessment of what is going on.

We can look abroad. I am wearing my Democrat outfit today—everything is blue apart from the poppy—and, according to the arts and cultural production satellite project, which is based over there, in 2017 the arts sector in New York was worth £120 billion and in California it was worth £320 billion. That covers a range of arts.

As a recently joined member of the committee, I congratulate my predecessors on their efforts, to which I made absolutely no contribution. They were worthy efforts and worthy of debate.

17:43

Dean Lockhart (Mid Scotland and Fife) (Con): I add my thanks to the clerking team, the committee convener and deputy convener and the witnesses who gave evidence to the inquiry. The committee heard from a wide range of witnesses that arts, culture and heritage promotion are absolutely vital parts of our collective lives across

Scotland. Evidence was given by 69 organisations, and the committee reported on two key areas: what a sustainable model for arts funding should look like and how that funding should be delivered to individual artists to ensure that they are fairly rewarded for all their work.

The committee made a comprehensive set of 30 recommendations, and the key recommendations included a long-term strategy being developed to protect Creative Scotland's budget from fluctuations in national lottery income and the Scottish Government bringing forward a new policy framework for a more predictable funding structure for arts in Scotland.

Those longer-term recommendations are to be welcomed, and they remain valid. However, as other members have highlighted, the immediate priority for the sector is the situation that currently faces culture and arts across Scotland, which is increasingly critical, with many artists, performers and venues of all sizes struggling to stay in business.

In the Stirling region that I represent, the Covid pandemic has had a severe impact, with events such as the world-famous international crime-writing festival Bloody Scotland having to be cancelled, with the loss of significant investment and artistic jobs.

Iconic cultural and heritage attractions, such as Stirling castle, the Wallace monument, the Smith art gallery and museum and the MacRobert Arts Centre, have also been severely affected by the crisis, which has impacted negatively on local communities. I am sure that members across the chamber will have similar stories, and we have heard about the impact of Covid-19 on local artists and cultural venues. That is why it is essential that the Scottish Government and the UK Government work together to provide short-term funding to support the sector during the crisis. In that regard, we welcome the UK Government's package of £1.6 billion that was announced in July, which, as the cabinet secretary said, saw almost £100 million—£97 million—come to Scotland to support the sector. That funding was part of a wider package of measures from the UK Government to support all sectors of the economy, which saw nearly 800,000 jobs in Scotland being protected, many of which, importantly, were in the arts and culture sector.

The importance of the job retention scheme was emphasised in evidence given to the committee by Alex McGowan on behalf of the Citizens Theatre. He said:

"the single biggest help has been the Treasury's job retention scheme. It ... has materially contributed to our ability to remain a going concern and see out the current financial year."—[*Official Report, Culture, Tourism, Europe and External Affairs Committee*, 27 August 2020; c 4.]

With the imposition of further restrictions on the sector and the wider economy, it will be increasingly important that the Scottish and UK Governments work together. To that end, we welcome the UK Government's confirmation that the furlough scheme will be extended in the event of further lockdowns.

In her opening remarks, the cabinet secretary mentioned the announcement of additional funding for independent cinemas through the independent cinema recovery and resilience fund. That will be a welcome development for independent cinemas across Mid Scotland and Fife.

The value of a strong and dynamic culture and creative sector in Scotland cannot be overestimated. It is important that the Parliament continues to respond to the immediate short-term crisis, and keeps in mind the longer-term need for reform of funding to make sure that artists are fairly rewarded for their hard work. The cross-party nature of today's debate is a timely and important reminder of the value of the sector to Scotland.

17:47

George Adam (Paisley) (SNP): I welcome the debate, and the tone that speakers have taken during it. I also welcome the cabinet secretary's commitment to the hardship fund for artists, who, as many of my colleagues have said, have had particular difficulties during this period.

I will talk about music. A person only knows what something really means to them when it is no longer a part of their life, and music has always been a part of my life. Things are different; there is no live music in venues where people can interact with others and enjoy the music and the bands, although I can still play the guitar badly and I can still croon to Stacey to express my love, rather than just saying, "I love you". Music is an important part of our lives for those reasons. It shows us the fundamental things in life that are important; at least, it does for me. Artists who are struggling are having difficulty with the situation because they know how important music is.

I have found myself listening to a bit more commercial radio. Incidentally, commercial radio could have been part of the solution by ensuring that they put artists on the airwaves during this difficult time. I have noticed that my musical tastes have taken me back to my youth. People from the west coast of Scotland will know who GBX is, but nobody else on the planet knows who that is. I seem to like a good dance tune these days.

During lockdown, local music venues in Paisley—the Bungalow bar and the Old Swan inn—hosted socially distant nights, when bands could tell people that they were still around and give people the opportunity to see what they were

doing. The bands could not monetise those nights, which was part of the problem, but they had the opportunity to show everybody that they were part of the solution.

I can give a perfect example of a Saturday evening. I will not say whether Stacey had been drinking, but she was listening to a gig. I came into the room and she was singing and bopping away. That is difficult for two reasons: first, Stacey has mobility issues, as we all know; secondly, she cannot sing a note. However, it shows you how music can make people happier. We need to ensure that venues like that are still there when we get to the other side of this.

Pauline McNeill: I thank George Adam for livening up the debate.

I have been in the Old Swan many times. Would the member agree that Paisley is one of those places where local bands pride themselves on coming along to play, that it is a thriving part of the community and that it is very sad for a lot of local musicians, as well as for participants, that, during lockdown, they have not been able to play in their passion?

George Adam: I agree with Pauline McNeill about that. As she will be aware, the Bungalow bar is the spiritual successor to a bar in Paisley of the same name during the punk era in the 1970s. Glasgow banned punk music, but Paisley saw a chance to make some money and encouraged it. All the major bands of that era played in the town of Paisley—in the Bungalow bar.

The Bungalow bar is now a community trust. It gained from the Scottish Government's recent funding and is thankful for that. We have to make sure that such venues are still there, because they are a very important part of all our lives.

Not all that long ago, I talked about the positive case for cultural regeneration, through Paisley's bid to be UK city of culture in 2021. I am glad now that we did not get it, because next year looks as if it will be quite difficult for a major event such as that. However, it showed me how we can use culture to regenerate.

Some of that work is on-going in Renfrewshire Council. It will still be difficult and there will be more challenges but, if we are going to come out at the other end of this, we need to take those messages and use culture to regenerate our towns. The only thing that is different is that it is more of a challenge. We have to continue to support the work in Scotland's cultural sector. It provides so much, and we all have great pride in it.

