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Tuesday 9 May 2023

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Scottish Parliament

Tuesday 9 May 2023

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

Time for Reflection

The Presiding Officer (Alison Johnstone):

Good afternoon. The first item of business is time for reflection, and our leader today is the Rev Kenneth MacKenzie, minister of the parish of Braemar and Crathie and domestic chaplain to His Majesty the King.

The Rev Kenneth I MacKenzie (Braemar and Crathie Parish Church and Domestic Chaplain to His Majesty the King): Presiding Officer, members of the Scottish Parliament, good afternoon.

In a place where rhetoric matters, let me crave your indulgence by asking a question that is not as rhetorical, nor as grammatically correct, as some might prefer. What does it feel like to be prayed for?

I ask that of you who have been elected to the Scottish Parliament, because even in this month of May, in the year of our Lord 2023, when another group of nationwide representatives will assemble, as you first did, in a historic hall just up this street, I cannot think of another Scottish body that will be more often the subject of prayer than this honourable house.

What does it feel like to be prayed for? This is not the first time that I have asked that question, but being by nature and nurture a Highlander, and still identifying as Invernessian, the last time I dropped that question, I reverted to the Queen's English. In fact, in true Highland style, I did not so much drop the question as drop the question mark.

Two weeks ago, at the door of Crathie kirk, I took the liberty of assuring one of our congregants that on the day of his upcoming coronation he would almost certainly be the most prayed-for person in all of Christendom. Like his mother before him, he seemed rather moved by such a declaration.

In his much-remarked-upon book "Religion for Atheists: A non-believer's guide to the uses of religion", Alain de Botton reflects on the fact that in every flourishing culture and society there has always been room for symbolism and ceremony. He, naturally enough, bemoans the fact that in nearly all instances, ceremony and symbolism seem so intrinsically bound to faith and belief.

—some might suggest naturally enough—am not at all surprised that that should be the case. As we preachers and parliamentarians know only too well, there are times when words—ordinary words—are not enough. In times of trouble or triumph, and on the occasion of appointment or disappointment, words matter, but they are not enough. It is in part through ceremony and symbolism, and in part through prayer, that we mere mortals allow room for mystery and for meaning.

Blessed are those who know what it is to be kept in the prayers of a nation.

Topical Question Time

14:04

The Presiding Officer (Alison Johnstone):

The next item of business is topical question time. In order to get in as many members as possible, I would appreciate short and succinct questions and responses.

Junior Doctors (Industrial Action)

1. **Jackie Baillie (Dumbarton) (Lab):** To ask the Scottish Government what steps it is taking to avoid industrial action by junior doctors, in light of the decision in favour of action by almost 97 per cent of British Medical Association Scotland members who voted. (S6T-01364)

The Cabinet Secretary for NHS Recovery, Health and Social Care (Michael Matheson): I have begun direct negotiations with the junior doctors committee at BMA Scotland; those commenced on 20 April. Talks are progressing and we are scheduled to meet again on 11 May. I agreed with all parties that negotiations would be held in confidence and, as such, I cannot provide any further details at the moment.

I will continue to do all that I can to avoid industrial action in the national health service, which would be in no one's interests. However, I have been clear that the BMA's ask for a 35 per cent pay uplift is simply unaffordable. I will update Parliament when negotiations have concluded.

Jackie Baillie: The outcome of the ballot was overwhelming, indicating the strength of feeling among our hard-working junior doctors. Since 2008, pay for newly qualified doctors has been eroded by a staggering 23.5 per cent in real terms. A recent BMA survey showed that 44 per cent of junior doctors are actively thinking about leaving the profession and going to New Zealand or Australia. There are even junior doctors who are relying on universal credit to cover childcare and energy bills. In the wake of the clear mandate for strike action, will the cabinet secretary commit to tabling a credible pay offer?

Michael Matheson: I recognise the strength of feeling among junior doctors. The outcome of their ballot, which was published on Friday last week, demonstrates the scale of their concern. I have gone into the process of negotiation with junior doctors in an open and genuine way, to seek to try to address short-term, medium-term and long-term issues that I believe need to be addressed. I want NHS Scotland to be a place of choice for junior doctors to work throughout their careers, and am determined to do everything that I can to try to achieve that.

I will not be drawn into giving details about pay negotiations. That is not in the sense that I am being disrespectful to Parliament; it is because I went into the process assuring people that I would act on a confidential basis while those negotiations were still taking place. I intend to keep the commitment that I gave to the junior doctors committee at BMA Scotland. However, the member can be absolutely assured that I will do everything in my power to try to help to avert the risk of industrial action by junior doctors in NHS Scotland.

Jackie Baillie: I very much welcome the fact that the cabinet secretary is engaging with junior doctors and their representatives and I wish those negotiations well. However, the cabinet secretary will understand that, with one in seven patients currently on waiting lists, and the worst ever performance on record in tackling cancer, the Scottish Government simply must avoid strike action, which will make matters worse.

The cabinet secretary will agree that warm words will not cut it. The First Minister, in his first week in office, announced spending of £61 million, so we know that, where there is the political will, there is a way. If, however, the cabinet secretary is unable to negotiate a settlement, can he outline the contingency plans that he has in place to cover the proposed 72-hour period of industrial action?

Michael Matheson: As a Government, we have a very strong track record, in that we are the only part of the United Kingdom that has not experienced industrial action in our national health service. The reason is that we have had meaningful engagement with trade unions and their representatives in order to address concerns that have been raised with us.

On the issue of junior doctors, we need only look at the statistics on recruitment into NHS Scotland. We filled more posts in 2022 than in any other year since records began back in 2013. NHS Scotland is still a very attractive place for junior doctors to work, but clearly there are serious concerns that we need to address, and I am determined to do that.

What I can also say to the member is that I have already asked health boards to put contingency plans in place, should we be in a situation where industrial action unfortunately takes place, because such action will be very destructive. The nature of those contingency plans depends on any derogations that are agreed with the junior doctors committee, if it takes industrial action. However, I want to ensure that we have the plans in place and, in the time that is available to us, that I do everything I possibly can to try to avert the risk of industrial action by junior doctors in NHS Scotland.

The Presiding Officer: I am keen to take supplementaries, so I ask again for concise questions and responses.

Clare Haughey (Rutherglen) (SNP): I welcome the fact that the Scottish Government will continue to do everything that it can to achieve a deal with junior doctors to ensure that Scotland continues to avoid industrial action in our NHS. Meanwhile, it is concerning that Labour's shadow health secretary, Wes Streeting, recently said that he does not support the junior doctors strike, and the Westminster Tories' proposed anti-strike legislation is a barefaced attack on workers and their right to demand better pay.

Therefore, will the cabinet secretary affirm that the Scottish Government will continue to support the right to strike? Does he agree that the only way to protect workers' rights, just like our European neighbours do, is for Scotland to escape Westminster control?

Michael Matheson: I am aware of the comments that were made by Wes Streeting, which I find deeply surprising from a Labour politician, but I think that that is a reflection of the fact that Labour at Westminster is just a pale imitation of the Tories these days.

In relation to the anti-trade-union legislation that the UK Government is taking forward, we have already raised our concerns. The UK Government is also seeking to take powers through that legislation in order to reach into devolved areas, which is unacceptable.

Nevertheless, my focus is to ensure that we do everything possible to avert the risk of industrial action in Scotland, so that we do not have the same challenges that we have witnessed through the seven days of industrial action in NHS England, which has resulted in hundreds of thousands of procedures and appointments having to be cancelled.

I will do everything within my powers to try to avert such action, but I assure members that, should industrial action take place, we will have contingency arrangements in place.

Sandesh Gulhane (Glasgow) (Con): I have been there, as a junior doctor struggling against the system. Many junior doctors are now experiencing burnout. I recently visited University hospital Ayr and saw the difference that access to good nutritious food can make to concentration levels and to preventing fatigue and burnout. However, that is not replicated across the country. Conditions matter, as does pay. Night-shift staff across Scotland do not have access to hot nutritious food at night, so will the cabinet secretary commit to mandating the provision of hot nutritious food that is not from a vending machine, for night staff across all health boards in Scotland?

Michael Matheson: I recognise the concerns that the member has raised; it is not the first time that they have been raised with me, and I will give them due consideration.

The member is right to highlight that it is important that we recognise that some staff feel burned out, and that conditions matter. That is why it is all the more important for Government to engage with junior doctors in an open and sincere way in order to try to address their concerns.

I would hope that Governments across the whole UK would do that with junior doctors in order to reduce the risk of further industrial action taking place, even where the member's party is in control in England, given that England has already had seven days of disruption.

I assure the member that I will do everything that I can for the areas for which we are responsible in Scotland. That is why we have undertaken detailed open dialogue in negotiations with junior doctors, as a means to try to address their concerns. I assure the member that that is the approach that this Government will take, which is in stark contrast to the approach that his colleagues at Westminster have been taking, to date.

Alex Cole-Hamilton (Edinburgh Western) (LD): The cabinet secretary's predecessor in the role, the now First Minister Humza Yousaf, used to set great store by the same statement that we have just heard from the cabinet secretary: that there has not been strike action in Scotland, whereas there has been in England. However, that situation will soon end, given the distance between the pay claim and the Government's position.

If we are moving to a period of strike action, what discussions has the cabinet secretary had with NHS England about lessons learned from the period of disruption there, and about steps to mitigate strike action if and when it happens?

Michael Matheson: In trying to resolve the matter, I have not looked to NHS England for much in the way of lessons, given the seven days of industrial action that it has already experienced. I am determined to resolve the issue in the short, medium and long terms, and will do everything that I can to try to achieve that.

As I have mentioned in my comments in the chamber, I have already asked NHS boards to put in place contingency arrangements should industrial action occur, but I will do everything that I can to try to avoid that so that we do not have the same type of disruption—significant disruption, with hundreds of thousands of appointments and procedures being cancelled—as has been the case in NHS England.

Forensic Spiking Testing (Scottish Police Authority Contract Award)

2. Russell Findlay (West Scotland) (Con): To ask the Scottish Government what its position is regarding reports that a new contract has been awarded by the Scottish Police Authority, valued at around £663,000, for the provision of additional forensic testing in relation to suspected cases of spiking. (S6T-01368)

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): The act of spiking is utterly abhorrent. We remain absolutely committed to working with partners, including Police Scotland, health services and third sector organisations, in order to tackle all forms of violence against women and girls. It is absolutely appropriate that Police Scotland should take whatever operational decisions it considers appropriate to have additional capacity in place to address spiking cases, should that be required.

Russell Findlay: Police Scotland's increased testing will be welcomed by victims, who have been failed for far too long. I commend Jess Insall, who has campaigned on the issue after having been spiked during a night out in Glasgow. It took 34 hours before Jess was tested, and 10 months to get the result. That is far too long—time is critical in spiking cases. That is just part of the problem.

