



OFFICIAL REPORT  
AITHISG OIFIGEIL

# Meeting of the Parliament (Hybrid)

Tuesday 30 November 2021

Session 6



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Pàrlamaid na h-Alba

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# Scottish Parliament

*Tuesday 30 November 2021*

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

## Time for Reflection

**The Presiding Officer (Alison Johnstone):** Good afternoon. I remind members of the Covid-related measures that are in place and that face coverings should be worn when moving around the chamber and across the Holyrood campus.

The first item of business is time for reflection. Our leader today is Sally Fraser, who is Edinburgh city centre chaplain for Work Place Chaplaincy Scotland.

**Sally Fraser (Work Place Chaplaincy Scotland):** Presiding Officer and members of the Scottish Parliament, I thank you for the opportunity to address you today, and wish you a happy St Andrew's day.

We do not know much about St Andrew but, for those of us who believe and look for inspiration in the Jesus story, he was a disciple—a follower. Two things stand out that might be of interest to all of us in Scotland today.

Andrew was busy with his ordinary everyday life—fishing—when he was approached by a stranger and outsider: Jesus. At the time, Andrew had not yet witnessed any miracles. He was simply curious, which is a great gift, and open to possibilities—to accepting the newcomer and the call to do extraordinary things.

I am privileged to visit people in their ordinary lives every day as workplace chaplain. People all over the city are open and welcoming to me, as a stranger and outsider, and I am struck by just how much they, particularly at the moment, accept the call to the extraordinary. The kindness and courage with which people operate in their work is remarkable. They act out of love, for family and community—the love that, as we know, is not a feeling, but the choices and actions and the keeping going when we do not feel like keeping going at all.

Andrew also appears in the familiar story in which Jesus fed more than 5,000 people. Andrew noticed a young boy with five loaves and two fish, and mentioned it. I love his faith and courage there. Everyone could have said, "Don't be ridiculous, Andrew. How is that going to help?" However, he was willing and able to recognise the contributions and gifts of another.

As a woman of faith, I believe that that openness to the offerings of others, however big or small, makes space for the creativity and intention of God. We take some responsibility and do our bit and, in his mysterious and usually annoyingly slow way, he does his. Whatever we believe, accepting and speaking up about others' contributions inspires them to come forward with creativity and hope for the greater good.

I pray that you will be confident and courageous this week in bringing forth your gifts and accepting the gifts of others, and that you stay curious, be open to possibilities, and be strengthened and upheld as you make choices and keep going for love, even if you do not feel like it.

## Business Motion

14:03

**The Presiding Officer (Alison Johnstone):** The next item of business is consideration of business motion S6M-02343, in the name of George Adam, on behalf of the Parliamentary Bureau, setting out changes to this week's business.

*Motion moved,*

That the Parliament agrees to the following revisions to the programme of business for—

(a) Tuesday 30 November 2021—

after

*followed by* First Minister's Statement: COVID-19 Update

insert

*followed by* Ministerial Statement: Response to Storm Arwen

*followed by* Ministerial Statement: Scottish Government Response to Independent Review of Deaths in Prison Custody

delete

5.00 pm Decision Time

and insert

6.00 pm Decision Time

(b) Wednesday 1 December 2021—

after

*followed by* Scottish Labour Party Business

insert

*followed by* Scottish Government Business: Reappointments to the Scottish Land Commission—[George Adam]

*Motion agreed to.*

## Topical Question Time

14:04

**The Presiding Officer (Alison Johnstone):** The next item of business is topical question time. In order to get in as many people as possible, I would be grateful for short and succinct questions and responses.

### Energy Use (Charges)

1. **Pauline McNeill (Glasgow) (Lab):** To ask the Scottish Government what its response is to reports that people are shutting down their electric and rationing their energy use in the face of rising charges. (S6T-00329)

**The Cabinet Secretary for Net Zero, Energy and Transport (Michael Matheson):** Everyone needs a safe and warm place to call home. However, we know that energy price rises are causing concern, especially for households that are in, or are at risk of, fuel poverty.

Regulation of the energy market is reserved, and we therefore need action from the United Kingdom Government. The Scottish Government is doing what it can by making £10 million available to help people who are struggling with their heating costs. That is in addition to the £25 million that we are providing to local authorities to tackle financial insecurity and a further £6 million that we are providing to third sector partners.

**Pauline McNeill:** A report by the Wise Group found that

"people who live in homes with electric heating are the most likely to ration use or self-disconnect".

The group has said that

"the energy crisis has left people unable to boil a kettle or cook their dinner."

Furthermore,

"Of those who said they ration or disconnect their electricity and heating, 75.4% do so at least every week in Greater Glasgow."

The group has been told about customers

"spending the day in a sleeping bag just to stay warm."

I am sure that the cabinet secretary will agree with me that that is an absolute scandal. I worry for ordinary people as the forecast prices begin to rise.

Why did the Government abandon its plans to create a publicly owned company, downgrading it to an agency to advise on energy efficiency? Can we have a fuller discussion about the proposal? If not, how does the Government propose to provide accessible energy with the powers that it has,

ensuring that cheaper community-owned heating is more widely available to people who need it?

**Michael Matheson:** I am aware of the report from the Wise Group, which highlights a number of very serious concerns about people being forced into fuel poverty as a result of escalating energy prices. However, the energy market is regulated by the UK Government and is outwith the competence of the Scottish Parliament and the Scottish Government.

What are we doing to address the situation? We are providing the additional £10 million to target people who are at risk of self-disconnection as a result of the costs that they are incurring due to escalating fuel prices, and we are doing that through the Fuel Bank Foundation, which is a fund and organisation that works with individuals and families who are experiencing financial difficulties.

In relation to the public energy company, as we set out in our manifesto this year and in our programme for government, the scale and nature of the grounds on which we are dealing with the issue has significantly changed. We now have our net zero commitments, which require us to decarbonise more than a million homes, as well as 50,000 non-domestic premises, between now and 2030. We need to take concerted action to achieve that in a way that is consistent with delivering a just and fair transition, without forcing individuals into fuel poverty.

Earlier today I set out to the Net Zero, Energy and Transport Committee how we are undertaking a consultation on the agency that will be responsible for co-ordinating the approach to achieving our net zero objectives.

The energy markets need to change, however. The existing system is unsustainable. I have raised that with the UK Government, and we now need concerted action on its part to address what is a growing crisis, not just in Scotland but across large parts of the UK.

**Pauline McNeill:** Let me be quite clear: I entirely endorse what the cabinet secretary has said about the energy market needing to change. We are absolutely at one on that.

Can the cabinet secretary be clear to Parliament on this: has the Scottish Government closed the door completely on a publicly owned energy company, with all the challenges that that presents? I would like a yes or no answer to that.

As the cabinet secretary says, many of the poorest people in our communities have involuntarily become the greenest, because they are being forced to cut their energy. Many of them are excluded from net zero initiatives. According to the Wise Group report,

“Two thirds of respondents felt unable to consider buying an electric vehicle ... or”

install

“more energy efficient heating.”

How, specifically, will the Government go about helping low-income families to share in the benefits of a move to a net zero economy? Scotland has a successful record on renewables, which I applaud. How can ordinary people on a low income share in that success?

**Michael Matheson:** On the specific point about the public energy companies, as I have set out at committee previously, we are considering how the public energy agency can help to support the development of heat as a service. That is one of the reasons why we signed a memorandum of understanding with the Danish Government, given its experience in developing district heating programmes and the use of heat as a service, which allows local energy providers to develop and provide energy to a specific local community. That is one of the elements of the remit of the public energy agency. Through the agency's role in considering such issues, there is scope to examine the prospect of developing some form of local public energy company.

On the specifics of the shift towards decarbonisation and more use of electricity-based energy, one issue is the existing obligation system in the energy market, which needs to change. The system places a greater obligation on the electricity side of the market, which, as a result, forces up the price of electricity. We have called on the UK Government to review the system and consider how it could be changed, because the obligation causes electricity prices to be artificially higher than they need to be.

On the specific point about low-income families, we set out in our document “Heat In Buildings Strategy: Achieving Net Zero Emissions in Scotland's Buildings” a range of measures that we are going to take forward. That includes how we ensure that the transition to zero-emission technologies for heating is fair and that individuals are not forced into fuel poverty as a result of having to change their heating system. That fairness is exactly what the strategy aims to achieve.

**The Presiding Officer:** Before we move to the next question, I ask for more succinct questions and responses.

**Liam Kerr (North East Scotland) (Con):** What assessment is being carried out regarding the set-up costs of the national public energy agency?

**Michael Matheson:** That piece of work is currently on-going. As I said, we launched a consultation today, which will be fully up and

running by 2025 and will appear in virtual form in the next year in order for us to start that important area of work. The costs will be set out in detail as we move forward with the programme.

**Marie McNair (Clydebank and Milngavie) (SNP):** This winter, households face a perfect storm, with rising energy bills and the £20 cut to universal credit. What support has the Scottish Government provided to families who have been struggling financially throughout the pandemic; what further support will be provided this winter; and what impact will the doubling of the Scottish child payment have on low-income families?

**Michael Matheson:** We have been providing a range of support to low-income families during the pandemic, including the £130 low-income pandemic payment, which will have reached around 500,000 households by the end of October this year. We are also putting £130 million in the pockets of families through the Scottish child payment and the bridging payments.

We recently announced further support through the £41 million winter support fund to tackle financial and fuel insecurity this winter. This week, we announced that we will double the Scottish child payment to support more than 106,000 children from April 2022, which will, in time, help to lift a further 20,000 children out of poverty.

### Homelessness (Deaths)

2. **Willie Rennie (North East Fife) (LD):** To ask the Scottish Government what its response is to the reported number of deaths of homeless people in 2020. (S6T-00328)

**The Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison):** Although it is hard to measure homeless deaths precisely, the experimental statistics that National Records of Scotland published today are extremely concerning. Every one of those deaths is a tragedy, and I offer my sincerest condolences to anyone who has lost a loved one.

It is unacceptable that lives are cut short in that way when, in many cases, homelessness can be prevented. Scotland already has some of the strongest protections in the world for people who are facing homelessness, but we need to go further. Over the current session of Parliament, we are investing more than £50 million to end homelessness and rough sleeping, including support for rapid rehousing and housing first.

We have committed to introducing new homelessness prevention legislation, and we are improving co-operation between health and housing services, with specific measures to help those who have more complex needs. Finally, in combination with our determination to tackle drug-

related deaths, backed by funding of £250 million over the next five years, we are determined to support and meet the needs of people who are facing homelessness.

**Willie Rennie:** To be frank, 256 deaths on this Government's watch is a national shame. Every single death is a tragedy, and that is a shocking increase, as Scotland already had the highest homeless death rate in the whole United Kingdom by far. What is the Government getting so badly wrong?

**Shona Robison:** As I said in my initial answer, I agree that every death is a tragedy, which is why we are taking steps to tackle both homelessness and drug-related deaths. As I said at the end of my initial answer, that determination to tackle drug-related deaths is backed by £250 million of funding over the next five years. Later today, Angela Constance will make a statement and give further information on residential rehabilitation provision.

We have taken considerable action to tackle homelessness, which is backed by substantial resources including support for rapid rehousing and housing first, which have been recognised as being absolutely critical in getting people off the streets and into settled accommodation and providing them with the wraparound support that they need. We know that, when people have addiction or mental health issues, giving them a key to a home is not enough, which is why we are pleased to see that around 85 per cent of tenancies through housing first are being sustained. That is an important way of supporting people to deal with a range of issues that they might face.

**Willie Rennie:** I gave the minister another chance, but she still does not seem to have a clue what this Government is getting so wrong. The Scottish Government was astonishingly complacent after it gave homeless people—*[Inaudible.]*—through the pandemic. The Government thinks that the fact that there have been more than 250 deaths shows that it takes more than a roof to tackle homelessness. Are those 256 personal tragedies not a reflection of years and years of failed Government policies on drugs, mental health and homelessness?

**Shona Robison:** No, I do not agree with that. We have a complex situation involving people with a lot of complex needs, which must all be addressed. The answers are measures such as the rapid rehousing plan and housing first, which are proving to be successful means of supporting people into accommodation and, importantly, wrapping the services around the person.

Working with third sector agencies throughout the pandemic, we have almost eliminated rough sleeping on our streets, which is also important. I

do not know why Willie Rennie is shaking his head. It is important that our third sector agencies be commended for the work that they have done to eradicate rough sleeping on our streets.

Willie Rennie raised an important issue in relation to mental health. Poor mental health can be both a cause and a consequence of homelessness, which is why we are working with national health service boards and others to address the issue. As we set out in our mental health transition and recovery plan, in response to the pandemic—and backed by £120 million of funding, including cross-Government investment—we will support the integration of mental health and substance use treatment services. There is no single solution to such complex issues; we need to do all those things and more, which is why the prevention duty is also important.

**Miles Briggs (Lothian) (Con):** Charities that work with homeless people think that one reason why the figures have increased yet again is the fact that people are spending longer in the homelessness system. In 2020-21, annual homelessness statistics showed that it was taking 248 days for homeless households to have their cases closed.

What actions will the minister take to put in place measures to prevent that from happening? Will the Scottish Government agree today to Scottish Conservative calls for a full review of access to healthcare services for homeless people and those who are rough sleeping?

**Shona Robison:** Miles Briggs and I have had this exchange on a number of occasions in the chamber, so he will be aware that some of the issues with moving people through temporary accommodation relate to Covid. The pandemic has slowed down local authorities' ability to free up accommodation and move people from temporary to permanent accommodation. With the support of Government, local authorities are working through those issues.

We are also working with local government to scale up housing first, so that people with the most complex needs can access settled mainstream accommodation, with the wraparound support that I spoke about earlier. That can reduce the time that people with the most complex needs spend in temporary accommodation.

We have also seen a move away from the use of night shelters and hostels towards more supported, housing first accommodation. All those aspects are important, and I am sure that Miles Briggs will join me in supporting the efforts of the third sector, whose work supports our most vulnerable people.

**Paul McLennan (East Lothian) (SNP):** I agree that every death of a person experiencing

homelessness is a tragedy, and my thoughts are very much with those who have lost loved ones. Will the cabinet secretary outline what measures the Government is taking to tackle rough sleeping this winter?

**Shona Robison:** I would hope that no one will be rough sleeping this winter. We have in place services to support people throughout the year, with additional services for people at risk of rough sleeping over the winter period.

In line with our commitment to end night shelter accommodation over the previous winter and this winter, we have provided more than £433,000 towards the operation of rapid rehousing welcome centres in Glasgow and Edinburgh, which will provide safe emergency accommodation for those who need it.

We have also made available flexible emergency funding to front-line homelessness organisations across the country through our winter support fund. That will empower front-line homelessness workers to make immediate decisions centred around the specific needs of individuals, and it will assist people to access support in a dignified way.

## Covid-19

### **The Presiding Officer (Alison Johnstone):**

The next item of business is a statement by Nicola Sturgeon, who will give a Covid-19 update. The First Minister will take questions at the end of her statement, so there should be no interventions or interruptions.

14:21

**The First Minister (Nicola Sturgeon):** Today, as well as giving an update on the general Covid situation, I will share the latest information that we have on the recently detected omicron variant. I will outline the steps that we are taking to slow its spread and to curb transmission of the virus more generally.

First, however, I will set out today's statistics. Yesterday, 2,569 positive cases were reported, which is 11.5 per cent of all tests. Currently, 706 people are in hospital with Covid, which is nine fewer than yesterday, and 54 people are in intensive care, which is two more than yesterday. Sadly, a further 10 deaths have been reported over the past 24 hours, which takes the total number of deaths registered under the daily definition to 9,572. Once again, I convey my condolences to everyone who has lost a loved one.

More positively, the progress and pace of the vaccination programme continues to be very good: 4,346,736 people have now had a first dose and 3,949,736 have had two doses. In total, 88 per cent of all those over 18 are now double-vaccinated, and 77 per cent of 16 and 17-year-olds and 59 per cent of 12 to 15-year-olds have had a first dose. From today, 16 and 17-year-olds can book their second dose of the vaccine online, and I encourage them to do so.

On first, second, third and booster doses, we remain the most vaccinated part of the United Kingdom. That matters because, as we know, vaccines save lives. According to a study that the World Health Organization published last week, there might be more than 27,000 people in Scotland who are alive today only because of vaccines. I again record my thanks to everyone involved in organising and delivering the vaccine programme.

In last week's statement, I expressed the view that our overall situation was much stronger than I had dared hope. Case numbers, although still too high, had stabilized and, indeed, had started to decline. Since then, the data has become, if anything, even more encouraging. However, although case numbers here have continued to fall, the world has, of course, received the deeply worrying news of the new omicron variant.

I will say more shortly about our current understanding of the new variant. Before doing so, I will give a bit more detail of the current overall trends in infection levels.

In the past week, the average number of new cases that are being recorded each day has fallen from just under 3,000 to just over 2,500, which is a reduction of 15 per cent. As in the past few weeks, the biggest decline has been in older age groups, with cases in the over-60s having fallen by 27 per cent. That is very likely to reflect the on-going success of the booster programme.

Encouragingly, cases in the under-60 age cohorts, which account for the significant majority of cases in Scotland just now, have also fallen in the past week, by 13 per cent. In fact, during the past week, cases have fallen in all age groups. The number of people in hospital with Covid has also fallen, from 743 to 706, as has the number in intensive care, from 60 to 54.

All of that is really positive news, which indicates that vaccination, together with continued compliance with the protections that are still in place, is applying a firm downward pressure on transmission, and therefore helping to reduce the overall health harms that the virus causes.

All of that said, the national health service is still under significant and very severe pressure. Although case numbers are falling, they remain very high, and higher than we would want them to be going into the winter period. We know that a combination of factors poses a real risk that transmission will increase again through December and into the new year, as colder weather forces us indoors more and festive socialising gets under way. That risk remains very real and, if it materialises, it would put significant additional pressure on the NHS. Of course, the risk has now been significantly increased—at least, potentially—by the emergence of the omicron variant.

I turn to what we currently know about the new variant. Perhaps the most important point to make at this stage is that most of the key questions about the impact and implications of it have not yet been answered. However, the number of mutations that it has and the nature of those, together with some of the very early indications from southern Africa, have raised the concern that it might be more transmissible than the delta variant, which is currently the dominant variant in Scotland and many other parts of the world. Further data and analysis are needed to confirm that, and to assess what impact, if any, the new variant might have on the effectiveness of vaccines and on the risk of reinfection.

It is worth stressing that there is no evidence at this stage to suggest that the disease that is

caused by the omicron variant is more severe than that which is caused by other variants but, again, further analysis is required before we can be certain of that.

Thanks to the work of the global scientific community, we will find out much more about omicron in the days and weeks ahead. As our knowledge and understanding expand, we will be able to assess with much more certainty the implications for our response to the pandemic. I very much hope that, as we learn more, our level of concern will diminish rather than increase.

However, while hoping very much for the best, it is prudent at this stage to contemplate and prepare for something less positive than that. The fact is that any variant that might be more transmissible than the delta variant—which, in turn, was more transmissible than any variant that came before it—and which could, even if to a limited extent, evade vaccine or natural immunity, must be taken very seriously. That is why we have responded, and will continue for now to respond, in a way that is proportionate but also highly precautionary.

I turn to our current understanding of the presence of the omicron variant here in Scotland. I can confirm that, as of 5 pm yesterday, there are nine confirmed cases in Scotland: five in Lanarkshire and four in Greater Glasgow and Clyde. We have preliminary information on all nine of those cases, which is the basis of the information that I am about to share with the Parliament. However, I stress that health protection teams are continuing their investigations.

None of the people who have tested positive for the new variant has so far required hospital care. All nine were tested on or around 23 November and, because they had tested positive, they have all been self-isolating. A surveillance look-back exercise had identified that the polymerase chain reaction test results in those cases showed what is called the S-gene dropout. That is not conclusive evidence of the omicron variant, but it is indicative of it. However, whole genome sequencing of those positive samples has now confirmed that they are indeed the omicron variant.

As far as we know, none of the individuals concerned has any recent travel history to, or known links with others who have travelled to, the countries in southern Africa where the variant was originally detected. However, while the contact tracing exercise is still on-going, health protection teams have established that all nine cases are linked. They all trace back to a single private event on 20 November. Indeed, over the coming days, we fully expect that more cases will be identified that are also linked to that event.

In summary, the lack of any known travel or overseas connection to the cases suggests that some community transmission of omicron is already happening in Scotland. However, the fact that all known cases so far are linked to a single event suggests that community transmission might still be limited. Indeed, so far, there is nothing in the wider look-back exercise that Public Health Scotland has undertaken to suggest that community transmission of the new variant is either sustained or widespread.

The look-back exercise has examined PCR test samples dating back to 1 November to identify any that have the S gene dropout. A number have been identified and, where the sample makes it possible, subjected to whole-genome sequencing. The exercise has resulted in the nine cases that we have reported.

Given the nature and scale of the 26th United Nations climate change conference of the parties—COP26—the surveillance work that Public Health Scotland is doing is also looking at any potential links to it. At this stage, however, there is no evidence whatsoever of any such link. Although it is not impossible that one will emerge, the timelines that are involved make it improbable.

In short, Public Health Scotland is working hard to identify any and all cases of omicron in Scotland as quickly as possible. I am very grateful to PHS for its efforts.

Given the nature of transmission, I consider it highly likely—indeed, almost certain—that more cases, perhaps many more cases, will emerge. However, the enhanced surveillance gives us the best possible chance of identifying cases quickly and then, through the isolation of index cases and close contacts and targeted testing, of breaking transmission chains and containing spread while we learn more about the variant. That is key. While so much about the new variant is unknown, it is important that we act on a highly precautionary basis.

That is certainly true for the steps that Government must take, and it is equally true for all of us as citizens. We all have a part to play—this has been true throughout the pandemic—in stemming transmission of the virus in general. Let us not forget that, although we are talking right now about nine cases of a new variant, 2,500 cases of the delta variant are still being recorded each day. Suppressing the transmission of delta remains important, and it is now important to suppress and contain transmission of the new variant, in particular.

Some of the protections that the UK Government announced at the weekend in relation to England, for example a requirement to wear face coverings in some settings, are already in

place and more extensive here in Scotland. Therefore, at this stage, rather than introducing new protections, we are asking people to significantly step up and increase compliance with existing protections such as face coverings, hygiene, home working, ventilation, vaccination and regular testing.

Enhanced domestic compliance will complement the UK-wide travel restrictions that were confirmed over the weekend, which aim to reduce the risk of additional cases of the new variant entering the country. Ten countries in southern Africa have been added to the travel red list so far. Anyone travelling back to Scotland from any of those 10 countries must enter managed quarantine for 10 days on their arrival. In addition, anyone arriving in Scotland from anywhere outside the common travel area is now required to take a PCR Covid test on or before the second day of their arrival—we advise that that should be on the second day—and to self-isolate until they get the result of that test back.

Given the incubation period of the virus, the Scottish Government's judgment is that it would be sensible on a precautionary basis for the travel rules to be tightened further on a four-nations basis. Yesterday, the First Minister of Wales and I suggested to the Prime Minister that, until we know more about omicron, people arriving in the UK from overseas should be asked to self-isolate for eight days and to take a PCR test on day 8 after their arrival, as well as on day 2. We look forward to discussing that further. We suggested to the Prime Minister that the convening in early course of a COBR meeting to discuss that and other issues would be appropriate.

Although certainty is not possible at this stage and will not be possible until we know much more about the new variant, my strong hope is that, beyond temporary travel measures, no additional restrictions will be required. However, that will depend partly on what information emerges about omicron in the days to come. It will also depend, significantly, on all of us complying rigorously with all the protections that are currently in place to stem transmission.

Of course, it remains the case that our first and most important line of defence against the virus is vaccination. Yesterday, we received updated advice from the Joint Committee on Vaccination and Immunisation. Its recommendations are as follows: all adults over the age of 18 should be eligible for a booster; the gap between second doses and boosters should be reduced from six months to three months; people who are immunosuppressed and who have already had three doses should also now be eligible for a booster; those who are immunosuppressed and have not yet had a third jab should get that now,

regardless of when their second dose was administered; and, finally, 12 to 15-year-olds should now be offered a second dose. The JCVI had, of course, already recommended second doses for 16 and 17-year-olds and, as I said, from today, anyone in that age group can book an appointment online for their second dose.

The Scottish Government has accepted the JCVI's updated recommendations and we will now put its advice into operation as soon as possible. Urgent modelling work is being done to inform the operational response—for example, that involves assessing the additional capacity that will be needed in terms of workforce and facilities. As the JCVI has advised, we will continue to prioritise booster jabs on an age and clinical risk basis. However, the bottom line is that many more people than was the case last week—at least 1 million more—are now eligible for a booster, and that is good news in our fight against the virus.

Information will be provided as soon as possible for those who have become newly eligible. However, I say to those who are already eligible that, if you have not had your booster yet, please book to get it as soon as possible. Uptake in the over-60s is now at 84 per cent, which is high, but we want to get it higher still so, if you have yet to get your booster, please do so now. Similarly, if you are aged between 40 and 59, please book online at NHS inform.