One day, this will all be over and we will return to those venues and enjoy ourselves—we will get that opportunity. The challenge for us during the

crisis is to make sure that we still have those venues to go to when we get to the other side.

The Presiding Officer: We move to closing speeches. I encourage all members to return to the chamber.

17:52

Alex Rowley (Mid Scotland and Fife) (Lab): When George Adam said that he played the guitar, I said to Pauline McNeill that he must have been a Teddy boy; however, it turns out that he was a punk. [*Laughter.*]

The report is really good; there is so much in it. However, it has come at a time when the whole sector is really struggling.

I associate myself with Annabelle Ewing's comments about Sean Connery. A few weeks ago, I saw an interview with Brian Cox, who talked about how he came down from Dundee and his auntie took him to the pantomime—at the King's Theatre, I think he said. We must remember that both actors came from working-class backgrounds. Over the years, part of my desire to support the arts has been because working-class people need the opportunity to access them. In years gone by, that practice was more for the middle classes.

A lot of people are in those industries. Figures from the UK Government say that creative industries contributed £111.7 billion to the UK in 2018. That is the equivalent of £306 million a day. That is what is at risk.

I was delighted to learn from the committee's report that it visited the Fire Station Creative art gallery in Dunfermline. I was heavily involved in supporting the creative local people who set up that project. If it had just been left to council officials, the project would never have happened. Indeed, the council officials were dead against it. It took local people and local political will to get behind the project and make it happen. The project is brilliant and has delivered a lot for the area. We are talking about real people and the risk to their livelihoods. I should say to the cabinet secretary that the Fire Station Creative has been successful in getting support from the Scottish Government at this time, for which I know it is very grateful.

Opportunities can be created from support, but the key point that I want to make is that there are a lot of people out there who will go to bed tonight really worried about their livelihoods and their mortgages. These people pay mortgages and rents and have to put food on the table for their kids. That is why we need to consider the report and how we can support those industries.

Pauline McNeill mentioned some projects that are looking into how live audiences could be brought back. It looks as though that will be difficult—I know that it is not easy—but we have to find a way, because there is far too much at stake for individuals within the arts. Given the current circumstances that we face as a country, organisations such as the Fire Station Creative in Dunfermline are at real risk.

The figures that demonstrate the investment that I mentioned earlier mask some of the shocking underlying issues in the sector. Fair pay is a big issue, and it is important that we address the terms and conditions that people are expected to accept in the sector. The takeaway message for the Scottish Government is that artists in Scotland must be able to earn a fair wage so that the arts can remain central to our society and way of life.

When the Fire Station Creative opened its door, its artist studios sold out almost instantly. The same happened some years earlier when an innovative project at Burntisland station was put in place to create units. If we are talking about building industries and small and medium-sized enterprises, the arts is an important area in which to do so.

Well done to the committee for its very good report. I hope that it does not just sit on the shelves, but leads to an improved arts sector in Scotland.

17:58

Oliver Mundell (Dumfriesshire) (Con): I am pleased to be closing this afternoon's debate—now, this evening's debate—on behalf of the Scottish Conservatives. Much like the report, the debate has been extremely worth while, and there has been broad cross-party consensus.

As many members have said, the arts is a key area of our national identity, and it gives so much back to our society. We would all be poorer without the multitude of artists, companies and venues that work hard in normal times to deliver the arts using the limited resources that they have.

However, as we have heard time and again, these are not normal times; they are unprecedented. Like so many other areas of our economy and society, the arts are in crisis, with many jobs, venues and livelihoods on the brink.

The support that has been given by both Scotland's Governments has been welcome, but the challenge is great, and we must all acknowledge that it is getting greater. Just as we began to send some hope and optimism that the arts might be able to open up again to the public, we saw another acceleration in the spread of the coronavirus. It is clear that a bleak and difficult

winter, with limited commercial opportunities, lies ahead.

We must all work together to do what we can to get through it and to ensure that this important sector is here to restart in full when it is safe and possible to do so. For me, the most important thing, which we have heard from many members, is that we must not lose the skills and knowledge that have been built up here, in Scotland.

In the meantime, there are many good examples of ways that things can be done differently, particularly online, to allow people to continue to enjoy cultural experiences. However, that is not the answer for everything, and it is not a substitute for face-to-face performances. We heard Pauline McNeill and others talk about live music, for example. There is something about live music that cannot easily be replicated online; the same can be said for many other art forms, in which the connection between the audience and the individual is broken when people experience the art form through a screen.

In the context of what I have just said, it is hard to look beyond survival, but if we want to build back better and ensure that the arts sector in Scotland thrives in the future, the committee's 30 recommendations, which aim to put Scotland's artists at the heart of Scotland's arts funding system, would be a good place to start. The report had widespread input, with almost 70 of Scotland's leading artistic and cultural organisations giving evidence to the inquiry. As we have heard, key recommendations included an indicator to establish how many freelancers and self-employed artists are paid the living wage—something that was welcomed by my colleague Maurice Golden, in his speech.

The development of a long-term strategy to protect arts budgets from fluctuations in national lottery income is really important, because such fluctuations lead to uncertainty. There being no secure source of funding makes it difficult for many smaller arts organisations to plan ahead and to use their resources effectively. In addition, it often leads to people chasing after money and gearing their projects around the funding that is available, rather than doing what they love and what they want to do. That is an issue that could be looked at.

It is important that we get a new arts act that sets out a clear policy framework for funding the arts in Scotland. Like all members, I understand why that is not possible in this session, but it is important that we keep a watching eye on the issue and return to it, and that those of us who are here in the next session look again at the suggestion.

The recommendations in the report attempt to capture widespread concerns that the current funding model is complex, piecemeal and does not always ensure that funding reaches the smaller organisations and individuals that need it most. As someone who represents an area of Scotland outwith the central belt, I often feel that much of the Government spend in the arts does not make it to more rural and remote communities, which often have the greatest need for funding intervention.

The convener of the committee mentioned DG Unlimited. I was struck by its recent submission to the committee that showed the disparity between local authority areas in Scotland. My local authority area, Dumfries and Galloway, sits pretty near the bottom of the table when it comes to local government spending per head on culture. Furthermore, the percentage of funding that the local authority receives from Creative Scotland does not match the size of the local population. I hope that the Government will reflect further on that.