My proposed bill would ensure that spiking is recorded as a specific criminal offence and that the police, the national health service and licensed venues would deal with cases more consistently and efficiently. Would the cabinet secretary be willing to back those important measures, at least in principle?

Angela Constance: We will always listen to views on the need for a stand-alone offence. However, spiking can already be prosecuted in Scotland: section 11 of the Sexual Offences (Scotland) Act 2009 has an offence of "Administering a substance for sexual purposes" and, depending on the facts and circumstances of the individual case, the common-law offence of assault can also apply.

The Government will await further details on the proposed member's bill and how it would interact with the measures that are already in place. I assure the member that such proposals will always be given a fair hearing.

On the points about the times in that end-to-end journey for testing and results, we will continue to look at the process very closely, because we need to improve the experience of people who are the victims of such an abhorrent crime.

Russell Findlay: Every time I talk about spiking, more people come forward with their

stories. Spiking appears to be endemic in pubs and clubs and on university campuses—some people even view it as a terrifying rite of passage.

The cabinet secretary referred to legislation that can be used to address that just now. However, in the past three years, there have been only seven convictions for administering a substance for sexual purposes. Predators know that the law is failing to protect young people. In a spirit of cross-party co-operation, will the cabinet secretary agree to join me in a meeting with spiking victims and others?

Angela Constance: I am always happy to meet the member and other members from across the political parties. I look forward to seeing the detail of the member's proposed bill. He might be interested to learn that the most recent Police Scotland statistics, which were published last December, report that, from October 2021 to October 2022, there were 601 recorded crimes related to spiking.

I reassure the member that we continue to work not just with those across the justice system, but with all partners, including victims organisations and the prosecution, in addition to representatives from colleges and universities, and the night-time economy sector, to see what further steps we can take to tackle that very important issue.

Coronation of King Charles III and The Queen

The Presiding Officer (Alison Johnstone):

The next item of business is a debate on motion S6M-08864, in the name of Humza Yousaf, on the coronation of King Charles III and the Queen.

14:19

The First Minister (Humza Yousaf): Just less than two weeks ago, the stone of destiny began its journey to London for the coronation of Their Majesties King Charles and Queen Camilla. I attended the ceremony at Edinburgh Castle that marked that occasion in my role as Keeper of the Great Seal, and on Saturday, I represented Scotland at the coronation.

As everyone who watched it will know, the coronation ceremony and the pageantry surrounding it were rooted in tradition, but it is also the case that some of the traditions have been updated to reflect modern values. For example, the inclusion of a multifaith element in the ceremony was a particularly welcome change.

That mix of the old and the new was also evident in wider celebrations in Scotland. The tenor and scale of the festivities has been different from previous coronations, but in many parts of the country people still came together to watch the proceedings live with family, friends and neighbours.

Over the past few days there have been street parties, afternoon teas, special concerts and, of course, some religious services, too. Across Scotland, people have taken the time to perform acts of service in line with the coronation theme of helping out. I joined some of them yesterday when I helped to pack food at the Whitfield community larder.

There will, of course, be more events later this year, when His Majesty is presented with the honours of Scotland at a ceremony in St Giles cathedral, and during royal week in July the Scottish Government will take the opportunity to present Their Majesties with coronation gifts on behalf of the people of Scotland. In doing so, we will be marking a further important constitutional milestone, but we will also be symbolising the respect and good will that is felt by many people in Scotland for Their Majesties personally.

That good will has been built up over many years. Her Majesty Queen Camilla has spoken often about her family's Scottish roots and, indeed, her affinity to Scotland. She undertook her very first public engagement here, when opening a school playground in Ballater back in 2005, and since then she has forged strong ties with

communities across the country—not least in her role as chancellor of the University of Aberdeen.

His Majesty's affections for Scotland, and especially for Balmoral, are well known. He, too, carried out his first royal duties here, in 1965. The then 16-year-old Prince Charles met students at a garden party at Holyrood Palace, and in the decades since has continued to serve through his patronage of many Scottish charities and institutions and—perhaps most notably of all—through his work with the Prince's Trust. It is his work with the Prince's Trust that I want especially to highlight in this speech.

There are, of course, various views of the monarchy in Scotland, but the incredible work that the Prince's Trust has done with young people over many years right across the United Kingdom, including here in Scotland, is indisputable. As I am sure is true of many members, I have seen the impact of that work at first hand.

In 2019, I visited the Prince's Trust Wolfson centre in Glasgow and had the enormous pleasure of meeting some of the young people whose lives the trust had transformed. Every year in Scotland, more than 8,000 disadvantaged young people benefit from support that the Prince's Trust provides through its various programmes. They get opportunities to meet new people, learn new skills and build their confidence, and as a result, they receive vital help in overcoming particularly challenging barriers, and of course, in realising their potential.

Since it was established, the Prince's Trust has helped to improve the lives of many people across the country. Its work is an important and enduring aspect of His Majesty's contribution to our society here in Scotland, but the role that he has played in our national life spans many years and goes well beyond the work that he has done with the Prince's Trust.

As Prince of Wales, His Majesty was there for us when Scotland faced dark times in the aftermaths of Piper Alpha, the Lockerbie bombing and the Clutha helicopter crash. He has also shared with us many special moments, from the opening with Diana, the Princess of Wales, of the 1988 Glasgow garden festival, to the launch of the 26th United Nations climate change conference of the parties—COP26—when he spoke very powerfully about the need for us all collectively to tackle the climate emergency.

Like his mother, His Majesty has also been a good friend to this Parliament. He was present at our official opening in 1999, he joined us for our anniversary celebrations 20 years later, and in 2021 he attended for a third time for the kirking of the Parliament, which is the multifaith service that we hold at the start of each parliamentary session.

Last year, His Majesty addressed us in this very chamber for the first time, a few days after his mother's death. He told us then that he was taking up his duties

"with thankfulness for all that Scotland has given me, with resolve to seek always the welfare of our country and its people, and with wholehearted trust in your goodwill and good counsel as we take forward that task together."

It continues to be the case that there are different views in this chamber and throughout the country about the institution of the monarchy, but the commitment that His Majesty has made to serve the people is one that we all share. We have seen both Their Majesties demonstrate that commitment over many years, so whatever our constitutional views are, I think that it is right that the Parliament mark this moment by wishing them well. In doing so, we congratulate Their Majesties King Charles and Queen Camilla on their coronation, we thank them for their continuing service to Scotland, and we commit ourselves to working with them and helping them in discharging the great responsibilities that they hold.

I move,

That the Parliament congratulates Their Majesties The King and The Queen on the occasion of Their Coronation; expresses its gratitude for Their Majesties' public service to Scotland, and affirms the deep respect that is held for Their Majesties in Scotland.

14:26

Douglas Ross (Highlands and Islands) (Con):

It is a great privilege to speak on behalf of the Scottish Conservatives in celebrating the coronation of Their Majesties King Charles III and Queen Camilla. It was an even greater privilege to witness the historic event at Westminster abbey in person on Saturday. Just over 2,000 guests were in the abbey for the two-hour service. Our own royal family, heads of state from around the world, members of European royal families, politicians and celebrities were there.

There were also 450 British empire medal recipients in the congregation. Among them were John Anderson from Fraserburgh, who received his BEM in 2020 for his community work during the pandemic, and Mary Nelson from Forres, who received her award in 2021 for the outstanding work that she had done for the Moray Fresh Start charity.

Scotland was also extremely well represented in the ceremony itself, by the Moderator of the General Assembly of the Church of Scotland, the Bishop of Moray, Ross and Caithness and the Lord Lyon King of Arms, who I am delighted to see with us in the chamber this afternoon.

On Saturday, those of us who were lucky enough to be in the abbey, and millions across the

United Kingdom and around the world, were witnesses to the crowning of our new monarch. That event has not happened in this country for 70 years. It reflected rituals and traditions that, in some cases, date as far back as the formation of Scotland and England as nations, and it included objects such as St Edward's chair and the stone of destiny, which have been associated with coronations north and south of the border for hundreds of years.

For most of us, we had seen such an event only in black and white footage or had read about it in books. It was made real before our very eyes. However, for all that we could see the weight of history among the grandeur, rousing music and pageantry of the moment, the message and the promise from the coronation ceremony and the celebrations over the weekend was a simple one: service. Indeed, that was the theme of the very first words from the King during the coronation. Replying to Samuel Strachan, His Majesty said:

"I come not to be served but to serve."

That is service to our country and the Commonwealth, and service to all their people, regardless of their background and faith, and service to our natural world. Through that promise, His Majesty is continuing with the ideals and values of monarchy that were so resolutely upheld by his late mother over the long decades of her reign, but he is also showing a vision of the modern monarchy that he intends to lead. As he said on the day after he became monarch,

"wherever you may live in the United Kingdom, or in the Realms and territories across the world, and whatever may be your background or beliefs, I shall endeavour to serve you with loyalty, respect and love, as I have throughout my life."

That is a concept of service that encompassed the events of the whole weekend.

The big lunch on Sunday was about bringing people together to celebrate community and tackle loneliness. The big help out on Monday was about getting more people involved in volunteering in their area. Last night, it was estimated that 6 million people had taken part in the big help out. That figure is expected to increase when the final numbers are known. It has been reported that almost 8 million people have said that they will, as a result of that celebration, be more likely to volunteer and help out. That is just one of the positive legacies from an incredible weekend.

As we look to the years ahead, we see a monarchy that has renewed its promise and commitment to the British people. As our country changes with the passing of time, the monarchy provides a tangible and constant link to our past and heritage. Yet, as we saw with the coronation weekend, the monarchy is not fixed in history; it

changes and evolves to reflect our whole country's modern values.

Where once the monarch would have been regarded as the defender of the faith, His Majesty pledged to defend all faiths. That promise was proudly underscored by the presence at his coronation of religious leaders from all faiths.

His Majesty is committed to promoting the inclusivity and diversity of our modern United Kingdom. With our country facing difficult and challenging times, the King has committed to putting service at the heart of his reign.

We in the Conservatives wish Their Majesties a long, happy and healthy reign. I repeat the words that we as a congregation said on Saturday. Long live King Charles. God save the King.

14:31

Anas Sarwar (Glasgow) (Lab): I am delighted to put on record my heartfelt congratulations to their Royal Highnesses King Charles and Queen Camilla on their coronation. Like others, I was honoured to attend the ceremony in Westminster abbey at the weekend. It was a great privilege to witness history being made.

The coronation was incredible but, in many ways, what it meant to so many was even more incredible. Of course I mean those who were part of celebrations that took place across the country, but I mean more than that. Across the UK friends, neighbours and communities came together to mark this historic moment—from those at vibrant street parties and casual get-togethers to those who simply enjoyed a long weekend with loved ones. Those communities are bound together not by ceremony or duty but by common interest and friendship.

I also mean the volunteers on the day of the coronation. I had the great pleasure of speaking to a number of them and in particular to young scouts. I could see and hear how much the experience meant to them and their families.

