



OFFICIAL REPORT  
AITHISG OIFIGEIL

# Meeting of the Parliament (Hybrid)

Wednesday 1 June 2022

Session 6



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**Wednesday 1 June 2022**

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# Scottish Parliament

Wednesday 1 June 2022

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

## General Question Time

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

### National Litter and Fly-tipping Strategy

1. **Colin Beattie (Midlothian North and Musselburgh) (SNP):** To ask the Scottish Government whether it will provide an update on the new national litter and fly-tipping strategy for Scotland. (S6O-01174)

**The Minister for Environment and Land Reform (Màiri McAllan):** The consultation on our proposals for a new national litter and fly-tipping strategy closed on 31 March, and we are currently analysing the responses. The final strategy will be published later this year and will take those responses into account.

Proposals in the consultation included measures to strengthen enforcement, raising of fixed penalties, improving data collection and supporting private landowners and local authorities. Illegal waste activities, which are a blight on communities, have no place in Scotland, and we are working with partners and law enforcement to detect, deter and disrupt waste crimes across Scotland.

**Colin Beattie:** Fly-tipping and littering cause great frustration to the whole community. Midlothian Council states that fly-tipping alone costs it £60,000 a year, which is a huge amount of resource to spend on preventable behaviour.

What further support can the Scottish Government give to help local authorities, the police, the Crown Office and Procurator Fiscal Service and even private landowners to tackle fly-tipping and ensure that appropriate action is taken to prosecute people who fly-tip?

**Màiri McAllan:** I fully appreciate the challenges that are faced by private landowners and local authorities, and the impact that the pandemic has had on reporting littering and fly-tipping rates. Although the ultimate responsibility for clearing up litter and materials that have been fly-tipped rests with local authorities and landowners, we are working across multiple agencies to tackle the issue, with a firm focus on prevention.

Our national litter and fly-tipping strategy consultation proposed a range of further measures to enforce litter and fly-tipping offences, including raising fixed penalties and exploring use of civil penalties, which we will pursue, subject to the outcome of the consultation.

**Murdo Fraser (Mid Scotland and Fife) (Con):** The minister will know that I recently completed a consultation on potential legislative changes around fly-tipping, and I look forward to meeting her ministerial colleague next week to discuss them.

One issue that came out clearly from that consultation is public concern that restricted access to council recycling centres is potentially a factor that encourages people to fly-tip irresponsibly. Fife Council has just announced that it is reducing its charges for bulky uplifts of waste in order to make that an easier route for people. Will the Scottish Government look at how it can better support councils to provide better and cheaper facilities for people who want to do the right thing?

**Màiri McAllan:** The Scottish Government shares Murdo Fraser's ambition to tackle fly-tipping, and our recent consultation set out proposals in areas that I know Mr Fraser has identified for further action, including improving data quality and strengthening enforcement measures, which I mentioned previously. However, there are some differences from the approach of the proposed bill and—as he mentioned—he will meet my colleague Lorna Slater next week.

Understandably, over the course of the pandemic local authorities had issues with providing access to recycling centres. Access is very important, and consideration of all such issues was borne in mind as we developed the consultation, the responses to which we are now reviewing.

**Siobhian Brown (Ayr) (SNP):** Will the minister update Parliament on what the Scottish Government is doing to assist with recycling hard-to-recycle items?

**Màiri McAllan:** On Monday, the Scottish Government launched two consultations on a proposed circular economy bill and on a waste route map. Together, the consultations set out the key proposed actions and the tools that we will put in place to help everyone to play their part in cutting waste in our economy and in capitalising on the economic opportunities that a circular economy clearly presents.

The route map includes a proposal to embed decisions about recycling in the design and sale of products. My colleague Lorna Slater recently announced the first investments from our

landmark £70 million recycling improvement fund. More than £20 million is being awarded to 13 local authorities to increase the quantity and quality of recycling. That marks the beginning of one of the biggest investments in recycling infrastructure.

### Renewable Energy Supply Chain

**2. David Torrance (Kirkcaldy) (SNP):** To ask the Scottish Government whether it will provide an update regarding any support it is giving to the renewable energy supply chain. (S6O-01175)

**The Minister for Business, Trade, Tourism and Enterprise (Ivan McKee):** Renewable energy is a crucial element of our delivery of the transition to a net zero economy, and we are determined to maximise the economic opportunity for the Scottish supply chain for renewables—especially offshore wind. We remain committed to using every lever within our devolved competence to support and grow the supply chain in Scotland.

For offshore wind, applicants to the ScotWind leasing round were required to submit a supply chain development statement to Crown Estate Scotland, setting out the anticipated level and location of supply chain impacts. Failure to deliver the commitments that are laid out in the final development statement can trigger remedies that range from financial penalties to inability to progress to sea bed lease.

**David Torrance:** Does the minister agree that the Scottish supply sector and its skilled workforce have huge export opportunities? Can the minister highlight how the Scottish Government is promoting and supporting the renewables sector to expand into international markets?

**Ivan McKee:** I agree. The Scottish Government recognises the huge potential within the renewables sector to support the growth and resilience of the Scottish economy by increasing its reach to international trade. That is why we are committed to working with the industry to develop a renewables sector export plan in 2022 as part of the delivery of “A Trading Nation”—our export growth plan—and the national strategy for economic transformation.

**Neil Bibby (West Scotland) (Lab):** The story of the industry is too often a story of broken promises about offshore jobs and neglected supply chains, but I am sure that the minister agrees that it does not have to be that way.

Will the minister consider new conditions on support for the sector to guarantee that a minimum percentage of jobs that are created with Scottish Government support remain in the Scottish economy?

For example, does the minister think that it is reasonable that, as the GMB trade union insists, at

least 50 per cent of manufacturing and fabrication jobs in offshore wind—a sector that the Scottish Government supports—should be located in Scotland, in order to secure well-paid work and to support our supply chains?

**Ivan McKee:** We want to maximise the number of jobs in the supply chain in Scotland, so we are putting in place the supply chain development statements in order to drive developers to use local supply chains. We are also putting in place the £75 million energy transition fund and the £180 million emerging energy technologies fund. We are working with the sector; I co-chair the Scottish Offshore Wind Energy Council, and we work with the DeepWind and Forth and Tay clusters, which have identified Scottish businesses that can benefit from supply chain opportunities.

We are working with Scottish Renewables to identify Scottish businesses that we can develop, along with Scotland’s ports, in order to maximise the amount of work that takes place in Scotland. My colleagues and I work regularly with key global inward investors on bringing their capability to Scotland so that they can employ people in Scotland to manufacture products here, rather than elsewhere. Of course, we have to do all that while remaining compliant with state aid rules.

### Support for First-time Buyers (Central Scotland)

**3. Mark Griffin (Central Scotland) (Lab):** To ask the Scottish Government how many people in Central Scotland have been helped on to the property ladder through Government schemes since 2016-17. (S6O-01176)

**The Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison):** Shared equity schemes are one of a number of ways in which we are supporting individuals to access affordable housing, as is set out in our “Housing to 2040” strategy.

A total of 31,363 homes have been purchased in Scotland via Scottish Government shared equity schemes, which include the open market shared equity scheme, the new supply shared equity scheme, the first home fund and the help to buy (Scotland) scheme. Of those homes, 25,302 were in Central Scotland. That figure represents completed purchases in the past five financial years and covers the number of homes rather than individual people.

**Mark Griffin:** The numbers that are being supported through the LIFT—low-cost initiative for first-time buyers—scheme, which is now the only one that is available, have tumbled in recent years from 126 across Central Scotland councils in 2017-18 to just 12 in 2020-21.

I think that the cabinet secretary has agreed to meet Cal Grevers, who cannot find a home that meets LIFT requirements and is now crowdfunding for a deposit. Will the cabinet secretary agree to use this summer to look at enhancing LIFT, and revisit last summer's decisions to close the help to buy and first home fund schemes? I think that the decision to do that was based on advice that LIFT made up 20 per cent of the affordable housing numbers, but that figure has tumbled to just 14 per cent in 2021.

**Shona Robison:** Of course, I want to meet Calum Grevers. I recognise that there are two particular aspects to his case. The first is to do with his particular needs and the second is to do with difficulties in the Edinburgh housing market.

If I look beyond that and consider the situation in a more general sense across Scotland, first-time buyer activity has shown strong recovery, and mortgage approvals for first-time buyers have increased by 13 per cent in the 12-month period to quarter 1 in 2022, from the amount in the period up to quarter 1 in 2021.

Of course, the schemes were set up to support buyers at a time when mortgage lenders were less likely to lend to people with smaller deposits. We have seen a steady recovery in the high loan-to-value mortgage market, which means that the interventions that we require have changed.

Against the financial backdrop, we have had to prioritise the funds that we have available, and we have, by maintaining the LIFT scheme, focused our support on low-income buyers and those who are most marginal. Essentially, we are providing money for people who would otherwise not be able to afford home ownership. The United Kingdom Government does not run an equivalent scheme for low-income purchasers.

We feel that we have struck the right balance. However, we are, of course, always happy to look at individual circumstances. Calum Grever's case highlights particular issues, so I want to meet him to discuss the issues and to look at how we might help to move forward on them.

#### Aircraft Noise

**4. Marie McNair (Clydebank and Milngavie) (SNP):** To ask the Scottish Government what it is doing to protect communities from excessive aircraft noise. (S6O-01177)

**The Minister for Environment and Land Reform (Màiri McAllan):** We recognise the impact that aircraft noise can have on communities, particularly those around runways. Major airports are required to put in place and take reasonable steps to deliver a plan to mitigate the impact under the Environmental Noise (Scotland) Regulations 2006. They must update the plan

every five years in consultation with communities. As we enter the busy summer period, we encourage airports to engage effectively with local communities to consider how best to mitigate noise impact. However, it is always worth reminding ourselves that our connectivity is increasingly being provided by latest-generation aircraft, which are quieter and cleaner.

**Marie McNair:** I can advise the minister that I am meeting Glasgow Airport Ltd. Constituents have contacted me to express concerns that plans to mitigate aircraft noise are insufficient, and I support them in expressing those concerns. Will the minister outline the importance that the Scottish Government places on the need for local communities to be at the heart of mitigation plans?

**Màiri McAllan:** Yes, I am absolutely happy to. Engaging with local communities on noise mitigation measures is very important, and I encourage airports to continue to do that as they deliver and update their noise action plans.

I am pleased to learn that Glasgow Airport Ltd will be setting up a noise action forum, which will include community representatives. I am also pleased to hear that the forum will meet the member shortly.

**Alex Cole-Hamilton (Edinburgh Western) (LD):** The minister will be aware that the long-awaited redesign of the airspace around Edinburgh airport had to be abandoned because of the pandemic. In effect, the airport has been put back to square 1. The redesign included much-needed offset departures over the village of Cramond, which would have reduced noise in my constituency. What discussions is the minister having with Edinburgh Airport Ltd and the Civil Aviation Authority about assisting them to get back to the place where they had to leave off?

**Màiri McAllan:** The specific issue that Alex Cole-Hamilton raises is not one that rests squarely in my ministerial portfolio. However, I am more than happy to speak to my colleagues, discover which of us has been dealing with the issue and get them to engage directly with the member.

#### Electricity (Nuclear Generation)

**5. Liam Kerr (North East Scotland) (Con):** To ask the Scottish Government what proportion of electricity generated in Scotland in 2020 was from nuclear. (S6O-01178)

**The Minister for Just Transition, Employment and Fair Work (Richard Lochhead):** In 2020, 25.7 per cent of Scotland's electricity was generated by nuclear.

**Liam Kerr:** According to the Climate Change Committee's report "Net Zero—The UK's contribution to stopping global warming", to hit net

zero, the United Kingdom will need four times more clean power by 2050. It further says that 38 per cent of that needs to be “firm power”, which means power that is consistently generated and reliable, regardless of the conditions or battery life. From what source will Scotland get that 38 per cent of firm electricity generation?

**Richard Lochhead:** So far this year, only 19 per cent of our electricity has been sourced from nuclear. Just last week, wind power contributed a record amount of electricity to Britain, meeting half of these islands’ electricity needs on one day alone.

The view of this Government is that nuclear is not the answer to Scotland’s energy security or energy needs. It is far too expensive, it will take years and there remain safety and environmental concerns around it. Scotland’s future is based on our abundance of natural resources and on renewable energy. The amount of renewable electricity that was generated in Scotland in 2021 was the equivalent of what was needed to power all households in Scotland for almost three years. That is Scotland’s future.

**Liam Kerr:** On a point of order, Presiding Officer. Forgive me, but I asked a straight question about where the 38 per cent of firm electricity will come from. The minister did not even attempt to answer that question, which is just not a good reflection on the minister or Parliament. I wonder whether he might be given another opportunity.

**The Presiding Officer:** The minister has been given an opportunity to answer that question. The content of contributions is not a matter for me. Of course, under the members’ code of conduct, which insists on courtesy and respect among members, it is clear that we expect answers to be as responsive as possible.

**Kenneth Gibson (Cunninghame North) (SNP):** Hunterston B power station, in my constituency, ceased electricity generation in January, so asking about 2020 output is surely irrelevant. Does the minister agree that, with Austria’s energy minister raising the spectre of

“severe accidents with high releases”

at Sizewell C, which is to be built in Suffolk, due to its reactor design, we should not be considering new nuclear fission generation in Scotland?

**Richard Lochhead:** The member is quite right to highlight some of the serious concerns that are expressed about the safety and, indeed, environmental implications of nuclear technologies. That is why the Scottish Government does not support the building of any new nuclear power stations in Scotland, and it is why that will not feature as part of our wider energy strategy review, which will take place later

this year. We will continue to assess any new technologies on the basis of their safety, value for customers and contribution to Scotland’s low-carbon economy and energy future.

### Deposit Return Scheme

**6. Daniel Johnson (Edinburgh Southern) (Lab):** To ask the Scottish Government whether it will provide an update on its deposit return scheme. (S6O-01179)

**The Minister for Environment and Land Reform (Màiri McAllan):** We are implementing an ambitious deposit return scheme, which will be the first in the United Kingdom, and it will go live from 16 August 2023.

I am delighted that the Scottish National Investment Bank and the Bank of Scotland have announced a total of £18 million in loan funding for Circularity Scotland. That is a tremendous vote of confidence in our DRS and in Circularity Scotland as the scheme administrator.

Recently, Circularity Scotland published details of the handling fee that will be paid to retailers that operate a return point and of the specification for reverse vending machines. Confirming those details is a major step forward that will allow industry to move ahead with its preparations.

**Daniel Johnson:** My supplementary question addresses the Scottish National Investment Bank funding. Many people will be surprised that the deposit return scheme is receiving funding from that source, given that the Scottish National Investment Bank was meant to be about strategic priorities, addressing market failure and driving enterprise. Is it appropriate for it to be funding public policy through that means, especially given that Scottish National Investment Bank funding will decline to zero in the timeframe of the resource spending review, as was announced yesterday?

**Màiri McAllan:** As, I assume, Daniel Johnson is aware, the investment decisions of the Scottish National Investment Bank are taken entirely independently of ministers.

However, given the opportunity to talk about DRS today, I am very pleased to reiterate that it will go live in August next year. When it does, it will be the first such scheme in the UK, as well as the most environmentally ambitious and accessible scheme in the European Union. It will sit alongside landmark investment of £70 million in recycling infrastructure. Also, as Scotland becomes—today of all days—the first country in the UK to ban some of the most problematic single-use plastics, it will make an enormous contribution to our environmental and anti-litter objectives.

## District Heating and Waste Incineration

**7. Jim Fairlie (Perthshire South and Kinross-shire) (SNP):** To ask the Scottish Government what support is available to local authorities to encourage the development of district heating systems in conjunction with the incineration of waste rather than sending waste to landfill. (S6O-01180)

**The Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights (Patrick Harvie):** In February, we launched our £300 million heat network fund, which helps local authorities and private companies to develop heat networks, including making use of existing waste heat, where possible. We currently support heat network projects in Aberdeen and Midlothian that will use waste heat from energy-from-waste plants. However, it is important that waste heat producers decarbonise their operations to ensure that we meet our net zero target. We recently published the report of the independent review of incineration, which recommends that the Scottish Government set an indicative cap for the amount of residual waste treatment that is needed. We will set out our response to that report in June.

**Jim Fairlie:** I recently attended a meeting of the cross-party group on Nordic countries and was interested to hear from Morten Duedahl from the Danish Board of District Heating, who told us that around 50 per cent of Danish heat demand is serviced by district heating and heat networks. In my constituency, there are plans for an energy-from-waste plant at the Binn ecopark. Will the minister set out how areas in Scotland have invested in such systems and how communities can consume the energy or heat that is produced in their locality? Is that local production to be consumed via the national grid?

**Patrick Harvie:** Mr Fairlie is right to point to the much more extensive use of heat networks in some other European countries. Currently, upwards of 1.18 terawatt hours of heat is supplied by heat networks in Scotland. We want significant growth so that, by the end of this decade, 6 terawatt hours of heat is supplied by networks.

We recently published the first national assessment of potential heat network zones, to identify areas in which heat network deployment could be most effective. Via Scotland's heat network fund, we are providing £300 million to develop heat networks, which could, if well located, utilise waste heat. In some places, existing waste-to-energy plants might be in a position to supply heat to heat networks and electricity to the grid. However, we need to be clear that the growth of heat networks is not contingent on increasing the availability of heat from that particular source.

## First Minister's Question Time

14:22

### Independence Referendum (Funding)

**1. Douglas Ross (Highlands and Islands) (Con):** I start in the way that we are now more regularly starting these proceedings—by wishing Steve Clarke and the team all the very best tonight. It is a major game, as the Scottish national men's team are now just two matches away from potentially qualifying for the world cup for the first time since 1998. I know that the whole Parliament will wish them well—the players on the pitch, the manager and the team around them, and of course the outstanding tartan army, who will be roaring them on to victory tonight. We wish them all the very best. [*Applause.*]

In the middle of a cost of living crisis, with so many families struggling, why is the First Minister's Government allocating another £20 million for an independence referendum?

**The First Minister (Nicola Sturgeon):** I, too, begin by taking the opportunity to wish Steve Clarke and the team every success at Hampden this evening. I will be there, cheering on Scotland. We all want Scotland to win and to qualify for the first world cup that we would be at in a long, long time. That said, I think that I can speak for everybody at Hampden this evening when I say that, no matter how strongly we will be supporting Scotland, a bit of all our hearts will be with Ukraine, as we continue to stand in solidarity with them in this hour of need. [*Applause.*] Just as the tartan army this evening will, as it always does, belt out "Flower of Scotland", I hope that we will also stand and show real passion for the Ukraine national anthem. Good luck to Steve and to the team.

I thank Douglas Ross warmly for giving me the opportunity to set out exactly why giving the people of Scotland an opportunity to choose a better future is so important at this particular moment in time. In many ways, the resource spending review that Kate Forbes set out yesterday sets out the very heavy price that people across Scotland are paying right now for continued Westminster decision making. As a result of United Kingdom Government decisions, our budget this year has been cut by more than 5 per cent in real terms, and growth in our budget over the next four years will be constrained to 2 per cent, while inflation is close to 10 per cent. Of course, thanks to the folly of Brexit, inflation is higher in the UK than it is in any other G7 country.

Every year, the Scottish Government is having to invest more than £700 million to mitigate the

impact of Westminster policies that Scotland did not vote for, such as the bedroom tax, the rape clause and the removal of universal credit, which has plunged more people into poverty.

Yes, I think that spending £20 million—0.05 per cent, or one half of one tenth of 1 per cent, of the entire Scottish Government budget—to give the people of this country the opportunity to choose a better future is, and will be, a really good investment.

**Douglas Ross:** In her answer, the First Minister never once mentioned the cost of living crisis that Scots are facing right now. She never once even attempted to address that issue. She gets very excited and animated when speaking about independence and dividing our country all over again, but there was not a single word for people who are struggling right now and who do not understand why her Government is prioritising another independence referendum. Spending £20 million on a divisive referendum in the middle of a cost of living crisis is shameful. Nicola Sturgeon's eye is off the ball all over again. [*Interruption.*]

**The Presiding Officer (Alison Johnstone):** I ask members to resist the urge to heckle from a sedentary position.

**Douglas Ross:** The First Minister is obsessing about independence when people across Scotland overwhelmingly want the focus to be on the issues that really matter to them.

Let us look at the £20 million. It could pay for more police officers, more teachers and more nurses. It could pay for more support for people facing rising energy bills and higher costs at the supermarket.

Charging ahead with a plan to divide us is the wrong priority when, now more than ever, we need to pull together, using the strength and security that we get as part of the United Kingdom to see us through the cost of living crisis, just as that saw us through the Covid pandemic. Just how much worse does the cost of living crisis have to get for individuals right across Scotland before the First Minister diverts money away from an independence referendum?

**The First Minister:** Douglas Ross stood up and said that I did not mention the cost of living crisis. I suggest that he might want to consider what is causing the cost of living crisis. It is soaring inflation. As I said, thanks in large part to the utter folly of Brexit, which was imposed on Scotland by Tory Governments, inflation is higher in the UK than it is in any other G7 country. That is part of the price of Westminster government. It is a Tory-created cost of living crisis. How much worse does it have to get before the Conservatives take it seriously and provide real, proper help to people across this country?