Having said that, I welcome the funding that is coming to two independent cinemas in the region, which I know will be absolutely delighted with that support, because it will help them to get by in an area where some of the big commercial cinema operators are not present.

The picture looked challenging for the arts when the report was published, but it is perilous now. We must all do what we can to salvage the sector and ensure that this important area of Scottish cultural life and identity, of which we are all so proud, is in a position to rebound.

18:04

Fiona Hyslop: I am grateful to colleagues for their thoughtful contributions to the debate on the committee's report. It is appropriate that I mark the passing of Scotland's film star Sean Connery—the best Bond ever, whose blockbuster presence in the world of film will live on.

In addition to responding to points that have been made in the debate, I would like to say more about a few of the specific findings of the committee. The committee highlighted the need to reset the relationship between national and local government concerning sustainable arts funding. In my evidence to the committee and in my response in April, I set out my wish to engage constructively on that with the Convention of Scottish Local Authorities. In the culture strategy, we committed to work with culture conveners from Scottish local government and culture trusts, including through establishing a joint meeting of arts and culture conveners.

I am pleased to say that the first of those meetings happened earlier today. I chaired it jointly with Councillor Kelly Parry of Midlothian Council, who is COSLA's community wellbeing spokesperson. The agenda featured discussions on how local and national organisations can work together to support the culture sector in the current crisis, and on the role that culture can play in supporting renewal and resilience in our communities. I say to Maurice Golden that the idea of regional arts officers might be something that we could discuss, and to Alex Rowley I say that artists' studios and art on the high street were also discussed with local government colleagues today.

We have made available to local government, including in recognition of lost income from their arms-length culture and leisure bodies, extensive support totalling £139 million, which includes £49 million that has been passed on in full from UK Government consequentials.

I want to address the issue of budgets, because it is important to understand our starting point. On the national budget, I will give a comparison of the 2020-21 budget versus that for 2019-20. Creative Scotland's budget was £67.3 million in 2020-21, up from £66 million; the cultural collections budget was £79.2 million, up from £74.6 million; and the national performing companies budget stayed the same.

Many members touched on the view that we should separate culture from sports and leisure in local government funding. It is also lumped in with tourism. One of the challenges is that the tourism budget has gone down but the culture budget has not in relative terms, even though people's perception is that it has. I am not saying that there will not be problems going forward, but it is important to set the record straight.

On national lottery funding, I am not sure that the Conservatives are aware—they seem to focus on the issue—that we stepped in to fund a deficit because of a collapse in national lottery funding several years ago. Although we understand that the position might be improving in terms of sales, we will need to look at the issue closely.

Sarah Boyack made the point, which gets to the heart of one of the issues in the committee's recommendations, that we should set a target for arts funding. She is absolutely right that we should be mobilising funding for culture from lots of different budgets and not using just the culture budget. There is a tension, there.

The committee recommended continuing Scotland's participation in the creative Europe programme, which Annabelle Ewing and Kenny Gibson mentioned. The UK Government's position—not to seek participation in the

programme—remains the same, which is highly disappointing. We have yet to receive a persuasive explanation of why participation has been ruled out.

Domestic programmes cannot have the same reach as creative Europe. That transnational framework has delivered much in terms of collaboration and exchange, so we are considering ways in which the loss of the creative Europe programme might be mitigated as far as possible and are in discussions with the Westminster Government. The national partnership for culture, which started meeting in June 2020, has been tasked with providing advice and guidance on strategic issues, and with considering and advising on how we promote recovery and renewal in culture, which is an important part of its work.

Pauline McNeill talked about what the world would be without music. I do not know about other members, but it means a huge amount to me. Many other members also talked about music. In the early days of the pandemic, every day at one o'clock a young woman in Linlithgow played "The Roke" on the bagpipes, which is my hometown's tune. Every night after I had finished my work, I played it on Facebook, and that kept me going through some difficult times. Duncan Chisholm is doing his bit for me just now. Oliver Mundell is right that although there is digital access, there is nothing quite like live music. That is what we are all committed to.

Pauline McNeill: The cabinet secretary will have heard me say this a couple of times. She is probably aware that Live Nation (Music) UK Ltd has been talking to the Department for Digital, Culture, Media and Sport about a pilot in Estonia. Has the cabinet secretary had any involvement in that, or does she have any thoughts on it? It would be useful to know.

Fiona Hyslop: I have not had any involvement, but I have engaged with the people who were behind that and who are looking at it. The Cabinet Secretary for Health and Sport is in front of me; there is an issue around testing and how strong and reliable it would be, in that circumstance. We are not closed, but we are obviously concerned about what could be done.

The grass-roots music venue fund has been important; it was referred to by George Adam. Rachael Hamilton talked about the importance of music tuition. What we are seeing is that England is catching up with our youth music initiative for free tuition and support, although on a pro-rata basis we are probably in the stronger position.

However, there is more to be done and, in relation to the emergency funding, I was specific that youth arts must be supported as well. The

youth arts engagement that is coming through in the response to the pandemic might be part of the solution to the question how we make sure that we have further engagement, as we go forward.

The committee raised a number of points. The monitoring that I talked about previously will be involved, but we have not agreed to every recommendation from the committee.

The idea of an arts act is interesting. Ireland, which has one, is more centralised than Scotland, so maybe an arts compact with local government might better reflect the nature of our relationship with local government.

The pandemic has clearly disrupted the immediate work that was planned in response to the committee's report, and Creative Scotland's important conclusions on its funding review have been deferred, but that might give an opportunity to reflect on the committee's points.

I am grateful to the committee for the report and for the important points that have been made this afternoon. This is not the end of consideration of the ideas in the report but a staging post in continuing engagement on ideas for the arts in Scotland for the future.

The Presiding Officer: Claire Baker, on behalf of the Culture, Tourism, Europe and External Affairs Committee, will conclude our debate.

18:11

Claire Baker (Mid Scotland and Fife) (Lab): It is a pleasure to close the debate on behalf of the committee.

I recognise the importance of members speaking about the pressures that face artists and the cultural sector due to the pandemic, which is significant; Beatrice Wishart described it as "immediate and devastating". Although the report does not address the immediate difficulties, it seeks to find solutions to some of the longer-term challenges, and I will consider those first.

One of the central themes of the committee's report on arts funding is the need for an ambitious, long-term financial strategy. The committee supports introducing a baseline target for national arts funding that reflects the value of culture to our society and economy.

