



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Meeting of the Parliament

**Thursday 27 October 2022**

**Session 6**



The Scottish Parliament  
Pàrlamaid na h-Alba

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# Scottish Parliament

Thursday 27 October 2022

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

## General Question Time

### Hydrogen and Electric Buses

1. **Brian Whittle (South Scotland) (Con):** To ask the Scottish Government whether it will provide an update on whether it anticipates meeting its target to have over 50 per cent of buses running on hydrogen or electric by the end of 2023. (S6O-01468)

**The Cabinet Secretary for Net Zero, Energy and Transport (Michael Matheson):** The Scottish Government set a high bar on the decarbonisation of Scotland's bus fleets. As a consequence, the proportion of zero-emission buses in Scotland is now three times higher than it is in other parts of the United Kingdom. We have invested £113 million to date, which is supporting 548 zero-emission buses and associated infrastructure.

I know that small and medium-sized enterprise operators face additional challenges. The Minister for Transport launched the market transition scheme on 10 August specifically to support SME operators to prepare for the next round of capital funding, which will be launched in spring next year.

**Brian Whittle:** Despite bold promises from the Scottish Government, the reality is that it looks as though it will fall well short of delivering a zero-carbon public transport system by the end of next year. Earlier this week, the Cabinet Secretary for Net Zero, Energy and Transport described hydrogen as

“Scotland's greatest industrial opportunity since oil and gas”,

which I absolutely agree with. Despite that, I can count on one hand the number of hydrogen refuelling stations in Scotland.

Does the cabinet secretary agree that the Scottish Government must support investment in hydrogen refuelling infrastructure now to give bus operators—and transport operators more widely—the confidence to commit to hydrogen as a fuel source and support the growth of a new hydrogen industry in Scotland?

**Michael Matheson:** The member might be aware that what I think is the largest hydrogen fuel cell bus fleet in Europe is operating in Aberdeen, as a result of funding support that came from the

Scottish Government. [Michael Matheson has corrected this contribution. See end of report.]

On the potential for hydrogen investment, I agree with the member that hydrogen refuelling is a key part of helping to give the industry confidence in the growth of the technology. However, the way in which bus decarbonisation funding operates is that it is agnostic on the technology. The vast majority of bus operators have chosen to invest in electric battery buses, many of which, fortunately, are built in my constituency, at the fantastic Alexander Dennis Ltd factory, which is a world leader in battery electric technology.

We want to make sure that bus operators can use battery electric or hydrogen fuel cell buses if that is what they choose to do, and that there is the right fuelling infrastructure to support them should they choose to go into hydrogen.

**Jackie Dunbar (Aberdeen Donside) (SNP):** I am aware of the difference that the Scottish Government's investment is making in my constituency, with Aberdeen benefiting from exciting new hydrogen vehicles.

The Scottish National Party has the huge ambition to decarbonise buses as one of our commitments on our net zero journey, while the UK Government seems, through its actions and rhetoric, to be committed to a war on nature and a race to the bottom on environmental standards. How does the Scottish Government's approach differ from what is happening elsewhere in the UK?

**The Presiding Officer (Alison Johnstone):** Answer on the substantive question, please, cabinet secretary.

**Michael Matheson:** The Scottish Government is investing in the member's constituency and in other towns and cities across the country in order to help to decarbonise the bus fleet. Aberdeen has benefited from Scottish Government funding to the tune of £12.7 million, which has supported 37 battery electric buses, and £7.5 million to support 25 hydrogen fuel cell buses. That is in addition to the decarbonisation of transport hydrogen bus support that we have provided through the Scottish emerging hydrogen economy programme.

I assure the member that we will continue to support our bus sector to decarbonise, including through improved connectivity, and that we will support the indigenous Scottish businesses that are world leaders in developing decarbonised bus fleets.

**The Presiding Officer:** Question 2 was not lodged.

### Deposit Return Scheme

**3. Maurice Golden (North East Scotland) (Con):** To ask the Scottish Government whether it can provide an update on the progress that has been made on a deposit return scheme. (S6O-01470)

**The Minister for Green Skills, Circular Economy and Biodiversity (Lorna Slater):** Scotland's deposit return scheme will begin on 16 August 2023. Good progress has been made in recent months. That includes the scheme administrator signing contracts for its logistical and information technology services, the start of construction of the sorting centres and significant financial investment being made by the service providers and retailers, as well as there being £18 million loan funding from the Scottish National Investment Bank and the Bank of Scotland. With just under one year to go until the scheme goes live, businesses are preparing for launch and are working closely with the scheme administrator, Circularity Scotland, to ensure that they are ready.

**Maurice Golden:** The minister and I both want deposit return to succeed, but industry is worried that the scheme is turning into a car crash. Its concerns are mounting about the huge costs of the scheme; about labelling and point of sale not being clarified; about an online take-back system that is impossible to deliver as planned; about the complete lack of information on collection services; about the risk of dealing with broken glass; about product lines being withdrawn; and about the utter lack of central guidance from the Scottish Government or the secretive company that it has created. Will the minister publish the latest gateway review from May and accept that action must be taken before it is too late?

**Lorna Slater:** I thank Maurice Golden for the question and, as always, for his interest in the scheme being a success.

We are now looking at the scheme's operational details and are engaging very closely with industry, stakeholders, the Scottish Environment Protection Agency, local authorities and Circularity Scotland. We are at the stage of working out exactly the details about which the member has asked. The legislation that the Parliament passed is quite broad, which means that industry has the opportunity to adapt the scheme to its specific needs.

That is the stage that we are at. We are making the scheme work for industry and we are doing that by working closely with it. I am very confident that the scheme will be a success and that it will launch on 16 August next year.

### Health Service Equipment (Protection)

**4. James Dornan (Glasgow Cathcart) (SNP):** To ask the Scottish Government what resources are available to protect important equipment within the health sector in the event of incidents such as fire or floods. (S6O-01471)

**The Cabinet Secretary for Health and Social Care (Humza Yousaf):** All national health service boards have developed fire risk assessments and flood risk assessments of NHS sites to help to manage and mitigate the risks of fire and flooding. Assessments using the NHS fire code guidance are required in all hospitals and other NHS buildings from which healthcare services are provided.

As part of the wider programme of work to understand the risks of climate change, NHS Scotland Assure has prepared climate change impact assessments and flood risk assessments for each health board to identify current and future climate risks—including flooding—to equipment and services.

**James Dornan:** Does the cabinet secretary agree that we should investigate all angles in order to protect the environment? Is he aware of the good work that scientists who are working with the University of Glasgow and Strathclyde University are doing on protection of goods and of equipment that is used in hospitals, in case of floods? Is he also aware that one such product was launched at the 26th United Nations climate change conference of the parties, or COP26? Will he agree to investigate that work further to find out whether there are, in Scotland, any more potential solutions of which we are as yet unaware?

**Humza Yousaf:** Yes, I will happily investigate that. I am aware of the technology to which James Dornan referred. In fact, my colleagues Ivan McKee and, in her constituency MSP capacity, Kaukab Stewart, went to see the automated flood tent that was developed by Mr Mohammed Iftkhar in his role at the University of Glasgow. I am absolutely aware of that work. Of course, Mr Dornan is welcome to provide me with more detail, which we would pass on, through the appropriate channels, to our NHS national procurement service.

### Independent Fiscal Forecasts

**5. Michael Marra (North East Scotland) (Lab):** To ask the Scottish Government what its position is on whether independent fiscal forecasts should be published alongside significant fiscal policy events. (S6O-01472)

**The Deputy First Minister and Cabinet Secretary for Covid Recovery (John Swinney):** Following the devolution of tax and social security powers to Scotland, the Scottish Government set

up the independent Scottish Fiscal Commission, which has provided credible independent forecasts to Parliament and the Scottish Government since 2017. The Scottish Fiscal Commission Act 2016 requires the commission to produce at least two forecasts each financial year, containing its five-year forecasts of the economy, demand-led social security benefits and receipts from the devolved taxes, non-domestic rates, income tax attributable to a Scottish rate resolution and assigned VAT receipts. The Scottish Government will always respect the commission's role and our budgets will always be accompanied by its independent forecasts.

**Michael Marra:** Last month, the Tory Government's refusal to publish fiscal projections led to a collapse in our currency and to economic misery that will endure for years to come. Last week, Scottish National Party MPs voted for those fiscal projections to be published immediately. However—I find this to be scarcely believable—the SNP Government is refusing to publish its fiscal projections to accompany its economic policy, in the document that I have here. Can it really be true that the Scottish Government will provide no fiscal framework prior to its proposed referendum?

**John Swinney:** I am glad that Mr Marra has some really good reading material. It might help to change his mind about a few things and improve his views about certain questions.

Essentially, Mr Marra answered his own question in how he put it to me. The fiscal chaos that has been created by the United Kingdom Government is hardly a backdrop against which to make a dispassionate assessment of the condition of Scotland's finances, because of the mess that the UK Government has created. As Mr Marra knows, this Government believes in fiscal responsibility, and we stand on our record for fiscal responsibility. We have delivered fiscal responsibility and we will continue to do so.

**Willie Rennie (North East Fife) (LD):** The Deputy First Minister is doing his usual huffing and puffing because, I suspect, he has been caught following Liz Truss's rulebook on fiscal probity.

Is not it time to be honest about the damaging impact of his plans for an independent currency for Scotland, and to publish an independent fiscal forecast for his dangerous plans for this country?

**John Swinney:** I have everything to learn about huffing and puffing from Mr Rennie, so I promise to be a faithful student of the art, as taught by him and, no doubt, by the other oracle of huffing and puffing, Jackie Baillie, on the Labour front bench.

When it comes to political honesty, Mr Rennie should be honest about the damage that he and his colleagues inflicted on this country by propping

up the Conservatives in 2010 and creating the agenda of austerity that has caused such misery for the people of this country.

### **Planning Policy (Mixed Energy Generation Methods)**

**6. Stephen Kerr (Central Scotland) (Con):** I huff and puff to ask the Scottish Government what consideration it has given in its planning policy to the role of mixed energy generation methods. (S6O-01473)

**The Minister for Public Finance, Planning and Community Wealth (Tom Arthur):** Our draft national planning framework 4 set out how planning and development will support our net zero ambitions by 2045. It proposed clear support for all forms of renewable energy and low-carbon fuel technologies, including transmission and distribution infrastructure, and energy storage. We have been giving careful consideration to the outcomes from the public consultation and the Scottish Parliament's scrutiny of the draft NPF4, and I will lay a revised version in the Parliament for approval shortly. We have been pleased with the broad support for the general direction of travel proposed in the draft NPF4.

**Stephen Kerr:** The most recent United Kingdom Committee on Climate Change report to the UK Parliament makes it clear that nuclear—particularly advanced module nuclear reactors—must be part of our energy mix, as a high priority, to deliver energy security. What is it that the Scottish Government knows that that committee does not which allows it to maintain its stance that nuclear is superfluous to Scotland's energy future?

**Tom Arthur:** The muted applause from the Conservative benches suggests that Mr Kerr is in a minority of one with that particular view.

The Scottish Government is clear about its policy: we do not support new nuclear fission power stations. With regard to small modular nuclear reactors, they are very much still at the design and licensing stage, so their economic competitiveness remains unproven.

**Stephanie Callaghan (Uddingston and Bellshill) (SNP):** Will the Scottish Government include initiatives to respond to a range of barriers that currently act as a disincentive to planning for further solar deployment? Will the new energy strategy include targets to grow Scotland's solar generation capacity, which is currently around 3 per cent of the UK total?

**Tom Arthur:** The Scottish Government recognises the importance of energy generated from solar power in contributing to the decarbonisation of Scotland's energy supply and helping us to meet our targets for a net zero emission society by 2045. In support of that aim,

we will consult on a solar vision for Scotland as part of the draft energy strategy and just transition plan. The vision will consider the key barriers to enabling greater development of solar and will set out the commitments that the Scottish Government will make in order to reduce such barriers and encourage greater deployment of solar in Scotland.

I am pleased to confirm that we are also bringing forward our consideration of permitted development rights for domestic and non-domestic renewable energy equipment, including non-domestic solar panels. We intend to consult on that early in 2023, which I hope will be welcomed by members across the chamber.

### **United Kingdom Government Fiscal Policy**

**7. Colin Beattie (Midlothian North and Musselburgh) (SNP):** To ask the Scottish Government what the implications will be for its budget of recent changes in the United Kingdom Government's fiscal policy. (S6O-01474)

**The Deputy First Minister and Cabinet Secretary for Covid Recovery (John Swinney):** The UK Government did not engage with the Scottish Government on the most recent changes in fiscal policy for our budget. We face the prospect of further reductions as it tries to manage the damage caused by the Conservative mini-budget some weeks ago. Indeed, the Chancellor of the Exchequer himself has warned about "decisions of eye-watering difficulty".

I have just completed a call with the new Chief Secretary to the Treasury, who has assured me that there will be dialogue with the Scottish Government in advance of the UK Government's autumn statement on 17 November. I welcome that assurance. With inflation eroding the real-terms value of our budget by £1.7 billion since it was introduced in December, the UK Government needs to use the autumn statement to set out how it will protect public services, households and businesses from inflation and the cost crisis, and rule out a return to austerity.

**Colin Beattie:** The U-turns that have been made by the UK Government have caused great uncertainty for many Scots, with mortgage products being pulled and the pound crashing. That has only been made worse by the UK Government's unwelcome delay to its budgetary plans, which the chancellor announced this week. People need certainty and stability. Does the Deputy First Minister agree with me that the only way in which we can provide certainty for Scotland's economic future is through the full powers that independence would bring?

**John Swinney:** I agree with Mr Beattie on the central premise of his question. One of the key

points that were made in the 2014 referendum campaign by those who argued for the union was that it offered fiscal certainty. Any independent observer looking at the events of the past few years—not just the past few weeks—would understand the fiscal and economic damage that has been done as a consequence of our continued participation in the United Kingdom. That includes the economic effects of Brexit, which everyone knows is having a negative effect on economic performance and migration, and the mind-numbingly damaging decisions that were taken in the mini-budget, which will create economic hardship for people in this country, who will lose homes and jobs as a consequence of the unnecessary increases in interest rates.

Mr Beattie makes a strong argument. I am delighted to associate myself with it and to ensure that it will be put to the people of our country.

### **People's Plan for Action**

**8. Ross Greer (West Scotland) (Green):** To ask the Scottish Government what its response is to the people's plan for action published earlier in October by the Scottish Trades Union Congress, the Poverty Alliance, Living Rent and a number of other groups. (S6O-01475)

**The Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison):** The cost of living crisis is the most immediate challenge to people and businesses across Scotland, and I am keen that we work together to do what we can to support those who most need help.

We are already providing significant support for households to mitigate the impacts of the cost crisis. By the end of March 2023, we will have invested almost £3 billion in a range of measures for households, supporting energy bills, childcare, health and travel, as well as social security payments that are either not available anywhere else in the United Kingdom or more generous here.

We are making hard choices to prioritise spending, redirect resources and find savings so that we can provide support and reduce burdens where we can.

**Ross Greer:** I welcome the cabinet secretary's answer. Enforcing fair work practices is one of the campaign's nine key asks. Requiring all those who seek public sector grants to pay at least the real living wage would be an example of such enforcement and was a commitment that was made in the Bute house agreement between the Scottish Greens and the Scottish Government. Will the cabinet secretary therefore confirm that the Scottish Government intends to implement that conditionality as soon as possible?

**Shona Robison:** We remain fully committed to strengthening our approach to conditionality, including payment of the real living wage and channels for effective voice. It is clear that fair work, including fair pay, is more important than ever given the cost of living crisis. We will use all the levers that we can to support people who are affected most.

As we committed to doing in the Bute house agreement, we will introduce a requirement for organisations seeking public sector grants to pay at least the living wage to all employees and to provide appropriate channels for effective voice, subject to the limits on devolved competence. Ministers will confirm the detail of the conditionality on public sector grants in the coming weeks.

## First Minister's Question Time

12:00

### Independence (European Union Membership)

**1. Douglas Ross (Highlands and Islands) (Con):** Today, it has been revealed that senior European Union officials said this about the Scottish National Party's plan to rejoin the EU: "No euro, no membership". That is a direct quote. However, that is not what Nicola Sturgeon's economic paper from last week said. Who is lying to the Scottish people? Is it the European Union or Nicola Sturgeon?

**The First Minister (Nicola Sturgeon):** Before I come directly to the issue that Douglas Ross raises, I will say that the party that told us in 2014 that independence would take away our European Union membership and then went on to take us out of the European Union will not have any credibility whatsoever on matters European from here on in.

I read with interest the article in *The Times* this morning—as always, it was good journalism, as would be expected—but it was based on, I think, four unnamed sources. I am not saying that they have no legitimacy, but I will give some named sources and, in the words of Douglas Ross, some direct quotes.

"Not all countries in the European Union will join the euro."

That was said by former Prime Minister David Cameron.

"They're not going to force us to join the euro".

That was said by highly respected former Labour MEP David Martin.

"No country has ever been obliged to join the euro",

said Graham Avery, former senior adviser at the European Policy Centre. Just yesterday, the deputy director at the Centre for European Reform said, "I'm not a Scottish nationalist, but euro membership doesn't get forced on member states."

Lastly—[*Interruption.*]

**The Presiding Officer (Alison Johnstone):** Thank you, members.

**The First Minister:** Douglas Ross does not want to listen to any of that. I know that he often flip-flops on whether he agrees with Tory leaders, but clearly he is now disagreeing with David Cameron as well.

Here is another one:

"I have no intention of forcing countries to join the euro if they are not willing or not able to do so."

That was said by the former President of the European Commission itself. If quotes are not enough, how about hard evidence? Many countries in the European Union still use their own currency. *[Interruption.]* I am being asked to name them: Bulgaria, Hungary, Poland, Romania and Sweden, which has been a member state since 1995. There we are, Presiding Officer—we have direct quotes and hard evidence.

Finally, if Douglas Ross wants to have this debate, I would welcome it. Here is my challenge to Douglas Ross: let's have a referendum and have these debates with the Scottish people.

**Douglas Ross:** That is desperate, desperate stuff from Nicola Sturgeon. What she did not quote—*[Interruption.]* The SNP members are all applauding my point that it was desperate stuff because they know that Nicola Sturgeon did not say that one of the criteria for countries that are entering into, rather than being currently in, the European Union is to join up to the euro.

Nicola Sturgeon has been pretending that her plan to break up the United Kingdom would mean that Scotland rejoins the EU, but that is not true. The reality, according to those multiple EU officials, is that a Scotland separated from the United Kingdom would be refused entry unless it agreed to join the euro.

The First Minister's big plan is to break Scotland away from our biggest trading partner by far—the United Kingdom—with nothing to show for it, in the middle of a global inflation and cost of living crisis. She wants to put families and businesses through that in the next 12 months. How can that possibly be the First Minister's priority right now?

**The First Minister:** First, what Douglas Ross refers to as “global inflation” just happens to be higher in the UK than around most of the rest of the globe right now because of the economic and financial incompetence of the Conservative Government.

Let us return to the matter at hand. The criteria that he refers to, which are actually the Maastricht criteria, was in place when Sweden joined the European Union 27 years ago. Sweden—*[Interruption.]*—kind of proving the point that I am making—

**The Presiding Officer:** First Minister, if you could just give me a moment, please. I would like to be clear that I wish everyone in the chamber and beyond to hear the First Minister and, indeed, whoever should be speaking at any point.

**The First Minister:** Douglas Ross shouts from a sedentary position, “Well, what about the euro?” It is the euro's position that I am talking about. Sweden is not in the euro, and the former

president of the European Commission, said—let me quote this again—that there is

“no intention of forcing countries to join the euro if they are not willing ... to do so”.

That was in 2017, not 27 years ago. Unfortunately, the “direct quotes” of the named people whom I have quoted today, and the hard evidence from other EU member states, disprove the point that Douglas Ross is seeking to make. It is utterly pathetic and desperate.

If he wants to put it to the test, let us allow the Scottish people to look at all of these things and make a decision in a referendum. That, after all, is the democratic thing to do. Let us not forget that the future that the vast majority of people in Scotland want—one that is inside the European Union—is now only available to Scotland if we become independent.

**Douglas Ross:** What is utterly pathetic and desperate—the First Minister is fiddling away through her folder, so if she can find this, it would be great—is using a quote from someone saying that a country seeking to enter into the European Union does not have to join the euro, because all her collected quotes have been about countries that are already in the EU.

When we need the focus to be on funding our front line here, in Scotland, the Scottish Government has poured resources and taxpayers' money into an economic paper that the EU rubbished in less than a fortnight. Let us just run through the facts of that flimsy plan.

The First Minister has no idea how to tackle the deficit. There is not a word on all the taxes that she will have to hike. There is silence on all the public—*[Interruption.]*

**The Presiding Officer:** Mr Ross, just give me a moment. Members, I would like to hear Mr Ross, please.

**Douglas Ross:** They do not want to hear this, so let me start again. Let us run through the facts on Nicola Sturgeon's flimsy plan. The First Minister has no idea how to tackle the deficit. There is not a word on all the taxes that she will have to raise. There is silence on the public services that will be cut. She wants to separate Scotland from our biggest trading partner, bringing in—in her own words—“a hard border” and risking 500,000 Scottish jobs that depend on UK trade. She would abandon the pound. She has no plan to pay for pensions and no security for people's mortgages. So, let me ask the First Minister this. Why, oh why—*[Interruption.]*

**The Presiding Officer:** Thank you!

**Douglas Ross:** —does the First Minister—

**The Presiding Officer:** I am sorry, Mr Ross. I am not allowing this behaviour to continue. We will hear each and every member as they are entitled to be heard. All voices should be heard in this chamber. I am sure that we would all wish to afford one another that courtesy. Please continue, Mr Ross.

**Douglas Ross:** On the First Minister's flimsy plan and the disaster that it would create for Scotland, why, oh why does she insist on dragging our country through this when she should be uniting us to deal with the challenges that our country faces?

**The First Minister:** Douglas Ross should perhaps reflect on the fact that people across this chamber were not laughing with him. However, this is extremely serious.

Let us just take it point by point. Douglas Ross says that we want to abandon the pound. He is in the party that, over recent times, has wrecked the pound. He has the nerve to stand up in this chamber and talk about security for pensions—that from the party that, over recent weeks, brought pension funds within hours of collapse. He calls for security for mortgage payers—that from the party that, because of its incompetence, has sent mortgage rates soaring through the roof. That is the reality of Scotland within the United Kingdom.

He also has the nerve to talk about deficits. Remember that deficits right now are created as a result of Westminster decisions. We are about to find out, later in November, the price that Scotland will have to pay in the form of another wave of Tory austerity, probably in the form of tax rises, and to see how the Tories are going to deal with the deficit that they have created. Independence is an alternative to the economic mess that the Tories have created.

Finally, on the euro, I note that, when Douglas Ross does not like the quotes and the countries that form the evidence here, he just calls for others. The fact of the matter is—*[Interruption.]*

**The Presiding Officer:** Mr Ross!

**The First Minister:** This is where Douglas Ross also has a nerve, because we are getting close to the point—again because of Tory incompetence—where the euro may well soon be worth more than the pound. That is another example of Tory fiscal and economic mismanagement and incompetence, to which independence gives us the only real alternative.

**Douglas Ross:** This is a First Minister who has the biggest ever block grant from the United Kingdom Government—£41 billion to spend—and criticises every element of it. However, the First Minister's plan to escape the temporary issues of

the past month is to create permanent chaos with jobs, mortgages, pensions and public services. Rishi Sunak is fixing recent mistakes. The First Minister would wreck our economy for good. Nicola Sturgeon wants permanent austerity. Nicola Sturgeon wants permanent higher taxes. Nicola Sturgeon wants permanent economic chaos. *[Interruption.]*

**The Presiding Officer:** Thank you.

**Douglas Ross:** If she ever gets her way, we have heard today from European officials—*[Interruption.]*

**The Presiding Officer:** Thank you!

**Douglas Ross:** —that she would leave us permanently isolated. Even if she will not admit it, the truth is that there is no economic case for the referendum that she wants to hold in just 12 months' time. Scotland rejected the First Minister's plans for separation in 2014; now her new proposals have been torn up by the EU. Is it not time for her to drop her obsession and to focus on people, businesses and communities right across Scotland?

**The First Minister:** It is because I am focusing on people, businesses and communities and what is best for them, their wellbeing and their prosperity that I want to see Scotland become independent—in charge of our own affairs and our own destiny, not continuing to be dragged down the wrong path by Westminster Governments. That is the reality. I want to have a referendum to give the people of Scotland that choice.

It is interesting—is it not?—that Douglas Ross is happy to come to this chamber and debate these matters, but he is not prepared to go and debate them with the people of Scotland. If Douglas Ross really believed that the Scottish people were going to reject independence, he would be clamouring for a referendum. The fact that he wants to block one speaks volumes.

However, I am not sure that we should put much store on anything that Douglas Ross has to say. Let me just reflect on the past few weeks in the life of Douglas Ross, the leader—for now—of the Scottish Conservative Party. He called on Boris Johnson to resign, then he U-turned. He called on Boris Johnson to resign again, then he U-turned again. He demanded that I follow the mini-budget, then he applauded Liz Truss for scrapping the mini-budget. He voted for fracking in England; now he welcomes the fact that the fracking ban has been reinstated in England. Just last week, or the week before, he said that Liz Truss would win the next general election, yet days later he welcomed the resignation of Liz Truss. Today, he backs Rishi Sunak; who knows what Douglas Ross's position will be this time next week.

### Waiting Times (Accident and Emergency)

**2. Anas Sarwar (Glasgow) (Lab):** Across Scotland, our hospitals should be preparing for winter, but they are having to deal with a crisis right now. We have seen record-breaking waits in our accident and emergency departments, but freedom of information requests reveal the scale of the problem. The number of people who waited more than 24 hours in A and E over the past year is a shocking 4,069, and it gets worse, with 859 people waiting over 36 hours and 243 people waiting over 48 hours—that is two whole days' waiting in A and E.

I say to the First Minister that I have come here week after week asking her to take this crisis seriously. She should not point to announcements that were made last year, tell us how much she cares or repeat how unacceptable she thinks it is. She should tell us what she is going to do to fix it and by when.

**The First Minister (Nicola Sturgeon):** The situation in accident and emergency is challenging, but it is because of the actions that we are taking to employ more staff and put more money into the national health service—the £50 million urgent and unscheduled care collaborative, for example—that we will see progress on A and E waiting times. In last week's figures, for example, we saw a 14 per cent reduction in waits over eight hours. We also saw the numbers waiting over 12 hours come down and performance against the four-hour waiting times target increase.

There is much work to be done. We are going into a very challenging winter period, which is why hospitals and health boards across the country are working hard to plan for winter, and this Government will continue to support them. Anas Sarwar is absolutely right to raise these issues, but what is always missing from Labour's contribution on these matters is any suggestions about what should be done differently.

We are taking the actions that require to be taken and we will continue to do so to support our national health service now, over this winter and beyond.

**Anas Sarwar:** The First Minister says that she is taking the actions, but the situation is actually getting worse. A year ago, when the health secretary was appointed, 86.6 per cent of people were seen within four hours at A and E. Today, the figure stands at 65.3 per cent. That is simply not good enough.