Charities are close to King Charles's heart. For all the charities that were represented at the coronation, it felt like a recognition of their efforts and an acknowledgement of the vital services that they provide. To give one example of that, I was struck when I spoke to the chief executive of Maggie's. Maggie's centres across the country provide an invaluable service to people who are undergoing cancer treatment and their families. Countless other charities were represented at the coronation.

Millions around the world watched with great affection for our royal family and our country. Such historic moments provide a chance to take stock of what our country is and what it should always

strive to be—to not only cherish our country's history but look forward to our future and consider the values that we want our country to represent and the role that we want to play in the world.

In the new King and Queen, we can see the values of public service and duty. We saw all those values lived every single day in the life of Queen Elizabeth. The world changed immeasurably during her extraordinary reign, but her duty, her integrity, her warmth and her service to others never wavered for a moment. She demonstrated strength, leadership and compassion when our country needed that most. As we enter this new era, I know that the new King and Queen will continue that extraordinary legacy and uphold those timeless values.

King Charles had to swear an oath to be the protector of the faith, but he also committed to being a protector of the faiths, which is a recognition of our rich culture, history and diversity. I am sure that he will strive to reign with the same wisdom, compassion, integrity and justice and with the values of unity, compassion and community for our country. I hope that all of us across this country share those values in building a brighter and fairer future.

I wish the King and Queen a long and happy reign. God save the King.

14:34

Alex Cole-Hamilton (Edinburgh Western) (LD): It gives me great pleasure to offer on behalf of the Scottish Liberal Democrats our warmest congratulations to King Charles III and Queen Camilla on the occasion of their coronation.

If I am honest, I was not always sure what I thought about the institution of monarchy, but the acts of commemoration that marked the passing of Queen Elizabeth II last September reminded me of the example that she set. The memory of her steadfast devotion to the people of these islands reassured me of the value of having a steadying politically neutral influence at the top of our system of Government.

My position, and the position of a great many of our citizens, was summarised succinctly in the words of another who was sat in that ancient abbey on Saturday. In a letter to his fans, who were incredulous at his decision to attend the coronation, legendary Australian musician Nick Cave wrote:

"I am not a monarchist, nor am I a royalist, nor am I an ardent republican for that matter; what I am also not is so spectacularly incurious about the world and the way it works, so ideologically captured, so damn grouchy, as to refuse an invitation to what will more than likely be the most important historical event in the UK of our age. Not just the most important, but the strangest, the weirdest."

For many people, the coronation was all those things.

There is something unique and strangely comforting about those rights and rituals that have spanned 1,000 years. The second Elizabethan era was marked by the constancy of our late Queen's reign. Thanks to her, the institution of monarchy is now steeped in the tradition of public service. Indeed, as we have heard from Douglas Ross, the first words that the new King spoke on Saturday were:

"I come not to be served, but to serve."

In the example of King Charles's late mother, we can see the promise in those words, and it to his credit that he has sought to emulate that example. Indeed, the King and Queen have already exhibited huge commitment to public service in their previous lives. Combined, they are patrons of more than 900 charities. King Charles has a long and proud history of supporting youth work, something that is very dear to me, and of championing environmentalism. It was he who first publicly warned of the effects of plastic pollution, more than 50 years ago. He also deserves credit for turning down the offer of having Heathrow terminal 5 named after him because of the importance of tackling aviation for the climate emergency.

Our new Queen is also known for her public service, and Her Majesty has done extremely worthwhile work, particularly advocating for the safety and protection of women and girls. In 2013, she established an initiative for providing sexual assault referral centres with wash bags filled with toiletries. That scheme now operates throughout the country.

I wish them well. I hope that, in the years ahead, they will continue to defend the values that make our country great. The first value is upholding democracy and free speech. We are a country that proudly finds disagreement on almost every topic. We should never be a country that seeks to stifle either side of that disagreement, as we saw in the troubling actions of the Metropolitan Police in London on Saturday when republican protesters were arrested.

Secondly, I hope that the King would want people to have confidence in the transparency of his reign. At present, as we have discussed before, the Crown consent procedure allows the monarch's lawyers to flag concern about legislation and to request changes. My party has been clear that those details and interventions should be made public. Like all institutions, we have a right to know how legislative decisions are made. That is a cornerstone of our democracy.

We are a quirky people. Our traditions, eccentricities and humour are part of the rich

composition that makes up the culture and identity of these islands. So well captured in the words of Nick Cave, Saturday marked a moment in our national story—a turning of the page—and I was very glad to have been a tiny part of that. God save the King.

Europe Day 2023 and Alignment with European Union Laws

The Presiding Officer (Alison Johnstone):

The next item of business is a statement by Angus Robertson on Europe day 2023 and the Scottish Government's commitment to remain aligned with European Union laws. The cabinet secretary will take questions at the end of his statement, so there should be no interventions or interruptions.

14:40

The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson): I begin by wishing you, Presiding Officer, and everybody else a very happy Europe day. I am delighted that we are joined by a number of consuls general from European Union member states.

Europe day is a day that celebrates peace and unity in Europe. It marks the day in 1950 when Robert Schuman presented his proposal for placing French and West German coal and steel production under a single authority. That, of course, set our European neighbours and us on a path to peace and co-operation, and it led to the creation of what became the European Union. Events over the past 15 months, including Russia's barbaric invasion of Ukraine, have reminded us again why that peace and that co-operation are so precious.

Today, I wish to make a statement on why and how the Scottish Government is endeavouring to remain as close to the European Union as possible and how we will ensure that the Parliament can properly scrutinise that endeavour. In doing so, I hope that it will become clear why it is so important for Scotland to escape the damage of Brexit and to regain the rights and responsibilities of full independent European Union membership.

The first reason relates to democracy. People in Scotland voted overwhelmingly to remain in the European Union; there were majorities for remain in every local authority area in the country. When Boris Johnson set out his so-called oven-ready Brexit deal to people in Scotland, the people of this country massively rejected it. However, despite that clear democratic expression, Brexit—Boris Johnson's hard Brexit—has been imposed on us.

Sadly, the Labour Party now, for what can only be misguided electoral reasons, supports both Brexit and the hard Tory Brexit that has taken Scotland out of the single market—a market that is, by population, seven times the size of the United Kingdom—and the customs union. On this

generational democratic disaster for Scotland, a conspiracy of silence exists between Labour and the Tories. That silence signifies broad agreement on Brexit policy between the Westminster parties.

That brings me to the second reason why alignment with the European Union, where possible and appropriate under the current constitutional arrangements, is so important, and why EU membership should be our goal. That reason relates to the damage that the Westminster-agreed hard Brexit is doing to Scotland.

The Office for Budget Responsibility estimates that, compared with EU membership, Brexit will, in the long run, reduce the UK's national output and productivity by 4 per cent. The director of the Institute for Fiscal Studies has said:

“What does that mean? Well in the long run we will ... be about that much worse off on average, so people on average sorts of earnings might be £1,000 to £1,500 worse off (before tax) than they otherwise would have been. Of course it also means less money for public services like health and education.”

Brexit has added to the cost of living crisis by pushing up food prices. It has reduced opportunities for young people, with the loss of freedom of movement and the Erasmus exchange programme. It has meant broken promises to our fishing communities, with fewer fishing opportunities for some key stocks than there were under the common fisheries policy. It has hurt our creative sector and our touring musicians. The Brexit damage goes on and on, which makes the Labour-Tory conspiracy of silence on Brexit ever more baffling.

However, the EU is not just about tangible benefits, important though those are; it is a values-based project. The core values of the EU—human dignity, freedom, democracy, equality, the rule of law and respect for human rights—are also Scotland's values, so the third reason for an alignment policy is that we want to remain close to, and be part of, a European Union of shared values.

The fourth reason why we want to remain aligned with Europe is that we recognise that the global challenges facing Scotland today—from climate change, to cost of living and energy costs, to delivering a fairer society—only confirm the need for ever more international co-operation and engagement, not less.

For those reasons, the Scottish Government policy is to continue to align with the EU where we can. However, in pursuing that alignment policy, I acknowledge the Constitution, Europe, External Affairs and Culture Committee's concerns regarding scope, engagement and transparency, and I understand the Parliament's desire for

greater information to support scrutiny of our approach.

This week, I wrote to the convener of that committee acknowledging those concerns and reaffirming our commitment that we will provide significantly more information on how the policy is being pursued. We will closely monitor the European Commission's proposals and consider where we can align in a meaningful manner with policy that will protect standards and our people's wellbeing.

The immediate benefit of that is self-evident. Last year, we brought forward our first legislation under the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 to ensure that Scotland continued to align with the best international standards in terms of the water that we drink. In 2022, we brought into force regulations to ban certain single-use plastics, in support of our commitment to a circular economy. Those are important powers that we will rely on more in the future.

However, alignment is not just about regulations, laws and standards; it is about much more than that. The EU's priorities map across our ambitions and plans, as set out in the national performance framework and the First Minister's vision and priorities for Scotland, which were published last month. In particular, the Commission's commitment to accelerate the green transition and its approach to a digital economy closely align with Scotland's ambitions for a fair and just transition to a digital and net zero wellbeing economy and society.

Our hydrogen action plan, our draft energy strategy and the just transition plan all propose actions to deliver a flourishing net zero energy system that supplies affordable, resilient and clean energy to Scotland's workers, householders, communities and businesses. Hydrogen that is produced in Scotland could play a significant role in supporting EU plans to scale up that energy source. We will press for co-operation with the European Commission to facilitate the smooth international trade of hydrogen and renewable energy sources. That is alignment in action. Unfortunately, by contrast, the hard Brexit that the UK Government pursued has uncoupled energy co-operation.

The UK's pursuit of post-Brexit legislation, often in the absence of consent from the Scottish Parliament, has undoubtedly created significant challenges for both the Scottish Government and the Parliament, with the responsibilities and competences of each being either ignored or overridden. Let me put it on record that I am committed to working closely with the Parliament, and specifically the Constitution, Europe, External Affairs and Culture Committee, to respond to

those challenges robustly and ensure that Parliament can fulfil its role of holding Government to account.

Westminster's deliberate attempts to ignore the devolution settlement, as it ushers in its divergent and deregulatory agenda, is at odds with the high standards that Scotland shares with the EU, and that should be a concern for us all in this Parliament. That situation inevitably means that the focus of the Scottish Government's alignment policy efforts in the months ahead will be primarily on preventing important standards and protections from being undermined by the loss of retained EU law provisions. Every such law that is safeguarded is an example of alignment in practice.

The difficult reality is that Scotland, while it is part of a UK that is not part of the EU, cannot ensure alignment with the EU in all cases. We must align where we can and where that alignment is meaningful but, first and foremost, we must protect Scottish legislation from the UK Government's Retained EU Law (Revocation and Reform) Bill, which is creating significant uncertainties for our country during an on-going economic crisis.