The committee's inquiry highlighted that a sustainable arts funding system is one where all Government portfolios are strategically aligned to fund the arts in a way that supports and delivers national outcomes. The committee also recommended that the Scottish Government should give serious consideration to setting a baseline target for national arts funding, on a cross-portfolio basis, of more than 1 per cent of its

overall budget. I welcome the cabinet secretary's response that, while recognising the impact of the pandemic, that proposal merits further consideration. The evidence that we heard emphasised the strategic importance of arts funding, and a baseline approach could provide protection and a statutory value.

The committee supported the idea of an independent national cultural observatory to address the complexity of data and measure the impact of cultural investment, which is a model that is used across Europe and which could help to demonstrate the value of arts to our society.

A sustainable arts funding system is also one in which the Scottish Government and local authorities work in partnership to support artists in all parts of Scotland, and that is why the committee believed that the relationship between local and national Government must be reset. As the convener said, we ask for consideration of an arts bill to establish a new policy framework in partnership with COSLA and local authorities. However, we will also await further details from this morning's meeting with local authorities and COSLA that the cabinet secretary talked about; the committee would appreciate the chance to hear more about that at a suitable opportunity.

A sustainable arts funding system must serve all of Scotland, so, as a matter of priority, the geographic distribution of national arts funding needs to be improved. The committee recommended that Creative Scotland take action to ensure that its new funding approach improves on the current geographic spread of regularly funded organisations.

The committee recommended that the Scottish Government and Creative Scotland should re-establish a programme of funding for regionally based arts officers in local authority areas, particularly those where Creative Scotland's investment is significantly below the Scottish average. Steps must be taken to boost strategic support in local authority areas that require it.

The committee's report was prepared before the pandemic and highlighted the significant challenges ahead for arts funding; at the time, the looming challenges were Brexit and fluctuations in national lottery income. Clearly, Covid-19 has considerably intensified the challenges that artists and the creative community face.

The committee recommended that the Scottish Government should set out plans to protect Creative Scotland's funding in the long term before existing commitments to protect Creative Scotland's budget expire. The committee also recommended continuing Scotland's participation in the creative Europe programme,

notwithstanding the points that Annabelle Ewing made in the debate.

The Covid-19 crisis has made the need for long-term planning ever more urgent, as unprecedented challenges and threats have emerged. The pandemic has brought many of the issues relating to the long-term sustainability of the sector to the fore. I recognise that the national partnership for culture is supporting the implementation of the culture strategy but, given that the circumstances that we are in now are so different from those that we were in in February, there needs to be a serious look at the strategy's on-going relevance.

Although the debate is about the committee's recommendations for a sustainable future and our longer-term ambitions, we cannot wish away the current situation for artists and for culture venues and companies. The resurgence and viability of the arts will be crucial to any recovery but, at the moment, recovery seems further and further away as we face more restrictions. The Scottish Artists Union, which made a significant contribution to the committee's report, has launched its seeing red campaign, which calls for a sustainable future for artists and makers in recognition of the impact of Covid-19, and continues to call for a universal basic income, as its members are struggling to stay afloat at present.

The support for the culture sector during the pandemic has been welcome, but some sectors are falling through the gaps and are facing a very difficult winter in which their survival is in question. Those organisations that have received support still face an uncertain future and are at risk of a cliff edge in March.

Members have talked about reopening the sector. As the tier system is introduced, we should consider introducing pilots. Although much of the debate has focused on Government support for the arts, income and performances are also important. Pauline McNeill and George Adam spoke about the pressure on the music sector. I ask the cabinet secretary to confirm, perhaps in writing to the committee or to me, whether tier 1 restrictions allow performances to start with small seated events, which would include music venues and small theatres. If so, can the Scottish Government provide guidance for how those venues should proceed and will it look again at funding pilot events? The Highlands and Islands area is in tier 1 and provides a good opportunity for pilots from which the rest of Scotland could learn.

One person who I believe left a positive legacy in politics is Jennie Lee. She was the first Minister for the Arts, and it is actually her birthday today. I will close with one of her quotes, which is still

relevant to the situation in which we find ourselves. She said:

“In any civilised community the arts and associated amenities, serious or comic, light or demanding, must occupy a central place. Their enjoyment should not be regarded as remote from everyday life.”

Our everyday life is challenging, and the arts must be supported now and in the future. I support the motion in the name of Joan McAlpine MSP.

Decision Time

18:17

The Presiding Officer (Ken Macintosh): There is one question to be put as a result of today's business. The question is, that motion S5M-23194, in the name of Joan McAlpine, on arts funding, be agreed to.

Motion agreed to,

That the Parliament notes the findings set out in the Culture, Tourism, Europe and External Affairs Committee's 5th Report, 2019 (Session 5), *Putting Artists In The Picture: A Sustainable Arts Funding System For Scotland* (SP Paper 647), which was published on 10 December 2019.

The Presiding Officer: That concludes decision time. We will shortly move to a members' business debate, but we will pause for a few moments to allow the minister and members to change places. I encourage members to observe social distancing while leaving the chamber and to wear masks.

Care Homes and Covid-19 (Amnesty International Report)

The Deputy Presiding Officer (Christine Grahame): The next item of business is a members' business debate on motion S5M-23029, in the name of Neil Findlay, on the Amnesty International report "As If Expendable: the UK Government's failure to protect older people in care homes during the COVID-19 pandemic". The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes with concern the Amnesty International report, *As If Expendable*, which explores what it sees as the care home crisis throughout the continuing COVID-19 pandemic; understands that the report, which focuses on care homes in England, makes a series of damning conclusions about deliberate policy decisions by the UK Government, and other bodies, that consequently threatened the human rights of older people, most specifically the right to life, the right to health and the right to non-discrimination; further understands that the report states that the policy failures by the UK Government, and other bodies, were the failure to provide adequate and good quality PPE at the beginning of the crisis, the imposition of blanket DNR orders on care home residents and older people outwith care homes, mass discharges of older people to care homes at the beginning of the crisis, many of whom were either untested or had a positive COVID-19 test result at the time of their transfer, a failure to ensure regular testing for both staff and residents, a lack of transparency around statistics pertaining to care home deaths and a failure to enable care home residents to access NHS services; believes that the policy decisions outlined in the report have caused a significant amount of unnecessary deaths among residents in care homes; considers that the pandemic, and what it sees as the deprivation of visitation, have also detrimentally impacted care home residents who have survived with, it believes, many having lost some cognitive functions and their ability to move, in addition to the impact on their mental health; further believes that, despite Amnesty International's report focusing on the UK Government's approach to care homes, most of the policy failures identified also occurred in Scotland, including in the Lothian region, and notes the calls on the Scottish Government to implement the recommendations set out in the report, in particular the need for an urgent public inquiry into what it considers the crisis in care homes, at the earliest opportunity.