However, the truth is that A and E waiting times are only one part of the picture. Every week, thousands of people are seen in acute assessment units. Those people are among the most sick and they have been referred straight to hospital by their general practitioners. They wait

hours for treatment, but many of their waits are not recorded. At the Queen Elizabeth hospital, in one unit, on one night this week, 48 patients spent the night on trolleys in waiting rooms, side rooms or corridors, and some even had to sleep on chairs. Not one of them will be captured in waiting time statistics.

Will the First Minister start recording all waiting times, including those for acute assessment units, so that waits such as those are no longer hidden by this Government?

**The First Minister:** We will always look at how we report figures, first, in a way that is as transparent as possible, but also in a way that reflects the changing pattern of care. For example, as part of the urgent and unscheduled care collaborative, we are looking at more scheduled appointments for accident and emergency. Of course, how figures are reported always has to take account of that.

However, we have not changed how accident and emergency waiting time statistics are reported. I will be corrected if I am wrong on this but, from memory, I do not think that they have changed since we took office. Of course, we report them weekly, which is different from what happens in other Administrations across the United Kingdom, where I think that they are only reported on a monthly basis. There is transparency about this and we will always look at how we improve it.

It is a challenging situation. The statistics will fluctuate week on week, but if we look at the statistics that have been published for the most recent week, we see that fewer people waited more than four hours than had been the case at any point over the previous month. We also saw the numbers of waits over eight hours and over 12 hours come down. That is a result of the hard work of those on the front line, but also the actions that we are taking to support their efforts.

As I said earlier, if other parties think that there are actions that could be taken and that we are not taking, we will always listen to that. However, we never hear that from Labour members. They lodged a motion—it was debated in the Parliament yesterday—about the health service that did not even mention the fact that we have been living through a global pandemic. When I listen to Labour members, I am not sure that they are really interested in the health service; rather, they are just interested in making political points.

**Anas Sarwar:** The First Minister should reflect on the fact that we are talking about people's lives. Lives are being lost because of the failures in our A and E departments and the failure of this Government.

The First Minister says that she will look at the acute assessment unit stats and how they are

reported, but she said that back in 2018, long before Covid impacted on this country. It is time not to always have the single transferable excuse of Covid and, instead, to take some responsibility.

This week, an email that was sent to doctors by management at the Queen Elizabeth hospital said:

“There is currently no space to assess any new patients in the medical receiving areas or in the Emergency Department.”

The email went on to say:

“We are all being asked to perform the impossible in extremely challenging circumstances.”

Staff are being asked to do the impossible and patients are being asked to accept the unacceptable by this Government.

In one year, more than 4,000 people waited more than 24 hours in A and E, 859 people waited more than 36 hours and 243 people waited more than two days: the situation is the worst that it has ever been. How bad does it have to get, how long do people have to wait and how many lives have to be lost before the First Minister admits that the health secretary and her Government have no idea what they are doing?

**The First Minister:** Although our accident and emergency units are under significant pressure, they are still the best performing, by a significant margin, of any in the UK. That is the first point.

Secondly, I deeply appreciate the efforts of staff, which is one of the reasons why we pay our health service staff more than those in any other part of the UK and, right now, are offering a higher pay deal for this year than in any other part of the UK.

Next, it is because the issue is so serious—whenever we talk about the NHS, we are talking about people’s lives—that it is important to take it seriously and look at all the factors. That is why it is reasonable to suggest that, when Labour members come to the chamber to debate the NHS and pretend that the pandemic did not happen and is not one of the main reasons why we see so many of these pressures, they are not taking the issue as seriously as they should be.

We will continue to take the actions around staffing, funding and redesigning care to support our health service through this. We—the health secretary, the entire Government and I—will focus on that each and every day. That is what people have put their trust in this Government to do and it is what we will get on with and continue to do.

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

### **Cost of Living Crisis (Inflation)**

**Emma Roddick (Highlands and Islands) (SNP):** Under the Tories, inflation has run out of

control, mortgage rates are at their highest since the financial crash and energy bills have more than doubled. New figures from the Office for National Statistics clearly set out the stark pressures that the crisis is placing on households across Scotland, showing that the cost of basic essential goods has skyrocketed, with the price of budget food in supermarkets rising by 17 per cent in the year to September. The pressure is particularly stark in the Highlands and Islands, where many areas already faced higher costs for goods and services. People need help and they need it now.

Does the First Minister agree that it is urgent that the UK Government uses its upcoming fiscal statement to rule out a return to austerity, to confirm an inflationary rise in social security benefits and to provide the Scottish Government with an inflationary uplift to the 2022-23 budget to enable it to take further steps to support people with the cost of living crisis?

**The First Minister (Nicola Sturgeon):** I agree, and I would be shocked if everybody in the chamber did not agree with those points. People are really suffering from the impacts of inflation and, earlier this week, the ONS statistics laid bare the detail beneath the headline inflation figure. It is really important that action is taken. The Scottish Government is taking the action that we are able to take within the powers and resources that we have at our disposal. I very much hope that we see more action from the UK Government, and I made that point directly to the new Prime Minister when I spoke to him earlier this week.

I will recap the points that Emma Roddick has made, for which I hope that there is support across the chamber. There should be no further austerity. Our public services are still dealing with the legacy of the most recent period of Tory austerity—they are dealing with the impact of inflation right now—so there should be no further austerity. It is morally right that there should be inflation increases for benefits, so that should happen. There should also be inflationary increases for the budget of the Scottish Parliament, so that we can pass those on to public services.

I certainly hope that that is what we will get from the United Kingdom Government, but I fear that what we will get is another wave of austerity and further tax rises, although I hope to be proved wrong on that.

### **Emergency Services (Funding)**

**Jamie Greene (West Scotland) (Con):** Yesterday, our blue-light services spoke to the Criminal Justice Committee about what the serious and dire consequences of a real-terms cut to their budget might look like—up to 4,500 police staff and officers and up to a quarter of our

firefighters being lost, and police and fire stations having to close. The consequences of that would be dire, with the only real winners being criminals and the real losers being the general public.

Before the First Minister talks about this year's budget constraints, I point out to her that Audit Scotland has made it perfectly clear that there has been a decade-long chronic underfunding of blue-light services. Does the First Minister now seriously regret breaking her manifesto commitment to protect our police force and its budget?

**The First Minister (Nicola Sturgeon):** The Government will always—as we have done throughout all the years for which we have been in government—protect our public services to the maximum that is possible within a budget the size of which is largely determined by Westminster. That is the reality.

That commitment can be seen in, for example, the fact that, right now, Scotland has a higher number of police officers than it did at any time during the previous Administration. We have 31 police officers per 10,000 of the population, whereas the figure for England and Wales is just 24. Similarly, when it comes to the fire service, we have more fire officers per head of population than is the case in England and Wales. We have 11.8 per 10,000 of the population; in England, the figure is just 6.2 and, in Wales, it is 10.

The budgetary position that we face as we go forward is really difficult. That is because of decisions that are not in my hands or in the hands of the Scottish Government but in the hands of the United Kingdom Government. If the Conservative Party or any party in the Parliament wants—as we all do—more money to be invested in our public services, it must say where it thinks we should take that money from, or it should join us in asking for much greater financial independence for the Scottish Parliament, so that we are not dependent on decisions that are taken elsewhere.

#### **Fornethy House Residential School (Survivors)**

**Colin Smyth (South Scotland) (Lab):** Dozens of women representing the hundreds of survivors of Fornethy House residential school are in Parliament today to highlight their plight and to bravely share with MSPs their traumatic, awful experience of physical, mental and, in some cases, sexual abuse at the hands of staff at Fornethy in the 1960s where, as young, vulnerable children, they were sent, supposedly for respite.

Because they were in short-term residential care, they are ignored by the Government's redress scheme. To date, not one of the perpetrators of that abuse has been brought to justice and no one from the Government has yet

publicly acknowledged that the abuse at Fornethy even took place, despite the fact that hundreds of women have now publicly come forward. All that they want is someone to listen to them.

In August, I and Alex Cole-Hamilton wrote to the First Minister to ask whether she would meet representatives of the survivors group. Will she do so, not necessarily today, but soon? More importantly, will she listen to the plight of those brave women?

**The First Minister (Nicola Sturgeon):** I am aware that some of the Fornethy survivors are visiting Parliament today. I welcome them here and do not underestimate how difficult it is for them to be here to press the case that they are here to press.

I will, of course, consider any requests for a meeting, but it is important to tell the Parliament that the Deputy First Minister met Fornethy survivors in June of this year and that he continues to engage with the group and to listen to the concerns that it is raising about eligibility for the redress scheme and wider matters relating to justice and support. The Deputy First Minister has responded to a request from the Citizen Participation and Public Petitions Committee, which is considering a petition from the Fornethy survivors, outlining the rationale for the eligibility criteria.

The circumstances in which individuals came to be at Fornethy will vary, so it is not necessarily possible to determine eligibility for the group as a whole, but we will continue to listen and to respond, and to do everything that we can to address those concerns.

#### **Communications Resilience (Island Communities)**

**Beatrice Wishart (Shetland Islands) (LD):** The First Minister will be aware of the major telecommunications failure in Shetland last Thursday. As the emergency resilience plan kicked in, supported by the emergency services—to whom I extend my grateful thanks along with my thanks to the engineers who fixed the problem— Islanders faced the prospect of being cut off from the world for several days. They had no mobile signal and no internet, digital or landline services. Banks were shut, cash machines were useless and residents were asked to flag down emergency vehicles when those were needed.

All of that points to the fundamental vulnerability of communications infrastructure on our islands, which is something that I and many others highlighted during the consultation on the now-junked proposals for centralised air traffic control. We need guaranteed connectivity and reliability. Will the Scottish Government agree to review what

happened, to ensure that the vital communications connections that most people take for granted are resilient?

**The First Minister (Nicola Sturgeon):** I thank Beatrice Wishart for raising an issue that I know was of profound concern to islanders last week. The Government was very involved in ensuring that all efforts were made to reconnect the services as quickly as possible. Thanks to the dedication of everyone who worked on that, telecommunications and power supplies were not interrupted for several days—in fact, all supplies and services were reinstated around 4 o'clock on the same day. The Scottish Government's resilience room monitored the situation and liaised with partner agencies throughout.

The points about wider resilience are legitimate and important, and I give a commitment that we will review all of that in light of the incident and will consider what other steps may be required. I undertake to keep the member updated about that work.

#### Prime Minister (Comments)

**Pam Gosal (West Scotland) (Con):** This week, while most politicians have welcomed Rishi Sunak as the first British Indian Prime Minister, a Scottish National Party MP chose to attack him for his race and suggested that he is the wrong type of Asian. Does the First Minister think that such comments are acceptable? Will she whole-heartedly condemn that hate-filled rhetoric, which seeks to divide communities across Scotland?

**The First Minister (Nicola Sturgeon):** I am sorry, Presiding Officer, but that is a mischaracterisation of what the MP in question said. I do not think that it serves the anti-racist cause—to which all of us in this chamber are utterly committed—to try to manufacture divisions between us on those issues.

The fact of the matter is that any decent person welcomes the fact that the United Kingdom has its first Hindu Prime Minister. The point that was being made was that, notwithstanding that, we will continue to have political disagreements, because I disagree with much of what Rishi Sunak stands for as a Conservative. *[Interruption.]*

**The Presiding Officer:** Members!

**The First Minister:** Notwithstanding those political disagreements, I was pleased to congratulate Rishi Sunak personally earlier this week on his appointment as Prime Minister. I am sure that we all do that, and I take the opportunity to do so again here today. I hope that everyone across the chamber, without exception, will join me in saying that we should all stand united and in solidarity against racism. That is what is called for and it is what I will always do.

#### Cabinet (Meetings)

**3. Alex Cole-Hamilton (Edinburgh Western) (LD):** To ask the First Minister when the Cabinet will next meet. (S6F-01442)

**The First Minister (Nicola Sturgeon):** Tuesday.

**Alex Cole-Hamilton:** There is a dentistry crisis in Scotland. It has been getting harder and harder to see a national health service dentist, even for people who are registered with a practice. We have found people turning to do-it-yourself dentistry in pain and desperation. I have here the response to a freedom of information request that shows that one in 10 dentists has stopped doing NHS work since the pandemic—that is 400 fewer dentists offering NHS treatment. Dentists have been warning the First Minister that Government funding no longer covers their costs. They say that ministers have their heads in the sand. The dead hand of ministerial disinterest is at large once again.

The centrepiece of the Scottish Government's response to the crisis was the creation of a dental advisory group six months ago, but that group still has no members and still has not met. It is the group that was not there. When will that group meet and what does the First Minister have to say to those patients who are still waiting in pain?

**The First Minister:** We will continue to work with, and support, NHS dentistry.

The facts of the matter are as follows. A record number of people—more than 95 per cent of the population—are registered with an NHS dentist. We see continued recovery in the numbers of people accessing NHS dentistry and getting dental examinations—the statistics show an 80 per cent increase in examination appointments per month on average, compared with this year's January to March period, which reflects the impact of the reduction of infection controls—and we are seeing the reintroduction of payments that are linked to seeing and treating patients.

We will continue to invest in NHS dentistry. In total, we have provided more than £150 million in additional support to maintain the capacity and capability of the sector. Lastly, we remain in a position of relative strength in relation to workforce numbers—a longer-term trend shows an increase of 32 per cent in dentists who provide NHS dental services.

As with all parts of the health service, real challenges exist, but we continue to support dentistry as we continue to support the NHS as a whole.

## **Emergency Budget Review (Impact of Changes in the United Kingdom Government)**

**4. Kenneth Gibson (Cunninghame North) (SNP):** To ask the First Minister what impact recent changes within the United Kingdom Government will have on the Scottish Government's emergency budget review. (S6F-01445)

**The First Minister (Nicola Sturgeon):** The chaotic series of UK Government announcements and U-turns on fiscal measures over recent weeks has led to economic turmoil, the withdrawal of mortgage products from the market, the pound crashing and the Bank of England having to take emergency action to stabilise financial markets.

We now have another change in Prime Minister and another potential change in direction, along with the latest in a long string of U-turns when, just yesterday, the UK Government delayed its fiscal statement and independent forecast from the Office for Budget Responsibility from 31 October to 17 November. In light of that unprecedented uncertainty and instability, it is prudent to review the timing for the Scottish Government's emergency budget review, which we will do.

**Kenneth Gibson:** This week's *Economist* describes the UK as

"A country of political instability, low growth and subordination to the bond markets ... blighted by ... regional inequality."

Following the UK Government's screeching U-turn on policies that Tory MSPs supinely urged her to adopt only a month ago, does the First Minister agree that everyone, particularly the most vulnerable in our society, will pay the price for Tory economic incompetence, which necessitates the emergency budget review, and that with the Westminster system utterly broken, Scotland's prosperity can best be secured through becoming an independent country?

**The First Minister:** Yes. Whether it is through the Brexit impact, including on food prices, or the impact of the mini-budget on mortgages, it is people across the country who are paying the price now for Tory economic incompetence. Households and businesses will bear the cost of the former Prime Minister's mistakes for months—possibly years—and we do not yet know what the current Prime Minister will do in relation to tax rises and spending cuts.

That is the reality for Scotland now—it is getting worse, not better. So, yes, I entirely agree that Scotland's prosperity can best be secured by Scotland becoming an independent country. It is because the Conservatives, Labour and the Liberal Democrats also recognise that, and recognise that the people of Scotland will see that,

that they remain so intent on blocking the democratic choice of Scotland.

**Neil Bibby (West Scotland) (Lab):** Rishi Sunak was secretly recorded boasting how proud he was to have diverted the last Labour Government's investment in "deprived urban areas" to the wealthiest communities. Does the First Minister agree that money should not be diverted away from the most deprived areas in either the UK or the Scottish budgets? If so, can the First Minister explain why the Scottish Government has taken educational attainment challenge funding away from Scotland's most deprived council areas?

**The First Minister:** I agree with the first part of the member's question. The second part of his question is a mischaracterisation of the position, perhaps evidenced by the fact that his colleagues on the Convention of Scottish Local Authorities supported the change that we made to educational attainment funding distribution, which ensured that the fund supported more young people living in deprivation. The budget to tackle the attainment gap is rising over this session of Parliament, and rightly so.

## **National Health Service Winter Resilience Plan**

**5. Tess White (North East Scotland) (Con):** To ask the First Minister what the Scottish Government's response is to the Royal College of Emergency Medicine Scotland's reported warning that the NHS winter resilience plan "will not be in place in time to prevent further harm to patients and staff this winter". (S6F-01459)

**The First Minister (Nicola Sturgeon):** As we have just been discussing, accident and emergency departments are working under significant pressure, which has been exacerbated by the pandemic.

Pressures are also driven by delays in discharge elsewhere in hospitals, which is why the £600 million winter plan includes a focus on social care and actions to encourage integration authorities to help to alleviate delays.

Our £50 million unscheduled care programme is working to reduce A and E waits, including by ensuring that people are directed to the most appropriate urgent care settings and by scheduling urgent appointments.

The Royal College of Emergency Medicine is a vital partner in that work, and the Cabinet Secretary for Health and Social Care will meet the RCEM in the coming weeks to discuss how further improvements can be made.

**Tess White:** I say to the First Minister that the RCEM emphasised the urgent need to bolster the social care workforce, to help with the discharge of patients from hospital this winter. The Scottish

National Party Government is wasting precious time, money and resources on plans to centralise social care services in four years' time. Does the First Minister agree with the SNP MSP Kenneth Gibson that the national care service is like "using a sledgehammer to crack a nut", or with Michelle Thomson, who said that the proposals are "screaming ... a huge risk"? Will she abandon those plans and focus instead on strengthening social care ahead of the looming winter crisis in the NHS?

**The First Minister:** The national care service is about improving social care, about better rewarding those who work in social care, and about removing any postcode lottery in the provision of social care. A national care service is the right way to go.

Obviously, the National Care Service (Scotland) Bill is in its early stages of parliamentary scrutiny. A number of different committees in the Parliament are scrutinising that legislation and, as we always do, we will listen very carefully to points made and views expressed in the course of that scrutiny. That is the right and proper way to proceed with any legislation.

In the meantime, while the Parliament is scrutinising the bill, and as we take that forward, we will continue with the steps that we are taking in the here and now to improve social care: employing more people in that sector, investing more money in it, and increasing the wages of the people who work in it.

Of course, one of the biggest constraints that we have right now—one of the biggest barriers to getting people into the social care workforce—is Brexit and the ending of freedom of movement, which I think, from memory, Tess White supports. While I will continue to listen to all the points that are made, perhaps she would listen to the people who say that we should reverse Brexit and restore freedom of movement to help our public services as well as our economy.

### **Cost of Living Crisis (Assistance for People with Complex Disabilities)**

6. **Jackie Baillie (Dumbarton) (Lab):** To ask the First Minister what assistance the Scottish Government is providing to those with complex disabilities to cope with the cost of living crisis. (S6F-01451)

**The First Minister (Nicola Sturgeon):** The child disability payment and the adult disability payment, as well as the carers allowance supplement, are part of the package of social security benefits that we are providing. We are also funding new forms of advice and advocacy to help disabled people and those with long-term

health conditions to access the financial support that they are entitled to.

We have also introduced child winter heating assistance, which is an annual payment to families with severely disabled children, to help them to heat their homes. Like the carers allowance supplement, that financial support is unavailable anywhere else in the United Kingdom.

Another new benefit that is available only in Scotland will begin in February: the winter heating payment will help many low-income households with their energy bills. We are also doubling the fuel insecurity fund to £20 million.

**Jackie Baillie:** Freya Hunter is 12 years old and has cerebral palsy. She is cared for at home by her mum and specialist carers. Her condition is such that she requires oxygen constantly and relies on nebulisers and suction machines, a tracking hoist and a wheelchair. Her mum says that the level of care that is provided is on a par with what would be happening in an intensive care ward. The family are facing an energy bill of £17,000, from April, to heat their home and to operate the life-support equipment that Freya so badly needs. I am sure that the First Minister will agree that the UK Government needs to do more to provide targeted support to those with complex disabilities for their energy bills—but so, too, does the Scottish Government.

The cost of Freya's life-saving equipment is more than a third of the bill. She is not recompensed fully by the national health service or by social care. If her mum does not get help, she faces the impossible choice of placing Freya in care or in hospital, because she cannot afford to keep her at home. That is damning.

Will the Scottish Government provide assistance specifically to help Freya and people with complex disabilities to cover the full cost of running their life-saving equipment?

**The First Minister:** If memory serves me correctly, I made a similar point to that in First Minister's question time a couple weeks ago, before the October recess.

We will work with the health service to ensure that anybody in a position such as the one just narrated does get help. It would not be acceptable for any child or adult to end up in care because rising energy costs made it impossible for them to use the equipment that supported them to stay in their own homes. We will work to ensure, as far as we can, that that support is available.

However, let us not gloss over the fact—Jackie Baillie was right to mention it—that the UK Government needs to provide targeted help to people for energy costs. That is one of the reasons why we need increased budgets for this

session of Parliament—so that we can pass that money on to public services such as the national health service, to help them to deal with the inflationary pressures, of which this is only one. We will do everything in our power to help people in the kind of situation that we have just heard about.

### **Energy Costs for Businesses**

**Stuart McMillan (Greenock and Inverclyde) (SNP):** Energy costs are a huge concern for many, including businesses. Yesterday, local newspaper the *Greenock Telegraph* reported that an award-winning restaurant, My Kitchen, was going to close at the end of the month. Thankfully, someone else is going to step in, but that will not be the case for businesses across the country.

I would encourage any business that is struggling to speak to Business Energy Scotland to see if it can offer any advice on how to lower energy costs. Will the First Minister again press the United Kingdom Government to fix its energy mess, so that no business in my constituency or across Scotland needs to close as a result of spiralling energy costs that they have little control over?

**The First Minister (Nicola Sturgeon):** Yes, I will give that commitment. We have repeatedly highlighted to the UK Government the urgent needs of Scottish businesses, including the issue of the rising energy costs faced by many across the country. I impressed that point on the new Prime Minister when I spoke to him earlier this week, when I highlighted the pressure and pain that are being felt right now by people and businesses as a result of inflation and other economic pressures.

I hope that we will see further help from the UK Government in the budget statement that the chancellor will outline in the middle of November. On 19 October, the Deputy First Minister wrote to the chancellor, Jeremy Hunt, making many of those points, and we will continue to make those points as strongly as possible.

### **Reported Undeclared Chinese State Police Bases (Investigation)**

**Ross Greer (West Scotland) (Green):** Yesterday, the Dutch Government confirmed that it is launching an investigation into the existence of undeclared Chinese state police bases across Europe—bases that are being used to track and harass dissidents and pro-democracy activists. The report that prompted that investigation confirmed that one of those bases is located in Glasgow. This comes just days after the Chinese consul general in Manchester dragged a protester inside the gates of the consulate, where he and his staff then assaulted him, and after reports of

students in Edinburgh who come from Hong Kong being targeted and intimidated by those associated with the Beijing regime.

Will the First Minister confirm what action is being taken about that apparent Chinese police base in Glasgow and the wider intimidatory tactics of the Chinese Government?

**The First Minister (Nicola Sturgeon):** I agree that those reports are deeply concerning, and I want to be very clear that we take them extremely seriously. Any foreign country that operates in Scotland must abide by Scottish law. The Scottish Government fully supports individuals' rights to freedom of expression, which is an extremely important principle.

Obviously, those matters require to be fully and properly investigated. It would not be appropriate for me to go into too much detail, but I know, as a result of a conversation that I had yesterday with the chief constable, that the police are aware of those reports. Of course, the police are operationally independent, and it is up to them to determine what investigations would be appropriate. However, they are aware of those reports, and I repeat that those reports require to be treated extremely seriously.

**The Presiding Officer:** That concludes First Minister's question time. There will be a short suspension before we move on to the next item of business, which is a members' business debate in the name of Murdo Fraser.

12:49

*Meeting suspended.*

12:51

*On resuming—***Royal National Mòd 2022 (Perth)**

**The Deputy Presiding Officer (Annabelle Ewing):** I ask those who are in the public gallery, who came along to hear our proceedings, to leave the chamber quickly and quietly, because we are now moving on to our next item of business.

The next item of business is a members' business debate on motion S6M-05734, in the name of Murdo Fraser, on the Mòd coming back to Perth. The debate will be concluded without any question being put.

Headphones are available at the back of the chamber for members who wish to listen to simultaneous interpretation of contributions to the debate in Gaelic. Members who are listening to our proceedings on BlueJeans will hear the simultaneous interpretation.

*Motion debated,*

That the Parliament congratulates the Royal National Mòd on its decision to return to Perth, which it understands will be its 10th visit to the city; notes that the Mòd will take place in Perth from 14 to 22 October 2022; further notes that the estimated economic benefit to the area from the Mòd is understood to be between £2.5 million and £3.5 million; praises the activities of An Comunn Gàidhealach, which support and promote the Scottish Gaelic language and culture at local, national and international levels, and welcomes ongoing support from public bodies for Gaelic.

*The member has provided the following translation:*

Gu bheil a' Phàrlamaid a' cur meal-a-naidheachd air a' Mhòd Nàiseanta Rìoghail air a cho-dhùnadh gus tilleadh a Pheairt, agus i a' tuigsinn gur e seo an 10mh turas aige don chathair-bhaile; gu bheil i a' toirt fa-near gum bi am Mòd a' tachairt ann am Peairt eadar 14 agus 22 Dàmhair 2022; gu bheil i a' toirt fa-near cuideachd gu bheilear a' tuigsinn gum bi buannachd eaconamach thuairmsichte eadar £2.5 agus £3.5 millean ann; gu bheil i a' moladh obair a' Chomainn Ghàidhealach, a tha a' cumail taic ri agus a' brosnachadh na Gàidhlig agus a cultair aig ìrean ionadail, nàiseanta agus eadar-nàiseanta, agus gu bheil i a' cur fàilte air taic leantainneach don Ghàidhlig bho bhuidhnean poblach.

12:52

**Murdo Fraser (Mid Scotland and Fife) (Con):** I thank all members from across the chamber who signed my motion, which has allowed the debate to take place this afternoon.

As colleagues will be aware, the Royal National Mòd is an annual event that celebrates the best of Gaelic music and culture. This year's Mòd took place over the course of last week in the city of Perth, where I live and which I have the honour of representing as part of the Mid Scotland and Fife region. It was the first time that the Mòd had been held in Perth since 2004, and I remember

attending events on that previous occasion. Following the Covid restrictions, this year's event was the first full in-person Mòd that had been held in three years, and it was very well supported.

The event closed on Saturday outside Perth Concert Hall with a massed choir event in which more than 1,000 people took part. Although I was not able to be present, I hear that it was a very impressive occasion.

Over the course of the nine-day event in Perth, about 2,100 participants took part in a total of 200 competitions. The event brought a substantial economic boost to Perth. About 7,000 people are thought to have visited the city, and that added up to a significant financial contribution—in excess of £1 million—to the local economy. The wide appeal of the Mòd was also shown by thousands of people, including those from overseas who were watching events online.

James Graham, the chief executive of An Comunn Gàidhealach, described the joy of having Gaels once again able to showcase their language and culture, and he praised Perth for its

“fantastic venues, welcoming community and picturesque streets”.

There was not a hotel room to be had anywhere in the city, and bars and restaurants were buzzing with performers, their families, and spectators. It was a great occasion for Perth and the surrounding area.

One of the many participants in the Mòd was Councillor John Duff, who, as well as being the Conservative group leader on Perth and Kinross Council, is the council's Gaelic-medium education champion. John sang as part of the Aberfeldy Gaelic choir, and anyone who knows him will recognise what a fine singing voice he has.