I know that there is a concern that the vaccines will be less effective against the new variant. I stress that we do not yet know whether that is the case but, even if it is, vaccination will still matter. Less effective does not mean ineffective. Of course, the vaccines will remain just as effective as they are now against the delta variant, which is still the dominant one circulating in Scotland. A booster will significantly improve our protection against all variants. It really is the most important thing that any of us can do to protect ourselves and our loved ones. Similarly, if you still have not yet had your first or second dose, please arrange to get that. It is now more important than ever to get an appointment and to get the protection that vaccination will offer you.

In addition to getting vaccinated, as I said, all of us should now step up and significantly increase our compliance with existing protections such as face coverings, ventilation and hand hygiene. We are also strongly encouraging everyone who can work from home to do so. We are asking everyone, from now through the festive season, to do lateral flow device tests on any and all occasions before mixing with people from other households, whether that is in a pub, restaurant, house or shopping centre.

From Monday, subject to Parliament's approval this week, proof of a recent negative lateral flow

test or vaccination will be accepted by venues and events that are covered by the Covid certification scheme. It is already very easy, and free, to get lateral flow tests. They can be ordered online or collected from pharmacies and test centres. For secondary school pupils or members of staff at schools or early learning centres, test kits are available free of charge from schools and early years centres. I can confirm today that, in the run-up to the festive period, local authorities will make lateral flow tests available in many more locations. Obviously, the locations will vary in different parts of the country, but they will include shopping centres and supermarkets, garden centres, sports grounds and Christmas markets. We are also working with transport partners to provide access to tests in transport hubs.

Although it is already easy to get lateral flow tests, we are taking steps to make it easier still. Please make sure that you get a supply, keep it topped up and use it. It is worth mentioning that the newer devices are much easier to use than the older ones, as they require nasal swabs only rather than nasal and throat swabs. Therefore, if you have previously tried lateral flow tests and given up because you found them too uncomfortable to use, please try again now. Remember also to report the result of tests online and, if a test shows positive, isolate at home until you have had a confirmatory PCR test and got the result of that.

If we all do that over the next few weeks, it will make a big difference, because we will all massively reduce the risk of infecting others, particularly if we have the virus but would not otherwise know about it because we do not have symptoms. Please test yourself before mixing with others and on every occasion when you intend to mix with others.

There is no doubt that the emergence of the new variant is a blow, or certainly a potential blow. It is potentially the most concerning development in the pandemic in recent months. However, even if our developing knowledge about the variant confirms some of our worries—let us hope that it does not—we are still in a much better position than we were in this time last year, thanks to the vaccines. We know what we need to do to stem transmission, because we have done it before and we know that it works. It is down to all of us to make sure that we do it.

If, in recent weeks, we have been sticking a bit less strictly to the public health advice, now is the time to follow it rigorously again. First, get vaccinated. That is the single most important thing that we can do. Secondly, test regularly and before any occasion when you will be socialising or mixing with other households. Finally, comply with all existing protections. Please wear face

coverings on public transport, in shops and when moving about in hospitality settings. Keep windows open to improve ventilation. Follow all advice on hygiene. Wash hands and surfaces. Work from home if you can.

The discovery of the new variant makes those measures more important than ever before. If we treat the news of the new variant as an opportunity to raise our guard again, I hope that we will protect the progress that we have made in recent weeks, and we will give ourselves the best possible chance of enjoying not just a more normal Christmas, which we all want, but a safer Christmas too, and of avoiding any tighter restrictions in the weeks ahead.

Please get vaccinated, get tested and comply with all the protections that are in place. If we all do that, we will play our part in slowing the spread of the virus generally and the new variant in particular.

**The Presiding Officer:** The First Minister will now take questions on the issues that have been raised in her statement. I intend to allow about 40 minutes for questions.

**Douglas Ross (Highlands and Islands) (Con):** Last week, the First Minister came to the chamber and was upbeat in her assessment of the Covid outlook, saying that the situation was

“more positive than we might have expected it to be”.—  
[*Official Report*, 23 November 2021; c 12.]

At the same time last week, my party was calling for the easing of some restrictions. However, as we have seen time and again with the virus, a lot can change in just a week. The situation has shifted, so our approach must adapt as well.

The UK and Scottish Governments’ responses to the emergence of the new variant in recent days have been swift. Nobody wants restrictions to return. We are all completely fed up with the virus and the limits that it has placed on our lives for nearly two years now. However, we have to be realistic and sensible. We must evaluate the situation fully as we learn more about the new variant.

Nevertheless, while we wait for more information, we are not defenceless against the virus. The vaccination programme has always been our best weapon against Covid-19. As the First Minister noted in her statement, experts estimate that more than 27,000 lives have been saved in Scotland as a result of our vaccines.

The booster programme across the UK is going well, but there is no doubt that there could be even more urgency in delivering it. For weeks, now, we have been calling for the reopening of mass vaccination centres in order to speed up the roll-out. Those centres were incredibly effective in the

roll-out of the initial doses of the Covid vaccines, yet, this morning, the First Minister's health secretary dismissed our proposal. Humza Yousaf suggested that the hold-up in reopening those centres is due to a shortage of staff. Can the First Minister confirm whether that is the case? What is being done to resolve those issues?

Finally, after the JCVI's decision, almost 2 million people in Scotland are now waiting to get their vaccine. Considering how crucial it is for as many people as possible to get that booster jab, will the First Minister tell us what additional measures she is taking to accelerate the vital booster programme?

**The First Minister:** I remain more positive about the situation than I was a few weeks ago, notwithstanding the emergence of the new variant. As I have set out today, the overall trend of infections in Scotland is downwards. A few weeks ago, I would not have dared hope that that would be the case. We know that there are risks in the weeks ahead—I said that last week—in socialising around the festive period and in colder weather pushing us all indoors more. There is an additional risk now, potentially, in the form of the new variant. However, we are in a stronger position to confront all of that than would have been the case at this time last year or even a few weeks ago.

Vaccination is the best line of defence, which is why there is no lack of urgency on the part of the Scottish Government. Nor do we rule out any options. We discuss, on an on-going basis, appropriate ways in which we can accelerate the progress of the vaccination programme. We have had questions—and I would always expect such questions—about the deployment route that we chose for 12 to 15-year-olds, for example, and on the deployment routes that we have chosen for the first stages of the booster campaign. The routes that we have chosen have taken us to where we are today, as the most vaccinated part of the UK. On booster vaccination, so far, we are quite a way ahead of any other nation in the UK.

Of course, we want to go further. That was true before the JCVI updated its advice, yesterday, on those who are eligible. It is even more true now, when so many more people are eligible. We are currently considering all possible options for doing that, and we are not alone in that. The UK Government, the Welsh Government and the Northern Irish Government are having to do the same.

There is no shortage of staff. We have in place staff to do the roll-out that we had planned on the basis of the old advice. However, given that, as of today, more than a million people are eligible who were not eligible at this time yesterday, we clearly have to find more staff and more facilities in order to speed things up. That work is under way right

now. We will focus ourselves, get our shoulders to the wheel and work with health boards—whose shoulders are also to the wheel—to get that to happen as quickly as possible. All four UK nations are going to be doing that.

The good news is that we have adequate supplies of vaccines, although developments in the past few days remind us all that we need to get vaccines distributed more equitably across the whole world, because—as we are being reminded right now—until the whole world is vaccinated, none of us is out of danger. The vaccination programme is the most important thing that the Government is doing right now, and we will continue to push it forward as fast as we can.

**Anas Sarwar (Glasgow) (Lab):** I send my condolences to those who have lost a loved one.

Yesterday, we had confirmation that patients in Scotland had tested positive for the omicron variant. Perhaps most troubling was the news that none of the cases that had been identified had a travel history, meaning that they had caught the variant in the community. Obviously, that is causing anxiety and concern.

The tools to protect us from the virus remain the same: vaccination, testing and contact tracing. The JCVI has now recommended that the booster jab be made available to all who are aged over 18 and that the gap between the doses be reduced to three months. Before that change, more than 800,000 people were eligible for a booster. The change means that more than 2 million people are eligible for their booster dose. The Government previously set a target of 400,000 Covid vaccinations a week. Does that remain the target? Last week, there were just under 240,000 vaccinations.

I note what the First Minister has said about supply chains and storage. Given that we are expected to ramp up the number of vaccinations, are we confident of those supply chains in the coming weeks and months?

Currently, just two health boards—in Tayside and the Western Isles—are running drop-in sessions for boosters. Will that be extended to all health boards in order to demonstrate the urgency, especially given that much higher numbers of people will be expected to get their booster vaccination? We cannot rely simply on a phone line or on a booking system to meet that demand.

Finally, there will be additional pressure on test and protect. What additional resources will be made available to ensure that cases of the new variant, in particular, can be properly tracked so that transmission can be reduced?

**The First Minister:** As I said yesterday, when I addressed those issues, the fact that, as far as we

know, none of the cases that has been identified so far has a travel history involving, or a connection to anybody who has recently travelled from, the African countries where the variant was first identified is a cause for concern because it is indicative of community transmission. That is still the case.

However, today, the work that health protection teams have done through test and protect—identifying that all those cases are linked and are linked to one event—slightly reduces that anxiety, because it gives us assurance that community transmission is not widespread. We are also not picking up any evidence of its being more widespread in the quite extensive look back that Public Health Scotland has been doing. To be clear, it has been looking at all PCR samples that have been taken from 1 November to identify any that have that S-gene dropout, which used to be indicative of the alpha variant—which has more or less disappeared—and which is generally not indicative of the delta variant. Therefore, if it has been appearing recently, the suspicion is that the variant is omicron. So far, that exercise has identified only those nine cases.

I expect that we will have more cases associated with that event and more generally. However, the fact that we are in the position whereby I can say all of that is a huge credit to the work that is being done by Public Health Scotland, health protection teams and test and protect, for which I thank them.

I will not repeat everything that I said to Douglas Ross on vaccinations. We will accelerate the programme as far and as fast as we can. It is important to clarify that the 400,000-a-week target was for Covid and flu vaccinations—[*Interruption.*] Anas Sarwar says that it was not, but it was, and that target is being exceeded. We will have to increase the weekly number of vaccinations.

It is important to note that the JCVI, along with everybody else, recognises that not everybody can be vaccinated on a single day or immediately. The order of priority in which we do it is therefore important, and that also has a bearing on how we choose to do it. Drop-in centres are important when we get to certain stages of a vaccination programme, but we have to be careful not to use them inappropriately. If we do it only through drop-in clinics, Anas Sarwar—who is considerably younger than I am—could get ahead of me for vaccination although my risk is higher because I am older. I use that only as an example. Obviously, there are more extreme examples, because he is not that much younger than me, but the general point that I am making is understood. I am trying to say that we are doing all those things in a way that gets us through it as quickly as

possible but that also follows proper and sensible clinical risk considerations.

We will keep Parliament updated on the roll-out of the vaccination programme and how we are increasing capacity and planning to speed up that roll-out as much as possible. I am not complacent about that, and I will be held very strongly to account in the weeks to come, as is right and proper. However, our progress so far suggests that the way in which we have been deploying the vaccinations is the best, and we will continue to learn from past experience.

Finally, we will continue the efforts that have got us to the point of identifying those nine cases in order to identify further cases as quickly as possible. The advantage of the S-gene dropout in this variant compared to the delta variant is that it allows the presence of the variant to be identified through PCR testing, although genomic sequencing is then required to confirm it. All that work will be on-going while we learn more about the variant in the days to come.

**Alex Cole-Hamilton (Edinburgh Western) (LD):** The emergence of new variants will always be a source of real concern as we try to navigate our way out of this crisis. We have learned to expect the unexpected, and, for as long as the global south remains largely unvaccinated, this will keep happening. Right now, richer countries such as Great Britain are stockpiling vaccines far in excess of what we will ever need. Many will go to waste when they could have gone to developing countries. I reflect the First Minister's remarks in my own and say that that needs to change.

We need to stop omicron in its tracks—or, at the very least, buy ourselves enough time to learn more about its effects and get more boosters into arms. We know that the contact tracing system is already under immense strain. Will the First Minister consider instructing a programme of door-to-door surge PCR testing in communities around affected areas?

**The First Minister:** I will not. I do not think that, at this stage, instructing that on a blanket basis would be right or appropriate—or the best use of resources that are under pressure, although they are coping very well. Today, of all days, I am not very sympathetic to any criticisms of our contact tracing teams, who are doing heroic work right now to identify and understand the transmission patterns of those cases.

We can use—and are using—targeted enhanced testing where cases are identified. That will start with the testing of close contacts of those cases, because we want close contacts to isolate as well. It is important to note that health protection teams are best placed to understand

and judge where enhanced testing should be used.

There might be instances in which door-to-door testing is appropriate, as was the case earlier this year in the south side of Glasgow, but that has to be driven by the assessment of health protection teams. In relation to the nine cases and the look-back surveillance that is being done, door-to-door testing would not necessarily be the right use of resources at this point. However, if health protection teams think otherwise, they have the ability and the resources to get on and do that.

**Annabelle Ewing (Cowdenbeath) (SNP):** I will briefly pick up on a point that has been raised. It is important for people—certainly in Fife—to be aware that NHS Fife is offering booster drop-in clinics from 5 pm this evening. It is important to put that on the record.

Given the emphasis on working from home wherever possible and the continuing importance of wearing a face covering, can the First Minister reassure my Cowdenbeath constituents that those key protection measures will be the subject of extensive public health information and awareness-raising campaigns and will be enforced?

**The First Minister:** Annabelle Ewing's first point is important. There is no absolute one-size-fits-all approach to how health boards are delivering vaccinations; some are, at different stages, using drop-in clinics, and that is appropriate. It is about getting to people as quickly as possible through a variety of routes, and that will continue to be the approach.

On public awareness, we already have television, radio, digital and outdoor campaigns to remind the public of the key protections that are in place and the need to comply with them. We will intensify those campaigns over the winter, to ensure that everybody knows what is being asked of them. We will put particular stress on the request to people to test themselves before they go to the pub or a restaurant, before they visit someone in their house over Christmas and before they go Christmas shopping. That is really important and can do a lot to help us to break chains of transmission.

Local authorities and the police, too, continue to take action to raise awareness in particular settings. There will be a big focus on making sure that people understand what we are asking them to do.

All that is important, but after two years, I think that we all know what works against this virus; we are all just tired of doing it—and I include myself in that. That is why this is an important moment for all of us to up our compliance again, so that we can stop not just the new variant but the virus

generally in its tracks and mitigate the risks over winter.

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** Only 33 per cent of 50 to 59-year-olds have received their booster jabs, but last week that age group accounted for 20 per cent of hospital admissions—the highest rate of any age category. In light of that, will the First Minister say how many more vaccinators need to be deployed and how quickly resources will be on the ground to speed up delivery of the booster jab? Will she—finally—commit to mass vaccination centres?

**The First Minister:** I will not repeat my answer on mass vaccination centres; I set out the rationale and the thinking on them. I underline the point that we are currently the most vaccinated part of the UK, in particular on booster jags.

On the important issue about getting uptake—in all age groups—some 50 to 59-year-olds are not vaccinated yet, and until yesterday, when the gap between the second dose and the booster dose was reduced, some were not yet eligible for their booster. I am in that category: I would not have become eligible for my booster until later in December, but because of yesterday's change I have been able to go online and book an earlier appointment. Lots of appointments are becoming available every day. That will continue to be the case. I say to everyone who is in a similar position to me: try now to bring forward your booster appointment.

We cannot vaccinate everyone on a single day or even in a single week. This will take a number of weeks for us to work through. We will do it in the order of priority that the JCVI recommends. We will get through this as quickly as possible, because it is our best line of defence in the period ahead.

**Kenneth Gibson (Cunninghame North) (SNP):** I thank the First Minister and the health secretary for acting so swiftly to resolve the boosters issue on Cumbrae that I raised last Tuesday. My constituents greatly appreciated that.

Figures show that vaccination levels in Scotland are lower in the often highly mobile 30 to 39 age group than in any other group. What steps are being taken to encourage people in that cohort to get vaccinated?

**The First Minister:** A lot of different actions have been taken by health boards, through communication and through the location of vaccination centres, to target groups in which uptake is lower and where we know that people are less likely to come forward, for a variety of reasons. Actions include having vaccination centres in places of worship and other community settings, providing concessionary bus travel to

appointments and working with community leaders in different parts of society.

All of us have a part to play and should do everything that we can to get those messages across.

It is worth noting that, even in the 30 to 39 age group, uptake is high. Uptake across the age groups is higher than for flu jabs, although not all age groups are eligible for flu jabs. However, we are seeing a much higher vaccination uptake than we have seen in recent years for flu. This is about trying to get to those groups where we need uptake to be higher. A range of approaches are being used, and will continue to be used, to try to do that.

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** It is welcome news that the First Ministers of Scotland and Wales are in close contact about precautions in the face of the new variant. Can the First Minister provide an update on any response that she and Mark Drakeford have received from the Prime Minister regarding greater controls for travellers arriving in the UK?

**The First Minister:** As far as I am aware, no formal response to the letter has been received yet, although the UK Government indicated its initial views on it yesterday, as it was perfectly entitled to do.

We will continue to argue for things that we think are sensible. It would be good if all four nations, through the medium of the Cabinet Office briefing room, could get together to discuss different approaches to the matter in the coming days, and I hope that that will be possible.

That said, all four nations are communicating closely. I took part in a four nations call with the other First Ministers and Michael Gove on Saturday evening. I know that the health secretary has had a number of discussions with counterparts in the other nations, so there is good and close communication.

However, some decisions are driven by the views of the UK Government so, on occasion, if we think that different things have to be done, it is really important for us to press the UK Government. In that regard, I speak to the First Minister of Wales reasonably often and we exchange views on these matters, and we will continue to do so.

**Jackie Baillie (Dumbarton) (Lab):** I want to follow up on that response from the First Minister. The First Minister and the First Minister of Wales suggest that the travel restrictions should apply to everybody and that everybody, irrespective of country of origin, should self-isolate for eight days. If the UK Government responds negatively, will the

First Minister impose restrictions herself, as she has the power to do?

The First Minister will recognise that this situation has already had a chilling effect on travel businesses, with many families' plans for Christmas in the balance. What advice can she offer people? Should they book to go away or not, and what compensation could she put in place for the travel industry if further restrictions are applied?

**The First Minister:** What has had a chilling effect on people—if that is the case, although it is not terminology that I would use—is the emergence of a new variant; it is not anything that we are trying to do, sensibly, to limit the spread of that new variant so that further restrictions on people's freedoms and way of life are not necessary in the weeks to come. Thankfully, the Labour First Minister of Wales seems to take a more constructive and sensible approach to these issues than some of his colleagues in this chamber.

We have discussed travel restrictions many times before. I am not averse to doing things unilaterally, where that make sense. However, as anybody who understands travel patterns knows, many people travel to Scotland and Wales via airports in England. If we had travel restrictions only here, they would not be effective. It would not get us the public health benefit but would do disproportionate damage to our airports, which is why the protections that we have been discussing, which are only really effective on a four-nations basis, are better.

I and the First Minister of Wales are in agreement. We hoped that the measure would be temporary. However, right now we need to do two things. We need to try to limit transmission of the variant, which is already in Scotland. While we are doing that, though, we need to try to ensure that we are not exacerbating the difficulty by importing more of the variant here. That is why such measures are important. We will continue to have what I hope are constructive discussions about these issues in the days and weeks ahead.

**Gillian Mackay (Central Scotland) (Green):** The Scottish Greens have promoted a cautious approach throughout the pandemic. With the emergence of the new omicron variant, we believe that caution must be maintained. Robust test, trace and isolate systems have never been more important.

The reintroduction of the day 2 PCR test is welcome; I previously made the case for retaining it. We know that PCR tests allow us to monitor new variants entering the country in a way that lateral flow tests simply cannot. Will the First Minister commit to keeping those important tests

in place for the duration of the pandemic, so that we can detect any new variants on entry, and not wait until community transmission is already taking place?

**The First Minister:** We have to continue to judge the proportionality of all the measures, protections and restrictions. There is no doubt that having some protections in place now will avoid the need for restrictions later. However, it is not possible—legally and in other ways—to give a blanket commitment to keep anything in place indefinitely. We have a legal requirement to test the proportionality of measures on an on-going basis, which is why we have three-weekly reviews.

I take the point that Gillian Mackay makes about the importance of measures to detect whether new variants are coming into the country. The new variant appears to have been detected very quickly. It has been detected in southern Africa—all credit to the Governments there for doing that so assiduously and so quickly. That does not mean that the variant originated in any of those African countries—we do not know about that yet. However, it underlines the importance of having good surveillance and detection measures in place. Testing will always be a part of that, but we have to ensure that any measures remain proportionate and are not kept in place for any longer than necessary.

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** Further to Annabelle Ewing's question, although I accept that we are talking about a minority, anecdotally, there appears to be an increase in the number of people not sanitising their shopping trolleys and not wearing masks on public transport or in stores, and in the number of stores not having someone monitoring their entry points. What discussions has the Government had with transport operators and store managers on increasing customer awareness of those mandatory requirements? Does the Government have any data on non-compliance?

**The First Minister:** We have a range of data about compliance with different measures. If memory serves me correctly, we publish some of that regularly—if we do not, I will see what we can provide. We have regular discussions with the transport operators, the retail sector and businesses in general. The finance secretary had a round-table discussion with business organisations just yesterday about all the different ways that they can help, including facilitating working from home wherever possible.

Because we are sick and tired of it and because we have been in a period where the perceived risk has been reducing and we all feel stronger because of vaccination, as we should, we have all—I include myself in this—been letting our

guard slip a bit in relation to those basic mitigations. That is understandable. However, we are now at the moment to tighten that up, not just because of the new variant—although that is definitely increasing the need for caution—but because of the risk that winter poses anyway. Over the next period, which might be really challenging, if we do all those basic things, all of them added together will make a difference.

If we have been forgetting to do some of those things in recent weeks—I am sure that we all have—now is the time to stop, think about what we need to do and make sure that we do it. That will really help us to get through the winter much more safely than would otherwise be the case.

**Jeremy Balfour (Lothian) (Con):** In August, we were told that a Scottish inquiry into the handling of the pandemic would begin before the end of the calendar year. Will that commitment be delivered? If not, when will the inquiry begin?

**The First Minister:** Our commitment, which was to ensure that the public inquiry was established before the end of the calendar year, will be delivered.

We are in the process of identifying and appointing a chair to the inquiry. We intend to update Parliament on that before the Christmas recess. Once the chair has been appointed and the inquiry has been established, the timescale and process for starting to take evidence and other aspects of the inquiry will be down to the independent chair who will take it forward.

**Bill Kidd (Glasgow Anniesland) (SNP):** Thank you for the update, First Minister. Given the new variant, it has become much more important that people get their booster jab. Many people received their first and second vaccinations outside Scotland, even though they are Scottish residents. How can we ensure that they receive their booster jab here?

**The First Minister:** They should be able to receive their booster jab here. There may be some individuals in a particular category who have issues, and any members who have constituents in that position should let us know and we will look into the individual circumstances.

In general, anyone who is eligible for a booster in Scotland and has not received an appointment or cannot get one through the website can call the helpline on 0800 030 8013. That includes anyone who has received one or both doses outside of Scotland. If you do not have an appointment, call the helpline and they will assist you to get one.

**Pauline McNeill (Glasgow) (Lab):** The enhanced surveillance that the First Minister talked about earlier and the vaccine roll-out are extremely impressive and give people hope that

we can fight the virus. Given the massive pressures on the booster programme and the wider eligibility, including reducing the time after the second dose from three months to six weeks, does the First Minister think that NHS Greater Glasgow and Clyde should be resourced to again set up the NHS Louisa Jordan as a vaccination centre, because it was a critical venue in achieving our current success?

**The First Minister:** Like all health boards, Greater Glasgow and Clyde will judge what health facilities it needs, and if any health boards want to discuss with us the establishment of a vaccination centre on that scale, we will discuss that and the resource implications. There is no doubt that the Louisa Jordan did a fantastic job. What I am about to say is not intended as any criticism of those who did so much work there—it is in the nature of those very large centres—but I think that it had the highest “did not attend” rate in the country.

Members have heard me say this many times: there is a constant balance that needs to be struck between big throughput and speed of access and local accessible availability. Many members raise the inconvenience of people having to go somewhere such as the Louisa Jordan. Health boards are striking that balance really well, but with the kind of extension that we have had as of yesterday, we have to rethink whether any of those different approaches are appropriate. That process is under way right now and will continue right throughout this programme and into the next one, which I fear will come before we know where we are.

**Stephanie Callaghan (Uddingston and Bellshill) (SNP):** With not only winter but the new omicron variant upon us, it is imperative that everybody over the age of 70 is vaccinated with the third dose at pace. Although third dose vaccination coverage among that age group is positive and encouraging, around 10 per cent of over-70s in Lanarkshire are still to receive their third dose. Can the First Minister confirm when she expects the programme for over-70s to be effectively completed?

**The First Minister:** The programme for over-70s will be completed as soon as everybody who is going to come forward for a vaccination has come forward. People in the over-70 age group have been receiving invitations since early October and the vast majority are already vaccinated, so if anybody in that age group is not vaccinated, it is because they have chosen not to be or have been unable to come forward and get vaccinated.

We continue to put out the message that if you are one of those people, it is not too late to get vaccinated. Go online, book an appointment, phone the helpline, the number of which I have

just given, and get an appointment. Everybody in that age group who wanted a vaccination has been offered one, and we are now working rapidly through the other age groups and will continue to do so.