18:19

Neil Findlay (Lothian) (Lab): I declare an interest, as my mum is a resident in a care home and my wife and daughter both work in the national health service.

None of what I am about to say is a criticism of care home staff, who have worked heroically under the most intolerable pressure throughout this crisis.

The United Nations secretary general, António Guterres, said of the pandemic:

"Our response to COVID-19 must respect the rights and dignity of older people."

When we look at how older people have been treated over the past eight months, those words have never rung more hollow.

The treatment of the people who saw us through the war and the rebuilding of our country, who built the houses we live in, the welfare state we rely on and the economy we benefit from, and who brought us into this world, cared for us and nurtured, loved and provided for us, has been nothing short of a shameful human rights violation and blatant discrimination.

The Amnesty International report "As If Expendable" is a damning critique of what happened in care homes in England. It sets out clearly that the United Kingdom Government knew that a highly infectious respiratory illness could have a massive impact on the older population if appropriate measures were not taken. The report identifies how

"The UK government, national agencies, and local-level bodies"

took

"decisions and adopted policies ... that have directly violated the human rights of older residents of care homes in England—notably their right to life ... to health, and ... to non-discrimination."

It goes on to say that those violations

"impacted"

on their

"rights ... to private and family life, and may have violated their right not to be subjected to inhuman or degrading treatment."

I repeat:

"inhuman or degrading treatment."

Although the report refers to policy decisions and practice in England, almost every issue that it raises was replicated in Scotland. Just as in England, there was a complete failure to plan for the pandemic, despite the claims that were made by the Government and its advisers. We also had major shortages of personal protective equipment for staff working on the front line. Many staff were forced to buy their own kit; we all recall schools and businesses making face shields on 3D printers, and care home staff buying stock on eBay as they desperately tried to protect themselves and their residents.

We also saw the mass discharge of patients who were previously stuck in hospital, with their families misled and given to believe that there was no care home place or care-at-home package for them. They were shipped out of hospital overnight to clear beds for Covid patients; 3,600 patients were discharged in March and April alone. Those

patients were not individually risk assessed prior to discharge, and the care homes to which they were sent were not risk assessed to determine whether they could cope. Care home managers have said that they felt pressured into taking patients for whom they were unprepared.

We know that 82 per cent of those patients were discharged untested, in keeping with the guidance from the Scottish Government. No one knows how many of them had Covid, which then spread through the care home sector. However, we know that 338 patients were sent to care homes following a positive test—that was a deliberate and informed decision.

We know that staff were not tested either. On BBC Scotland's "Disclosure" programme, a carer named Angela said:

"It was the middle of April before staff were finally tested. Three of us were positive. God knows how long we'd been infectious for. By the time I got back to work a fortnight later, more than 20 of our residents had died."

What a way to treat care home staff, who are among the greatest heroes of this crisis. At the time, the First Minister told us:

"To be blunt, based on what I have been told, the UK, and Scotland within it, probably has the greatest testing capacity of any country in the world proportionately, per head of population".—[*Official Report*, 24 March 2020; c 28.]

That statement bears no relation to reality: we are still not testing care-at-home staff, nor are we routinely testing all NHS staff, not even those whose wards contain Covid-positive patients—they have still not been tested.

There is no MSP who has not been told by families of care home residents that their family member was ill and denied access to hospital for treatment at a time when many hospital wards were well below capacity and the Louisa Jordan hospital lay empty. On that issue, Angela—the carer I referred to earlier—said:

"We had 22 residents die in three weeks and none of them had gone into hospital. It was like there had been a directive from somewhere. It was so upsetting. I don't know if any of them would have survived if they'd gone into hospital, but none of them got the chance. It was like they were just written off."

Many were never tested, had no visits from a general practitioner and were denied access to hospital treatment in their time of need. It was a policy that was hidden behind the guise of clinical decision making.

As in England, there was the abuse and misuse of do not attempt resuscitation orders, with patients pressured into agreeing to them and families often finding paperwork at the bottom of a hospital drawer or in a bag of washing to be taken home. Today, Age Scotland advised me that its

call centre was inundated with calls about that issue.

That all happened in Scotland as well as in England. If it also happened in Wales and Northern Ireland, my criticisms are just as strongly levied at the Administrations there. However, the highest proportion of care homes deaths in the United Kingdom were in Scotland. As Amnesty says, it was as if our older people were expendable. It was as if those in power decided that our mums, dads, grandparents and older friends would be collateral damage in the fight against Covid.

It is for those reasons and many more that I agree 100 per cent with Amnesty that a full independent public inquiry into the UK Government's handling of the crisis should begin now. The Scottish inquiry must also begin without delay and without any more time being wasted.

How many times have we heard politicians and policy makers mouth words about judging a society by the way that it treats its most vulnerable citizens? The average age of people discharged from hospital to care homes is 81. Many of them have multiple health conditions and some have dementia; they are some of our most vulnerable and needy citizens. They have clearly been subjected to age discrimination—age being a protected characteristic under the Equality Act 2010 and the public sector equality duty. Their human rights have been violated and they have been exposed to inhuman and degrading treatment. If our society is judged on that, we should all hang our heads in shame.

18:28

Keith Brown (Clackmannanshire and Dunblane) (SNP): The Covid-19 pandemic is, without doubt, the most serious public health crisis that any of us has faced during our lifetime. Its impact on care homes around the world has been devastating. I convey my condolences to all those who have lost a loved one to the novel coronavirus and, especially, to those whose loved one was a resident in a care home, as is true for so many of us.

I extend my gratitude to front-line care home staff for their compassionate and tireless work during the pandemic. I received a graphic reminder of their work when my niece, who works in a care home in north Wales, told me about sitting with an elderly patient as she passed away from coronavirus and, the next day, being spat at and shouted at by residents' relatives when they were told that they could not visit their loved ones. My niece was even told by someone that they hoped that she would die from Covid-19. The staff

have had a terrible time of it throughout the pandemic.

Like many of my colleagues, I am concerned about the findings of Amnesty International's "As If Expendable" report, according to which the human rights of older residents in England's care homes have been "violated" during the pandemic. Sadly, the report suggests that "key policies and decisions" of the UK Government have caused a high number of unnecessary deaths and directly impacted people's

"rights to life, to health, to non-discrimination, to private and family life and to not be subjected to inhuman treatment",

among other human rights.