I know that Councillor Duff is keen to see Perth become a regular venue for the Mòd, and I hope that Perth and Kinross Council will support that. I understand that he is bringing a motion to the council to that effect in the very near future. All the feedback that I have heard from last week suggests that the event venues, the accommodation and the general ambience of the city make Perth a very attractive place to host the Mòd again in the near future.

The Mòd is organised by An Comunn Gàidhealach, a charity that was established in Oban in 1891 and which ran the very first Mòd there the following year. The organisation exists to promote Gaelic language and culture, and the Mòd is its annual showcase. An Comunn is supported by a small annual grant from Bòrd na Gàidhlig of about £100,000. Given the importance of the Mòd to Gaelic culture, I hope that the annual grant will be at least maintained if not increased.

Indeed, I believe that there is a strong case for Creative Scotland to look at how events such as the Mòd can be supported better in the future. It is, as I mentioned earlier, an event that has an international audience, and it is an excellent way of promoting Scotland around the world, so I hope that Creative Scotland will see it in that light.

All this comes at a time when there are real concerns about the future of the Gaelic language. Recent figures suggest that there has been a decline in the number of Gaelic speakers. Although we have seen an expansion of Gaelic-medium education in recent years—it is popular with parents in many parts of the country—many schools struggle to recruit suitably qualified teachers, and some local authorities are reluctant to introduce Gaelic-medium education even where there is demand from parents. I would like the Scottish Government to consider what additional support it could give to local authorities to encourage the development of Gaelic-medium education.

I know that there are some on the fringes of Scottish politics who believe that we should not be supporting Gaelic. That is certainly not my view, nor is it the view of my party. Indeed, the then Scottish Office under Michael Forsyth had an excellent record of supporting Gaelic, back in the 1990s, with financial support creating the Gaelic Broadcasting Committee, which led to the launch of BBC Alba. Subsequent Governments have supported Gaelic in different ways, but it is clear that there is much more to be done, given the state of the language at present.

Although events such as the Mòd are excellent showcases of Gaelic language and culture, I do not want Gaelic to become a language that is restricted just to the arts. If Gaelic is to have a future, it has to be the language of the school, the home and the workplace. That will require significant leadership from government and public agencies at all levels. Simply rebranding public service vehicles and erecting Gaelic road signs will be no more than gestures if the number of Gaelic speakers across Scotland continues to decline. That challenge needs to be addressed urgently.

The Mòd will move to Paisley next year, and I hope that it will be every bit as much a success there as it has been in Perth over the past week. A survey of those attending the Lochaber Mòd in 2017 found that 93 per cent of respondents agreed that it made a significant or very significant contribution to having the opportunity to use Gaelic, while 94 per cent of respondents agreed that the Mòd made a significant or very significant contribution to learning to speak Gaelic. That demonstrates the importance of the annual event to what is such a significant part of Scottish

heritage and culture, and I hope that the Mòd will go from strength to strength in future years. Mòran taing—thank you—Presiding Officer.

12:59

**Jenni Minto (Argyll and Bute) (SNP):** I congratulate Murdo Fraser on securing the debate. His motion recognises the importance of the Royal National Mòd and Gaelic to Scotland's economy and culture.

I, too, congratulate An Comunn Gàidhealach for its fantastic work to support and promote the Scottish Gaelic language and culture at local, national and international levels. Gaelic language and culture are at the heart of Scotland, and the Mòd exemplifies that. It mixes song, music, poetry, art and storytelling—there is something for everyone. It provides a place for folk to meet and compete, learn and teach, laugh and cry and, perhaps, even put the world to rights over a wee dram. It is about people making connections through culture.

I have been to many Mòds. I have never been a competitor, unlike my colleague Dr Allan. I was always very much behind the scenes, working for BBC Scotland's Gaelic department, which provides comprehensive television and radio coverage of the festival. The 1994 Mòd in Dunoon, which is in my constituency, was my first. At the eight or so other Mòds that I have been to, I have driven winners to locations to be filmed for "Dè anis?", sat in numerous competitions from choir competitions to Bible reading ones, laughed at action songs and perhaps even put the world to rights over a couple of drams.

I will share the Mòd memories of a good friend of mine, Jake McMillan. We were reminiscing and sharing Perth Mòd memories when we met on Islay 10 days ago. Jake grew up on Islay and was a member of the Ardbeg junior choir. The Mòd was always looked on as a big adventure. That was possibly more to do with the chance of exploring the local Woolworths than showing off his singing skills.

At the Perth Mòd in 1963, the Ardbeg junior choir entered the action song, which was a pretty new concept at that time. The choir had much fun raiding their parents' clothes for bodach hats and scarves and cailleach shawls. Everyone was given specific parts in the wee play that coloured the Gaelic song "Buain na Rainich" or "Cutting the Bracken".

Jake does not remember much about the competition apart from winning, which he says was despite their Islay Gaelic. His one vivid memory is of the evening children's concert at the old Perth city hall, which was televised. Jake was fascinated by the large television camera with a

wire coming out of it being wheeled in and out in front of the stage. Who could have predicted back then that the wee Lagavulin balach would end up back in that hall 41 years later, in 2004, as the BBC engineering manager in charge of all the technical aspects of getting on air the Gaelic transmissions for that year's Mòd?

As I mentioned, in 1963, the Ardbeg junior choir won. I am very pleased to say that, this year, Argyll and Bute's performers have done well, too. The Oban Gaelic Choir won the prestigious Lovat and Tullibardine shield, and I note the achievements of the Gaelic learners from Argyll and Bute in Monday's competitions. In the inaugural year of the Highland art prize, which was judged by BBC Alba presenter and Islay's own Heather Dewar, David Page of Mull won with his artwork "Drift". However the Mòd is so much more than winning: it is a celebration of culture and language that is at the heart of Scotland.

I am pleased that the Scottish Government continues its support for the Gaelic language and culture. I take the opportunity to add my support to the calls of parents in my constituency for a Gaelic-medium school in Oban. The numbers exist for that and a public study shows that there is great community support. I ask the Cabinet Secretary for the Constitution, External Affairs and Culture if he could speak with his colleague the Cabinet Secretary for Education and Skills and get her to agree in principle that Bòrd na Gàidhlig and Argyll and Bute Council should work together to produce a plan for a school in the lifetime of the council's Gaelic plan.

As I have previously said in the chamber, children are our future, but they are also our here and now. They are integral to Gaelic language and culture. There is nothing more thrilling and emotional than hearing the Gaelic anthem "Cànan nan Gàidheal"—"The Language of the Gaels"—sung by the Gaelic choirs of the Mòd. We must continue to celebrate and support the language.

13:04

**Roz McCall (Mid Scotland and Fife) (Con):**

Following protocol but with absolute sincerity, I congratulate my colleague Murdo Fraser on bringing the motion to the chamber for debate.

I had hoped to start off my speech in the beautiful, dulcet tones of the Gaelic language, but, after many days of trying and failing—and providing continual amusement to my husband—I concluded that I should not offend the people I was attempting to praise.

I am delighted to join in the congratulations for Perth and Kinross Council, the organisers, An Comunn Gàidhealach and all the participants in

the Royal National Mòd for a fantastic display of all things Gaelic.

This year's Mòd was the 10th time that Perth has hosted the festivities. That number has been surpassed only by Glasgow, Inverness and its traditional home of Oban.

The cultural experience that Perth offers focuses on Scotland, as it sits in the country's metaphorical and geographical heart—a fact that is highlighted by the work that was done to regenerate Perth city hall into a modern museum of Scottish history, which will become the permanent residence of the stone of destiny. I think that we can agree that that is a fitting legacy for the blend of traditional and contemporary that we want to see in a thriving, modern Scotland.

I was an administration councillor in Perth and Kinross Council when it was bidding for the event, and I was delighted when it was awarded to the council. I know how much work was put in by the officers and staff in the council, as well as the support and backing that was given by the then council leader to secure the festivities. I once again congratulate everyone on the sterling effort that was put in to make it happen.

I am sorry to have to admit that, when the process was going through the award stages, I was ignorant of the full extent of the Royal National Mòd. My knowledge of Gaelic and Scots was entirely based on my experiences in my formative years, and, unfortunately, watching "Thingummyjig" and reruns of "The White Heather Club", playing Strathspeys and reels on the fiddle and learning to dance male parts at Scottish country dancing, because I was tall and the class had a distinct lack of boys—an issue that made for an interesting first dance at my wedding, but that is another story—hardly provided a comprehensive education on the subject.

As much as we have experienced the joys and delights that have been mentioned, I want to highlight a concern that was raised by the president of An Comunn Gàidhealach regarding the number of young entrants this year. The repercussions of Covid restrictions have again raised their ugly head. The lingering uncertainties of Covid—teachers and pupils not attending school buildings, choirs not being able to meet and practice, and the overall reductions in sports and other activities at that time—have created a general drop in attendance that, unfortunately, has meant a drop in young participants. It would be a travesty if numbers continued to decline. I echo the sentiments of the president, and I sincerely hope that the success of the Mòd in Perth will inspire young people to come back and that it will encourage more young people to try shinty, learn the fiddle, sing in a choir or learn Gaelic—I just hope that they manage to do it better than I did.

It is important that we continue to support our traditional languages—Gaelic, Doric and Scots—and I praise the efforts that are being made to get more people, especially young people, to take up those languages. Conversation is paramount to language survival. We must keep promoting those skills if we are to have any hope of preserving our traditional tongue for future generations, and I join my colleagues in urging the Scottish Government to do all that it can to keep that going.

As we have heard, the Mòd will be held in Paisley next year. I wish the organisers all the best, and I sincerely hope to see increased numbers of young people taking that legacy forward.

13:08

**Claire Baker (Mid Scotland and Fife) (Lab):** I thank Murdo Fraser for bringing this debate to the chamber, and I join him in welcoming the return of the Royal National Mòd to Perth earlier this month—the 10th time that it has been hosted in the city.

Perthshire has a sizeable Gaelic culture that is demonstrated not only by the number of traditional groups, musicians and singers in the city, but by the countless community and educational groups that are working to inspire future generations of music lovers and performers to carry on those traditions.

Returning to Perth for the first time in 18 years, the eight-day festival included 200 competitions and other events celebrating the Gaelic language, music and culture, encompassing traditional instruments, singing, poetry, storytelling, sport, literature and film. Since the city last hosted the Mòd, we have seen the refurbishment of Perth theatre, the reopening of a new outdoor performance space at St Paul's church and the opening of Perth concert hall, which, alongside a number of other city venues, showcased performances by competitors and hosted visitors from across the world.

Alongside the competitive events, the fringe programme offered a diverse programme, including workshops, ceilidhs, music sessions, open stages and literature events, demonstrating that, beyond the competitive disciplines, there was much to offer people of all ages, whether they were lifelong Gaelic speakers or people who were just looking to find out more about this cultural celebration.

Often, when we think about celebrating Gaelic culture, our thoughts immediately turn to music, which the Mòd showcases well, from choir competitions to the celebration of traditional bands. For those who were unable to attend in person, a line-up of fantastic singers took part in

free and informal online song sessions throughout the week. We also saw performances and competitions across dance, sport and literature, alongside fringe events such as concerts and a shinty fixture. It really was an inclusive and welcoming celebration.

Although it celebrates the traditional, the Mòd also works to promote Gaelic language and culture through new routes, as was demonstrated this year through the use of TikTok to showcase comedy and other video formats in Gaelic. This year also saw the presentation of the first Highland art prize, which celebrates another aspect of Gaelic culture, with the winner, David Page, sharing his prize with his local art organisation to support local participation in art.

Although, in recent years, the Mòd has begun to attract a younger audience, the ability to appeal to new generations of Gaels and to engage with its potential audience in new and different ways will be important to its continuing success. I am hopeful that, in coming years, we will see its reach widen further.

Over the eight days of its programme, the Mòd celebrated not only Gaelic language and culture, but the city of Perth itself, with 14 venues hosting thousands of competitors and visitors throughout the event. Such large events are important to the local economy not only in bringing significant economic benefit to the area, but in showcasing to a wider audience what Perth has to offer. They can provide valuable opportunities to connect and share experiences, create memories and celebrate friendships old and new. Locals and visitors alike have spoken of the vibrant atmosphere in Perth during the Mòd and the great sense of community demonstrated in the work of staff and volunteers from across Perth and Kinross who helped to make the event a success.

I was interested to hear other members' comments on learning the Gaelic language. I say to Roz McCall that I understand that Duolingo now offers Gaelic as one of its languages, so there are new ways to learn and pick up some bits of Gaelic. Someone mentioned children's TV. I remember that, when "Dòtaman" came on, my niece used to watch it. Everyone then learned "mun cuairt mun cuairt a Dhotomain Bhig" and various other wee bits and pieces of Gaelic, so it was quite effective to have that on mainstream television.

Although the work of the Scotland Office has been highlighted in the debate, the Scottish Parliament has provided an important focus for promoting and scrutinising Government support for Gaelic. I know that the Constitution, Europe, External Affairs and Culture Committee focuses on BBC Alba and recognises the financial pressures that it is under, along with many other broadcasters.

I welcome the boost to tourism that hosting the Royal National Mòd has brought to Perth and the opportunity that staging it provided to show what the city has to offer. The eight days were a huge success and a joyful celebration of Gaelic language and culture. I congratulate all participants, staff and volunteers who contributed to the Royal National Mòd in 2022 and send my best wishes to Paisley for an equally successful event next year.

**The Deputy Presiding Officer:** I call Alasdair Allan, to be followed by Donald Cameron. I advise members that Dr Allan will speak in Gaelic. Members who wish to hear the simultaneous translation should plug their headphones into their console.

You have around four minutes, Dr Allan.

**Alasdair Allan (Na h-Eileanan an Iar) (SNP):** With your permission, Presiding Officer, may I check that members know which channel to use?

**The Deputy Presiding Officer:** I will seek to clarify that. I am told that it is channel 1.

13:13

**Alasdair Allan (Na h-Eileanan an Iar) (SNP):** Tapadh leibhse gu Murchadh Friseal airson dèanamh cinnteach gun deach an deasbad seo a chumail anns a' Phàrlamaid an-diugh.

Agus meal-an-naidheachd air Baile Mòr Pheairt, a chuir fàilte cho cridheil air a' Mhòd Nàiseanta Rìoghail am-bliadhna. An-dràsda, feumaidh mi m' ùidh fhèin a chlàradh sa chuspair seo. Bha mise a' seinn ann am Peairt aig a' Mhòd am-bliadhna-sa. Mar as àbhaist, bha e na thlachd dhomh pàirt a ghabhail anns na co-fharpaisean le còisir às a' choimhearsnachd agam fhèin, Còisir Sgir' a' Bhac ann an Leòdhas. Bha sinn glè thoilichte leis na duaisean a fhuair sin. Mealaidh-an-naidheachd cuideachd, bu chòir dhomh a ràdh, air a h-uile duine a bha a' gabhail pàirt anns a' Mhòd an t-seachdain 's a a chaidh.

Bidh am Mòd Nàiseanta Rìoghail a' toirt saoghal na Gàidhlig ri chèile ann an dòigh shònraichte. 'S e riochdachadh mòr a th' anns a' Mhòd air de cho beartach 's a tha ar cultar agus ar cànan, tro na farpaisean seinn, bàrdachd, ealain, sgeulachd, dràma, ciùil, dannsa agus iomadach rud eile gach bliadhna.

Bidh am Mòd Nàiseanta a' sealltainn ar cultar do na diofar choimhearsnachdan air am bi an fhèis a' tadhal gach bliadhna agus an cothrom aig Alba air fad na farpaisich as fheàrr fhaicinn tro sheachdain a' Mhòd air an telebhisean no an cluinntinn air an rèidio.

Bha a h-uile duine a tha an sàs ann an saoghal a' Mhòd—na farpaisich air fad agus an luchd-

èisteachd cuideachd—ag ionndrainn a' Mhòd gu mòr bho 2019, ged a bha tachartasan a' gabhail àite air-loidhne anns an eadar-ama. Bha e cho math tighinn còmhla anns an aon àite airson a' Mhòd a-rithist am-bliadhna, agus mealaidh-an-naidheachd dhan Chomunn Ghàidhealach airson na rinn sibh gus Mòd 2022 a dhèanamh cho soirbheachail.

Mur eil mòran eòlais agaibh air dè th' anns a' Mhòd Nàiseanta agus cho dèidheil 's a tha mòran Ghàidheil air, innsidh mi sgeulachd dhuibh bho Mhòd o chionn beagan bhliadhnaichean.

Bha duine ann a bha air na saor-làithean aige, air turas socair, sàmhach leis an RSPB - Comann Rìoghail Dìon nan Eun. Rinn e mearachd mhòr ge-tà, oir 's ann a bhùc e a-steach dhan aon taigh-òsta ri leth-dusan còisir aig a' Mhòd. Bha an truaghan seo a' gnogadh air doras an t-seòmair an ath dhoras aig dà uair anns a' mhadainn, leis gun robh an t-seinn 's am fealla-dhà fhathast a' dol gu làidir. Chuir e ceist air na fichead duine a bha cruinn còmhla anns an rùm sin—carson idir a bha gille òg nam measg a' seinn na pioba?

Ach, a' cur an aon duine mhi-fhortanach sin dhan dàrna taobh, tha taic fharsaing ann an Alba dhan Mhòd, agus dhan Ghàidhlig. Bha sin furasta fhaicinn ann am Peairt an t-seachdain 's a chaidh, agus tha mi toilichte a ràdh gu bheil an taic sin ri faicinn anns a' Phàrlamaid seo cuideachd, a' chuid as motha den tìde, thairis air na pàrtaidhean, mar a tha follaiseach an-diugh.

An e am Mòd an t-aon rud a tha cudromach dhan Ghàidhlig? Uill, chan eil duine sam bith a' dèanamh a-mach gur e. Le cinnt, mar a bha daoine eile ag ràdh, tha a' Ghàidhlig ann an staid chugallach; mar sin, tha e cho cudromach gum bi sinn ga bruidhinn cho tric 's as urrainn dhuinn gu làitheil, a' bharrachd air a bhith ga seinn.

Tha dualchas beòthail aig ceòl na Gàidhlig, agus tha am Mòd a' dèanamh obair mhòr airson a' chànain fhèin agus gus coimhearsnachd na Gàidhlig a tharraing còmhla gach bliadhna. Tha e ceart gu bheil a' Phàrlamaid a' moladh sin an-diugh. Tapadh leibh.

*Following is the simultaneous interpretation:*

Thank you, Presiding Officer. First, I thank Murdo Fraser for ensuring that the debate has been held in the Parliament. I congratulate the people of Perth for giving such a warm welcome to the Royal National Mòd during the past fortnight.

At this point, I must declare an interest of sorts, as I sang at the Mòd in Perth this year. As ever, it was great fun to take part in the competitions as part of my local choir from Back, in Lewis. We were very pleased with the prize that we won. I congratulate everyone else who took part in the Mòd this week.

The Royal National Mòd draws the Gaelic world together in a unique way. It represents the richness of our language and culture through singing, poetry, art, storytelling, drama, choral and instrumental music, dance competitions and many others each year.

The Royal National Mòd showcases our culture to the various communities that the festival visits each year, when people can see the best competitors from Scotland on the television or hear them on the radio. Everybody who is involved in the Mòd—competitors and audience alike—have missed the Mòd greatly since 2019, although some events were held online in the meantime. It was great to gather in the same place again for the Mòd, so I congratulate An Comunn Gàidhealach on its work to make the 2022 Mòd such a success.

For members who do not know much about the Mòd and what it means for many Gaels, I will tell a story about something that happened at the Mòd a few years ago. A man was on his holidays, having a relaxing and quiet trip with the RSPB. He made the mistake of booking into the one hotel of the Mòd, when there were half a dozen others that were quieter. The man had to knock on the door of the room next door at 2 am due to the loud fun and games and singing that were going on. Twenty people were gathered in that room, including a young man who was playing the pipes.

Putting that young man to one side, the Mòd is supported throughout Scotland, as is Gaelic. That was seen in Perth last week, and I am glad to see that clear support across all parties in the Parliament today.

I do not think that anyone would claim that the Mòd is the only important thing to Gaelic, but Gaelic is certainly in a vulnerable state, as others have said. Therefore, it is vital that we continue to speak it as well as sing in it as much as we can, every day.

Gaelic has a lively musical tradition. The Mòd contributes hugely to encouraging the language and, as it brings the community together every year, it is right that the Parliament praises it today.

13:17

**Donald Cameron (Highlands and Islands)**

**(Con):** I, too, thank Murdo Fraser for lodging the motion. I was very disappointed not to hear him give his speech in Gaelic. We had to wait until the final sentence to hear any Gaelic at all, but I congratulate him on his efforts.

An Comunn Gàidhealach's decision to return to Perth for the 10th time was wonderful—not only for all those who participated in the wide variety of Gaelic language and culture over the eight days of

festivities, but for the host city of Perth, which has a deep-rooted history with the festival.

The Mòd's promotion of Gaelic across such a vast cultural spectrum is always tremendous, and with more than 200 competitions having been held, the thousands of visitors who attended were provided with a showcase that they will not forget, I am sure. All competitors and their families should be proud of the performances that they gave, and of the depth of talent that was on display, including that of Alasdair Allan.

Fans enjoyed an outstanding display of poetry, music and recital, all in celebration of the Gaelic language and culture. Many had travelled from far and wide to discover or reignite a passion for Gaelic culture. As Murdo Fraser said, special mention should be made of the return of the choir competitions, which were held for the first time since the Glasgow Mòd in 2019. With the lifting of the Covid restrictions that prevented the previous two Mòds from holding those group events, it was wonderful to hear about the huge crowd at Perth concert hall, where many choirs spent a tough afternoon competing for a variety of coveted trophies.

This year's Mòd showed that the future of Gaelic culture is looking prosperous and full of innovation. As Claire Baker has said, this year's Mòd had a TikTok competition to promote the language, the culture and even Gaelic comedy. It got many hits from and interactions with Gaelic speakers and others, with submissions being shared on the page that targeted a new modern audience that might not have been reached otherwise. For that reason, among many, we should be optimistic about the future of Gaelic culture, with further encouragement on various platforms and new mediums allowing, in particular, children and young adults to interact with Gaelic in a way that has never been experienced before.

It is important to a city such as Perth that it receives the economic benefits of the Mòd, which will undoubtedly support local businesses and promote the city as a destination nationally and internationally. Thanks should also be given to BBC Alba for its impeccable coverage of the Mòd. That is another example of the channel being a great tool for sharing Gaelic language and culture in all parts of Scotland.

Finally, I say that, for over a century and a quarter, An Comunn has excelled at being the body of representation for the Gaelic language. The association's aims of supporting and developing all aspects of Gaelic language, culture, history and heritage at local, national and international levels continue to be met and surpassed by the return—again—to Perth of a fully fledged Royal National Mòd.

13:21

**Emma Roddick (Highlands and Islands) (SNP):** Tha mi duilich, in advance, for any pronunciation mistakes.

Tha mi glè thoilichte a bhith a' bruidhinn san deasbad seo. Tha mi air a bhith soilleir bhon taghadh agam gu bheil mi a' cur fàilte air conaltradh sa Ghàidhlig. Tha mi toilichte gu bheil luchd-labhairt na Gàidhlig agam san oifis agam agus tha mi airson taic a thoirt do Rory airson a chuideachadh leis an òraid agam an-diugh. Tha mi cuideachd airson taing a thoirt do Murdo Fraser airson an deasbad seo a thoirt dhan t-seòmar.

Mar a chuala sinn, tha am Mòd Nàiseanta Rìoghail cho cudromach airson a bhith a' bhrosnachadh agus a' comharrachadh ar cànan 's ar ceòl. Tha e a toirt còmhla luchd-labhairt na Gàidhlig agus daoine aig nach eil Gàidhlig bho air feadh na dùthcha agus nas fhaide air falbh.

Tha àite fìor chudromach aig a' Mhòd ann a bhith a' cumail ar coimhearsnachdan Gàidhlig soirbheachail. Mar sin, bha e cho math an tachartas fhaicinn a' tilleadh don t-seachdain slàn de cho-fharpaisean agus consairtean ann am Peairt, às dèidh uimhir de dh'ùine air falbh bho chèile air sgàth Covid.

Tha mi airson an cothrom seo a ghabhail airson meal-a-naidheachd a chur air a h-uile farpaiseach, gu h-àraidh an fheadhainn bhon Ghàidhealtachd agus na h-eileanan.

Bha e gu sònraichte math a bhith a' faicinn Ruairidh Gray, à Uibhist a Deas, agus Annie Catriona Macdonald, às an Eilean Sgitheanach, na buinn òir cliùiteach a bhuanachadh. Chaidh Ruairidh air adhart gus buinn òir an t-seann nòis a buannachadh an ath latha, le Alice MacMillan à Leòdhas. Chan eil ann an Ruairidh ach an dàrna neach a choisinn an dà bhonn aig an aon mhòd.

Air an latha mu dheireadh den fharpais, choisinn Còisir Ghàidhlig an Eilein Duibh, fo stiùir Kirsteen Menzies, Cuach Cuimhneachan Mairead NicDhonnchaidh. Às dèidh seo, thog Còisir Ghàidhlig an Òbain Sgiath MhicShimidh is Thulaich Bhàrdainn, fo stiùir Sileas Sinclair.

Tha e sgoinneil a leithid de thàlant san sgìre fhaicinn air aithneachadh. Tapadh leibh.

*Following is the simultaneous interpretation:*

I am very happy to be speaking in this debate. I have been very clear since my election that I welcome Gaelic communication. I am very happy that Gaelic speakers are in my team. I thank Rory for his help with my contribution today. I also thank Murdo Fraser for bringing the debate to the chamber.

As we have heard, the Royal National Mòd is so important for the promotion and celebration of the

Gaelic language and music. It brings together Gaelic speakers and non-speakers from across the country and further afield, and it has a vital role in ensuring the continued success of our Gaelic communities. It was therefore good to see the event return for a whole week-long programme of competitions and concerts in Perth after so much time away due to Covid. I take this opportunity to congratulate all the competitors, especially those from the Highlands and Islands.

It was great to see Ruairidh Gray from South Uist and Annie Catriona MacDonald from the Isle of Skye win the coveted gold medals. Ruairidh went on to win the traditional medal the following night, alongside Alice Macmillan from Lewis. Ruairidh is only the second person to win both medals at the same Mòd.

On the final day of the competition, the new Black Isle Gaelic choir won the Margaret Duncan memorial trophy under the direction of Kirsteen Menzies. The brilliant Oban Gaelic choir won the prestigious Lovat and Tullibardine shield, with conductor Sileas Sinclair.

It is fabulous and fantastic to see recognition of the talent in the region.

**The Deputy Presiding Officer:** I call the cabinet secretary, Angus Robertson, to respond on behalf of the Scottish Government. You have around seven minutes, cabinet secretary.

13:24

**The Cabinet Secretary for the Constitution, External Affairs and Culture (Angus Robertson):** Tapadh leibh—thank you—Presiding Officer.

I thank Murdo Fraser for bringing forward the debate and members across the chamber for their contributions. It has been hugely positive to hear from all sides of the chamber such positive reflections on the Gaelic language and the Royal National Mòd.

It is a privilege for me to speak on behalf of the Scottish Government on the Royal National Mòd's return to Perth. I will begin by reflecting on members' contributions.