Douglas Ross stands here and asks me about spending £20 million—which is, as I said, one half of one tenth of 1 per cent of the entire Scottish budget—to give the people of this country the option of a better future. He never stands here and apologises, as he should, for the fact that this Government is required every year to invest more than £700 million to mitigate the effect of Tory policies that we in Scotland do not vote for. That money is spent to mitigate the awful rape clause, which was imposed on Scotland by the Tories; the awful bedroom tax, which was imposed on Scotland by the Tories; and the poverty that Tory policies are plunging so many people into. It is also being spent to mitigate austerity, which research from the Glasgow Centre for Population Health has said has caused a “stalling” in improved life expectancy in Scotland and across the UK.

Yes, I think that £20 million to give Scotland the choice of a better future—a Tory-free future—is a good investment. If we look at the opinion polls, I suspect that Scotland is well on the way back to being Tory free anyway.

Let us remind ourselves that, thanks to this Government, we have more police officers and more primary school teachers than at any time since 1980, so I will get on with the job of delivering for Scotland and, I hope, of freeing Scotland from continued Westminster Tory Government.

**Douglas Ross:** The First Minister now just makes it up as she goes along. She is saying that the UK Government is doing nothing to help people. What about the £37 billion of investment in this country to help people who are struggling? Eight million people—including the lowest earners across Scotland—will get at least £1,200 in additional support, as announced by the Chancellor of the Exchequer just last week.

Despite what the First Minister tried to say in her first answer, we know that her Government has received from the UK Government the biggest block grant ever, which the Scottish Government has squandered. The spending review shows the real cost of the SNP's failures for the Scottish public, such as the fortune that has been wasted on ferries, Burntisland Fabrications and Prestwick airport and the failures at Queen Elizabeth university hospital—the list goes on and on.

The consequences of those failures for our country are devastating. The Institute for Fiscal Studies says that the next two years will mean

“really big cuts in planned spending on public services”.

Because of the failures of Nicola Sturgeon's Government, we are facing severe cuts to budgets for the police, prisons, schools, councils, rural affairs, enterprise, tourism and higher education.

Scotland is paying the price for Nicola Sturgeon's mistakes.

The spending review was damning. Does that not show that we are facing the worst financial outlook from a Scottish Government since devolution?

**The First Minister:** Let us look at those issues in turn, Presiding Officer. First, let us look at the help that the chancellor announced last week—I will say in passing that it is deeply regrettable that it took the partygate crisis, from which Boris Johnson wanted to divert attention, for the chancellor to lift a single finger. The £400 in universal support, welcome though it is, is a fraction of the projected increase in energy costs that families across the country are facing.

The support for the lowest-income families is, again, very welcome, but it does not even come close to putting back the £1,000 that was taken out of the pockets of the lowest-income families in the clawback of the £20 a week of universal credit. Much more needs to be done by the UK Government.

Secondly, on the Scottish Government's block grant, would it not be better if we had responsibility for raising our own revenue rather than having to rely on a block grant from someone else? Douglas Ross says that it is the biggest-ever block grant. This year, because of Westminster Tory decisions, Scotland's budget is reduced in real terms by 5.2 per cent. If that is the biggest grant ever, I am not sure that that is much for the Tories to crow about.

Next, Douglas Ross says that money that has been spent to save BiFab, Ferguson's and Prestwick airport is wasted money. I think that that says everything that we need to know about the Tories' approach to jobs—they do not care about people's jobs.

Finally, yesterday, Kate Forbes set out ambitious plans that back our priorities of tackling child poverty, protecting public services, moving to net zero and supporting the economy. Do I wish that we had more money to allocate? Yes, I do. However, the Government's budget is largely determined by decisions that the Tories are taking. Therefore, everything that Douglas Ross has just said does not detract from but makes the argument for this Parliament and this country to become independent.

**Douglas Ross:** First Minister, stop running from your failures and start to own them. Blaming the Westminster bogeyman does not cut it with the public, who are struggling because the First Minister's decisions are devastating for the people of Scotland. The Scottish National Party and the Scottish Government are running our finances into the ground, and all that we have heard from the First Minister today is that she has cash for

another referendum but cuts for Scotland's public services.

The most damaging cuts will affect Scotland's young people. The First Minister used to grandstand, saying that she would close the attainment gap between rich and poor. How is that going? She promised to make education her number 1 priority. How is that going? The Scottish public were told to judge her on education, but she has failed and now she has given up trying. The education budget is being slashed to the bone.

The First Minister likes to talk about Scotland's future. We want money to be invested in Scotland's future, but on schools, not on separation. Why put £20 million behind the push for another referendum when it could be spent on delivering opportunities for our young people across Scotland?

**The First Minister:** It is of course just a fact that the size of the Scottish Parliament's budget is largely decided by decisions made at Westminster. If Douglas Ross does not like the outcome of that, perhaps he should have a word with his bosses at Westminster, or better still, support this Parliament and this country having full financial responsibility.

Douglas Ross asked me how the work that is being done to close the attainment gap in education is going. I will be delighted to give him a progress report on that today, and he does not have to take my word for it—I will quote the commissioner for fair access who, just yesterday, talked about progress in closing the attainment gap in access to university. The commissioner said that the work of the Scottish Government has been "an unambiguous success", and Scotland is now leading the UK. There is the progress report on education.

We know the real reason for all of Douglas Ross's bluster today. Before I go on to that, let me reiterate—[*Interruption.*]

**The Presiding Officer:** First Minister, let me stop you for a moment. I have already asked members to resist the urge to make a contribution when it is not their turn to speak. I would be grateful if they could bear that in mind.

**The First Minister:** For the avoidance of doubt, I reiterate that, if spending £20 million wins this country a better future in which we do not have to spend £700 million on mitigating Tory policies, then yes, that is a good investment.

The reason for Douglas Ross's bluster today is, of course, that we know that the Tories and Douglas Ross are not very popular among the Scottish people. However, as of this week, we also know that Douglas Ross has never been less popular with Conservative voters. For the first

time, he has got negative approval ratings and is in the unenviable position where the only Tory who is less popular among Conservative voters is his boss, Boris Johnson. No wonder he is in a bit of a state today.

### Waiting Lists

**2. Anas Sarwar (Glasgow) (Lab):** Tonight, almost everyone in the world will be supporting Ukraine—if they were playing any other country in the world, I would probably be supporting them, too. As they are playing us, I will be cheering on Scotland and the tartan army. I wish Steve Clarke, Andy Robertson and the entire Scotland men's football team all the very best for tonight. I hope that they can take us to a world cup.

Can the First Minister tell members how many people were on national health service waiting lists a year into the Scottish National Party Government, before the pandemic in March 2020, and how many Scots are on waiting lists now? (S6F-01160)

**The First Minister (Nicola Sturgeon):** I will provide the member with the precise figures, but I do not have them to hand. I do know that more people are on NHS waiting lists now, post-pandemic, than will have been the case at many points in recent years. That is not only the case in Scotland; it is the case across the United Kingdom and much of the world because of the pressures of Covid.

I also know that, before the pandemic, significant progress was being made in reducing waiting times. For example, before the pandemic, the number of people who were waiting for a first out-patient appointment had reduced by 21.3 per cent.

Over the same period, the number of people who had to wait more than 12 weeks for an out-patient appointment had fallen by more than 30 per cent, more appointments had been carried out under the in-patient treatment time guarantee and the number of people who had to wait more than six weeks for one of the eight diagnostic tests was down by 25 per cent. That is the progress that was being made. Clearly, that has been set back by the pandemic, which is why our recovery plan and the significant additional investment that is going into the national health service are so important.

**Anas Sarwar:** The First Minister does not need to send me the stats—I have them right here. The answer that the First Minister was looking for is that, a year into a Scottish National Party Government, there were more than 260,000 people on an NHS waiting list. That number had risen to almost 420,000 before the pandemic, in March 2020. Today, that figure stands at more

than 708,000 people—one in eight Scots are on an NHS waiting list.

The First Minister referenced the recovery or catch-up plan. Surely the term “catch-up” means that the number of people who are waiting would go down, instead of going up, but there are nearly 60,000 more people on an NHS waiting list than there were when the Government announced the catch-up plan back in August.

Let me try another question. How many people had to wait more than a year for in-patient treatment when the First Minister took office, and how many are having to wait more than a year today?

**The First Minister:** There are more people waiting more than a year today, and I think that most people understand that that is because of the impact of the pandemic. The latest quarterly figures show an increase in the number of people who have been seen, whether as in-patients, out-patients or for diagnostic procedures, compared with the previous quarter. That shows the impact of the improvement and catch-up work that is being done.

Although we are in a much better position, we are, of course, still in a pandemic. Since the recovery plan was published, we have had another wave of the pandemic. I think that people understand the impact that that is having on our NHS, but they can also see that an increased number of people are working in our NHS and that increased investment is going into our NHS, and they will start to see an increase in the number of patients who are seen and an impact on waiting times.

Regardless of which party is in government across the United Kingdom—the SNP in Scotland, the Tories in England or Labour in Wales—the NHS is facing the same challenges, but on many measures, the NHS in Scotland is doing better than the NHS in the other UK nations.

**Anas Sarwar:** I have already referenced the fact that the waiting list figures have gone up, not down, since the catch-up plan was announced. As is typical when the First Minister is struggling, she wants to talk about Wales. I remind her that she is paid to care about the people of Scotland, because she is Scotland's First Minister.

Here is the answer that the First Minister could not give or does not want to give—and let us remember that there is a legal guarantee that treatment will be provided within 12 weeks. When Nicola Sturgeon took office, the number of people who had to wait more than a year was 21. As of today, that number is more than 30,000. That is not the number who are having to wait more than the legal period of 12 weeks; it is the number of our fellow Scots who are having to wait more than

a year for in-patient treatment, such as a hip replacement, a knee replacement or a heart operation.

Let us look at Nicola Sturgeon's record on the NHS. She has broken her own treatment time law 490,000 times, she has cut more than 4,000 beds out of our NHS and, on her watch, we now have record vacancies for nurses and midwives. We are 6,000 nurses and midwives short. It is a litany of failures. There is a black hole in our public finances, and we have railways that do not run, ferries that do not sail and soaring waiting lists in our NHS. Which one is Nicola Sturgeon most ashamed of?

**The First Minister:** I am proud of the work that the Scottish Government does to support the NHS, I am proud of the fact that there are thousands more people working in our NHS and I am proud of the fact that the NHS budget has increased by about 90 per cent in cash terms since we took office.

Anas Sarwar must be literally the only person in the country, and perhaps the only person on the planet, who does not understand, or is not willing to understand, the impact of a global pandemic on health services in Scotland and around the world. Significant improvements were being made before the pandemic. The pandemic—during which we had to pause surgery and other treatments in the NHS—has clearly set that back. Now, we are investing and introducing initiatives to catch up on that progress.

Anas Sarwar also mentioned beds. I know that he does not like comparisons with Wales when they do not suit him, but the Royal College of Emergency Medicine, which said important things about bed numbers this week, pointed out that Scotland has a higher number of beds per head of population than Wales and England do. *[Interruption.]*

**The Presiding Officer:** Members!

**The First Minister:** Yes, we have lots of work to do, but we have a better foundation to build on than is the case where Labour is in government elsewhere in the UK.

**The Presiding Officer:** We move to constituency and general supplementary questions.

#### **Mortality Trends (Impact of Austerity)**

**Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP):** I ask the First Minister for her response to the research that was published yesterday by the University of Glasgow and the Glasgow Centre for Population Health, which she referenced earlier, which suggests that people

across the United Kingdom are dying younger as a result of UK Government austerity.

**The First Minister (Nicola Sturgeon):** It is appalling and it displays and gives evidence for what many of us have suspected has been the case for some time. The researchers at the Glasgow Centre for Population Health found that

“Austerity is highly likely to be the most substantial causal contributor to the stalled mortality trends seen in Scotland and across the UK”.

That is down to Tory austerity which, we should remember, was kicked off by Labour under the last Labour Government. We now see the impact of that on people across the country—*[Interruption.]*

**The Presiding Officer:** Members!

**The First Minister:** That is another reason for wanting to get a better future for Scotland.

#### **Children with Complex Needs (Support Services)**

**Alexander Stewart (Mid Scotland and Fife) (Con):** There is an inequality across my region when it comes to supporting children with complex needs during the summer. Rob Holland from the National Autistic Society Scotland said:

“The lack of services heaps further pressure on families and risks pushing them to breaking point. The availability of short break services should not be wholly reliant on where autistic children live.”

What action is the Scottish Government taking to rectify the postcode lottery that autistic children have to endure?

**The First Minister (Nicola Sturgeon):** I agree that children with autism should have access to good services, regardless of where they live in Scotland, and we would expect local authorities to ensure that they do. Our duty, which we take seriously, is to support local authorities financially and in other ways.

I am happy to ask the education secretary to look at the situation in the region that the member represents and write to him in greater detail. I hope that all local authorities take very seriously their responsibility to support children to catch up their education.

#### **Long Covid**

**Alex Cole-Hamilton (Edinburgh Western) (LD):** This morning, we learned that the number of people suffering from long Covid has risen to 155,000, which is almost one in 30 Scots. Last weekend, Dr Kevin Deans told BBC Scotland that the need for long Covid clinics was absolute and urgent. He said:

“We can't not do this”.

His intervention destroys the baffling argument from Scottish National Party and Green members that clinics would somehow get in the way of support. The First Minister is devoting twice as much money to her referendum as she is to this awful condition. What does she have to say to the 155,000 sufferers, many of whom are children? Will she revisit long Covid today?

**The First Minister (Nicola Sturgeon):** The first thing that I will say is that Alex Cole-Hamilton should not misrepresent my position. I have not said that clinics “get in the way” of other support. The argument that I have made and will continue to make is that health boards need to put in place a range of support. Long Covid clinics may well be part of that, and that is for health boards to consider.

We will continue to provide funding and support for health boards, including research support to enable clinicians and others to continue to develop their understanding of long Covid and its impact. Long Covid is something that we take seriously and will continue to take seriously, given, as Alex Cole-Hamilton is right to point out, the significant numbers of people who are living with long Covid and are likely to continue to do so.

#### Erasmus Scheme Replacement

**Michael Marra (North East Scotland) (Lab):** Last May, the Scottish National Party Government pledged to put in place a replacement for the Erasmus scheme to ensure that, every year, more than 15,000 students from across Scotland have the chance to experience life, learning and culture abroad. The First Minister has described the removal of the scheme as “cultural vandalism”.

The Welsh Labour replacement scheme starts this September. *[Interruption.]* I know that the First Minister is very keen on the comparison with Wales, so here it is. *[Interruption.]* The spending review yesterday confirmed—

**The Presiding Officer:** Can we hear Mr Marra, please?

**Michael Marra:** The spending review yesterday confirmed that the Scottish National Party’s scheme will not open until 2026, five years after the promise was made. How can the First Minister justify that astonishing delay to the 75,000 Scots who will miss out for ever?

**The First Minister (Nicola Sturgeon):** I am not sure whether that was a leadership bid that Michael Marra was launching there or an entirely inadvertent attempt to undermine his leader, who just told me that we should never talk about Wales in this chamber. Perhaps Michael Marra will clarify that in future.

I can say unashamedly that we have looked at the example in Wales and will continue to do so. We remain committed to an alternative to Erasmus and we will set out further details of that in due course.

I will tell members what else I am committed to: I am committed to seeing Scotland rejoin the European Union as an independent nation, so that we do not have to have a second-best alternative to Erasmus and can be back in the actual Erasmus scheme, benefiting young people for generations to come.

#### Commissioner for Fair Access

**Kaukab Stewart (Glasgow Kelvin) (SNP):** There are eight higher and further education institutions—nine, including the Open University—in my constituency, Glasgow Kelvin. I am a former teacher, so access to higher education and increasing opportunities are causes that are close to my heart. As schools and colleges finish this year’s national qualifications exam diet, will the First Minister give her response to the report that the commissioner for fair access published yesterday?

**The First Minister (Nicola Sturgeon):** I very much welcome the report that the commissioner for fair access published yesterday. It is, of course, this Government’s ambition that every child who is growing up in Scotland, regardless of their background, should have an equal chance of going to university, so I very much welcome Sir Peter Scott’s recognition of the excellent progress that has been made. Indeed, I appreciate his role in delivering that outcome. This was his final report, so let me acknowledge and thank him for his commitment, during his time as commissioner, in progressing access to higher education for people from the most deprived areas.

The number of entrants on full-time first-year courses from the 20 per cent most deprived communities has increased 39 per cent since Sir Peter Scott took on his role. The Scottish Government will consider all Sir Peter’s recommendations carefully and respond in due course.

#### Universities (Research Funding)

**Pam Gosal (West Scotland) (Con):** Universities Scotland has warned that eight of Scotland’s universities are set to receive cuts to research funding this year, with four high-performing research institutions facing decreases of greater than £1 million from August. Given that 85 per cent of Scottish research is rated world leading or internationally excellent, why is the First Minister’s Government cutting funding for that vital work?

**The First Minister (Nicola Sturgeon):** We will continue to support our universities, we will continue to support fair access to our universities and of course we will continue to support the world-leading research that happens in our universities.

It is a bit galling to hear a Conservative member talk about the threats to university research, when the biggest threat and the reality for universities is that Brexit has damaged their research potential. Perhaps the Conservatives will want to look to themselves before they raise questions for others on university research.

### Cancer (Diagnosis)

**Foysoyl Choudhury (Lothian) (Lab):** I recently raised with the First Minister the case of a constituent who waited seven months to be diagnosed with an aggressive form of cancer. We now hear from the international cancer benchmarking partnership and Cancer Research UK that almost two fifths of cancers in Scotland are being diagnosed in accident and emergency units. This week, I heard from Myeloma UK that in the case of myeloma the proportion is up to a third. How can the Scottish Government reassure my constituents that they will not be made to wait a dangerously long time for a cancer diagnosis?

**The First Minister (Nicola Sturgeon):** We are already investing in early diagnostic centres for cancers, and we have been investing in the detect cancer early programme for some time and continue to invest in that programme.

I agree with the member that early diagnosis is vital, for all cancers, and that it is important that we do everything to support that. We also need to encourage people who have symptoms that could be indicative of cancer to come forward to see a doctor as quickly as possible. We will continue to do everything possible to support that early access, because we know that the earlier somebody is diagnosed, the better their chances of survival and recovery.

### Flamingo Land

**Ross Greer (West Scotland) (Green):** The First Minister will be aware of the long-running campaign to prevent the Yorkshire theme park operator Flamingo Land from developing what it describes as a luxury tourist resort on the banks of Loch Lomond at Balloch. Our successful campaign to defeat its first application saw a record 60,000 objections lodged, citing damage to ancient woodland, the risk to protected species, the strain on local roads, the impact on access for local residents and a range of other concerns. Sadly, however, Flamingo Land is back, having just lodged a new application. Does the First Minister agree that our national parks are for all of

us, and that it would be unacceptable for one of the most accessible locations on Loch Lomond to be closed off to all but the select few who will pay to stay in that resort?

**The First Minister (Nicola Sturgeon):** The Loch Lomond and the Trossachs National Park Authority is responsible for considering planning applications in the national park, so it would not be appropriate, nor indeed would it be helpful, for me to comment on the specifics of any planning application. However, I note that any development must comply with Scottish planning policy and with the local development plan for the national park, and that it must also be in keeping with the park authority's statutory aims. It is for the park authority to fully consider the application and assess the balance between the impact of the proposed development on the environment and any potential benefits.

### Cost of Living (Energy Profits Levy)

**3. Stuart McMillan (Greenock and Inverclyde) (SNP):** To ask the First Minister what the Scottish Government's response is, regarding the impact on Scotland, to the energy profits levy, commonly referred to as a windfall tax, on the oil and gas sector to help support families struggling with the cost of living crisis. (S6F-01167)

**The First Minister (Nicola Sturgeon):** After months of delay, the United Kingdom Government belatedly conceded the need for a windfall tax to help those who are struggling to make ends meet—action that the Scottish Government had been urging it to take. However, we have also made the point that oil and gas companies are not alone in profiting from recent global events and that a windfall tax should apply to all companies that are posting significantly higher profits.

The Chancellor of the Exchequer's failure to implement the levy fairly now means that Scottish industry is carrying a disproportionate burden of funding what is a UK-wide response. It also means that the support that is available is still far too limited. By widening out and using the fiscal headroom that is available, the chancellor could have gone beyond one-off measures and introduced long-term strategies, such as introducing an equivalent of the Scottish child payment.

**Stuart McMillan:** Does the First Minister agree that the limited actions taken last week by *The Sunday Times* rich list chancellor Rishi Sunak do not, although they are welcome, go anywhere near far enough?

The Tory cost of living crisis is real for millions across these islands. Food prices are going up, as the Office for National Statistics reported this week; energy costs are going up and are expected

to rise again in the autumn; and, at the same time, the UK Government's Department for Work and Pensions has underpaid claimants by almost £3 billion.

Does the First Minister agree that the one thing that the windfall tax shows is the strength of the Scottish economy, as 90 per cent of the revenue that is raised from the levy will be drawn from profits that are made in Scotland? That means that, not for the first time, Scotland's resources are bankrolling the rest of the UK and demonstrating how much stronger a position we would be in as an independent country.

**The First Minister:** In fact, I may go so far as to say that the broad shoulders of Scotland are helping all of the UK at this time.

Stuart McMillan is absolutely right. First, he is absolutely right—this is extremely serious—to say that the help that the chancellor announced, welcome though it was, does not go nearly far enough, given the inflationary cost of living pressures that people are facing right now. I hope that, very quickly, we see and hear further action from the chancellor.

Stuart McMillan is also right to say that Scotland's economy, industry and resources are bearing a disproportionate burden in order to prop up the UK Government's policies. We called for a windfall tax, but it would be better to see one that was fair and that applied to all companies that are benefiting from excess profits, current global events or the pandemic. The chancellor has missed a trick with this watered-down levy and has left Scottish industry to foot the bill—not for the first time—for the whole of the UK.