We will always seek to work constructively with the UK Government, because we value co-operation as a matter of principle. However, where the UK Government seeks to undermine the basis of co-operation—such as agreed rules on exemptions to the United Kingdom Internal Market Act 2020—we will challenge that robustly.

The Scottish Government will keep fighting for the values and standards that we hold dear and for a Europe that is green and prosperous as well as united and diverse—a Europe that, above all, stands for co-operation and peace. That is what Robert Schuman stood for, what Europe day represents and what the EU project is. It is an ideal that Scotland continues to support and believe in, and one to which we will return.

The Presiding Officer: The cabinet secretary will now take questions on the issues raised in his statement. I intend to allow around 20 minutes for questions, after which we will move to the next item of business. I would be grateful if members who wish to put a question would press their request-to-speak button now.

Donald Cameron (Highlands and Islands (Con): I thank the cabinet secretary for early sight of his statement. We whole-heartedly support Europe day 2023. It is a day to celebrate peace and unity throughout Europe. Indeed, we are united in our support for Ukraine as the Russian invasion continues into its second year. Europe day was first celebrated by the Council of Europe, and the United Kingdom is a founding member of the council and remains a member.

In his statement, the cabinet secretary set out the Government's commitment to remain aligned with EU laws. However, the reality of how that policy has been implemented tells its own story. After all the fire and brimstone that we heard in the chamber from Mike Russell, his predecessor, during the passage of the 2021 act, how many times has the Scottish Government used the formal keeping-pace power since 2021? It is just once. That is a perfect example of the Scottish National Party virtue signalling over proper policy making.

In truth, the Scottish Government has chosen not to align with the EU on a wide variety of issues. Why on earth does the Government keep up the façade of alignment? Will the cabinet secretary now listen to the warnings of many people in rural Scotland who have said that full alignment with the EU would be devastating? Will the Government commit to adopting only laws that suit Scotland best while remaining aligned with our largest trading partner, the rest of the UK?

Angus Robertson: I will start off with words of agreement. It is great to hear from the Conservative members that they also recognise that today is Europe day and that they welcome it and think that it is worthy of being marked.

It is also helpful to hear the important genesis of European institutions emanating from the Council of Europe and, for the non-initiates—I know that, being a lawyer to trade, the honourable and learned member opposite, understands this—the human rights aspect that the Council of Europe has brought to standards across our continent, not just within the European Union. That underlines how bad it would be were there to be any stepping back from the shared human rights standards across our continent. I think that the only countries that have resiled from European standards in the Council of Europe are the Russian Federation and Belarus, and we certainly should not follow that example.

Donald Cameron chose to concentrate on one way by which one can remain aligned with European legislation. Of course, there are a number of different ways of doing that. It is important that our committees should be able to best understand why we should use or not use a certain piece of legislation—why we should approach the matter in different ways.

That is why the Scottish Government is updating its approach, particularly in the context of the Retained EU Law (Revocation and Reform) Bill. It is absolutely right for parliamentarians across the parties to have the best information to hand to hold Government to account on these matters. Donald Cameron knows that I spent 10 years on the European Scrutiny Committee in the House of Commons, so the matter lies close to my heart. I

have given the Constitution, Europe, External Affairs and Culture Committee the undertaking that I want that engagement to be as meaningful and workable as possible. I give that commitment again in the chamber.

I am not entirely sure whether he meant to say this, but I very much welcome Donald Cameron saying that he welcomes the Scottish Government's bespoke approach. I do too.

Neil Bibby (West Scotland) (Lab): I thank the cabinet secretary for advance sight of his statement. Scottish Labour also welcomes Europe day 2023. We agree that the Tories have made a mess of Brexit and I urge Conservative MSPs to lobby their Government not to make matters worse with the Retained EU Law (Revocation and Reform) Bill.

As has been said, the SNP has a commitment to align with EU law but, as in so many other areas, its rhetoric does not match its record. Mr Robertson has also not always supported EU treaties either. In fact, he previously described the Lisbon treaty as “completely and utterly unacceptable”. What are the Government's criteria for aligning or not with EU law now? How widely will it consult on its approach?

The cabinet secretary also mentioned Erasmus, but why are Scottish students still waiting for a replacement programme when Labour has created one in Wales?

Perhaps Angus Robertson should have indulged his own conspiracy of silence: the Lisbon treaty, 2014 and the Erasmus failure. The Tories have made a mess and only a UK Labour Government can clean it up. Perhaps it is time for the SNP to accept its irrelevance and get out of the way.

Angus Robertson: I begin by welcoming Neil Bibby to his new position. I look forward to working with him constructively where we can. It is a shame that we do not have a lot of clarity from his question about Scottish Labour's position on European alignment.

I grew up with a Scottish Labour Party that included names such as Bruce Millan, a European commissioner, David Martin, a vice-president of the European Parliament and Janey Buchan, a long-standing MEP in the European Parliament. It is not the same party that we are hearing today—indeed, it is not the same party questioning what the Scottish Government is doing. There was no welcome for the target of remaining aligned with the European Union and there was the chimera—the imaginary situation—that the Labour Party is going to “clear up” the Tories' Brexit mess by sticking with the same policy. It is inconceivable that there will be any difference whatsoever.

Notwithstanding the fact that Anas Sarwar has described Brexit as an “economic disaster”, the Labour Party is going to continue with it. A party that is led by Keir Starmer is saying that it is not going to reconsider the UK’s position within the European Union, not going to reconsider the United Kingdom’s position in the single market and not going to reconsider the disaster of the ending of free movement of people. Labour really must do much better. It should embrace the policies and approach of the past, not ape the Tories, as it has sadly done again today.

Clare Adamson (Motherwell and Wishaw) (SNP): A recent British Council report “Soft Power Today” found that countries that invest in overseas cultural institutes see significant returns. Meanwhile, its report “Gauging International Perceptions: Scotland and Soft Power” found that

“Scottish soft power is in a competitive position”

but noted that

“the challenges ... of Brexit will require Scotland to have a clearly articulated narrative on its place in the world”.

A recent committee report from the Constitution, Europe, External Affairs and Culture Committee praised the work of the international offices and, indeed, the British Council said that it would welcome more of them to spread Scotland’s presence throughout Europe and the world. On this Europe day, does the cabinet secretary recognise that vital work as we seek to maintain a relationship with Europe and to align with it?

Angus Robertson: First, I take the opportunity to say a huge “Thank you” to everybody that works in Scotland house in Brussels—the representational office of Scotland in the capital of the European Union. That office was, I think, initiated under the Scottish Conservatives and opened under the Labour Party and the Liberal Democrats, and it continues to operate to this day. It does hugely positive work both in its relations with the multilateral organisations—primarily the European Union—based in Brussels and in bilateral relations with the Government of Belgium. The address, for those who do not know of the Scottish Government office in Brussels, is on Rond-point Robert Schuman, so there is a nice circularity in our proceedings this afternoon about all of that.

The challenge that Brexit has brought on the cultural front, in particular, is regularly raised by people in our culture and arts scene, in that those of our artists who wish to tour can face great difficulty in doing so elsewhere in Europe. We continue to press the UK Government to seek changes, but the European Union has made it clear that to have free movement so that our cultural and artistic community can travel and perform across Europe is only possible if one

accepts free movement of people. The UK Government is not prepared to do that. We will continue to press for it. In the meantime, the likes of Scotland House in Brussels will not only be working on optimal relations with the European Union but will host a wide range of cultural events.

Sharon Dowey (South Scotland) (Con): The cabinet secretary talks about how Brexit has reduced the opportunities for young people, with the loss of freedom of movement and the Erasmus exchange programme. However, although the UK Government introduced a successful Turing scheme in 2021, with funding of £110 million for 2022-23, the Scottish Government has so far failed to provide any detail of its promise to develop a new strategy for international education. When will the Scottish Government provide us with the details for its replacement scheme?

Angus Robertson: I am interested to hear that the Turing scheme has been successful because, by any objective measure, when compared with the Erasmus programme, it has absolutely not been a success story. It is a great shame that our young people are being forced to operate through a scheme that is not as successful as the one that it replaced. I would love to see Scotland join the Erasmus scheme as a full member state. That is the only way in which we can do it, and it might be a good reason for Sharon Dowey to reconsider her position and embrace Scotland’s future membership of the EU.

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): Fighting crime is an example of where co-operation among EU states has proved to be particularly successful. The UK withdrawal from Europe has left a woefully complicated security landscape and I am in no doubt that it risks Scotland’s justice system being left behind as our European counterparts develop more effective tools for dealing with present and future threats, including serious and organised crime, cyberthreat and terrorism. On Europe day, will the cabinet secretary outline what engagement he has had with the UK Government to ensure that any change to EU retained law does not risk Scotland’s future security and our operational effectiveness in tackling crime, particularly cross-border crime?

Angus Robertson: There is no effective substitute for being part of the European institutions that deal with judicial and legal co-operation. I am pleased to say that the Lord Advocate and other colleagues in our legal services attend events that they can attend in order to find ways in which our legal system can maintain the highest level of judicial co-operation, albeit in an imperfect environment.

I can update the Parliament on retained EU law, in that we believe that the situation at Westminster

is fast moving and the UK Government is, as we speak, performing a U-turn on the Retained EU Law (Revocation and Reform) Bill, which would be hugely welcome. I understand that a new schedule on the issue might be published at Westminster as soon as tomorrow.

Has there been any consultation of the Scottish Government on this? No, there has not. Has the Scottish Parliament issued any consent? No, it has not. Do we know what the territorial extent of the bill in its new terms might be? No, we do not know that. If the UK Government is going to U-turn on the Retained EU Law (Revocation and Reform) Bill, which was throwing the baby out with the bath water, and see whether we could save different bits of EU law by changing to a system under which it will legislate to get rid of such law, that will be a better way of doing things. We will work with the UK Government on that as soon as we have details from it.

Foyso Choudhury (Lothian) (Lab): In a written submission to the conference on the future of Europe, the Scottish Government said:

“Scotland will maintain alignment where possible and practical with EU legislation, standards, policies and programmes.”

It also previously outlined plans to implement a Scottish education exchange programme that would replace the Erasmus programme. Since then, no progress has been made on that programme. Instead, the Scottish Government continues to deflect any questions about the Erasmus programme, and the Erasmus+ programme was mentioned only briefly in the ministerial statement, which shows how much of a priority it is for the Scottish Government. The Welsh Labour Government has now implemented a scheme that is intended to replace Erasmus that has lined up more than 5,000 exchange opportunities since September 2022.

There is no reason why—

The Presiding Officer: Can I please have a question, Mr Choudhury?

Foyso Choudhury: —the Scottish Government cannot deliver a similar scheme for young people in Scotland. When will the minister stop hiding behind the arguments for independence and act to realign Scottish priorities with EU practice to provide Scottish students with a replacement for the Erasmus programme?

Angus Robertson: To be fair, maybe Foyso Choudhury did not have time to get to the nub of the matter, which is that originally, as we all remember, a commitment was given to renationalisation of everything that was carried out at EU level. Those things relating to devolved matters would see repatriation of not just powers but budget, but that is not what happened.