The report concludes that the discharge of 25,000 hospital patients to care homes in March and April "exponentially" increased

"the risk of transmission to the very population most at risk of severe illness and death from the disease."

Considering the damning findings of the Amnesty International report, I believe that the least the Prime Minister ought to do now is follow the recommendations that the report sets out and urgently launch the independent public inquiry that he promised the English people earlier this year. [Interruption.] I will not take an intervention, as I have only four minutes.

A public inquiry will present an opportunity to analyse and rectify the key issues that have negatively affected the rights of older and vulnerable people in care homes in England.

I will not use a report about English care homes to have a go at the Scottish Government, but it is important that we acknowledge the situation in Scotland. For that reason, I am grateful that, as early as August, the Cabinet Secretary for Health and Sport had already commissioned a Public Health Scotland report on discharges from NHS hospitals to care homes during the first coronavirus wave in Scotland. We owe it to residents, families and staff to have accurate data and independent analysis on the transfer of patients to care homes and the impact that that had.

I am relieved that the resulting PHS report, "Discharges from NHS Scotland Hospitals to Care Homes between 1 March and 31 May 2020", states that it

"does not find statistical evidence that hospital discharges of any kind were associated with care home outbreaks"

in Scotland. Indeed, it goes on to say:

"After accounting for care home size and other ... characteristics",

detailed statistical modelling found that

"the estimated risk of an outbreak"

was

"not statistically significant."

Nonetheless, we have to accept that, as in all other countries, some mistakes were made in the handling of this unprecedented crisis in Scotland. The PHS report finds, for instance, that guidance according to which two negative tests were required before discharge to care homes was not implemented consistently enough in late April and May. The First Minister therefore rightly emphasised in her speech last week that the PHS findings will be

"of no comfort ... to those who lost a loved one"

in a care home during the pandemic and that the findings do not

"take away ... from the duty of government ... to learn and apply lessons."

It is commendable that the First Minister, unlike the UK Prime Minister, has never shied away from accepting responsibility for the decisions that her Government took at any stage of this devastating pandemic. I am therefore confident that, as we go through the second wave of the crisis, she and her Cabinet will continue to show responsible leadership and do their utmost to protect the people of Scotland from this deadly virus.

I am particularly pleased that the Scottish Government has already shown its willingness to take forward the recommendations that are set out in the PHS report and has committed to continuously adapt its guidance in order to protect care home staff and residents in accordance with the latest data, clinical advice and scientific evidence. I have no doubt that the Scottish Government will closely analyse Amnesty International's report on the UK Government's handling of the crisis and implement in Scotland, wherever it makes sense to do so, the recommendations that that report sets out.

18:32

Brian Whittle (South Scotland) (Con): I thank Neil Findlay for bringing to the chamber this debate on a topic that cannot be brought to the public's attention too many times. Like Mr Findlay, I thank the incredible staff and carers who have looked after our most vulnerable in such difficult times with such dedication and professionalism. There are so many stories of compassion, and it is important that, when we have these debates, we always caveat our comments by acknowledging the debt that we owe our care staff and NHS staff.

We recognise that the Amnesty International report "As If Expendable" focuses on the shortcomings of policy decisions that were made by the UK Government in the English care system. In no way should any of us shy away from that or

try to lessen the questions that will have to be answered by those who made those choices and decisions.

However, we cannot allow the Scottish Government to hide behind the fact that this particular report pertains to England, because all the indicators in Scotland are just as bad, if not worse in some instances. Tonight's debate cannot be about a Scottish Government trying to wriggle off the hook by saying, "We're not as bad as them" on this or that. Let us be clear—I can hear a learned gentleman shouting from a seated position—that all Government responses in the UK have been seriously flawed. This is no time to hide behind party loyalty. Nonetheless, it is our job in this place to scrutinise the questions and question the Scottish Government's decisions.

I am continually raising the care home crisis with the Scottish Government on behalf of my constituents. Hardly a day goes by without care homes being the subject of emails and phone calls to my office. It seems increasingly clear to me that there has been mistake after mistake in handling the matter of the most vulnerable in our society.

In Scotland, there have been 2,017 tragic deaths from Covid in care homes since the start of the pandemic—that amounts to some 45 per cent of care home deaths. A Public Health Scotland report revealed that more than 113 patients were sent to care homes despite testing positive for Covid and that some 3,061 patients were discharged into care homes without being tested.

Right at the start of the crisis, it was acknowledged and accepted that mistakes would be made. The main—and recurring—issue is the Scottish Government's continual attempts to hide from the truth and from simple parliamentary questions. We might take, for example, the simple question, "When did you know that Covid-positive patients or patients who had not had a test were being transferred into care homes?" How many times has that question gone unanswered in the chamber? Had it been answered the first time with a degree of honesty, it would not have been the issue that it has now become.

To my mind, there has always been a question around our initial response. We watched as the virus began in China and moved across the world and across Europe towards us, with a devastating effect, especially on the most vulnerable, in countries such as Italy, Spain and France, and yet we were still caught unprepared. I asked the Cabinet Secretary for Health and Sport that very question, and her response was to say, "We did the same as the rest." Why did she do the same as the rest? What different outcome did she expect? The wise learn from their mistakes, and the truly wise learn from other people's mistakes.

We should have been able to protect our most vulnerable better than we did.

As an aside, we need at some point—at another time, in another debate—to get into the issue of the role that data collection and analysis must play, because we have fallen woefully short in that department. That could be a real game changer as we move forward.

As I said, it was accepted that mistakes would be made and that advice would be ever changing as we learned more about the virus. Nevertheless, keeping Parliament away from undertaking effective scrutiny has served only to raise Parliament's suspicions. The Scottish Government has asked for our support, so it must be straight with members and own its mistakes. If it had done so, it would have found that members were more able to support it. We would have been more open to discussion and there would have been more input from members on all sides of the chamber, and we would perhaps have been in a better place. Too often, party politics has meant that suspicion from the Scottish Government has prevented openness and collaboration.

The virus is not going away, despite what many thought might have happened by now. The response around the world, including from the Scottish Government, has been far less sophisticated than it should have been by now. It is time to take a breath. We will get the opportunity to rake over the coals when we are on the other side of the pandemic.