**Tess White (North East Scotland) (Con):** The First Minister said that

“vaccination is the best line of defence”,

but yesterday NHS Grampian closed vaccination centres in Aberdeenshire as a result of storm Arwen. Damage and debris are still affecting the road infrastructure in the north-east. Has the Scottish Government made any assessment of the number of people who have been unable to attend vaccination appointments because of the storm and will action be taken to ensure that vaccination centres stay open safely during severe weather this winter?

**The First Minister:** Efforts were made to ensure that vaccination centres, where possible, could stay open safely, but everybody, particularly those from the parts of the country that were most heavily affected by the storm, knows that it was not possible to safely keep every vaccination centre open, and it would have been deeply irresponsible to have sought to do so.

Anybody whose vaccination appointment had to be cancelled will have that rescheduled, and everybody will get access to vaccination. Work will already be under way on that. The Deputy First Minister is about to make a statement more generally on the severe impacts of the storm that many people in the north, and some people in the south, are still experiencing, such as still not having access to power. There is a significant amount of work under way to make sure that people are reconnected as quickly as possible, that welfare support is provided in the interim and that any wider impacts, of which vaccination is certainly one, will be rectified and caught up with as soon as possible.

**Stuart McMillan (Greenock and Inverclyde) (SNP):** Can the First Minister indicate when those who are exempt from having vaccination passports due to a terminal illness will receive their vaccination exemption letters? A constituent of mine who was confirmed as exempt by NHS Greater Glasgow and Clyde on 10 November still has not received their letter. It is clear that time is of the essence for patients such as my constituent.

**The First Minister:** If Stuart McMillan wants to write to the Cabinet Secretary for Health and Social Care about his individual constituent, I am sure that that case can be looked into. However, it is important to stress that, in the vast majority of cases, a successful route to safe vaccination can be found, and that usually includes people who have a terminal illness.

Most people who are in that category will still benefit from vaccination. However, support is available where vaccination is not straightforward. The local helpline, the Covid status helpline or local vaccination centres can help to answer questions about the vaccine and the arrangements that are in place for exemptions.

That is the general position but, if there are individual cases in which somebody has not, for one reason or another, been able to navigate the system, I ask that members please let us know about them so that we can look into them as quickly as possible.

**Katy Clark (West Scotland) (Lab):** Like others, I have been contacted over the past few weeks by a number of constituents who are eligible for the booster but have had difficulty accessing it, despite the helpline. Can the First Minister provide a detailed breakdown by age group of those who have been offered and have received the booster? If she feels that mass vaccination centres and drop-in centres are not the best way forward at the moment, will she outline what can be done to put resources in to make it easier for people to get their booster?

**The First Minister:** Information on the numbers in different age groups who have been vaccinated with the booster is regularly published. That information is available.

It has been reflected in some of the questions and answers today that there is mixed provision of access to booster vaccinations. That is right, because not every part of the country is the same, and there has to be a reflection of the geographical position. We continue to address and resolve any localised issues whereby access has been difficult.

Overall, it is really important to stress that the vaccination programme is going incredibly well. I think that most people across the country recognise that. I think that, from yesterday's figures, just over 34 per cent of the over-12 population have been vaccinated with booster jags; that compares with Wales, at 31.5 per cent, or England, at 31 per cent. We are therefore significantly ahead. Of course that does not mean that everybody is having a flawless experience, and we will address that as often, as far and as quickly as we can.

Those who are working in the programme are literally saving lives every single day. They are doing that at pace and with the utmost determination, and all of us owe them the most immense debt of gratitude.

**Emma Harper (South Scotland) (SNP):** Given the public health advice to redouble efforts in respect of face covering, space and infection-control measures, does the Scottish Government

intend to update guidance on the type of face covering that the public should use to ensure that that is an FFP2 mask or equivalent, that it is worn over the nose and the mouth, and that it is disposed of or laundered properly?

**The First Minister:** We have published guidance on face coverings, and that guidance is certainly kept under regular review. A face covering can be a covering of any type, except a face shield that does not fall within the definition, that covers both the nose and the mouth. Due to equality and accessibility considerations, we do not mandate certain specifications, but we recommend that face coverings are made of cloth or other textiles, that they are two or, preferably, three layers thick, and that they fit securely around the mouth, nose and chin while, obviously, allowing the person to breathe easily. Our guidance is in line with the WHO recommendations.

**Dean Lockhart (Mid Scotland and Fife) (Con):** Emerging variants of Covid-19, such as omicron, may require the development of updated vaccines over time. What discussions is the Scottish Government having with the UK Government and the JCVI on the potential need to develop updated vaccines?

**The First Minister:** It would not really be the role of the JCVI to do that, although it is integrally involved in advising Governments about who to vaccinate.

However, I know that such discussions are on-going all the time. Members will have heard many representatives of vaccine companies talking in the media in recent days: those companies are already thinking about how they may need—it is “may” at the moment, as we do not yet know the impact—to change or adapt their vaccines to deal with the new variant. Some of them have given indications—as I heard Pfizer do publicly the other day—of how long they think that that will take. That work is already under way.

Given how quickly, relatively, the vaccines were developed from a standing start, I think that we can have confidence that the scientific community and vaccine developers and manufacturers are well placed to do anything that is required. However, we do not yet know that the vaccines are less effective, so let us not assume that at this stage. Even if that is the case, the current vaccines will still be hugely important.

**John Mason (Glasgow Shettleston) (SNP):** Now that we gather that the booster jag is to be given three months after the second jag, instead of six months later, does that mean that immunity is waning faster than we had expected and that we have to get a booster every three months?

**The First Minister:** No, it does not necessarily mean either of those things. It is not necessarily the case that we suddenly think that immunity is waning faster, but we have a new variant that some think may manage to evade the immunity of the vaccines or natural immunity from past infection. Getting as many antibodies into people as possible—to be non-clinical in how I express it—becomes all the more important. That is the rationale for reducing the gap at this stage.

We do not yet know what the frequency of the vaccination programme will be in the years ahead. My working assumption is that, like for flu, it will be a regular programme. We should certainly be planning for that. We do not yet know, but it may be a regular three-dose vaccination programme, or there may be developments in the vaccines that enable a single dose. There is so much that we do not know yet, and we need to get on with doing what we do know about, which is getting boosters to as many people as possible as quickly as possible.

**Jeremy Balfour:** On a point of order, Presiding Officer. On a number of occasions, the First Minister and cabinet secretaries have said that, if we write to them with a request, they will look into it. I have written to different cabinet secretaries about a number of situations, often concerning urgent inquiries from constituents, and it has taken more than 20 days to get a reply. Can you help me? How do I get a quicker response so that I can help my constituents? Is there any way that you can intervene to ensure that we get the appropriate response at the appropriate time?

**The Presiding Officer:** As Mr Balfour may be aware, that is not normally a matter for the chair, but his comments are now on the record.

## Storm Arwen (Response)

**The Deputy Presiding Officer (Liam McArthur):** I remind members that Covid-related measures are in place and that face coverings should be worn while moving around the chamber and the Holyrood campus.

The next item of business is a statement by John Swinney on the response to storm Arwen.

15:24

**The Deputy First Minister and Cabinet Secretary for Covid Recovery (John Swinney):** I am grateful for the opportunity to update the Parliament on the response to and continued recovery from the major impacts of storm Arwen.

On Friday the Met Office took the serious step of issuing a red weather warning of danger to life. Classification of a weather incident at that level happens rarely and is an indication of the magnitude of the challenge that has been faced. Storm Arwen has caused widespread and extensive damage, with impacts that have been greater than those initially anticipated. That has created significant challenges and hardship for communities and households across Scotland. I extend my sympathy to everyone who has been and continues to be affected, and I assure everyone involved that every effort is being made, with our partners, to address the impacts as swiftly as possible.

Although Scotland regularly experiences severe winter storms, the high winds that are generally associated with them are from a southerly to north-westerly direction. However, on this occasion, the storm tracked down the North Sea, bringing very strong north to north-easterly winds across eastern coastal areas. Naturally, our infrastructure is designed to handle incidents from the prevailing wind direction.

The fact that storm Arwen gave rise to very strong winds from an unusual direction exacerbated the severity of the incident. Met Office records identify a few occasions in the 1970s and 1980s when widespread strong north to north-easterly winds were recorded across eastern Scotland, but those gave gusts of only around 60 to 70mph, in comparison with the damaging gusts of around 80 to 90mph that were experienced during storm Arwen.

To give a sense of the scale, I note that storm Arwen has been a more significant event than the beast from the east in 2018, requiring a complexity of response that we have not seen for a number of years. It has affected almost all of Scotland, with the most widespread impacts being felt in the north-east, Dumfries and Galloway and the

Borders. In the north-east, the impact has been compounded by heavy snow and a sharp drop in temperatures.

Amber warnings were issued in the days leading up to Friday's storm, but the Met Office escalated that to a red warning on Friday at 10.30 am. The Scottish Government resilience committee met on Friday to be assured of preparations, with information from local resilience partnerships and power and utility companies.

Throughout the duration of the storm and its aftermath, the Scottish Government has been working closely with resilience partners and responders on the ground, and with Scottish and Southern Electricity Networks and Scottish Power, to ensure that all is being done to respond to the impacts of the storm. Throughout the period, the safety and welfare of the people affected has been, and remains, at the forefront of the discussions. I am very much aware that the impacts of the storm are still being felt across areas of Scotland and that the recovery will take time.

Our priority right now is to get power restored to homes and provide support to those who are affected. At the peak of the disruption, 79,500 Scottish Power customers and 126,000 SSEN customers were affected. Both Scottish Power and SSEN have worked tirelessly on network repairs and have restored supplies to 184,500 customers as of 8.00 pm yesterday. However, I am acutely aware that that will be of little comfort to the customers who continue to be off supply.

As at 11.45 am, I am informed that 16,763 customers continue to be without power. Those individuals are located in the Borders, Dumfries, Edinburgh, Fife, Aberdeenshire, Moray, Angus and Perthshire. I do not underestimate the impact that that is having on people and their wellbeing, or how serious the situation is. I encourage anyone who is still affected by the impacts of storm Arwen to get in touch with their local authority to get help, advice and welfare support if they have not already been able to access that.

SSEN has deployed more than 500 engineers and support staff to repair widespread and extensive damage to its network and to support customers. Scottish Power is similarly deploying significant resource, and both companies are drawing additional mutual aid and resources from across the United Kingdom. Given the severity of the storm across the UK, however, the additional resources and mutual aid on which the power companies would normally be able to call have been available later in the incident than would usually be the case.

In many areas, damage caused by fallen trees and other debris has been severe. That is

hampering access, and specialist equipment has been required. In addition, the power companies are encountering much more significant damage to the network, which involves much more complex and resource-intensive solutions in order to reconnect supply to particular areas. I pay tribute to the staff from Scottish Power and SSEN, who have worked in very difficult and often precarious conditions to make as much progress as possible in restoring power supplies.

Three multi-agency resilience partnerships are co-ordinating the response activity in the north, east and west, working closely with the power companies. Support is being prioritised for care homes and the most vulnerable in the community, including those with medical needs, with a range of actions being taken in the most affected areas.

Scottish Borders Council opened drop-in centres in key locations to provide free meals and hot drinks to residents in surrounding areas who remain without power. In Forth Valley, a resilience partnership care for people group has been established specifically to deal with the communities and vulnerable persons in them.

Aberdeenshire Council confirmed that all 170 schools would be closed on Monday and today, and all schools are being checked for storm damage and access routes, and to confirm whether power, heating and water supplies are operational. The priority is to ensure that buildings are safe before pupils and staff are welcomed back.

The severe impacts in the area also meant that vaccination clinics in Aberdeenshire were cancelled on Monday, with planned reopening today. The council has also set up rest centres. In other areas, hotels, pubs and halls are being opened to provide food and warmth. Local partnerships and community groups have been going door to door and providing hot food and assistance packages. Although many people are making arrangements to stay with friends and families who have power, those without power are being offered accommodation in hotels.

The British Red Cross is utilising community volunteers across the north area to support energy and council partners, provide door-to-door welfare checks on vulnerable people and care homes, and distribute blankets, food and essential supplies and information to vulnerable and prioritised individuals.

In Dumfries and Galloway, the care-for-people arrangements through the council's care-at-home teams, social work teams and its care call service have continued to make care visits throughout this period. That has helped to identify those who may be in need of additional support and will continue to be closely monitored. Yesterday, there were a

small number of primary school closures in the area; however, all except one are expected to reopen today.

Our transport network was also seriously affected by the storm. On Friday, Police Scotland issued do not travel warnings and, by Saturday, many trunk roads and railway lines were closed. However, I am pleased to report that all trunks roads were cleared by Saturday evening and that there are no remaining storm-related rail issues.

There have been many wider impacts from the storm, with 10,000 properties having experienced water supply issues. Scottish Water is working at pace to restore water supplies and provide all those affected with alternative supplies of drinking water. Around 1,500 properties are still without a water supply, mainly across the Deeside area, with work being hampered by the loss of power and difficulty in accessing some sites due to on-going weather conditions or blocked access routes.

Telecoms providers have experienced significant infrastructure damage and my officials have met them through the national emergency alert for telecoms protocol to seek assurances on power resilience provisions that they have in place to restore mobile telecoms in affected areas. Actions being taken include mobile generation deployment to affected cell locations. Although the position is improving, we continue to focus on that as a key issue.

I assure the Parliament and members of the public that the focus of the Scottish Government, local resilience partnerships and the power and utility companies is on restoring services to those affected as quickly as possible and on taking practical steps to help anyone who has been adversely affected. My expectation is that most of the remaining customers who are off supply will have it restored today, but I regret that, for some of the more complex cases, supply is unlikely to be restored until later in the week.

In the aftermath of the incident, we will review the preparations for and response to storm Arwen to ensure that we take all the learning from this exceptional storm. We have strong and robust arrangements in place to manage and address weather-related resilience issues at national, regional and local levels, but I want to ensure that our arrangements continue to evolve and strengthen for the future.

I express my sincere thanks to all those who have been working in very difficult conditions for prolonged periods to restore utility supplies and support affected communities and households. That includes voluntary organisations, local businesses and community groups of volunteers,

who are contributing significantly to neighbourhood wellbeing and resilience.

We have been closely monitoring progress to address storm Arwen's impacts and engaging with a range of organisations to ensure that the public is regularly updated in what has been a rapidly changing situation. We will continue to do so, with our resilience partnerships remaining active to ensure that every possible resource is deployed and the worst effects of this significant storm are addressed.

**The Deputy Presiding Officer:** The Deputy First Minister will now take questions on the issues that were raised in his statement. I intend to allow around 20 minutes before moving to the next item of business. I would be grateful if members who want to ask a question could press their request-to-speak buttons or place an R in the chat function if they are joining us online.

**Liam Kerr (North East Scotland) (Con):** I thank the Deputy First Minister for the advance sight of his statement. The 15,000 households in Scotland that are still without power, of which more than 13,000 are in the north-east, are astounded by the Government's appalling lack of planning. Given what we saw happen with storm Frank and then the beast from the east, and given that weather reports were warning people of the impending catastrophe days before storm Arwen hit, why was there such a monumental failure of planning by the Government?

Secondly, *The Press and Journal* rails today that

"the Scottish Government remains quiet. Aside from a few cursory social media posts offering sympathy but not assistance, it seems leaders have forgotten those affected".

Thankfully, businesses such as pubs and hotels, and community centres, have stepped up. The Fife Arms in Braemar has said:

"the response from the Scottish Government has been pretty shambolic at getting the emergency services, the army and power company employees deployed."

What steps is the Government taking now to proactively and productively co-ordinate the response and swift resolution to the issue?

Finally, the cost of clear-up and, presumably, of implementing the lessons learned that the Deputy First Minister referred to will be astronomical. Last night, the United Kingdom Government pledged help, saying:

"we are on standby to provide further assistance to the Scottish Government."

What financial help will be made available to our underfunded local authorities? Will the Scottish Government be taking up the UK Government's offer of assistance?

**John Swinney:** I do not think that Liam Kerr characterises the gravity of the situation in any way appropriately. The Scottish Government does not run power companies; I have no operational control over them. I think that the power companies have worked extraordinarily hard to reconnect the 184,500 people who have been disconnected by a storm of incredible ferocity.

Liam Kerr represents North East Scotland. I assume that he has looked around to see the scale of the damage that has been done to infrastructure. I have looked around my Perthshire constituency and seen with my own eyes the impact of the storm. Unfortunately, that will take time to clear up, and that is what the power companies are focused on doing. I have been discussing that with them at every stage since the storm emerged last Friday.

On the resources on the ground, we work closely with local resilience partnerships, which are led by local authorities—that is the fundamental principle of the resilience operation that is in place. Mr Kerr will be familiar with the work of Aberdeenshire Council, which is in operational leadership at the local level to progress the emergency response.

I am certainly profoundly grateful to the various voluntary organisations, pubs, hotels and cafes that have made themselves available to help people. I think that such community spirit, which has helped to assist members of the public facing jeopardy, is really welcome in our society. That assistance is in addition to the public servants who are going around, door to door, making sure that vulnerable people are supported

On the financial question, the Minister for Public Finance, Planning and Community Wealth has activated the Bellwin scheme. The Scottish Government has immediately made it clear that the terms of the scheme are available to local authorities, should they be required.

I will look with care at what the United Kingdom Government is offering financially. Forgive my scepticism, Presiding Officer, but I will look in great detail at the terms of the press statement that Liam Kerr has cited. The United Kingdom Government is awfully good at words on those questions but not very good at following up with substance as a consequence.

**Colin Smyth (South Scotland) (Lab):** I thank the Deputy First Minister for advance sight of his statement. I send my condolences to those who have, sadly, lost a loved one during storm Arwen, and I extend my sympathies to everyone that has been affected by its impact. We are hugely grateful to all those on the front line of the response.

However, there is a growing frustration on the part of the thousands of people across the country, including many in my South Scotland region in Dumfries and Galloway and the Borders, who still have no power and, in some cases, no water supply, and have no idea of when they will be reconnected, due to a lack of information or, in some cases, misinformation.

The Deputy First Minister said that it is his expectation that most remaining customers with no power will have their power restored today, but some will not have it restored until later this week. How many does he anticipate will have to wait beyond today? When will the 1,500 properties that are still without a water supply be reconnected? Given the problems with telecommunications in some areas, is the Scottish Government confident that all vulnerable residents have been contacted directly to ensure their wellbeing? For many people, contacting their council is not an option.

**John Swinney:** I am grateful to Mr Smyth for making those points.

In relation to the steps that are being taken to reconnect people, I assure Mr Smyth that the power companies are moving as fast as they can, although one of the individuals from SP Energy Networks with whom I was in discussions yesterday, who was down in the Eaglesfield area of Mr Smyth's region, cited to me the specific complexity of the difficulties that were affecting a limited number of properties, which was a result of multiple interruptions to the power supply.

I cite that example to illustrate to Parliament the fact that the issues that are being wrestled with are of a greater degree of complexity because of the damage that has been caused. That makes it difficult to give a prediction on the numbers involved. However, the power companies are working as fast as they can to restore supplies, and I will get regular updates in the course of today about the progress that is being made.

On water supply, much of the issue depends on the ability to get power supply to installations, so electricity connection is at the heart of that issue, too.

On the question about contacting vulnerable customers, the power companies and local authorities are in regular dialogue on the existence and extent of vulnerability in communities. They have established lists of individuals to be contacted, and I am assured by local resilience partnerships and the power companies that they have been undertaking such contacting. However, I am conscious of the number of people in society who are now dependent on mobile telephony networks, which can be significantly interrupted as a result of loss of power supply.

I have had assurance on the issue of vulnerable customers, but I reiterate the point that, if anyone is in need of assistance, I urge them to contact their local resilience partnership to secure that.

**The Deputy Presiding Officer:** I am conscious that an understandably large number of colleagues want to ask a question, given the impact that storm Arwen has had on many parts of the country and the fact that constituents' interests will need to be seen to be raised. Therefore, I am keen for members' questions to be as succinct as possible, and for the Deputy First Minister to provide as succinct answers as he can manage.

**Gillian Martin (Aberdeenshire East) (SNP):** I have never before seen such damage from high winds in my area. We are all aware of the volumes of people who are still without power. How is the Government ensuring that there are sufficient resources to ensure that those in outlying areas are being checked on? I am not talking only about those who are on lists of people with vulnerabilities. I am hearing from families with newborn babies, and I am very concerned about older people who live alone who might be missed, many of whom cannot get information. As the Deputy First Minister mentioned, in the digital world that we live in, gaps in communications have been exposed.

What resilience review work will be undertaken as a result of what has happened to us this week, which has exposed some of those gaps?

**John Swinney:** As I indicated in my statement, as we do in relation to all such incidents, we will consider the lessons that we can learn from the handling of storm Arwen.

As Gillian Martin acknowledged, we have had to wrestle with a storm of the greatest ferocity. The damage has been significant. We must identify whether there are other steps that we need to take to make networks, as well as individuals and households, more resilient. That discussion will start once we have got to the point where we have secured resolution of the issues and we can properly and fully learn the lessons, in consort with our resilience partnerships and the power companies, which have a critical role to play in it.

**Douglas Lumsden (North East Scotland) (Con):** Thousands are without power, water and heat. Roads are blocked and communities are cut off, yet those communities have faced a wall of silence from the Scottish Government and the First Minister. As the Deputy First Minister said, engineers did a fantastic job, but they were overwhelmed and needed more help. Did the Scottish Government even ask the UK Government for emergency assistance, or did it yet again take its eye off the ball?

**John Swinney:** I come back to my response to Liam Kerr, which is that the responsibility for the operation of power companies lies with the companies themselves. It would be folly for me to interfere in the sophisticated technological work of power companies in restoring supply. If Mr Lumsden wants to know whether I have had discussions with power companies, I can tell him that I have—on multiple occasions.

**Douglas Lumsden:** That is not enough. What about the UK Government?

**John Swinney:** Those companies—*[Interruption.]* Mr Lumsden continues to shout at me, but as he might not know this, he might want to stay silent for a moment while I explain the position.

The power companies have access to mutual aid supplies across other power networks in the UK, but, as I said in my statement, other parts of the UK were under severe strain as well. Some of those resources are now becoming available, but that is happening only once power has been restored in the original network areas.

For example, let us consider SSE, which is a company that Mr Lumsden should be familiar with, if he is familiar with the north of Scotland. It has an operation in the south of England, which took a hammering as well. Once the damage was recovered in the south of England, SSE was able to relocate staff further north. That is the type of mutual aid arrangement that operates in the electricity market. It would be folly for me to intervene and interfere in what the power companies are doing to resolve the situation as quickly as possible. *[Interruption.]*

**The Deputy Presiding Officer:** I encourage members to ask their question and then to allow the minister to answer.

**Karen Adam (Banffshire and Buchan Coast) (SNP):** I thank all those people who have put in a tremendous effort to support local communities over the past five days. I note that many people in my constituency are still without power and water.

I have been in touch with vulnerable constituents, some of whom require power for medical equipment and some who require running water to sterilise baby bottles. They have been offered reimbursement for takeaways and hotels, but cannot meet the up-front costs. Once again, people who are living hand to mouth are suffering the most in an emergency. Will the Deputy First Minister outline what alternative measures the Scottish Government is considering to help people in vulnerable circumstances?

**John Swinney:** Fundamentally, the needs of individuals in those circumstances must be addressed by the dialogue that goes on at the

local level with resilience partnerships, which must find the means of addressing the individual circumstances that people face. Karen Adam has put to me a legitimate set of scenarios, which are distinctive and different circumstances that have to be addressed. The most appropriate mechanism for that is for dialogue to take place between individuals and local resilience partnerships. Those partnerships should be active at the local level, making sure that individuals who are facing difficulties are able to receive the support that they require.

In our reflections on this incident, we will work to identify how individuals can be most effectively supported should we again have to face interruptions of supply of the length that we are having to face in these highly unusual circumstances.

**Claire Baker (Mid Scotland and Fife) (Lab):** I note that the Deputy First Minister did not mention Stirling Council in his statement. I have been contacted by constituents who feel that Stirling's emergency response at the weekend was inadequate and that they were abandoned in freezing temperatures with no rest centres or access to generators. I know that there were people who were unable to operate their oxygen tanks. People had an extremely difficult weekend. On Friday, at the Scottish Government resilience meeting, was the Deputy First Minister satisfied and confident that the plans that local resilience partnerships had in place would meet the impact of the expected and anticipated storm?

**John Swinney:** At the resilience committee meeting on Friday, we heard directly from the three strategic regional resilience partnerships, all of which had been in dialogue with local resilience partnerships to ensure that the capacity was stood up to be available to assist individuals in the event of storm damage being apparent. Obviously, the red weather warning was a clear indication that that was going to be the case. All that information and assurance was sought on Friday, to ensure that all resilience partnerships were ready to provide that. If Claire Baker would like to supply me with the information on the experience of the members of the public who have contacted her, that would be helpful to us in seeking the assurance that individual resilience partnerships took appropriate measures to be ready for the challenges.

**Emma Harper (South Scotland) (SNP):** The Deputy First Minister has outlined what action has taken place across Scotland, including in Dumfries and Galloway and the Scottish Borders. I thank all the staff and leadership for their efforts. As more such weather events are predicted, can the Deputy First Minister provide further information on what work is under way to identify the most

vulnerable and on how the Government can assist and support the local resilience partnerships?