We have not seen a repatriation of budget that would have gone towards the Erasmus scheme. Foyso Choudhury is absolutely right that work is in progress on how to have what can only be a second-best scheme—the best scheme is an Erasmus+ scheme. If he has any ideas about which bits of the education budget that is currently spent in Scotland he wishes to see cut to pay for a new programme, I will listen very closely to what the Labour Party is advocating.

Emma Harper (South Scotland) (SNP): Scotland benefits from EU alignment in many areas, but, with Brexit, we find ourselves cut off from the EU structural funds that helped our communities to flourish for decades, not to mention from the major €800 billion NextGenerationEU pandemic recovery programme, which has completely bypassed Brexit Britain. There are also massive barriers to European trade. While Scotland remains outside the single market, how does the cabinet secretary hope to maximise investment from our European partners?

Angus Robertson: First, we should commend the extraordinary successes of Scottish Development International, which does so much to ensure that Scotland is as attractive a place as it can be in the circumstances of Brexit Britain. I think that I am right in saying that Scotland remains the second-most successful part of the United Kingdom after London when it comes to inward investment.

SDI has talented and hard-working members of staff right across Europe, and there are a number of Scottish Government offices across the European Union in Paris, Brussels, Berlin and Copenhagen. They all do a tremendous job in promoting Scotland when it comes to inward investment, when it comes to the potential for jobs, when it comes to building on the tremendous new opportunities that we have in areas such as the renewables sector and when it comes to areas in which education co-operation matters a lot, as well as in the soft power and cultural dimension. That is all really good, and I am hugely grateful to everybody who does those jobs.

However, we cannot look by the reality that Brexit is a massively damaging phenomenon socially, economically and politically. That is why it is absolutely right that we do everything we can to remain as aligned as possible to the European Union. It would be great if the other political parties in the chamber embraced that as fully as they should.

The Presiding Officer: I would like to get in all the members who have expressed an interest in asking a question, so I would be grateful for shorter questions and responses.

Willie Rennie (North East Fife) (LD): I do not understand why the minister is wriggling so much on Erasmus. It was a manifesto commitment in 2021, and Wales has done it already—they have had it for one year and they are about to go into the second year. However, there is no sign of a plan from Scotland. Why have we not got it? The minister has the powers; he could do what Wales has done, so why is he not getting on with it?

Angus Robertson: One of the major challenges that exists as a result of Brexit relates to the free movement of people, which includes the ability to live and study in other countries. If Willie Rennie would make the effort and speak to colleagues in Wales, where they have set up their own scheme, he would understand that they are suffering with the impact of the UK's relationship with the European Union in terms of the free movement of people. The issue is not simply about having a scheme or finding resources; it is also about whether it is workable, given the circumstances of Brexit.

I give Willie Rennie full marks for his consistency in asking questions about this subject. However, it would make his argument a little bit more powerful if he made the effort to learn about the difficulties in setting up different schemes that operate within the Brexit system that the United Kingdom finds itself in.

Kaukab Stewart (Glasgow Kelvin) (SNP): The day-to-day impacts of Brexit are being felt across many industries. Based in my constituency of Glasgow Kelvin, GMAC Film is an organisation that trains budding film makers from all backgrounds, and it has provided to me first hand its account of how difficult post-Brexit bureaucracy has made working across Europe.

Glasgow and Scotland more widely are proudly internationalist. Does the minister agree that, although we do everything that is in our Parliament's ability to remain aligned with the EU, the only way to ensure that we do not continue down the same path as this isolationist UK Government is through full EU membership as an independent nation?

Angus Robertson: Indeed I do, and a majority of those in this Parliament also believe that to be the case. I take the opportunity to place on record the hugely positive impression I have of GMAC, in Kaukab Stewart's constituency, which does an absolute power of work and is contributing to the great success of Scotland's film and television sector.

That sector would be significantly more successful were free movement of people to be restored to Scotland. The only way that that will happen is through Scottish membership of the European Union, but that membership is not being

offered by the Conservative or Labour parties, nor indeed by the Liberal Democrats, who now say that they are not a rejoin party. If anyone has any aspiration for Scotland to be in the European Union, that will not happen through the United Kingdom; it will happen through Scottish membership of the European Union. That is a simple statement of fact.

Maurice Golden (North East Scotland) (Con): The EU has set a target to collect 77 per cent of plastic bottles by 2025 and 90 per cent by 2029. Given the minister's statement, and previous commitments, the Scottish Government will seek to match that. However, the Scottish Government has failed to meet a series of environmental targets, including the 2013 household recycling target and seven of 11 emissions targets, and is now on its third delay of the deposit return scheme. Does the cabinet secretary accept that this Government's promises of alignment with EU environmental targets are worthless?

Angus Robertson: I do not. I return to the central reason for today's statement, which is about ensuring that the Scottish Government's alignment with the European Union, its legislation and its aspirations can be interrogated. I know Maurice Golden from my frequent attendance at the committee of which he is a member, where he asks exactly that kind of question and is right to do so. I am confident that the enhanced level of information that members will get about Scotland's alignment with the European Union will be beneficial for committee scrutiny and will help Maurice Golden to continue with the scrutiny role that he performs with some distinction.

Mark Ruskell (Mid Scotland and Fife) (Green): The Tories' Retained EU Law (Revocation and Reform) Bill is not only a failure of statecraft but an attempt to systematically dismantle the state and, with it, the protections and rights that Britain helped to create during our decades of membership of the European Union. There are some welcome signs that the UK Government may be forced to weaken its approach to throwing EU laws over the cliff edge in December, but are there particular portfolios where the threat of a race to the bottom in standards still hangs over Scotland?

Angus Robertson: We must remain alive to all possibilities. A lot of effort is going on across the Scottish Government to prepare for the bill continuing as is currently proposed, which would mean that there would be a sunset unless we can find ways to retain EU law in Scots law—we have to understand the complication that some of this involves shared sovereignty. Those are contributing factors in why this is such an unworkable and unacceptable way of dealing with

such important legislation, whether one likes individual pieces of legislation or not.

That is why the potential change that we might hear more about, as soon as tomorrow and certainly in the weeks ahead, is that the UK Government is going to put the horse before the cart, to be honest—it will seek to name the laws that it will get rid of, rather than getting rid of everything and working the other way around. If that is how things are going to proceed, that will be a lot more workable. The Scottish Government called on the UK Government to do that before it, once again, drove a coach and horses through the Sewel convention. I hope that common sense will prevail and that the UK Government will make a hugely welcome U-turn.

Fiona Hyslop (Linlithgow) (SNP): Environmental law, which covers food and other exports and tackles the biodiversity crisis, is one of the most important areas for alignment with the EU. Will the cabinet secretary give more detail about his approach to environmental law? As things stand, the sheer volume of environmental regulations will fall to the Net Zero, Energy and Transport Committee to scrutinise. Does he agree that, for Scotland to become an independent member of the European Union, our approach to that area of alignment will be key, as well as being in the interests of our own environmental standards?

Angus Robertson: Fiona Hyslop has had long experience of that portfolio and absolutely hits the nail on the head. That is why any change in the UK Government's approach to retained EU law is absolutely key.

Most people in the chamber or watching proceedings are aware that the most numerous parts of European legislation are in the fields of rural affairs—agriculture and fisheries—and the environment. All of those are areas where it really matters to consumers and everybody else that we can retain the highest possible standards.

A really good start would be to try to make sure that we do not fall off the retained EU law cliff edge and that, going forward, we have an improved reporting structure vis-à-vis the committees and members of this Parliament, in terms of how we remain aligned. That is exactly what the Scottish Government is proposing.

John Swinney (Perthshire North) (SNP): Given the devastating warning from the Institute for Government about the damage that the passage of the Retained EU Law (Revocation and Reform) Bill could do to the processes of parliamentary scrutiny and parliamentary democracy, and the administrative exercise of power, and in terms of the power grab that the bill represents to UK Government ministers, has the

cabinet secretary sought the agreement of all political parties in this chamber to make representations to the United Kingdom Government that it should not proceed as planned? If he has not done so, will he, as a matter of urgency, secure agreement to protect this Parliament from the recklessness of the Retained EU Law (Revocation and Reform) Bill?

Angus Robertson: I welcome John Swinney to his place and thank him for asking me that question. There is a bit of me that wishes that he had been able to ask that question right at the start, because we may have found out from their contributions whether Conservative and Labour members would have joined the Scottish Government in that.

Neil Bibby: We will.

Angus Robertson: I am hearing from Neil Bibby, who is speaking from a sedentary position, that he will. I am looking towards members on the Conservative benches to see whether there is any acknowledgement that they might too, but I am not really seeing any. Maybe it will take another statement or question to find out whether the Conservative Party in the Scottish Parliament will support the Conservative Party in the UK Government, or whether it will ask it to U-turn on the Retained EU Law (Revocation and Reform) Bill. That would be extremely sensible, but unfortunately it did not take the opportunity to make that clear earlier.

The Presiding Officer: That concludes the ministerial statement. I will allow a moment for members to organise themselves for the next item.

Trauma-informed Justice for Victims and Witnesses

The Presiding Officer (Alison Johnstone):

The next item of business is a debate on motion S6M-08865, in the name of Angela Constance, entitled “Transforming Justice in Scotland—Person-centred and Trauma-informed Approaches for Victims and Witnesses”.

I would be grateful if members who wish to speak in the debate could press their request-to-speak buttons. I call Angela Constance to speak to and move the motion.

15:18

The Cabinet Secretary for Justice and Home Affairs (Angela Constance):

It is a privilege to lead this debate, which is my first as Cabinet Secretary for Justice and Home Affairs. I want to pay tribute to my predecessor, Keith Brown, and I look forward to working with all members of the Parliament at what is a pivotal moment in the delivery of Scotland’s transformative vision for justice.

In my short time in post, I have heard from victims and survivors on the lasting impacts of trauma and how the justice process itself can be retraumatising. I have heard the very clear message that the justice system needs to focus less on its own needs and more on the individual needs of people who are seeking justice.

When we talk about trauma-informed justice, we need to be clear about what we mean. Trauma-informed practice means ensuring that the impact of trauma does not prevent people from giving their best evidence. It means witnesses coming through the justice system without experiencing harm or impeding their recovery. It means listening and responding to feedback from witnesses who are living the experience. It means supporting staff to recognise and manage normal human responses to exposure to what is sometimes the worst of humanity, and it means creating and sustaining systems that embody those aims.

We know that change can be difficult, particularly in systems with long-established traditions, but the status quo is not an option, because the benefits of trauma-informed practice for victims and for justice are transformational.

“Trauma Informed Justice: A Knowledge and Skills Framework for Working with Victims and Witnesses”, which was launched last week, gives us a robust, evidence-based and detailed picture of exactly what different staff across the justice system need to know in order to ensure that our justice system recognises the impact of trauma, is

thoughtful about how it responds and actively seeks to avoid causing further harm.