We all recognise that terribly difficult decisions have been placed in front of Government. Nevertheless, the Amnesty report calls into question the response south of the border, and the UK Government will have to own and answer to that. Meanwhile, the Scottish Government must own its poor decisions and mistakes, and it must map out a more cohesive way out of this crisis in which we can all have confidence.

18:38

Monica Lennon (Central Scotland) (Lab): I thank Neil Findlay for bringing this vital issue to the chamber and for his powerful speech tonight. I also thank Amnesty International for compiling the report "As If Expendable".

What has happened to many care home residents during the pandemic has shocked and horrified people in Scotland and around the world. Behind the statistics on how many social care staff are being tested, how many patients have been discharged from hospital to care homes, tested or otherwise, and the overall level of care home deaths are the heartbreaking realities of lives torn apart and families separated by this awful pandemic. As always, my thoughts are with all

those who have lost loved ones to Covid during this year.

Locally, I have been in touch with dozens of families who have been affected by a care home outbreak. One of my constituents lost a grandparent to Covid-19 at Whitehills care home in East Kilbride, which suffered a significant outbreak earlier this year—more than 23 residents died in the first wave.

Some of the families to which I have spoken have put it better than I ever could. In response to the Public Health Scotland report that we have talked about a lot in Parliament, one constituent told me:

“The simple fact that they admitted patients from hospital into care homes during this time, either tested or untested—common sense should have prevailed and we have no doubt this put my gran at greater risk of being exposed to the virus. It’s unbelievable this was allowed to happen—we trusted the management team when they told us my gran was in the safest place—and had we known this practice was taking place we would have 100% taken steps to have her home with us—she was vulnerable and she should have been protected—we are heartbroken and feel very let down—our gran wasn’t just a number and did not deserve to die in this way.”

No one deserves to die in that way.

When I asked NHS Lanarkshire to provide details under freedom of information legislation to confirm or rule out that untested Covid-19 patients had been discharged from hospitals to care homes that had had an outbreak, the answer was that the request was “manifestly unreasonable”. I still have not had an answer. I hope that the Minister for Older People and Equalities will say whether she agrees that that request was not manifestly unreasonable, because families want the answers.

The Scottish Government needs to be more transparent about its treatment of social care. We have heard about the Public Health Scotland report that was published last week. What we heard from the First Minister is not the last word on that—it should not be, and she has admitted that herself. Like others, I strongly believe that, at the very least, the preliminary work for the public inquiry needs to get under way, so that the Parliament can work with ministers to work out the terms of reference, who will lead the inquiry and what data needs to be gathered. People who have lost loved ones—relatives in their 80s and 90s—have told me that it might be too late for them to contribute in a year’s time. They want to feed into the process now.

On how we arrived at this point, it is worth mentioning that all Governments plan for pandemics. In Scotland, we had Silver Swan, and at the UK level there was Cygnus. In 2016, Dr Gregor Smith led a review of Silver Swan, and delegates at a conference at the Tulliallan police

college warned that staff shortages would be a major problem in a pandemic. In the report, care homes get just a single mention, in passing, which is not good enough. It cannot happen again. The Cygnus report on the UK-wide planning exercise warned of the dangers of moving hospital patients to care homes during an outbreak, and that has not been properly addressed. The warning bells were being rung back in 2016.

In March 2020, once the pandemic had started, GMB Scotland wrote to the First Minister, calling for a national care plan. We did not get one. I welcome the fact that the Government has published an adult social care winter preparedness plan, but it has taken a long time to get there.

I have also called for an older people’s commissioner. We need such a commissioner. We cannot change the past, but we must build a future in which the rights of our oldest citizens are respected and upheld, starting now.

18:43

Alison Johnstone (Lothian) (Green): I thank Neil Findlay for bringing this important subject to the Parliament. The motion in Mr Findlay’s name, which I was pleased to support, highlights Amnesty International’s report, which has the grim title “As If Expendable”. It is a fitting title for a report that makes for grim reading. The report is dated 4 October and opens:

“COVID-19 has had a devastating impact on older persons living in care homes in England.”

It goes on to say that more than 18,500 care home residents died in the first three months—the figure is 18,562. Members are only too well aware that, as Brian Whittle mentioned, 2,017 people have died in Scotland’s care homes. We have discussed the impact of discharge from hospitals to care homes of patients who are possibly infected with Covid, which is clearly an issue of great concern.

In its report, Amnesty notes:

“The UK government, national agencies, and local-level bodies have taken decisions and adopted policies during the COVID-19 pandemic that have directly violated the human rights of older residents of care homes in England—notably their right to life, their right to health, and their right to non-discrimination.”

The UK must look at that report and must learn from it.

Neil Findlay: Will Alison Johnstone join me in encouraging Amnesty Scotland to do a similar report on what happened here?

Alison Johnstone: I certainly will. That would be useful, helpful and very welcome.

The failure to ensure regular testing of care home workers and residents has certainly been raised by me, my party and others. On 24 April, I wrote to the cabinet secretary, asking for routine testing for hospital and care workers. I welcome the fact that the Government announced on 25 May that that would be introduced, but that was four weeks in which potentially asymptomatic and contagious workers could have carried the virus. I know that that was an issue of great concern to care workers.

Colleagues have made the point that this debate in no way diminishes or reduces our respect. Care workers have gone the extra mile and have delivered a lot of care for many people at a time of national emergency.

We have to look at the fact that care is delivered through a profit-driven commercial system. In my view, care is not a business, it is a right. We are considering workers who have been underpaid and undervalued for a long time. They should not be working for peanuts or for profits; they should be allowed to do the best job that they can because they have been invested in, trained properly and paid properly.

We are all very well aware that the gender pay gap is impacted negatively by the care sector. Care is predominantly delivered by women, and they do not have the support and recognition that they deserve. I hope that, if anything, the pandemic goes some way to changing that.

Monica Lennon spoke about the Silver Swan and Cygnus exercises, which were simulation exercises to estimate the impacts of a pandemic—I think that they looked at influenza pandemics. It became only too apparent that there were gaps in the provision of PPE, ventilators, critical care beds and staff. Therefore, what has happened should not have come as a surprise, but we have very much been caught on the back foot.

I appreciate that I am out of time.

Working together more to ensure dignity and respect for all those who live and work in our care homes is well and truly at the top of the agenda now. We have to work together to address those issues, and we have to work to properly integrate health and social care, because they do not yet have parity of esteem and they are not properly integrated. We need to examine those issues as quickly as possible, and we need to ensure the effective participation of care home residents, their families and bereaved families.