**John Swinney:** As part of the resilience planning, we expect local resilience partnerships to establish very clearly those who face vulnerability. That knowledge is amassed through a lot of the work that goes on in local communities—I saw that when I was in the Annan area to look at some of the impacts of flooding. Many of the community-based organisations that I met are focused on providing adequate support to all the individuals who face any degree of vulnerability. That knowledge is built up as part of the preparation of the resilience arrangements, and it is crucial that it can be followed through and activated when an incident arises. Obviously, when there is a power-related matter, there is close linkage to the circumstances involving power companies, which have knowledge of the various issues involving vulnerability that exist in different parts of the community.

**Beatrice Wishart (Shetland Islands) (LD):** Storm Arwen has highlighted our expectations about and reliance on technology and online information, but, in terms of lessons learned, how can the Scottish Government improve methods of communication in times of emergency when the power is gone and the batteries have run out, especially given the predicted increase in the frequency and intensity of wild weather events due to the climate emergency?

**John Swinney:** That is a significant issue. As householders and citizens, we are immensely more dependent than we were previously on mobile telephony and digital connectivity, which is all entirely power dependent. The issues of ensuring that we have adequate contact mechanisms in place in times of difficulty of such magnitude are exacerbated by the issue that Beatrice Wishart properly raises. We will reflect on that issue closely in the resilience exercise. The incident has highlighted, and was exacerbated by, that significant dependence on electricity power supplies.

**Paul McLennan (East Lothian) (SNP):** In my constituency, more than 3,000 trees were blown over in John Muir country park in Dunbar alone, and the impact on wildlife elsewhere has been reported. What consideration has been given to addressing the effects on nature and the environment as we look to recover from the impacts of storm Arwen?

**John Swinney:** There is obviously a significant impact in the John Muir country park, to which Mr McLennan refers. Forestry and Land Scotland is looking at those issues actively and has provided guidance to individuals to avoid being in forest areas while the situation is being properly assessed. We must consider the impacts of the

incident on our natural environment. A very careful exercise has to be undertaken to remedy those issues, particularly in the circumstance that Mr McLennan raises with me.

**Mark Ruskell (Mid Scotland and Fife) (Green):** I thank those who worked tirelessly to reconnect communities at the weekend and those who are continuing to do that work. My community in the Stirling area had no electricity for the best part of four days, despite the fact that, over the weekend, we were told through the online app that we would be reconnected within about four hours. Does the Deputy First Minister recognise that it is very difficult—almost impossible—for householders to plan ahead when such rolling deadlines are not met? How does he think that communication in general can be improved, particularly on people's rights? We were told at the weekend that utility companies would pay for pizza for people, but the information that people could be eligible for up to £700 of compensation has not really got out there.

**John Swinney:** It is important that the quality of communication that is available to householders is at the highest possible level. The power companies have shared with me the volume of contacts that they have had with individuals, and they have had a colossal number of contacts with members of the public. It is important that individuals pursue their rights in relation to interruption of supply, but it is equally important that the power companies make available to individuals high-quality and reliable information on when incidents are likely to be resolved following the kind of outages that we have experienced.

**The Deputy Presiding Officer:** Alexander Burnett joins us remotely.

**Alexander Burnett (Aberdeenshire West) (Con):** I echo the gratitude that parliamentary colleagues have expressed to those who have worked to restore power and those who are assisting people who have been affected.

Thousands of people across my constituency have been or remain impacted by the storm. Over the weekend, I spoke to care homes across Aberdeenshire West that were scrambling to get generators and that had major concerns about their most vulnerable residents. The red weather warning was issued on Friday morning, but the storm was on the radar before then. What resilience planning had the Scottish Government done to protect our care homes, and how will it commit to doing better next time?

**John Swinney:** Priority has been attached to ensuring that power supplies can be sustained for care homes and individuals with vulnerabilities. In my discussions with the local resilience partnership in Aberdeenshire, I have been assured

that steps were taken to make sure that power supplies were assured to those organisations and institutions. In a number of cases in Mr Burnett's constituency, the remedying of some strategic faults in the electricity network resolved the situation for a significant proportion of his constituency, but it is an indication of the magnitude and severity of the incident that such widespread effects arose as a consequence of it.

Many of those ventures have emergency supplies available to them, but we will ensure that the issues of emergency supply are reassessed as part of the work of the local resilience partnerships in order to guarantee that we have resilience in such circumstances.

**The Deputy Presiding Officer:** We have run over the allotted time for this item of business. I intend to call all three of the remaining members who want to ask a question, but the questions and responses will have to be as brief as possible.

**John Mason (Glasgow Shettleston) (SNP):** When transport and communications are so damaged, it makes us realise how important local communities are. Can the cabinet secretary say anything about how the Government can empower them to prepare for such incidents in the future?

**John Swinney:** There are numerous examples of ventures that local communities have brought forward, such as local organisations. We have generated a number of resilience forums through flood prevention activity, and they provide practical and tangible assistance to individuals. There is a network of those available around the country. The Government's community empowerment agenda is designed to support them and encourage the development of similar ventures.

**Craig Hoy (South Scotland) (Con):** Does the Deputy First Minister recognise and accept that, at this time of year, every day's trading counts for our struggling small businesses? Will he therefore look at a targeted package of support for those businesses that suffer a significant loss of income due to destruction or damage that was inflicted by storm Arwen?

**John Swinney:** I have put on the record the fact that we have opened the Bellwin scheme. The Government remains open to considering any other issues that are relevant, and, if Mr Hoy has any particular issues to raise with the Government in that respect, they can be looked at by the Cabinet Secretary for Finance and the Economy.

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** I record my thanks to everyone who has been dealing with this catastrophe. Two thousand of my constituents in the Ettrick valley, the Kale Water valley and Berwickshire are still without power. What can the Scottish Government do to provide generators,

because there are not enough to go round; to support energy companies by working out a way of supplying additional linemen and engineers; and to supply essential support to Scottish Borders Council, which is going through significant financial resource in supplying hot food to residents who are without power?

**John Swinney:** I have gone through the issue concerning the power companies, which have a mutual aid arrangement in relation to the network. We cannot send any old individual up an electricity pole to reconnect the supply—it defies belief that we are getting such suggestions.

When it comes to the financial issues, we have activated the Bellwin scheme. If local authorities are incurring expenditure that merits classification under that scheme, financial support is available to them. I assure Rachael Hamilton that the local resilience partnership in the Borders has been actively involved in discussions with the power networks and with the east of Scotland regional resilience partnership, to ensure that all the issues that need to be addressed have been addressed as quickly as possible.

I come back to my core point: there has been extensive damage, which is taking a prolonged period to resolve because of its intensity.

**The Deputy Presiding Officer:** I thank colleagues for their co-operation in allowing all the questions to be taken. There will be a brief pause before we move to the next item of business.

## Deaths in Prison Custody

**The Deputy Presiding Officer (Annabelle Ewing):** The next item is a statement by Keith Brown, Cabinet Secretary for Justice and Veterans, on the Scottish Government response to the independent review of deaths in prison custody. The cabinet secretary will take questions at the end of his statement, so there should be no interventions or interruptions.

I call Keith Brown to speak for around 10 minutes.

16:01

**The Cabinet Secretary for Justice and Veterans (Keith Brown):** In November 2019, my predecessor asked Her Majesty's chief inspector of prisons for Scotland and her co-chairs—Professor Nancy Loucks, chief executive of Families Outside, and Judith Robertson, chair of the Scottish Human Rights Commission—to carry out an independent review into the response to deaths in custody, in recognition of the need for increased transparency and better engagement with families following such a death.

That review is complete, and its report has been published today. I take the opportunity to make a statement to highlight that important work and to set out the context of the review and its findings. Members will now have the opportunity to consider and read the report.

First, however, I must offer my sincere condolences to all those who have lost loved ones in prison custody. It is always hard to lose someone close to us, but to do so in circumstances in which we cannot be with them, and may not be clear about the circumstances of their death, must be especially hard to bear.

I am very grateful to Her Majesty's chief inspector of prisons, Wendy Sinclair-Gieben, and to her co-chairs Professor Nancy Loucks and Judith Robertson, who worked with her to conduct the review, for the comprehensive and robust work that they have carried out. Families Outside facilitated the involvement of families who have been bereaved by a death in custody, and the commission provided expertise on human rights.

Delivering the review took longer than had originally been planned. That was unavoidable, in light of the impact of the Covid pandemic. I thank all concerned for their commitment to the review through challenging circumstances and the very real barriers that Covid imposed on the research process.

The primary aim of the review was to make recommendations on areas in which improvements could be made in the immediate

response by the Scottish Prison Service and the national health service to deaths in prison custody—including to the deaths of prisoners who are in NHS care. Most importantly, the review aims to highlight ways in which, in the event of a death in custody, the response to, and experiences of, families could be standardised and improved, so as to provide prompt answers, transparency and compassion.

At the outset, I highlight that it was not the purpose of the review to include or consider the investigation of deaths in prison. The Lord Advocate is the independent head of the system for the investigation of sudden and suspicious deaths, and the Crown Office and Procurator Fiscal Service carries out that work on her behalf. As such, the investigation of deaths that have occurred in prison, including criminal investigations and arrangements for fatal accident inquiries, are outwith the remit of the review.

In Scotland, a fatal accident inquiry is mandatory whenever someone has died in prison custody. The Crown Office undertakes independent investigations in advance of mandatory FAIs.

As I said, I am grateful to the management and staff at the Scottish Prison Service and in the NHS for engaging with the review and informing its recommendations. The review makes a number of important recommendations, highlighting practical, operational and compassionate changes that are needed to improve the ways that deaths in prison custody are handled and responded to in Scotland by both the Scottish Prison Service and the NHS. Those changes include training that is grounded in the appreciation of the impact of death, as well as early empathetic engagement with families.

We will work with the SPS and healthcare delivery partners to ensure that those recommendations are delivered. I know that the SPS has already implemented some immediate improvements, such as compiling a booklet that signposts families to bereavement services and support. I look forward to seeing more of the changes that will be implemented in the coming months.

I put on record my appreciation for the SPS and prison-based NHS staff who care for some of the most vulnerable people in our society. As I saw at first hand when I visited Perth prison earlier this month, the overwhelming majority of staff are extremely committed to ensuring the health and wellbeing of the people they care for and want to do the right thing with regard to their loved ones. It is clear that although systemic and operational changes are needed, particularly in standardising an improved response in the event of a death, there are, and have been, very real efforts by staff

to support one another as well as the prisoners who are impacted by a death.

Most of all, I express my gratitude to the families who either participated in the research process or who formed the family advisory group. I understand that the advisory group met monthly for the duration of the review, providing lived experience and expert views on the issues that they looked at. I am very aware that their involvement over such an extended time period may have required a great deal of emotional resilience. I thank them for their time, their willingness to revisit the grief that they experienced and the insights gained through their participation.

Turning to the report itself, last Thursday, the law officers and I met the chairs of the review to discuss their findings and recommendations. Although I have not yet had the opportunity to fully consider the detail and implications of all the findings and recommendations made by the review, I want to be clear to Parliament that I accept the recommendations in principle.

In respect of the key recommendation, I agree that an independent body should carry out an investigation into every death in custody. The recommendation is that an independent investigatory body, which immediately starts the process of engaging with the family and agencies, provides transparent and prompt information to families at an early stage, thus better meeting the needs of bereaved families. Families want to know as quickly as possible how their loved one died and what the circumstances of their death were. That would complement the independent investigation by the Crown Office into the circumstances of the death, the information provided to families by the Crown Office in terms of the families liaison charter, and the subsequent FAI, which is presided over by the judiciary.

I highlight at this stage that it is clear that the suggested recommendation around the independent body does not, and should not, replace any of the current inquiry processes. The current FAI process, as enacted in legislation in 2016, follows an in-depth review of the FAI system. There have been improvements in relation to the system of FAIs since the introduction of the legislation and the modernisation project undertaken by the Crown Office in 2019. That will be further enhanced by a specialist Crown Office team that will focus on the investigation of deaths in custody and the resulting FAIs, bringing together a number of specialist disciplines. That recommendation will of course require some further detailed practical and legal consideration, in conjunction with the Crown Office and Procurator Fiscal Service and other partners. That

will take time, but I commit to doing that as quickly as possible.

Overall, the findings point to a lack of consistency in the way that deaths in custody—and, specifically, engagement with the family by the Prison Service in the event of death—are handled. Indeed, although families' experience of the way that they are consulted and considered varies, at present, that engagement tends to lack the compassion that we might expect. I believe emphatically that that does not represent a lack of compassion or humanity on the part of the Prison Service, but rather points to the need for staff training in relation to how to have difficult conversations and what information can be shared, and when. As we know, conversations about death are never easy and require maturity, sensitivity and empathy. Staff can be coached to enable them to hold those conversations in ways that uphold the dignity of bereaved families while also providing them with valuable answers and support.

I am pleased that the review acknowledges the good practice that exists, such as the meetings with families that struck a sensitive tone, invitations to families to visit the establishment and see where their loved one had lived, for context, inclusion of families in memorial services and the facilitation of families meeting friends and cell mates.

I have been told that the review team heard examples of staff being sensitive and supportive, but I note that that was not universally the case. I accept that, through trauma-informed training, which I mentioned, and a review of operational processes, what is an extremely difficult time for bereaved families could be made less traumatic, and families could be treated with more compassion. I reiterate that I am committed to improving the immediate response to bereaved families who have lost a loved one while they were in prison custody.

Although this is outwith the scope of the review, I have raised the issue of notification of victims in the event of a death in custody. I am aware that that service is already provided by the victim notification scheme and will be subject to review in its own right next year.

Along with relevant key partner agencies, I will hold a round table at the beginning of next year to map out what needs to be done to deliver on the review's recommendations and make the necessary changes to operations.

The review is substantial. We will work on the recommendations and advisory points that the chief inspector and her co-chairs set out. Our ultimate aim is to improve the ways in which the deaths of loved ones in prison custody are

experienced by bereaved families. It is important that, as a progressive society, we have transparency, a trauma-informed approach and a compassionate justice system that understands that improvements need to be made to better deliver for families.

Finally, I commit to giving Parliament a full update on progress by summer 2022.

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

**Jamie Greene (West Scotland) (Con):** I thank the cabinet secretary for his statement and I thank the review group for its work. I say to the family of anyone who has died in custody that we share their grief here today.

What is a rather stark report is summarised well on its front page:

"Two pillars of trauma-informed practice are choice and control. Our Review showed clearly that families bereaved through a death in prison custody have neither."

The report paints a grim picture of systemic failings in how we prevent and deal with deaths in custody, many of which go unknown and unnoticed. People with mental health problems who die by suicide and people who die of drug overdoses in our prisons are the silent victims of our justice system. There have been 39 such deaths so far this year. The families of those people have been let down on many levels, many times.

Most worrying is that the report says that little is being done right now to learn lessons and prevent future deaths. I hope that the report acts as a wake-up call and catalyst for change.

The main recommendation is for a new, independent body to oversee investigations into deaths in custody. How will that remove, augment or duplicate work that is currently in the remit of the Crown Office and existing bodies? If legislation is needed to create the body, will it be introduced? Will the minister back our repeated calls for a statutory timeframe for fatal accident inquiries, for which the report also calls? Given the stark seriousness of the situation, which of the report's recommendations can be acted on straight away, so that even just one life might be saved as a result of the report?

**Keith Brown:** I thank Jamie Greene for his questions and will try to address them in turn.

First, he said how important it is for the Prison Service and others to learn lessons. A trenchant criticism in the report is that, although an individual death in custody might lead to the learning of

lessons, such learning is not cumulative. We do not bank that learning for the future. The establishment of an independent body might be one way to ensure that that happens. Other recommendations in the report, as Jamie Greene will know, should ensure that it happens. We have to learn continuously and not forget lessons that have previously been learned. I take that point on board.

Jamie Greene also asked how the independent body would fit with the other bodies that are, necessarily, involved after a death in custody. That is an important point. In my discussions last week with the authors of the report and the law officers, we all acknowledged that there will have to be substantial work involving the Crown Office, the Lord Advocate and various other bodies, to ensure that the independent body fits properly with other bodies, because we cannot allow any system to prejudice a criminal report or undermine the Lord Advocate's constitutional position in relation to FAls. That is a real concern. I cannot answer the question now; all I would say is that those discussions will take place. We will ensure that one body does not trip over another.

I very much take his point about speed—it has been a criticism in relation to FAls, too. The report specifically says that the investigations should be completed

“within a matter of months.”

I agree, which is why, between now and when I come back to the Parliament to report on the issue, I will take action to ensure that we do not lose sight of the need for a quick response to the families. Communication and speed of response are perhaps two of the top three asks of families in those circumstances, so we must act on them.

However, it is only when we have had the chance to look further into the report's findings and take part in discussions with other partners that we will be able to tell whether further legislation is required. As I have said, I am happy to come back to the Parliament and report on that in due course.

**Pauline McNeill (Glasgow) (Lab):** I thank the cabinet secretary for the chance to question him on this important area of policy.

The report is damning on Scotland's approach to deaths in custody. Prison officials have been accused of corporate homicide for their failures in the investigation of the deaths of, to name but a few, Allan Marshall, whose family does not feel that it has any answers; and William Lindsay, or Brown, and Katie Allan, whose families still await a fatal accident inquiry.

The report goes on to say that the Scottish Prison Service is seeking to limit accountability, that there is a “lack of family engagement” at

“every step of the journey”,

and that

“humanity and compassion are at times compromised”.

The cabinet secretary will know that the evidence shows that the involvement of families in fatal accident inquiries and investigations makes a huge difference to any outcome and recommendations.

Does the cabinet secretary believe that the independent body should have unfettered access to all relevant material, including the data, and that there should be a duty on the Scottish Prison Service to retain all relevant information, as the report recommends?

In responding to Jamie Greene's question, the cabinet secretary has answered my question about whether the independent body will be able to shorten the time that it takes to get answers. The cabinet secretary said that it could do so.

Finally, does the cabinet secretary believe that, in order to change the direction of the horrendous figures and the way that families are treated, the new body must be given unfettered access so that it can provide the answers that families need?

**Keith Brown:** I cannot immediately think of any reason why the body should not have those powers. Unless a compelling reason why the new body should not have those powers comes up in the discussions with other partners, I cannot think why we would want to fetter the new body, which is independent for a reason.

The member will see that other recommendations refer to data and information being provided more readily, for example to families. Why, then, would we not provide that information to the independent body? It would seem wrong not to do so. As I say, we will have to have those discussions with our partners. We will come back to the Parliament and the Parliament will have a say on that.

Pauline McNeill's other points are really important—they are issues that can sometimes be lost. People need to be informed of someone's death and spoken to in a way that shows understanding of the impact of that death. I do not blame the prison service; across the justice system, people are doing their job and they do not necessarily see it as central to that job to take the trauma-informed approach that we must embed right across the system. They are doing their job, but it is important now that we say that there is more to it than that. When we are dealing with people who have lost somebody through death in custody, we have to make sure that they get the right information—and as much information as possible—that they are spoken to in an understanding way about the loss that they have

experienced and, crucially, that they get answers quickly.

I cannot say for certain that there would not be a case that, for some reason, took longer than a year, but if the standard is to be a matter of months—not necessarily 10 or 11 months—that would be much better for the families. The report makes a serious attempt to address some of those fundamental concerns.

**The Deputy Presiding Officer:** I ask for succinct questions and answers. We have used up more than seven of the 20 minutes available for two questions. I do not want to prejudice all the back benchers who wish to ask questions.

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** The cabinet secretary mentioned the importance of ensuring that staff are well trained in how deaths in custody and engagement with families in the event of death should be handled. Can he say any more about what can be done to ensure that staff are trained to hold such conversations sensitively, while providing answers and the support that families require?

**Keith Brown:** The review makes several important recommendations highlighting practical, operational and compassionate changes that are needed to improve the ways that deaths in prison custody are handled and are responded to by the Prison Service, the NHS and others. As the report suggests, and as Rona Mackay hints, those changes will require training. We will work with the Prison Service, the NHS and the Crown Office to ensure that those changes are made.

**Russell Findlay (West Scotland) (Con):** Against a backdrop of rising prison deaths, families have told the report's authors that the authorities often do not care about the deaths of addicts. The cabinet secretary has committed to ending drug-soaked prison mail, which will save lives. Can he tell us exactly when that will happen?

**Keith Brown:** The Scottish statutory instrument was laid in Parliament today. As the member will be aware, it is subject to parliamentary scrutiny, but we hope that it will come into effect on 13 December.

**Audrey Nicoll (Aberdeen South and North Kincardine) (SNP):** Can the cabinet secretary provide any further information as to how the voices of prisoners' families and human rights experts have been represented throughout the review process?

**Keith Brown:** As the member hints, it would have been wholly wrong to have had such a review without involving the families. I have already mentioned the family advisory group, which met monthly for the duration of the review. It

was made up of 12 people from eight families and informed the work of the review throughout the process by providing lived experience. The helpline team from Families Outside also collated inquiries from families regarding concerns for someone in prison.

Judith Robertson, chair of the Scottish Human Rights Commission, was appointed co-chair of the review. I reassure the member that we will ensure that the involvement of families continues as we take forward the report's recommendations.

**Katy Clark (West Scotland) (Lab):** The cabinet secretary said that he agrees "in principle" with the key recommendation of the report that a separate independent investigation should be undertaken into each death in custody. Does he agree that, as part of that, it is vital that an independent investigator has early access to all witnesses, while events are still fresh in their minds?

**Keith Brown:** That is why I said that I agree "in principle". As the member will know, perhaps better than me, in practice there are dangers with such inquiries in relation to any possible criminal prosecution or FAI. There is a lot of work to be done to ensure that those who carry out such inquiries as independent bodies ensure that they do not jeopardise any future potential criminal case and that when they talk to witnesses they do not impinge on that process. However, the ability to get into the situation quickly and to provide facts to the families is very important. That is the thrust of what we are trying to do. Some of those issues have to be worked through and that is why we need more time.

**Gordon MacDonald (Edinburgh Pentlands) (SNP):** I met the governor of Shotts prison last week concerning my constituents' relative who died while serving a prison sentence. His relatives do not want another family to face the outcome that they did. Can the cabinet secretary advise us what steps are now being taken to reduce the number of drug-related deaths in prison custody and how improved data transparency on deaths in custody will help families to find closure?

**Keith Brown:** As I said in response to Russell Findlay, an SSI is being laid in Parliament today, which will amend prison rules to allow prison officers and employees to

"copy and, for the purposes of investigating whether it contains a prohibited article or unauthorised property, test"

that correspondence. My hope is that the rules will come into force on 13 December, subject to parliamentary scrutiny.

**Liam McArthur (Orkney Islands) (LD):** I thank the authors of the report and give credit to the families who have dragged the Government to this

point, determined to secure change for others because of the pain that they have endured.

Does the Cabinet Secretary for Justice and Veterans acknowledge that many of the lessons of the report, including the need for learning to prevent more deaths, for investigations to happen quickly, and for families to be kept updated, also apply to FAIs, which continue to routinely compound the pain of families and which ministers deliberately excluded from the review?

**Keith Brown:** I may have misheard Mr McArthur, but I did not catch the question there. The report was about the response of the Prison Service and the NHS to deaths in custody. Overriding that is the ability of the Lord Advocate to instruct a mandatory FAI when there is a death in custody.

The process that Mr McArthur mentions was not the subject of the review, but it has been reviewed and agreed by the Parliament. Although there are objections to it and I listen to those objections and concerns, some of which have just been raised by Mr McArthur, I have not yet seen an alternative proposal put forward. I would be happy to listen to such a proposal, but in the meantime, the review takes forward what the SPS and the NHS can do in relation to deaths in custody, when people are in their care.

**Collette Stevenson (East Kilbride) (SNP):** Can the cabinet secretary provide any further information on the steps that are being taken to provide mental health support to people in prisons to mitigate the risk of suicide?

**Keith Brown:** Front-line prison officers and our NHS staff work hard every day to support people in custody, including those who use challenging behaviours as a means to communicate their distress. We know that people in custody present higher levels of risk and vulnerability than are found in the general population.

Our mental health transition and recovery plan, which was published in October 2020, made clear our commitment to continue to work with partners to seek better support for those with mental ill health in the criminal justice system, including in prisons. A cross-portfolio ministerial working group has been formed to identify the issues that the justice system faces in relation to mental health and to look at ways to apply original and creative solutions to those issues.

**Maggie Chapman (North East Scotland) (Green):** I echo the cabinet secretary's thanks to the review's co-chairs and everyone who supported its work, especially the families who have lost loved ones in custody—I extend my sympathies to them.

The review highlights that, despite their best efforts, its authors

“experienced challenges in securing the participation of prison staff”

and had no control over

“ensuring randomised selection of participants and informed consent.”

Similarly, no women in custody participated. Those issues should be significant causes for concern, perhaps the latter especially, given recent and forthcoming discussions about gender inequalities in our institutions.

Will the cabinet secretary outline what additional information and research he thinks is necessary to ensure that we better understand the experiences and views of women in custody, as well as those of the prison staff who support them?

**Keith Brown:** In relation to taking that issue forward in discussions with partners, those partners will be listening to the debate and will take on some of the suggestions about additional information that might be required to ensure that we get the right solutions.

In that context, the member is right to mention that prison staff need training. It is fair enough to say that prison staff should do this, that and the other, but they need to be trained to do those things.