I agree entirely with Murdo Fraser on the value of bilingualism and bilingual education. I say that as somebody who is fortunate enough to be bilingual—I share my first language with my children. Jenni Minto has a long track record of working in Gaelic-medium broadcasting, and I heard what she said about Gaelic-medium education in Oban. She asked me to raise the matter with the Cabinet Secretary for Education and Skills, and I give her an undertaking to do that. It was good to hear the praise from Roz McCall, which I hope was heard by the officers of

Perth and Kinross Council, who have worked so hard to make the Mòd the success that it has been. It was also good to hear the encouragement for young people to speak the language and take part in the wider cultural activities that are associated with Gaelic culture. I heard, too, Claire Baker's calls for innovation in the promotion of the language. That is important.

Alasdair Allan stood as the living embodiment of such encouragement, as he is somebody who—in case people did not know—is a Gaelic learner who now speaks, I am well informed, impeccable Gaelic. That leads me to my total agreement with Donald Cameron—I share his disappointment that his colleague Murdo Fraser did not make his speech in Gaelic. I am sure that it was just an oversight. Perhaps he can follow the inspiration of Dr Allan—we look forward to his next speeches on the subject in Gaelic. The contribution of Emma Roddick, who is learning the language, is encouragement to us all that it is never too late to learn. *[Applause.]*

As members have said, this is the 10th time that the Mòd has been to Perth, and it was a welcome return to a full-scale event following the pandemic. I am aware that my colleagues Shirley-Anne Somerville and Deputy First Minister John Swinney attended several of the opening events, which were well attended by Gaels and non-Gaels alike. I congratulate An Comunn Gàidhealach on its continued hard work to promote and support the use of the Gaelic language in everyday community life over time.

The Royal National Mòd is Scotland's premier festival celebrating its Gaelic linguistic and cultural heritage. It provides opportunities for people of all ages to perform across a range of competitive disciplines, including Gaelic music and song, Highland dancing, instrumental, drama, sport and literature. I echo the praise for all participants and particularly for all medal winners.

The Mòd also represents an annual opportunity for Gaels and non-Gaels to gather and celebrate one of the key features of Scottish identity. The Royal National Mòd continues to attract a great number of participants of all ages and abilities, and an amazing 7,000 attendees took part or visited Perth over the course of the eight days. We should be proud of that number and of the activities on offer, which will have brought a great boost to the Perthshire economy.

The Scottish Government is proud to continue its support for the Royal National Mòd. We provided £60,000 as well as supporting the Gaelic ambassador of the year award. I congratulate this year's recipient, John Urquhart, who is a worthy advocate for the language.

As many members will know, the Scottish Government is committed to supporting the Gaelic language. We recognise the cultural, economic and social value of the language to the whole of Scotland, and we want to ensure that those who wish to learn and use the Gaelic language are given every opportunity to do so.

I reaffirm the absolute commitment of the Scottish Government to safeguard, nurture and promote the Gaelic language as one of the indigenous languages of this country. In recognition of that, we launched the "Scottish Government's Gaelic Language Plan 2022-2027" on 14 October, which I hope will go some way towards supporting those aims. The plan sets out our clear commitment to those who wish to engage with the Scottish Government through the medium of Gaelic as well as making commitments to support our staff who wish to enhance their language skills.

As many members will be aware, we came to power on a strong range of commitments to the Gaelic and Scots languages, and we are seeking views on the future frameworks and support for Gaelic. That consultation is open, and I encourage everyone with an interest to respond to it.

I will close by again thanking An Comunn Gàidhealach for its commitment in bringing together that celebration of Gaelic language and culture. There are many positive and welcome aspects of the Mòd, but I remind us of two important elements. First, the Mòd promotes our rich Gaelic cultural heritage in Scotland, which must be recognised, encouraged and supported. The Mòd has a key role in that regard. The Mòd also has a key role in providing school-age young people with the opportunity to use their Gaelic and demonstrate their ability in song, poetry and drama. We all recognise that as being of great value for Gaelic and for Scotland as a whole.

I am also aware that Perth and Kinross Council has been keen to host the Mòd for a number of years, and it is fitting that the first post-Covid full Mòd was held in Perth and Kinross. That builds on the reputation of a council that has done so much to enrich the cultural life of that area and beyond. Members will all see the economic report that will follow, and I am sure that it will show the great benefits that the Royal National Mòd brings to local economies and demonstrate that Gaelic is for the whole of Scotland.

Tapadh leibh, Presiding Officer.

**The Presiding Officer:** Thank you, cabinet secretary. That concludes the debate. I suspend the meeting until 2 pm.

13:30

*Meeting suspended.*

14:00

*On resuming—*

## Portfolio Question Time

### Education and Skills

**The Deputy Presiding Officer (Liam McArthur):** Good afternoon. The first item of business is portfolio questions on education and skills. As ever, if a member wishes to ask a supplementary, I would invite them to press their request-to-speak button or, if they are joining us online, to place an R in the chat function, during the relevant question.

There is quite a bit of interest in the questions this afternoon, so brief questions and responses to match would be helpful.

### Cumberford-Little Report

1. **Michelle Thomson (Falkirk East) (SNP):** To ask the Scottish Government which elements of the Cumberford-Little report it sees as relevant for its forthcoming review of the skills landscape, and particularly in relation to the stated purpose of “optimising the system for upskilling and reskilling.” (S6O-01460)

**The Minister for Higher Education and Further Education, Youth Employment and Training (Jamie Hepburn):** James Withers is leading the independent review of the skills delivery landscape in Scotland, which commenced in September. It will be for him to decide what evidence he considers and which individuals, institutions and organisations he consults.

**Michelle Thomson:** The minister will be aware that the Cumberford-Little report argued the case for a stronger focus on skills excellence rather than mere competence. Does the minister agree that such an ambitious focus for the skills sector should be considered by the review, and that it fits with the stated purpose of the review to address the specific

“functions and remit of Skills Development Scotland”?

**Jamie Hepburn:** First, I am happy that I see excellence in our system already. The purpose of the review is to ensure that we have a skills system that is fit for the future challenges that we face. I can certainly say that it must be one that is based on excellence.

That is why we initiated the review, which will look not only at SDS but across the wider skills landscape. The review has parameters that will ensure that we have an ambitious focus for the future.

I reiterate that it is for James Withers to consider the points that Michelle Thomson has raised, given the independent nature of the review.

**The Deputy Presiding Officer:** Pam Gosal has a brief supplementary question.

**Pam Gosal (West Scotland) (Con):** Apprenticeship contribution rates have remained static for around a decade. Now there are fears of a freeze on apprenticeship places until next year. Naturally, many small and micro-sized businesses are concerned about the potential impacts. Can the minister clarify whether there will be a freeze on apprenticeship places until next year, and will the Government commit to an independent review of apprenticeship contribution rates?

**Jamie Hepburn:** There is no freeze on apprenticeships this year. There are still many places available to be taken up in the contracts that have been awarded, and they should be fulfilled. Let us be clear: there is no freeze on apprenticeship places this year.

As for the contribution rates, I would expect Skills Development Scotland, as the agency tasked with those matters, to consider those in conjunction with any other agency that is looking to consider those matters.

**The Deputy Presiding Officer:** Question 2 has not been lodged.

### Skills Shortages

**3. Gordon MacDonald (Edinburgh Pentlands) (SNP):** To ask the Scottish Government what action is being taken to tackle skills shortages. (S6O-01462)

**The Minister for Higher Education and Further Education, Youth Employment and Training (Jamie Hepburn):** In the national strategy for economic transformation, we set out our commitment to ensuring that employers have the supply of skills they need. In 2021-22, the national transition training fund and the north east economic recovery and skills fund provided over 23,000 training interventions across a range of sectors.

To attract people to Scotland, we have committed to launching a talent attraction and migration service in 2023, which will build on our talent attraction programme aimed at attracting workers from the rest of the United Kingdom.

**Gordon MacDonald:** I share the concerns of the Construction Industry Training Board about filling the skills gap across the sector—in skills from bricklaying to building safety, and from digital skills to those relating to energy efficiency—in order to enable us to address the commitment to net zero. The CITB has suggested that we need an additional 26,000 construction workers by

2025. Given the skills gap, and the fact that access to previously available European Union workers is no longer an option, can the minister advise us what action the Scottish Government will take to tackle the problem?

**Jamie Hepburn:** I certainly recognise the nature of the challenges, which I have been able to discuss directly with the sector, including the Construction Industry Training Board. I have laid out some of the activity that we are undertaking, including steps to try to attract people from other parts of the UK to Scotland.

In terms of what we are doing here and now, in 2020-21, there were more than 11,000 construction and property students in Scotland. That is about 9 per cent of full-time equivalent places in our colleges. Apprenticeships continue to be a key mechanism for promoting employment and investment in the construction sector.

In 2021-22, the Scottish Government had 6,540 people going into modern apprenticeships in the construction sector—the highest number on record and a 30 per cent increase on the previous year. In addition, construction accounts for the highest level of usage of individual training accounts. Alongside that, since 2018, almost 600 employers in the sector have accessed the flexible workforce development fund.

We have a range of initiatives under way, but of course I recognise that there is more to do. That is something that I am committed to taking forward.

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

**Stephen Kerr (Central Scotland) (Con):** Given that answer and the comments of a whistleblower who has contacted us, can the minister confirm whether Skills Development Scotland has had any of its budget for this year reclaimed by the Scottish Government?

**Jamie Hepburn:** It is no secret—the Deputy First Minister has stood on his feet in this chamber to talk about the process that we are undertaking to try to manage some of the cost pressures this year. However, if that was a reference to the question that was asked by Pam Gosal—we do not need any form of whistleblower to raise those issues given that Pam Gosal has done so—I will say again that there is no freeze on the recruitment of modern apprenticeships this year, which is the core activity of Skills Development Scotland. SDS will continue to deliver on the programmes and projects that it has in place.

**Martin Whitfield (South Scotland) (Lab):** When it comes to skills shortages, can the minister comment on Derek Smeall's evidence to the Education, Children and Young People Committee on 21 September? He said:

“the reality is that, when we did our own analysis we found that, as we go forward in the presence of ‘chronic underfunding’—there is a reason why I use that term—the impact looks at this early stage to be likely to mean a reduction in my workforce of 25 per cent by the end of year 5, which is 2027.” —[*Official Report, Education, Children and Young People Committee*, 21 September 2022; c 14.]

How is that helping our skills shortage?

**Jamie Hepburn:** I recognise that there are obvious challenges in relation to the college sector. We will work closely with the colleges to make sure that we find a way through. The independent review that is under way will make recommendations, and we are responding to the Scottish funding council’s review into sustainability and coherence of provision. We are working our way through those matters.

In terms of the budgetary position, I would have thought that Mr Whitfield would recognise and understand that there is significant pressure on the Scottish Government’s budget as a consequence of decisions that are being taken by the UK Government. If it is Labour’s view that more should be invested in this area of activity, I look forward to it suggesting what other area of the budget should be cut.

**The Deputy Presiding Officer:** Question 4 is from Fiona Hyslop, who joins us online.

### Home Education

**4. Fiona Hyslop (Linlithgow) (SNP):** To ask the Scottish Government whether it will amend education support guidance to distinguish between voluntary home education as a matter of choice and involuntary home education as a matter of necessity. (S6O-01463)

**The Cabinet Secretary for Education and Skills (Shirley-Anne Somerville):** Opting to home educate your children should always be a choice and no family should feel that they have to withdraw their child from local authority education. There is a clear duty on education authorities to provide an education for all children in their area, especially children with additional support needs.

**Fiona Hyslop:** The cabinet secretary will be aware that there is a small number of pupils who have very serious difficulty in physically being in school because of their neurodiversity or their struggle with their mental health. Does the cabinet secretary acknowledge the difference between those parents who voluntarily home educate as a choice and those parents and children who have it involuntarily imposed on them as the only possible way that they can engage in education? Can the Scottish Government amend the draft guidance that is being consulted on to reframe such involuntary home education as a necessity rather than a choice, as local authorities say that they cannot provide discretionary support without such

a change in guidance? What support can the Scottish Government offer to those young people in the meantime so that they do not miss out on education?

**Shirley-Anne Somerville:** I thank Fiona Hyslop for her continued interest in the matter. As I said in my original answer, home education should always be a positive choice by a family and no one should be required to home educate. Local authorities have that duty to provide a suitable education to every pupil and, despite the challenges that individual pupils face, a local authority must support every child.

I am very sympathetic to the wide range of situations in which children and young people may struggle at school and I recognise that that may lead a family to consider home education. However, where a family feels that school education is not meeting their child’s needs, I would expect the local authority to work with the family to resolve any concerns.

On the matter of guidance, I know that the member is well aware of the Government’s current consultation. Local authorities have the power to respond to requests for discretionary access to a range of resources, including from home educated pupils, and the authorities’ responses will depend on the support that is requested. Our guidance encourages local authorities to support home educating families where that is possible.

I again thank Fiona Hyslop for her continued interest in the matter. I note our recent correspondence and I will consider it, as we consider all aspects regarding the guidance, during our consultation process.

**Foysoyl Choudhury (Lothian) (Lab):** In cases where home education is a matter of necessity, what support can the Scottish Government provide to ensure that children have the connectivity and the equipment that are needed for a modern education?

**Shirley-Anne Somerville:** As I said in my answer to Fiona Hyslop, home education should always be a positive choice and not a matter of necessity. The guidance as it is currently configured allows local authorities to assist families with requests for discretionary access to a range of resources, which might include aspects around connectivity.

**Michael Marra (North East Scotland) (Lab):** The consultation on home education comes at a particularly challenging time for local authorities. I have pressed the cabinet secretary on numerous occasions to do more to find out how many pupils have not returned to school following the pandemic. Many of those pupils are moving on to forms of home education.

Will the cabinet secretary commit to a full analysis of how many young people across Scotland have disengaged from education and how many families are struggling to get their kids back into school? Will she accompany that with a real plan for our education recovery?

**Shirley-Anne Somerville:** The issue is discussed in both national and local Government. It is happening not just in Scotland but in other jurisdictions as well.

I recognise that there is a challenge in relation to some young people returning to education, and particularly to full-time education, following the pandemic. I reassure the member that we are taking the issue very seriously, as are Education Scotland and local authorities. We will continue to analyse it and do what is necessary to support schools to support young people to get the education that they are, of course, entitled to.

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

### Teachers (Recruitment)

**6. Tess White (North East Scotland) (Con):** To ask the Scottish Government whether it will provide an update on the actions that are being taken to recruit teachers in primary and secondary schools. (S6O-01465)

**The Cabinet Secretary for Education and Skills (Shirley-Anne Somerville):** Local councils are responsible for the recruitment and deployment of their staff. That includes providing a complement of teachers that best meets the needs of each of their schools and its pupils within the resources that are available.

During the pandemic, the Scottish Government provided an additional £240 million to local authorities to support the recruitment of additional teachers and support staff. We have since committed further permanent funding of £145.5 million a year to further support education staffing. That provides assurance of funding for councils and removes that barrier to the employment of staff on permanent contracts.

**Tess White:** In the summer holidays, Aberdeenshire schools were sent only a handful of the newly qualified teachers they requested, with particular gaps in science, technology, engineering and mathematics. Meanwhile, other parts of the country have been given surplus teachers they do not need. Those issues are long standing and show no sign of abating, with the effect that pupils are not getting the same teaching in key subjects just because of where they live.

Ahead of the next school year, what action is the Scottish Government taking to ensure that the system for allocating new starts does not overlook

our brilliant schools in the north-east, outside the central belt?

**Shirley-Anne Somerville:** Of course, the decision on where a probationer wishes to spend their probationary year is for that individual, who will consider where they wish to go. We cannot make probationers go to certain parts of the country. There is a process that allows them to give a number of options in relation to where they wish to go. We need to take cognisance of the fact that there is an individual choice aspect to the matter.

I recognise that there are shortages in particular areas and particularly in some aspects of education—STEM being one. There are other areas where there are not similar challenges.

We will always consider what can be done at Scottish Government level and through initial teacher education to provide information to the people going through teacher education about the options that are available. Local authorities are, of course, responsible for ensuring that they do everything that they can. I admit that there are challenges in that, and I am happy to work with individual councils when challenges arise. However, we have to take account of the fact that individual probationers and those moving into full-time education posts make individual choices—they might decide to go to particular areas and that might present challenges. We are cognisant of that.

**Stephen Kerr (Central Scotland) (Con):** An issue relating to the recruitment and retention of teachers is the state of morale in the profession. In large measure, that is being driven by the incidence of violence against teachers in the classroom. Some disturbing reports have been published recently by the Educational Institute of Scotland and other bodies to try to quantify the level of such violence in classrooms. What initiatives or plans does the cabinet secretary have to help and support teachers in those difficult situations?

**Shirley-Anne Somerville:** That is an exceptionally important issue, and I thank Stephen Kerr for raising it, as he and other colleagues have done in the past. We are in close contact with all the teaching unions, and I have spoken to them directly about their concerns about violence and harassment in schools. There is no place and no excuse for an attack, either verbal or physical, on a teacher, a member of support staff or anybody who is involved in education. National guidance has been made available, but it is up to individual schools to decide on the right process and penalties for them. I am keen to work with trade union colleagues to see whether anything further can be done at national level.

### **Transition to a Fossil Fuel-free Future (Workforce Skills)**

#### **7. Gillian Mackay (Central Scotland) (Green):**

To ask the Scottish Government what steps it is taking to support the workforce skills that are needed to pursue a transition towards a fossil fuel-free future. (S6O-01466)

**The Minister for Higher Education and Further Education, Youth Employment and Training (Jamie Hepburn):** Supporting Scotland's current and future workforce to develop the skills that are needed for the net zero transition is a priority for the Government. Our commitment to green skills and a just transition is clearly set out in the national strategy for economic transformation, and we are already making strong progress in that area.

We will update our first climate emergency skills action plan in 2023, and we are working with the skills agencies to ensure that our existing skills programmes are providing people with the skills that employers will need as they move to greener ways of working.

**Gillian Mackay:** A recent report by Scottish Renewables found that more than 27,000 people in Scotland are directly employed in Scotland's renewables sector. With fossil fuel supplies likely to be impacted this winter, the need to accelerate the transition to a green future has never been greater.

Will the minister outline what steps the Scottish Government is taking to ensure that the green jobs workforce academy and similar programmes are boosting skills and employment across Scotland, including in my Central Scotland region?

**Jamie Hepburn:** Our green jobs workforce academy has been undertaking good initial and early work. We have been through the design phase, learning from and building on successful existing programmes such as the national transition training fund and the young persons guarantee. That is informing the evidence base for what we need to do in the longer term to support the scale and breadth of work to retain and reskill the workforce so that we can face the challenges that Gillian Mackay has mentioned. Skills Development Scotland has undertaken a detailed impact assessment of the academy to date, which has included drawing out information on the profile of users and sectoral interests. The data is informing the development of the next phase for the academy.

**Sue Webber (Lothian) (Con):** Yesterday, at the Conveners Group meeting, Chris Stark of the United Kingdom Climate Change Committee stated that having a properly skilled workforce and jobs to facilitate the economic transition to net zero is the top issue.

The eco-house project at West Lothian College is a prime example of the college sector and Government funding working together to upskill Scotland and pursue a transition to a fossil fuel-free future. It will see the development at the Livingston campus of two semi-detached houses, which will form a state-of-the-art training facility in the heart of West Lothian to support the development of skills and knowledge and provide practical experience in sustainable construction methods and efficient and effective renewable energy, all underpinned by current and new technologies. It is a prime example of what the Scottish Government, the college sector and the private sector should be doing to meet the challenges that our country faces in tackling climate change. Will the minister commit to providing funding to replicate that innovative and ground-breaking eco-house project throughout Scotland?

**Jamie Hepburn:** We support the college sector to support local communities and local economies to respond directly to that challenge in a creative fashion, as is happening at West Lothian College.

The work that is being done at West Lothian College is obviously a very good example of what is happening, and it is to be commended for that. However, if the member were to go to Borders College, she would see what it is doing to support that transition through the science, technology, engineering and mathematics centre that it has constructed. If she were to go to any college in the country, she would see a range of such activity. That activity is already happening, and we will get behind it and support it as best we can.

### **Attainment (Primary Schools)**

**8. Jeremy Balfour (Lothian) (Con):** To ask the Scottish Government what work it is doing to improve attainment across primary education in Scotland. (S6O-01467)

**The Cabinet Secretary for Education and Skills (Shirley-Anne Somerville):** We are absolutely committed to improving attainment and substantially eliminating the poverty-related attainment gap by 2026. To do that, we will invest an increased £1 billion in the Scottish attainment challenge over the course of the parliamentary session. Primary schools will benefit from £520 million of pupil equity funding, which will empower teachers, who know their pupils best, to focus on improving attainment.

The new framework for recovery and accelerating progress requires local authorities to set ambitious stretch aims on improving attainment and closing the poverty-related attainment gap, which include improving literacy and numeracy in primary education. Local authorities are currently providing those stretch

aims, and Education Scotland will support them in implementing the improvements.

**Jeremy Balfour:** Despite what the cabinet secretary said, the Scottish Government is failing Scotland's children. As the national improvement framework report shows, attainment levels are declining across the board. Does the cabinet secretary acknowledge that there are now fewer teachers and fewer schools than there were when the Scottish National Party came to power in 2007? Is she worried that, despite the hard work of our teachers and support staff, the SNP is overseeing declining attainment levels in Scottish schools?

**Shirley-Anne Somerville:** I am disappointed by the tone and inference of Jeremy Balfour's supplementary question, which, I think, discredits the good work that is being done in Scottish education.

Before the pandemic, the year-on-year trend in the achievement of curriculum for excellence levels—ACEL—data was positive. There were positive signs, but it is clear that the pandemic has had an impact. That is not surprising; an impact is being experienced not only in Scotland but elsewhere.

When it comes to teacher numbers, the ratio of pupils to teachers is at its lowest level since 2009. We have more teachers than at any time since 2008, and—*[Interruption.]* If Mr Balfour would like to listen to the answer to the question, he might learn something. We have more teachers per pupil than any other nation in the United Kingdom.

We will continue to invest in, and to support local authorities with, the recruitment and retention of teachers, and we will continue to fulfil our manifesto commitments on attainment and investment in teacher numbers.

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** Poverty has a huge impact on children's ability to learn. Does the cabinet secretary agree that any child would find it difficult to learn on an empty stomach? Free school meals for children in primaries 1 to 5, the child payment of £25 per week for every child in a qualifying family and the extension of that to children up to 16, which will all be available from 14 November, will play an enormous part in improving the attainment of all our children in schools.

**Shirley-Anne Somerville:** As always, Christine Grahame makes a very salient point. The Scottish Government is able to assist children and young people not just through our education policies but through our wider work on child poverty.

Our work on child poverty would be much easier were it not for the devastating impact of

successive UK Government welfare reforms that have been imposed since 2015. If some of those welfare reforms—such as the two-child limit, the removal of the £20 uplift in universal credit and the 2015 to 2020 benefit freeze—were to be reversed, that would put £780 million into the pockets of those in Scottish households and would lift 70,000 people, including 30,000 children, out of poverty next year.

We will do—as we have always done—everything that we can to support children and young people. It is unfortunate that the UK Government continues to make that much more difficult than it needs to be.

## Scottish Covid-19 Inquiry Chair

**The Deputy Presiding Officer (Liam McArthur):** The next item of business is a statement by John Swinney on the Scottish Covid-19 inquiry chair. The cabinet secretary will take questions at the end of his statement and so there should be no interventions or interruptions.

14:25

**The Deputy First Minister and Cabinet Secretary for Covid Recovery (John Swinney):** In this statement, I will update Parliament on matters relating to the Scottish Covid-19 inquiry. In particular, I will announce a new chair and an amendment that will be made to the inquiry's terms of reference.

I begin by repeating my condolences to those bereaved during the pandemic and repeat my conviction that the Scottish Covid-19 inquiry must help to provide the answers for which those individuals, and others affected by the pandemic, search.

In fulfilling our commitment to establish a public inquiry into the handling of the pandemic in Scotland, the Government took time to meaningfully and openly engage with the public on draft aims and principles for the Scottish inquiry. I again express my thanks to everyone who engaged with me and my officials during that important work on the design and scope of the inquiry.

On 14 December 2021, I announced to Parliament the establishment of the Scottish Covid-19 inquiry under the Inquiries Act 2005. Under that act, ministers have the power to establish an independent public inquiry, to set terms of reference and to appoint a chair and panel. In that December statement, I announced the terms of reference of the Scottish Covid-19 inquiry and the appointment of the Hon Lady Poole to be its chair.

On 9 June 2022, I announced to Parliament three amendments to those terms of reference. The amendments were designed to clarify the scope of the inquiry following a period of reflection. That statement was intended to be the final word from Government on the establishment of the inquiry. In particular, I expected that statement to be my last word on the terms of reference—thereafter they move over to the inquiry itself. Section 17 of the 2005 act gives an inquiry chair alone, rather than ministers, responsibility for deciding how an inquiry should operate. It was, and is, for the Scottish Covid-19 inquiry itself to comment on its work.

On 30 September, I was given notice by Lady Poole that she intended to step down from the role of chair of the Scottish Covid-19 inquiry for personal reasons. The Scottish Government was not given any indication before 30 September that Lady Poole had intended to resign. However, ministers fully respect Lady Poole's decision and I accepted notice of her resignation. The Scottish Government is grateful to Lady Poole for the work that she has undertaken since the establishment of the inquiry; I thank Lady Poole for her work and wish her well.

The Scottish Government has always been clear that we want the inquiry to be delivered at speed and to address the range of questions that people—particularly the bereaved—have, so that we can learn and benefit from those lessons as early as possible. From recent discussions with the representatives of bereaved families, I am acutely aware how important it is that no delay to the inquiry should arise from Lady Poole's resignation as chair. That is why arrangements for identifying a new inquiry chair have been taken forward as a matter of urgency, in order to ensure a swift and successful transition.

To that end, I have liaised with the Lord President regarding the appointment of a new judicial chair, in line with our previous commitment to having the Scottish inquiry led by a judge. I thank the Lord President for his engagement and co-operation on that matter. I have also benefited from the insights and reflections of bereaved family groups about what they would want to see from a new inquiry chair and I am especially grateful to them for their engagement at this time.

As a result of that work, I am pleased to be able to announce that the Hon Lord Brailsford, a sitting senator of the College of Justice of Scotland, will be the new chair of the Scottish Covid-19 inquiry and will assume that role tomorrow.

I am confident that Lord Brailsford will bring his extensive experience as a long-serving senator of the College of Justice to the role of chair of the inquiry and will approach its work in a way that properly addresses the need for answers to the questions posed by those who have suffered through the pandemic.

From my interactions with Lord Brailsford, I know that he is keenly aware of the need to ensure that the inquiry progresses and delivers at pace, in order that lessons can be learned in a timescale that will make them applicable and useful.

I am also assured that Lord Brailsford will undertake the role of chair in an inclusive way, with sensitivity, empathy and compassion. I am confident that Lord Brailsford will see that full scrutiny is applied in all the required directions to

ensure that this inquiry provides the answers that it has been established to find.

I have asked Lord Brailsford to meet with bereaved families at the earliest opportunity, so that he may hear at first hand their perspective about the inquiry and its approach.

Lady Poole undertook in her resignation to support and assist with the transition to her successor. It will now be a matter for Lord Brailsford to determine how those handover arrangements will work in practice in order to best support continuity in the work of the inquiry.