**Liam Kerr (North East Scotland) (Con):** The energy profits levy will also encourage investment in, and the development of, new fields such as Cambo. Does the First Minister agree that a growing and prosperous North Sea oil and gas sector is just what we need to support tens of thousands of jobs and fund the types of intervention to cut energy bills that she has just welcomed?

**The First Minister (Nicola Sturgeon):** My position on Cambo is well known. What we need to see is greater investment in renewables.

Scotland's potential in relation to oil and gas over the past five decades is now matched by our potential in relation to renewable energy, not least offshore wind. The Scottish Government is investing in that area, and it would be far better if the UK Government followed suit.

### Scottish Budget

**4. Murdo Fraser (Mid Scotland and Fife) (Con):** To ask the First Minister how the Scottish

Government plans to address the reported potential spending gap of £3.5 billion in its budget by 2026-27. (S6F-01165)

**The First Minister (Nicola Sturgeon):** The spending review is balanced each year, so it is simply not true to claim that there is a £3.5 billion gap in our spending plans. What the spending review shows, however, is that, in the face of rising inflation, our spending power will be significantly smaller in real terms than what was forecast just a few months ago. What makes matters significantly worse is that the Tory Government is denying Scotland both the powers and the resources to properly address that.

**Murdo Fraser:** The finance secretary confirmed yesterday that the Scottish Government's budget is today around £7 billion higher than what was being forecast just four years ago. That is £7 billion extra from the United Kingdom Treasury that this Scottish Government was not expecting just four years ago.

At the same time, both the Scottish Parliament information centre and the Institute for Fiscal Studies are telling us that we will see real-terms cuts thanks to this Scottish National Party Government's choices—real-terms cuts of 8 per cent and more in the years ahead to education, to policing, to justice, to enterprise, to universities, to tourism, to trade promotion and to local government. How on earth did this SNP Government manage to turn an extra £7 billion from Westminster into such savage cuts?

**The First Minister:** Murdo Fraser should probably think twice before quoting the IFS, since the IFS had to take to Twitter this week to correct things that he was saying on social media.

The facts are deeply uncomfortable and inconvenient for the Conservatives, but they continue to be the facts.

This year—I believe that these are actually Scottish Fiscal Commission figures—the Scottish budget, in real terms, is 5.2 per cent less than it was last year—[*Interruption.*]

**The Presiding Officer:** We will hear the First Minister.

**The First Minister:** The budget is projected to grow by 2 per cent in real terms at a time when inflation is hitting 10 per cent. That is the reality. It is also the reality—and a fact—that the size of the Scottish Government's budget is determined largely by decisions that are taken at Westminster. If the member wants the Scottish Government to have a bigger budget, I will say the same to him as I said to Douglas Ross—either have a word with your bosses at Westminster or, better still, back this Parliament having full fiscal and financial control over our own budgets.

## Scotland's Census 2022

**5. Sarah Boyack (Lothian) (Lab):** To ask the First Minister what her position is on whether Scotland's census 2022 has been a credible exercise. (S6F-01183)

**The First Minister (Nicola Sturgeon):** Yes, it has. National Records of Scotland is confident that the national return rate and the coverage across the country, coupled with the normal planned post-collection quality control and assurance work, will provide credible high-quality outputs.

As I have said previously, NRS is working with a number of statisticians and experts in census and administrative data to help to steer the work over the next few months. The support and advice from the steering group will help NRS to produce a high-quality census data set—one that will, ultimately, provide us with the right statistical outputs that are needed to inform future service planning.

**Sarah Boyack:** When I asked the First Minister last month about the problems with this year's census, she said that questions would need to be asked, including about the credibility of the census.

We clearly now need answers about the timing of the census, how it was conducted and resourced, and its accessibility. However, now that we know the response rate, does the First Minister agree with my concerns that people on lower incomes will be doubly hit, given the importance of census data in targeting resources to invest in communities and to tackle inequalities, and given the lower rates of return in disadvantaged communities across Scotland? Also, what action will she take to ensure that people will not miss out?

**The First Minister:** Of course we will review the experience and ensure that any lessons that require to be learned are learned. I think that it is important to repeat that.

However, it is also the case that there is normal planned work, which always follows the census, to assure the credibility of the exercise. NRS is now focused on that planned post-collection quality control and assurance work, which includes the census coverage survey—the second-largest social research exercise in Scotland, after the census. That will include door-to-door interviews with a sample of about 1.5 per cent of the Scottish population—about 50,000 households.

Alongside use of other data, that survey builds on the census returns so that the census outputs are representative of the whole of Scotland's population. That addresses the concern about people in our more deprived communities. An expert steering group has been established by the

registrar general to help in that work. It is important that it now gets on with that.

**Siobhian Brown (Ayr) (SNP):** The latest NRS numbers show that well over 1.5 million census field force address visits took place across Scotland in the lead up to the deadline, which demonstrates vast mobilisation and an incredible effort on the doorsteps. I met some census field force staff last Friday morning in Ayr, and spent some time knocking on doors and discussing the challenges that they have faced in recent weeks.

Will the First Minister join me in expressing immense gratitude for the field staff who ensured that the return rate was as high and the data as sound as possible?

**The First Minister:** I am glad to hear that Siobhian Brown took up the registrar general's offer to meet the very hard-working census field force staff. More than 1.66 million field force address visits took place, including some multiple visits, on which field staff provided advice and support, left calling cards, provided paper forms to householders and supported doorstep data capture. I add to the member's thanks my thanks to the hundreds of field force staff who have worked tirelessly over the past few months, and who have mobilised across the country and provided invaluable support to the people of Scotland. I also take the opportunity to thank the nearly 2.3 million households that have completed the census.

## Hospital Beds (Royal College of Emergency Medicine Report)

**6. Gillian Mackay (Central Scotland) (Green):** To ask the First Minister what the Scottish Government's response is to the finding of the Royal College of Emergency Medicine's report, "Beds in the NHS", that, since 2010, 4,227 hospital beds have been taken out of active service in the national health service in Scotland. (S6F-01175)

**The First Minister (Nicola Sturgeon):** We are committed to ensuring that the NHS has the right number of beds and staff to meet the needs of people across Scotland. We will continue to work with the Royal College of Emergency Medicine and other front-line staff with the aims of reducing unnecessarily lengthy hospital stays and avoiding unnecessary admissions, in order to help to increase capacity in hospitals for people who require it.

The royal college acknowledges that bed numbers prior to the pandemic reduced—I quote—

"largely because of shortened hospital stays and the very real need to reduce the length of time that people stay in hospital and provide care for them in as homely or at home an environment as possible."

The report examines bed reductions not only in Scotland, but across England, Wales and Northern Ireland. The report finds that Scotland has a higher number of beds per head of population, with 3.6 beds per 1,000 population. There are just 3.3 beds per 1,000 in Wales and just 2.2 in England.

**Gillian Mackay:** Staffing pressure is one of the biggest issues facing hospitals, and Brexit has worsened matters. Dr John-Paul Loughrey, who is vice-chair of the Royal College of Emergency Medicine said yesterday that

“across the whole acute system, [we have] lost staff members who would have come to work in the UK, or who have had to leave the UK, because of the situation with Brexit.”

Does the First Minister agree that this has been a time when the NHS has faced, and continues to face, unprecedented pressure, and that Brexit, which Scotland overwhelmingly rejected, has made the pressures so much worse? Can she outline how the Scottish Government and NHS Scotland are working together to address the situation?

**The First Minister:** Yes—I very much agree with that. Before I address the matter of staff shortages, I will complete my answer on bed numbers. It is important, and it is a big responsibility of the Government, working with health boards, to ensure that we have an appropriate number of beds in the national health service. Gillian Mackay is absolutely right to say that one of the biggest challenges facing health and social care is staff shortages. Indeed, Dr Loughrey described the situation as

“a real problem and a real challenge.”

We should be in no doubt that Brexit has put unnecessary and harmful obstacles in the way of potential new members of staff from the European Union joining the NHS, particularly in social care roles. We are working with NHS boards to support international recruitment to try to overcome the barriers that Brexit has put in our way. We are also investing £11 million in international recruitment over the current session of Parliament. That investment has already delivered 191 internationally recruited nurses in the past year, with a pipeline of many more due to join the NHS.

**Tess White (North East Scotland) (Con):** The average number of available staffed hospital beds in NHS Scotland is at its lowest level in a decade; it has decreased by 10 per cent. In NHS Grampian, the number of available staffed beds has fallen by nearly 30 per cent, which is a shocking figure. What urgent steps will the Government take to restore beds in our NHS and to boost capacity for patients in North East Scotland?

**The First Minister:** As the Royal College of Emergency Medicine said, the reduction in bed numbers is

“largely because of shortened hospital stays”.

The average length of stay for a hip replacement has fallen from just under 14 days to six and a half days; the average length of stay for a knee replacement has fallen from 12.2 days to 5.7 days; and cataracts, which used to require a hospital stay, are now done on a day-case basis.

It is important that we ensure that there is an appropriate number of beds in our NHS. We will continue to do that, but—as I have said—the RCEM also pointed out that Scotland has more beds per head of population than do Wales or England, where the member’s party is, of course, in government. There are big challenges in Scotland, but the numbers suggest that this Government is getting to grips with the challenges better than Governments elsewhere are.

**Paul O’Kane (West Scotland) (Lab):** As the First Minister knows, delayed discharge rates are soaring. With an increase of 8 per cent in March this year, that means 1 in 10 beds is occupied by a person who is ready to be discharged. That is a result of continued failure by the Government to properly fund social care in Scotland and to support the workforce. Does the First Minister accept that if her Government was serious about freeing up bed capacity in our NHS it would properly fund social care and show that it values social care workers and unpaid carers by committing to a proper workforce plan, decent terms and conditions and a wage of at least £15 per hour?

**The First Minister:** I agree with much of the sentiment behind that question. It is vital that we have a good-quality system of social care. Not only is that right for its own sake, but it helps to reduce pressure on our national health service, which is crucial to getting delayed discharge numbers down. We are investing significantly in trying to reduce delayed discharges. We are also investing in the hospital at home programme, for example.

We owe an enormous debt of gratitude to the social care workforce. There have been two pay increases for the social care workforce during the past year and—of course—we all want to see further increases. However, as I said in response to Gillian Mackay, there are also underlying staff shortages that have been deeply exacerbated by Brexit, so we need to focus on how we can overcome that problem as well as the other challenges on which we continue to focus.

**The Presiding Officer:** That concludes First Minister’s question time.

## The Queen's Platinum Jubilee

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

The next item of business is a debate on motion S6M-04716, in the name of Nicola Sturgeon, on the Queen's platinum jubilee.

Before we begin the debate, I would like to put on record the congratulations and best wishes of the Scottish Parliament to Her Majesty the Queen on the occasion of her platinum jubilee. Her Majesty has served the country with dedication for over seven decades, and, as we recognised at the opening ceremony for this session, last October, Her Majesty has been no stranger to the chamber. From the reconvening of the Parliament in 1999, she has joined us to mark every session, and we are very grateful for her on-going support. It is fitting that the Parliament has this opportunity to record our respect and gratitude for a lifetime of service.

I call the First Minister to speak to and move the motion.

15:13

**The First Minister (Nicola Sturgeon):** Her Majesty is the first British monarch in history to celebrate a platinum jubilee. For her, that marks 70 years of dedicated public service, which, by any measure, is an extraordinary achievement. This jubilee is therefore a hugely important personal milestone for the Queen, but it is also an occasion of historic significance. Over the next four days, it will be marked across the Commonwealth, throughout the United Kingdom and around Scotland.

I will have the privilege of attending, on behalf of the Scottish people, the special thanksgiving service in St Paul's cathedral on Friday morning. It is, as the Presiding Officer indicated, fitting that the Parliament adds our voice to the many tributes being paid.

The Queen has been a very good friend to our Parliament for the past 23 years. The mace before us in the chamber, which was her gift to mark the Parliament's re-establishment, in 1999, is inscribed with the words wisdom, justice, compassion and integrity. It is a treasured symbol of the values that underpin this institution and that guide those of us who are privileged to serve here.

Since 1999, Her Majesty has addressed this Parliament on several occasions, most recently last October, when she reminded us of our responsibilities, particularly in the face of the climate crisis, to help to create a better and healthier future and to make particular efforts to engage with young people as we do so.

Her regular visits to Holyrood—both to the chamber and to her residence across the road from here—reflect the fact that, as she noted when she first addressed us, Scotland occupies a special place in her affections. Her love of Balmoral is very well known, and her first-ever public engagement was at the Aberdeen sailors home in 1944. When she visited Scotland seven decades ago, following her accession to the throne, tens of thousands of people turned out to welcome her. Since then, Her Majesty has played an integral part in the story of modern Scotland.

In the past decade alone, she has helped to mark many important occasions here. She opened the Glasgow Commonwealth games in 2014. In 2015, on the very day on which she became the UK's longest-serving monarch, she officially opened the Borders railway. In 2017, she opened the Queensferry crossing, exactly 53 years to the day after she opened the Forth road bridge. At all those events, it was very obvious just how much public affection there is for her and there was for the Duke of Edinburgh, whose loss last year will, I am sure, be keenly felt by her over the coming days.

One of the Queen's most recent duties relating to Scotland was for the 26th United Nations climate change conference of the parties—COP26. Although she was unable to attend the summit in person, she contributed a thoughtful video message, calling on world leaders to show leadership. That evening, in Kelvingrove, I was very struck by the obvious attention and regard that her remarks commanded from all those who were present. It was a mark of how widely the Queen is respected not only across the Commonwealth, but in countries around the world. Therefore, it is not surprising that her jubilee is being celebrated so widely. Here, in Scotland, thanksgiving services are being held in many locations, including at Glasgow cathedral on Sunday. Tomorrow night, jubilee beacons will be lit across the country and, in many places, pipers will play a specially composed tune. Communities across Scotland will take part in a variety of different ways.

The Scottish Government, on behalf of the people of Scotland, will mark the occasion with the presentation of two personal gifts to Her Majesty: a bottle of limited edition Johnnie Walker whisky with a design celebrating Scotland's plants and wildlife, and a throw that is made from the tartan that was commissioned in honour of the three bridges across the Forth.

To create a longer-term legacy, Historic Environment Scotland will plant a stand of 70 native trees in Holyrood park. The proposed jubilee wood will be located less than a kilometre from here, just across the road from St Margaret's

loch, and will be visible from the palace of Holyroodhouse. It is expected that wild flowers will be planted beneath the trees by primary and nursery children from nearby schools. The initiative will enhance a part of our capital city that the Queen knows and loves. It is also historically apt, as the Queen's first public engagement in Scotland after acceding to the throne, 70 years ago, saw her plant a cherry tree by the entrance to Canongate kirk. That tree still stands there today.

It is hoped that the trees that are planted this year, for her platinum jubilee, will still be standing and flourishing 70 years from now and for many years after that. They will be an enduring and fitting reminder of a unique occasion in history and an expression of the regard and affection in which the Queen is held by so many across our nation.

We were reminded of Her Majesty's sense of service very recently in the example that she set for us all during the pandemic. In her public address during the first lockdown, in April 2020, when she said that "better days" would return and that we would all "meet again", she provided a comforting message of reassurance to an anxious and unsettled population.

Of course, none of us will ever forget the deeply moving image of the Queen at the funeral of the Duke of Edinburgh, her husband of 70 years. That was, undoubtedly, an image for the ages as she demonstrated yet again her determination to lead by example.

On that day, as she has done throughout her reign, she affirmed those core values of integrity, wisdom, justice and compassion. The Queen has upheld those values for more than seven decades now. She has been a constant figure in an ever-changing world, and, over the decades, she has provided support and encouragement to many.

One of the great privileges of being First Minister, which I have in common with my predecessors and with Prime Ministers over the past 70 years, is spending time with her privately. Those conversations are, rightly, confidential, but it is fair to say that the opportunity to talk with her and benefit from her knowledge, wisdom and unique perspective on modern history has been an experience that I deeply value and will always cherish.

Of course, there are and always have been different views in our country—and, indeed, in this chamber—about the institution of monarchy. The democratic right to express those views is always to be celebrated. However, the occasion of the platinum jubilee is not just about an institution; above all, it is about the life and service of an extraordinary woman who had no more choice than any of us do about the circumstances into which she was born, but who has given a lifetime

of dedicated service. We should all pay tribute to that.

Therefore, it is absolutely right that we celebrate the platinum jubilee of Her Majesty Queen Elizabeth. Let us congratulate her warmly on a reign of unprecedented length, and let us acknowledge, with deep gratitude and respect, her dedication to duty. It is a pleasure and my privilege to move the motion in my name. [*Applause.*]

I move,

That the Parliament congratulates Her Majesty The Queen on the occasion of her Platinum Jubilee; expresses its gratitude for Her Majesty's exceptional public service and dedication to duty over 70 years; affirms the deep respect that is held for Her Majesty in Scotland, and sends good wishes for her continued service.

15:22

**Douglas Ross (Highlands and Islands) (Con):**

It is a great pleasure to speak for the Scottish Conservatives in recognition of the Queen's platinum jubilee.

The Queen has been the great constant in our nation's recent history. Fewer than one in seven Scots have lived during the reign of another British monarch. As we recognise the Queen's 70 years of service to the British people, we reflect not just on her reign so far, but on the changes that she has seen to our country and to the role of the monarch in the United Kingdom today.

The Queen came to the throne in 1952, at the age of just 25, following the passing of her father. At that point, the UK was still recovering from the devastating impact of the second world war. Rationing was still in place; conscription continued, with British servicemen fighting in the Korean war; and the national health service was just four years old. Winston Churchill was Prime Minister during the first years of her reign, and the Queen has seen 14 incumbents hold that office.

Yet the beginning of her reign was important not just here, in the United Kingdom—it also had great significance across the globe. At the time, the UK ruled over a colonial empire, with territories on every continent. When the Queen was crowned, she was made head of state not just of the United Kingdom, but of six other countries. Today, the Queen is the monarch of 15 countries, including Canada, Australia, Papua New Guinea, New Zealand and Jamaica.

She also succeeded her father as head of the Commonwealth. When we reflect on the Queen's reign to date, we must celebrate her role as leader of the Commonwealth and her influence in shaping the destiny of that organisation. She presided over the transition of the British empire into the Commonwealth of nations and continued the work that was done by her father to develop

the Commonwealth from an informal association of former colonies, which shared a monarchy, to an international organisation of 54 countries, many of which are republics. That organisation has promoted democracy, human rights and the rule of law, including the challenging of apartheid in South Africa and of Mugabe in Zimbabwe.

The Queen's reign is significant not just for the Commonwealth, but for many other countries. The Queen is an international stateswoman and the most travelled head of state in history. She has visited the United States several times to reaffirm our special relationship and has addressed the United Nations twice. Many of the Queen's state visits have marked important moments in history. In 1980, she became the first British monarch to undertake a state visit to the Vatican, which was followed up by subsequent visits in 2000 and 2014. In 1994, she visited Russia in the aftermath of the collapse of the Soviet Union.

One visit that stands out in a long list of landmark occasions is her state visit to Ireland in 2011. That act, which would have been unthinkable at many points in her reign, was symbolic of the healing of old wounds both in Ireland and between our two countries.

However, the Queen has marked significant change not just abroad, but at home, in the UK, and she has had a huge influence on our national life. Her great achievements include her silver, gold, diamond and now platinum jubilee celebrations, marking her as the longest-serving British monarch; her starring role with James Bond in the opening ceremony of the 2012 Olympic games; and her role in modernising the monarchy so that it reflects the United Kingdom today.

Her personal tragedies include her uncle Lord Mountbatten being assassinated during the troubles; the death of Princess Diana; and, of course, as the First Minister has referenced, the death of her husband, Prince Philip, last year after a long and loving marriage.

Those are all moments not just of royal history, but of British national history. The Queen has been a constant presence during those times of adversity and triumph, reflecting the mood of our country, from celebration and worship during her annual Christmas address to stoicism and resolve in the face of crisis—most recently, as the First Minister said, in her televised appearance during the Covid pandemic. There is also, of course, the remembrance of our nation's sacrifices in conflict, which is an act that Her Majesty gives very special significance to, having lived through the second world war.

As we celebrate the Queen's reign to date, we must also reflect on her role in our country today. She remains the most recognisable and

persuasive advocate for the United Kingdom abroad and a symbol of our enduring ties to so many countries around the globe. She continues to dedicate her life to duty to our country. Our country—Scotland and the whole United Kingdom—is richer because of her dedication, her passion and her commitment to the people she has served and continues to serve.

It is my pleasure, on behalf of the Scottish Conservatives, to thank Her Majesty for her service to Scotland, the whole United Kingdom and the Commonwealth. Long may she reign over us. *[Applause.]*

15:27

**Anas Sarwar (Glasgow) (Lab):** On behalf of the Scottish Labour Party, I extend my congratulations to Her Majesty the Queen as she celebrates her platinum jubilee and pay tribute to her remarkable public service for more than 70 years. I join others in sending my very best wishes to Her Majesty at this special time for her and her family.

This weekend is an opportunity to reflect on the Queen's extraordinary dedication to our country and its people. Her commitment has earned her respect and the love of people in Scotland, the UK and across the world.

Our country—our world—has changed beyond recognition since the 1950s, but one thing has remained constant during those turbulent times of change: Her Majesty's dedication to duty, her integrity, her warmth and her selfless service to others. Those are the values that she lived by when ascending to the throne, and those are the values by which she lives today, despite the many changes and challenges that she and our country have faced.