I have mentioned the difficult conversations that prison staff have to have, but the member is right to say that they must be trained and supported in having them to make sure that families are kept aware and that other prisoners are considered when a death in custody happens. It will be a much more trauma-informed approach. We cannot just say that people should do those things; we have to take responsibility for training.

In the next few months, we will learn the other lessons that we have to learn and consider the other information that we have to call on.

**Brian Whittle (South Scotland) (Con):** One member of prison staff said that participation in a fatal accident inquiry cannot be prepared for and is the single worst experience of the role. What is the Scottish Government doing to support our hard-working prison staff to ensure that they have access to mental health support services and are supported when they have to participate in a fatal accident inquiry?

**Keith Brown:** As I mentioned, the holding of a fatal incident inquiry is not within the gift of the Scottish Government. An FAI is conducted by the Lord Advocate. The member is right to raise the fact that staff will require support, which the report also recognises. He says that we have to do more in relation to that issue, which I accept.

I mentioned the impact on other prisoners of a death in custody, and we have to acknowledge that there is an impact on staff as well. The member's point is well taken. The report tries to address that issue and the challenge for us is to take it forward and deal with it as effectively as we can.

**The Deputy Presiding Officer:** I call James Dornan, who joins us remotely.

**James Dornan (Glasgow Cathcart) (SNP):** [*Inaudible.*]—will be taken forward regarding the—

**The Deputy Presiding Officer:** Excuse me, Mr Dornan. I am sorry, but there was a technical problem. Could you start your question again, please?

**James Dornan:** Certainly.

How will the views and experiences of families inform the work that will be taken forward in relation to the review's recommendations?

**Keith Brown:** I partially answered James Dornan's question earlier. He asked about taking the work forward. Early next year, we will hold a round-table discussion to inform the next steps for progressing the review's recommendations. I am very open to discussion with the chief inspector of prisons and Families Outside, which I have mentioned, on how the views of families and the family advisory group can best be heard in that round-table discussion and how they can help to inform and shape the progress of the recommendations. We will not get to the place where we need to be if we do not have that input from the people who are most affected.

**The Deputy Presiding Officer:** That concludes questions on the statement. There will be a short pause to allow front benchers to move to their seats safely before I call the next item of business.

## Residential Rehabilitation

**The Deputy Presiding Officer (Annabelle Ewing):** The next item of business is a statement by Angela Constance entitled "Pathways to Recovery: Update on progress and milestones for expanding access to Residential Rehabilitation in Scotland". The minister will take questions at the end of her statement, so there should be no interventions or interruptions.

16:31

**The Minister for Drugs Policy (Angela Constance):** We carry a national shame of thousands of heartbreaking drug-related deaths. It is my job as the Minister for Drugs Policy to lead the national mission to turn the tide on that crisis.

When I speak to people in recovery, I am often reminded that preventing somebody from dying is only the beginning of the recovery journey. Recovery is not something that happens to people; it happens when the system of services and resources facilitates individuals to build recovery capital and social connections, and to pursue their recovery goals safely. The system of services needs to be based on hope and trust to meet people where they are and not leave them there.

I come before Parliament today with the word "hope" in mind to provide an update on our progress on residential rehabilitation and to set out our milestones for the road ahead. Our national mission to tackle the drug deaths emergency is focused on a public health response to save but also to improve lives, whether that is through harm reduction services, medicated assisted treatment, abstinence programmes, or support for mental health, housing and welfare. It is about supporting people to access the treatment and recovery that is right for them. We are therefore working to ensure that all the component parts of a recovery oriented system of care operate effectively with good links and pathways between them to reduce harm and promote recovery.

Residential rehabilitation must be part of the range of evidence-based prevention, treatment and recovery services. That will ensure that there are options and choices for those who seek an abstinence-based recovery. There are three parts to our national approach to achieving that: improving pathways into and from residential rehabilitation, in particular for those with multiple and complex needs; investing in a significant increase in the capacity of residential rehabilitation; and developing a standardised approach to commissioning residential services.

Today, we have published a suite of reports that detail the current state of pathways into, through

and from rehab. The research that the Government has undertaken has highlighted areas that do not have clear pathways. That has enabled us to tailor and target our interventions to the areas where it is hardest to access rehab. Pathways into and between all types of services are important, but they are even more vital for residential rehab, because it is all too often not part of the range of options available.

We know that the transition from rehab back into the community is a higher-risk phase, so it is important to get it right, with reintegration into other services, such as housing and employability services. Pathways to residential rehab and aftercare should be clear, consistent and easy to navigate, no matter what area of Scotland a person lives in. We want to ensure that people feel supported and have more choice in their treatment journey, and that a no-wrong-door approach means that they can ask for help through a variety of services, including housing, criminal justice and community outreach. The tragic statistics that were published today on homelessness deaths, more than half of which are linked to drugs, make that an ever-greater priority.

We will be ensuring a rights-based approach by applying the PANEL—participation, accountability, non-discrimination, empowerment and legality—principles in the development of pathways in all alcohol and drug partnership areas. By summer next year, we will ensure that each ADP has a published pathway document to share with clinicians, social workers and outreach workers, as well as individuals and their families.

We have responded to calls for more transparency and accountability by working with Public Health Scotland to track the number of residential rehab placements that ADPs have funded. That will provide the Government with a clear line of sight on how the residential rehab money is being spent. So far, in the first six months of this financial year, ADPs have funded 212 placements with an investment of around £1.4 million from the £5 million that was allocated to be spent on residential rehab and aftercare this year. That is almost the same as the number of placements funded annually in 2019-20.

Let me be crystal clear: it will be unacceptable for any area not to be investing in residential rehab. We aim to increase the number of publicly funded placements by more than 300 per cent over the five years of the programme so that, by 2026, at least 1,000 people every year are publicly funded for their rehab placement. We will work with ADPs to support the delivery of that ambition and to facilitate regional approaches, especially in those areas where the rates of drug deaths are highest and access to residential rehab is most challenging. Regional hubs overseen by

Healthcare Improvement Scotland will ensure that the local system of treatment and recovery services, including residential rehab, is operating to the highest of standards.

In order to facilitate the increase in publicly funded placements, we are working to increase capacity. That builds on the recommendations from the residential rehabilitation working group—to which I am very grateful—to ensure equal access across Scotland.

The total estimated number of rehab beds that are available in Scotland just now is 425. Our aim is that, by 2026, there will be 50 per cent more rehab beds in Scotland, giving a total of 650. We have established a rapid capacity programme as part of the recovery fund, which will expand existing services and establish new services. Our surveys highlighted a gap in provision that meets the needs of women and those who require childcare facilities, so we have made that a focus for the programme.

We have already committed to just over £8 million of funding over the next five years to support a new national family service, to be delivered by Phoenix Futures. The service, which will be up and running by summer 2022, will support up to 20 families at any one time.

I am pleased to announce to Parliament today that we are providing funding to expand the capacity of the Lothian and Edinburgh abstinence programme—LEAP—by 40 per cent. That funding will enable the detox capacity in the Ritson clinic to increase by 50 per cent. That will enable more people to safely detox before going into the LEAP service. The project will be delivered in partnership with the Lothian ADPs and will act as a blueprint for a regional model of delivery to address inequities of access across Scotland.

I can also announce to Parliament today that, in recognition of the fact that one size does not fit all, and given the need for a diversity of residential rehabilitation options, we are funding River Garden so that it can scale up its innovative residential therapeutic community and social enterprise. Based on the experience of international models in Italy, Sweden and the USA, River Garden offers a three-year residential programme for people in the early stages of recovery. The service currently supports seven residents, and the funding will enable it to realise its vision of supporting 56 men and women in recovery.

That brings us to a total of £18 million of investment so far from the recovery fund, which will increase capacity and ensure choice.

In order to transform more fundamentally the way in which residential rehab beds and placements are funded, we are developing

standardised approaches to commissioning rehab services. Subject to the outcome of the national care service consultation, the Government may take a national approach to commissioning specialist addiction services. However, although the national care service has the potential to reform how services such as rehab, detox and stabilisation are commissioned and procured, we do not need to wait until the more systematic changes are made. That is why we have asked Scotland Excel, as the centre of procurement expertise in local authorities, to undertake market analysis and further engagement with ADPs now to consider the different routes that are available to the Government.

When the First Minister and I recently visited Bluevale Community Club, we emphasised that no ideas are off the table, as problems and solutions belong to us all. We want to build a political consensus around what works—for example, we welcome the recognition across the Parliament that safer drug consumption facilities have a role to play in saving and improving lives.

I have outlined today the work that we are undertaking over the next five years to ensure that everyone who wants residential rehabilitation, and for whom it is considered clinically appropriate, can access it. My priorities are about making people's rights real by funding and shaping new services, supporting the development of clear pathways and reforming the commissioning model. The national mission is not about prioritising residential rehabilitation over medication assisted treatment standards or abstinence over harm reduction—it is about supporting people, and getting more people into the treatment and recovery that is right for them. By doing so, we can help people to flourish and feel hopeful about their futures, and we as a country can see through this crisis to a better time.

**The Deputy Presiding Officer:** The minister will now take questions on the issues that were raised in her statement. I intend to allow around 20 minutes for questions, after which time we will move on to the next item of business. It would be helpful if any member who wishes to ask a question were to press their request-to-speak button now.

**Sue Webber (Lothian) (Con):** I thank the minister for advance sight of her statement and the many attachments that came with it.

In October, the Scottish Government held a debate on a person-centred approach to mental health and substance abuse. Today, we have heard again about the importance of getting more people into the treatment and recovery that is right for them. However, the problem with the idea, and the ideology, of person-centred care is that, in reality, the care that people receive is system

centred or organisation centred. Patients generally get what the system or organisation is willing and able to deliver, not the care that they want or need. What guarantees can the minister give us that person-centred care will be centred on the person and not on the ability of providers to deliver a service?

**Angela Constance:** I very much appreciate Sue Webber's contribution. I understand that there is a wide variety of attachments and publications underpinning today's statement. We have published a wealth of information, and I am happy to engage further on the detail in and around that with Ms Webber or any other MSP. Boring into the detail is crucial if we are to redesign systems of care, whether those are community services or residential rehabilitation services, to meet the needs of individuals rather than those of providers, local authorities or Government. We have to put the person at the centre.

Although I appreciate that much of what I have published today might be less than sexy politically, if I can put it that way, it is important to bore into the detail of where the money is being spent in order to understand where the gaps in provision are and to sort out pathways so that they are clear, consistent and easy to navigate across the country, as well as to invest in services to use and build on existing capacity.

Much of our work around national commissioning and taking a regional approach will help us to change the system so that, instead of meeting the needs of a self-perpetuating system, we meet the needs of our people, who need treatment that is right for them, not right for us.

**Claire Baker (Mid Scotland and Fife) (Lab):** I welcome today's reports and the advance sight of the statement. It shows that some progress has been made, which is to be welcomed. However, I want to introduce a note of caution to how we frame the discussion. I welcome the fact that the minister mentioned harm reduction, but we must not stigmatise people who use opiate substitutes to address their addiction. It is a legitimate treatment option, and, if we are serious about bringing to an end Scotland's fatalities, it is part of the response.

I have a few questions on the statement. Although the increase in placements is positive, the recent residential rehab funded places monitoring report shows significant differences by ADP. When will the postcode lottery come to an end?

We have seen an increase in the number of fatalities among those aged under 25, and there is recognition that there is a lack of access to specialist treatment, including rehab, for young

people. What facilities are planned for young people?

Is the minister confident that the resources that are in place are sufficient, and is she monitoring whether there are any increases in the cost of residential rehab?

**Angela Constance:** I will try to cover all those questions as quickly as possible.

I am grateful to Ms Baker for her recognition of the progress that we are making. I absolutely endorse what she says about not stigmatising opiate substitute therapy or harm reduction. That is one of the reasons why we are taking a whole-systems approach, and it is why we talk about a wider system of care in which all parts complement one another and fit together. She will also note that we are significantly increasing the number of placements, which I hope is welcomed across the chamber.

In terms of phase 1 of the rapid residential rehab recovery programme, we are investing £18 million, which equates to at least 77 beds and will increase capacity by around 18 per cent. That is a significant step forward.

Ms Baker is right to ask what is next. Although we have had a focus on women and families—and our work there is far from done—we need to think much more about where services need to be, particularly for young people. Over the past few years, we have seen a growing number of young people either being admitted to hospital or, tragically, losing their lives.

Today's homelessness statistics and those tragic deaths, which were also preventable, mean that we need to think with even more haste about how we support those with multiple and complex needs. The £18 million investment is a great boost to services across the central belt of Scotland, and our investment in the Lothians, in particular, will give us a blueprint for expansion elsewhere. However, we also need to take a close look at the acute needs that exist in our rural communities.

**Gillian Martin (Aberdeenshire East) (SNP):** The expansion of residential rehabilitation is welcome; however, the minister outlined in her statement the importance of having a range of different treatments available. What role will community services play as access to rehab is expanded? I am aware that the period after residential rehab is particularly crucial.

**Angela Constance:** That is an important point. Over the piece, it is important that we do not consider residential rehabilitation in isolation. We need to remember that community services are key to the success of residential rehabilitation. It is about providing continuity of care, preparing people prior to their entering rehab and the

aftercare that they receive. We need to think about the aftercare on a much more long-term basis. It is not about people coming out of residential rehab and receiving a little bit of support for a wee time; we need to think about the longevity of that ongoing support. The active outreach and referral to the lived experience recovery organisations are also important in improving aftercare. The £5 million improvement fund, of which £3 million was allocated to improve the quality of existing rehab services, also includes improvements in preparation, outreach and aftercare.

**The Deputy Presiding Officer:** Before I call the next speaker—not looking at anybody in particular—I remind members who wish to ask a question to please press their request-to-speak button. They are not looking at me, so we will see what happens.

**Craig Hoy (South Scotland) (Con):** The minister conceded that one size does not fit all. As the Government considers yet another structural overhaul of drug and alcohol support, through the creation of a national care service, what assurance can she give that a further review will not simply result in more cuts and bad outcomes for those who require access to residential rehab and aftercare services?

**Angela Constance:** Improving access to, and the capacity of, residential rehabilitation is a key part of our national mission to tackle the drug deaths crisis, but it is not the only part. As we have heard from other members, harm reduction and community services are important, too.

In this post, with the support of the First Minister, I have made long-term funding commitments not only to ADPs but to the voluntary sector, which is often at the front line in this area. There are four new funds for people to apply to: the recovery fund, the local support fund, the improvement fund and the families and children fund.

I absolutely concur with the point that it can never be a one-size-fits-all approach, but we have a national emergency that requires national leadership. However, our approach also requires good partnership working on the ground and bespoke arrangements. I think that Mr Hoy could equally criticise us if we were to devolve or outsource Government decisions. We need to set an example, lead, fund and show direction as well as raise the bar in what is expected in every part of Scotland.

**Audrey Nicoll (Aberdeen South and North Kincardine) (SNP):** The proposal to increase capacity for residential rehabilitation recovery is welcome and timely. What provision will be made to include access so that the highest-risk individuals do not face barriers to access arising

from preconditions such as being alcohol or drug free prior to their admission?

**Angela Constance:** As is set out clearly in the good practice guidelines that we have published today, we can do much more to remove the unnecessary barriers that exist in relation to admission and referral criteria. Those barriers are most acutely felt by people who have the most complex needs, whether that is because of a history of homelessness, mental health problems or addiction issues.

Although it will always be the case that services need to make judgments about entry criteria that are based on safety and efficiency, and taking cognisance of the needs of other residents, it is also important that, as well as our expansion of residential rehabilitation, which is for those who seek an abstinence-based recovery, we look at other models of care, whether in relation to residential care or supported accommodation. Members will have heard my announcement today of extra funding for NHS Lothian for placements to LEAP. That funding increase will improve access to detox. However, there is much more that we can do in relation to that range of services to accommodate people safely who are not pursuing an abstinence-based recovery.

**Carol Mochan (South Scotland) (Lab):** In the wake of the developing situation surrounding the omicron variant, how many individuals in residential rehabilitation have been double vaccinated? How many residents in rehabilitation centres have adequate testing and vaccination services available to them? What is being put in place to ensure that residents get the booster in good time?

**Angela Constance:** We published a status report perhaps six to eight weeks ago—I will send that information to Ms Mochan. As a result of that information, which demonstrated that vaccination levels of people accessing residential rehabilitation were not as high as those in the general population, or in accordance with various clinical priorities, including those for different age groups, we undertook a range of actions.

New guidance has been issued to health boards. We have proactively arranged for guidance and testing kits to be sent to residential rehabilitation centres. We have also provided training and support for people to access via webinars and suchlike.

I assure Carol Mochan that the area is one that we are taking a very active interest in, because it is about access to healthcare. As part of their bigger vaccination programme, all national health service boards have plans for how they will reach people whom it is harder for services to reach. We are taking a very close interest in the issue,

because it is about people's right to access the same healthcare that Carol Mochan and I have the right to access.

**Kenneth Gibson (Cunninghame North) (SNP):** As the minister knows, Phoenix Futures—backed by the Scottish Government—plans to open a national drug rehabilitation centre on the site of the former Seabank care home in Saltcoats in my constituency. However, the organisation will not consult the local community; instead, it will contact neighbours and elected representatives to help them to understand what it does. I, for one, am still waiting.

Does the minister agree that a new development of such a nature and scale must be consulted on, not least to ensure that any local concerns are taken on board and addressed, to scotch any misunderstandings and to ensure that the project becomes part of the Saltcoats community and not just located in it?

**Angela Constance:** I appreciate Mr Gibson's points. As I said to Mr Hoy, we face a national crisis that requires a national mission, and that requires national leadership and the taking of decisions at national level.

Having said that, I would always be the first to recognise that we can all work harder to improve our partnership working. In that vein, I recently met councillors from North Ayrshire Council and Phoenix Futures, which will deliver the project, to discuss the plans for consultation and community engagement. It is important to recognise that having a national service in an area offers local opportunities and local benefits, and that was a huge focus of our discussions with local councillors.

I am confident that Phoenix Futures has a well-established approach to carrying out exercises such as community impact assessments and consultations on projects such as the one in question. It has run a very similar family service in Sheffield for 25 years, and I expect the new national centre in Scotland to follow that example.

If I can provide any further assistance to Mr Gibson in reassuring his constituents, I will most certainly do that, but I was very proud that the new national service was the first project that we announced as part of our rapid residential rehabilitation increased capacity programme. We all have obligations to keep the promise. There was a gap in services for families. We know that fear of what will happen to one's children is a big barrier to women in particular in coming forward and seeking the assistance that they need. The new service offers us a good opportunity to start breaking the cycle and to keep the promise.

**The Deputy Presiding Officer:** While I am well aware of the importance of the subject and the

comprehensive nature of the detail that the minister wishes to provide to the chamber in responding to questions, I remind her that we have very limited time, and quite a few members still wish to ask a question.

**Alex Cole-Hamilton (Edinburgh Western) (LD):** I thank the minister for providing advance sight of her statement. She knows that she carries the good wishes of the entire chamber towards the end that she has described.

We still face a problem of global proportions—we are still the worst in the world in this area—and our response must be equal to that. I am grateful to the Government for committing to increasing the number of rehabilitation places to 1,000, but I am very concerned that it will take us till 2026—five years—to get to that number. People are dying today.

What is keeping us? Why will it take us so long to deliver the increased number of places?

**Angela Constance:** For the sake of brevity, I emphasise to Mr Cole-Hamilton that we have taken significant steps forward, but that does not detract from the need always to do more and to go further and faster.

As part of the first stage of our residential rehab programme, we have committed £18 million, which will add an additional 77 beds, increase capacity by 18 per cent and provide 450 more placements over time. That is an important first step.

I do not demur from the fact that there are other steps that we must take quickly, part of which is about the whole-system approach. Within the next fortnight, I will come back to the Parliament to make a statement on progress on, for example, medication assisted treatment standards.

**Emma Harper (South Scotland) (SNP):** I commend all parties in the chamber for taking a united approach to tackling drug-related deaths. We must use every opportunity at our disposal to identify people who are at risk and to signpost them to support services. Will the minister provide an update on engagement with her UK Government counterparts on proposals to introduce safe consumption facilities in Scotland?

**Angela Constance:** I continue to take two approaches. On one hand, I continue to engage with the UK Government on the evidence, not the politics. I recently attended the UK drugs summit and, at that time, I published an evidence paper in support of safer drug consumption facilities. Recently, on the back of comments from Douglas Ross and the Conservatives' shift in position, I took the opportunity to write back to the minister, Kit Malthouse, to see whether that would encourage a similar change in heart from the UK Government.

On the other hand, as members know, I am determined to do as much as we can within our own powers. The Lord Advocate's statement on safer drug consumption facilities is helpful and is to be welcomed. We are working through the detail of a proposition for us to pursue within our powers.

**Gillian Mackay (Central Scotland) (Green):** Public Health Scotland today published statistics that state that 12 alcohol and drug partnerships, including those of North Lanarkshire and South Lanarkshire in my region, did not provide data on the numbers of people entering residential rehab. One of the reasons for that was patients not meeting abstinence requirements. What other treatment options are provided to individuals in those circumstances so that they are not turned away with no follow-up support?

**Angela Constance:** Let me repeat again that it will not be acceptable for any part of the country not to invest in residential rehab. Saying that, I recognise that residential rehab is not for everyone, which is why we are taking a whole-system approach. We need treatment and recovery services with different models of care—those of a residential nature and those in community settings.

**Brian Whittle (South Scotland) (Con):** As the minister suggested, Scotland has a shockingly high number of drug deaths, so it can come as no surprise that drugs account for a high proportion of deaths in the homeless community, with more than 50 per cent of homeless deaths being drug related. What is the Scottish Government doing to tackle drug deaths in the homeless community, reach out to the community and ensure that homeless people have access to rehabilitation services?

**Angela Constance:** Mr Whittle is absolutely correct when he says that it is about how services reach out to people who have more complex needs. Work that started in Dundee and is overseen by Healthcare Improvement Scotland is very much focused on the integration of addiction and mental health services. We know about the connection between problems with addiction, mental health and homelessness, so we need a full spectrum of services, which must be far better connected. As a result of the work that started in Dundee, an additional four health boards have taken the same approach. There is a £2.2 million project that has expanded that work, which is about the better integration of services so that they can reach the people who are most in need and remove barriers where they exist.

**Stuart McMillan (Greenock and Inverclyde) (SNP):** I remind members that I am a board member of Moving On Inverclyde, a local addiction service.

The minister will be aware of issues that I have raised with her in the past. When it comes to residential rehab, there will be many individuals with an addiction to prescription drugs such as benzos, and there will be many others with an addiction to street drugs. With an increase in the number of residential rehabilitation spaces, will the Government ensure that there are sufficient spaces for people with an addiction to prescription drugs?

**Angela Constance:** The guidance on good practice pathways emphasises the need to facilitate access to residential rehab for all individuals, no matter what type of substance they are addicted to.

Our research has shown that there are particular barriers around the use of benzodiazepines, which have specific detox risks, and around polydrug use, which is a germane issue in considering drug deaths in Scotland. However, people's use of substances should not be a barrier to accessing rehab.

## Gender-based Violence

**The Deputy Presiding Officer (Annabelle Ewing):** I remind members of the Covid-related measures that are in place. Face coverings should be worn when moving around the chamber and across the Holyrood campus.

The next item of business is a debate on motion S6M-02306, in the name of Keith Brown, on justice and the 16 days of action. I invite members who wish to speak in the debate to press their request-to-speak buttons.

17:06

**The Minister for Community Safety (Ash Regan):** Men's violence against women and girls continues to be a plague on Scottish society. Women and girls remain the victims on a spectrum of violence ranging from misogynistic conduct to violent sexual crimes. It is one of the most widespread, persistent and devastating human rights violations in our world today. Today's debate falls within the United Nations 16 days of action campaign and represents an opportunity to take stock of our progress and consider what more can be done both from the justice perspective and by everyone in society.

We approach today's debate and year end reeling from a series of public and disturbing examples of extreme violence against women. In the context of the Covid-19 restrictions and the consequent increases in many forms of gendered violence, we find the spotlight firmly focused on those issues and our responses. Society is rightly asking questions on prevalence, the attitudes of men, cultures of organisations and the role that the justice system plays in addressing those issues.

The question of whether gender matters to the justice sector is relevant to the debate. Is justice blind, when women's experiences of crime are gendered? Achieving gender equality includes an obligation to address the underlying causes and structures of gender inequality, including discriminatory norms, prejudices and stereotypes. The justice system has a prominent role in setting out the parameters of what is expected from a modern progressive society. Our vision is for Scotland to be a country where women and girls have equal rights and equal access to power and resources, and where they can live their lives free from gender-based violence. We believe that Scotland can demonstrate international leadership by its commitment to equality.

The murders of Esther Brown, Sarah Everard, Sabina Nessa, the sisters Bibaa Henry and Nicole Smallman and many more are painful examples that show that, despite our collective efforts, we

are faced with the sobering reality that women are dying at the hands of men. The latest United Kingdom femicide census found that, on average, a woman is killed by a man every three days. It is not a surprise that generations of women are unconvinced by our efforts to tackle perpetrator behaviour nor that they do not feel safe. The recent outcry from women regarding spiking and the boycotting of nightclubs demonstrate that women will not accept that.