The Scottish Government, in its role as sponsor of the inquiry, will provide operational support, as the chair considers necessary and appropriate, in order to enable the inquiry to continue its independent work and ensure that the progress that the inquiry has made so far is maintained.

I can also announce today that the terms of reference for the inquiry will be supplemented in one important respect. That amendment has been discussed with Lord Brailsford, and is designed to provide absolute clarity of the Government's desire that the inquiry be taken forward in a way that supports our commitments to a person-centred and human rights-based approach.

The terms of reference for the inquiry currently set out 12 areas of investigation, each covering a strategic element of the handling of the pandemic. In investigating those 12 strategic elements, the terms of reference ask the chair to

"consider the impacts of ... handling of the pandemic on the exercise of Convention rights"

as they see appropriate, and to create a factual record of the key strategic elements of the handling of the pandemic.

In my June statement, I noted that we amended the terms of reference, including to expressly highlight the consideration of disparities by way of amendment to the terms of reference, which encompasses "unequal impacts on people".

Today, I confirm that we will make one further addition to the reporting requirements in the terms of reference, which will be effective from the formal appointment of Lord Brailsford as inquiry chair. Specifically, that change will require the inquiry

"to demonstrate how a human rights-based approach by the inquiry has contributed to the inquiry's findings in fact and recommendations."

That requirement will co-exist with current references in the terms of reference to "Convention rights" and to considering "unequal impacts on people".

The operation in practice of a human rights-based approach will, and must, still lie in the hands of the

inquiry chair. However, that amendment reflects a joint commitment between Scottish ministers and the new chair that the inquiry take a person-centred, human rights-based approach to ensure that every person and organisation taking part can meaningfully participate, be treated fairly and be empowered to take part in the inquiry.

I am grateful to Lord Brailsford for supporting that amendment, the announcement of which, I hope, gives confidence to bereaved families and others about the future direction of the inquiry.

The inquiry operates independently of Government, which is a key to its integrity, and in the legal regime under which it has been established. The Inquiries Act 2005 sets out a clear framework for the independent functioning of the inquiry. This statement fulfils my duties under the act to inform Parliament of my intention to appoint a new chair.

I have also set out today my intention to change the inquiry's terms of reference, and set out how that will be done. An inspired parliamentary question, to be answered tomorrow, will fulfil the duty under the act to

"set out the terms of reference"

as amended, and confirm that they have taken effect.

I should also note that no panel members will be appointed today, and that it will be for Lord Brailsford to consider whether to appoint any assessors to provide expertise on particular subjects or any other assistance to the inquiry.

From my own and the First Minister's interactions with Lord Brailsford, I am left with no doubt that he is fully qualified for the demanding task put in front of him, and I express my gratitude and that of the First Minister to Lord Brailsford for his agreement to take on this important role on behalf of the people of Scotland.

I reiterate that the Scottish Government undertakes to engage fully to support Lord Brailsford and the inquiry in the vital task before them.

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

I would be grateful if members who wish to ask a question, and who have not already done so, were to press their request-to-speak buttons now or as soon as possible.

**Sandesh Gulhane (Glasgow) (Con):** In the public gallery is Caroline Macdonald, who is a sufferer of long Covid and who is here at personal cost to her health and her wellbeing tomorrow.

Long Covid has devastated her life and the lives of more than 200,000 other Scots. All long Covid sufferers—and everyone else in Scotland—will be dismayed by the resignation of Lady Poole, and there are still many unanswered questions regarding her resignation. I hope that the cabinet secretary will answer those in due course.

I welcome the appointment of Lord Brailsford. In the past, the tram and hospitals inquiries have been beset with delays. Given the resignation of Lady Poole, can the cabinet secretary guarantee that that will not happen again, and will he commit to the inclusion of long Covid in the inquiry?

**John Swinney:** First, I express my good wishes to Caroline Macdonald. I understand and fully appreciate the impact of long Covid—actually, I cannot fully appreciate the impact, because I have not experienced it, but I understand the suffering of individuals and the endurance that is involved. The Government is entirely focused on ensuring that we address the clinical needs of individuals who experience long Covid.

On the conduct of the inquiry, as Dr Gulhane will know, inquiries by their nature—in particular, those that are set up under the Inquiries Act 2005—must operate independently of Government. The operation of the inquiry is therefore a matter entirely for its chair.

As I have indicated to the Parliament, I very much regret the fact that Lady Poole felt it necessary to tender her resignation. She did so and I respect her reasons, and that is the end of the matter.

I have moved swiftly to replace Lady Poole with the eminent judicial leadership of Lord Brailsford, who will tomorrow be able to start his activities in leading the inquiry. I am very grateful to the Lord President and to Lord Brailsford for the substantial amount of reorganisation that has been involved in enabling that to be the case.

All the issues that Dr Gulhane raised about long Covid are legitimate to be raised as part of the inquiry. However, beyond the setting of the terms of reference, it would be wrong for me to prescribe what should be discussed in the inquiry. That is a matter for Lord Brailsford to determine within the scope of the remit.

**Jackie Baillie (Dumbarton) (Lab):** I thank the Deputy First Minister for the advance sight of his statement. I welcome the news of the appointment of Lord Brailsford as the new chair and wish him well as he undertakes that incredibly important work. It is essential that there are no delays to the work of the inquiry, in order to retain the confidence of those who have lost loved ones to Covid.

I note, however, that the Deputy First Minister made no mention of the appointment of new senior counsel. Given the resignation of those at the same time as that of Lady Poole, can he advise of the likely timescale in which the chair will take that forward? When I raised the matter earlier this month, the Deputy First Minister was keen to quote at me section 17 of the Inquiries Act 2005, as an attempt, I think, to avoid comment on the resignation of senior counsel. However, other sections in that act permit him to engage with organisational matters. Let us be clear: he must not interfere with the evidence-finding activities of the inquiry, but he has a responsibility and indeed a duty to support the chair and ensure that the inquiry can function well.

As such, will he tell me what delay there will be to the work of the inquiry? Will he ensure that the chair has all the necessary resources that are required and that the chair can, should he wish, appoint people to staff the inquiry who are entirely independent of Government? Finally, to follow up my colleague Sandesh Gulhane's question, will he confirm that consideration of the impact of long Covid is within the scope of the terms of reference of the inquiry?

**John Swinney:** There is a lot in there, but I shall endeavour to work my way through it.

First, I welcome Jackie Baillie's comments on Lord Brailsford's appointment. When I spoke with him on Tuesday to advise him of my intention to appoint him, he indicated to me that he believed it to be an honour to be invited to lead the inquiry, and he said that in his public statement this afternoon. That speaks for what Lord Brailsford will bring to the inquiry. He realises its significance.

As I said in my statement, I have also asked Lord Brailsford to engage with bereaved families, which he has agreed to do as an early priority. I totally accept the importance of ensuring continued confidence; indeed, just before I came into Parliament this afternoon, I had three separate discussions with bereaved families groups to advise them of the contents of the statement.

In relation to the conduct of the inquiry and the appointment of senior counsel, the point about section 17 is not pedantic. There are very good reasons why the Government is not, and should not be, close to these matters. Those are questions for Lord Brailsford; he is engaged on those questions, and will be engaged on them tomorrow, when he assumes his formal responsibilities. I unreservedly give the commitment that the Government will provide whatever support Lord Brailsford considers necessary, and I have made that offer to him.

In relation to the delay to the inquiry, I reassure Jackie Baillie that, since Lady Poole's resignation, she and staff have remained engaged and the work of the inquiry has continued. The Government is undertaking work to support the inquiry in relation to requests for information that have been asked of us. That is all under way.

On resources, as I think I have said publicly before, the inquiry already has more than 60 members of staff, so there are resources there. If more resources are required, Lord Brailsford will advise me of the requirements. The Government—subject to ensuring that we can protect the independence of the inquiry—will give all operational support. However, Lord Brailsford will be the judge of that, as he is the custodian of the independence of the inquiry. I am very confident that he will exercise that judgment.

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** In relation to the previous two questions, I welcome the Deputy First Minister's commitment to the long Covid issue, as that is an issue that has been raised with me.

It is right that bereaved families should be at the forefront of all our minds as the inquiry progresses. How will the Scottish Government ensure that their voices are kept central to the inquiry's work and that their testimonies are handled with sensitivity and respect?

**John Swinney:** I apologise to Jackie Baillie that I omitted to deal with the point about long Covid. I am not in any way avoiding the question, but we have set out the scope of the terms of reference and, in my judgment, long Covid issues are certainly within the scope of the terms of reference. Fundamentally, though, it is a matter for Lord Brailsford to determine as he leads the evidence in the inquiry. I hope that that addresses Mr MacGregor's first point.

On the bereaved families, I cannot stress to Parliament more the importance that I attach to the voices of bereaved families being heard in the inquiry. I have asked a number of things of Lord Brailsford, including to chair the inquiry and to follow the terms of reference, but I have also asked him specifically to meet the bereaved families groupings as an early priority, because I think that that is important. As I said to the families, I have done my best to convey to Lord Brailsford what they have said to me about how they feel about the inquiry. It is critical that Lord Brailsford hears that from the families, and he has given me the undertaking that he will do so.

**Murdo Fraser (Mid Scotland and Fife) (Con):** Were any of the four counsel who resigned from the inquiry required to sign a non-disclosure agreement? If so, was there any payment associated with that?

**John Swinney:** I do not know the answer to that question and it is not appropriate for me to know the answer to it, because those are operational matters for the inquiry. If Mr Fraser wishes to pursue that issue, he could raise it with the secretary to the inquiry.

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** Nobody's life has been untouched by the pandemic, and people from all areas of society will rightly be invested in the inquiry. With that in mind, how will the Scottish Government ensure public confidence in the inquiry and its new team?

**John Swinney:** There has to be very active engagement with those who have an interest in the inquiry, and the inquiry needs to make progress at an early stage to ensure that we address those questions. Covid has not disappeared from our lives—unfortunately, it is still part of the fabric of our society. As we go into a very challenging winter, there are many decisions that will have to be taken that will be affected by the presence of Covid. Understanding and learning the lessons as quickly as possible is a critical part of the work that we must undertake to ensure that the inquiry fulfils its purpose and has an impact on public policy in Scotland in relation to Covid.

**Pam Duncan-Glancy (Glasgow) (Lab):** The Deputy First Minister will be aware that Scottish Labour, Amnesty International and other civil society organisations pressed for a human rights-based Covid inquiry. As per their letter, we and they were concerned that the terms of reference relied on the chair's professional experience in equality and human rights and personal commitment to look at rights breaches. We were unconvinced then that the chair's professional experience should substitute for human rights being embedded in the inquiry's terms of reference, so I am pleased to hear the commitment to that today.

A human rights-based approach needs participation and accountability; disabled people felt left out of the response to Covid and must be included in the inquiry. Can the Deputy First Minister set out whether he would agree to commit to supporting their active participation in the inquiry and signal that their and others' involvement is key? In order to do so, the terms of reference need to be explicit about what human rights mean and give explicit reference to a panel approach.

**John Swinney:** I welcome Pam Duncan-Glancy's comments and her recognition of the step that I have taken today. What she invites me to do now is to prescribe—to a degree that was not envisaged in the Inquiries Act 2005—how the inquiry should operate. I have to have a legal basis for all the actions that I take as a minister.

Section 17 of the 2005 act, as I read it, gives sole responsibility to the chair to decide how an inquiry should operate. If I did what Pam Duncan-Glancy invites me to do, I would be acting inappropriately under that section of the act.

Of course, Pam Duncan-Glancy has put her comments on the record. I am certain that Lord Brailsford will study the *Official Report* of today's proceedings and I am sure that he will be interested to read the particular proposition that Pam Duncan-Glancy has fairly put on the record today.

**John Mason (Glasgow Shettleston) (SNP):** I noted in the cabinet secretary's statement that he used the words "at speed", but I sometimes wonder whether what "at speed" means to the legal profession is slightly different from what it means to the rest of us. Can he assure families that this inquiry will not drag on as, I am afraid, the Edinburgh trams one has done?

**John Swinney:** I assure Mr Mason that the issues of Covid remain very present in our society. Indeed, as a member of the COVID-19 Committee, Mr Mason is engaged in all those questions. Therefore, the inquiry and Lord Brailsford strike me as being entirely seized of the importance of that point.

Other inquiries have taken a different approach from that of the trams inquiry. I have cited before the Scottish child abuse inquiry, in which Lady Smith has taken a modular approach and has reported on—I think—at least six modules. Therefore, the findings of the inquiry are already in the public domain, with evidence having been heard and further evidence taken. That approach has also been taken by Baroness Hallett in the United Kingdom inquiry. There are ways of making sure that the issues of concern in this debate can be heard early and swiftly. The point that Mr Mason raises can be satisfactorily addressed by the conduct and structure of the inquiry.

**Alex Cole-Hamilton (Edinburgh Western) (LD):** I congratulate the Deputy First Minister on the swift turnaround of the appointment of Lord Brailsford, who carries with him the good wishes of the chamber. I am also gratified to hear that, in Mr Swinney's judgment, the inquiry could look into long Covid, which affects 200,000 Scots. Although all of Scotland wants to know how we handled our nation's response to Covid, we also need to know how we handled our response to what Covid can become.

We know that inquiries, such as the Iraq, Penrose or trams inquiries, can take many years. Given the length of time that this inquiry might take, although he cannot direct the inquiry, does he share my desire to see some kind of interim

report to at least answer some questions as we get the answers to them?

**John Swinney:** First, I welcome Mr Cole-Hamilton's points, which are encouraging in relation to the conduct of the inquiry. The terms of reference are deliberately designed to enable Lord Brailsford to take a modular approach. There are 12 different sections of the inquiry remit and they are all reasonably compartmentalised. Therefore, it would be possible to do exactly what Mr Cole-Hamilton says and, as I have reflected in my answer to Mr Mason, I think that the experience of Lady Smith's inquiry is a good example of being able to give people timely conclusions, based on the hearing of evidence, rather than waiting some time—sometimes, a very long time—for some conclusions to materialise.

Again, I think that Mr Cole-Hamilton's points are valid ones; the operation of the inquiry is for Lord Brailsford, but he will hear the points that have been raised and will understand the seriousness with which they have been put forward.

**Jackie Dunbar (Aberdeen Donside) (SNP):** With the listening project still scheduled to go ahead later this year, does the Deputy First Minister feel confident that the inquiry team has the capacity to conduct that activity properly, unimpacted by recent staff changes?

**John Swinney:** I think that it is possible and the point that Jackie Dunbar raises with me is a good example of how the inquiry has been proceeding with its activities while we have had the issue around its leadership. I pay tribute to the staff of the inquiry, who have continued with that good work. It gives a basis on which we can ensure that members of the public can engage with the inquiry through the listening project and their contributions can begin to be reflected in the conduct of the inquiry.

**Gillian Mackay (Central Scotland) (Green):** I welcome the decision to put human rights into the terms of reference. I appreciate that the inquiry is independent but, given the public interest in any outcomes of the inquiry, how will the Scottish Government ensure that the conclusions of the inquiry, including any interim conclusions if appropriate, are in accessible formats in order to provide all families who have lost a loved one with the answers that they deserve?

**John Swinney:** I have placed a requirement on the inquiry

"To demonstrate how a human rights-based approach by the inquiry has contributed to the inquiry's findings".

Also, in the recommendations, we place that very obligation on the inquiry—to ensure that it reports and it engages at all times in an appropriate and accessible way so that the needs of all interested

parties are properly and adequately met as a consequence.

**Brian Whittle (South Scotland) (Con):** I have a point of clarification for the cabinet secretary. Are Scottish Government civil servants directly involved with the inquiry? If they are, would he not recognise that that might be a significant conflict of interest?

**John Swinney:** There are civil servants who have been seconded to the inquiry. That is a standard practice for public inquiries, because civil servants bring with them a great deal of expertise. However, it is critical that those civil servants exercise their professional responsibility, which, in my experience of the civil service, is an absolutely consistently delivered proposition.

When I entered Government in 2007, I had spent many years as a political activist, as a member of Parliament and as an observer of politics being told that civil servants could one day support an Administration of one colour and then, the next day, the self-same people could wholeheartedly support an Administration of another political colour. I wondered whether that was correct—I had no experience of such a situation before early May 2007—and, on day 1, I found out that it was correct, because those civil servants operate in an entirely professional manner, acting in line with their remit and accountabilities. That is part of their professional contribution and I am grateful to them for that.

**Jim Fairlie (Perthshire South and Kinross-shire) (SNP):** First, I apologise for coming late to the chamber.

I have listened carefully to what the Deputy First Minister has said and I hope that Lord Brailsford is listening today to the genuine concerns about the long Covid situation that a lot of our constituents keep coming to us with.

It is unfortunate that the inquiry has been delayed because of the resignations, but I am sure that, once the new appointments have been made and finalised, the work will resume quickly. Regardless of the loss of time, how will the Scottish Government ensure that no corners will be cut in order to complete the inquiry and that the work will continue to be thorough and of a high standard?

**The Deputy Presiding Officer:** As briefly as possible, please, cabinet secretary.

**John Swinney:** Lord Brailsford will bring his experience of many years in the Court of Session to bear in leading the inquiry. We have had a period when leadership of the inquiry has required to be changed. As colleagues across the chamber have recognised, I have addressed that as swiftly as humanly could have been the case. I am

grateful to the Lord President and to Lord Brailsford for their engagement on this question, and I am very confident that the inquiry will proceed in a professional manner to address what are issues of vital importance to members of the public and members of the Parliament.

## Gender Recognition Reform (Scotland) Bill: Stage 1

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

The next item of business is a debate on motion S6M-06459, in the name of Shona Robison, on the Gender Recognition Reform (Scotland) Bill at stage 1.

14:56

**The Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison):** The Gender Recognition Reform (Scotland) Bill reforms the process that has been in place for the past 18 years for trans men and women to obtain a gender recognition certificate, or GRC. We know from extensive consultation, as well as from evidence heard by the Equalities, Human Rights and Civil Justice Committee, that many trans people find the current system overly medicalised, complex, intrusive and invasive. Its barriers prevent many trans people from applying for a GRC. The bill will make the process simpler, more streamlined and more respectful of the privacy and dignity of trans men and women.

I am grateful to the committee for its majority support for the general principles of the bill, and I thank committee members for their extensive work in scrutinising the bill. I also thank the many organisations and individuals who have participated by providing evidence since the bill was introduced.

I acknowledge that people across the chamber and among the wider public have differing and genuinely held opinions on the matter of gender recognition reform. When I introduced the bill, I committed to listening to the views of everyone in a respectful manner. I have done and continue to do that, and I am confident that this afternoon's debate will be open, considered and respectful, consistent with the approach taken by the committee. As a Parliament, we have a responsibility to protect and support minority groups. One way in which we can do that is by leading by example with the tone of our discussions. To date, the committee and the Parliament have always ensured that the tone is respectful.

However, we know that that is not always the case outside the Parliament, particularly on social media. Abuse directed at anyone on this matter, whatever their opinion, is wrong. It is important to recognise the discrimination, harassment and abuse faced by trans people in Scotland simply for living their lives, which is wrong, too. Statistics from Police Scotland show that the incidence of hate crimes against people for being transgender has increased. Evidence suggests that the tone of

discourse surrounding legal gender recognition has contributed to that. No matter what our point of view, we can all call that out where we see it and remain respectful to each other's opinions.

**Murdo Fraser (Mid Scotland and Fife) (Con):** I endorse everything that the cabinet secretary has just said about the tone of the debate.

There is real concern about the impact of what is being proposed. Is it the Scottish Government's position that the issuing of a gender recognition certificate changes someone's sex in relation to the Equality Act 2010? If so, that will open to biological males a whole range of spaces and services that are currently reserved to women and girls, and that change will be made without the need for any medical intervention.

**Shona Robison:** There is no change to the protections under the Equality Act 2010. I will now come on to the issue of the impact on women and girls, which some people are concerned about.

I know that, where people have concerns about the reforms, they generally centre on the potential impact on women and girls with regard to their ability to safely and confidently access single-sex services and spaces, to be accommodated safely in prisons and to participate fairly in sport. I am sympathetic to those concerns because I know from my own experience, and from years of working to improve women's rights, that women and girls still face inequality and an increased risk of harm in Scotland today.

This Government continues our work to address that, including through the equally safe strategy and work to address misogynistic behaviour. We know from all the evidence that the threat to women comes from predatory and abusive men, not trans women or trans men.

**Brian Whittle (South Scotland) (Con):** The cabinet secretary will recognise my passion to ensure that everyone has equal access to sport. Does she recognise that, when males and females go through puberty, significant changes happen with regard to menstruation, the Q angle at the hip and the ability to apply force, and that males gain a third more muscle mass and a third more bone density than females, as well as increased heart and lung capacity? The fact is that a man can apply 160 per cent of the force that a similar sized woman can. Does the cabinet secretary recognise the danger that that poses to women in sports where power and speed are important? Will she agree that having an open category alongside male and female categories would allow fair and equal participation for all?

**Shona Robison:** I want to make it clear that the bill changes none of that. It is for sports governing bodies to establish what is right for their sports.

The member will be aware of sports governing bodies doing that.

Helping one group to better access their rights does not mean diluting or diminishing the rights of another group. We have set out why the bill will not change the provision of single-sex services or the arrangements with regard to prisons or sport, because none of those is dependent on possession of a GRC. That view is supported by the Scottish Human Rights Commission, Amnesty International and other human rights organisations. I am glad that the majority of members of the committee have also concluded that there is no evidence to suggest that the rights of women and girls are impacted negatively by the bill.

We all want to live in a society that includes and supports everyone to live in a way that is true to themselves, and that allows them to be accepted for who they are. Improving trans people's access to their existing legal rights is an important part of making that a practical reality.

The Scottish Government has consulted widely on this issue, in two of the largest public consultation exercises that we have ever undertaken. I am grateful to the committee for continuing in that vein. A huge body of evidence has been gathered throughout the passage of the bill so far and a significant amount of work has gone into the production of the stage 1 report.

I am pleased that, following the extensive evidence sessions, the majority of members of the committee support the general principles of the bill. I recognise that a minority view was expressed, but it is also clear that there is strong cross-party agreement that reform is needed.

It is encouraging that, although the committee has requested more information and explanation in some areas, there are no specific recommended changes to the provisions of the bill as introduced.

I also welcome the majority view of the committee that the age of eligibility for applicants should be 16. The committee heard that young trans people currently feel excluded from the system, particularly given that they are at an age at which they want consistent documentation before entering higher or further education or starting their first job. I agree that it will be important to ensure appropriate support and signposting to resources for all applicants, and particularly those aged 16 and 17. In line with the recommendation that was made by the Children and Young People's Commissioner Scotland, young people will be involved in development of the process and guidance.

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** The cabinet

secretary knows that I support the bill in principle, but I have some concerns about people in the 16 to 18 age range, notwithstanding the issue of guidance, which I know has been discussed. I am also concerned about people in that age range being required to have lived in their acquired gender for only three months. Accordingly, I am on the cusp of considering amendments, but I would rather discuss the issues with the cabinet secretary first. I give her an assurance that I support the bill at stage 1, but will she meet me to discuss those issues?

**Shona Robison:** I am happy to give that commitment.

The majority of the committee support a reduction in the period of time that applicants must have lived in the acquired gender. In my view, three months living in the acquired gender, followed by a three-month reflection period, represents a balanced and proportionate reduction in the overall length of the process, while ensuring that applicants have a further opportunity to consider their decision before proceeding.

I have, however, taken into account evidence given to the committee that the reflection period could be a disproportionate barrier where an applicant is terminally ill. I also appreciate that an important benefit of a person's having a GRC is that it will ensure that their death registration reflects the gender in which they lived. I therefore intend to introduce an amendment to the bill for a dispensation from the three-month reflection period where an applicant is terminally ill.

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** Will the cabinet secretary take an intervention?

**Shona Robison:** I am short of time, but I will address matters in my closing remarks if Ms Hamilton wishes to put them on the record later.

The committee sought further clarity on the meaning of the phrase "ordinarily resident" in the bill, which we have provided in our response. Being "ordinarily resident" is an established concept in several areas of law, including pensions and benefits, taxation and jurisdiction, and including in at least 17 acts of the Scottish Parliament. In general, it means that someone's residence here is voluntary, for settled purposes and lawful.

The committee noted the concerns raised by several witnesses that the provision allowing a person who has an interest in a GRC to apply to the sheriff to revoke such a certificate might allow legitimate applications to be frustrated. Although I understand such concerns, under the bill a person seeking to revoke a certificate has to have a genuine interest in the GRC. It would have to affect them materially, and personally or

professionally, and they would have to prove the ground on which the certificate could be revoked. References to a “person who has an interest” are also common in acts of this Parliament.

The committee rightly highlights the importance to trans people that a GRC issued in Scotland should be recognised in the rest of the United Kingdom. Trans people will continue to be protected from gender reassignment discrimination under the Equality Act 2010 throughout the UK, whether or not they have a GRC.

It will be for other jurisdictions to set their policy on whether they recognise legal gender recognition obtained elsewhere. Under the current system, some people who have obtained legal gender recognition outwith the UK, including under systems based on self-determination similar to that proposed in the bill, can apply in the UK without needing to provide any medical evidence.

It is, of course, not uncommon for Scottish legislation to have implications for the rest of the UK. A section 104 order under the Scotland Act 1998 provides the mechanism for the UK and Scottish Governments to work together to make consequential modifications. The Scottish, UK and Northern Irish Governments are working together at official level, and I have written to the UK equalities minister reaffirming our commitment to work constructively together on the matter.

There is majority support from the committee for the bill as introduced. Four of the five parties in the chamber advocated for gender recognition reform in their manifestos. The Scottish Government has responded to the committee’s requests for further clarity in its written response. The bill has been subject to extensive scrutiny, both by the public through consultation and by a range of experts and stakeholders during the committee’s evidence sessions.

It is clear from the stage 1 report that the committee’s majority view is that the proposed reforms will support trans men and women to obtain legal gender recognition in a manner that is significantly less demeaning than the current medicalised system.

I look forward to hearing members’ views and I welcome the opportunity to engage with them again on the bill. I again thank the committee for its work during stage 1 and in the weeks to come.

I move,

That the Parliament agrees to the general principles of the Gender Recognition Reform (Scotland) Bill.

**The Presiding Officer:** I take this opportunity to advise members that there is some time in hand for interventions.

I call Joe FitzPatrick to speak on behalf of the Equalities, Human Rights and Civil Justice Committee.

15:08

**Joe FitzPatrick (Dundee City West) (SNP):** I am grateful for the opportunity to speak in the debate as convener of the Equalities, Human Rights and Civil Justice Committee.

I thank everyone who provided evidence—both written and oral—to the committee, all of which informed our consideration of the bill. I also record our thanks to the committee’s clerks, the Scottish Parliament information centre researchers and everyone else who has supported our work on the bill thus far.

I preface my remarks by highlighting that although the committee reached agreement on many issues, we were not unanimous on all of them. Those divergences are reflected in our report. My speaking time in the debate is limited, so my remarks as convener will focus on the majority view of the committee on key aspects of the bill. I am sure that members who represent the minority view will set out their thoughts in their contributions.

By a majority of five members to two, the committee supports the general principles of the bill.