Those values are as relevant today as they have always been. In these times, when we face division, cynicism and a worrying loss of trust in public institutions, perhaps they are more relevant than ever.

The importance of recognising public services and public service unites us all in the chamber. Many of us had the honour of hearing the Queen address this very chamber. Some were even at the other end of the Royal Mile in 1999 when she opened the Scottish Parliament with the words:

"It's our solemn duty in this chamber, with the eyes of the country upon us, to mark the point when this new parliament assumes its full powers in the service of the Scottish people."

That was an important reminder then, as it is today, that, despite our political disagreements and arguments, all of us here are in the service of the Scottish people.

This coming weekend, the shows on our televisions will look back at the Queen's remarkable reign, but this jubilee is about much more than looking back at history; it is also an opportunity to look at our country today. Although many people will be working hard this weekend, particularly our front-line workers, I hope that everyone has an opportunity to enjoy the celebrations and spend some cherished time with their loved ones—cherished time that many of us did not get during the past couple of difficult years.

This weekend also marks national thank you day, when we can say thank you not only to the Queen for her service but to everyone who has helped us through the difficult times that we have faced in the past few years—from nurses and doctors, scientists and teachers, to our neighbours, families and friends. I also know that many will take a moment to remember those who they lost during the pandemic.

As has been referenced already, at perhaps one of the darkest times in our United Kingdom's modern history, Her Majesty found the words to pull together a nation and remind us that we would meet our loved ones again. The Queen herself is no stranger to the grief that is felt by millions, so encapsulated in that striking photo of her sitting alone at her beloved husband's funeral.

There are some who say that Scotland's and the United Kingdom's best days are behind us. I believe that they are wrong. Our best days are ahead of us. Together, as we celebrate, we can build the social bond of a better union, which celebrates the values of Her Majesty and these islands: duty, integrity, warmth and selfless service to others.

On behalf of the Scottish Labour Party, I wish Her Majesty a wonderful platinum jubilee, and I wish her the best of health, happiness and strength in the years to come. *[Applause.]*

15:31

**Alex Cole-Hamilton (Edinburgh Western) (LD):** It is a singular honour to rise on behalf of the Scottish Liberal Democrats to offer our congratulations to Her Majesty on the occasion of her platinum jubilee. This is a very special time: none of us shall ever see another platinum jubilee. It is absolutely fitting that we mark it in this way.

If I may, I will begin with a quote:

"I have in sincerity pledged myself to your service, as so many of you are pledged to mine. Throughout all my life and with all my heart I shall strive to be worthy of your trust."

Those were the words of Her Majesty the Queen, spoken on the occasion of her coronation day in 1953. It is self-evident how hard she has strived

and, even among the most ardent republican hearts in this chamber, she has been found worthy of our trust. We thank her for fulfilling the promise of those words.

We live in a world and we work in a parliamentary chamber that are filled often with hyperbole. Actions and events are often spoken of in terms that overstate their importance and their significance. However, today it is fitting that we reach for loftier language to sum up what has been 70 years of remarkable service from a genuinely unique and historic figure. It is right that we mark her long service, both in the chamber today and with the festivities that are planned across the country over the coming days.

During the Queen's reign, as we have heard, she has seen 14 Prime Ministers come and go. She has met 13 of the last 14 US presidents. She has represented this country and the Commonwealth around the world with unflinching poise and with distinction. Indeed, in a world that can sometimes seem sadly and increasingly defined by shallow self-interest, Her Majesty has long served as an exquisite example of the best of Britishness—of humility, service, dedication to duty, dignity and forbearance.

Her Majesty has been a pillar of comfort and reassurance during times of uncertainty and of emergency, whether as a young princess broadcasting to the world during world war two; when she ascended to the throne of post-war Britain at the age of just 27; or, as we have heard already, with her recent intervention in the early days of the pandemic. Her broadcast then, normally reserved for Christmas, provided a desperately needed sense of hope and perspective amid the darkest of days. To quote from her words that day:

"Together we are tackling this disease, and I want to reassure you that if we remain united and resolute, then we will overcome it. ... we will be with our friends again; we will be with our families again; we will meet again."

The Queen has always held Scotland close to her heart. In the chamber last year, she spoke of her "deep and abiding affection" for our country. Over the next few days, Scotland will give its own tribute to the Queen, in events that are planned in our many towns and cities and villages. There are those who have argued that the money that was spent on celebrating the jubilee is unjustified, especially amid the cost of living crisis. I have some sympathy for that perspective, but we must remember that the festivities also mark and commemorate a chapter in our nation's story. Who we have been and what we have stood for in these past 70 years will be acknowledged and celebrated this weekend. That is invaluable, and I hope that it serves to unite us, after two years of

isolation and at a time when we face more uncertainty and challenge.

On behalf of the Scottish Liberal Democrats, I thank Her Majesty for her incredible long years of service and wish her the very happiest platinum jubilee. *[Applause.]*

## Portfolio Question Time

### Justice and Veterans

15:36

**The Deputy Presiding Officer (Annabelle Ewing):** The next item of business is portfolio questions, and the first portfolio is justice and veterans. In order to get in as many members as possible, I would prefer short and succinct questions, and answers to match. If a member wishes to request a supplementary question, they should do so by pressing their request-to-speak button during the relevant question or by entering the letter R in the chat function.

#### Courts (Backlog of Cases)

1. **Alasdair Allan (Na h-Eileanan an Iar) (SNP):** To ask the Scottish Government how it is supporting the courts system to clear the current reported backlog of cases. (S6O-01150)

**The Cabinet Secretary for Justice and Veterans (Keith Brown):** In 2021-22, we provided £50 million to support the recover, renew, transform programme for the criminal justice system, which included setting up 16 new solemn and summary courts. For 2022-23, we have committed a further £53.2 million, including £26.5 million for the Scottish Courts and Tribunals Service to help it to maintain enhanced court capacity. We have also extended funding for remote jury centres for an additional three months, to support the transition back to having juries in court, and we have increased the SCTS resource budget by 3.5 per cent.

The latest statistics that the SCTS has published show that those measures are having an impact, but justice agencies have been clear that it will take several years to address the backlog. We will continue to support that work.

**Alasdair Allan:** One of my constituents has been waiting for several months for an update on his case, and the local procurator fiscal office has been unable to give any indication of when his case will be processed, as it says that that is done centrally. Are there any plans to allow for more local processing of procurator fiscal cases, which might help to ease some of the waiting times?

**Keith Brown:** The member will know that the processing of cases is a matter for the Lord Advocate as part of her independent role as head of the prosecution system. I therefore recommend that the member contact the Lord Advocate, both on the specific case and on his suggestion about more localised processing. The Lord Advocate should be able to advise on the member's query.

**Jamie Greene (West Scotland) (Con):**

Yesterday's spending review is devastating for the justice sector, with legal aid, the judiciary and the Scottish Courts and Tribunals Service all receiving real-terms cuts over the next five years. The Scottish Police Federation described yesterday as

"A bad day for the public, a good one for criminals."

A prominent solicitor has said that the spending review is a

"nail in the coffin for legal aid".

Will the substantial cuts to the justice system over the next few years help or hinder the Government in getting through the massive backlog of 40,000 cases that is currently in the system? More importantly, what effect will that have on victims?

**Keith Brown:** There is no question but that a 5.2 per cent cut in the Government's budget will have an impact on all services in Scotland, and it is regrettable that the Conservatives cannot find it within themselves to condemn that cut and to seek a more beneficial settlement for Scotland.

Of course, yesterday was not a budget; it was a spending review, and the budget will come forward in due course. During the process of deciding on the budget, I will of course put the case for continued investment in justice services, whether that is the police or the court service.

**Justice System (Involvement of Victims)**

**2. Stephen Kerr (Central Scotland) (Con):** To ask the Scottish Government what plans it has to involve victims more in the justice system. (S6O-01151)

**The Cabinet Secretary for Justice and Veterans (Keith Brown):** Enabling victims to take a more prominent role in the justice system is a key commitment in our recently published justice strategy. We are consulting on potential legislative reforms, including the establishment of a victims commissioner for Scotland, to strengthen victims' rights and improve their experiences. An independent review of the victim notification scheme is under way to ensure that it is serving victims effectively, and we are committed to creating restorative justice services and expanding the use of victim impact statements in court. The victims task force, which is co-chaired by me and the Lord Advocate, is directly informed by victims' voices and is progressing work to develop a more victim-centred and trauma-informed justice system.

**Stephen Kerr:** A couple of weeks ago, a man was sentenced to three years in prison for repeatedly threatening to kill me and my wife. On one of the many times that he was arrested, he was on the next street, two minutes from our front doorstep, and I pay tribute to Police Scotland

officers for their actions in apprehending him. Even though the man has been to court, had his sentencing deferred for background reports and has now been sentenced, to this day not once has anyone in the criminal justice system reached out to me or my wife. In fact, it was through a colleague in the Parliament that I learned that the man had appeared in court, because my colleague had read about it in a newspaper.

What truly worries me is that many of our constituents have had the same experience and have not known where to turn for help. Will the cabinet secretary agree to give proper consideration to supporting my colleague Jamie Greene's victims bill, which will put victims at the centre of the justice system, where they rightly belong?

**Keith Brown:** First, I sympathise with Stephen Kerr's experience. I had a very similar experience, with my family being threatened with having the house burned down by somebody who was subsequently convicted for burning down a house. I know how troubling such experiences can be.

I concede that not enough is being done to ensure that victims—in this case, victims of a threat—are acknowledged by the criminal justice system in its various forms. We are trying to ensure that victims are recognised throughout the whole criminal justice system, although it is worth acknowledging that it is not necessarily a system in that sense; it includes lots of independent parts.

Some of the points that Stephen Kerr has raised relate to the Scottish Courts and Tribunals Service and to the Crown Office and Procurator Fiscal Service, and I am sure that what he has said will be heard by them.

On the matter of supporting Jamie Greene's bill, I was told that the bill would be introduced in the first 100 days of the parliamentary session. I have not yet seen the bill, so I do not know how I can be expected to say that I will support it until I have seen its provisions. From what I know about the bill, and from previous discussions, I think that many of its provisions are covered by activity that the Government is already undertaking. However, I restate my commitment to look at the bill in good faith when it is introduced to see whether there are things that we can work on.

**Audrey Nicoll (Aberdeen South and North Kincardine) (SNP):** I acknowledge the experiences that have been articulated by Stephen Kerr and the cabinet secretary.

The Scottish Government has stated that it will introduce pioneering new restorative justice services through the launch of restorative justice hubs. That has been welcomed by stakeholders. Does the cabinet secretary share my view that the introduction of such services represents a critical

step towards putting victims at the heart of the justice system?

**Keith Brown:** I very much welcome that approach, which relates to the points that were made by Stephen Kerr. If we are to provide meaningful justice for those who come up against the justice system, the system has to be about more than a judicial process that ends with somebody being found guilty or innocent.

Therefore, I very much welcome the launch of the pioneering hubs, which will pave the way for restorative justice services to be rolled out across Scotland. Yesterday, I was delighted to meet staff and hear from survivors. I know that some groups, including women's groups, have real concerns, although there has been general support for the restorative justice hubs. From talking to victims and survivors of sexual assault and rape, in particular, it is clear that those hubs could meet a need by providing a more meaningful justice outcome at the end of the process, although such an approach could be undertaken only with the consent and active support of victims and survivors.

#### **Police (Consultation on Complaints, Investigations and Misconduct Legislation)**

3. **Paul McLennan (East Lothian) (SNP):** To ask the Scottish Government what role local authority scrutiny will have in relation to the recently published consultation document on police complaints, investigations and misconduct legislation. (S6O-01152)

**The Cabinet Secretary for Justice and Veterans (Keith Brown):** Each local authority has established its own scrutiny arrangements to align with local requirements. I commend the work of local scrutiny committees and the work that they have undertaken with Police Scotland to review arrangements in line with Dame Elish Angiolini's recommendations.

The public consultation on police complaints, investigations and misconduct launched on 24 May, beginning our 12-week public consultation period in which we welcome views on our plans for future legislation. The Government has invited local authorities via the Convention of Scottish Local Authorities to discuss our plans for legislative change in December 2021 and again following the launch of our consultation, and we are keen to engage with local authorities directly to hear their views.

**Paul McLennan:** As the cabinet secretary has said, local authorities have various scrutiny bodies and arrangements in place throughout Scotland. How will local authority and regional feedback on issues be addressed in the response if there are

specific regional or local authority issues at that time?

**Keith Brown:** It is vital that the needs of local communities are understood and reflected in the planning and delivery of police services, so the Scottish Police Authority engages with local authorities, COSLA and local policing teams to understand how policing is delivered locally.

COSLA, Police Scotland and the SPA recently completed a review of the local police planning process, and the revised joint approach was approved by COSLA and presented to the SPA in March 2022. Work has begun to progress implementation. Local police plans are developed by Police Scotland's local area and divisional commanders, who engage with local authorities. I am happy to ask the chief constable to write to the member on the specifics of the matter.

**Russell Findlay (West Scotland) (Con):** A female officer's career destroyed by a boys-club culture, a disgraceful Rangers Football Club malicious prosecution scandal, senior officers quitting to dodge investigation, more than seven years to learn how a man died on a Fife street—when is the consultation expected to fix the Scottish National Party's broken police complaints system?

**The Deputy Presiding Officer:** I appreciate that there was a focus on the role of local authority scrutiny, but the cabinet secretary could perhaps respond nonetheless given the seriousness of the issue. The question was not a direct supplementary question, but would the cabinet secretary mind responding on this occasion?

**Keith Brown:** None of the cases bear on the substantive question, which was about local authority scrutiny and local policing plans, but I am happy to respond to the member directly if he wants to raise the matter again—*[Interruption.]*

**The Deputy Presiding Officer:** Could we have less sedentary commentary? I am in the chair, and I have decided that Mr Findlay's question was not relevant to the overarching substantive question. That has become a feature in recent weeks. There are ways to link a question to make it a supplementary, and that one did not meet the mark. The cabinet secretary has indicated that he will respond to the member in writing.

#### **Police Officers (Retirements)**

4. **Pam Gosal (West Scotland) (Con):** To ask the Scottish Government how many Police Scotland officers have retired in this financial year. (S6O-01153)

**The Cabinet Secretary for Justice and Veterans (Keith Brown):** Police Scotland has informed me that 169 police officers of various

ranks have retired from Police Scotland between 1 April 2022 and 26 May 2022. A further 265 police officers have intimated their intention to retire before 30 June 2022. Therefore, Police Scotland expects a total of 434 police officers to have retired at the end of quarter 1 of this financial year.

**Pam Gosal:** There are fewer than 17,000 police officers in Police Scotland for the first time ever. It is suggested that one in 10 officers are considering leaving Police Scotland after the introduction of the pension arrangements. The recent pay offer has been branded as disgraceful and the general secretary of the Scottish Police Federation says that the spending review will mean “flat cash for police” and that officer numbers will “plummet”. What action will the Scottish Government take to prevent a mass exodus of police officers who are biding their time until retirement?

**Keith Brown:** It is hard to know where to begin with a question like that. It is simply not the case that there have never been fewer than 17,000 police officers in Scotland previously, but it is true to say that the pay rise, which was awarded this year from the Scottish Government, was matched by a United Kingdom pay offer of zero—no pay increase last year.

It is also true to say that we have substantially more officers per head in Scotland and that police officers start in Police Scotland on a salary of £5,000 more than they do in England and Wales. The idea that the Conservatives should be lecturing the Government on properly funding Police Scotland is a bit rich.

It is also true to say that we have seen the results of that investment in Police Scotland over the years, as we have some of the lowest crime levels that we have seen since 1974—certainly lower than in England and Wales. We of course want to continue to prioritise policing and we will do so against a background of a 5.2 per cent cut from the UK Government.

Would it not be useful if, for once, the Conservatives could congratulate the police officers of Scotland on the work that they do, and talk to their bosses in London about improving the grant to the Scottish Parliament so that we can look after our police officers and all our other public services? I will not hold my breath waiting for that to happen.

**Emma Roddick (Highlands and Islands) (SNP):** Scotland has a significantly more police officers than elsewhere in the UK. Statistics from the Scottish crime and justice survey show that approximately one in eight adults in Scotland experienced crime in 2019-20 compared to one in five in 2008-09. The rate in Scotland remains lower than the rate in England and Wales, where

the equivalent figure is 13.3 per cent. Does the cabinet secretary agree that, although the Tories talk tough on justice matters, it is the Scottish National Party that is trusted to tackle crime and protect communities, which is why we were resoundingly re-elected little more than a year ago?

**Keith Brown:** I absolutely agree. It is interesting how animated the Conservative members become whenever we point out the differences between Scotland and the rest of the UK. I wonder why that is. It could be because of their embarrassment.

I agree with the member. Scotland is a safer country since the SNP Government took office. Recorded crime remains at one of the lowest levels since 1974, and it is down 41 per cent since 2006-07. I have yet to hear any recognition of that from the Conservatives.

As a member rightly points out, we have 32 officers per 10,000 population in Scotland compared to around 23 per 10,000 in England and Wales. More generally, we are investing an additional £188 million across the justice system in 2022-23, which is more than three times what the Conservatives asked for.

We are looking after Police Scotland, and we will continue to do so in a very difficult budgetary situation.

**Pauline McNeill (Glasgow) (Lab):** To summarise a letter from Police Scotland to the Criminal Justice Committee about the impact of recent changes to pension computations, it says that the result could be up to 1,300 of our police officers taking advantage of those changes. I know that the cabinet secretary is aware of that, but is he also aware that the Scottish Police Federation is saying explicitly that that is not the reason why so many police officers plan to leave? It says that its members are overworked and undervalued and that the constant disruption of rest days and cancellation of annual leave is taking a toll on police officers physically and mentally. Will the cabinet secretary acknowledge that he is aware of that letter? Surely that is the most critical issue that is facing the police service. What is he thinking about doing to address it?

**Keith Brown:** What we have to do is make sure that we provide the resources to Police Scotland. Of course, some of the things that Pauline McNeill talked about are not within the gift of the Scottish Government to change; they are operational decisions for the chief constable, and it is right that they should be. I do not know whether anybody is suggesting that we should change that so that the Government becomes directly involved. I do not think that that would be a good idea.

It is also true to say that we have a situation with retirement. I have spoken to the Scottish Police

Federation, the Scottish Police Authority and the chief constable, and, at the top of the list is retirement caused by the change in pensions that underlies the figures that I have just given. Of course, we have an interest in the wellbeing of police officers and we will continue to talk to the Scottish Police Federation and do whatever we can to make sure that services and resources are provided to look after our police officers.

### **Women's Safety (Abortion Clinics)**

**5. Pam Duncan-Glancy (Glasgow) (Lab):** To ask the Scottish Government what discussions the justice secretary or community safety minister have had with ministerial colleagues regarding action to ensure the safety of women attending abortion clinics in Glasgow. (S6O-01154)

**The Minister for Community Safety (Ash Regan):** The cabinet secretary and I are kept up to date on the discussions held in the buffer zones working group, which is chaired by the Minister for Public Health, Women's Health and Sport. We will make the chief constable aware of issues that have been raised when that group next meets.

The rights to peaceful public assembly and freedom of expression are rights that we are committed to uphold, but they should never be used to promote hatred or justify intimidating or otherwise criminal behaviour.

Operational policing decisions are a matter for Police Scotland, as is decision-making on appropriate action to safeguard public safety.

**Pam Duncan-Glancy:** While the Government fails to take direct action, women are being victimised when they should be receiving support. Protests are not just undermining patients; they are also undermining staff. We have heard the Government say that it supports buffer zones, and we have heard the First Minister say that protesters should protest outside the Parliament, not medical settings, but women are still being harassed. What conversations is the Government having with the Convention of Scottish Local Authorities about how local authorities can be supported to introduce laws? What discussions are being held with Police Scotland on the action that it is able to take to protect women?

**Ash Regan:** I thank the member for that question. She raises some important points, and I am very sympathetic to the intention behind the question.

On the recent incidents at the Sandyford clinic, I can confirm that Police Scotland was called on both occasions on which protests took place. The police asked the protesters to stop using voice amplification devices and took formal statements from members of staff.

Of course, Police Scotland has available to it existing powers to deal with any disorder or criminality that arises from such protests. The Scottish Government has made it clear that the intimidation and harassment of women as they access healthcare is completely unacceptable. Scottish Government officials have already made Police Scotland aware of concerns that have been raised with them and, in particular, the concerning reports about the protests at the Sandyford clinic. I know that Police Scotland has taken statements with regard to what went on there.

The Minister for Public Health, Women's Health and Sport, Maree Todd, has convened a working group, with partners such as COSLA, Police Scotland and affected councils and health boards, to look at how to address vigils and protests that take place outside abortion clinics. I commit to keeping the member updated on progress.

**The Deputy Presiding Officer:** Question 6 was not lodged. Question 7 comes from Rhoda Grant, who joins us remotely.

### **Sexual Exploitation**

**7. Rhoda Grant (Highlands and Islands) (Lab):** To ask the Scottish Government what it is doing to end sexual exploitation in Scotland. (S6O-01156)

**The Minister for Community Safety (Ash Regan):** Commercial sexual exploitation is recognised as a form of gendered violence within "Equally Safe: Scotland's strategy for preventing and eradicating violence against women and girls". As part of the delivery of the strategy, the Scottish Government supports a range of measures, including the provision of more than £400,000 through the delivering equally safe fund to address commercial sexual exploitation and support people who are affected. In addition, our victim-centred approach fund provides the TARA—trafficking awareness-raising alliance—project with £622,000 to support women who are trafficked for that purpose.