The Deputy Presiding Officer: Members will note that I have let people speak over their time in this important debate.

18:48

The Minister for Older People and Equalities (Christina McKelvie): I thank everyone for their heartfelt contributions to the debate, which I am sure we all agree is an incredibly important one.

We have heard many accounts of the devastating impact of the global pandemic on our care home sector. At the outset, I express my deepest sympathy to all those who have lost loved ones. Like other members, I thank care home staff for the work that they do every day to care for the people whom we love.

It is clear from the debate and from Amnesty International's report that it is important that we look back and learn from the early experiences of the pandemic. However, it is also important that we look forward and act on that learning. There have been calls for that today in all the speeches.

As I look back, I see that we have taken firm action from the outset to support care homes and protect the wellbeing of those who work and live in them. We have put in place a wide range of support for care homes, including by expanding and strengthening PPE supplies for providers, by regularly testing care home staff, by ensuring local oversight by the NHS and local authorities, and by equipping the Care Inspectorate to carry out an enhanced assistance role.

Since 22 April, we have been testing all people who have been admitted to care homes. We have put in place robust weekly testing, and we have plans to extend testing to families, visitors and professional and other care home staff.

We continue to provide funding across health and care services to meet the additional costs of responding to Covid-19 and to support service remobilisation. On 29 September, the health secretary announced funding of £1.1 billion across NHS boards and integration authorities to meet costs arising from the response to the pandemic. We have also allocated a total of £150 million for social care as part of our additional Covid funding this year, and we have provided £1.16 million for local and national organisations that have been supporting older people through initiatives including helplines, food deliveries and friendship services.

As has been highlighted, it is important that we learn lessons from the pandemic. In commenting on the UK Government's handling of the crisis in care homes, Amnesty International calls for a public inquiry. As members know, the First Minister has committed to such an inquiry. It is right and proper that decisions taken during the pandemic face scrutiny in the fullness of time. All parts of the system will want to reflect and learn lessons. As Keith Brown said, we are continuously learning and adapting our guidance.

Monica Lennon asked about a specific issue that she is having with NHS Lanarkshire. I am happy to investigate that with health colleagues and get back to her, because I do not have the details to hand right now.

Monica Lennon: I am grateful to the minister for her offer. NHS Lanarkshire said that one of the reasons why it cannot compile the information is that staff are very busy and they would have to go into individual files. My colleague Neil Findlay has been having trouble getting responses to freedom of information requests because of the costs, and we have people who are willing to crowdfund to pay for those documents. Could the minister convene cross-party talks on that? We are all putting in FOI requests and we do not want to bog down the system, but people desperately need answers.

Christina McKelvie: That inquiry is fair enough. I will need to take the matter up with health colleagues to find out the details, but I hear what Monica Lennon is saying about not bogging down a system that is already under pressure. I am sure that health staff will appreciate that. I will get the information and will let Monica Lennon know about that.

Alison Johnstone and others talked about the things that we need to do—how we need to support the system to look after people. In that vein, we have commissioned an independent review of adult social care in Scotland, which will report in January. The review will look at how social care is to be planned, funded and delivered in the future. As a former social care training officer, I see the real benefit in having that happen.

Neil Findlay: Will the minister take an intervention?

Christina McKelvie: I know that that review is about the future—

Neil Findlay: On a point of order, Presiding Officer.

The Deputy Presiding Officer: It had better be a point of order, Mr Findlay, and not simply an intervention.

Neil Findlay: In my 10 years in Parliament, I have never attended a members' business debate in which the minister who is responding will not take an intervention from the person who proposed the debate.

The Deputy Presiding Officer: That is not a point of order, Mr Findlay.

Neil Findlay: It is outrageous—that is what it is.

The Deputy Presiding Officer: Please sit down, Mr Findlay.

Neil Findlay: It is shameful.

The Deputy Presiding Officer: Mr Findlay, do not abuse points of order with me. You know perfectly well that it is for the minister to decide whether to take an intervention, whether from you or from anybody else. Do not do it—*[Interruption.]*—and please do not keep talking while I am telling you something.

Christina McKelvie: Thank you, Presiding Officer. I have a lot to get through if I am to answer lots of Neil Findlay's points, and I will continue to do that.

We have been talking about the future, but we also need to take action now. That is why, earlier today, the cabinet secretary—as we heard—published our adult social care winter plan for 2020-21. Using the learning from the pandemic, the plan sets out measures to offer maximum protection for users of adult social care during the remainder of the pandemic and the winter. The plan will be supported by further funding of £112 million for social care on top of the additional £150 million, making £262 million in total this year. That will help providers to meet the additional costs of responding to Covid-19. The plan confirms our intention to extend the testing of groups of health and social care staff who visit care homes, of care home visitors and of home care staff.

The Amnesty International report highlights the importance of supporting mental wellbeing and quality of life. Wellbeing is a key priority in the plan, which is why we are looking at what more we can do to open up further visitor options to enable families and friends to connect with their loved ones. We will work with partners to support consistent adoption of guidance and ensure that residents' human rights are fully respected and fulfilled. I know how important those connections are to tackling social isolation and loneliness. I lead the work in the Government on our connecting Scotland strategy, and on Thursday I will meet the national implementation group for that strategy.

It is important that we continue to consider the needs of the families and friends of loved ones in care homes. I have met members of the care home relatives' group and others who have helped to enhance the most recent update to our visiting guidance. I confirm that a website will be launched soon, which will have information on visiting for families and friends. I am incredibly grateful to the families who help us to develop our visiting policy, which is about not just time but the more important issue of human connection, which is something that I think we have all missed during the pandemic—a touch, holding a hand, a hug or even a kiss.

I thank the member for securing the debate. The pandemic is far from over, and lessons have, indeed, been learned. Most importantly,

supporting the care home sector will continue to require the collective actions of all of us, all the time. As we take those actions, we must continue to listen to the lived experience of people whose lives are impacted by the pandemic.

An issue that Monica Lennon brought up in her speech was the idea of an older people's commissioner. There will be a time for broader consideration of such a commissioner, and it is something that members should explore. Whether or not the ideas they come up with suggest the need for a commissioner, I look forward to hearing those ideas.

As I have said many times, getting older is a privilege that is not afforded to us all. We must celebrate our older people for the love, experience and knowledge that they give us. That includes ensuring that they are able to live their lives with dignity, supported by quality care and compassion. As the Minister for Older People and Equalities, I am committed, along with my ministerial colleagues, to doing just that.

Meeting closed at 18:56.

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