**Tess White (North East Scotland) (Con):** Will the member take an intervention?

**Joe FitzPatrick:** I thank the member, but there is so much work in the committee’s report that I want to ensure that I take the time to go through it, so unfortunately I will not be able to take interventions.

The committee supports the removal of the gender recognition panel and its replacement with a model that is based on self-declaration. That will introduce a more humane and less intrusive process, which will bring Scotland into line with international best practice and human rights standards.

The committee also supports the removal of the requirement for a diagnosis of gender dysphoria and medical evidence. We heard evidence that medical gatekeeping is neither necessary nor appropriate. The legal status of a statutory declaration, the gravity with which such declarations are made, and the fact that making a false statutory declaration is an offence, together create a robust process for accessing a GRC in line with international human rights best practice.

The committee supports the proposed reduction from two—

**Tess White:** Will the member take an intervention on that point?

**Joe FitzPatrick:** As I have said, I am speaking as the convener of the committee and am trying to get through an in-depth report. The committee covered a lot of issues and ground. If there is time before the end of my speech, I might be able to take an intervention, but I reiterate that I am speaking as the convener of the committee. It is really important that we cover the huge amount of work that the committee did. If anyone wants to do so, they should take the time to look at our report.

**Stephen Kerr (Central Scotland) (Con):** On a point of order, Presiding Officer. It is very important that members have the opportunity to intervene on the convener of the committee. There are matters of concern that should be raised in a calm and sensible way to reflect the concerns that have been raised with us, as members of the Scottish Parliament, in respect of the work of the committee.

**The Presiding Officer:** Thank you for that point of order. As members will be aware, it is entirely a matter for the member who is speaking whether they accept an intervention.

**Joe FitzPatrick:** The committee supports the proposed reduction from two years to three months of the period for which an applicant must have lived in their acquired gender before applying for a GRC. However, we queried the reasoning behind the specific choice of three months, so I note the cabinet secretary's response, which was that it represents the Government's

"view of a balanced and proportionate"

way of improving the current system.

We also asked the Scottish Government to consider whether the three-month reflection period is appropriate, so I welcome the Scottish Government's response—in particular, its proposed amendment in relation to people who are terminally ill.

The committee supports lowering the age of eligibility from 18 to 16. That accords with existing rights under the Age of Legal Capacity (Scotland) Act 1991. We heard that most young people reach decisions about their gender identity long before they consider applying for a GRC, so I welcome the Government's commitment to work with the Children and Young People's Commissioner Scotland and young people's organisations to ensure that guidance is in place on the effects of obtaining a GRC, as well as signposting to specialist support.

On the requirement that applicants must be "ordinarily resident" in Scotland, the committee sought clarity on several eligibility issues. I note the response from the Scottish Government

highlighting challenges around devolved competency and confirming that the cabinet secretary has raised the issues with the UK Government.

On the issue of GRCs that are issued in Scotland being recognised in the rest of the UK, which we heard is important to trans people, I note that the information that is set out in the Scottish Government's response to the committee confirms that applicants from more than 40 countries—including countries that have introduced similar reforms to those that are proposed for Scotland, such as Belgium, Denmark, Norway and Iceland—can apply via a streamlined UK route.

On the bill's provisions that a person with interest might apply to revoke a GRC on various grounds, our report calls for any vexatious complaints to be "dealt with robustly". The Scottish Government has helpfully provided additional information by setting out the wider legislative context of the drafting of the provision and by providing examples of persons who might be considered to have an interest.

Our report noted concern about avoiding criminalising people who enter the application process for a GRC in good faith, but then change their mind. The committee has since received assurances from the Scottish Government around the process for withdrawal of an application and the process through which a person who has obtained legal gender recognition can legally change their gender again—or "detransition".

Concerns were raised with the committee about perceived impacts of the bill on women and girls, minority ethnic groups and religious beliefs. Although we recognise that such views are sincerely held, the committee believes that the concerns that have been raised go beyond the scope of the bill. We are satisfied that the bill itself will not change any of the protections or definitions that are set out in the Equality Act 2010.

On concerns about whether the bill might impact on decisions relating to where to house transgender people in Scotland's prisons, the committee believes that the issue is outwith the scope of the bill.

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

**Joe FitzPatrick:** Notwithstanding that, we were satisfied that the possession of a GRC does not affect the Scottish Prison Service's risk assessment process, whereby an individual is placed in the most appropriate estate, whether for their own safety or the safety of others, regardless of whether they have a GRC.

Trans people's participation in sport was also raised in evidence. The committee notes that this

issue is much wider than, and largely unconnected with, the specific provisions in the bill. The committee agrees with the view of sportscotland—*[Interruption.]*—that GRCs have no impact on participation in sport, in accordance with the exemptions that are provided in section 195 of the Equality Act 2010.

Although the committee noted the complexities that were outlined by the Scottish Government on the extension of the bill to non-binary people, the committee was disappointed that the issue cannot be dealt with in the bill. We heard in evidence from young trans and non-binary people that the matter is especially important to them, so I welcome the Scottish Government's commitment to develop, by spring 2023, an action plan that will be based on the outcomes from the working group on non-binary equality, and will set out how it intends to improve equality and bring about real, positive and lasting changes to the lives of non-binary people.

In closing, on behalf of the committee I thank everyone who engaged with our stage 1 scrutiny of the bill. *[Interruption.]* I want to thank in particular the trans people and parents who shared their experiences of the current system. It was really helpful for us to hear their personal stories, and I recognise that sharing them took courage. I would also like to thank everyone who has supported our work thus far—especially the committee clerks and Scottish Parliament information centre researchers.

By a majority of five to two, the committee recommends that the general principles of the bill be approved.

15:16

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** Considering that some members will not take interventions, I would like to ask a couple of questions.

First, I would like to know from the cabinet secretary, in her closing remarks, whether she actually believes that a GRC changes a person's sex for the purposes of the Equality Act 2010, as she did not answer that question when my colleague Murdo Fraser asked it. There are other interventions that I hope we will get in to members later, but I am already eating into my speech. I think that this needs to be a really open debate, and we need to get this crucial legislation absolutely right.

The current system for obtaining a GRC has, of course, been distressing for many. I hope that we will all agree today that we can improve the rights of trans people—but we also need to protect vulnerable young girls and the hard-won rights of women and girls. It is in that spirit that I want to outline the deeply held concerns of myself, my

colleagues on the Scottish Conservative benches and, according to recent polling, a clear majority of the Scottish public who oppose the removal of key safeguards.

Sadly, so far, I believe that those legitimate concerns have been ignored by the Government. Even our voices, I believe, are being ignored today. The cabinet secretary was generous with her interventions, but I believe that the convener should have taken some interventions. As we move through the debate, I think that we should be honest and transparent.

**Christine Grahame:** Will the member take an intervention?

**Rachael Hamilton:** I have not even got into the substance of my speech. I will take an intervention if there is something specific that the member would like to ask me about.

As we have heard, the bill received one of the highest volumes of written evidence in the history of the Scottish Parliament. There were 11,000 submissions. Unfortunately, many of those contributions were overlooked in the report. I take the opportunity to thank everyone who contributed submissions. I regret to say that the timetable that the committee had set to consider evidence meant that only a small proportion of contributions could be considered. It is important that the voices that have been ignored in this debate can be heard and that legitimate concerns about the bill can be discussed.

A GRC is not just a piece of paper. Mr Justice Scofield of the High Court in Northern Ireland described it as conferring

“a significant and formal change in”

a person's

“status with potentially far-reaching consequences for them and for others, including the State”.

The implications of the bill go beyond simply helping trans individuals gain recognition of their acquired gender.

One of the overlooked implications is the significance of the bill's effect on the Equality Act 2010. The Scottish Government and several members of the committee claim that the 2010 act does not fall within the scope of the bill, yet in less than two weeks' time, Scottish Government lawyers will be in court arguing that a GRC would change an individual's sex under the Equality Act for the purposes of the Gender Representation on Public Boards (Scotland) Act 2018.

The Equality and Human Rights Commission has also shared concerns about the consequences of the bill and the Equality Act 2010, noting that

“extending the ability to change legal sex from a small defined group, who have demonstrated their commitment and ability to live in their acquired gender, to a wider group who identify as the opposite gender at a given point”

will have clear implications for the operation of the act. The bill as drafted is inextricably linked to the Equality Act 2010, as I am trying to explain—

**Ruth Maguire (Cunninghame South) (SNP):** Will the member take a brief intervention on that point?

**Rachael Hamilton:** I will in a second.

Let us just drop the pretence and have a grown-up conversation about what it means to issue more GRCs to a wider group and about the obvious implications for women’s sex-based rights.

**Ruth Maguire:** I appreciate Rachael Hamilton giving way. Did the committee receive a definition of what it means to live in an acquired gender?

**Rachael Hamilton:** That is a great question, because the definition was already in the Gender Recognition Act 2004 and the bill is just rolling it over into this legislation, as the Scottish National Party would like to see it reformed. I hope that that answers the member’s question. Maybe not as such, but there was lots of debate around acquired gender and what it meant. Does it mean that someone is dressing in a certain way, acting in a certain way, speaking in a certain way? A lot more discussion around the issue could be had and it could be debated.

When organisations such as MurrayBlackburnMackenzie—MBM—and For Women Scotland talk about protecting single-sex spaces and the rights of women in Scotland, they do so because they know that the bill and its consequences, as outlined by the EHRC, erode the legal protection of single-sex spaces. We cannot allow those arguments to be ignored until the legislation has undermined measures that protect women’s dignity, privacy and safety and that promote their equality.

A bad-faith actor would currently find it very difficult to obtain a GRC, but with the proposed reforms a non-falsifiable declaration is all that would stand between them and receiving a GRC. That means that they could insist on using or getting access to female-only changing rooms, rape shelters, healthcare services and women’s prisons.

We are being asked to vote on an all-or-nothing choice between the system of safeguards that is currently in place and self-declaration—on a false dichotomy of elaborate oversight or no oversight. Legislators in 2004 did not decide upon the safeguards that are in place today by accident. I appreciate that some of the hurdles that trans

people must overcome to obtain a GRC are tied up in those safeguards, but there is room to make the process easier without tearing it to pieces. There is certainly room to work on reducing the time that trans people have to wait throughout the process and room for medical support from our national health service.

It is a hard task for our legislators to ensure that safeguards exist so that the system is not taken advantage of and I hope that members can join me and achieve that aim, rather than just accepting that we can reform the legislation without doing so.

Concerns were also raised, and ignored, about lowering the age at which somebody can obtain a GRC to 16. Indeed, some of the evidence used to support those concerns came from the interim Cass review, which was similarly brushed aside by the majority of the committee. That landmark review notes—

**Pam Duncan-Glancy (Glasgow) (Lab):** I do not think it is fair to say that the Cass review was brushed aside. I and others specifically highlighted that there were areas that the Cass review was looking into that organisations in Scotland could learn from. We did not say that it should be brushed aside. I do not think that that represents the committee’s conversation.

**Rachael Hamilton:** Perhaps it is being a bit brutal on the views of the committee. However, two of us—my colleague Pam Gosal and I—think that the legislation should be paused until the Cass review is published in full, because that landmark review notes that a young person’s gender identity may remain in flux until their mid-20s. That point was backed up by written and oral evidence in the committee.

Without addressing that evidence, which was dismissed out of hand, with the cabinet secretary failing to acknowledge any opposition to her view on that point, this part of the bill has left so many unanswered questions and I believe that the opportunity represented by the Cass review to gain clarity has been spurned. That was deeply irresponsible of the committee members who chose to do that.

As Dr Cass made clear, social transition is not a neutral undertaking. Is Parliament really going to pretend that changing a teenager’s legal status from one sex to another is?

There is so much more to cover in this debate, but in my remaining time I want to highlight some other unanswered questions. The committee’s work exposed many of those, and answered few. I have talked about the effect of the bill on the Equality Act 2010. Perhaps the courts will give us some clarity next month, but I have not even begun to discuss the cross-border anomalies that

have been highlighted by the Equality and Human Rights Commission, the extension of overseas recognition that is associated with the bill or the impact on marriage and civil partnerships.

With regret, I believe that the bill is a mess. It is trying to help, but the unintended consequences for women and girls, vulnerable young people and the trans people are deeply alarming, and the divisive nature of the issue has been handled poorly.

Presiding Officer, I know that you are looking at me and indicating that I should close. I have so much to say, but I will conclude. It is crucial that we get the bill right. The SNP Government needs to start listening to the legitimate concerns of women and the Scottish public. So far, there is little evidence that it has done so.

15:26

**Pam Duncan-Glancy (Glasgow) (Lab):** Trans rights are human rights. They are inalienable, indivisible and interdependent. Human rights are our rights not because we are women, or trans, or gay, or disabled, or black, but because we are human, and society and Parliaments have a legal obligation to uphold them.

For trans people, being recognised in law for who they are is fundamental to that. In committee and throughout my equality and human rights campaigning life, I have heard—and I am in no doubt—that the process to be recognised in that way is dehumanising, intrusive, offensive, expensive and lengthy and that it needs to change. I and Scottish Labour will therefore vote for the bill at stage 1 today. We have always been at the forefront of equality and human rights and we will always defend and protect them.

Taking unnecessary and unhelpful medical requirements out of the process and replacing them with something that is dignified, more accessible and administrative in nature and that will deliver a process in which both trans people and the wider public can have confidence is not just long overdue and compliant with international best practice, but essential for a society that believes in equality and human rights, and it is the right thing to do.

**Sue Webber (Lothian) (Con):** Does the member believe and agree with her party's former leader Johann Lamont, who said that MSPs must "consider any unintended consequences of gender reform" on women and girls?

**Pam Duncan-Glancy:** We believe that the data that will be collected as a result of the bill needs to be strengthened so that we can properly evaluate the legislation once it has come into force. That is

why we believe that amendments need to be lodged on data collection, scrutiny and post-legislative evaluation.

As the bill proceeds, Scottish Labour will seek to ensure that the new arrangements for applications for and administration of GRCs will reflect that. We believe that, to ensure that that happens, the bill needs to be improved in a number of areas. They include the process that the registrar general for Scotland will put in place for people to apply for a GRC, the provisions around age, signposting to support people, and information on the data that will be collected about GRCs—I hope that that addresses the member's point. There is a duty on all of us as legislators and we stand ready to scrutinise the bill to ensure that it does all of that.

Before I turn to the detail, I want to say a word about the conversation so far. It is my view that delays to the bill have allowed a vacuum to develop and allowed people to interpret the bill as something that it is not and reach wrong or unproven conclusions about what its impacts may be. That has made conversations around it very difficult and, at times, hurtful and damaging.

I know that there are people, including some women, who have concerns about the impact of the bill, specifically on the protection of single-sex services. As a disabled woman, I know that all rights are hard fought and hard won, and so I understand the strength of feeling and why people need strong assurance that their rights will be protected.

It is essential that everyone's rights are protected. From all the evidence that I have heard, which is a lot, it is clear to me that women's and trans rights can, must and do already exist without one causing detriment to the other. That is the case mostly because people respect one another but also because the protections in the Equality Act 2010 make it so. Labour introduced the 2010 act, which rightly protects both women and trans people from discrimination. That is why we support reform of the Gender Recognition Act 2004 and the continued implementation of protections and provisions of the 2010 act.

Scottish Labour believes that, as the bill progresses, it should be clear that nothing in it affects the protections of the Equality Act 2010. We will lodge an amendment at stage 2 to do that and, following the positive conversations that I have had with the cabinet secretary, I would be grateful if, in closing, she would indicate the Government's support for that.

**Rachael Hamilton:** Will Pam Duncan-Glancy take an intervention?

**Pam Duncan-Glancy:** Presiding Officer, may I have time back if I take an intervention?

**The Presiding Officer:** There is a little time.

**Pam Duncan-Glancy:** Thank you. I will take the intervention.

**Rachael Hamilton:** Does Pam Duncan-Glancy believe that a GRC changes someone's sex for the purposes of the Equality Act—yes or no?

**Pam Duncan-Glancy:** I believe that a GRC changes someone's sex for all legal purposes, including the Equality Act. I also believe that the Equality Act is a piece of legislation that gets the interaction between sex and gender perfectly correct. It is an act that can flex to context and situation, and it is in place to protect all people's rights, which can exist alongside one another.

I and my party are committed to reform, but we all need organisations to be empowered to do the right thing and everyone to be able to enjoy their rights equally and in peace. That needs leadership and clarity. The bill would help to bring that, and I ask the Government to work with us on that and on other areas of the bill that we believe must be strengthened.

As it stands, the bill sets out who can apply for a GRC but not how. There is little detail on what the application to the registrar general will look like, the information that the registrar general will require or what information will be given to applicants who apply. The use of the term "acquired gender" in section 4 is unclear and does not recognise that steps prior to seeking legal recognition will have been long and well thought out. The same is true of the reflection period that would be introduced by section 3, and I know that many trans people find that deeply offensive.

Beyond the terminology, that area of the process and the length of periods are considered by many people to be arbitrary. Clarity on the rationale for that from the Government would be welcome.

We note that the Government has said that the National Records of Scotland should draft guidance on the process, but we would like to see more detail, as we believe that that would be crucial. We would also like clarity on the regulatory powers that would be introduced by section 11 that would allow the registrar general to request additional evidence. Specifically on that point, we seek reassurance that medicalisation cannot be reintroduced to the process.

We have concerns about the limitations of the term "ordinarily resident" in section 2, which could exclude refugees and asylum seekers from the process. That would not be fair. We note the comments on that in the Government's response to the committee report, and we would like the opportunity to discuss that and consider it further.

Too often, trans people wait years for services or support. The information that they need is rarely available and they can be left isolated. Although we note that the Government has referred to guidance in its response to the committee report, we believe that it should take the opportunity to include in the bill clear obligations for signposting to support and information for all applicants.

There are also concerns around the low level of data collection under section 15, as I have touched on. Knowing the impacts of the bill—positive, negative and neutral—will be essential. As it stands, the data collection and reporting mechanisms that are outlined are not comprehensive enough to allow for proper evaluation of the impacts of the bill, and they should be strengthened.

Trans people have already been waiting for far too long for these changes. They deserve nothing less than good legislation that allows them to be recognised for who they are and in which everyone can have confidence. Scottish Labour is determined to ensure that we get that, to scrutinise the bill and to ensure that it meets its objectives and delivers the change that trans people need and deserve.

15:33

**Alex Cole-Hamilton (Edinburgh Western) (LD):** It gives me great pleasure to rise for my party in support of this important bill. I am glad that we are finally here; it has been a long and painful road, not least for those who, right now, are being harmed by the Gender Recognition Act 2004. I offer my thanks to those Government ministers—Shona Robison, Shirley-Anne Somerville before her and the First Minister—who got us to this point. It has been a long time coming.

Support for the reforms was included in four party manifestos for the 2021 election and in all party manifestos for the election before that. The passage of time since then has allowed those reforms to become the subject of myth and hyperbole in our communities, which is deeply regrettable. It is now incumbent on all of us to debate the issues with compassion and sensitivity, and to remember that what is proposed in the bill is simply a technical amendment to law.

It is always right and vitally important to hear the widest possible range of views when it comes to changing legislation. As a liberal, I believe in the right of everyone to speak their mind and express their opinions. We should not censor people; instead, we should seek to meet their arguments or concerns with reason and with evidence. However, I make it clear from the outset that we cannot allow this debate to be hijacked by those who would question the very existence of the trans

community, or who fear and vilify its members and would seek to prevent their access to equal rights.

I turn to the bill itself. Liberal Democrats passionately believe in the right of everyone to express the fullness of who they are, freely and unencumbered by unnecessary scrutiny, interference or abuse. It is not right that trans people are forced to seek permission to be who they are, but the original legislation currently asks that of them. Given the many challenges that they face in almost every aspect of their lives, we should seek to make recognition of their identity on the documents that they are required to hold the very least of their concerns. We certainly have the power to do that.

We cannot allow the original act to stand unamended. We have all heard the many troubling accounts of the damage that the current process causes, and of the unnecessary anxiety and pain that it exacts on the people who go through it. That is why Liberal Democrats have long been persuaded of the case for reform.

Let us unpack the reform that we are talking about and what it will mean. The current process to obtain a gender recognition certificate is dehumanising, and it is financially and emotionally costly for trans people. It involves submitting evidence of having lived continuously in their proposed gender for a minimum of two years and then having to wait anxiously while their identity is debated by five strangers who they will never meet. If the decision goes against them, they have no right of appeal. The bill is solely about making that process quicker and more humane. It is about respecting the humanity of trans people.

I would like to address the subject of women's safety as it pertains to the bill. It is absolutely vital to state, for the avoidance of all doubt, that no part of the bill will make it easier for a man to access a women's space. A gender recognition certificate allows for a trans person's birth certificate to be changed. I can think of no venue or establishment that requires the presentation of a GRC or a birth certificate to validate entry. Indeed, neither certificate can be used to prove identification, and no permit or ID is currently required of anyone to enter any gender-specific space. The bill changes nothing in that regard.

**Brian Whittle:** I cannot disagree with anything that the member has said. I put on record the fact that I and all members of my party are looking for equality here.

I want to follow up on the question that I put to the cabinet secretary earlier in the debate. It really worries me, because sport is already struggling to deal with transgender women and the sporting authorities are all over the place on the issue. We need to ensure that we create legislation that

protects everybody, and it is really important that we protect women's sport in the bill. Let us take as an example Caitlyn Jenner, the celebrated trans woman who has brought trans women's rights to the fore. He was Bruce Jenner when he won the men's decathlon at the Olympics in 1976. In his view, we cannot allow transgender women to compete in women's sport.

**Alex Cole-Hamilton:** May I have the time back for taking that intervention, Presiding Officer?

**The Presiding Officer:** Yes.

**Alex Cole-Hamilton:** The matter that Brian Whittle raises is one for sport's governing bodies; it is not one for the bill that we are considering. Frankly, that issue is a distraction from what we are trying to do, which is to make easier the lives and the lived experience of the people in our community who are trans.

My party is satisfied that the proposals in the bill that create the new criminal offence of making a false declaration provide a deterrent for anyone who seeks to abuse the system. That safeguard has worked well in those countries that have gone before us. The spaces that are cited by those people who oppose reform are protected by many safeguards, as well as personal judgment and assessment. There is no challenge to any of those protections in the bill.

I am fully aware of the fact that, as a man, I do not live with the inherent fear and anxiety that many women so often feel about their personal safety in society. A huge amount must still be done so that women feel safe in public. Although that discussion is one that we must address in the round with urgency, this is not the forum for that vital debate. That issue deserves its own act of Parliament.

It is important to note that the stage 1 report by the committee that scrutinised the bill—whose work I commend—said:

“when asked about evidence of abuse and concerns, no witness was able to provide concrete examples.”

Let us be clear: any threat to women does not come from trans people but, as the cabinet secretary said, from predatory and abusive men who do not need a licence or any form of certification to abuse women. Trans women also fall victim to those same offenders and are twice as likely to be victims of violent crime as the average person.

At its core, this legislation is about human rights. It is about respecting the dignity and autonomy of transgender people who have been waiting far too long for reform. That is why I and my party are so proud to support it today.

**The Presiding Officer:** We move to the open debate.

15:40

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** It is a great privilege to speak in this debate. As a member of the committee scrutinising the legislation, I can assure members that our process has been robust. As the convener has mentioned, we heard from a range of people and organisations with varying views about the bill.

I thank everyone who gave us evidence. Despite what we might sometimes see on social media, I am sure that all committee members will agree that the process was carried out in a very respectful manner. It is important that, as the convener has done, we pay tribute to the clerks for their amazing and tireless work on the bill. They really have been exceptional. As the cabinet secretary has outlined, that thorough committee process complements the two consultations that the Scottish Government ran on the topic.

Why do we need the bill? We all know that trans men and women are among the most stigmatised people in our country and that many find the current system for obtaining a GRC to be intrusive and demeaning. There is no doubt that the committee heard that directly in what was, at times, very harrowing evidence.

The bill does not give trans people any new rights; nor does it change the Equality Act 2010. It simply makes the process of obtaining a GRC much simpler, less degrading and more humane for trans people.

People in that often stigmatised group already have poorer health outcomes than those in the general population, and hate crimes against trans people are increasing year on year. Those in that already marginalised group need their Parliament to stand up for them and we can do that by making a very small change that could impact greatly on their lives. Therefore, it is perhaps obvious why all parties in this chamber have had a commitment in their manifesto at some point to change the GRA—indeed, many of us here stood on that commitment in the previous election. It is because we all have a core belief—every one of us here believes—in human rights, and trans rights are human rights.

There has been a lot of talk about what the bill does and does not do. Despite the best intentions of individuals and organisations, misinformation can quickly circulate. The primary thing that the bill does is to remove the need for a gender recognition panel and a medical diagnosis.

**Ruth Maguire:** When the committee was carrying out its scrutiny, did it find out how many

people are, under the current system, which is being done away with, refused a GRC and what the reasons are for those refusals?

**Fulton MacGregor:** I might come back to that, but I direct the member to the committee's report, which is very detailed.

As I said, in our evidence, we heard quite widespread support for the removal of the need for a gender recognition panel and medical diagnosis. That support came from the Scottish Human Rights Commission, Rape Crisis Scotland, the Church of Scotland and many others. *[Fulton MacGregor has corrected this contribution. See end of report.]* The approach is also very much in line with the World Health Organization's redefinition of gender identity-related health and it is in line with the approach that many other countries take, including Ireland, Norway and New Zealand.

The bill also reduces the period for which someone must live in their acquired gender from two years to three months. We had some concerns over the phrase "acquired gender", but, ultimately—this might answer Ruth Maguire's intervention—we found it difficult to find an alternative and accepted that the phrase had a legal basis. We also agreed by majority that the waiting period should be reduced, but we were not initially clear as to why a period of three months was selected. I welcome the Government's response to us on that issue. The bill also lowers the age at which someone is eligible to apply for GRC from 18 to 16.

**Rachael Hamilton:** Will the remember accept an intervention?

**Fulton MacGregor:** I apologise; I have already taken one.

I think that it is fair to say that that was one of the most contested areas of the bill, with strong arguments made in favour of both ages. I was pleased that the cabinet secretary reflected on that in her evidence to us when she spoke about how the Government came to its decision.

As we have heard from Alex Cole-Hamilton, the bill also introduces a new criminal offence to make a false statutory declaration or application, with a punishment of up to two years and/or a fine. Although we had some reservation about that provision, we hope that it will provide an additional safeguard.

I now turn to some of the concerns that were raised. Those concerns are strongly held and they should not be easily dismissed—to do so would dilute our own process. In committee, we did not do that, and we asked the questions of witnesses that would be expected of us. I hope that the

committee process will help to build consensus as we move forward.

We were convinced, after a lot of questioning, that the bill simply does not have the remit to affect the rights of women and girls or single-sex spaces. No one in this place would want that to be the case, and I know that the Government is fully committed to protecting women's rights.

We heard from many organisations, including Engender, Amnesty International Scotland and the National Union of Students Scotland, who told us that there would be no impact. The children's commissioner captured that point. He said:

"We ... should have a lot of discussion about strengthening protections against individuals who are a risk"

rather than

"imply a whole category of people poses a risk and restricting their rights".—[*Official Report, Equalities, Human Rights and Civil Justice Committee*, 24 May 2022; c 9.]

I turn to the issue of sport. We were told by sportscotland that sport bodies can already make restrictions and that the bill will have no impact on that. That is, again, reassuring, and I direct Brian Whittle to the report.