We are also progressing the programme for government commitment

"to develop a model for Scotland which effectively tackles and challenges men's demand for prostitution."

**Rhoda Grant:** It is still permissible to buy sex in Scotland, even though we recognise that it is gendered violence, and that is feeding demand for trafficking. We know that there are people who are actively trying to traffic Ukrainian women and children to Scotland because they know that those who are fleeing from war situations are very vulnerable.

Is there a timeframe for the implementation of the A Model For Scotland policy, in order to close

the loophole that allows those exploiters to operate in our midst?

**Ash Regan:** I thank the member for raising a very important issue. The Scottish Government has a multi-agency group that is continuing to make as much progress as possible on the topic of commercial sexual exploitation because, as the member has outlined, there are some such activities going on at the moment.

I say to the member that I am committed to progressing work on this agenda. As she will know, much work is being done behind the scenes here. Unfortunately, I am not able to tell her today what the timeframe is on the issue that she has raised, but I commit to keeping her updated on that work.

**The Deputy Presiding Officer:** Question 8 comes from Sandesh Gulhane, who joins us remotely.

#### **Veterans (Data on Mental Health and Drug and Alcohol Abuse)**

**8. Sandesh Gulhane (Glasgow) (Con):** To ask the Scottish Government what data it collects on any difficulties faced by veterans in Scotland, including on the prevalence of mental health issues and drug and alcohol abuse. (S6O-01157)

**The Cabinet Secretary for Justice and Veterans (Keith Brown):** Improving veterans data continues to be a priority for the Scottish Government. The member will be aware that, for the first time, Scotland's census 2022 included a question on previous service with the armed forces. We have also identified additional sources of regular data collection, for example by including the same question in the Scottish household and health surveys.

In addition, there is a veterans marker in the new drug and alcohol information system, which is a national database that holds data that relates to specialist drug and alcohol treatment from services across Scotland.

**Sandesh Gulhane:** I thank the cabinet secretary for that answer, although it seems that the new census is £150 million over budget, and that it might not provide us with the information that we need. It is also clear that there is a lack of data related to specific issues for veterans. Without such data, we cannot fully understand veterans' needs and provide the correct help for them.

In view of the need for that data, what steps will the Scottish Government take to ensure that future statistical releases include specific data on issues for veterans such as mental health waiting times, so that we can more accurately assess the scale of such problems?

**Keith Brown:** I have mentioned the steps that we are taking. I have tried for years—over a decade—to get information from the UK Government on this, but I have been refused at virtually every turn. If the member could perhaps have a word with his colleagues in the Ministry of Defence and ask them to provide data about veterans in Scotland, that would be helpful.

I mentioned how we can get information from the census and DAISy—the drug and alcohol information system—on addiction services. We have published the veterans mental health and wellbeing action plan, and its implementation board, which has been mentioned previously, will have on it representatives from the Scottish Veterans Care Network. That and all the veterans organisations that we deal with can help us to get a more rounded picture of the needs of veterans across Scotland.

**Graeme Dey (Angus South) (SNP):** In March, services that provide mental health support to armed forces veterans were given an important funding boost when the Scottish Government announced £1.4 million for Combat Stress and a further £666,000 for Veterans First Point.

What improvements does the Government expect to see to the lives and experiences of our veterans as a result of that funding?

**Keith Brown:** The improvements to the lives and experiences of veterans will be not just because of the funding that Graeme Dey mentioned, but substantially down to the work that he carried out as veterans minister.

The funding ensures that Scotland's veterans can access appropriate support and it includes funding for specialist veterans peer support workers, who understand the experiences of those who have served and ensure that veterans and their families are directed to the help that they need when they need it.

We are providing funding to support the implementation of the veterans mental health and wellbeing action plan, including the recently announced £50,000 for the See Me campaign, which will challenge mental health stigma and discrimination experienced by veterans, and hopefully change attitudes and behaviours, so that veterans with experience of mental health problems are respected, valued and empowered. I expect those developments to deliver significant improvements to the lives and experiences of veterans in Scotland.

**The Deputy Presiding Officer:** That concludes portfolio questions on justice and veterans. There will be a very short pause before we move to the next item, which will be portfolio questions on finance and the economy, to allow front-bench teams to change positions if they wish.

## Finance and the Economy

**The Deputy Presiding Officer (Liam McArthur):** The next portfolio is finance and the economy. If a member wishes to ask a supplementary question, they should press their request-to-speak button during the relevant question or put an R in the chat function, if they are joining us remotely.

### Just Transition (Grangemouth Refinery)

**1. Richard Leonard (Central Scotland) (Lab):** I remind members of my entry in the register of interests.

To ask the Scottish Government what discussions the finance ministers have had with ministerial colleagues regarding support for a just transition for the Grangemouth refinery, including any future investment. (S6O-01158)

**The Minister for Just Transition, Employment and Fair Work (Richard Lochhead):** Through the Grangemouth future industry board, the Scottish Government and partners have initiated work to develop a just transition plan for the wider Grangemouth industrial complex, of which the refinery is an integral part. As we work to understand how to deliver a just transition for the whole country, ministers will—as one would expect—engage with ministerial finance colleagues, as appropriate.

In line with the principles of the just transition, the plan for the Grangemouth complex will be built up collectively, in consultation with a wide range of stakeholders, including industry. The just transition plan will outline an ambitious and clearly defined vision and will identify and provide evidence for specific activity that will form an action plan to support its realisation.

**Richard Leonard:** Just two weeks ago, I met Unite trade union representatives in Grangemouth. Speculation that PetroChina is withdrawing its 50 per cent stake from the refinery is causing anxiety, unrest and uncertainty among the workforce.

The Grangemouth refinery remains a vital strategic national asset. It provides security of supply, and in previous quarters the site has generated as much as 10 per cent of Scotland's total gross domestic product. Yet we know, and the workforce knows, that its fate lies in the hands of a billionaire tax exile and an overseas-owned corporation.

Scottish National Party Government ministers, including a First Minister, have intervened previously with Ineos. Will the current Government and First Minister intervene and hold urgent discussions with Ineos, PetroChina and Unite the union about the site's long-term future, including future jobs, future investment, future

diversification, future decarbonisation and future ownership?

**Richard Lochhead:** Ministers agree with Richard Leonard's assessment of the strategic importance of the asset to Scotland, as well as its importance in maintaining local jobs.

I am sure that the member will understand that I cannot comment on media speculation. He mentioned Unite the union, which has been in contact with Scottish ministers. My colleague Michael Matheson—the Cabinet Secretary for Net Zero, Energy and Transport—has responded on behalf of the Scottish Government to Unite's letter.

I assure Richard Leonard and other members that there is regular ministerial contact with the refinery's operators. That contact will, no doubt, continue in the coming weeks and months.

We very much recognise the importance of addressing the just transition aspect through the future industry board, which I mentioned. The creation and maintenance of new green jobs will be important for the future of the whole site.

### Scottish National Investment Bank

**2. Liz Smith (Mid Scotland and Fife) (Con):** To ask the Scottish Government what lessons can be learnt from Reform Scotland's recent publication about the future of the Scottish National Investment Bank. (S6O-01159)

**The Cabinet Secretary for Finance and the Economy (Kate Forbes):** At the outset of my answer, I record my appreciation for all Reform Scotland's reports, which play an important role in widening debate. We certainly welcome the paper that Liz Smith mentioned and support its aim of stimulating debate on the bank's future activities.

The bank is, in essence, a start-up. It has had 18 months, and in that period it has built—from scratch—an operational structure. It has recruited more than 50 staff and it has delivered investment commitments of more than £200 million to 16 projects across all three of its missions, and has leveraged more than £450 million of additional private funding. That is pretty remarkable for a start-up, by any standard.

**Liz Smith:** Professor Ross Brown is very supportive of the principles of the Scottish National Investment Bank, but he said that the bank is "shackled", that its mission is "vague" and that its impact is "limited". He concluded that the current strategy is ineffective for a publicly owned bank. What will the cabinet secretary do to address that?

**Kate Forbes:** As I said, the bank is on a journey. For example, it is putting more focus on origination and enabling scale-up, and it is working to obtain Financial Conduct Authority status, which

will enable it to leverage in more private investment.

Crucially, the bank is operationally independent of ministers. That independence is hugely important and needs to be protected. The list of investments that the bank has made, from Aberdeen to Edinburgh, demonstrates that the range of investments all align with the bank's missions.

**The Deputy Presiding Officer:** There are a couple of supplementaries.

**Daniel Johnson (Edinburgh Southern) (Lab):** In yesterday's spending review, we saw that the profile of investment for the Scottish National Investment Bank has fallen to £9 million, through to £1 million in 2025-26 and zero in 2026-27.

That will leave investment in the bank at £610 million, I believe. Will the cabinet secretary clarify what the protected capitalisation will be as a result of the spending review? I ask because, by my analysis—I am happy to be corrected—that £610 million is well short of the £2 billion that was promised. What will be the impact on the number and value of projects in which the bank will be able to invest?

**Kate Forbes:** Daniel Johnson will forgive me if I have misunderstood him. I think that he was quoting the figures for the bank's operational resource requirements. Of course, the bank is on a journey towards being self-sustaining.

On the capital side, we are committed to capitalising the bank with £2 billion. I think that, in the targeted capital spending review, the member will see a trajectory that honours that commitment to £2 billion of capitalisation.

As I understand it—if I heard correctly, he said £9 million—the member was referring to the operational resource costs. The bank has an aim ultimately to be self-sustaining and to leverage in private investment to increase the overall investment from £2 billion.

**Collette Stevenson (East Kilbride) (SNP):** As we know, the Scottish National Investment Bank has focused on long-term missions to deliver a range of environmental, social and economic returns. Can the cabinet secretary provide any more information on the bank's latest investments and how they will fit with its mission to achieve a just transition to net zero carbon emissions by 2045?

**Kate Forbes:** One of the many investments that the bank has made is a £9 million investment in Circularity Scotland Ltd, which is a not-for-profit company that is responsible for delivering Scotland's deposit return scheme. That investment leveraged in £9 million in additional private finance, which again demonstrates the bank's role

in using public sector funding to leverage in private sector finance.

In addition, the recent £30 million investment in the expansion of Aberdeen harbour will increase land and water access for offshore wind developers, and it will strengthen Aberdeen's position as a key port hub for our large-scale energy transition effort. Those are just two examples among many.

### Superfast Broadband

**3. Alexander Stewart (Mid Scotland and Fife) (Con):** To ask the Scottish Government whether it will provide an update on the roll-out of superfast broadband. (S6O-01160)

**The Cabinet Secretary for Finance and the Economy (Kate Forbes):** With regard to the roll-out of superfast broadband, Alexander Stewart will be aware of our commitment to reach 100 per cent of properties. The latest Ofcom figures show that more than 2.6 million homes and businesses across Scotland can access superfast broadband speeds of 30 megabits per second and above. It is worth reminding members, including Alexander Stewart, that the matter of telecommunications is entirely reserved to Westminster.

**Alexander Stewart:** With the R100—reaching 100 per cent—roll-out being delayed from 2021 to 2027, the Scottish Government has a long way to go to convince communities. The voucher scheme for R100 has also been disappointing in the extreme, with only 497 households in my region having applied from the more than 41,000 that are eligible. How can the Scottish Government address connectivity problems when it is clearly failing communities the length and breadth of the country?

**Kate Forbes:** I think that communities are convinced that if they were to wait for the United Kingdom Government to reach them, they would be waiting for an awfully long time. As of 30 April 2022, more than 9,600 connections had been delivered through the R100 contracts and vouchers, the majority of which are full fibre, with a further 9,500 connections in build. I wait to see what the UK Government will do with regard to connecting those households.

**Siobhan Brown (Ayr) (SNP):** The Scottish Government has made substantial progress in improving digital connectivity in Scotland, despite the fact that telecommunications is a matter that is wholly reserved to Westminster—

**Finlay Carson (Galloway and West Dumfries) (Con):** No, it is not—the delivery is not.

**Siobhan Brown:** Can the cabinet secretary provide any further information about steps that

the Scottish Government is taking to encourage the roll-out of 5G in Scotland?

**The Deputy Presiding Officer:** Before the cabinet secretary answers, I encourage Tory members to listen to the question and the answers without making interventions from a sedentary position.

**Kate Forbes:** Thank you, Presiding Officer.

I remind members that broadband and telecoms are 100 per cent reserved.

In Scotland, the 5G roll-out is commercially led, but we have taken a series of actions that are designed to try to create the conditions in which mobile network operators can roll out 5G infrastructure much more easily. That includes changes to planning legislation and our innovative infralink project to help with site rental guidance. In addition, we have acted on input from a wide range of stakeholders, including the mobile telephone industry and other partners in the public sector, to try to progress that as quickly as possible.

Lastly—and most important—is the £28.75 million Scottish 4G infill programme, which tries to ensure that there are future-proof masts in areas that would not otherwise have masts built through commercial build. Again, all that funding comes from our own budget, because we are not willing to wait for the UK Government to fund it.

#### **Small Business Bonus Scheme (Evaluation)**

**4. Claire Baker (Mid Scotland and Fife) (Lab):** To ask the Scottish Government how it is responding to the findings of the evaluation of the small business bonus scheme that it commissioned, which was carried out by the Fraser of Allander Institute. (S6O-01161)

**The Minister for Public Finance, Planning and Community Wealth (Tom Arthur):** We welcome the Fraser of Allander Institute's report and the work that it has carried out, and we have been considering the contents of the report carefully. We are convening a short-term working group that will help to inform our consideration of the recommendations in full.

**Claire Baker:** It is important to note that the report also found that there was no empirical evidence that the small business bonus scheme is supporting enhanced business outcomes. Businesses perceive there to be benefits, but that is not the same as evidencing that there are benefits—not least because limitations on the available data, which are highlighted in the report, make evaluation challenging, with problems in identifying businesses' turnover, employment and investment as well as inconsistency in data collection and management.

Will the Scottish Government commit to regular and comprehensive assessments of the small business bonus scheme and other business support policies and to taking a more thorough and standardised approach to data collection, which would allow comparison with other business support schemes?

**Tom Arthur:** Just for clarity—I think that this was implicit in Ms Baker's supplementary question—the Fraser of Allander Institute did not say that the scheme has had no effect; rather, it highlighted that data limitations have limited the institute in relation to evidencing that there is an effect. When we speak to small businesses, they recognise the importance of the scheme. To quote the Federation of Small Businesses,

“the small business bonus has been a lifeline for many firms.”

[*Interruption.*] If members find that funny, that is up to them. I reiterate that this Government has committed to the small business bonus scheme. Indeed, if we include all non-domestic rates reliefs this year, the total reliefs are worth an estimated £802 million.

We have invited representatives from a range of business organisations and local authorities to join the short-life working group that we are establishing, and we hope to convene its first meeting shortly. The issue of data in relation to the small business bonus scheme will be a priority of particular concern for the group.

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** It is vital that we use every lever at our disposal to respond to the climate emergency. Can the minister provide an update on the steps that the Scottish Government is taking through rates relief to help us to reach our net zero ambitions?

**Tom Arthur:** The Scottish Government provides a generous and comprehensive non-domestic rates relief package to support net zero ambitions. We provide up to 100 per cent renewable energy relief for projects that are used for the purpose of the generation of heat or power where the scheme also provides community benefit. Small-scale hydro schemes are eligible for 60 per cent relief, which has been guaranteed to March 2032. In April, we expanded the business growth accelerator relief to include the installation of solar panels as a qualifying improvement that is eligible for relief. That ensures no rates increase for 12 months after the qualifying property improvement. On 1 April 2021, we increased the relief for new district heating networks powered by renewable energy to 90 per cent.

**The Deputy Presiding Officer:** Question 5 has been withdrawn.

### National Records of Scotland (Funding)

**6. Donald Cameron (Highlands and Islands) (Con):** To ask the Scottish Government whether it will provide an update on how much additional funding it has allocated to the National Records of Scotland. (S6O-01163)

**The Minister for Public Finance, Planning and Community Wealth (Tom Arthur):** To date, no additional funding has been allocated. Additional funding will be considered during the budget revision process and will be based on the actual additional costs incurred.

**Donald Cameron:** The NRS is, of course, the body that is responsible for the census. As a result of the Scottish National Party's decision to delay the census by a year, as well as the recent extension of the deadline to the end of May, the census not only has failed to reach its 94 per cent uptake target but has cost taxpayers £30 million more than it needed to. Given that phenomenal waste of taxpayers' money, will the minister make a commitment today that the next census will take place in sync with the rest of the United Kingdom, to prevent this costly shambles from ever happening again?

**Tom Arthur:** I take it as a vote of confidence that Mr Cameron thinks that I will still be a minister in 10 years' time, when the next census occurs. Decisions around the timing of the census will be taken at the appropriate moment.

In relation to the substance of the question, the particular points that the member raises regarding funding will, of course, be confirmed through the usual processes.

### ScotRail Services (Financial Impact)

**7. Martin Whitfield (South Scotland) (Lab):** To ask the Scottish Government what assessment the finance secretary has made of any impact on Scotland's financial outlook as a result of the reduction to ScotRail services. (S6O-01164)

**The Minister for Public Finance, Planning and Community Wealth (Tom Arthur):** There is no doubt that the current temporary timetable is causing significant inconvenience and frustration to travellers, especially people who need early and late services to get to and from work and those sectors and businesses in the economy that depend on people being able to travel in the evenings. We are engaging with stakeholders in sectors that may be affected by disruption to services, and we will continue to do so in the coming weeks.

The latest transport trends show a downturn in travel by rail compared to previous weeks, but they are also showing a slight uplift in concessionary bus travel, which is welcome.

However, the sooner that we can get back to a full timetable, the better it will be for passengers, for businesses and, of course, for employees.

**Martin Whitfield:** The well-respected economist Tony Mackay said that the estimated cost to the Scottish economy that is due to the cuts to ScotRail is between £75 million and £80 million every week, from the combination of the fall in economic output and the extra money that is being spent by travellers to get to their destinations. Does the minister agree with that analysis? After yesterday's announcement, will the Scottish Government hit reset and properly invest in our public transport and economy?

**Tom Arthur:** I note Professor Tony Mackay's comments with interest. As the member would expect, we have given them some consideration. However, we are aware that those estimates were produced rapidly and, crucially, before the revised timetable was introduced. We are monitoring the situation and, as I say, we are engaging with stakeholders to understand the impact on their sectors.

**Jamie Halcro Johnston (Highlands and Islands) (Con):** Just over a week ago, Richard Lochhead told the BBC's *The Sunday Show* that he hoped that the ScotRail crisis would be sorted soon. However, we have learned in the past hour that the Associated Society of Locomotive Engineers and Firemen has rejected ScotRail's pay offer. Instead of being sorted soon, the disruption that is being experienced by rail users across Scotland could get a lot worse.

The minister must be aware of the impact that the disruption is having across Scotland and on regions such as mine, the Highlands and Islands, particularly at the start of the tourist season. What regional analysis—if any—is being conducted of the economic impact that the crisis is having on businesses and communities? What support might be made available by the Government?

**Tom Arthur:** As I said previously, we are engaging regularly with businesses and we will take any particular issues that are identified by them, whether those are national or specific to a particular region, into account when we consider how we respond.

### Green Jobs Fund

**8. Miles Briggs (Lothian) (Con):** To ask the Scottish Government how many green jobs have been supported since the introduction of the green jobs fund. (S6O-01165)

**The Minister for Just Transition, Employment and Fair Work (Richard Lochhead):** The green jobs fund is a five-year, £100 million capital fund that will support businesses and their supply chains to better

transition to a low-carbon economy. The support that will be provided by the fund aims to create green employment through investment in equipment, premises, research and development. Between the enterprise agencies and Scottish ministers, 57 projects have been supported, with grant funding of £16.8 million through the green jobs fund. Figures that have been provided by the recipients of those awards estimate that that fund will support up to 3,886 jobs over the life of those individual projects.

**Miles Briggs:** The Scottish Government had pledged that there would be 130,000 green jobs by 2020, but the Office for National Statistics estimates that employment in the low-carbon and renewable energy sector dropped from 21,700 to 20,500 in 2020. That is the fourth consecutive year in which we have seen a reduction in green jobs. What plans do ministers have, alongside industry, to bring forward a new and updated strategy, to make sure that we can realise the potential that green jobs have in the renewable energy and the carbon neutral retrofitting sectors?

**Richard Lochhead:** Scotland is making significant progress in creating green jobs. Indeed, the most recent PricewaterhouseCoopers green jobs barometer shows that Scotland is the best-performing part of the United Kingdom for green jobs created and that Scotland is well positioned to maximise the benefits of green investment. The member referred to the ONS definition of green jobs, which the organisation is looking at, because it accepts that that definition is far from ideal. It provides a very narrow definition of green jobs.

I am convinced that many green jobs are being created throughout Scotland at the moment. Indeed, the Scottish Government's hydrogen policy statement says that that policy could create up to 300,000 green jobs in Scotland. The Acorn project, which the UK Government is not supporting, could have created 20,600 jobs if the UK Government had given it the go-ahead, as it should have done. Our heat in buildings strategy could potentially create 16,400 green jobs, and we hope that the renewables projects in "The onshore wind industry prospectus" could create 17,000 jobs.

Scotland is on course to create hundreds of thousands of green jobs in the coming years, if we put our plans into practice and support them, and if, where appropriate, those projects have UK Government support. I ask Miles Briggs to ask his UK colleagues to get behind the Acorn project and others and to reverse the decision about its support of the Acorn project, in order to create even more green jobs for Scotland.