I know that our justice workforce wants to deliver that improved experience. Throughout the system, we see dedicated professionals who have come into their jobs to help people who have been impacted by crime. The framework recognises that every contact that an individual has can have a significant impact. From the first knock at the door by the police through to decisions made about parole and release from prison, it details the skills and knowledge that are needed. The framework is for everyone who works in a justice setting, at whatever level, from receptionists to judges, and it provides different aims and outcomes, depending on their role and the type of contact that they have with victims and witnesses.

Jamie Greene (West Scotland) (Con): I welcome the cabinet secretary to her first debate as Cabinet Secretary for Justice and Home Affairs.

On the point about when someone is released from prison, would the Government consider the proposal for the victim notification scheme to be an opt-out scheme rather than an opt-in scheme, in order to improve uptake and communication flow with victims?

Angela Constance: The member raises an important point about the quality and frequency of engagement with victims throughout their justice journey. He may be aware that an independent review of the victim notification scheme is currently under way. I am hopeful that that will report back to all of us in the not-too-distant future.

Implementation of the framework is now key. We are providing £240,000 to fund trauma specialists to support that across the sector, which brings our investment in the framework to nearly £0.5 million. That work will continue to be led by the victims task force, which I co-chair with the Lord Advocate. The task force includes cross-sectoral representation and hears directly from victims, through support organisations and the recently established victims advisory board. It is only through partnership and strong collective leadership that we will make progress.

The launch of the framework follows on from the introduction of the Victims, Witnesses, and Justice Reform (Scotland) Bill. The bill is rightly ambitious and demonstrates the strength of our commitment to the priorities that are set out in the vision for justice and the First Minister’s policy perspectives. It focuses on improving the experience of victims, witnesses and vulnerable parties in the justice system and ensuring that their voices are heard. By including a definition of trauma-informed practice, the bill will help to ensure that there is a consistent understanding and approach and that trauma-informed practice is embedded across the

system, including in court scheduling. It requires justice agencies to make efforts to reduce retraumatisation.

The bill also takes forward the recommendation in the Lord Justice Clerk's review of the management of sexual offence cases to establish a specialist court for sexual offences, in which trauma-informed training will be a key requirement, evidence will be pre-recorded by default, and there will be an automatic right to lifelong anonymity for complainers and state-funded independent legal representation when applications are made to lead evidence on sexual history and character.

Establishing an independent victims and witnesses commissioner for Scotland will also help to make the justice system more trauma informed and person centred. The commissioner will champion the rights of victims and witnesses and will hold Government and criminal justice agencies to account by monitoring compliance with standards of service and the victims code.

In particular, we know that the experiences of women in the justice system are many and varied, and that they may differ significantly from those of men. In this Parliament, it has been a priority, spanning more than 20 years, to work together to build a shared understanding, and a consensus, on how to deal with violence against women and girls.

I am pleased that the bill also proposes to safeguard vulnerable parties and witnesses in civil cases by extending special measures to prevent cross-examination by an abuser.

The justice vision prioritises better outcomes for women and girls and the need to reduce the gap between men's and women's feelings of safety, and it reflects the principles in the equally safe strategy, acknowledging that violence against women and girls is underpinned by inequality, societal attitudes and structural barriers that perpetuate that inequality.

When women need recourse to the justice system, it is important that we respond effectively, competently and with compassion and understanding. The outcomes from our women's justice leadership panel will be vital in continuing our understanding and awareness of the impacts of gender.

We will work to empower all victims and survivors by supporting them to understand what lies ahead, and will ensure that their voices are heard by recognising that people do not cast off their emotions and become just a complainer or just a witness. When we treat people as individuals, we empower them to give their best evidence.

We know that every contact that a person has with the justice system counts. Victims and witnesses need to know that the services that they encounter are designed to support and help them, and to know that the people who work in those services will listen to and respect their needs. Therefore, we are taking action to ensure that victims, witnesses and survivors are, at every point in their justice journey, met by staff and systems that minimise retraumatisation and support recovery.

Alongside training staff and introducing legislation, we are working with partners to improve communications and make the practicalities of navigating the system and attending court easier. One example of introducing innovation into the justice system is the Victim Support Scotland and CivTech project to develop virtual reality experiences as a means of preparing victims and witnesses for court. That interactive tool has the potential to reduce anxiety and the risk of retraumatisation, and we are delighted to be in the vanguard of developing such a solution. We are separately funding collaborative work to review and rewrite communications across the justice sector in order to make them more accessible and person centred.

Of course, person-centred and trauma-informed approaches cannot be only for adults. We are also committed to making sure that children are treated in trauma-responsive ways by our justice system. That is why we are rolling out the groundbreaking Scottish child interview model across Scotland. The model is designed to make the interview process less stressful for children, to secure their best evidence as early as possible and to reduce the risk of retraumatisation. It is already being used by partnerships working across 20 local authorities, nine police divisions and nine health boards, and we will have introduced the model across Scotland by the end of next year.

Building on that momentum, we will continue to work to deliver on our commitment that all children in Scotland who have been victims or witnesses of abuse or violence, as well as children under the age of criminal responsibility whose behaviour has caused significant harm, will have access to a bairns' hoose, where they can receive holistic trauma-informed support. In the coming weeks, we will publish the national bairns' hoose standards, which will be tested in pathfinder partnerships from autumn this year.

I am under no illusions about the task ahead: achieving person-centred and trauma-informed justice services will require strong partnership and resolve from Government, Parliament and every part of the justice sector. That matters, because the most serious offences are most likely to cause the most trauma and are least likely to be

reported, so improving the victim and witness experience makes for, and delivers, better justice for everyone. Feeling safe and having confidence in the justice system are fundamental for individuals and communities for a just, safe and resilient Scotland.

I look forward to hearing contributions from members on all sides of the chamber.

I move,

That the Parliament notes the publication of Trauma Informed Justice: A Knowledge and Skills Framework for Working with Victims and Witnesses, which identifies six key aims of a trauma-informed justice system; recognises that victims and survivors of crime and witnesses can be affected by trauma in many ways, and that there is, therefore, an imperative for the criminal justice system to be designed to be person-centred and trauma-informed, so that victims, survivors and witnesses are supported to recover from the harm and trauma and possible re-traumatisation that they have experienced; recognises the critical importance of staff having a shared understanding about the impact of trauma, and the knowledge and skills to minimise re-traumatisation and support recovery, and notes the opportunity for the Parliament to further consider these issues through its scrutiny of the Victims, Witnesses, and Justice Reform (Scotland) Bill, which puts victims and witnesses at the heart of the justice system.

The Deputy Presiding Officer: I call Jamie Greene to speak to and move amendment S6M-08865.1.

15:29

Jamie Greene (West Scotland) (Con): Thank you, Deputy Presiding Officer. I know that you would have wanted to speak in today's debate but are prohibited from doing so.

I welcome the cabinet secretary to her new position. I want to start on a note of consensus by welcoming the much-needed shift in tone in the Government's motion. I hope that it marks a decisive change in approach by the justice secretary in how we deal with such matters. The publication of the trauma-informed justice framework is very timely. Indeed, it could not be more necessary right now.

It is also nice to hear the Government using victim-centric language. Language matters. Conservative members have been using such words and language for many years, which have been translated into action, and even bills: a victim's law, Suzanne's law, Michelle's law, the domestic abuse register law, the spiking law and the local policing law. We will hear about all those proposals today from the Conservatives—they were all tenets of our manifesto commitments. Of course, we do not have the privilege of introducing those bills as a Government, but we are diligent and will introduce them anyway, as member's bills, which is not an easy process.

We are doing so because we—and more importantly, the public—have seen the pendulum swing disproportionately towards the side of offenders in the past decade. I think that the Government knows that and acknowledges that more needs to be done to improve processes for victims and witnesses in their journey through the justice system. As we have heard, victims and witnesses of crime face an uphill struggle throughout that journey, from the initial reporting of the crime, to being kept in the dark about how their case is proceeding, to the lengthy wait for trials and the endless postponement of those trials, as well as the court experience itself. Even if a trial leads to a conviction—and that is a big “if”—the punishment does not always fit the nature of the crime. We have debated that issue vociferously in recent months.

As we heard, even when an offender is released, the victim is more likely to bump into them in the supermarket than be told of their release in advance. If someone breaches their release conditions, those breaches are often repeated offences and the victims have little to no recourse. It is no surprise that so many people have simply lost trust in the system.

Many victims who were consulted during the preparation of the trauma-informed justice consultation said that their lives were in limbo. They suggested that, if they had been given the right support, they could have given better evidence in court, which might have led to better outcomes.

We also learned this year that 60 per cent of those who report domestic abuse to the police have a negative experience, while 50 per cent went so far as to say that they had not been taken seriously. Those statistics should shock every one of us.

We have talked a lot about delays to court cases. I commend the work of Kate Wallace of Victim Support Scotland, who warns that delays and repeated adjournments lead to many victims simply withdrawing from the whole process. That is completely unacceptable. The most recent statistics show median journey times—as they are called—for victims in the High Court sitting at two years and 10 months, which is a 70 per cent rise on pre-pandemic levels. For sexual assault victims going through the High Court, the median time was around four years for a case to come to fruition; four years is a long time for a victim of a crime of that nature.

I remind members that, although the court backlog was exacerbated by the Covid pandemic, it was there long before that. We know that the delays are having an effect on the victims and on their mental health, resulting in increased stress,

anxiety, depression, insomnia, self-harm and even suicide attempts.

I also commend the work of Sandy Brindley, of Rape Crisis Scotland, who was absolutely clear that we need to see real action on those delays. Kate Wallace and Sandy Brindley are proud advocates of victims of crime in Scotland and I commend them for the good work that they do.

As we heard at topical question time today, there have been delays in getting evidence from victims—we heard about that in relation to spiking. I welcome any proposals on that, especially those from my colleague, Russell Findlay. I was pleased to hear the Government respond positively to that line of questioning.

We also need to improve the court experience. It is fair to say that it is traumatic for many people. One witness who was quoted in the framework paper said that they felt entirely unsafe at the High Court. They said:

“there’s all these people that you’ve just had a case against and you’re a witness ... there’s no safe place to go and sit.”

I think that we all agree that victims and witnesses should never have to come face to face with the accused outside the courtroom setting. These are antiquated buildings, and many are in dire need of much capital investment. I have no doubt that they are staffed by diligent court staff who are trying their very best to clear the backlog.

I think that there is consensus in the room that more needs to be done to improve outcomes for victims, but the question is what we reform and how we go about it. I am of course talking about the Government’s plans for juryless rape trials. Lady Dorrian, in her review of how we deal with sexual crime in this country, made a number of recommendations, many of which I support, but that one, now that it has been seen in the black and white of the law, seems to be facing the harshest opposition.