In terms of the impact on prisons, the Scottish Prison Service was very clear that there will be no impact. In commenting on its gender identity and gender reassignment policy, the SPS said:

"we take an individualised approach—in other words, things are taken on a case-by-case basis."—[*Official Report, Equalities, Human Rights and Civil Justice Committee*, 7 June 2022; c 9.]

However, if the impact on prisons is an area of concern, Lucy Hunter Blackburn gave us a possible amendment to think about when she told the committee that that aspect

"is one of the easiest things to fix. The bill could be amended to say that a GRC is not effective in prison allocation decisions. That would leave things back where we want them to be—in the hands of the people who make those decisions. It is a relatively fixable part of the bill." — [Official Report, Equalities, Human Rights and Civil Justice Committee, 31 May 2022; c 27.]

That brings me to my final point.

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

**Fulton MacGregor:** My apologies—I do not have time.

If we vote for the bill at stage 1 today, I know that the committee and the Government will have an open door ahead of stage 2, as we all want to build consensus and make law as good as it can be.

For any of my colleagues from all parties who are thinking of not voting in support of the bill

today, I would simply ask them why that is the case. Yes, there is still a lot of work to be done. However, I hope that, by working together, we can make improvements and build further confidence. At its core, the bill is narrow and really only impacts one group of people—a group that is already marginalised—and we have heard that its impact will be positive.

Other countries have taken that action without experiencing the negative impacts that some people are worried about, so why should we not do so, too? Scotland is not somehow inferior to those other nations. Trans people in Scotland, like everywhere else, deserve their Parliament to stand up for them, and I am sure that many of them will be watching today hoping that we can do just that.

The bill will not impact a great number of people, but it will mean great things for a few people, so I strongly encourage everyone to vote for the bill at stage 1. Let all our voices come together and let us move forward as one.

15:47

**Jamie Greene (West Scotland) (Con):** Sometimes politics is about following your heart; today, I will speak from mine.

I want to share the things that I know, and the things that I do not know. Here is what I do know: I know what it feels like to grow up feeling different and what it feels like not to understand why you feel different or who to turn to for help or advice. I know what it feels like to be told that how you feel is just a phase, or that it is somehow to be suppressed—or even worse, that you are immoral or delusional, or mentally ill and destined to a life of misery. I know what it feels like to be threatened, marginalised, bullied and discriminated against. I say directly to the trans people in the public gallery today and to those outside that I hear you and I want to make things better for you. That is my commitment to you today.

Here is what I do not know. I do not know what it feels like to have fought for centuries for equality in a male, misogynistic world nor what it feels like to suffer violence at the hands of a man; I do not know what it feels like to be the victim of sexual violence or to seek solace in safe spaces. I do not know what it feels like to compete in professional sport and feel like I am playing in an unfair field; I do not know what it feels like to have a young daughter and to hold genuine concern about her welfare in public spaces or single-sex spaces.

I say to those people who have written to me in great volume that I hear you too, because that really is the dilemma that we face today—the

undeniable need to improve the lives of trans people while protecting the rights of others.

We also need to pass good law. The onus is on us to pass good law without unintended consequences—something that we are not very good at in this place, to be honest. I do not envy the Scottish Government, but neither do I have much sympathy for it, because it has managed to fuel at the same time so much anger on the sides of both those who support the reform and those who oppose it.

I will be clear. Outcomes for trans people in Scotland are shockingly poor. They have poor access to medical, physical and mental health support, and high rates of suicide and self-harm; and there is a failure to tackle growing transphobia. The bill fixes none of that. Perhaps it should do so.

Undoubtedly, the debate over the years has been toxic. There is a spectrum of views: those who believe that the Government is not going far enough, for example because of the exclusion of non-binary people from the bill; and those who vocalise valid concerns, which have largely been ignored. However, there are those who are barely—or thinly—hiding transphobia among some of those concerns, if we are honest.

I think that most people want to do the right thing for everyone in Scottish society. Equally, I cannot help but feel an air of sadness at some of the arguments that have been used against the reform of gender recognition, which are often, word for word, the same arguments that were used against the age of consent, against gay rights, against same-sex marriage and against same-sex adoption—words that, decades later, are being used to justify academic arguments about why the bill and those who support it are wrong. We have come such a long way in Scotland in our equality rights. I am proud of the progress that we have made. This feels to me a little bit like the last great hurdle.

All that being said, however, I need to be honest: I have some reservations about the bill as it is drafted. I have concerns about the interactions between the bill and other people's rights, freedoms and equalities. I do not think that those have been fully considered or addressed by the Government, as is evident by the debate today. It is also evident by the schisms in view between the EHRC and the Scottish Government's interpretation of its guidance. It has admitted that it recognises the need for more guidance on the use, for example, of exceptions in same-sex spaces. Guidance is not good enough for everyone. That is clear. The bill must be clear about that, and it must be addressed as the bill progresses through the Parliament.

I also have wider problems more generally with inconsistencies in how the law treats those aged 16 and 17. The law says that they can vote but cannot gamble, and that they can serve in the Army but cannot drink alcohol to celebrate that; and now we are being asked that they should be able to self-identify their gender and seek medical intervention and the lifelong implications that that sometimes brings. Professionals have emailed me to say, "This is utter madness. You cannot let that happen." However, equally, many young trans people have written to me, begging and pleading, "Please support this. We need this, and we have the right to do it."

I will be honest. I do not know what the answer is, because everyone is an individual. However, the Government must be led by evidence. It must do the right thing for young people, which both protects them—as it must—and respects their soundness of mind.

I also see why concerns have been raised about the three-month period of living in the "acquired gender", as it is called. As some have pointed out, what does that even mean? It does seem a big jump—from two years to three months. I understand that. I understand that people have problems with that. However, I also understand that people think that it is a good move, which treats people with more dignity and respect. I ask whether there is perhaps a compromise to be had.

I also understand why some people put great faith in the solemnity and gravity of statutory declarations. They see those as a safeguard. However, others see them as little more than the pieces of paper they are written on. Safeguards are vital in this conversation, but let me be clear: predatory trans people are not the problem. Predatory men are the real problem. *[Applause.]* The law must be robust in dealing with those who use a process of changing their gender with malintent. If the bill is not clear about that, it should be. We will help the Government to fix that.

All those issues are, rightly, being debated, and I thank my leadership and colleagues for allowing me to express my personal views, even though they may differ from theirs. I did not expect much applause today, because that is not what I am after; what I am after is to make good law, as should we all be.

I close by sharing two very important beliefs that I hold, which are important to the debate. They are personal to me. The first is that I do not believe that being trans is a mental illness—any more than I believe that being gay is a mental illness. I support previous commitments, publicly made by UK Conservative Governments, to remove that from the process. If it is good enough for Theresa May and Penny Mordaunt, it is good enough for me.

The second is that reform of this nature must be achieved in a way that better the rights of everyone and does not degrade them—a point eloquently made by Engender in its submission to us. I know that there are strong views in this debate, but those are problems that the Government must fix—it is its bill after all—and we will help it to do that if it so needs.

Friends, I will support the passage of the bill at stage 1 today, because I owe it to a community that has given so much to me over the years. I urge colleagues to think carefully about how they vote: those who have been granted the personal freedom to make that choice themselves and those who are being whipped into a party position—a situation that I do not envy.

I end on a warning: this cannot end up a dog's dinner of a bill that simply divides people and fuels the othering of anyone. Instead, I want it to bring us together under one common goal of making every single Scot feel safe, welcome and included—every single one of us. I know that that is easier said than done. I wish the Government luck because, having listened to the debate, I think that it will need it.

15:55

**Karen Adam (Banffshire and Buchan Coast) (SNP):** To my colleague Jamie Greene, I say that some of the things that he said he does not know, I do, and I am honoured to have the privilege to talk from that point of view today.

This is a wonderful day—a day when I can stand in this chamber and take part in shaping legislation that will improve the lives of citizens in Scotland who are some of the most marginalised, misunderstood and vilified people in our society. The progress that Scotland was making to become a world leader in human rights has undoubtedly been hindered by a campaign of fear and misinformation against the trans population. Trans people continue to suffer poorer outcomes relative to the wider population, and we have the opportunity to do something that takes a small step to improve those outcomes.

The Scottish Government must work, and is working, to promote the rights of everyone—disabled people, black and minority ethnic people, LGBTQ+ people and women—to protect them from discrimination. We, as lawmakers and public figures, have a duty to work to end the stigma and prejudice that is often experienced in this context, particularly by trans people, so that they feel safe, secure and accepted in our society. My goodness, they need it.

We all know our minds. Why are trans people any different? If we think that they do not, we need to reflect deeply on that internal bias and confront

that discrimination. Trans people should be trusted to make decisions about their own bodies, and it should be a fundamental, given right to have bodily autonomy and the freedom to take up space in this world without being impeded by anyone else.

The Gender Recognition Reform (Scotland) Bill does not even introduce any new rights for trans people; what it does is to reduce the trauma that is associated with the process of obtaining a gender recognition certificate. It simplifies the administrative process to gain legal recognition, which has been a right for 18 years. It is such a small change, but it is a change to remove barriers, gatekeeping and that impeding that I spoke of.

The bill would demedicalise the process, which is nothing new, and move us to a system that is based on freedom, choice and respect. Personal declaration rather than medical diagnosis will bring Scotland into line with well-established systems in Norway, Denmark and Ireland, and recent reforms in Switzerland and New Zealand. In 2018, Scotland was hailed as a world leader on human rights for our inclusion for LGBTQ+ citizens and for things such as inclusive education. However, if we do not pass the bill, we will be behind the times.

It is crucial to the debate that we add the voices of trans people themselves, and I urge everyone in the chamber to reach out to the Equality Network and the Scottish Trans Alliance or, like I did when I had questions about the community, go directly to them. I asked if I could hear from those who had lived experience. I was able to connect with trans people and listen to them and their stories. Unfortunately, there were some truly harrowing accounts, which were experienced only because they were trans. I sincerely thank them for putting themselves in the position of having to relive their trauma so that they could help others.

Just before we came into the chamber, I had the opportunity to go outside and talk to some trans people. As I was leaving, I was pulled aside and thanked for listening. I was chatting to one person and, just as I was leaving, they said, “Oh, by the way, my name is Russ.” I could not believe it. I said, “My speech today has a quote from you in it.” That chance meeting really deepened my resolve to work harder for our trans siblings. I will read out the quote from Russ:

“I would feel safer with a GRC, but the current process risks re-traumatising me because of harm already inflicted by psychiatrists. When I first told a psychiatrist that I was trans as a teenager, they prescribed me electroconvulsive therapy. The harm this did meant I did not feel safe to come out again and transition until I was in my 60s. For the sake of my mental health, I can never again allow some authority figure, who doesn't know me, to decide whether I am who I say I am.”

When we make law in this chamber, surely, the best laws are made with the lived experiences and the people that they affect at the core of the process. We know that laws that were made before women's voices were included not only discriminated against us but were detrimental to us. We are all human and deserve rights that help us and not hinder us. Trans people are entitled to human rights. They are as valid as you and me and everyone here. They are entitled to protection, validation and support in law and to be given any opportunity to have the equal footing that we should all have without discrimination.

16:01

**Paul O'Kane (West Scotland) (Lab):** I am pleased to have the opportunity to contribute to this important debate at stage 1 of the bill. In rising to speak, I am pleased to follow colleagues who have made contributions that are constructive and respectful in tone, particularly Karen Adam, Pam Duncan-Glancy and Jamie Greene. I recognise all too well the truth that Jamie Greene opened his speech with.

I will focus my contribution on the bill that is before us, but, at the outset of my speech, I will comment on the public discourse about and around the bill. Over the past few years, the tone of the debate has reflected poorly on our nation. It has been divisive and toxic. In the vacuum that was created by the legislative process being delayed, interpretation of the bill has led to conversations that have been hurtful, damaging and largely related to what is not in the bill and what the bill does not do. I believe that there has been too much heat and not enough light.

In his important and deeply considered book, "Building a Bridge", the Jesuit priest Father James Martin considers how we must build bridges of respect, compassion and sensitivity between those who have come to fundamentally different viewpoints. He speaks in the context of a bridge between LGBT people and the Catholic church, hence my interest in his work.

He speaks about fundamental truths that can be transposed and about the use of names to respect the fundamental dignity of every human person. He speaks about the way that we describe a person and about calling them what they ask to be called. He talks about respecting identity and humanity and not applying generic, pejorative terms to whole groups of people, no matter how much we fundamentally disagree.

Let us be honest: the rhetoric has often dangerously veered into transphobia and homophobia, even in public life, such as the corridors of this place and in our council

chambers. That is always unacceptable and must be addressed.

I recognise that there are people who have views that are sincerely held and who should not be described in pejorative terms as part of one larger group. We all have a duty to conduct our discussion better, particularly in online spaces. Perhaps I am naive to continue to believe in building that bridge, but it requires respect, compassion and sensitivity.

I turn to the bill. In our 2021 manifesto, the Scottish Labour Party committed to reforming the 2004 act to demedicalise the process of applying for a gender recognition certificate. That was a manifesto commitment on which we were elected and a pledge to trans people, who are one of the most marginalised groups in society, as we have heard from colleagues today.

In supporting reform of the 2004 act, I am proud to support not just party policy but the position of LGBT Labour, which has been in existence for more than 40 years and has been affiliated to the Labour Party since 2002.

I am also following in the footsteps of former Labour parliamentarians such as Kezia Dugdale, our former Labour leader, and my predecessor in representing West Scotland, Mary Fee, who proudly championed the rights of trans people in this chamber and continues to advocate reform of the GRA from outside the Parliament.

Of course, I understand and appreciate that some people have raised concerns about aspects of the bill in its current form. That is why it is incumbent on all members of Parliament to take our responsibilities seriously, to properly scrutinise the bill at its further stages and to ensure that it is fit for purpose and protects the rights of all.

Scottish Labour believes that the reforms must demedicalise the process and that the process for applying for a GRC set out in the 2004 act should be replaced with something that is more accessible and dignified, that is administrative in nature and that is not overly complex.

The bill details who can apply for a gender recognition certificate and whom the application will be made to, but it does not specify the form that the application will take. I think that clarity on that is extremely important in order to provide confidence to all. As we have heard from my colleague Pam Duncan-Glancy, we will seek to work with the Government in that space.

The Equality Act 2010 has been referenced in a number of contributions today. The act is one of Labour's proudest achievements in government. It protects both women and trans people from discrimination, along with—as Pam Duncan-Glancy outlined—disabled people, gay people and

those with a variety of other protected characteristics. That is why, as the bill proceeds, Scottish Labour will take action to ensure that it is clear in the legislation that, for the avoidance of doubt, the protections in the 2010 act remain in place.

We will scrutinise the bill with intensity as it continues to make its progress through Parliament. It is important that the bill is robust and commands confidence not only in this chamber but outwith the chamber, among the wider public.

We must not lose sight of the purpose of the bill: it is about giving trans people the right to live their lives with dignity and respect. From a broad perspective, I believe that the general principles of the bill, as outlined, will improve the lives of trans people in Scotland by ensuring that they do not have to go through the current process to achieve a gender recognition certificate—a process that is, as we have heard, lengthy, traumatic and undignified.

However, along with colleagues, I respect the need to continue to work hard to scrutinise the bill to try to build that bridge so that everyone can have confidence that we are delivering legislation that will be respected. I hope that that is a shared objective that we can all work together to achieve as the bill progresses.

16:08

**John Mason (Glasgow Shettleston) (SNP):** I am grateful for the opportunity to speak in today's debate. I guess that I am here to represent something of a minority view within the SNP: people who are not entirely happy with the bill.

Yes, it is Government policy. However, as I suspect is the case in other parties, too, there are a range of views within our party on this topic. I particularly wish to express my respect and admiration for Ash Regan, who has resigned over the issue today.

I should probably say that, within the SNP, those who are considering voting against the bill at stage 1 are doing so for slightly different reasons, so I am not speaking for, or on behalf of, anyone in particular, but I will try to cover some of the main concerns.

**Jamie Greene:** Will the member take an intervention?

**John Mason:** I will not, if the member does not mind—I think that I have a slightly niche area to deal with. I will see where we get to later on.

When I started thinking more about this issue some time ago, a couple of key words that came to me at that point were truth and love. From a Christian faith perspective, one of our key beliefs

is that we should love, accept and care for every individual person. Many others with no faith angle would completely agree with that.

Every person on this planet is of equal worth and deserves to be valued. That includes people we strongly disagree with or who are different from us in a variety of ways. Therefore, as others have said, the tone of the debate today and beyond is important, and, so far, I think that it has been quite good.

We might disagree on the best way forward on gender recognition, but I hope that we can all respect one another for having genuinely held beliefs as to what is best for all of our society and for people who have questions about their gender.

My first theme was love and care for each person, and my second word is truth. We all might want, and probably do want, the world to be different from what it is. We want less poverty, fewer wars and so on. Most of us are in politics to try to change those things. However, there are certain things that we need to accept as scientific or medical facts. The earth goes round the sun once a year, and days are shorter in winter. Those are facts, whether we like them or not, and we have to accept them. I understand it to be a fact that there are two sexes: male and female. Each person is born on a certain day, in a certain place and with a certain mother, all of which is recorded on a birth certificate. A person's biological sex is discovered on that day, or possibly earlier if scans are used, and that biological sex cannot be changed. That is important, especially for healthcare rights later in life.

When it comes to gender, there is much less agreement about what that actually means. Some would say that it is the same as sex, and that probably used to be the case in the past. The meanings of words can and do change over time, however, and I for one personally see gender as a much more fluid concept, with different people understanding it in different ways. I, personally, am relaxed about that. By all means, people can dress as they want, have relationships with whom they want and call themselves whatever gender they want. However, let us not let that undermine the fact, pleasant or unpleasant, that their sex was discovered at birth and cannot change.

I move on to another angle in the debate: the impact on women. For hundreds of years in this country and around the world, women have been treated as second-class citizens in the home, at work—especially when it comes to pay—in the political field and, sadly, when it comes to physical and other forms of abuse in the home and beyond. I am glad to say that we have made some progress in that regard, although not nearly as much as we should have. In some other countries,

including Iran, the position and treatment of women is frankly appalling.

It has been argued that the bill does not change the position of women or impact on their rights in any way. However, it certainly does increasingly blur the distinction between men and women. If it becomes less clear who is a man and who is a woman, it almost inevitably becomes more difficult to ensure that women are paid equally and are equally represented in Parliament and elsewhere, and it becomes more difficult to ensure that women have access to safe spaces, including in prisons, where they can be reasonably certain that no men will be present. Let us make no mistake about it: as has been said, it is men—people whose biological sex at birth was male—who are consistently a threat to women, be that physically, mentally or emotionally. Just to choose one statistic that I picked up, I note that, in domestic abuse cases, 92 per cent of those being prosecuted were male. Clearly, therefore, it is important to know who is male and who is female.

Therefore, although, on the face of it, the bill might be considered to deal only with some technical issues pertaining to gender recognition certificates and the like, it also sends out a wider message. Of course, that is true of much legislation. We pass a law, but we are also sending out a wider message. For example, we banned smoking in public places, but we were also sending out the message that smoking is harmful to health and should be reduced. We put a minimum price on alcohol partly to send out the message that the country drinks too much and we should all cut down. We passed the hate crime legislation to send out the message that our attitudes towards one another need to improve and that we all need to become more tolerant and accepting. In the same way, I fear that this bill, if passed, would send out the message that the distinctions between male and female are not really relevant, and that in turn would undermine our efforts to ensure that women have their rightful place in our society.

Finally, I note that the trans community is not totally united on this matter. I have met a range of people over time, and a number of them support a broad continuation of the present system. They would argue that gender dysphoria is a recognised condition and that it can and should be independently assessed.

For all of those reasons, I am very much afraid that I cannot support the bill.

16:14

**Maggie Chapman (North East Scotland) (Green):** In the history of this Parliament, today will be remembered. For the first time after far, far

too long, we have the opportunity to do something that is, on one level, rather ordinary but which is immensely precious. Today, we assert the simple right of all trans people, with dignity and respect, without unnecessary intrusion, expense, medicalisation or stigma, to ensure that their documents of identity accurately record that identity, so that, if they choose to marry the person they love, they can stand beside them as who they really are, and, at the end of their lives, they know that that life, and that death, will be recorded as their own, not those of a non-existent stranger.

That is something ordinary, something simply human, but which has been brought about by some extraordinary human endeavours. We owe a great debt today to our trans and non-binary friends, colleagues, comrades and relatives; those who have campaigned and explained, written, sung, painted, marched, prayed and believed. Today is for them. We see them and we thank them.

Today is also for all those trans people we have never met, never heard of or from; those who have never been able to write to their MSP, respond to a consultation, perhaps never told anyone that they are trans—maybe scarcely even told themselves. Wherever they are, today is for them. We acknowledge them and we keep a place for them.

Today is for our children and young people—those with supportive families who struggle alongside them and those whose relatives have turned away. We look to the future, to a time when being trans or being cis is simply a facet of being human, like being gay or straight, left-handed or right-handed. Today is for them. We welcome them and we stand with them.

Today is also for our trans friends and neighbours, those known to us and those unknown to anyone, who are no longer with us, who chose not to live in a world that could not, or would not, see them for who they were. We grieve for them, and we hold them in our thoughts.

We do not forget those elsewhere in the UK who have had their promises of reform cruelly trampled by a toxic Government that would rather play at culture wars than keep its word. Today may not be for them, but I hope that tomorrow will be.

This bill has been assailed by a tsunami of disinformation, a heartbreaking moral panic manufactured and disseminated by a small number of people who should know better. I believe that many will come to know better and will bitterly regret the part that they have played in this process. I implore them to show courage—not the empty bravado that dresses in appropriated colours, delighting in the discourse of disrespect, but the real courage that looks with meticulous

attention at our history, sees the patterns of oppression recreated, recognises shared experience and is not afraid of difference. Today is not for them, but it could be. There is still time to join us.

We are not yet where we want to be. The bill itself does not do everything that we want it to do. Some of those gaps can potentially be filled in the stages ahead of us. I make no secret of—and no apology for—my call for the three-month waiting period and the three-month reflection period to be taken out of the bill, for a reconsideration of the problematic person of interest provisions, for the removal of the redundant and stigmatising new criminal offence and for proper end-of-life provisions to be secured.

Some of the gaps will take longer to fill and will need new laws and processes. However—I say this particularly to people in the public gallery and those who are listening online who are directly affected by the issue—I am determined that appropriate gender recognition for under-16s and for non-binary people will be part of our shared future. To them I say, “You are not forgotten.”

Of course, gender recognition is not the only imperative. We must and we shall, with urgency and resolve, ensure that trans healthcare is available to all who need it, when and where they need it. Further, we must and we shall comprehensively ban the despicable practices around so-called conversion.

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

**Maggie Chapman:** No.

Before I close, I want to put on record my heartfelt thanks to my fellow committee members for their thoughtful work over the past months. I thank Joe FitzPatrick, the clerks and SPICE researchers for guiding us through the stage 1 process with consideration and care. Most importantly, I thank all those who gave evidence to us—in person or in writing—even those with whom I profoundly disagree. I especially want to mention the trans people, and their families, who spoke and wrote to us so movingly. I thank them for making themselves vulnerable, and for sharing their experiences and their lives with us.

The bill does something simple: it makes it easier than it is under the current process for trans people to be legally recognised as who they are. Ellie Gomersall, a young trans woman who gave evidence to the Equalities, Human Rights and Civil Justice Committee, said at the rally held outside Parliament this afternoon:

“Sometimes it feels like the hardest thing about being trans is the admin”.

The bill changes that, and only that. As others have said, the bill has been a very long time in coming. We know that there is a long way still to go, but today—together—we set our path in the right direction. We do so in solidarity, with gratitude and with love.

16:20

**Tess White (North East Scotland) (Con):** Women are watching today. I hope that the SNP is listening. At the heart of this matter is how we make trans people safe without affecting the safety of women and girls. That is the policy question that we, as elected politicians, must answer. It is a fair and balanced framing of the issue.

However, simply for asking that question, women—including the likes of J K Rowling—are being vilified. Their treatment throughout this process has been disgraceful. How are policy makers and members of the public supposed to scrutinise this proposed legislation—or any legislation—when they risk being maligned for doing so? It is our role, and our duty, to examine the consequences, unintended or otherwise, of the laws that we make. As we reflect on the general principles of the bill, we must reflect, too, on the political and public discourse that has surrounded it, and we must learn from it.

The SNP has been attempting to reform the Gender Recognition Act 2004 for half a decade. Despite taking additional time to review its approach, there has been little material change between the plans on which the Scottish Government first consulted in 2017 and the bill that we are debating today.

Following a second consultation, and a delay due to Covid, the SNP-Green Government bulldozed ahead, ignoring the SNP’s own manifesto commitment to work with women on the reforms, until pressure from critical media coverage forced its hand. Meetings with women’s interest groups were hastily arranged, but the bill had already been finalised. It was a tokenistic gesture.

In January this year, the Equality and Human Rights Commission urged caution, calling for a “more detailed consideration” given the potential consequences of reform for data use, competitive sport, barriers facing women, and the criminal justice system. Meanwhile, Nicola Sturgeon dismissed women’s views about the bill as “not valid”—a far cry from the “maximum consensus” that the Scottish Government originally said that it was seeking.

There are fundamental issues with the bill’s approach. Those include the lowering of the minimum age for application to 16, the removal of

the need for medical evidence and the reduction in the period for which applicants must live in their acquired gender. There are, of course, serious implications for the safety of women in single-sex spaces.

The bill is also scant on detail. The Scottish Government is still unable to tell us precisely what it means to

“live in the acquired gender”

for three months. We still do not know how it is possible to prove a false declaration without the individual confessing to it, which makes the provision a redundant deterrent for misuse.

What of the cross-border implications of the bill? The Equality and Human Rights Commission has warned that it may be difficult for trans people with Scottish GRCs to

“be certain of their legal status in England and Wales.”

The law is supposed to provide clarity, not question marks.

I worked at a senior level in human resources for more than 30 years. Inclusion and diversity are deeply ingrained in my personal and professional outlook. So, too, is safety. The Scottish Government has done nothing to convince me, or many others, that the legislation will not negatively impact the safety of women and girls, as well as the safety of young people who are questioning their gender identity.

This week, a mother wrote to me, imploring me to consider the implications of the bill for young people. Drawing on the incredibly difficult experience of her daughter, she described the legislation as a “sticking plaster” and highlighted the need for profoundly improved supportive mental healthcare for children and adolescents who are exploring their gender identity.

Should the bill be passed, the removal of the requirement for a diagnosis of gender dysphoria will not diminish the distress that a 16-year-old can experience in that situation, but it risks removing the safeguards and clinical support that are available to them. I deeply regret that the Scottish Government will not wait for the full publication of the Cass review before proceeding with the parliamentary passage of the bill, especially with the closure of the Tavistock centre in London next spring.

The intent behind the Gender Recognition Reform (Scotland) Bill might be good, but the unintended harm could be greater. For that reason, together with the implications for the rights and safety of women and girls, I will vote against the bill at decision time. It is shameful that MSPs from other parties who share my concerns—apart

from Ash Regan, who showed tremendous courage—cannot do the same.

16:26

**Michael Marra (North East Scotland) (Lab):** Transgender people are not new. As long as there have been people, there have been those who do not subscribe to, do not fit into, do not feel or who simply are not the binary distinction of normative gender that many cultures have mapped far too closely on to the indisputable scientific genetic distinction of sex.