**Audrey Nicoll (Aberdeen South and North Kincardine) (SNP):** Creating and supporting green jobs through initiatives such as the green

jobs fund and the just transition fund for the north-east and Moray will play an important part in securing our transition to net zero. However, the Scottish Government's ambitions do not seem to be matched by the UK Government's. Does the minister agree that it is high time that the UK Government stepped up and committed to properly supporting a just transition, matching the Scottish Government's £500 million just transition fund?

**Richard Lochhead:** I thank the member for that question, which gives me the opportunity to remind the chamber that the first tranche of the just transition fund for Moray and north-east Scotland—which amounts to £500 million over the next 10 years—opened for expressions of interest on Tuesday of this week. We would be very grateful if all members in relevant parts of the country would advertise that and make people aware of it, as it will help our transition toward a net zero economy.

Audrey Nicoll is right in saying that the UK Government should play a much bigger role in this. After all, it has extracted hundreds of billions of pounds from the North Sea in oil revenue. If it were to match the £500 million commitment from the Scottish Government, that would go a long way to ensuring that we have a just transition in the north-east of Scotland and Moray in the years ahead.

I gave the example of the Acorn project, which would have created thousands of new jobs from next year onwards. It was the project that was best positioned to get the go-ahead in the UK, but the Conservative UK Government said no to it, which caused a lot of anger in the industrial community in Scotland.

As Audrey Nicoll said, the UK Government could do a lot more to match the Scottish Government's ambition for a just transition.

**The Deputy Presiding Officer:** That concludes questions on finance. There will be a brief pause while the front benches change.

## Education and Skills

**The Deputy Presiding Officer:** The final portfolio this afternoon is education and skills. If a member wishes to ask a supplementary question, they should press their request-to-speak button or enter the letter R in the chat function during the relevant question.

### South Lanarkshire College (Governance)

1. **Gillian Mackay (Central Scotland) (Green):** To ask the Scottish Government what discussions it has had with the Scottish Funding Council in light of the reported on-going governance

concerns at South Lanarkshire College. (S6O-01166)

**The Cabinet Secretary for Education and Skills (Shirley-Anne Somerville):** I meet regularly with the Scottish Funding Council and it continues to provide me with the assurance that due process is being followed and that arrangements are in place to secure good governance, sound leadership and positive outcomes for the students of the college.

**Gillian Mackay:** Minutes from meetings of the college board of management refer to allegations of systematic bullying and intimidation of a number of staff, and potential financial irregularities. They also show that South Lanarkshire College failed to comply with the code of good governance. What steps is the Scottish Government taking to resolve those on-going issues with South Lanarkshire College and to address the issues that the Educational Institute of Scotland—Further Education Lecturers Association has raised around the governance structure?

**Shirley-Anne Somerville:** The Scottish Funding Council, as the responsible organisation for overseeing investigation of those matters, acted immediately to understand and stabilise the situation. The Funding Council commissioned an independent review of governance and relationships at the college to establish the nature of the issues raised and what further action, if any, was required. The college has published an action plan to address the key findings and recommendations in relation to governance improvements—including complaints handling and relationships—that stem from that review.

The regional strategic body is responsible for investigating complaints of the nature that the member referred to in her question. Investigations into those complaints remain on-going, and the Funding Council continues to seek regular assurances from the regional strategic body that the investigations are progressing in an appropriate manner.

The Funding Council will continue to keep the Scottish Government updated on progress. Ministers' paramount consideration is the safeguarding of the quality of learning at South Lanarkshire College, and high standards are crucial in ensuring that.

**Graham Simpson (Central Scotland) (Con):** What has been going on at South Lanarkshire College is a scandal. There are allegations of private businesses operating from college premises, using college materials and lecturing staff time.

In my view, the new principal, Aileen McKechnie, was cleaning up the mess. She was suspended, and she should be reinstated. The

local EIS-FELA branch had a vote of no confidence in the board. I was at a branch meeting last week, and it was announced that the national executive is backing the branch on that, which is quite unprecedented.

Much of what happened allegedly took place while the head of human resources at the college was Kirsten Oswald, who is now the Member of Parliament for East Renfrewshire. People have told me that she knew what was going on. Has the cabinet secretary had any discussions with Kirsten Oswald about that, and does she agree with me that, as a public figure, Kirsten Oswald should say what she knew and whether she was asked to do anything?

**Shirley-Anne Somerville:** I understand and appreciate that members will have concerns over the issues at the college. However, I urge caution about naming individuals in the chamber and casting aspersions on them, particularly while due process is on-going at the college.

In my answer to Gillian Mackay, I said that there are a number of on-going investigations. It is very important that, as a Government minister, I do not prejudice those. The member pointed to the fact that the principal has been suspended, which was a decision for the board and not for the Scottish Government. That decision was part of the due process, to allow the investigations to take place, and the principal and the interim board clerk were suspended without prejudice.

I take the accusations at the college very seriously, and I am in regular discussion with the Scottish Funding Council to receive reassurances about the situation. Investigations are on-going and there is an official process. It is important that members take note of that and accord the process the significance and importance that I think that it deserves. No doubt it will conclude in due course.

## School Counsellors

**2. Gillian Martin (Aberdeenshire East) (SNP):** To ask the Scottish Government how it is monitoring and tracking the outcomes of the roll-out of school counsellors. (S6O-01167)

**The Cabinet Secretary for Education and Skills (Shirley-Anne Somerville):** Local authorities provide six-monthly reports to the Scottish Government on the impact and effectiveness of school counsellors. A summary of the reports is published on the Scottish Government website.

Officials are also working closely with the counselling co-ordinators network to ensure on-going engagement with education authorities on the provision of school counsellors.

School counselling is just one of a range of services that schools might have in place to support the health, emotional and social needs of children and young people.

**Gillian Martin:** Additional funding is being delivered by the Scottish Government to local authorities for school counsellor provision. Post-pandemic, that early intervention tool is needed more than ever, as borne out by the evidence of many of the witnesses to the Health, Social Care and Sport Committee's inquiry into the health and wellbeing of children and young people.

Does the cabinet secretary have a sense that counsellors are all now in place Scotland-wide, and that there is consistency in their training and job descriptions across all 32 local authorities?

**Shirley-Anne Somerville:** All local authorities have confirmed that counselling services are in place across Scotland. There is a variation in how the services are being delivered—for example, some authorities are providing a specific resource in schools, while others are providing an authority-wide service according to needs across the region.

The guidance is clear that counselling support should conform to agreed professional standards that are provided by a professional counselling body, and it also makes clear that education authorities are responsible for establishing the way in which their services work, which includes the training, recruitment and employment of school counsellors.

**Stephen Kerr (Central Scotland) (Con):** As much as anything else, this is a question about monitoring and tracking outcomes.

Audit Scotland has repeatedly made it clear that the Scottish Government's performance in monitoring and tracking outcomes is dismal. When will the Scottish Government publish the measurement of the outcomes of the £1 billion that has already been spent on the attainment gap funding?

**Shirley-Anne Somerville:** I am not entirely sure what that has to do with the roll-out of counsellors, which is funded in an entirely different manner. I provided information on how those outcomes are reported in my original answer.

Mr Kerr will be well aware that responsibility for the delivery of the attainment challenge funding is a matter not only for national Government but for local government.

**Stephen Kerr:** How is it measured?

**Shirley-Anne Somerville:** We measure it in a number of ways: through achievement of curriculum for excellence levels statistics; through the information that is in the national improvement framework; and through the on-going work to

gather data. More data is gathered in education now than in previous years, precisely because the Scottish Government wants to see the outcomes that are being delivered through the £1 billion-worth of attainment funding—which I thank Mr Kerr for raising—and the additional 2,000 teachers that we have in our schools across Scotland compared with pre-pandemic levels.

**Stephen Kerr:** That is not a measurement—

**The Deputy Presiding Officer:** Mr Kerr, given that your supplementary question was tangential to the original question, if I were you, I would not shout from a sedentary position.

### School Buildings

**3. Jackie Dunbar (Aberdeen Donside) (SNP):** To ask the Scottish Government whether it will provide an update on the condition of school buildings. (S6O-01168)

**The Cabinet Secretary for Education and Skills (Shirley-Anne Somerville):** School buildings across Scotland are in their best condition since recorded figures began.

The proportion of schools in good or satisfactory condition has increased from 61 per cent in April 2007 to 90.2 per cent in April 2021.

**Jackie Dunbar:** Modern, safe and innovative school buildings play a vital role in improving attainment and outcomes for school pupils. How does the state of school buildings in Scotland compare with that in other United Kingdom nations?

**Shirley-Anne Somerville:** Although we cannot draw on direct, like-for-like comparisons, I am aware, from recent media reports, that Department for Education officials are calling for further funding in order to increase the number of schools that are built, due to the deteriorating condition of buildings. Indeed, through the media, we received information last week about leaked UK Government documents, which revealed that schools posed a risk to life. We can compare that with the on-going work in the Scottish Government and our continued investment in schools through the £2 billion learning estate investment programme, which will benefit around 50,000 pupils across Scotland.

### Cost of Living (University and College Students)

**4. Sarah Boyack (Lothian) (Lab):** To ask the Scottish Government whether it will provide an update on what action it is taking to support college and university students impacted by the cost of living crisis. (S6O-01169)

**The Minister for Higher Education and Further Education, Youth Employment and Training (Jamie Hepburn):** I understand that this is a tough time for many students, who are facing higher energy bills and increased financial hardship as a consequence of the current cost of living crisis.

Since June 2021, the Scottish Government has provided more than £37 million of hardship funding to colleges and universities to support students who face financial hardship throughout the year, including over the summer months.

Students in further or higher education who are currently experiencing financial hardship should apply to their college or university for support from discretionary funds.

**Sarah Boyack:** Earlier this year, the National Union of Students Scotland warned that 54 per cent of students will find coping financially over the summer months difficult and called it “a cliff edge” for students in relation to the cost of living, rent, food, utilities and essential travel.

Twelve months ago, the Scottish Government committed to reviewing support for students over the summer months. When will that review be completed? Will the Scottish Government put in place similar discretionary support to that which was available last summer?

**Jamie Hepburn:** As I have already laid out, the discretionary funds are available over the summer. As the member would expect, I meet representatives of the National Union of Students regularly, so I have been able to discuss those matters. On the back of a previous discussion with them, I wrote to all college and university principals to ask them to make sure that they were expending the remaining hardship funds in response to the cost of living crisis. That is still my expectation.

The review of summer support is under way. I continue to take that review forward and look forward to concluding it and reporting back to Parliament.

**Kaukab Stewart (Glasgow Kelvin) (SNP):** Last week, I met representatives from Glasgow University Students Representative Council in my constituency, who raised concerns about the levels of student hardship that are being experienced because of the cost of living crisis.

Will the Scottish Government consider working with universities and colleges to find ways of further mitigating student hardship as a matter of urgency? Will the minister agree to meet me to explore potential additional supports for students at this hugely distressing time?

**Jamie Hepburn:** Ms Stewart asked me to consider working with universities and colleges to

tackle the challenges that we face. I will not just consider doing that; I will continue to do it in relation to the hardship funds that we distribute, including the new international students hardship fund. I have already made the point about writing to principals to urge them to make sure that they are using the funds that they have in response to the cost of living crisis.

In tandem with universities and colleges, we will continue to work on our student accommodation strategy, our student mental health action plan and the plans that we have to enhance student support more generally. I will not just consider that; I will do it. I will, of course, be happy to meet Kaukab Stewart to discuss that further.

### School Assessments (Impact of Covid-19)

**5. Foyso Choudhury (Lothian) (Lab):** To ask the Scottish Government how it plans to support the so-called Covid generation of young people who have not received full assessments at school. (S6O-01170)

**The Cabinet Secretary for Education and Skills (Shirley-Anne Somerville):** Schools and colleges are best placed to provide the tailored support that individual learners need. In response to Covid, Education Scotland put in place a package of support, which includes the national e-learning offer, which, with partners, supports teaching and learning by giving access to a wide range of live, recorded and supported resources. The Scottish Government also provided £4 million of funding to boost Easter study support locally, particularly for those from the most deprived backgrounds.

In addition to significant course modifications and revision support, the Scottish Qualifications Authority will take a more generous approach to grading than in a normal exam year and the appeals approach goes further than that used in the years before the pandemic.

Those measures are expected to give learners affected by the pandemic the best chance to demonstrate their potential and receive the grades that they deserve this year.

**Foyso Choudhury:** What plans does the Scottish Government have to carry out an independent review into the impact of Covid on education to identify gaps and lost learning and to understand the challenges to education recovery? How can the Government start to rebuild and combat lost education if it does not know the losses that have been suffered?

**Shirley-Anne Somerville:** I thank the member for that question, but I urge caution when talking about the concept of lost learning, because that is not only about the lost learning but about the health and wellbeing of children and young

people, and we need to see a holistic approach in that regard.

I am afraid that I would disagree with the premise that we do not know about the impact of Covid. A number of documents were published during the pandemic, including an equality assessment. We also recently published the achievement of curriculum for excellence levels statistics. Those will also be published again later in the year.

Those are the key measurements that we had before the pandemic, and that we will continue to have after the pandemic, to analyse the impact. ACEL looks at the impacts around lost learning. Importantly, of course, the Scottish Government is also keen to gather data on a number of other issues around health and wellbeing. The health and wellbeing census is so important, because it will make us aware of the wider impact of Covid.

### Further Education (Funding)

**6. Dean Lockhart (Mid Scotland and Fife) (Con):** To ask the Scottish Government what impact any real-terms cuts to funding for further education are having on the college sector. (S6O-01171)

**The Minister for Higher Education and Further Education, Youth Employment and Training (Jamie Hepburn):** The Scottish Government is investing almost £2 billion in Scotland's colleges and universities in 2022-23, and the Scottish Funding Council has worked hard to extend budget flexibilities to colleges where possible, to provide greater planning certainty.

Our expectation is that colleges will prioritise spend within their allocations on the most impactful provision and skills alignment, and consider wider economic, local community and learner needs.

**Dean Lockhart:** Despite what the minister has just said, the reality is that, due to an 8 per cent real-terms cut to its funding, Forth Valley College has taken the decision to close its Raploch campus in Stirling, with the resulting loss of more than 40 jobs. That decision, which will no doubt be replicated across Scotland as a result of the severe funding cuts, proves once again that education and skills are nowhere near being a priority for this Scottish National Party Government. What message does the minister have for those who have lost their jobs as a result of his funding cuts?

**Jamie Hepburn:** My understanding of the background to that decision is that it was driven not by financial considerations but by the best utilisation of the estate. The college has an excellent estate, which the Scottish Government has invested in over the years.

I would also say to Mr Lockhart that, contrary to his assertion around funding for Forth Valley College, in this current year, we have actually been able to increase its total funding allocation. Last year, its baseline teaching funding was £24.5 million; this year, it will be £25.6 million. That is in common with all colleges.

**Dean Lockhart:** Is that a real-terms cut?

**Jamie Hepburn:** Let me remind Mr Lockhart and, indeed, all Conservative members that their Government at United Kingdom level has delivered a 5.2 per cent real-terms cut for the Scottish Government. They do not like to be reminded of that, Presiding Officer, but that is the reality and that is what we must deal with.

**The Deputy Presiding Officer:** I have a number of supplementaries.

**Evelyn Tweed (Stirling) (SNP):** Instead of Dean Lockhart fighting with the minister about the figures, which the minister has outlined, does the minister agree that Mr Lockhart should lobby his colleagues in the Treasury to deliver a fair settlement for Scotland?

**Jamie Hepburn:** First let me say that I am entirely relaxed about Mr Lockhart fighting with me. I appreciate Ms Tweed's concern for me, but I will be able to cope with that—there is no need to worry.

However, she makes a fair point. It re-emphasises the point that I just made about the real-terms reduction in spending leeway; this Government has issued a comparison to last year. I would be delighted if Mr Lockhart would make representations on that to his colleagues in the Treasury, but I do not hold my breath.

**Michael Marra (North East Scotland) (Lab):** I can assure the minister—although I know that he is also having these conversations with the principals of our colleges across Scotland—that colleges across the land are facing cuts in the number of staff that they can have as a result of the budgets that have been put in place this year. They have also received letters from the Scottish Funding Council asking them to do the same job that they did last year, on all the same metrics, with less money.

First, will he give assurances that the regular clawback processes will not be put in place by the SFC if targets are not met, given that budgets have been cut? Also, can he speak to the SFC to ensure that there is a realistic conversation with colleges about what they can deliver given the budget that he has presented them with?

**Jamie Hepburn:** Mr Marra is correct that I speak with the colleges regularly. I am not suggesting for a moment that there are not tough decisions for college principals.

However, he asks for increased flexibilities for colleges, and those have already been built in this year by the SFC. For example, there is a 2 per cent tolerance threshold for core credit targets. Colleges can claim additional credits in instances where personal learning support plans are in place to address the loss of learning that was caused by the pandemic. Colleges will also be offered additional discretion in delivering short courses to people who have been adversely affected by the pandemic. We are building in additional flexibility.

I also meet with Colleges Scotland and the SFC on a regular basis. If we can go further, I will be delighted to do so.

**Kenneth Gibson (Cunninghame North) (SNP):** Can the minister say how Scotland's college sector is faring compared with England's? We are following successive Labour, coalition and Tory Governments. The Institute for Fiscal Studies has said that the cuts to education spending in England over the last decade are

"effectively without precedent in post-war UK history".

Does the minister also share my surprise that Mr Lockhart seeks more money for the college sector, when this year our resource budget has been cut by the UK Tory Government by 5.2 per cent and our capital budget by 9.7 per cent?

**Jamie Hepburn:** I cannot say that I am too surprised by Mr Lockhart's stance. It is entirely consistent with that of the Conservatives in all debates, in that they deny the reality of the real-terms cut being delivered to this Government's budget by their Government in London.

I can say that of course it is difficult to offer direct comparisons between cost centres. However, since 2008-09 over 700,000 full-time college students have successfully completed their courses here in Scotland. Despite the pandemic, nearly 85 per cent of college leavers in 2019-20 moved on to positive destinations. That is a real story of success for Scotland's colleges.

**The Deputy Presiding Officer:** A final supplementary is from Stephen Kerr.

**Stephen Kerr (Central Scotland) (Con):** Will the minister undertake to speak to the principal of Forth Valley College before he makes any more public statements about why what Dean Lockhart describes is happening?

**Jamie Hepburn:** I am happy to confirm that I speak with the principal on a regular basis.

### University Funding (International Students)

**7. Fulton MacGregor (Coatbridge and Chryston) (SNP):** To ask the Scottish Government what action it is taking to review and address any university funding gap, in light of

reports of increasing numbers of international students being offered places, compared with Scottish-domiciled applicants. (S6O-01172)

**The Minister for Higher Education and Further Education, Youth Employment and Training (Jamie Hepburn):** International students and students from other parts of the United Kingdom are not eligible to access the funded places that have been protected for eligible Scottish and European Union students.

For 2022-23, we are providing over £1.1 billion to our universities to support their continued financial sustainability, overcome the challenges of Covid-19 pandemic and strengthen our economic recovery, including by supporting our young people to gain the skills and knowledge that they need to be successful.

**Fulton MacGregor:** Over the past couple of months, I have been contacted by several constituents who have been rejected from university courses despite having exceptional grades. They tell me that the feedback that they are getting is that it is due to a lack of funded places.

In one instance, a constituent from a local high school informed me that she had achieved six As and one B in her national 5 exams and in fifth year four As and one B. She was currently completing another two highers, as well as modules in law and mental health. She was also the school captain. Despite that, she found herself rejected for law at the universities of Strathclyde, Dundee and Edinburgh, and declined for law and business at the University of Edinburgh also.

Fortunately—there is good news—she did get another placement in the end, but there are similar stories. My concern is the message that such rejections of high-achieving students can send to other pupils in deprived areas, such as Coatbridge. I welcome the recent report from the commissioner for fair access saying that Scotland is setting the pace in the UK and that we are way ahead of the other nations when it comes to students from deprived areas getting into university, which the First Minister referred to earlier.

**The Deputy Presiding Officer:** Ask your question, please, Mr MacGregor.

**Fulton MacGregor:** What more does the minister think that universities can do to further widen that access and ensure that all our young people have an equal chance?

**Jamie Hepburn:** I am glad that, despite the challenges, Mr MacGregor's constituent has got a place at university. Our institutions are highly regarded, and the selection process for places in

the most sought-after courses can be extremely competitive.

To go back to Mr MacGregor's original question, I should say that there should be no sense that Scottish students are being pushed out by others. In 2020-21, the number of Scottish students was at 37,520, which was 10 per cent up on the figure two years earlier. According to data from the Universities and Colleges Admissions Service covering 2020-21, of the total number of students who got a place at a Scottish university, 73.6 per cent were Scottish-domiciled students, which was up by nearly 2 per cent from two years before.

On the very important point about widening access, I highlight the recent report from the Scottish Funding Council on that, which shows that, in 2020-21, 16.7 per cent of Scottish full-time first degree entrants to Scottish universities were from the 20 per cent most deprived areas. That is hitting our target. Of course, yesterday's report from the commissioner for fair access noted that

"Scotland continues to set the pace in terms of fair access to higher education among the UK nations."

**The Deputy Presiding Officer:** We are running ahead of time, and I am keen to get in all the supplementary questions and the final question, but the questions and answers will need to be brief.

**Pam Gosal (West Scotland) (Con):** With Universities Scotland highlighting funding cuts due to the spending review, can the minister guarantee that the current student numbers cap will be lifted further, allowing more Scottish students the university places that they deserve?