Today we learned that pretty much every defence lawyer in Scotland would boycott a pilot for such juryless trials. No defence solicitor in their right mind would advise their client to participate in a pilot of a judge-only trial for the most serious of crimes, so I have to ask the cabinet secretary, if the accused has no solicitor, how on earth can it even be a trial, never mind a fair one? What sort of pilot, if it is a pilot, would publicly admit to the world that it has failed in any way? That would surely leave the door open to miscarriages of justice.

John Swinney (Perthshire North) (SNP): Will the member take an intervention?

Jamie Greene: I would love to, if I had some extra time, but I am really short.

The Deputy Presiding Officer: I can give you the time back.

Jamie Greene: In that case, I would be happy to hear Mr Swinney.

John Swinney: I am interested in the development of the member’s argument, because he is in danger of arguing at cross purposes with himself, which I am surprised about, because most of his speech, which I have heartily agreed with, has been about the enhancement of the situation that victims face, the protection of victims and the articulation of victims’ interests. However, from my listening to him, he has just slammed the door on a means of strengthening the potential outcomes for victims in rape cases. I am interested to understand how he squares that particular circle.

Jamie Greene: Let me respond by quoting something to Mr Swinney:

“Undermining the foundations of the Scottish justice system to increase conviction rates is a dangerous approach which will create a serious risk of injustice.”

Those are not my words; they come from the president of the Law Society of Scotland, whom I know he holds in great esteem. We have also heard repeatedly from every bar association in the land and many eminent lords and ladies and other commentators that they are nervous and uneasy about the plans. It is not only the media or politicians that are fuelling this discussion—it is coming from the judiciary. The Government cannot ignore those views or warnings—in fact, it would do so at its peril.

I understand that the Government has a difficult task, but it cannot achieve reform if it does not take all the cogs of the justice system with it on that reform. If it does not, it will fail, and I would hate to be the person who says, “I told you so.”

Our amendment calls for another aspect of fairness, which I need to plug because I seek members’ support on it, which is that electronic monitoring, while someone is on bail, should not form part of any future sentence if they are found guilty. Someone on bail is untried, and for all intents and purposes they are not guilty, so any restriction that is imposed on them as a condition of bail is to keep them out of custody. It is an incentive not a punishment.

I end where I started. Warm words are welcome, but we have heard them all before—it is time to act.

I move amendment S6M-08865.1, to insert at end:

“, and believes that, through its scrutiny of the Bail and Release from Custody (Scotland) Bill, fairness for victims will be further achieved by the removal of proposals to allow for time spent by offenders on bail, under electronic monitoring, to be considered as part of their overall

sentence, and that additional measures, such as affording victims a greater voice in decisions concerning the bail, remand and release of offenders, better protections around their safety once an offender is released and any other practical measures that can better protect victims and their families, ought to be positively considered by the Parliament.”

15:38

Katy Clark (West Scotland) (Lab): I am pleased to open the debate on behalf of Scottish Labour and to speak to the amendment in Pauline McNeill’s name.

I thank everyone who has contributed to the framework, which is a substantial document. We very much hope that it assists with work across the criminal justice sector to address the multiple ways that the justice system exacerbates the experience of trauma for many victims and witnesses. We also hope that it helps to address the impact of experience of the justice system, which is often described by victims as “retraumatising”.

The framework outlines in detail the impact that psychological trauma can have and the need for a person-centred approach. We support the Scottish Government in work to drive a better understanding of the impact of trauma across the system, but we must recognise that our current criminal justice system deals with those issues very poorly, unfortunately.

The trauma that witnesses experience has been known and discussed for decades. The Scottish Labour Party is currently carrying out our own consultation on ending violence and sexual harassment against women, and Pauline McNeill and I are undertaking meetings throughout the country. The emotional and physical risks and difficulties that victims face pre-trial, during trial and at sentencing are raised again and again.

When the Criminal Justice Committee met rape survivors, we heard harrowing testimony. Rape survivors described extremely poor experiences of the criminal justice system, which they felt let them down. Complainers said that giving evidence and their wider experience of the criminal justice system could be as traumatising as the crime itself. The terms “retraumatising” and “second violation” are repeatedly used.

We do not underestimate the scale of the challenge of changing practice in the justice system, because to deliver the necessary change there needs to be greater awareness of the need for trauma-informed practice, and many aspects of the justice system need to be fundamentally changed. The current legal process is not organised around the needs of victims. We need to consider how we can improve the experience of

victims and witnesses and ensure outcomes that deliver in the interests of justice.

We are concerned that the new framework cannot be implemented unless the serious challenges that the criminal justice system currently faces are addressed. We have the highest remand rates in western Europe, crowded prisons, extensive court backlogs, a rise in recorded sexual offences, a shortage of criminal justice social workers and a crisis in legal aid. We know that, during the pandemic, the High Court backlogs disproportionately affected women and children, with sexual crimes amounting to more than two thirds of cases waiting to be heard. Our amendment highlights the retraumatising effect of the court process and the impact of court backlogs and delays on victims.

The Victims, Witnesses, and Justice Reform (Scotland) Bill, which the cabinet secretary spoke about, allows for complainers in rape cases to have legal representation when the defence wishes to lead evidence in limited circumstances. We support that, but our amendment invites the Scottish Government to explore further the benefits of expanding the legal advice and representation that are available to victims—in particular, in rape cases.

In recent decades, many other countries with adversarial court systems have introduced greater legal advice for victims and enhanced rights to representation for them in the courts. That seems to have significantly improved the experience of victims in those justice systems. We believe that in order to inform the debate we need to look at what is happening elsewhere.

It is worth saying that Scotland is lagging behind much of Europe on victims’ rights. For example, in Denmark, victims are entitled to state-funded legal advice at the reporting stage, and before and during trial. In Spain, female victims of gender violence have the right to free legal advice, regardless of their resources. In Norway, victims have the right to legal advice before trial and during trial, to the conclusion of the case. For example, a rape victim is entitled to see a lawyer to get legal advice for two hours before they report a rape allegation and they then receive legal representation to the conclusion of the case. Given all the evidence from rape victims about their experience of the justice system, we believe that there is a case for looking at how we can expand the legal support that is available to rape victims in particular, so we ask that the Scottish Government look at what more could be done.

Scottish Labour supports trauma-informed practices for victims and witnesses, but we recognise that that will mean fundamental changes in practice and culture.

The legal profession is threatening to boycott aspects of the Victims, Witnesses, and Justice Reform (Scotland) Bill that relate to single-judge rape trials. The cabinet secretary is correct to say that we need partnership and resolve. A great deal more work needs to be done to ensure that reforms can be implemented effectively.

We look forward to hearing contributions to the debate. As a party, we are open to discussing any ideas that will deliver for witnesses and victims.

The Deputy Presiding Officer: Thank you, Ms Clark. I have been informed that because you are not a signatory to the amendment, you need to indicate your support for the amendment before you move it, please.

Katy Clark: I am happy to move the amendment in Pauline McNeill's name.

The Deputy Presiding Officer: Will you say that you support it?

Katy Clark: I definitely support the amendment.

I move, amendment S6M-08865.2, to insert at end:

“; further notes recent reports of poor experiences of victims within the justice system, including long waits for court cases to be heard and the re-traumatising effect of the legal process for victims of domestic abuse and rape; invites the Scottish Government to explore the potential benefits of expanding the independent legal representation available to victims, particularly in cases of rape; understands that reform of the justice system will only be successful if the current pressures on the justice system are addressed, and expresses its belief that further reforms must be developed and implemented cooperatively with those who work in the criminal justice sector in order to bring about effective and practical change for victims and witnesses.”

The Deputy Presiding Officer: That is a new one for me, too.

I call Beatrice Wishart, who joins us online.

15:45

Beatrice Wishart (Shetland Islands) (LD): I thank the Deputy Presiding Officer for granting me permission to leave the debate early, and I apologise to members for having to do so.

On behalf of Scottish Liberal Democrats, I welcome the trauma-informed justice framework. I thank all those who were involved in the process—especially those who have been affected by trauma and have shared their lived experience of the justice system.

Trauma affects the ability to cope with stress or difficult feelings, and it affects relationships and the ability to remember events. It is also why some victims take a long time to report serious sexual crimes. Retraumatism occurs when victims are exposed to reminders of harm that they previously

experienced. A witness can be perceived as being not credible because of behaviour that stems from trauma.

A trauma-informed justice system reduces the risk of re-traumatisation by understanding what people need in order to feel safe, by making the process predictable and understandable, and by empowering people to engage effectively. That results in a system wherein harms are minimised, the workforce is empathetic and connected, and witnesses are supported to give better-quality evidence.

For the framework to make a difference, all those who work and volunteer in the justice system must receive tailored and on-going training to practise in a trauma-informed way. Effective leadership is needed if we are to achieve a trauma-informed justice system, and implementation must be accompanied by robust monitoring and evaluation.

The framework is a positive step, but it must be enacted across the board; it cannot work in isolation. A fair and effective justice system must understand and identify how discrimination impacts on crime and justice, and must ensure that all victims can seek redress.

The bairns' hoose model for children and young people who are victims and witnesses requires a transformation in collaborative working between the police, social work services, healthcare services and the judiciary. The Scottish Government has an ambitious goal of making bairns' hoose services accessible to all who are eligible by 2025. We must see the focus and dedication that will be required in order to meet that goal.

The Victims, Witnesses, and Justice Reform (Scotland) Bill is a welcome step. For some time, Scottish Liberal Democrats have been calling for reform that strikes a balance between the rights of the accused and the needs of victims. I welcome the provision to grant anonymity to victims of sexual offences.

Scottish Liberal Democrats support the proposal to scrap the not proven verdict. By appearing not to clear an accused person of charges, the verdict creates confusion for the public, stigmatises those who are acquitted and fails to provide closure for victims.

The proposed reforms will have impacts on juries. The Scottish Government has carried out mock-jury research, but I echo my colleague Liam McArthur's request that the Scottish Government explore the possibility of further research with real juries.

The conviction rate for rape is the lowest of any crime type—it is 51 per cent, compared with 91

per cent for all other crimes. Most rape cases never make it as far as court. There is work to do to improve the chances of rape and sexual assault cases coming to court and being prosecuted.

Cross-party work has resulted in improvements to protection for vulnerable witnesses—for example, through allowing evidence to be prerecorded or provided by videolink. Those options must be available for anyone who needs them.

Access to legal aid continues to be a challenge for victims of domestic violence, particularly in cases of coercive control when a perpetrator has debts in the woman's name. Action is needed to ensure that legal aid provision exists for those who need it.

Victims in island areas must not be disadvantaged because of their location. There have been improvements that have enabled adult survivors of rape and sexual assault in the northern isles to be examined without their having to be flown to the mainland. There is work to do to resolve the situation for children and young people, although there are understandable complexities to address.

Police Scotland's island-based sexual offence liaison officers, who are responsible for being first responders to allegations of sexual offence, must receive on-going training to ensure that their expertise is always up to date.