Transgenderism can be seen in the relics of antiquity in Sumer, Greece and Rome, and transgenderism has been prevalent in the villages of rural Siberia, where environmental factors skewed the balance of the sexes. Trans visibility has been noted in the high liberalism of the Weimar republic and increasingly across much of the west, including, thankfully, this country, which now affords rights and freedoms to all. Therefore, transgenderism is not new.

What is new—

**Karen Adam:** Will the member take an intervention?

**Michael Marra:** I will not at the moment; I will make some progress.

What is new is the much wider availability of novel therapies and transition surgeries, alongside limitless social media information. With those come possibilities for better lives for people who have suffered in silence or in anguish. However, they also bring significant risks, especially when the pace of laws outstrips societal understanding. Hegel, in his “The Phenomenology of Mind”, argued that

“identity of the self is entirely dependent on its recognition by others.”

Public recognition and personal identity are intertwined for every single one of us. Seeking legal recognition is no mere validation of personal affirmation; it is a core function of the modern state and an expression of liberty.

Yet, biological sex remains the definitive organising fact of our state and society. From cradle to grave, whether a child has two X chromosomes or single X and Y chromosomes will define their health, physical development, strength and speed. Society and culture wrap those things in a bundle of patriarchy and misogyny—

**Karen Adam:** Will the member take an intervention?

**Michael Marra:** I will in a second.

Society and culture wrap those things in a bundle of patriarchy and misogyny, and sex matters even more—

**Karen Adam:** On the point about chromosomes, intersex people exist. How does that match up with what the member is saying?

**Michael Marra:** That matches entirely with what I have said. There are intersex people who have a mix of sexual organs, but the genetic side of this is about having two X chromosomes or an X and a Y chromosome. That is the basis of the biology.

**Karen Adam:** Will the member take an intervention on that point?

**Michael Marra:** No, I will not. We could maybe discuss it later.

As I said, society and culture wrap those things in a bundle of patriarchy and misogyny, and sex matters even more with regard to status, standing, wages, whether a person can walk home at night, whether they might wake the following morning, whether they are raped or whether they require medical treatment in a system of education that trains doctors to understand that body as an aberration rather than as the majority.

Women's sex-based rights are often self-policed by recognition of danger on sight, and then by avoiding or removing themselves from danger. There are also more intimate settings where women are even more vulnerable. When they are in hospitals or prisons, when they are receiving intimate care, when their mental capacity has been diminished by age or disease, when they have been the victims of violence by men or are at risk of violence by men, women require the sex-based protections that are afforded by the Equality Act 2010.

That is almost never the case because of other women or because of trans people. It is overwhelmingly, as other members have said, because of the behaviours, attitudes and violence of men in our culture. This debate takes place in the context of a rising tide of misogynistic violence. The many representations that I have received from women ahead of today's debate detail well-founded concerns that have not been answered by the Government about the protections that are guaranteed to them in the Equality Act 2010. That act, the protections and the promise of security, progress and safety, which were legislated for by a Labour Government, must be guaranteed in the bill, so Labour will seek to amend the legislation to that end. It is right that today we vote for progressive reform for trans recognition, and for the chance to amend the proposed legislation.

Confidence in the new process for obtaining a gender recognition certificate is paramount. Trans people should know that the process commands

their confidence and that of the wider public. The bill as drafted has very few safeguards to prevent its being abused by bad actors. Scottish Labour believes that consideration should be given to how the application process can be strengthened to command the broadest possible public confidence.

I believe that a countersignatory process would help to build that confidence. It would mean that applications would not be made in solitary isolation. A comparable process is the one for changes to passports, to which all citizens must adhere when amending their personal details. It is widely accepted that the signature of another person is required in that process for recognition of the change; it is a standard part of our day-to-day life. If it were properly developed and implemented, such a countersignatory process could serve to protect all parties better. Recognition is, in the end, about how we relate to each other—how we are seen in our community.

The bill proposes a reduction in the age restriction for applying for a gender recognition certificate from 18 to 16 years. The Government has made a very poor job of answering critical questions that have been posed about that, including questions from the Equalities and Human Rights Commission. I believe that, given the risks, significant development of the case for the change is necessary before it can command the widespread public and political support that it needs.

I believe that it is the job of Parliament to find common ground in the country—to balance the need for reform with the need for protection of existing rights. The struggle for recognition is a practice of freedom—so said Wittgenstein, Foucault and Arendt. That struggle is just. Yet the balance of rights and common perceptions can easily be tipped. Unamended, the bill will fail the test that was set by the First Minister herself: that the rights of trans people and women can both be secured. The Government and the cabinet secretary have a very long way to go in the coming weeks, before the bill can pass that test.

**The Deputy Presiding Officer (Annabelle Ewing):** Emma Roddick will be the last speaker in the open debate. You have up to six minutes, Ms Roddick.

16:33

**Emma Roddick (Highlands and Islands) (SNP):** I want to say first that trans rights are human rights. As a woman, I do not feel that they are in conflict with my own.

I speak today to defend the right of others in the LGBTQI community to be who they are. Access to documentation that reflects a person's gender is necessary for privacy, for expression and for just

living as what they are. It is paradoxical to me that a person must live in their so-called acquired gender for a period before accessing documentation that allows them to live in their acquired gender, but after listening to speeches today, I suppose that it might need to be the next reform of the Gender Recognition Act 2004 that remedies that.

There should be nothing controversial about what we are discussing today. We are simplifying a process that trans people—in great numbers and over a long period of time—have told us is humiliating and intrusive. We are removing from an administrative process a medical aspect that has no reason to be there. Being trans is not an illness, and our law needs to reflect that.

I have a members' business debate pending on mental health stigma, and many of the points that I intend to raise in it are relevant today and to trans people. Demedicalisation of the process to have trans identities recognised is the right thing to do and it is overdue. The World Health Organization has, in the current edition of the international classification of diseases, already done away with that. That the permission of doctors and panels is still required is an anachronism; it simply does not make sense for it to remain.

**Sue Webber:** Does the member agree with the Scottish Government's equality impact assessment on the bill, which says that we need

"More up-to-date research on"

how the bill will affect

"the mental health and wellbeing of"

our young people?

**Emma Roddick:** I think that we need to do a lot of work on supporting trans people overall, but particularly young trans people, with their mental health. I am sure that we will discuss that in detail when, in the future, we discuss healthcare for trans people.

A Council of Europe report that was published in July outlines the need for steps to be taken to depathologise legal gender recognition. I agree with Karen Adam that we will be behind the times if we do not pass the bill. Actually, I think that we are probably already behind the times; the bill will let us catch up a little. Nothing in the bill is a new idea. We are very slowly catching up with international best practice.

In fact, whatever some people would have you believe, what is in the bill is not even new to this country. I remember sitting on my lunch break as a teenager with my phone out, watching Shirley-Anne Somerville give a statement on forthcoming gender recognition reforms—reforms that every party that is represented in the chamber today

backed in their 2016 manifestos. Trans people have been promised the improvements for a long time; there is no justification for allowing this to drag on any longer.

I agree with the various members of the Opposition who have said that the debate should be respectful, but I cannot agree that it should "remain" respectful because it has not been—we cannot kid ourselves otherwise. In the course of this afternoon alone, I have heard members repeatedly misgender trans people whom they are talking about and I have heard outright denial of the legitimacy of transgender identities. There is nothing respectful about transphobia, and the things that I have just described are transphobia. I refuse to submit to claims that such statements are respectful just because they are said in a polite and even tone. They are never respectful; they are hateful and I will never be comfortable with them being spoken in a place like this.

I would like to offer one personal reflection, too, as a survivor. I am still, years into the debate, horrified by how some people use my experience to justify transphobia. I am traumatised, but I do not blame trans people or believe that their right to privacy is any less or any more important than my own. My trauma is the fault of a cisgender man, and he did not have to make a statutory declaration to legally change his gender in order to cause the harm that he did. Women have so many fights left to win on the route to equality. Fighting other women just because their experience looks different to our own gets us nowhere.

I regret that, today at least, we are not discussing legislation that will allow legal recognition of non-binary identities. I want to give special mention to my enby friends and to assure them that they are not forgotten. I recognise the position that they are in and I hope that it is not too long until we see justice for them. As a queer woman and current co-convener of the Scottish Parliament LGBTI+ cross-party group, I will always stand by my non-binary neighbours and I will keep on raising their lack of recognition until they gain it.

I had an email only yesterday from a trans constituent, which I would like to end on. They were grateful that they did not have to worry about how I might respond, as one of their representatives. I would like to share with members a small bit of the email, because, to me, it sums up what we are here to do today, and it is probably far more meaningful than anything that I could come up with, as a cisgender woman. They said:

"This is not my first time pleading my humanity to strangers. During the course of my transition, I've had to subject numerous intimate details of my life for scrutiny and judgement. It is always stressful and humiliating.

For me, that's what the proposed changes to the process are about. It fills me with hope to think of all the collective time, money, and pain this bill could spare."

I hope that we do the right thing by my constituent today and in the later stages of the bill, and that we keep in mind the trans people—the people whom the bill will actually affect—who are watching at home, scrolling on Twitter for news or sitting in the gallery above us. They have been waiting far too long for what many consider is still far too little. Let us keep our promises to them.

**The Deputy Presiding Officer:** We now move to closing speeches. I call Jackie Baillie to wind up on behalf of Scottish Labour for up to six minutes.

16:39

**Jackie Baillie (Dumbarton) (Lab):** The benefit of being in Parliament for a long time is that you have a relatively long institutional memory. You have worked your way through literally hundreds of pieces of legislation; sat through lengthy stage 2s; explored what you can do with amendments, reasoned or otherwise; and become skilled at negotiation, both as a minister—I can remember that long ago—and with ministers of the current Government. You even learn to compromise, because our aim must be to have the very best legislation that we can get.

However, with no second, revising chamber and with legislation often progressing at breakneck speed, there is a particular responsibility on us in this Parliament to get it right. That means that it is right to challenge and to debate the issues, no matter how difficult that might be.

The Gender Recognition Reform (Scotland) Bill is both simple and complex legislation, and it is in the nature of these things that there will undoubtedly be challenges in the courts. The greater the complexity and the level of concern are, the greater the requirement is for us as legislators to examine the provisions and their effects carefully and consider whether there may be unintended consequences.

The Government has a responsibility to lead, but it also has a responsibility to take the country with it. Legislation is just one part of what the Government should do. How it spends money and how it sets policy are equally important.

Let me turn to this specific debate. I say very clearly at the outset that I support the general principles of the bill, but I have to say, as others have done, that the name calling and insults that have characterised much of the discourse have been unwarranted and unhelpful. So, too, have been the blanket assertions without much supporting evidence, which simply do nothing to promote understanding. Likewise, the fact that the questions that are often asked of Government are

sometimes not fully answered does nothing to reassure people who have doubts. Complex and difficult issues demand of us a thorough and mature approach.

Concerns have been expressed from a variety of different perspectives and we have heard them today. Some people are vehemently opposed to the bill, and while I might disagree with them, I will always listen to their point of view respectfully. Others are hugely supportive and point to their own experience or that of their children of gender dysphoria and the lack of access to services, support and, actually, recognition of who they are.

There are those who are broadly supportive but are worried that there may well be unintended consequences. I want to address some of those concerns, as that will be an area of focus.

**Jackson Carlaw (Eastwood) (Con):** I very much hope to be able to support the bill at stage 3. I intend to abstain tonight. I have heard compelling speeches like the one that Jackie Baillie is developing from Michael Marra, Pam Duncan-Glancy and Jamie Greene. I wonder whether Jackie Baillie would welcome an assurance from the cabinet secretary that the Government will be open to constructive amendment of the bill given that, to be frank, its record on being open to amendments is not a strong one. Fulton MacGregor said that the committee will be open to them. Would Jackie Baillie welcome such an assurance?

**Jackie Baillie:** I welcome that brief intervention from the member. I welcome what I think has been signalled by the cabinet secretary, but I am sure that she will take the opportunity to say in her closing speech that the Government will be open to that dialogue. I really hope that that is the case.

I turn to some of the issues that I would like to see addressed. I start with the point that a number of members raised about the Equality Act 2010. As I understand it, the Scottish Government will argue in court in relation to the Gender Representation on Public Boards (Scotland) Act 2018 that a GRC changes someone's sex under the 2010 act. If that is the case, the argument that is made is that the practical impact will be that things such as single-sex provision will in effect not exist. I understand that people want clarity on that point, and it would be helpful if the cabinet secretary could address that, even if she does not do so today.

Women have specifically expressed concerns about the need to protect women-only services and spaces. I think that we recognise that women's rights have been hard fought for and hard won. As Pam Duncan-Glancy said, all rights have been hard fought for and hard won. However, Scottish Labour understands the

strength of feeling on the issue and the desire to ensure that women's rights are protected. We will therefore seek to amend the bill at stage 2 to respect the primacy of the Equality Act 2010 and to have that placed on the face of the bill.

I turn to gender recognition certificates. We absolutely understand that the point is to simplify and demedicalise the process, and I agree with that. The Government has described who may apply for a GRC and who they will make their application to, but there is no description of how that will happen. We will seek to clarify that at stage 2 as well.

Let me turn to age. Many people have expressed concerns to all of us about whether 16 is the appropriate age. These are difficult issues and I do not necessarily know the answer. However, I am encouraged by the cabinet secretary's willingness to engage on the issue with Christine Grahame, who raised the point first, and other members.

I want to touch briefly on the Cass review and its report on gender identity services for young people in England. It is an interim report, but its findings should inform how we deliver treatment and services in Scotland and at the Sandyford clinic. I know and welcome the fact that Healthcare Improvement Scotland has been tasked with developing national standards of care for Sandyford's gender clinic for young people, but those will not be published until the end of 2023. I am sure that the cabinet secretary will agree that our young people deserve the best possible medical care that is based on clinical research and best practice, and we should urge the Government to accelerate the process.

I want to single out speeches from across the debating chamber, including those of Jamie Greene, Karen Adam, Paul O'Kane and far too many other members to name. There were powerful and personal contributions that challenged us to think.

I believe that reform is required and I will support the general principles of the bill, but there is room for improvement. Labour has a proud tradition of promoting equality and human rights. We introduced the Human Rights Act 1998 and the Equality Act 2010, and I am proud that it was Labour that repealed section 28 in the Scottish Parliament.

We will support the bill at stage 1, but the Government must understand that it needs to address the concerns that have been outlined in the debate if it wishes the bill to continue to command support across the chamber.

16:46

**Pam Gosal (West Scotland) (Con):** I am honoured to close the debate on behalf of the Scottish Conservatives. I join my colleagues from across the chamber in thanking everyone from our witnesses to the clerks and the organisations and constituents who took the time to write to me, all of which I have taken into consideration.

As we have heard today, across the chamber there are strong views on both sides of the debate. With that in mind, due to limited time and the significance of the debate, I will not use the traditional route of closing the debate by summarising members' contributions, and I emphasise that I will not take any interventions.

Although I do not doubt the good intentions of the members who vote in favour of the bill, the proposed law is a let-down for women and girls, faith communities and children who require the protection of the law.

**Paul O'Kane:** Will Pam Gosal take an intervention on the point about faith communities?

**Pam Gosal:** I have said that I will not take interventions.

The proposed bill is ill thought out, ill considered and, worst of all, unpredictable. It seeks to remove any medical oversight and opens the process to a group of unknown size and characteristics. Perhaps there is no perfect answer that would solve all the issues, but do we not owe it to everyone—whether they are trans or not, religious or not, female or not, or a child or not—to spend longer seeking a fair way forward?

The vexed nature of the topic has seen those standing in opposition to bad legislation labelled "transphobes". However, as a member of the Equalities, Human Rights and Civil Justice Committee, I can say with confidence that I have given the bill due consideration.

The removal of the requirement for a medical diagnosis of gender dysphoria, the reduction in the time that must be lived in the acquired gender, the lowering of the minimum age from 18 to 16 and the removal of the gender recognition panel strip the process of all current safeguards, leaving in their wake a flimsy criminal offence for a false statutory declaration, which is near impossible to prove.

Among the tsunami of emails that I have received from my constituents, there were several from people with lived experience of struggling with their gender identity. They urged me to vote against the bill, because they believe that, without the current safeguards, they would have embarked on a life-altering process as a child.

The lowering of the minimum age is irresponsible, especially when it is accompanied by the removal of medical oversight, which the Scottish Council on Human Bioethics has argued against. That is just one of the provisions that must be addressed, should the bill proceed to stage 2.

The SNP Government is ignoring the significance of the bill's impact on the Equality Act 2010; meanwhile, it has used the significance of the proposed change in its argument in court. The Government has repeatedly dismissed the wider implications of the bill for women of faith and for women and girls more broadly, which is an issue that is extremely close to my heart. I am deeply concerned that the proposed law has not been drafted with them in mind.

I will give an example. For women of faith, when it comes to medical situations such as visiting a general practitioner, treatment by a member of the opposite sex might be a breach of religious practices. The presence of a member of the opposite sex would be a breach of the sanctity of single-sex spaces for women who perform partial washing in a public bathroom before praying. Such women are already a marginalised group in our society, and the bill could prompt them to self-exclude from public life to an even greater extent.

The Equalities, Human Rights and Civil Justice Committee has received evidence from the HEAL survivors group about women who have felt compelled to self-exclude from services that are offered by Rape Crisis Scotland because of its refusal to guarantee a women-only environment.

In addition, I have constituents who are worried about whether an elderly woman can be guaranteed a female carer to help with washing and dressing. That is a justified fear, given that NHS Lothian said that it was unable to guarantee female-only care because of the privacy protections in section 22 of the GRA.

Organisations that gave evidence to the committee, such as Engender, Stonewall and the Equality Network, as well as the cabinet secretary, all argue as though the issue is whether a GRC is necessary in order to, or gives a right to, gain access to single-sex services or spaces, but the real concern here is that a change of sex under the Equality Act 2010 makes it easier for a growing number of GRC holders to challenge exclusion from such spaces. Therefore, surely the Government can understand why there are valid concerns that service providers are less likely to challenge anyone with a GRC who asserts a right to be in a female-only space.

The bill departs significantly from the Gender Recognition Act 2004. The Scottish Government has lost sight of that legislation's original intentions

and has produced what I consider to be a piece of legislation that begs for unintended consequences and legal challenge. In the light of the evidence that has been presented in today's debate, the evidence that I have heard in committee and the concerns of my constituents, I will vote against the bill at stage 1, and I urge members across the chamber to do the same.

**The Deputy Presiding Officer:** I invite Shona Robison to wind up the debate on behalf of the Scottish Government.

16:53

**Shona Robison:** We have continued to have—by and large—a respectful debate, in which we have heard a range of views on the bill from members across the chamber. I again put on record my thanks to the Equalities, Human Rights and Civil Justice Committee and its convener and clerks, who have done a huge amount of work in getting the bill to this stage.

I will refer to as many members' contributions as I can, but, if I am not able to cover them all, I will try to follow up in writing, because some important points have been made that I want to cover.

First, I turn to points that were made by Pam Duncan-Glancy and Jackie Baillie. Let me be clear: I have had an open-door policy. I have met Pam Duncan-Glancy on a number of occasions and have tried to build consensus where I can. I give a categorical assurance that, as we move to stage 2, I will absolutely work on constructive amendments with members from across the chamber. I will give them all a fair hearing and will seek to build consensus where possible. I ask that amendments be constructive and in line with the principles of the bill. They must, of course, be legally competent, but I think that we can get there.

I will refer to two particular areas. The first is the Equality Act 2010. I have said since the beginning of this process that the bill has no impact on the Equality Act 2010. It cannot have, because that act deals with a reserved matter. Perception is also important, and I recognise the concerns about that. I have said that the single-sex exemptions under the Equality Act 2010 will remain, regardless of this bill. However, I understand that putting that into the bill will help to leave that in no doubt whatsoever and will recognise the importance of that, so I am willing to work with Pam Duncan-Glancy and others to achieve that.

**Pauline McNeill (Glasgow) (Lab):** What the cabinet secretary said is constructive, because Scottish Labour has asked for that to be in the bill. I am pleased about that.

Does the cabinet secretary also agree that it is important to have clarity about the Government's position and the law? Some people have asked why the Scottish Government will argue in court that a GRC changes sex under the Equality Act 2010 for the purpose of appointments to public boards. That seems to be at odds with what the cabinet secretary has said to Parliament. There seems to be a contradiction. It would be very helpful if the cabinet secretary could clear that up.

**Shona Robison:** I am not going to comment on a live court case, and Ms McNeill would not expect me to do so. The Scottish Government completely accepts and agrees with the Equality and Human Rights Commission. Its definitions of the protected characteristics under the Equality Act 2010 and of the effect of a GRC have not changed since the 2004 act, and none of that will be changed by this bill. That all remains the same. I give that guarantee again.

The other area that I will mention is the application process, which was another point raised by Labour members. I am happy to work with them and with others from across the chamber to look at how we can address some of the concerns. Michael Marra made some useful suggestions about what that might look like. I am happy to work with members from across the chamber to look at that.

The issue of access to healthcare and support was raised. As I said in my response to the committee's report, the Scottish Government absolutely recognises the need to provide the best possible care for young people who are questioning their gender identity or experiencing gender dysphoria. We, and NHS Scotland, will closely monitor the on-going findings of the Cass review, alongside wider national and international evidence, as those become available and within the context of NHS Scotland services.

However, we must be clear that clinical decision making and clinical services have no relation to this bill, which is about changing the process by which someone can obtain a gender recognition certificate. Such a certificate is not required to access clinical services. We absolutely accept the point that those services must improve, and the Cabinet Secretary for Health and Social Care has already made a commitment to work with the committee on improvements that are already in the pipeline and that will ensure that waiting times are reduced.

**Rachael Hamilton:** In the Scottish Government's response to the committee, the Cabinet Secretary for Health and Social Care did not commit to what the committee asked for, which was a review of gender dysphoria services for children and young people. At the moment, the waiting time is very long. I recognise that that is

not part of the bill, cabinet secretary, but it was an important part of the evidence that we took that the waiting times should be reduced and services should be improved.

**Shona Robison:** The member will be aware that the framework for service improvement was issued in December 2021, and it includes the commissioning of a national clinical service for young people. Work is therefore already going on, which will be informed by all the best-practice clinical guidelines, robust evidence on treatments and new models of delivery as such information becomes available. The service will be inclusive of relevant developments in England and the rest of the UK, as well as internationally. The health secretary is taking that work forward, so I do not think that there is any disagreement here.

I want to reference a few other comments that members made. Alex Cole-Hamilton made a good point about the difficult and lengthy GRC process and about why it puts so many people off. That is borne out by the evidence—of the estimated 500,000 trans people in the UK, only around 6,000 currently have a GRC, which says that there is a huge problem with the process.

As I have said previously, out of all those people, the people who will take advantage of the new, simplified process for obtaining a GRC will be those who have already been living in their acquired gender, many of them for decades. The international evidence shows that the people who take advantage of the changed processes are those who have already been living in their acquired gender.

Jamie Greene made a very powerful contribution. He said that we are not talking about a mental illness here, and he talked about some of the concerns. He suggested that the same arguments are being used as have been used against other minorities over the decades, and he is absolutely right.

Jamie Greene also talked about the things that he does not know. Let me speak as a mum of a teenage daughter. When she goes out at the weekend, my fear is about whether she will come home okay—I secretly wait up to make sure that she comes through the door—because of my concern about predatory and abusive men; it is not about the trans people who are out on a Friday and Saturday night, going about their business. *[Applause.]*

**Jamie Greene:** For the benefit of those who did not sit in on the debate, I observe that that is exactly the point that I made—the issue is not about trans people, it is about predatory men.

Although I am pleased to support the cabinet secretary and the Government by lending my support in today's vote, that is not without

compromise. It is very clear that a bigger discourse still needs to be had, among the wider public and even on the Government's own benches, as there are still people who feel that their voices have not been fully heard. I would like a commitment from the cabinet secretary that she will not use the governing parties' parliamentary majority but will constructively engage with every single member to ensure that what we pass at stage 3 is worthy of the Parliament.

**The Presiding Officer:** Please conclude, cabinet secretary.

**Shona Robison:** I agree with Jamie Greene: I want to build maximum consensus. However, that consensus has to be around the principle of the bill—that the current process for transgender people is not as it should be, because it puts people off obtaining a GRC. We have heard that point made across the chamber. I want to build the consensus that we can build, in order to make the bill the best that we can make it and to have the best law that we can have, as Jackie Baillie said yesterday, and I will do so.

I have had an open-door policy, and I am happy to work with Jamie Greene, Pam Duncan-Glancy, Jackie Baillie and others as far as we can. At the end of this debate, I give that commitment.

**The Presiding Officer:** That concludes the debate on the Gender Recognition Reform (Scotland) Bill at stage 1.

## Decision Time

17:04

**The Presiding Officer (Alison Johnstone):** There is one question to be put as a result of today's business. The question is, that motion S6M-06459, in the name of Shona Robison, on the Gender Recognition Reform (Scotland) Bill at stage 1, be agreed to. Are we agreed?

**Members:** No.

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

17:04

*Meeting suspended.*

17:08

*On resuming—*

**The Presiding Officer:** We come to the division on motion S6M-06459, in the name of Shona Robison. Members should cast their votes now.

The vote is closed.

**Richard Leonard (Central Scotland) (Lab):** On a point of order, Presiding Officer, my app was not working. I would have voted yes.

**The Presiding Officer:** We will ensure that that is recorded.

### For

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)

Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

### Against

Balfour, Jeremy (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Findlay, Russell (West Scotland) (Con)

Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

### Abstentions

Briggs, Miles (Lothian) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)

**The Presiding Officer:** The result of the division on motion S6M-06459, in the name of Shona Robison, on the Gender Recognition Reform (Scotland) Bill at stage 1, is: For 88, Against 33, Abstentions 4.

### *Motion agreed to,*

That the Parliament agrees to the general principles of the Gender Recognition Reform (Scotland) Bill.

**The Presiding Officer:** That concludes decision time, and I close this meeting.

*Meeting closed at 17:11.*

## Corrections

Michael Matheson, the Cabinet Secretary for Net Zero, Energy and Transport, has identified an error in his contribution and provided the following correction.

**The Cabinet Secretary for Net Zero, Energy and Transport (Michael Matheson):**

At col 1, paragraph 6—

*Original text—*

“The member might be aware that what I think is the largest hydrogen fuel cell bus fleet in Europe is operating at the moment in Aberdeen as a result of funding support that came from the Scottish Government.”

*Corrected text—*

“The member might be aware that what I think is one of the largest hydrogen fuel cell bus fleets in Europe is operating at the moment in Aberdeen as a result of funding support that came from the Scottish Government.”

Fulton MacGregor MSP has identified an error in his contribution and provided the following correction.

**Fulton MacGregor (Coatbridge and Chryston) (SNP):**

At col 87, paragraph 3—

*Original text—*

“As I said, in our evidence, we heard quite widespread support for the removal of the need for a gender recognition panel and medical diagnosis. That support came from the Scottish Human Rights Commission, Rape Crisis Scotland, the Church of Scotland and many others.”

*Corrected text—*

“As I said, in our evidence, we heard quite widespread support for the removal of the need for a gender recognition panel and medical diagnosis. That support came from the Scottish Human Rights Commission, Rape Crisis Scotland, Reverend Karen Hendry from the Church of Scotland and many others.”



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

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Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

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