**Jamie Hepburn:** The member talks about a cap on places. Of course, we have to lay out a budget and, in doing so, we have to have a number of places at university—that is the reality. If, heaven forfend, the members on the Conservative benches were in government, they would have to do the same.

I did not hear from the member any word of welcome for the fact that we had a 10 per cent increase in the number of Scottish-domiciled students in a two-year period. Of course, those students are attending universities in Scotland without having to pay fees, unlike students elsewhere in the United Kingdom, who have to pay up to £27,750 for the privilege of attending university.

**Martin Whitfield (South Scotland) (Lab):** With regard to international students, what is the status of Ukrainian students who are here as refugees and who wish to continue their study in Ukraine remotely but who are not being granted home status, unlike other Ukrainian students who take places at our universities?

**Jamie Hepburn:** That question is probably on the back of an email similar to one that I have received. I take that issue seriously. We have put in place an international students hardship fund so that students who are already studying here can benefit from that. However, I am aware of the cohort that the member is talking about, and we are looking at that issue actively.

### **Sexual Consent (Education of Young People)**

**8. Emma Roddick (Highlands and Islands) (SNP):** To ask the Scottish Government what work it is doing to ensure that young people are educated on the issue of sexual consent. (S6O-01173)

**The Cabinet Secretary for Education and Skills (Shirley-Anne Somerville):** Relationships, sexual health and parenthood education is an important part of the school curriculum that enables pupils to build respectful, responsible and confident relationships as they grow older. It is for schools to decide how to deliver RSHP education, based on the needs of the pupils in their classrooms.

Learning should be presented in an objective, balanced and sensitive manner within a framework of sound values and an awareness of the law. A wide range of teaching resources are available to support delivery of RSHP education, including a resource on key messages on healthy relationships and consent.

**Emma Roddick:** We know that many men who commit sexual crimes first do so at a young age. Does the cabinet secretary agree that that indicates that early intervention and education on what constitutes consent at a young age are required to challenge the normality of young women and girls experiencing rape and sexual assault?

**Shirley-Anne Somerville:** We absolutely have to tackle the underlying issues and attitudes in our society that, unfortunately, perpetuate the behaviour that Emma Roddick talked about. Our curriculum in Scottish education covers those aged three to 18, but learning about consent and healthy relationships commonly takes place in the broad general education phase. Within that, Education Scotland produces experiences and outcomes on relationships, sexual health and parenthood education that provide clear and concise statements for pupils' learning progression at each level of the curriculum. The right education is provided to children according to the stage of their learning. That, of course, includes discussions on respect, boundaries and consent. The Government expects schools to deliver an inclusive and supportive learning environment for their pupils, so that pupils right across Scotland

receive high-quality relationships, sexual health and parenthood education.

## Business Motion

16:55

**The Deputy Presiding Officer (Annabelle Ewing):** The next item of business is consideration of business motion S6M-04748, in the name of George Adam, on behalf of the Parliamentary Bureau, setting out a business programme.

*Motion moved,*

That the Parliament agrees—

(a) the following programme of business—

Tuesday 7 June 2022

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)

*followed by* Ministerial Statement: Greenhouse Gas Emissions Statistics 2020

*followed by* Scottish Government Debate: Scotland's National Parks

*followed by* Statement of Policy

*followed by* Committee Announcements

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 8 June 2022

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions:  
Covid Recovery and Parliamentary  
Business;  
Net Zero, Energy and Transport

*followed by* Scottish Conservative and Unionist  
Party Business

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

*followed by* Approval of SSIs (if required)

5.10 pm Decision Time

*followed by* Members' Business

Thursday 9 June 2022

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

*followed by* Members' Business

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions:  
Rural Affairs and Islands

*followed by* Ministerial Statement: Scotland's  
Census 2022

*followed by* Stage 3 Proceedings: Scottish Local Government Elections (Candidacy Rights of Foreign Nationals) Bill

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Tuesday 14 June 2022

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)

*followed by* Stage 3 Proceedings: Good Food Nation (Scotland) Bill

*followed by* Committee Announcements

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

6.00 pm Decision Time

*followed by* Members' Business

Wednesday 15 June 2022

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions:  
Health and Social Care;  
Social Justice, Housing and Local  
Government

*followed by* Health, Social Care and Sport  
Committee Debate: Wellbeing of  
Children and Young People

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

*followed by* Approval of SSIs (if required)

5.00 pm Decision Time

*followed by* Members' Business

Thursday 16 June 2022

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

*followed by* Members' Business

2.00 pm Parliamentary Bureau Motions

2.00 pm Scottish Parliamentary Corporate Body  
Questions

2.15 pm Portfolio Questions:  
Constitution, External Affairs and Culture

*followed by* Stage 3 Proceedings: Miners' Strike  
(Pardons) (Scotland) Bill

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

(b) that, for the purposes of Portfolio Questions in the week beginning 6 June 2022, in rule 13.7.3, after the word "except" the words "to the extent to which the Presiding Officer considers that the questions are on the same or similar subject matter or" are inserted.—[George Adam]

*Motion agreed to.*

**The Deputy Presiding Officer:** I am minded to accept a motion without notice under rule 11.2.4 of standing orders that decision time be brought forward to now. I invite George Adam to move the motion.

*Motion moved,*

That, under Rule 11.2.4, Decision Time be brought forward to 4.56 pm.—[George Adam]

*Motion agreed to.*

## Decision Time

16:56

**The Deputy Presiding Officer (Annabelle Ewing):** There is one question to be put as a result of today's business. The question is, that motion S6M-04716, in the name of Nicola Sturgeon, on the Queen's platinum jubilee 2022, be agreed to.

*Motion agreed to,*

That the Parliament congratulates Her Majesty The Queen on the occasion of her Platinum Jubilee; expresses its gratitude for Her Majesty's exceptional public service and dedication to duty over 70 years; affirms the deep respect that is held for Her Majesty in Scotland, and sends good wishes for her continued service.

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

## Cannabis-based Products for Medicinal Use

**The Deputy Presiding Officer (Annabelle Ewing):** The final item of business is a members' business debate on motion S6M-03233, in the name of Collette Stevenson, on access to cannabis-based products for medicinal use. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament welcomes the Home Office's rescheduling of certain cannabis-based products for medicinal use (CBPMs) in 2018; notes the reported improvement in some children with treatment resistant epilepsy who take CBPMs, such as Cole Thomson, from East Kilbride, who it understands receives Bedrolite on private prescription; acknowledges the reported financial pressure that these prescriptions can place on families; further acknowledges the reported hesitancy of NHS consultants to prescribe unlicensed CBPMs due to the lack of robust evidence; notes the view that the rescheduling does not go far enough in assisting some patients, and the calls for a change in rules to allow GPs, who consider it appropriate, to prescribe unlicensed CBPMs where a non-NHS consultant has initiated that course of treatment; understands that the British Paediatric Neurology Association published its updated *Guidance on the use of cannabis-based products for medicinal use in children and young people with epilepsy* in October 2021, which, it considers, outlines concerns around the lack of randomised control trials demonstrating a product's safety, quality and efficacy; acknowledges the Scottish Government's reported commitment to collaborate with NHS England and the National Institute for Health Research to support research trials into medicinal cannabis in order to give NHS consultants the assurances that they need to consider prescribing CBPMs on the NHS; understands that, once a medicinal product has undergone clinical trials, it could be considered by the Medicines and Healthcare products Regulatory Agency for licensing and that this could lead to further consideration by organisations such as the National Institute for Health and Care Excellence, the Scottish Medicines Consortium and NHS Scotland; notes the calls for industry to run observational and clinical trials; believes that an increased evidence base offers the best opportunities for expansion of the range of CBPMs available from the NHS; welcomes the reported plans by Target Healthcare, which operates in East Kilbride, to produce CBPMs in Scotland, and notes the calls on the Scottish and UK governments to work together to find solutions on these issues.

16:58

**Collette Stevenson (East Kilbride) (SNP):** I am grateful to members who supported my motion. I will try to cover as much as I can in seven minutes.

First, I thank Rona Mackay and Pauline McNeill, the co-conveners of the cross-party group on medicinal cannabis. This area is complex and wide ranging, so the work that they and the CPG are doing is a very welcome contribution.

When the Home Office rescheduled certain cannabis-based products for medicinal use in 2018, many people were relieved. Under the current set-up, doctors can prescribe a medicinal product that has a valid marketing authorisation but, for unlicensed products, there is a restriction in place whereby only a subset of doctors—generally consultants—can prescribe. The only other access routes for patients are as participants in a clinical trial or through private prescriptions.

Medicinal cannabis has been proposed as a treatment for a range of conditions, including multiple sclerosis—[*Interruption.*]

I would like to move on, thank you.

Those conditions include multiple sclerosis and epilepsy. In the latter case, one product, Epidiolex, is now available on the national health service for some patients.

The Multiple Sclerosis Society provided a useful briefing for today's debate, in which it mentioned another product, Sativex, which might get rolled out on the NHS. That would be good to see. The MS Society carried out a survey and found that 22 per cent of people with MS in the United Kingdom had accessed

“illegal forms of cannabis to treat their MS symptoms.”

There is a common theme. It was public knowledge that parents of young children with epilepsy from right across the UK had to resort to accessing products illegally, and that is what really forced the legislative change.

As I have said in my motion, I have a constituent who currently receives a medicinal cannabis product. Cole Thomson, aged nine, has drug-resistant focal epilepsy. He used to have daily seizures and has spent a lot of time in hospital over the years. Since he started taking Bedrolite three years ago, however, he has been doing well. His mum, Lisa Quarrell, is in the public gallery today, and I acknowledge the work that she has done in campaigning for access to medicinal cannabis and her efforts to fundraise for Cole's medicine. Lisa shared a video on Facebook the other day, with Cole doing taekwondo and playing the drums. I can only imagine how proud of Cole and how relieved she is, given the prognosis just a couple of years ago.

We could argue that Cole and the few other children who are in a similar situation are a success story, but that would probably downplay the trials and tribulations facing parents such as Lisa. For a start, Cole's Bedrolite is sourced through a private prescription and costs more than £1,200 per month. Lisa has found it impossible, so far, to meet an NHS consultant who would prescribe Bedrolite.

I understand that many doctors are hesitant to prescribe cannabis-based products that do not have a marketing authorisation, because those products often do not have a rigorous evidence base behind them, as licensed products are required to have. Furthermore, medical societies develop specific guidance for their members, and some of them have raised concerns about the lack of clinical trials to demonstrate safety, quality and effectiveness. Patients, policy makers and clinicians are entitled to expect manufacturers to provide evidence, so I appreciate that point, but I would challenge scientists, medics, pharmaceutical companies and any other relevant parties to consider the different ways in which evidence can be gathered.

The most recent meeting of the CPG focused on the role of evidence in widening the use of medicinal cannabis. We heard about the potential for conducting observational trials involving patients who are already on a product. I welcome the Scottish Government's commitment to collaborate with NHS England and the National Institute for Health and Care Research to support research trials, so that we can give NHS consultants the reassurances that they need in order to consider prescribing more cannabis-based medicines.

I understand that NHS England is involved in discussions on two clinical trials for adults and children with epilepsy, and that Scottish patients will be eligible. That is very welcome. However, when it comes to treatment-resistant epilepsy and patients like Cole, who has been doing well on a cannabis-based product, we have to be aware that certain research methods would not be acceptable to all patients. With the go-to randomised control trial option, participants could end up on a placebo or on a different medication. Clearly, some patients and their loved ones would be reluctant to take part in such trials on that basis.

I would be interested to know more about a few other aspects of CBPMs. Perhaps the minister, in closing, could touch on how the chief medical officer has worked with doctors since the rescheduling to get feedback and develop protocols or guidelines; what role the CMO and the chief scientific officer can play in supporting, encouraging and facilitating relevant research; whether shared-care guidelines are under development; and whether the Scottish Intercollegiate Guidelines Network could develop general or condition-specific guidelines.

We should consider the role of general practitioners, too. I understand that some GPs have indicated that they would prescribe unlicensed cannabis-based medicinal products if they could, in particular when treatment has been initiated by a relevant consultant or when they

have seen at first hand the benefits to an individual patient. I call on the Home Office and relevant stakeholders to consider such options, in consultation with patient groups, GPs and others.

I am delighted to have kicked off this debate—the first in Scotland—on access to medicinal cannabis products. It is such a wide-ranging topic, and I wanted to spend some time talking about Cole Thomson from East Kilbride. Getting more evidence is key to widening the use of such products, and I want to see movement on that as soon as possible. I hope that I have given a flavour of just some of the opportunities and challenges in this area, and I look forward to hearing other members' contributions.

17:06

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** As we have heard, this debate on access to medicinal cannabis is a first for this Parliament—a very important first—and I thank my colleague Collette Stevenson for bringing it to the chamber.

As a co-convenor of the cross-party group on medicinal cannabis, I know that a debate on the issue is long overdue. We have heard Collette Stevenson's heart-rending account of her constituent Lisa Quarrell and her son Cole. As a mother, I cannot imagine the stress and heartache of having to fight every day to keep my child alive and facing the constant worry of how to pay for private prescriptions for the drug on which they depend. About 40 other mothers in Scotland have children who have severe epilepsy and, like Lisa, they have to do that every day. That is not to mention the thousands of chronic pain sufferers and those with conditions for which cannabis can relieve the worst symptoms.

Cannabis is the oldest medicine in recorded history—there is evidence of its medicinal and religious use for more than 4,000 years, so it is not a new drug. However, it is clear that there is stigma around the use of it. I think that it is the psychoactive aspect that scares people, but medicinal cannabis has very low levels of tetrahydrocannabinol, or THC, which is the psychoactive component, so the benefits of its use far outweigh the element of risk regarding side effects.

I make it clear that cannabis for medicinal use is not about people looking to chill out and have a good time; it is about giving people quality of life and pain relief when other drugs have failed to do that. Why should sufferers be denied that simply because of ill-informed prejudice?

The Misuse of Drugs (Amendments) (Cannabis and Licence Fees) (England, Wales and Scotland) Regulations 2018 allow for cannabis-based

medicines to be legally prescribed for any condition. Thomas Mulvey of the MS Society Scotland has for some time been calling on the Scottish Medicines Consortium to approve Sativex. Cannabis-based Sativex has been shown to be hugely beneficial in treating symptoms that are associated with MS, and it will be considered by the SMC later this year.

As my colleague Collette Stevenson said, the MS Society's UK-wide report into Sativex found that 22 per cent of people living with MS had accessed "illegal forms of cannabis".

**The Minister for Mental Wellbeing and Social Care (Kevin Stewart):** As Ms Mackay and Ms Stevenson have pointed out, there is a licence for Sativex for the treatment of moderate to severe cases of multiple sclerosis. However, the manufacturer has not yet made a submission to the SMC and, as a result, Sativex is not yet recommended for routine use on the NHS in Scotland.

The SMC remains in discussions with the manufacturer of Sativex regarding its plans for submission, but the decision on, and the timing of, a submission will be up to the manufacturer. Members might want to encourage the company to make a submission, but until it does so, there is nothing that we can do. I want to let members know that that is the case with regard to this very important issue.

**Rona Mackay:** I thank the minister for that clarification. That is really interesting, because the MS Society's report found that 22 per cent of people living with MS had accessed

"illegal forms of cannabis to treat their ... symptoms",

which I find outrageous. I understand that Sativex gained Medicines and Healthcare products Regulatory Agency approval 10 years ago, and that MS sufferers are being forced to break the law to gain access to it, so I hope that the situation changes quickly.

Why are we not prescribing such a demonstrably effective drug? In Scotland, there are currently no NHS patients receiving CBPMs, and, in the UK, there are only three. The international data tells a different story, but I do not have time to outline that.

The barriers to prescribing include the National Institute for Health and Care Excellence guidance, which, as I understand it, is not legally enforceable in Scotland and is not legally challengeable by Scottish patients. That is typical of the legal confusion that surrounds the prescribing of cannabis-based drugs. However, NICE has clarified that healthcare professionals in England should not feel

“prevented from considering the use of unlicensed ... products”

if it is appropriate for individual patients.

Although powers relating to the regulation of medicines and medicinal products are reserved, funding for cannabis-based products through NHS prescriptions is a devolved issue. Only specialist doctors on the General Medical Council's special register can prescribe unlicensed cannabis-based products for medicinal use. GPs cannot, or will not, prescribe them. Around the world, prescribing is done mostly through primary care, but for some reason the UK has gone down the route of allowing only specialists to prescribe.

Weak clinical evidence is also cited as a barrier, but I would argue that the thousands of patients whose lives have been immeasurably improved by such products are evidence that they should be prescribed. There is also the fear factor among clinicians, along with a lack of awareness and training. The GMC, which is responsible for overseeing medical practitioners in good prescribing practice, is working with clinicians on the prescribing of CBPMs. However, it would appear that many NHS clinicians fear being struck off if they prescribe such products.

I believe that it is possible for Scotland to lead the way on cannabis research. My time on the cross-party group has been a huge learning curve for me. The issues around prescription are embedded in a legal minefield, but I am optimistic that that will change soon. The Cabinet Secretary for Health and Social Care is liaising with the UK Government on the need to build the evidence base for CBPMs, and he believes that the UK Government and the Scottish Government could work together to achieve that.

In conclusion, I urge the minister to ensure that the issue is taken forward and clarified in Scotland without further delay, and to look at international evidence, get the trials under way and sort out the legal complexities. The lives of thousands of patients—old and young—depend on it.

17:12

**Craig Hoy (South Scotland) (Con):** I thank Collette Stevenson for bringing to the chamber this timely members' business debate on exploring access to cannabis-based products for medicinal use. As we have heard, the situation is complex, and there is a lot of emerging evidence. Nonetheless, I hope that holding this first debate in the chamber will focus the minds of members so that we can track the wider debate more closely.

As Collette Stevenson said, this subject takes us into new territory involving access, trials and new approaches to treating complex medical needs such as those relating to MS. I recognise—

as, I think, my party does—the important role that medicinal cannabis plays, and I acknowledge that it can be a critical lifeline for patients. We can take, for example, the case of Alfie Dingley, a 10-year-old boy from Warwickshire, who suffered up to 150 seizures a week. His mother launched a high-profile campaign that was recognised by the UK Government and helped medical cannabis to become legal in the UK in 2018.

Following that campaign, Alfie has been able to grow up without experiencing a seizure for more than two years since receiving support through the NHS. Unfortunately, however, Alfie's family are currently forced to seek private treatment to access the drug, which costs up to £2,000 a month. That is clearly a serious financial burden that many patients and parents who seek to use medicinal cannabis simply cannot afford. It will undoubtedly be a source of great frustration that such drugs are not easily accessible for parents whose children are clearly suffering or in pain. I do not think that any parent should be forced to go down the route of illegally accessing drugs in order to relieve the suffering of their children when there is a responsible and legal alternative.

UK Government ministers are well aware of the issues, and I am encouraged to hear that ministers are working to reduce the import and export costs for medicinal cannabis. It is important that we explore every option to ensure that there is greater access to the drug for medicinal use.

NICE believes

“that more evidence is needed”

to justify the prescription of unlicensed cannabis products. To that end, we must ensure that patients are treated effectively with medicinal cannabis and are not adversely affected by any negative side effects of the drug. Again, that is an area in which trials are important.

It is also important that each case is judged individually by a clinician, and I believe that the decision should remain solely with them, but there is a case for greater understanding of the role of different clinicians, including general practitioners. I warmly welcome the work of the UK Government in that area: 13 trials are on-going in the UK, and a further six have been completed. I look forward to further clinical trials and to the greater use of an evidence-based approach and observation-based trials, which will be critical in future development.

In addition, two new clinical trials involving the treatment of refractory epilepsy are being developed by the National Institute for Health and Care Research and NHS England. We warmly welcome those trials and look forward to their results.

It is important that we have an evidence-based approach and that we discuss this issue in the Parliament and elsewhere, and I look forward to following that debate, both in the Parliament and in the wider UK context.

17:15

**Pauline McNeill (Glasgow) (Lab):** I give sincere thanks to Collette Stevenson for hosting the first ever debate on medicinal cannabis. She should be proud of that. I also thank Rona Mackay, my co-convenor of the first ever cross-party group on medicinal cannabis; Anna Ross, the secretary to the group, who is in the gallery; and Kate Spence and Rona's staff, who have supported the setting-up of the group. Having a forum for the big issues is making a huge difference to cannabis patients. The question now is whether we are making enough progress.

Cannabis is the oldest recorded medicine in history; it is not a new medicine. Lots of people get relief from it. However, there are so many barriers to what should be a basic and fundamental right of access to a treatment that gives people relief from pain and the ability to do things in their life that they previously could not do. Some people get incredible relief from that.

Even though the UK legalised access to cannabis in late 2018, it is prescribed only as a last-line treatment, when all other treatment options have failed. We need to work to change that. We have heard that cannabis has changed the lives of some people—especially children, such as Cole Thomson. It is frustrating to see parents such as Lisa Quarrell in financial peril—in Lisa's case, trying month after month to access Bedrolite for Cole's epilepsy, whereas Dutch patients can access it at a not-for-profit cost at a Dutch pharmacy. The seizures that accompany types of drug-resistant epilepsy can be life threatening. It is important to note that many young children are in that situation.

Rona Mackay and I are due to meet Police Scotland to get clarity on a number of cases in which patients who have legally-prescribed cannabis still face court action because of a lack of understanding on the front line. I am sure that we can get that resolved. It is really important.