“Equally Safe: Scotland’s strategy for preventing and eradicating violence against women and girls” makes the causal link between gender inequality and violence against women and girls. It has been credited as the basis for the groundbreaking Domestic Abuse (Scotland) Act 2018, which came into force in April 2019. With recent figures showing that 84 per cent of court proceedings are leading to a conviction, the act is living up to its reputation for being a global gold standard.

Our programme for government includes several ambitious commitments that recognise the unique opportunity that this Parliament has to consider transforming the justice system in order to benefit victims of gender-based violence. We are pressing forward with the consideration of Lady Dorrian’s review, including the introduction of specialist courts and measures to enhance victims’ rights. The recommendations included a pilot—which is being supported by the Scottish Government, justice partners and Rape Crisis Scotland—to reduce the trauma that is associated with going to court through the pre-recording of police statements for later use at trial. That initiative, which represents a fundamental shift in how evidence is captured, puts victims at the centre. It has continued throughout the pandemic, and we are now scaling it up with operational partners so that more people can access its benefits.

Incremental changes are not enough, because the justice system has historically been designed around the needs of men and not women. I think that we all agree that women deserve better, and I am pleased to be leading new work to develop a strategic approach to women in the justice system. That work will invest in developing an evidence base to demonstrate how experience of the justice system differs depending on gender and intersectionality. It will improve outcomes for women and build a case for system change where women are being failed. It will align with efforts to tackle the systemic inequality and disadvantage that women experience, which have been made worse by the pandemic.

Poverty, social security and housing are issues that are layered throughout people’s access to services, and they impact on women’s abilities to move forward. Lived experience is central to

understanding that, so, earlier this month, we put out the first national tender to gather qualitative evidence to inform service design in relation to those who are involved in prostitution—a marginalised group that has experienced multiple barriers to support during the pandemic.

We are also committed to setting in place the right legislative environment to support and protect women. Our aspirations as a global leader in human rights include a new human rights bill that will incorporate into Scots law four United Nations human rights treaties including the Convention on the Elimination of All Forms of Discrimination Against Women. CEDAW compels us to

“take all appropriate measures ... To modify the social and cultural patterns of conduct of men and women”

where they are

“based on the idea of the inferiority or the superiority of either of the sexes”.

It also obligates us to

“take all appropriate measures, including legislation, to suppress all forms of

trafficking and the exploitation of women through prostitution.

That is highly relevant as we move forward with plans to design a new model for Scotland to challenge men’s demand for prostitution—a behaviour that strengthens and emboldens male entitlement and misogynistic attitudes. We must do all that we can to root out misogynistic behaviours in society. They cannot be allowed to go unchecked or to exist in plain sight. Baroness Helena Kennedy QC is looking at that very issue and exploring whether a stand-alone offence is needed to tackle misogynistic conduct. That work is vital and we stand ready to consider her recommendations and act swiftly.

**Liam McArthur (Orkney Islands) (LD):** Can the minister provide an update on the likely timeframe for that work? It was always going to be ambitious, but obviously time is of the essence.

**Ash Regan:** The cabinet secretary and I spoke to Baroness Kennedy just last week and she confirmed that she is on track to meet the committee’s deadline of reporting to ministers by February next year.

Despite our best efforts to eliminate men’s violence against women and girls from society, it remains a daily occurrence. We must work relentlessly to challenge all the behaviours that facilitate and enable it. My vision is of a Scotland where women and girls are treated with respect, not one where we turn a blind eye to things such as abuse, violence and sex trafficking. I am determined to work across this Parliament and with our stakeholders to realise that vision.

I move,

That the Parliament welcomes the opportunity to highlight the 16 Days of Activism to End Gender-Based Violence and to reaffirm a strong commitment and programme of action to prevent and eradicate all forms of violence against women and girls; recognises the opportunity as Scotland emerges from the COVID-19 pandemic to transform its justice services, ensuring effective, efficient and resilient services that meet the needs of people and reflect the role for justice in a modern society; welcomes the Scottish Government's commitment to setting in place the right legislative environment to support, enable and protect women and girls, including the introduction of world-leading human rights legislation furthering Scotland's international obligations; welcomes the planned establishment of a Governance Group comprising key stakeholders to progress the detailed consideration of the recommendations in the Lord Justice Clerk's Review Group report, Improving the management of sexual offence cases, including the potential introduction of specialist courts, and to identify and prioritise recommendations that can be taken forward without legislative change; recognises and reflects on the advancements made and key achievements to date, including the delivery of a pilot to pre-record rape complainers' statements; notes the progress of the Misogyny and Criminal Justice in Scotland Working Group, chaired by Baroness Helena Kennedy; acknowledges a new work stream to take a strategic approach to women in justice in the system to address the unique needs of women not currently being met, either as offenders or victims; commends the work of frontline criminal justice advocacy support services, which have worked tirelessly to redesign services and ensure that women and children can still access support throughout the pandemic, and encourages continued collaboration to ensure that the interests of victims of gender-based violence and those who rely on the justice system remain at the heart of necessary reforms, and to deliver a modern justice system fit for the future.

**The Deputy Presiding Officer:** I call Jamie Greene to speak to and move amendment S6M-02306.3. You have up to six minutes, please, Mr Greene.

17:14

**Jamie Greene (West Scotland) (Con):** I thank the minister for her opening comments. They reflect the fact that, at times, the Parliament works well when it tries to put its traditional partisan politics aside and work constructively—as we should—to tackle important societal issues. We saw that in how we tackled the coronavirus situation; we saw it when we worked together on the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill; and we saw it last week, in what was an excellent debate on the international day for the elimination of violence against women.

The eradication of gender-based violence is one of those issues that unites us. However, as united as we are, perhaps, on the generality of that, politics plays a part. Politics identifies gaps, whether perceived or otherwise, in legislation, and acts as a lobbying catalyst for change, where we

see fit—as we have today, given the volume of amendments that have been lodged.

Violence against women and girls has no place in our society, or in any society; the Government rightly points that out. It must be prevented and eradicated. However, prevention is the bit that is so important.

We know that it exists and how widespread it is. Just before the debate, I was reading an article online about the television industry, in which I used to work. I saw at first hand the way that many women were treated in the workplace. The report mentions that 39 per cent of women in the industry have been harassed at work.

Since moving into politics, I have been quite taken by the amount of correspondence that I have had from female constituents and the absolutely harrowing stories that they have shared either at surgeries or through casework. They have been on the receiving end of abuse, both mental and physical.

There are those who feel that they have really been let down by the justice system. They may have had a phone call from a court or from their lawyer to tell them that the accused in their case had been released; or, as in one high-profile rape case, that the charge had been found not proven; or that their court case had simply fallen apart, even on the day, on a technicality or an error. Those are the people who feel let down by the justice system, and they have been saying so for years. I feel like history is repeating itself in today's debate. Previous Parliaments have heard those things, time after time, from women. It is time that the Parliament focused its attention on the issue.

Where the Parliament has tried and perhaps failed to address things—to make the necessary or even difficult changes that have had to be made—it needs to have that conversation both with itself and with the public. Such conversations are difficult and such decisions are difficult for the Government, whether they are about the existence of the not proven verdict—which we know results in so few successful prosecutions of sexual crime and rape; the controversial discussion on corroboration; hate crime legislation; how or whether we define misogyny in law; juryless trials; domestic abuse courts; or even how we speak about or define the terms “sex” and “gender” in a way that is respectful in a debate that has become so toxic.

I know that Baroness Kennedy, who some of us met recently, will leave absolutely no stone unturned in her working group on misogyny. However, surely she, too, knows that changing the law and changing society are two very different things, and that one does not necessarily follow the other.

Change will not be easy; nor will it be universally welcomed. However, if there was ever a time for the Parliament to show what it is made of, now is that time. That is because last year saw the highest number of domestic abuse incidents on record in Scotland—more than 65,000 reported incidents—and the largest year-on-year rise in reporting. The charity Refuge said that it was getting more than 13,000 calls a month during lockdown, and that a quarter of those women felt suicidal at one point.

No one should have to live in fear of violence, assault or abuse. As we know, in many cases, sadly, lives have been lost. We all know those names. We speak of them in the chamber. They are the names of mothers, daughters, sisters, aunts and friends. Those are all women who have suffered at the hands of a man. It makes me ashamed, Presiding Officer.

However, we can do something. Over and above those difficult reforms that I mentioned, there is more that we can do right now to help the criminal justice system. We must send a stronger message to the perpetrators of crime against women that it is not acceptable. I am afraid that that means having a good look at ourselves around issues such as the presumption against short sentences or automatic early release. How many perpetrators of violence against women have benefited from those decisions, and how many women feel that they have been let down as a result of them? I also believe that those who violently murder women and girls should in fact spend the rest of their life in jail—not 19 years, but their life.

On a less controversial and perhaps more consensual note, there are practical things that we can and should do. We should boost the uptake of the victim notification scheme by taking a more proactive approach in that regard. We can also expand victim statements to courts and parole hearings. The right to exclusion zones is another area for exploration.

Imagine not knowing whether someone who has abused or attacked you is due to be released from prison, and imagine the anxiety and worry that bumping into them in the supermarket might cause you. When I launch my member's bill in a few short weeks' time, I will ask politely that all parties helpfully review its content. I will ask them to consider my proposals to strengthen the justice system for the victims of crime—specifically, women victims. Sixteen days of action might be the slogan, but 365 days of action should be our mission. I know that it will be mine.

I move amendment S6M-02306.3, to insert at end:

“; recognises that women are overwhelmingly the victims of the most horrific crimes committed in Scotland, and believes that more victims of crimes such as sexual assault and domestic abuse should receive notification about the release date of the criminal in their case should they wish.”

**The Deputy Presiding Officer:** I call Pauline McNeill to speak to and move amendment S6M-02306.2. Five minutes, please, Ms McNeill.

**Pauline McNeill (Glasgow) (Lab):** We cannot let another session of the Scottish Parliament pass without making a serious improvement to the lives of women and girls: it is up to us.

In last week's excellent debate, we agreed, to a person, that men's violence against women is deeply ingrained in our society, and that there is almost a watershed moment in knowing that the action that we take must be decisive and effective. That will be a priority for Katy Clark and me in the work that we do in representing Scottish Labour in the Parliament. I also make a commitment on behalf of Scottish Labour that we will work constructively with the cabinet secretary and the minister on this really important issue. I welcome the announcement that has been made by the minister today. We must make this the Parliament that reverses the trend of violence against women and girls.

The amendment in my name clearly sets out what we have always said, which is that we believe that there is a gap in the law and that sex should be a protected characteristic in hate crime legislation, which is incomplete without it. We await with strong interest the findings of Helena Kennedy's working group on misogyny. We have confidence in her working group and confidence that she will bring forward something that the Parliament can work with. As Jamie Greene said earlier, we had a meeting with her last week, which I found very encouraging. The amendment does not seek to pre-empt the report or what she might do. We want to discuss the recommended law changes, but we are clear that there is a gap in the law.

We know that two thirds of the cases that are waiting to be heard in the High Court are sexual crimes. That backlog is hugely and disproportionately affecting women and girls, and we need to find solutions with urgency.

In Scotland, the vast majority of violence against women comes in the form of domestic violence, which we have debated in this Parliament many times. Today's figure of 65,251 incidents of domestic abuse this year means that this is the fifth year in a row in which there has been an increase. That is the work that we have to do. As we know, domestic abuse occurs in homes and most incidents go unreported, so it is a hidden crime. Approximately one in four women in Scotland experiences some form of domestic or

sexual violence, and one in five children lives with it. As I have said in previous debates, the United Nations has described it as a “shadow pandemic”.

In my closing couple of minutes, I will address some practical issues that I would like to discuss with ministers. Legal aid is meant to be a demand-led system—the justice committee heard evidence on that—but I do not feel that, in practice, it is operating in a way that helps victims of domestic violence. The threshold should be looked at.

Some 90 per cent of women who experience domestic violence also experience financial abuse. It is important to bear that in mind when it comes to considering someone’s ability to pay legal aid fees.

It is also important to remove the current barrier to organisations such as Scottish Women’s Aid employing solicitors directly to give advice—I know that a review is under way in the legal profession, and I do not think that there is disagreement about the issue; I mention it because it is important to consider practical measures that could be taken.

Law centre models that deal with domestic abuse should also be considered. Funding could be provided at national level for law centre projects that provide advice and representation to women who are fleeing violence.

We must commit to making meaningful change to the law and to legal support and advice, where that makes sense, and we must remove barriers, to ensure that women and girls who are escaping violence have the opportunity to have better lives.

I move amendment S6M-02306.2, to insert at end:

“; considers that the exclusion of hate against women from existing hate crime legislation is an unacceptable gap in the law, and that misogynistic behaviour should be treated as a hate crime; believes that access to legal representation must be made easier for victims of domestic abuse and that the Scottish Government should evaluate specialist domestic abuse courts, particularly their impact on sentencing outcomes, the speed at which cases are dealt with and the experiences of victims, with a view to rolling out domestic abuse courts across Scotland.”

17:25

**Liam McArthur (Orkney Islands) (LD):** I should declare that I am a local ambassador in Orkney for White Ribbon Scotland.

I congratulate everyone who took part in last week’s excellent debate on ending violence against women and girls. There were many excellent speeches, and the candour and courage of Michelle Thomson and Alexander Stewart, who shared personal and painful testimonies, were worthy of note. All in all, it was the Parliament at its best.

I am conscious that I have only four minutes, so I will try to rattle through the issues that I think are most relevant to the debate.

The motion sets out much of the good work that has been carried out over recent years on a genuinely cross-party basis, as Jamie Greene rightly highlighted. During my time on the Parliament’s Justice Committee in the previous session, we made significant progress on domestic abuse, notably when it came to the criminalisation of coercive and controlling behaviour. The recognition of the impact of such abusive behaviour on children in the relationship or household was an important step forward.

I am proud, too, of the cross-party work that led to increased protection for vulnerable witnesses, for example through measures to allow evidence to be pre-recorded or provided by video link. There is more work to do to ensure that such measures are applied routinely and consistently. More work is needed, too, to make legal provision for the anonymity of survivors of rape and sexual assault, as exists in England. However, there is no doubt that progress has been made.

At a local level, arrangements are now in place to allow forensic assessments to be made without adult survivors having to travel south for examinations. I pay warm tribute to Orkney Rape & Sexual Assault Service—ORSAS—Women’s Aid Orkney, NHS Orkney and Police Scotland and others, including the justice secretary’s predecessors, who made that possible. We now need to apply the same approach to younger survivors of assault.

Also firmly on the to-do list is work to improve the chances of cases of rape and sexual assault coming to court and being prosecuted. Speak Out Survivors and others who campaign on the issue deserve enormous credit. Although we should avoid rerunning the debate about ending corroboration, I am confident that, through more cross-party work and challenge, we can identify improvements that can be made.

Another top priority must be a reduction in the number of women who are held in our prisons, particularly on remand, alongside the delivery of a modern women’s prison estate.

We also need to find ways of giving women who have been subjected to coercive control better access to legal aid, especially where a perpetrator has run up debts in the woman’s name. Pauline McNeill made that point.

The amendment in Pauline McNeill’s name refers to the current law on hate crime. My party’s support for the recognition of misogyny as a hate crime is a matter of record. During the passage of the Hate Crime and Public Order (Scotland) Bill, I accepted the case that Scottish Women’s Aid and

Rape Crisis Scotland made for addressing the issue through Dame Helena Kennedy's fast-track working group. I look forward to the group's report and hope that the Parliament can act with urgency in due course.

The Scottish Liberal Democrats will support Pauline McNeill's amendment and Jamie Greene's amendment this evening.

I appreciate that I have only scratched the surface of important issues. I welcome this short debate and hope that the cross-party approach that characterised and underpinned the progress that was made in the previous session continues into the current session, so that we can make further inroads into creating a justice system that genuinely works towards ending gender-based violence.

17:29

**Audrey Nicoll (Aberdeen South and North Kincardine) (SNP):** Today, we mark 16 days of activism against gender-based violence—a reminder of the global effort to ensure that women and girls, in all their diversity, live a life free from violence and coercion. I pay tribute to every survivor of gender-based violence, their children and families, and the practitioners who protect women and girls. I extend my sympathies to everyone affected by the death of a woman or girl lost to gender-based violence.

Thankfully, our response has evolved from the era in which a domestic incident was diminished to “just an argument”, and certainly not a police matter, and when the definition of rape was an affront to women. The Domestic Abuse (Scotland) Act 2018 criminalises coercion and controlling behaviour; protection orders offer victims space to seek support; and collaborative responses, offering victims routes out of danger, are in constant high demand. However, women's inequality means that access to justice still evades many victims.

This year, the Criminal Justice Committee has taken evidence on the challenges that the justice sector continues to face. I would like to highlight two particular issues. Dr Marsha Scott described how the pandemic

“has given women ... fewer choices and perpetrators ... more tools for controlling and abusing them.”—[*Official Report, Criminal Justice Committee, 22 September 2021; c 9.*]

One of many consequences of the pandemic has been the backlog of court cases. In her evidence, the Lord Advocate voiced her acute concern for those highly vulnerable victims of serious gender-based violence—predominantly women and girls—whose cases are backed up by the system of prosecution. Sandy Brindley of Rape Crisis

Scotland echoed her comments and expressed serious concern about the impact of court scheduling on the safety, wellbeing and confidence of women.

The Scottish Government's commitment of £50 million to support recovery across the justice system, including a courts recovery programme, has been absolutely vital. In our budget scrutiny report, the Criminal Justice Committee has placed clearing the backlog of cases front and centre of justice spending priorities for 2022-23. As Dr Scott stated,

“Justice delayed is justice denied”.—[*Official Report, Criminal Justice Committee, 22 September 2021; c 4.*]

Our committee has also taken evidence on conviction rates in rape cases, which remain stubbornly low. In its briefing, Rape Crisis Scotland highlights that rape and attempted rape cases have the lowest conviction rate of any crime type, and that not proven verdicts account for a significant proportion of acquittals. In her evidence, Sandy Brindley challenged the notion of insufficient evidence as a factor in cases not proceeding, reminding members that, to get to court in the first place, corroboration is required. She highlighted cases where, despite evidence of injuries or an incident recorded on audio, the verdict was acquittal or not proven.

Low conviction rates are an issue considered in Lady Dorrian's review of the management of sexual offences. I truly believe that the recommendations in her report would transform justice responses, through the establishment of a specialist domestic abuse court, extending use of recorded evidence, and affording victims greater protection from scrutiny and identification. I am pleased that the Scottish Government is to consider the recommendations, including the piloting of judge-led trials, which I hope will address the concerns that remain around jury decision making.

The historical challenges that are faced by the justice system are not new and not without solution; rather, they go to the heart of efforts to restore the confidence of survivors in a trauma-informed system that exists to protect and empower them, not retraumatise them and fail them. I look forward to working with the cabinet secretary, ministers and others across the chamber to take this important work forward.

17:34

**Sharon Dowe (South Scotland) (Con):** As Jamie Greene has said, violence against women and girls has no place in our society. We can all agree that our justice system must make punishing those who commit violence against women and girls a priority, but one thing that has

become quickly apparent is that our current system has in many cases done nothing of the sort. Instead, it fails to give dignity, fairness or respect to the women and girls looking to our courts for justice.

For several months now, I have been in contact with a family in my constituency. They have asked that I share their story but, as per their wishes, I will keep their anonymity.

For more than a decade, women and children have suffered at the hands of the man that I am going to talk about. From 2005 onwards, this individual has terrorised multiple families, including three of his own biological children. In the space of four years, he abducted one of his own children, having abused his partner; went on to assault the mother of his second child, leading to severe anxiety for the child and a permanent non-contact order; and then entered into a relationship with another woman, resulting in another permanent no-contact order in relation to his third child.

To any reasonable individual, it would already have been clear at that early stage that that man was a menace, given that he had assaulted multiple partners and traumatised his own children. However, he was given community service, probation and counselling—no jail time and nothing more than a slap on the wrist.

Of course, none of that had an impact on his behaviour. He went on to breach the terms of his probation by entering into a relationship with my constituent, becoming step-parent to her children. His campaign of abuse then escalated. He moved on to throwing the children along hallways, grabbing them by the throat, throwing items at them, grabbing them by the hair or dragging them up the stairs by their ears, all while also attacking their mother, who was forced to flee to her neighbours for safety. For that, he was charged with six counts of child abuse. We might think that that would be the end of the matter, but no. The only punishment that he received was another non-harassment order and an order not to contact the mother or the children. He was then released on bail.

We already know this man's record with non-contact orders: he ignores them, which is exactly what he did. Last year, he attacked the family's home and had accomplices break the windows and stalk the mother, all before breaking his bail conditions to contact the children. Once again, the family were forced to flee their home, this time for a safe house.

What was the result? For six counts of child abuse, the sentence that the abuser received was little more than a 12-month non-harassment order and a ban on contact with any child under 16 and on entering a relationship with a female. Members

following closely will recall that this individual has broken every non-contact order placed on him over the past 15 years. What has happened is not justice and it does nothing to protect that family or others. Families in that position need more.

The system has done nothing for victims but create a cycle of abuse and pain. There is cross-party consensus on this issue: we must work together to eliminate violence against women and girls.

17:38

**Collette Stevenson (East Kilbride) (SNP):** The 16 days of activism to end gender-based violence is an important initiative but, 30 years after it was started, many issues remain. Women and girls are verbally abused, murdered, assaulted, raped, trafficked and harassed every day. Today, I will focus on the justice sector's role and how it could be transformed, particularly in dealing with sexual violence.

Front-line services and staff do a lot to tackle and deal with the effects of gender-based violence. Staff in the police, the Crown Office and Procurator Fiscal Service and the courts are working hard to support victims of crime and tackle the backlog of cases that has been caused by the pandemic. It is right that the third sector is recognised for its great work, too. Organisations such as Talk Now and Women's Aid in East Kilbride support survivors of trauma and abuse and can provide advice, counselling or temporary accommodation.

In terms of criminal justice, Rape Crisis Scotland's briefing makes for some stark reading. Thousands of people come forward every year in Scotland to report rape and attempted rape, and they put their trust in the system to get justice. However, figures show that less than half of the few cases that proceed to court end in conviction.

The Government motion mentions the Lord Justice Clerk's review group report, "Improving the Management of Sexual Offence Cases". Many of the issues that it considered could

"be resolved by the establishment of a specialist court"

for sexual offences. Importantly, such a court should be trauma informed and should build on the pilot project of pre-recording complainers' statements, which the cabinet secretary highlighted. Those measures could ease some of the burden of what must be a difficult experience for complainers, and I believe that they could work well. I hope that the group that is tasked with examining the issue will be able to give an update as soon as possible.

The report of the survivor reference group, which is led by a group of survivors of rape and

sexual violence, focused on the police, but it is important to compare the similarities of its recommendations with those of Lady Dorrian's review group. Both reports highlight the need for trauma-informed services, a consistent named point of contact for survivors and increased use of pre-recorded statements.

At the heart of all this is making sure that the entire system treats every complainer with dignity and respect. We need to make it less painful for people to come forward. As a member of the Criminal Justice Committee, I have heard from women who have reported sexual violence. I listened to their experiences of the second violation: feeling like they were getting mucked about, having to constantly repeat their story and defence lawyers delaying procedures. The wellbeing of complainers going through the process has to be paramount. It is critical that they should not have to go through that second violation. It is heart wrenching for somebody to have to go through all that.

We cannot be complacent about the risks that women face every day. It is not for women and girls to change their behaviour to stay safe. We need to prioritise prevention, challenge unacceptable attitudes and behaviours to avoid escalation, and ensure that our justice system recovers, renews and transforms, so that victims are at its heart.

17:42

**Rhoda Grant (Highlands and Islands) (Lab):** We expect our justice system to protect all citizens, but the case of Sharon Dowey's constituent shows us that it does not.

Despite the progress that the Parliament has made since Maureen Macmillan piloted through it the first committee bill, which provided more protection to victims of domestic abuse, we still find that our laws and justice system are letting women down.

Women who are exploited in prostitution face sanction and a criminal record while the pimps and managers evade sanction. The sex buyers who create the demand face no sanction at all; neither do websites such as Vivastreet that sell women, a practice that is legal in Scotland. The business is so lucrative that such websites fund organisations that lobby to decriminalise managers and pimps in order to ensure that they will not face sanction in future.

That has to change and our law needs to catch up. We need to live in a country where women are equal and are not for sale, where those who exploit them are brought to book, and where those whose sense of entitlement and power leads them to buy other human beings are punished.

We also need to help those who find themselves exploited in that way; we need to help them get out, rebuild their lives and recover from the harm that has been caused to them. However, the way that we stop that exploitation from happening in the first place is to ensure that women are truly equal. Sadly, when the Hate Crime and Public Order (Scotland) Bill was debated, they were not. How many women have been murdered by misogynists since then?

We allow those who abuse their partners to continue to exercise power over them. Women who have escaped domestic abuse are forced to interact with their abuser by the family courts, which value an abusive man's rights to access his children more than a woman's right to safety. It is not just the women who are harmed by that; the children are harmed, too. They become pawns and weapons to inflict the greatest amount of harm and control, which prevents victims from becoming survivors. Our courts are actively pulling them back into the cycle of abuse and despair. No parent who is an abuser should have rights of access to children of that relationship, because they have demonstrated by their abuse that the welfare of their children does not come first. They should be granted access only when they can demonstrate that they have changed their behaviour.

The two issues that I have highlighted are caused by women's inequality. Women are unequal in society and therefore pay the price. We need to legislate on those issues, to stop men—I stress that I am talking about a minority of men—abusing women. In doing so, we must redouble our efforts to create a truly equal country in which the work that is done by women is valued to the same extent as that which is done by men, and in which women can leave their home at any time, day or night, and not feel unsafe. If we do that, we will eliminate violence against women.

17:46

**Kaukab Stewart (Glasgow Kelvin) (SNP):** The United Nations has described violence against women and girls as the “shadow pandemic” and as

“one of the most prevalent human rights violations in the world. It knows no social, economic or national boundaries.”

Without doubt, a global, collective effort is required to address it. Gender-based violence against women and girls is ruinous to our society. I welcome the 16 days of action campaign and the opportunity that it provides to galvanise our efforts and discuss actions to eradicate that scourge.

At the beginning of October, in the wake of the murders of Sabina Ness, Sarah Everard, Nicole

Smallman, Bibaa Henry and, sadly, countless other women, a constituent contacted my office. She admitted that she had tried to write to me several times but, each time, the words failed her. In asking what the Government's plans were to tackle misogyny in Scotland, she said:

"I cannot continue to live in a society that forces me to live in fear of such violence. To live in a state of constant vigilance is exhausting, and I am tired."

In the same month, another constituent and member of the Scottish Youth Parliament alerted me to reports of multiple drink-spiking incidents. Yet again, the sense of depletion was palpable, and the sheer prevalence of the problem was exposed once more.

When we follow that fatigued chain of causation, we find that gender-based violence towards women and girls is a brutal and often fatal consequence of gender inequality and unchallenged attitudes, and an abuse of male power and privilege. It is therefore crucial that we have a system in Scotland that prioritises prevention, ensures that justice for survivors is swift and consistent, and offers robust and accessible support services.

I welcome the Scottish Government's plans to focus on establishing positive gender roles and healthy relationships between young people through a review of personal and social education and the equally safe delivery plan, as well as the pledge to invest over £100 million to support front-line services and focus on prevention from school onwards over the next three years. Some £5 million has already been directed to Rape Crisis centres and domestic abuse services in recognition of the need to reduce waiting times and increase accessibility.

For those navigating the criminal justice system, the adoption of a trauma-informed approach will mean the creation of a new framework that is designed to equip staff with the necessary skills to assist victims more mindfully, and the appointment of a victims commissioner will provide an additional layer of support and place victims' voices at the heart of difficult proceedings. The working group on misogyny and criminal justice in Scotland, which is chaired by Baroness Helena Kennedy, has also been established to independently analyse how the Scottish criminal justice system deals with misogyny. It will ensure that any legislative gaps can be considered carefully.

Despite those actions, and despite early successes with the Scottish Government's groundbreaking Domestic Abuse (Scotland) Act 2018, we know that there are no quick fixes. Confronting such entrenched attitudes and such a complex spectrum of abuse is going to require

relentless efforts by all our institutions, by all our political parties and by all our communities.

I am also tired—but I will never give up, we will never give up, and we can work together to ensure that progress is made. This form of violence is not inevitable and must be eradicated once and for all.

17:50

**Tess White (North East Scotland) (Con):** All too often, violence against women and girls takes place in the shadows. The 16 days of activism are so important because they help to shine a light on that most shocking violation of human rights. As parliamentarians, it is our duty to look at the levers that are available to us to prevent such violence, to punish those who perpetrate it and to protect victims from further abuse.

On prevention, we must do more to address the root causes of violence against women. There is a huge amount of work to be done to tackle gender inequality, which remains stubbornly and unacceptably persistent.

On punishment, women who have been victimised must have full confidence in the criminal justice system. Many, sadly, do not. As Audrey Nicoll highlighted, we know that sexual violence is worryingly underreported. According to the most recent Scottish crime and justice survey, only 22 per cent of victims of rape reported it to the police.

Collette Stevenson mentioned Rape Crisis Scotland's recently published report from the survivor reference group, which describes in stark terms the experience of survivors of rape and sexual crimes as they engaged with the justice system. It highlighted "attitudinal issues" among the police, "feelings of powerlessness" during investigations and "retraumatising" experiences in court—if the case progressed that far. The system is supposed to protect victims, but too often it neglects them.

Earlier this year the Scottish Parliament passed the Hate Crime and Public Order (Scotland) Act 2021—legislation that, crucially, failed to afford women the same legal protections as other groups have. The working group that is led by Helena Kennedy QC is welcome. As we know, the group is looking separately at how the Scottish criminal justice system deals with misogyny. However, it meets behind closed doors, with no detailed minutes in the public domain, and its deliberations are drip-fed to the media. Women feel as though they have been pushed to the periphery of a process that should have them at its heart.

Lord Bracadale's review on hate crime, including misogynistic harassment, was published in 2018, and the Hate Crime and Public Order (Scotland) Act was passed in 2021, but the

misogyny and criminal justice in Scotland working group will not report until 2022. Every year we say that more must be done to end violence against women, but it feels as though progress cannot keep up with rhetoric.

One way that we can make progress and protect victims who have been subjected to violence is through implementation of a robust and well-administered victim notification scheme. Last week it emerged that only 37 victims of violent and sexual crimes out of a possible 4,500 had been informed when the offender in their case would be released from prison. It is clear that the current system is not fit for purpose.

The Scottish Conservatives have called for the introduction of whole-life orders for the most heinous of crimes, including violence that is perpetrated against women. It is a call that, I regret to say, other parties have resisted, to date.

The cross-party consensus on eliminating violence against women and girls is to be welcomed, but there is a great deal more that we can and should do to protect their safety. No woman should ever have to live in fear.

17:54

**Maggie Chapman (North East Scotland) (Green):** I refer colleagues to my entry in the register of members' interests; I used to work for a rape crisis centre.

I have spoken before about what I think our justice system is for. Fundamentally, it should exist to correct imbalances of power, but we do not have to look far to find power inequalities in our justice system, never mind in our society. Earlier today, we discussed the "Independent Review of the Response to Deaths in Prison Custody" report. Our prison system is necessarily a system in which there are entrenched structural power imbalances. We accept that, but it does not mean that anything goes, nor does it mean that we do not need to put in place safeguards and structures to ensure that power is wielded responsibly and compassionately.

Today, on the sixth day of the 16 days of activism against gender-based violence, we discuss the role that our justice system should play in correcting the imbalances of power that are so deeply embedded in our society that violence against women and girls is just something that all of us women live with every day. However, it is not inevitable.

Gender-based violence is on the rise: sexual crimes are up by 12 per cent on last year's figures and the pandemic has allowed domestic violence to flourish. We continue to see, in our courts, conviction rates for sexual crimes that are not just

disappointing but are—to be quite frank—outrageously low. That is on top of the eye-watering delays and the backlog of cases, many of which will involve survivors of gender-based violence—women and children who are bearing the brunt of power imbalances.

Those delays impact negatively not only on our justice system but on survivors, which results in increased stress, poor mental health, repeated re-traumatisation, increased attrition and so on.

None of that gives people confidence in the system, and that makes it less likely that survivors will report crimes or seek support. I ask the cabinet secretary to outline, in closing, how we can tackle the backlog in our courts.

Around 70 per cent of cases in the high courts involve serious sexual offences, which predominantly affect women and children. At a recent Criminal Justice Committee meeting, the Lord Advocate stated that she considers

"that sexual crime is different from other forms of crime"

because it is

"rooted in and perpetuates gender inequalities",

and therefore

"requires a distinct response."—[*Official Report, Criminal Justice Committee*, 3 November 2021; c 7.]

She went on to state her support for judge-led trials, encouraged a more "radical" approach and argued that we have a moral obligation to consider alternative actions that allow for recovery and renewal.

That speaks directly to the question that the minister posed in her opening speech. Is justice gender blind? I think that we can all agree that our justice system does not yet get gender. Implementation of the recommendations in Lady Dorrian's report cannot come soon enough, and I look forward to the report of the misogyny and criminal justice in Scotland working group next year. I do not wish to pre-empt its findings, but I emphasise that we must find a way of dealing effectively with misogyny.

Last week, I highlighted Rape Crisis Scotland's "Survivor Reference Group—Police Responses in Scotland Report", on police responses to survivors. It shows just how far we still have to go in tackling institutional and societal sexism and misogyny, and in spreading awareness and understanding of the importance of trauma for both justice and recovery. That point was also made in the report on the response to deaths in custody.

We have heard much about the training and awareness raising that police officers and other workers in our justice system do, or should, undertake. However, it is clear that despite

trauma-informed training being available, survivors of sexual crimes are still treated very poorly by people who should know better. Culture change is needed, and leadership is needed to catalyse that culture change. We all have a role to play.

I say to all those who are currently experiencing gender-based violence: you are not alone, and help is available. You can call the domestic abuse and forced marriage helpline 24 hours a day on 0800 027 1234, and you can call Rape Crisis Scotland's helpline every evening between 6 pm and midnight, on 0808 801 0302.

17:59

**Katy Clark (West Scotland) (Lab):** The statistics on violence against women and girls make sombre reading. The number of sexual crimes reported to Police Scotland, including rape and attempted rape, has gone up by 114 per cent over the past 10 years. Since 2010-11, the number of other sexual crimes, including internet-based crimes such as communicating indecently and taking, possessing and distributing indecent photographs of children, has increased by 238 per cent.

According to Rape Crisis Scotland, on a typical day in Scotland in 2019, the number of survivors of sexual violence who were waiting for access to what it calls life-saving rape crisis support had almost doubled since the year before. Only 43 per cent of rape and attempted rape cases lead to a conviction compared with 88 per cent for other crimes. Disturbingly, at least 40 per cent of all sexual crimes recorded in 2019-20 related to a victim who was under the age of 18.

Many women will never report their abusers. Those who do report these crimes experience a legal system that fails them, and many speak of the further trauma that is caused to them due to their treatment by the police, the courts, the legal profession and the wider judicial system.

Domestic violence against women and girls is endemic. The figures that were released today show that, for the fifth year in a row, there has been an increase in the number of domestic abuse incidents that are reported to the police.

Specialist domestic violence courts have been trialled, and we ask the Scottish Government to provide an evaluation so that we know how the courts worked. We need to know whether those who had suffered domestic abuse felt that the specialist courts dealt with cases better.

**The Cabinet Secretary for Justice and Veterans (Keith Brown):** I agree with much of what Katy Clark says, but will she acknowledge that the proposed introduction of domestic abuse courts is a matter only for the Lord Advocate and

that they are not something that the Government can bring in?

**Katy Clark:** I was asking for information for MSPs about how the Scottish Government evaluates how the trials worked and, in particular, how victims and survivors felt that the trials worked for them. I would like information on whether the specialist courts dealt with cases better in certain ways; on the impact on sentencing, including whether the sentencing outcomes were the same in the specialist domestic abuse courts as in the more traditional way of dealing with such cases; and on whether cases were dealt with more speedily.

Violence against girls and women needs to be looked at in the context of wider gender inequality. In the previous session, Parliament passed hate crime legislation in relation to other groups. We need to consider how our legal system works and what more can be done to create criminal offences that tackle misogynistic behaviour.

I hope that the misogyny working group makes recommendations on how the law can be changed. Although, in recent years, there have been many changes in how the courts work, in many ways, they still operate similarly to how they operated a century ago. Therefore, we need to look at making radical changes to our legal system.

Women who are victims of such offences still feel and know that the justice system fails them. It is our responsibility to create a justice system that recognises the power relationship between men and women in society, as well as the widespread sexist and misogynistic attitudes that exist, and to provide a way of delivering justice for women and girls.

18:04

**Russell Findlay (West Scotland) (Con):** Violence against women and girls is a truly global problem, and it is clear that there is a growing global determination to tackle its horrors.

In Scotland and in the rest of the United Kingdom, women have fought long and hard for equality, but nobody is suggesting that it is a case of "job done". We heard from Jamie Greene about the pitifully low rates of conviction for sex assaults and rapes, and we also know that the number of domestic abuse incidents is the highest on record.

Many women share a belief that Scotland's justice system does not always live up to the values that it likes to espouse. I am sure that we are all familiar with accounts of people being revictimised and degraded by the impersonal criminal justice machine. Sharon Dowe's powerful account is still the reality for far too many.

Today, we remember women who were killed by men this year. One of those women was Esther Brown. Yesterday, I spent just over 10 minutes listening to Esther. An audio recording of her is on the website of a community garden beside her home in Glasgow's Woodlands area. Punctuated with warm laughter, she speaks about her passion for gardening and the outdoors. Having moved to the area in 2008, she says she feels "more at home" there than anywhere else.

In May, Esther Brown was raped and murdered in her own home. Registered sex offender Jason Graham either tricked or forced his way inside to commit unimaginable acts. Esther, who was aged 67, lay dead for days. Her killer's long history of offending includes the rape and brutal assault of another woman in her own home. For that heinous crime, Graham was sentenced to seven and a half years in prison, meaning that he was automatically released after serving just five.

I met a group of Esther's friends. They are grieving and scared but also angry. They want to know how a sex offender who was being monitored by the police was free to kill. What were the terms of his supervision? Was he living under a different name? Did he breach parole conditions? What went so catastrophically wrong? They asked me to put those questions and others to Police Scotland, which I did. When I got the response back, not a single question had been answered. Instead, they were told that a "significant case review" was under way.

Esther's family will be told of the outcome of the review—although only "where appropriate", whatever that means. I do not blame the officer who wrote that letter, but I do blame a culture in which victims are treated with casual disregard. Women cannot just be fobbed off with glib assurances that lessons will be learned. They also deserve to know exactly how long violent criminals will actually serve in prison.

In the most extreme cases, Scotland's judges should have the option of imposing whole-life sentences. Two years ago, this Parliament rejected my colleague Liam Kerr's attempt to bring Scotland into line with the rest of the United Kingdom. Jason Graham will spend at least 19 years in prison, at which point he will be able to apply for parole. Compare that with the murder of Sarah Everard, whose killer, Wayne Couzens, was given a whole-life tariff in England.

I think that most of the people whom we represent share the belief that some criminals are just too dangerous ever to be set free. We should be honest enough to admit that. More immediately, the authorities must be open and honest when the system fails so badly. Rest in peace, Esther.

18:08

**The Cabinet Secretary for Justice and Veterans (Keith Brown):** Today's debate has been an opportunity to discuss one of the most serious human rights violations: violence against women and girls. It has also been an opportunity to highlight the strong cross-party consensus that exists—not on every part of the issue, of course, but there is consensus on the fundamentals.

I thank members from all parties for their contributions. I also thank and pay tribute to the front-line service workers who work tirelessly to ensure that women and children can access vital help, advice and support during these times. Rape Crisis Scotland, Scottish Women's Aid, the ASSIST—advocacy, support, safety, information and services together—project, Victim Support Scotland and many others who support victims of gender-based violence demonstrated incredible resilience and adaptability at the height of the pandemic. I thank them for all that they do.

We are here to discuss a different type of pandemic—a number of members have called it a "shadow pandemic"—in our society: men's violence. I listened carefully to last week's debate on violence against women, which was led by Shona Robison, and I echo all the sentiments that she and other colleagues expressed. This is a men's issue, and it is men's responsibility to change.

For my part, I am prepared to do everything in my power as justice secretary to ensure that all forms of men's violence against women and girls are eradicated from our society and that women's human rights are upheld throughout our justice system. It is past time for men to look closely at their behaviours and challenge those of their peers. That point was very well captured by Police Scotland in its "Don't be that guy" campaign. I commend its powerful message.

I will quickly address some of the points that have been raised. Jamie Greene was right to mention that there is broad-based support across the Parliament for many of the measures that we might take. Although we might differ on certain particulars, there is a great deal of support for many of the measures that could be considered.

There needs to be a general cultural change. We could make all the changes that different parties want, but we will not change the fundamentals of men's violence against women and girls until we make such violence culturally unacceptable in society.

The issue of veterans has not been mentioned. As the Cabinet Secretary for Justice and Veterans, I am well aware of the experience of women in the armed forces. I recently opened a veterans facility in Fife, where there was a woman who used to

serve on ships; she was one of the first women to go there from the Women's Royal Naval Service. She had an absolutely horrendous experience. I think that we will see more coming out about that, and about the treatment of LGBTI people in the armed forces. We must look at the treatment of women in the armed forces.

Difficult reforms will need to be made, many of which we are looking at. I do not think that we will get agreement on the presumption against short sentences. The last case that Russell Findlay mentioned was dealt with under the previous legislation, which the current Scottish Government changed. Although the early release of the individual in question took place under the current Government, the previous legislation applied at the time. There are issues on which we will probably disagree.

Pauline McNeill raised a point about legal aid. The Minister for Community Safety is carrying out a review of legal aid, and I am sure that she heard the points that were made, which will be addressed.

Liam McArthur acknowledged that progress had been made. He also mentioned issues such as anonymity, in relation to which we will take action.

Audrey Nicoll and Maggie Chapman mentioned the backlog of cases, which is a huge issue, and Maggie Chapman asked what we can do about it. I am not making a political point, but we have no Covid consequential to deal with anything related to justice in the settlement from Westminster. Our challenge is to find the money to continue the work that we have done on, for example, remote juries, or to continue with some of the innovations that we have adopted with regard to recording evidence. I reiterate that we are more than willing to listen to other suggestions.

It might have been Kaukab Stewart who said that justice delayed is justice denied. Justice delayed is also justice degraded. Over time, people forget the evidence. We must ensure that we limit any backlog.

I say to Tess White, who made a very good speech, that we have never drip fed anything from the misogyny working group, at least not as far as I am aware—I am happy to be challenged on that. We have regular conversations with Baroness Kennedy. The Parliament agreed that she would report back by February, and the minister confirmed that we expect that she will do that.

The backlog and the other issues must be dealt with. In a spirit of trying to find consensus, we will accept the Tory amendment, even though there are things in it that cause us concern.

I cannot accept the Labour amendment, for the reason that I sought to draw out in my intervention

on Katy Clark, which relates to the constitutional position. We have been here before. I said that the matter of the introduction of domestic abuse courts was one for the Lord Advocate; it is actually the Lord President who has the power to direct the courts. However, we agree with much of what the Labour amendment says, and much of what Labour members have said, and I hope that we can continue to work together on taking these things forward.

Victim blaming, misogyny and patriarchal commentary have no place in a modern, progressive Scotland. It is men's behaviours that need to be held up to scrutiny. I have said this a number of times, but it bears repeating: harassment, unwanted physical and verbal attention, threats, invading women's space and many other actions that men routinely inflict on women must stop.

We all grew up at a certain time. If I am honest, it is only in the past few years that I have realised the extent to which women have had to change their behaviour and it has been made more obvious to me that women such as my daughter, my mother and my sisters would have changed their behaviour from the point when they were small girls. Men must change their behaviour to start to unravel that, and education is an integral part of that.

**Jamie Greene:** Will the cabinet secretary give way?

**Keith Brown:** I will do if I have time.

**The Presiding Officer:** The cabinet secretary is in the final seconds of his closing speech.

**Keith Brown:** In that case, I will jump forward.

The fundamental point is that there are some really important issues here. The not proven verdict has been mentioned; we will discuss that, as well as corroboration and anonymity. In many of those areas, we can make changes, but, at the root of what we do, we must have a trauma-informed justice system, from end to end. "Trauma-informed" is a buzzword just now, but we have to make it a reality. Our justice system must also be victim centred.

However, all the collective changes that we could make will not be sufficient; we need a culture change and, for that, we all—especially all the men in this chamber and throughout the rest of Scotland—bear huge responsibility.

I ask the Parliament to restate our collective ambition to make that change and to support the motion.

## Decision Time

18:14

**The Presiding Officer (Alison Johnstone):**

There are three questions to be put as a result of today's business. The first question is, that amendment S6M-02306.3, in the name of Jamie Greene, which seeks to amend motion S6M-02306, in the name of Keith Brown, on justice and the 16 days of action, be agreed to.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that amendment S6M-02306.2, in the name of Pauline McNeill, which seeks to amend motion S6M-02306, in the name of Keith Brown, on justice and the 16 days of action, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division. There will be a short suspension to allow members to access the digital voting system.

18:15

*Meeting suspended.*

18:21

*On resuming—*

**The Presiding Officer:** We come to the division on amendment S6M-02306.2, in the name of Pauline McNeill. Members should cast their votes now.

**For**

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Clark, Katy (West Scotland) (Lab)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kerr, Liam (North East Scotland) (Con)

Kerr, Stephen (Central Scotland) (Con)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Marra, Michael (North East Scotland) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)

**Against**

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)

McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division on amendment S6M-02306.2, in the name of Pauline McNeill, is: For 51, Against 61, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The final question is, that motion S6M-02306, in the name of Keith Brown, on justice and the 16 days of action, as amended, be agreed to.

*Motion, as amended, agreed to,*

That the Parliament welcomes the opportunity to highlight the 16 Days of Activism to End Gender-Based Violence and to reaffirm a strong commitment and programme of action to prevent and eradicate all forms of violence against women and girls; recognises the opportunity as Scotland emerges from the COVID-19 pandemic to transform its justice services, ensuring effective, efficient and resilient services that meet the needs of people and reflect the role for justice in a modern society; welcomes the Scottish Government's commitment to setting in place the right legislative environment to support, enable and protect women and girls, including the introduction of world-leading human rights legislation furthering Scotland's international obligations; welcomes the planned establishment of a Governance Group comprising key stakeholders to progress the detailed consideration of the recommendations in the Lord Justice Clerk's Review Group report, Improving the management of sexual offence cases, including the potential introduction of specialist courts, and to identify and prioritise recommendations that can be taken forward without legislative change; recognises and reflects on the advancements made and key achievements to date, including the delivery of a pilot to pre-record rape complainers' statements; notes the progress of the Misogyny and Criminal Justice in Scotland Working Group, chaired by Baroness Helena Kennedy; acknowledges a new work stream to take a strategic approach to women in justice in the system to address the unique needs of women not currently being met, either as offenders or victims; commends the work of frontline criminal justice advocacy support services, which have worked tirelessly to redesign services and ensure that women and children can still access support throughout the pandemic, and encourages continued collaboration to ensure that the interests of victims of gender-based violence and those who rely on the justice system remain at the heart of necessary reforms, and to deliver a modern justice system

fit for the future; recognises that women are overwhelmingly the victims of the most horrific crimes committed in Scotland, and believes that more victims of crimes such as sexual assault and domestic abuse should receive notification about the release date of the criminal in their case should they wish.

**The Presiding Officer:** That concludes decision time.

## Lamb for St Andrew's Day Campaign

**The Deputy Presiding Officer (Liam McArthur):** The final item of business is a members' business debate on motion S6M-01737, in the name of Jim Fairlie, on the lamb for St Andrew's day campaign. The debate will be concluded without any question being put.

### *Motion debated,*

That the Parliament congratulates all those who have been involved in the continuing #LambforStAndrewsDay campaign, including those in the Perthshire South and Kinross-shire constituency; notes the particular involvement of George Purves in establishing the programme in 2009; welcomes the participation of 180 schools from throughout Scotland, where, it understands, 30,000 portions of Scotch lamb will be cooked and served; considers that the campaign, which seeks to make Scotch lamb synonymous with celebrating St Andrew's Day, perfectly showcases some of the best of Scottish produce; welcomes all positive endeavours to build on the fantastic progress that has already been made, and notes calls encouraging everyone to make St Andrew's Day special by cooking top quality Scotch lamb in celebration.

18:26

**Jim Fairlie (Perthshire South and Kinross-shire) (SNP):** As we are all aware, today is the official day of our patron saint, St Andrew. We share him as a patron saint with several countries around the world, including Greece, Russia, Romania and Ukraine, as well as Barbados, for which 30 November is also its independence day and, from today, the date on which it officially became a republic. St Andrew is also the patron saint of butchers and farm workers, among others, which is relevant to today's debate.

In Scotland, 30 November, or the Monday closest to it, was designated as an official bank holiday by the Parliament in 2007. It is absolutely right and proper that we continue to pay due deference to the man who has been celebrated in Scotland for more than 1,000 years, with feasts being held in his honour from as far back as 1000 AD. St Andrew is credited with helping the Pictish King Angus defeat the Saxons, when, in a dream, Angus was given the message that he would see a cross in the sky and would conquer his enemies in its name. The following morning, Angus saw the saltire in the light of the rising sun, which gave him and his men huge confidence, and they were victorious in their battle. From that time on, St Andrew and the saltire cross were adopted as national symbols of an emerging country. In 1320, with the declaration of Arbroath, when Scotland declared its independence from England, St Andrew was, with the agreement of Pope John XI, made our patron saint.

With that kind of history, feasting in St Andrew's name is surely every bit as important today as it ever was. We all know that Burns is celebrated around the world as one of our most successful exports ever. It would be interesting to know the economic impact of every Burns supper around the globe. It is safe to say that it would be substantial. The Burns supper is really about celebrating our heritage and culture, although I have to say that, personally, I have been far too lax in my appreciation of the bard.

However, you simply cannot have a Burns night without the haggis—no matter where in the world they are, folk know that Burns night must have haggis, neeps and tatties, washed down with a good dram. The association of a particular food with a particular celebration is a recurring theme, with turkey for Christmas, steak pie on new year's day and now—I argue—Scotch lamb for St Andrew's day. It stands to reason that St Andrew's day should have its own dish that families across the country can enjoy together.