In a situation similar to that of Lisa and Cole, Tannine Montgomery's six-year-old daughter Indie-Rose has drug-resistant epilepsy. Tannine has said that the family flew to the Netherlands to obtain medication from a Dutch doctor, using a private UK prescription, because the NHS refused to pay for it, and that she has spent £34,000 and broken the law to keep her daughter alive. We certainly cannot expect families to continue to take such risks—frankly, it is immoral.

As others have said, there is evidence that medicinal cannabis helps to relieve MS-related spasticity—the muscle spasms or stiffness that affect up to 80 per cent of people who have MS. Sativex is the main product that is available in England and Wales for that. As Rona Mackay said, the NICE guidelines recommend offering a four-week trial of Sativex to treat adults with MS. In Scotland, the issue has been that the manufacturer did not make a submission to the Medicines Consortium, so Sativex is not routinely available. However, it is due to be considered later this year.

The MS Society produced a report into that, and found that 22 per cent of those living with MS had accessed illegal forms of cannabis to treat their symptoms. That just seems very wrong. As I have previously said in the Parliament, one of the reasons why I set up the cross-party group is that my own father, who had acute pain from arthritis, said that, if cannabis ever became legalised, he would use it. It is a testament to him that I have championed this cause.

As is the case with many other cannabis-based medicines, although Sativex can be accessed via private prescription, doctors are often hesitant to prescribe it without SMC approval. There is a big issue about doctors' confidence, and some confusion about who can and who cannot prescribe. Medicines can be legally prescribed by specialist doctors on the GMC specialist register, if there is a special clinical need, but GPs cannot prescribe unlicensed cannabis-based products for medicinal use under the current rules. I believe that changes are needed.

It is time for a serious change to the policy on, and the delivery of, access to medicinal cannabis. We need to make sure that trials are appropriate for such a use. We raised the issue three years ago with the chief pharmaceutical officer, but we have made very little progress. We should empower doctors—and patients, who need this because it changes their lives. I look forward to the minister's reply.

17:20

**Emma Harper (South Scotland) (SNP):** I welcome the opportunity to speak in the debate, and I congratulate my friend and colleague Collette Stevenson on securing it. I thank my office manager, Scott McElvanney, for his assistance and research that helped me to prepare. It has been interesting to hear directly about the impact on Cole's life, and about Lisa's experience, and it is important that the debate is being held.

Just as synthetic drugs can help some conditions and not others, it is important to note that cannabis is not a one-size-fits-all line of

treatment. In addition, when it comes to discussing the legalisation of cannabis, it is important that we make the distinction between recreational purposes and medical treatment. In legalised forms of medicinal cannabis, the benefits come from chemical elements in the plant. I absolutely recognise and agree with Rona Mackay about the stigma that is associated with that. It is important that we highlight the medicinal effects—not the THC effects that other people might seek.

The benefits are becoming more evident through proper clinical trials and research, both globally and at the University of Glasgow. The research suggests that the benefits of cannabis come from some of its compounds, which are cannabinoids such as cannabidiol—CBD. Interestingly, Hilltop Leaf Ltd, which is a private medicinal cannabis cultivation and extraction business that aims to provide a plant-based clinical treatment as an alternative to synthetic pharmaceuticals, has opened a site in Dumfries and Galloway with South of Scotland Enterprise funding, and is growing cannabis for medicinal research and use.

Those compounds can translate to multiple physical benefits. When I worked as a post-anaesthesia care nurse, pain management and pain relief were a critical part of my job, whether I was giving, intravenously, morphine, diamorphine or paracetamol. That was acute pain management. However, a lot of those drugs are also used in chronic pain management, so I was interested in the evidence from the various clinical trials, which has generally agreed that medicinal cannabis reduces pain, by altering pain pathways in the brain.

The evidence from the studies shows the benefits of cannabis-based drugs for patients with arthritis, fibromyalgia, endometriosis and migraine. In some instances, those drugs are reported to help to replace the long-term use of non-steroid anti-inflammatory drugs—NSAIDs—such as ibuprofen, which also have negative side effects. That means that CBD can help to reduce inflammation. Clinical trials have been carried out for patients who live with Crohn's disease and irritable bowel syndrome and rheumatoid arthritis. In every one of those studies, cannabis-based medication decreased inflammation and led to increased independence, and greater wellbeing for patients—which we should absolutely support and pursue.

Due to the effects on the limbic system, research is being carried out—including, in Scotland, by the University of Glasgow—on the ability of cannabis-based medication to treat anxiety, epilepsy, multiple sclerosis, Parkinson's disease, post-traumatic stress disorder and even Tourette's syndrome, and insomnia. Clearly, there

is a body of international evidence on the benefits of medicinal forms of cannabis, and we should be further exploring regulated forms of medicinal cannabis for prescription here in Scotland.

Following the changes to the misuse of drugs legislation in 2018, cannabis-based products can be prescribed in cases of special need. I am aware of three products: Epidiolex, Sativex and Nabilone. Epidiolex is recommended for prescription in Scotland, but we there have been difficulties from general practitioners about the way that the drugs can or cannot be prescribed.

The Royal College of General Practitioners says that it has been pressurised into prescribing unlicensed medicinal cannabis products.

That happens because patients with life-limiting conditions read social media posts about the benefits of medicinal cannabis products. The RCGP has shared its concerns about the lack of availability of medical cannabis products. I encourage the minister to support GPs by taking forward clinical guidance and by looking at the education that is available to patients and clinicians about those products.

I am conscious of time. I agree that medicinal cannabis compounds and products have many benefits and I encourage the Scottish Government to continue supporting clinical research into those products to improve the outcomes for folk whose health conditions are totally life-limiting.

17:25

**Alex Cole-Hamilton (Edinburgh Western) (LD):** I am pleased to rise for my party to speak in this important debate. I congratulate Collette Stevenson on bringing the debate to Parliament and on an excellent speech that summarised the barriers that a number of members have faced in trying to help constituents. I will come to that subject.

Many of us write weekly newspaper columns. I vividly remember writing one to celebrate the decision by the Home Office to issue the first long-term licence for the personal use of medical cannabis. That was four years ago, yet today, as we have heard, most patients who could benefit from cannabis therapy do not have access to it through the NHS.

My constituent Murray Gray, who I have mentioned many times in this chamber, is now nine years old. He has a profound and complex form of epilepsy that regular medication just cannot touch. In early 2019, Murray's epilepsy took a dramatic turn. He entered what is known as status, which is a condition in which the seizures just will not end: it is a rolling thunderstorm in Murray's brain. Murray would not come round. He

was having literally hundreds of life-threatening seizures every day and it is highly likely that he would have died, had his mum, Karen Gray, not moved heaven and earth to obtain a private prescription from the Netherlands for Bedrolite, a cannabis oil.

Karen administered the medicine to Murray herself. Within a short time, Murray's seizures dropped away altogether. Karen knows that, if she were to stop giving him his daily dose of cannabis oil, Murray would return to a state of near constant seizure. She has had to find £1,300 every month to pay for that prescription which has, at times, brought her family to the edge of financial ruin. The problem is that, although Murray's GP is willing to prescribe the oils, he is not on the approved list of clinicians who can do so and none of those who are on the list are willing to prescribe for Murray.

That is the point that I would have made during Collette Stevenson's speech. We encounter that problem time and time again. There is a catch-22 situation in which people who know their patients are unable to prescribe for them, while consultants on that very short list are unwilling to. That is not because they think the drug might be bad for Murray; they are not entirely sure about the drug because of the lack of UK trial data and probably also have some residual anxiety about how the use of cannabis therapy might jar against the Misuse of Drugs Act 1971.

Murray is not the only person struggling to get the help that he needs. In the whole of the UK, only three NHS prescriptions have been issued for some of those therapies. Murray's older brother Dean hand-delivered a letter to Bute house asking the First Minister to help his mum cover the costs. The reply was that there was not enough evidence that Murray's treatment is safe and that the Government is powerless to act.

That treatment is literally keeping Murray alive. It is hard to see how stopping it would be safer than taking it. Three children in the UK already have an NHS prescription. If it is safe in those circumstances, it is surely safe for Murray. I understand that the Government cannot compel clinicians to write scripts, but it can support Karen and others who find themselves in a similar position. The Government must also do all that it can to ensure that clinical trials of medical cannabis are conducted to give clinicians the confidence that they need.

There are also cases of the police being behind the curve. A man in Shetland who uses medical cannabis for chronic migraines recently had that confiscated when the police claimed that he had not provided satisfactory evidence that it was being legally prescribed. It was not until my colleague Beatrice Wishart intervened that the

cannabis was returned to him, but he had already been issued with a police caution and would have to go through the process of appealing against that.

There is clearly a need for an across-the-board liberalisation of medical cannabis. Outdated views and unnecessary taboos too often get in the way of the immense benefits that those treatments can provide. For the sake of Murray and others like him, we must all catch up with the science.

17:29

**Tess White (North East Scotland) (Con):** I am grateful to Collette Stevenson for securing time for this debate. At the outset, it is important to acknowledge that people who are seeking to access cannabis-based medicine are often in significant pain and have a diminished quality of life. It is very difficult to ignore the desperation that they feel, especially when the health and wellbeing of children is involved. Collette Stevenson mentioned Cole Thomson, who, at not even 10 years old, suffered up to 20 epileptic seizures a day before being privately prescribed cannabis oil. That must have been unimaginably distressing for him and his mum, Lisa, who has been a tireless advocate for her son.

In particular, patients feel a deep frustration that, although the scheduling of cannabis-based products changed in 2018, clinical use remains low and is only for specific conditions and in exceptional circumstances. Many people have sought private treatment, which has significant cost implications. As we have heard, the costs sometimes amount to hundreds and even thousands of pounds a month, which is simply not a sustainable financial outlay.

Others have accessed illegal forms of cannabis to treat symptoms. Research by the MS Society has shown that almost a quarter of MS sufferers have obtained cannabis-based products that are illegal to possess. Often, the strength of THC and the quality of the ingredients in those products are not known, and there is potential to cause harm to the user.

It is also important to note that the prescribing regimes for medicinal cannabis are different in England and Scotland. That geographic disparity is felt acutely by sufferers of MS north of the border, where Sativex has not been approved by the Scottish Medicines Consortium. I understand from the Scottish Parliament information centre—the minister has confirmed this today—that that is because the holder of the NHS marketing authorisation has not made a submission for the product. I hope that there will be some action following today's debate.

Although the therapeutic benefits of cannabis-based products for certain conditions have been conclusively demonstrated, there is a risk that such products could be seen as a panacea by people who are in acute pain and discomfort. As those individuals seek to effectively manage their conditions, clinicians and healthcare professionals are trying to manage patient expectations. Doctors are professionally responsible for any medicine and have to weigh up an individual's suffering as well as their safety. However, we do not want people to turn to the illicit market and the harms that that could involve.

It is for clinicians and not politicians to determine the risks and benefits of medicinal cannabis. However, I agree with Collette Stevenson's call for further research in the area, with high-quality and robust clinical trials to contribute to the evidence base. I understand that there are more than a dozen on-going trials in the UK, which is welcome.

I conclude by echoing the calls for collaboration and co-operation between the Scottish and UK Governments on the issue. The UK has a thriving life sciences sector that is at the forefront of scientific research, and we must capitalise on that expertise across the four nations.

17:34

**Monica Lennon (Central Scotland) (Lab):** I congratulate Collette Stevenson on securing the debate and bringing together members from across the chamber who, it is clear, are very passionate and concerned and want to make progress on the issue. It is always good in members' business debates when we find out what members really care about. It is also really good that we now have a cross-party group on medicinal cannabis. That is a forum for change to happen, and I hope that, in due course, one of the ministers will be able to come along to it.

As a member of that group, I am pleased to be working with people across the Parliament and outside it. Therefore, it is good to see Anna Ross in the gallery, along with Lisa Quarrell. I can also see Councillor Monique McAdams, who has been a real ally and support to Lisa.

It cannot be left to individual parents and individual families to fight this battle; it is a battle for all of us. Much has been said about the barriers and the challenges, but the job that we have now is to focus on what we in the Scottish Parliament can do, rather than the things that we cannot do.

I spoke to Lisa about Cole's situation. She is anxious that we make progress not just for Cole but for anybody who needs the medication. Lisa pointed out to me that the SIGN guideline that we have in Scotland is now quite old—I think that it is

from 2013—so it is perhaps due an update. It would be good to hear from the minister in his closing speech what the situation is with that.

I will focus on Cole Thomson. I have mentioned him in the chamber before, so he is not a stranger to the Parliament or, indeed, to the First Minister or to Jeane Freeman, the former Cabinet Secretary for Health and Sport. When a parent has to become a carer for their child, it is absolutely exhausting but, when they also have to battle against systems and institutions and fight for everything, it is heartbreaking to watch. It is good that, in East Kilbride and Central Scotland, we have a number of MSPs who are willing to support Lisa, but change needs to come at Government level.

Cole is an exceptional wee boy. I have had the privilege of meeting him. What is really encouraging about his journey and the fact that he is now on the medication is not only that it is keeping him alive and seizure free, but that it has given him back his education and his hopes and dreams. I asked Lisa what Cole, who is nine and in primary 5, would say if he was here. She said that he said:

"I just don't want to go back to being sick again and to go back to being in a wheelchair. I want to be a black belt."

How wonderful is that? It is our duty not only to offer sympathy and warm words, but to show Cole and other children, such as Murray, what we will do to help them to realise their hopes and dreams. I think that Cole will achieve that black belt and a lot more, but he will need our help to get there.

It is also really important to mention the people who are willing to speak up and put their heads above the parapet. Mrs Graham is principal teacher in Cole's school. She talks about the difference that the medication has made to his life. She is really proud of him because of that. She has written to the NHS and the Cabinet Secretary for Health and Social Care, Humza Yousaf, to say that she has a duty of care to meet Cole's educational needs, but she also says:

"Surely you"—

not you, Presiding Officer, but the NHS and the cabinet secretary—

"also have a duty of care: a duty to ensure that Cole gets the correct medication and treatment to give him the best quality of life."

Tracy—I have forgotten her surname—from Unison, who works closely with Lisa Quarrell, reminds us that, in the NHS, we have the right to get treatment free at the point of need. Surely Cole has that right. Surely he has the right to grow up in Scotland with the right support and resources.

It has been a good debate. It has highlighted not only individuals who need support now, but the

fact that we need to get it right for the people who do not have a voice—the people whose mums are perhaps not quite as vocal as Cole’s mum. I am keen to hear what the minister has to say because I think that members are all on the same page. We all want to go in the same direction—we want to give little boys such as Cole Thomson hope and the route map to get to that black belt.

17:38

**The Minister for Mental Wellbeing and Social Care (Kevin Stewart):** I thank Colette Stevenson for lodging her important, comprehensive and fairly balanced motion, and I congratulate her on securing the first ever debate on the issue. She deserves plaudits for that.

Members have related the experiences of families who find themselves in painful and distressing circumstances, trying to do the best for their children. We have heard from many members how families have used their own money to access cannabis-based products through private prescriptions, and the further pressure that that has placed on already stretched family finances.

I thank all members for the tone of the debate, which I think is important as we move forward on the issue. I am sure that all of us can only have enormous sympathy for any family or any patient who finds themselves in this extremely difficult position, and we will all understand their desire to explore any avenue to help families or their loved ones.

I want to reflect briefly on what the Scottish Government has powers over in this area, the situation now and what we are seeking to do to try and help. At the moment, the regulation of medicines is a UK Government responsibility, which is undertaken by the Medicines and Healthcare products Regulatory Agency. Before a medicine is marketed, the manufacturer must demonstrate its safety, quality and efficacy. Applications for a marketing authorisation, also known as a licence, must include data demonstrating the medicine’s quality, safety and efficacy. The MHRA will consider that data before a licence is granted. I should also note that, when the law changed in 2018, it did not relate directly to providing such products in the national health service.

The rescheduling of products under the Misuse of Drugs Act 1971 did not alter the role of clinicians in deciding what treatments to prescribe to patients. Clinicians make those decisions on a case-by-case basis, taking account of the specific needs of the individual. Government ministers cannot and—I am sure that everybody agrees—should not intervene in those clinical decisions.

**Alex Cole-Hamilton:** I understand the limitations that the Scottish Government faces in helping such families, but it has the power to create bespoke benefits. The minister could work with ministerial colleagues to create a benefit to reimburse the very small number of families who currently have to fund prescriptions privately. Would the minister agree to consider that?

**Kevin Stewart:** Again, that is a difficult area. The Government is, of course, very well aware that families have spent substantial sums on private prescriptions for cannabis-based products. I hope that the Parliament will understand that the cost of treatment that has been sought privately must be met privately and must not consume funding that would otherwise be made available to the NHS.

However, we should strive to move the situation forward by underlining the importance of new products being developed and fully assessed, so that they can then be licensed and considered for general availability on the NHS here in Scotland. That is what we would all want to strive for, and that is what we should do.

**Pauline McNeill:** Can the minister respond, now or later, to this question: does the Government have any policy on how we can move the situation on? There are barriers to clinical trials. As Alex Cole-Hamilton and I have said, we raised the issue many years ago, but we do not seem to be making any progress on it. Doctors need confidence. I understand that it is Government policy to be in favour of what is advocated, but can the minister be specific about how the Government will unblock some of the ways in which people are being prevented from getting the products in question on the NHS?

**Kevin Stewart:** In my speech, I will try to explain how we plan to move forward on all of this. I do not have very much time left, Presiding Officer, so I hope that you may be a bit lenient with time, for what I do not cover in this speech, I will write to individual members about, on the issues that they have raised.

Since the changes in UK regulations, doctors on the specialist register of the General Medical Council have been able to prescribe an unlicensed cannabis-based product for medicinal use if that is clinically appropriate for their patients. Many members have spoken about GPs today. GPs may prescribe licensed cannabis-based medicines, subject to any restrictions under the product’s licence, but the law also allows GPs to prescribe unlicensed products, under the direction of a specialist as part of a shared care arrangement.

In Scotland, as was highlighted earlier, the only licensed cannabis-based product for medicinal use

is Epidiolex, which is licensed for severe epilepsy. That drug has been through randomised controlled trials and assessed by the MHRA and the Scottish Medicines Consortium. That means that, unlike other cannabis-derived products, it has been assessed for quality, safety and efficacy, as well as clinical and cost-effectiveness.

**Tess White:** Will the minister take an intervention?

**The Deputy Presiding Officer:** I will give a bit of time back to the minister.

**Tess White:** Will the minister recognise that there are different prescribing regimes in England and Scotland and that there is therefore a disparity? Can we do some work to bridge that?

**Kevin Stewart:** I do not think that that is quite right. I will get back to Ms White with some of the specifics. There is a huge amount of information in front of me about what GPs can and cannot do. I am not going to have time to read all that out today in the chamber. However, I will write to all members who have taken part in today's debate to outline how that works, if that would suit members.

Our clinicians are professionally and clinically responsible for any medicine that they prescribe, and the responsibility when prescribing an unlicensed product is greater than when prescribing a licensed medicine. That is why a clinician must be satisfied that there is sufficient evidence or experience of an unlicensed product's safety and efficacy before prescribing. If a clinician feels that it is not appropriate to prescribe a particular product, they do not have to. When the evidence base remains limited and there is not full clarity about the risks or harms, it is right that doctors are cautious about prescribing such products.

I will move on to some recent clinical guidelines, which demonstrate a clear need for more evidence on the safety, quality and effectiveness of unlicensed medicines to support routine prescribing on the NHS. That, as members know, is why access on the NHS remains limited and prescribing of such medicines happens almost entirely within the private sector. It is also why the Government continues to support the development of new clinical trials.

Current evidence for the medicinal use of unlicensed cannabis-based products is from small, low-quality observational studies and patient-reported outcomes. I hope that members understand that it would not be safe to allow for general access on the basis of such limited data. In the UK, in the past, we have, unfortunately, learned about the dangers of allowing new medicines to be given to patients before thorough testing of safety and efficacy. That is why we support the establishment of clinical trials led by

NHS England and the National Institute for Health and Care Research.

It might have been Emma Harper who asked about the chief scientific officer's involvement. He has been in discussions on those issues, too—*[Interruption.]*

**The Deputy Presiding Officer:** The minister needs to conclude.

**Kevin Stewart:** Those randomised control trials will involve two groups of patients—adults with epilepsy and children with epilepsy. For each group, there will be three arms: one with cannabidiol, which is known as CBD; one with tetrahydrocannabinol—commonly referred to as THC—which is the principal psychoactive constituent of cannabis; and one with a placebo. I understand that the study team will announce the plans for the trials as soon as possible, including when patient recruitment is expected to commence and when the trials will be complete.

It is essential—this was touched on earlier in the debate and in my response to Rona Mackay—that manufacturers come with us to conduct the research. Despite repeated calls, some in the cannabis industry have largely failed to invest in clinical trials, although GW Pharmaceuticals stands as a noteworthy exception.

I want to assure the Parliament that the Government has been clear and unambiguous in its support for exploring solutions in what is a very difficult situation. We are more than willing to work on a cross-party basis to ensure that we move forward on that. We are committed to working with clinicians, the UK Government and regulators. Crucially, we need manufacturers to take the steps that are needed on clinical trials, so that patients and families can get the help and support that they need as quickly as possible. If we can build an alliance across the chamber, we might be able to work well together to persuade those manufacturers to do exactly that.

**The Deputy Presiding Officer:** Thank you, minister. That concludes the debate. The minister referred to writing to each member who participated in this evening's debate. I request that he ensures that the Scottish Parliament information centre receives a copy of that so that the information is in the public domain.

**Kevin Stewart:** Absolutely.

**The Deputy Presiding Officer:** Thank you, minister. With that, I close the meeting.

*Meeting closed at 17:50.*



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