For me, it is also about personal attachment. In 2009, I was approached by George Purves, whom I had come to know very well through selling my lambs to him for many years at United Auctions, when I was a farmer. He had been attending a Scottish Enterprise rural leadership programme, where he and sheep farmer Willie Mitchell came up with the idea of developing a lamb dish to be served on St Andrew's day as part of the new bank holiday. The idea was to get more people tasting lamb when it was at its seasonal best, and to help it to become a more mainstream meat to be consumed in Scotland. For me, that added to our cultural heritage and the celebration of our saint's day.

The personal link was that George needed something to launch the idea, and what better way to do that than to have Andrew Fairlie, Scotland's number 1 chef, create a recipe for St Andrew's day using lamb as the main ingredient? I had been supplying Andy's restaurant for many years with the lamb that I farmed, and Andy had cooked it at the Queen's banquet during the G8 summit at Gleneagles.

That meal had the French President, Jacques Chirac, eating his words when the food that was prepared for the Queen and world leaders was declared to be a culinary triumph, with Scotch lamb from a farm that is less than 60 miles from Gleneagles as the centrepiece of the meal. Surely a meat that was good enough for the Queen and the most powerful leaders in the world is a meat that is worthy of the dinner plates of families across Scotland. Who better to devise a recipe using that meat than Scotland's top chef? The man who prepared that meal even shared the name of our patron saint. I asked Andy to get

involved, he duly obliged, and the lamb for St Andrew's day campaign was launched.

Incidentally, Andy is also believed to have prepared the world's highest Burns supper while on top of Kilimanjaro in 2007. His connection to our food heritage will, for me, always be much more than his restaurant and scholarship.

Fast forward to now, and that early idea has developed and grown through the tenacity and hard work of George Purves, who was determined to make sure that St Andrew's day and lamb would become synonymous. To that end, he teamed up with Quality Meat Scotland, the NFU Scotland, the National Sheep Association Scotland, and the Institute of Auctioneers and Appraisers in Scotland, and they set out to get lamb on menus and into classrooms for thousands of schoolchildren right across the country.

I mentioned the project to the general manager of the Gleneagles hotel, Conor O'Leary, and he has also used today to put a lamb dish on in the hotel's restaurants. The restaurant that still bears Andy's name continues to have lamb as its number 1 bestselling dish, despite the fact that I no longer sell it the lamb, and the garden lobby restaurant right here in the Parliament has also put Scotch lamb on today. I congratulate everyone involved on pulling it together.

As far as the schools project is concerned, there are fantastic statistics on participation and a load of great recipes for what is, for me, the most flavoursome of all the meat that we produce—although I will leave colleagues to talk about that. What the project does in spades is demonstrate that co-operation in the industry, from field to fork, is absolutely essential. When it is done properly, the success can be brilliant.

I congratulate George Purves and Willie Mitchell on the idea, and all the organisations that have pulled the project together. Let us all do what we can to make Scotch lamb synonymous with St Andrew's day. I thank those colleagues who signed the motion and have attended today's debate. I wish you all a happy St Andrew's day and urge you to have a good plate of Scotch lamb for your dinner.

18:32

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** I am delighted to join Jim Fairlie and colleagues today in marking not only St Andrew's Day, but also the lamb for St Andrew's day campaign. I do not want to upset other livestock farmers, but a leg of Scotch lamb, cooked simply with rosemary and garlic, is one of my go-tos for a Sunday roast.

In my constituency in the Borders, the landscape houses around a million sheep, or 17 per cent of the national total, especially in Teviothead and the Ettrick and Yarrow valleys. At this point, I want to mention my recent visit with Alec Telfer to Sam McClymont's at Tinnis. Both are fine champions of blackface breeding and the visit gave me the opportunity to appreciate the excellent work that they do to conserve upland biodiversity. Then, of course, there are the Kelso ram sales that were held at Springwood for the first time in two years. They had 20 breeds in 15 rings, a record-breaking turnover of more than £3.4 million, and a new Kelso record of £65,000 for a Kelso tup.

Scotland's beef, lamb and pork producers make an important contribution to the country's rural economy, contributing more than £2.1 billion to Scotland's annual gross domestic product and supporting around 50,000 jobs in the farming, agricultural supply and processing sectors. In the short time that I have this evening, I want to highlight the importance of promoting Scotch lamb, educating young people about food, and the steps that we need to take to grow the industry in the future—a topic on which Jim Fairlie and I stand toe to toe. This debate is very important and I am grateful to him for bringing it to the chamber.

It is a simple fact that we do not eat enough lamb in Scotland. If we are to meet climate targets, reduce food miles and support our farmers, more consumers should be buying local sustainable lamb as part of their weekly shop. QMS has highlighted that, in 2020, Scottish households spent £35.4 million on lamb from retail outlets such as supermarkets and butchers. Prices are high at the moment, which is providing a much-needed boost to the industry. However, it is estimated that, per person, Scottish households eat around half the average amount of lamb that is eaten by households in the UK as a whole.

It is, therefore, no surprise that public procurement in Scotland does not support Scottish lamb in the best way possible. I am not saying that it does not support it, but it does not do so in the best possible way. Right across public authorities, we need to see more local lamb used in dishes to make us truly a good food nation. I have great hope for the Good Food Nation (Scotland) Bill, which is due to come before Parliament, and I hope that the lamb for St Andrew's day campaign will kick-start a revival in Scotland.

It is very encouraging to see the next generation getting involved in the campaign, with more than 11,600 home economics pupils cooking lamb today. As Jim Fairlie mentioned, it is thanks to the work of my constituent George Purves of United Auctions, who started the campaign following a Scottish Enterprise rural leadership project. He is

absolutely passionate about it and his fantastic work ensured that young people in the Borders, including school pupils from Selkirk, Hawick and Galashiels, tried lamb for the first time in their life. Some of them are from very deprived communities.

I firmly believe that countryside education, particularly on food and farming, should be at the heart of the curriculum. I have long called for such fantastic initiatives as the field to fork initiative to be included in the national syllabus. It is a disgrace that there are just 12 female butchers working in Scotland. It is a true reflection of the lack of rural workforce planning that I believe the Scottish Government should be taking on. We desperately need an emphasis on practical skills in agriculture.

I am grateful for the hard work of all the people who are involved in the campaign, especially Quality Meat Scotland. Such fantastic initiatives promote very well our wonderful Scottish produce and encourage the consumer to buy locally and sustainably. What we need now is action. We need clarity over future farm policy, for the sake of the lamb industry. I urge the Government to take the positive message of today forward.

I finish by wishing everyone a very happy St Andrew's day, especially Martin Kennedy, Minette Batters, Victor Chestnutt and John Davies—who are flying the flag for Scotland and the United Kingdom, and for livestock farmers and lamb producers right across the country—at Downing Street tonight to celebrate British food and drink.

18:36

**Emma Harper (South Scotland) (SNP):** I welcome the opportunity to speak in the lamb for St Andrew's day debate and congratulate Jim Fairlie on securing it.

Jim has highlighted perfectly why we should eat lamb on St Andrew's day. I put on record my support for the campaign to promote Scotch lamb on St Andrew's day, which is a campaign that I have been aware of and have backed since my election in 2016. I support what is stated in the motion, I congratulate George Purves on launching the campaign back in 2009 and I welcome how it has grown year on year since then.

Organisations supporting the lamb for St Andrew's day campaign include Quality Meat Scotland, the NFU Scotland, the Institute of Auctioneers and Appraisers in Scotland and the National Sheep Association Scotland. Pre-Covid, when I was a member of the Rural Economy and Connectivity Committee in the previous parliamentary session, I attended the Scottish NSA's annual dinner at Airth castle in Stirlingshire

in 2019 and was pleased to carve the lamb to help to promote Scotch lamb.

All those organisations have supported United Auctions' campaign to make Scotch lamb PGI—protected geographical indication—the go-to dish for St Andrew's day, just as turkey is synonymous with Christmas day. #LambForStAndrewsDay has been a positive campaign since its introduction. Last year alone, there was a 9 per cent uplift in the value of lamb and a 6.9 per cent uplift in the volume of lamb being sold in Scotland.

In a bold move to supply free lamb to as many Scottish schools as possible during the week of St Andrew's day, the Institute of Auctioneers and Appraisers in Scotland launched a lamb bank in August this year. The scheme allows farmers who are selling lambs via IAAS marts to donate lambs for the initiative, which aims to get as many Scottish school children as possible cooking and eating lamb on and around St Andrew's day. Because of the lamb bank, and support and promotion by Quality Meat Scotland and partners, 30,000 portions of lamb will be served this year at 180 participating schools across Scotland.

Across Dumfries and Galloway, in my South Scotland region, that includes Lockerbie academy and Castle Douglas high school. At both those schools, health and technology pupils have had the option of making either a Scotch lamb burger or a Scotch lamb wrap with crushed garlic peas, and those have also been on the menu in the canteen.

Those steps are welcome. As well as promoting our Scotch lamb, they help to educate young people. Rachael Hamilton was right about that. We are helping to educate young people about Scottish agriculture and about the importance of supporting and promoting the industry and local supply chains. That is also an important part of tackling the climate emergency.

In a response to a question that I asked him in the chamber, Jamie Hepburn agreed to meet me and NFU Scotland representative George Jamieson to talk about how we might develop rural skills. There is a wee bit of progress.

**Rachael Hamilton:** May I be so bold as to ask Emma Harper whether I can join the meeting to discuss rural skills in the south of Scotland?

**Emma Harper:** That is a great idea; I will keep Rachael Hamilton in the loop. The issue transcends politics; we need to work together to promote rural skills development for the future. I thank the member.

Like other members, I will check out the tasty recipes in this "Tasty Little Guide" on Scotch lamb. I know that we dinnae really have props in the chamber, but here it is: it has Scotch lamb and

beef recipes and it was created by Quality Meat Scotland.

Lamb for St Andrew's day is a good news story for us, which needs to be promoted, shared and celebrated. I welcome the debate. I encourage everyone to consider eating Scotch lamb on St Andrew's day, and I thank the Scottish Government for supporting our lamb and sheep sector.

**The Deputy Presiding Officer:** Thank you, Ms Harper. That will be the one and only use of a prop in the debate.

18:41

**Colin Smyth (South Scotland) (Lab):** I wish everyone a happy St Andrew's day and thank Jim Fairlie for the motion, which gives us the opportunity to discuss and celebrate Scotland's hugely important sheep sector.

The sector accounts for nearly a third of Scotland's agricultural holdings. The Scottish Government estimates that, in 2020, output from sheep farming alone totalled nearly £300 million. As a member who represents the rural south of Scotland, including Dumfries and Galloway and the Scottish Borders, which are home to more than 30 per cent of the breeding sheep in Scotland, I know how important the sector is.

Although the sector accounts for 8.6 per cent of Scottish agricultural output, Quality Meat Scotland found that, on average, Scottish households eat half the amount of lamb per person that is eaten across the United Kingdom as a whole, so I welcome initiatives such as the make it lamb for St Andrew's day campaign and their role in promoting Scotch lamb to us Scots.

The lamb for St Andrew's day campaign was established in 2010 by George Purves of United Auctions and sheep farmer Willie Mitchell, and it has gone from strength to strength over the past decade. The response to this year's focus on engaging schoolchildren through cooking has been excellent. More than 190 schools signed up and 30,000 pupils were reached across Scotland.

Many other community and youth groups are getting involved in the initiative this year. I am pleased that, in South Scotland, not only have a large number of schools, including Lockerbie academy and Castle Douglas high school, signed up to the lamb bank, but local groups have got involved. For example, Dumfries Saints Rugby Club is hosting a lamb dinner for players and supporters.

This debate presents a great opportunity to recognise the combined efforts of the Institute of Auctioneers and Appraisers in Scotland and QMS to make the campaign accessible to young people.

By donating Scotch lamb and providing recipes and educational material to Scottish schools, IAAS and QMS are enhancing learning about locally produced food as a sustainable choice and are encouraging important discussions on climate change and Scottish agriculture.

It is important that we teach our children and young people where their food comes from; integrating education about the local supply chain in home economics lessons is an excellent way to do that. We need to build on the approach, to provide better information about what it means to eat seasonally and locally, and to embed farming and food production in our curriculum at every level.

Having Scottish produce on the menu in schools reminds us that we need to do more to ensure a renewed focus on local procurement. Cutting food miles and food waste has never been more important, and one of the best ways to do that is to value Scottish produce, including through a "local first" public procurement policy. We need a step change in how we procure our food, with ingredient origin accounted for in local buying and stronger support for local businesses as they navigate the procurement process.

The sheep sector is performing strongly at the moment. I had the pleasure recently of visiting QMS chair Kate Rowell's farm at Hundleshope, near Peebles. As we stood by bags of wool, we talked about the fact that, despite lamb prices being on the way up, it still cost more to shear the sheep than the bags would sell for.

Happily, wool prices are beginning to recover, but this remains a hugely challenging time for many people in agriculture, who continue to deal with the impact of the Covid-19 pandemic as well as the uncertainty around Brexit and the consequential trade deals, for example with Australia and New Zealand, which many people rightly fear will lead to unfettered access for a large volume of imported goods that can be produced by farming systems that are not currently permitted here. The Scottish Government needs to give more clarity on the agricultural support scheme that will replace the common agricultural policy to help our farmers reach net zero.

Our agriculture sector really stepped up to the mark throughout the pandemic, and I place on record my thanks to our farmers and crofters who are working so tirelessly to keep us all fed. It is now time for the Government and this Parliament to step up to the mark to give our farmers and crofters the direction and the backing that they need to ensure that they can meet the challenges that they face and can continue to produce the high-quality Scottish produce, such as Scotch

lamb, that we rightly celebrate this St Andrew's day and beyond.

18:45

**Jenni Minto (Argyll and Bute) (SNP):** I wish everyone a very happy St Andrew's day, and I also thank Jim Fairlie for bringing this debate to the chamber. I know how personal this campaign is to him, and his well-cultivated speech—not to mention his lamb—is testament to that.

Today we celebrate Scotland's patron saint, and what better way of celebrating him than with one of Scotland's tastiest red meats—lamb? I agree with Rachael Hamilton that there is nothing better than roast lamb with garlic and rosemary.

I congratulate Quality Meat Scotland on its decade-long Scotland's lamb for St Andrew's day project. Last year, chef Tony Singh supported the campaign by creating a Scottish lamb curry infused with Tomatin cask-strength malt whisky. The dish is a combination of two of Scotland's finest ingredients with a Indian-inspired twist—though, living on Islay, I would suggest a Kilchoman malt from Islay's farm distillery.

As Colin Smyth and Emma Harper have said, a lot of creativity is happening in a lot of our schools, with pupils serving Scotch lamb street-cafe style and others using it in their home economics classes. Indeed, Perthshire scouts have been using their campfire skills to serve up Scotch lamb. What fantastic ways of introducing our kids to culinary skills, an understanding of where our food comes from and a bit of history, too.

Growing up in St Andrews, I was told how the town came to be. According to legend, St Rule was instructed by an angel to take as many of St Andrew's bones as he could from Greece to the far western ends of the earth to protect them from the Roman emperor, Constantine the Great. Rule and his followers set sail for the west, eventually finding themselves off Scotland, where they were shipwrecked in 347. The story goes that Rule was welcomed by the Pictish king and established in what is now St Andrews a church that was dedicated to St Andrew and which housed his relics.

St Andrew is the patron saint not only of Scotland but of several countries including Barbados, Romania and Ukraine and of cities in Italy, Portugal, Malta, the Philippines and Greece. I therefore propose that on St Andrew's day we celebrate our patron saint with our home-produced lamb and Scotland's spirit of internationalism with dishes from around the world that are connected to St Andrew. I will list a few to tempt members' tastebuds—although I have to say that I am starving, so my stomach will probably start rumbling as I say this. There is traditional

Romanian lamb stufat, marinated in Fetească wine; hearty lamb dushenina, an age-old Ukrainian national dish; the rustic traditional Greek recipe, lamb kleftiko; and the Portuguese lamb stew, chanfana de borrego, to which piri-piri gives a slight spicy kick.

Today's Guardian podcast, "Barbados becomes a republic—and Britain faces a reckoning", is a powerful listen that traces Barbados's journey through colonialism, slavery, liberation and emancipation to independence on 30 November 55 years ago. Today, it becomes a republic, and no doubt Bajan lamb stew will be part of the celebrations in many Barbadian homes.

**Emma Harper:** Jenni Minto has just mentioned loads of lamb recipes, but does she agree that lamb also has evident nutritional benefits? For example, it is high in protein—a 3oz serving contains 25g of it. That shows how beneficial it is to our health.

**Jenni Minto:** I agree. As I have said, lamb is one of my favourite dishes. Indeed, we have lamb rather than turkey on Christmas day, so there you go.

Let us make Scotch lamb one of the celebret—I knew that I was going to get that wrong—celly—I cannot even say it—celebratory dishes of the Scottish calendar, let us support our farmers, crofters and butchers by cooking lamb for St Andrew's day, and let us celebrate the tradition of Scottish thriftiness by making heartwarming stovies from the leftovers on 1 December.

**The Deputy Presiding Officer:** Thank you, Ms Minto, and congratulations on your perseverance.

18:50

**Murdo Fraser (Mid Scotland and Fife) (Con):** I thank Jim Fairlie for bringing the motion to the chamber, and I congratulate him on securing the debate. He and Jenni Minto both spoke about St Andrew, who is of course the patron saint of Scotland. Today, as a Fife MSP and somebody who therefore represents St Andrews, I am pleased that I was involved in the cross-party campaign that was led by Dennis Canavan and others to get St Andrew's day recognised as a national holiday. We were eventually successful in that. The cross-party group on St Andrew's day carries on with that tradition, and very important it is, too.

Jim Fairlie and other members who have spoken are absolutely right to praise Scotch lamb for its nutritional benefit and excellent taste. I am sure that Jim Fairlie would agree with me that the king among Scottish lamb is, of course, Perthshire lamb, which Mr Fairlie himself used to produce. In fact, I remember eating Mr Fairlie's lamb before he

sadly abandoned farming for the much less reputable trade of being a politician. Farming's loss is Holyrood's gain, however.

A number of members have talked about the excellent lamb for St Andrew's day initiative. We need to do more to promote Scottish produce, in particular to get lamb on to menus in schools and elsewhere throughout the country. That is very welcome.

Emma Harper mentioned the climate emergency. It is worth reflecting on that for a moment. One of the most serious threats to livestock farming today is a misunderstanding of the role that is played by agriculture, particularly livestock farming, in carbon emissions. We see that with councils discussing meat-free days in schools, and we saw it recently at the 26th United Nations climate change conference of the parties—COP26—where there were calls for vegan-only menus to be served, because people thought that producing meat was in some way contributing to carbon emissions.

We need to be clear about the science. The pasture grass that grows on Scottish hills, on which sheep graze, is a carbon sink, and it does not contribute to carbon emissions and climate change. We need to be very clear in putting forward the science on that, so that there is no misunderstanding. Fortunately, the organisers of COP26 were clear about it. They did not give in to those calls; in fact, they quite rightly made sure that Scotch beef was on the menu at COP26. That is a battle that we must continue to fight, to make sure that our farmers who are producing top-quality produce are contributing to the fight against climate change, not making matters worse.

I bring my remarks to a close by wishing everybody a happy St Andrew's day, and I look forward to all the excellent lamb recipes that we have heard about being experimented on later.

**The Deputy Presiding Officer:** Thank you, Mr Fraser. That was an excellent contribution, but light on recipes, if I may say so.

I now invite the Minister for Environment and Land Reform to respond to the debate.

18:53

**The Minister for Environment and Land Reform (Màiri McAllan):** I am afraid that I do not have a single recipe to offer you, Presiding Officer, but I begin by wishing you and all members a very happy St Andrew's day. I give my thanks to Jim Fairlie for lodging the motion and for paying tribute to the folks who were involved in founding the campaign. I thank all the members who have taken part today.

What better way to celebrate one of our national days than by enjoying one of our national dishes? The lamb for St Andrew's day initiative is an excellent way to bring together Scotland's cultural and culinary heritage. I hope that it will increase the popularity of Scottish lamb and draw attention to the value of Scottish agriculture and food production.

As has been rehearsed, the campaign started just over 10 years ago and has gone from strength to strength. It is fantastic to see that more than 190 schools are signed up to the campaign, which we reckon is reaching 30,000 pupils all over Scotland. That is 75 more schools than last year.

As my colleague Jenny Minto mentioned, youth groups are also involved. I hope that the Perthshire scout group, which has 35 young explorers camping at Greenhill in Dunning, will enjoy the challenge of dishing up two lamb recipes using their campfire cooking skills. Perhaps they can draw on some of the international recipes that Jenny Minto shared with us. It is fantastic that young people in Scotland are learning how to prepare lamb and how delicious it is, and that they are doing so as part of celebrating our culture and history.

I am sure that we would all agree that the principal congratulations should go to our Scotch lamb producers. During this year, there were more than 15,000 sheep holdings in Scotland. That is almost a third of all Scotland's agricultural holdings and highlights the centrality of lamb to Scottish agriculture.

However, while we celebrate our lamb producers, we cannot fail to recognise the challenges that they and livestock farmers more generally are facing. I want to recognise that and to assure them that the Scottish Government is fully behind them. The Covid-19 pandemic has affected us all—it has taken something from everyone, and so much from some. However, amid the crisis, our food producers, processors and retailers worked so hard to ensure that we had food on our plates. Amid the anxiety and distress of that period, there was a glimmer of hope in a renewed appreciation of what our food workers and other key workers do.

To help our food producers to recover from Covid-19, the Scottish Government has allocated £10 million to support the Scottish food and drink recovery plan. That will also have to help to address the impacts of the UK's decision to pursue a hard Brexit amid a global health crisis. Of course, that was a move that Scotland roundly rejected and has led to expense and other barriers for the third of our lamb exports that would otherwise be traded with the European Union and Northern Ireland.

**Rachael Hamilton:** Given that today is St Andrew's day, and this is a debate on the importance of lamb, it is not the time to bring back constitutional grievances, particularly when QMS cites that 64 per cent of all exports of lamb go to the rest of the UK.

**Màiri McAllan:** Although it might be inconvenient for Rachael Hamilton, for our food producers and farmers, not a day goes by when they are not concerned about what her party has done in Government. The UK Government has rushed to sign major trade deals with major lamb-producing countries such as New Zealand and Australia —

**Rachael Hamilton:** Will the minister take an intervention?

**Màiri McAllan:** No, I must make progress—Ms Hamilton has had her time.

Economic modelling suggests that the trade deal with Australia could produce a 0.02 per cent increase in GDP and that the deal with New Zealand will produce an increase of—wait for it—0.0 per cent. That is all against the contraction in GDP of 4.9 per cent, which has been caused by Brexit. That is a real concern for the Scottish Government and NFU leaders. One NFU leader stated that the deals will open the UK

“to significantly extra volumes of imported food ... while securing almost nothing in return for our farmers.”

NFU Scotland said:

“This latest deal offers virtually nothing to Scottish farmers and crofters in return but risks undermining our valuable ... sectors by granting access to large volumes of imported goods that could be produced in farming systems”

like ours.

**Murdo Fraser:** It is rather sad that we have had such a discordant note from the Scottish Government in what has been a consensual debate. On the subject of Brexit, will the minister reflect on the comments from the SNP's economic adviser, Professor Mark Blyth, that independence would be “Brexit times ten”?

**Màiri McAllan:** As I said, it might be inconvenient for Tory members to hear exactly what their party's policies mean for farmers right now, but this is an important day to mention it because we are all hoping to enjoy what those farmers are producing for us.

As members, including Murdo Fraser, have mentioned, we face another challenge: the need to get to net zero by 2045. We must do that fairly, which requires action at every level, including in livestock production. Scotland's farmers and food producers will be and are already at the forefront of that work.

The agriculture reform implementation oversight board, which is co-chaired by my colleague Mairi Gougeon and Martin Kennedy of the NFUS, is already working on how we can transform and support farming and food production Scotland to become a global leader in sustainable and regenerative agriculture. Its work covers all aspects of agriculture, including meat and dairy sectors, and is geared towards meeting the challenges of our climate targets, supporting biodiversity and—crucially—continuing to produce sustainable food.

On the topic of challenges, another major challenge is to ensure that more people in Scotland have reliable and affordable access to nutritious locally sourced and produced good-quality food, such as Scotch lamb. The Good Food Nation (Scotland) Bill, which we introduced in early October, will do just that. It will ensure that there are links between national food policies and those of local authorities. We are already making strides towards ensuring that more local produce is served in our public sector.

In closing, I thank everyone for taking part in the lamb on St Andrew's day campaign, Quality Meat Scotland for its on-going support, the people whom Jim Fairlie mentioned who founded the excellent campaign, and most of all, all the people who work year round in all weathers to produce Scotch lamb, which is among the best in the world. It is by buying, cooking and eating quality Scotch lamb on St Andrew's day—and throughout the year—that we can support the sector and achieve our local food ambitions.

If members did not already enjoy the quality Scotch lamb that was available in the Parliament canteen this afternoon, I hope that they will go home and enjoy some this evening.

**The Deputy Presiding Officer:** Thank you, minister, I am sure that we will all take up that invitation. That concludes the debate.

*Meeting closed at 19:01.*



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

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