Along with my party colleagues, I look forward to the important work of scrutinising the Victims, Witnesses, and Justice Reform (Scotland) Bill as it progresses through Parliament.

The Deputy Presiding Officer: We move on to the open debate. I inform colleagues that there is absolutely no time in hand, so I would be grateful if all members could stick to their allocated time. Any interventions will need to be accommodated within that.

I call Rona Mackay, to be followed by Pam Gosal. You have up to six minutes, Ms Mackay.

15:50

Rona Mackay (Strathkelvin and Bearsden) (SNP): I welcome the cabinet secretary to her new role.

Scotland's justice system is on the verge of transformation, with changes that I believe will finally put victims and witnesses at its heart. For too long, our system has focused on process and penalising, with little thought having been given to the experience of the victims and witnesses going through the judicial process.

I have been a member of the Criminal Justice Committee during this session of Parliament and

was a member of the Justice Committee in the previous session. I and my colleagues on those committees have heard countless harrowing stories, as Katy Clark outlined, that have shown how traumatising the judicial process can be for victims, particularly women who have experienced sexual and domestic abuse, and the lack of support for them.

Change to the system is long overdue, but change comes with challenges. With the greatest respect to our legal profession, change does not come easily when traditional, centuries-old practice comes under the microscope. However, in today's world, doing nothing is not an option if we are to have a fairer rehabilitative justice system that is fit for modern society. That said, we need to take the legal profession with us, and a lot of work has to be done.

The publication of "Trauma Informed Justice: A Knowledge and Skills Framework for Working with Victims and Witnesses" will equip justice agencies with the skills and knowledge that are needed to reduce the retraumatisation of victims and witnesses. The framework was developed by NHS Education for Scotland as part of an overall package of funding from the Scottish Government that was worth £440,000.

The Scottish Government's ambition, which is shared with the Convention of Scottish Local Authorities and other partners, identifies six key aims of a trauma-informed justice system. Practice should be informed by people with lived experience, and the system should recognise the importance of wellbeing in the workforce; recognise where people are affected by trauma and adversity; respond in ways that prevent further harm; support recovery; and be able to address inequalities and improve life chances. The Victims, Witnesses, and Justice Reform (Scotland) Bill will, if passed, be the vehicle for achieving that, and it will enable the most important transformation of the justice system in Scotland since devolution.

The bill will build on the recommendations of Lady Dorrian's review group on improving the management of sexual offence cases by protecting the dignity of victims through an automatic lifelong right of anonymity for victims of sexual offences. It will also establish a specialist sexual offences court.

I am delighted that the bill will provide an automatic right to state-funded independent legal representation for complainers when applications are made to lead evidence on their sexual history or bad character in sexual offence cases.

In addition, a pilot of single-judge trials for cases of rape and attempted rape will take place to gather evidence on their effectiveness. I realise that that is a controversial proposal that is, as we

know, being resisted by many in the legal profession. However, my colleagues and I met in private with rape and sexual abuse survivors who said that they would welcome that measure. That should be of paramount importance; we must listen to them. Research has shown that prejudice and preconceived notions of some jury members have dictated the outcome of such trials. With the proviso that the judge that is appointed to such a case must be trauma aware, I think that that approach could be a great step forward for victims.

The proposal to end the not proven verdict is one that I welcome whole-heartedly. During the 1970s, a young woman was murdered less than a mile from where I lived. The accused walked free on a not proven verdict due to a legal loophole. That met widespread astonishment and the matter has stayed in my mind since then. A shocking number of trials for rape or attempted rape result in a not proven verdict.

As convener of the cross-party groups on women, families and justice and on men's violence against women and children, I know that urgent action is needed to improve the experiences of women and children and to ensure that the voices of victims and survivors are heard and acted on. We know that many women who are in prison for low-grade offences have suffered domestic abuse or head injuries and have mental health and addiction problems. Prison is no place for them. It wrecks families and exacerbates the existing issues that led them there in the first place. Providing early intervention and holistic support is the only way to alleviate the situation.

Equally, prison is no place for children and young people. I am pleased that the Government recognises that and is legislating to stop young people being held in adult prisons and to instead place them in holistic secure care. I do not have time to talk about the bairns' hoose approach, but I am delighted about it.

The radical and transformative proposals that I have mentioned are a huge step in the right direction towards modernising and improving our justice system. With our greater understanding of trauma and how it impacts people—including victims, witnesses and offenders—we must look towards a humane and rehabilitative system of justice that works in Scotland.

15:55

Pam Gosal (West Scotland) (Con): I, too, welcome the cabinet secretary to her new role.

I am honoured to be contributing on behalf of the Scottish Conservatives to today's debate on transforming justice in Scotland. Earlier this year, my colleague Jamie Greene described a frequent pattern in Scottish Government legislation that

"mingles policies that are good, bad and indifferent".— [Official Report, 16 March 2023; c 73.]

In my view, the Victims, Witnesses, and Justice Reform (Scotland) Bill is no different. The bill is informed by recommendations by Lady Dorrian's review group. Although some are commendable, others are more controversial.

The right to a jury trial is a fundamental Scottish right, and its removal will not help the victims of crime. Thomas Ross KC has said that the proposal represents

"intolerable interference by the executive with the judiciary".

This appears to be yet another occasion on which the Scottish National Party must think again, as Jamie Greene said in his speech.

As MSPs, many of us have been approached by people who have shared their experiences of how the justice system has failed them. Since introducing my proposed member's bill on domestic abuse last year, I have heard time and again moving testimonies from people who have lost faith in the justice system. One domestic abuse victim said to me that she feels that the justice system often forgets the rights of victims because it is too busy protecting the rights of perpetrators. She asks why it is that she feels confined to her own home out of fear while her abuser walks around carefree, having been granted bail.

Another family has spoken to me about their disbelief that the Scottish justice system can go to such lengths to avoid keeping perpetrators in prison. They speak of how their abuser was able to ruin the lives of their three grandchildren but has yet to spend a single day behind bars. They say that Scotland might well have a legal system but that, until things change, it will not have a justice system. That is why I support my colleague's amendment to afford victims a greater voice in decisions concerning the remand and release of offenders, and better protection around their safety once an offender has been released.

Similarly, our victims law would allow victims to request that criminals be banned from entering their local area when they are released on licence. It would allow victims to speak directly during parole hearings when a criminal is being considered for release, and it would result in all Parole Board hearings being transparent. I urge members across the chamber to back those proposals.

We know that, although there are problems with the Scottish justice system, they are not felt equally by all groups in society. Some groups, including black, Asian and minority ethnic individuals and people with a disability, can find themselves alienated from the justice system. There are countless examples of that.

One organisation, which deals almost exclusively with BAME individuals, has said that there is a lack of support for female survivors of domestic abuse to attend court. Even in cases in which it is known that someone's first language is not English, important documents such as citation letters are sent to them only in English instead of in their mother tongue.

Another organisation, which deals with deaf clients, has told me that there is a general lack of understanding of the challenges that are faced by deaf people in the justice system. The organisation spoke to me about cases where deaf victims of assault or rape have had to wait days, or even weeks, before being able to speak to the police about what happened to them, all because of problems with finding an interpreter in time. That is just one example.

I welcome the cabinet secretary's commitment to a person-centred approach and to ensuring that the justice system is there for all, no matter people's background or whether they have a disability. The overall message is clear: when it comes to justice, a one-size-fits-all approach simply does not work and there is much work to be done before we have the justice system that victims deserve. The SNP has consistently broken promises to victims, meaning that victims are often left in the dark, without a voice, while the criminal roams free in their community.

We need bold and genuine reform to the current system. That must include punishments that truly reflect the harm that is inflicted on victims' lives; giving victims the voice that they deserve; and ensuring that victims' long-term safety is made the priority that it should long have been.

16:01

Ruth Maguire (Cunninghame South) (SNP): I am happy to speak to the Government motion and to support the vision of a just, safe and resilient Scotland that puts victims and witnesses at the heart of our justice system. The publication "Trauma Informed Justice: A Knowledge and Skills Framework for Working with Victims and Witnesses" identifies six key aims of a trauma-informed justice system. They are to

"Understand the prevalence and impact of trauma on both witnesses and the workforce",

to

"Avoid re-traumatisation where at all possible",

to

"Support recovery from the impact of trauma where possible",

to

"Uphold the rights of witnesses affected by trauma to equal and effective participation in the legal process",

to

"Support resilience of the workforce and reduce the potential impact of vicarious trauma",

and to ensure that

"Leadership and management of organisations and systems uphold these aims".

In some ways, it is a bit strange to find ourselves here in 2023 with those aims and principles not already embedded, when so much is known about trauma. However, the good news is that they set crystal-clear expectations and give a helpful road map to get us there, which I welcome. Change is needed.

Fair access to justice must be underpinned by a justice system that allows victims of any crime to fully participate and give evidence without that process contributing to further trauma or harm. That is fundamental to the rule of law and our democracy, and without it we put at risk the safety and trust of our communities. To meet that vision, we must ensure that our justice system does not introduce new trauma into people's lives and that it avoids retraumatisation.

I think that we all agree on the critical importance of staff having a shared understanding of the impact of trauma as well as the knowledge and skills to minimise retraumatisation and support recovery. The acknowledgement of the effect of vicarious trauma on the workforce is important, too.

Because victims and survivors of crime and witnesses can be affected by trauma in many ways, it is imperative for the criminal justice system to be designed to be person centred and trauma informed. The motion notes the opportunity for the Parliament to further consider those issues through its scrutiny of the Victims, Witnesses, and Justice Reform (Scotland) Bill. There is much to welcome in that bill—in particular, I join colleagues in welcoming the abolition of the not proven verdict.

Another relevant piece of legislation that is making its way through the Parliament at the moment is the Children (Care and Justice) (Scotland) Bill, which seeks to further children's rights and uphold the Promise. The bill aims to increase safeguards and support, especially to those who may need legal measures to secure their wellbeing and safety.

In putting witnesses and victims at the heart of our justice system, it is crucial that we remember child victims of criminal harm. The majority of victims of crime who are harmed by children are themselves children. Victim Support Scotland has provided the Education, Children and Young

People Committee, of which I am a member, with evidence that it does

“not believe that the children’s hearing system currently takes sufficient cognisance of victim safety or the wider elements of public protection into account, as it is currently drafted.”

The organisation suggests that victim safety and public protection should be more in line with the measures that are available to courts in order to protect victims of crime.

I welcome the Scottish child interview model that the cabinet secretary mentioned. Victim Support Scotland told us that the process of how child victims of crime are dealt with needs to be radically reformed. The organisation rightly points out:

“The Getting it Right For Every Child (GIRFEC) principles and values are not only designed to assist and help children who have harmed but also to help and assist children who are victims of crime regardless of the age of the person who has caused them harm.”

We are still at stage 1 of our scrutiny of the Children (Care and Justice) (Scotland) Bill and I hope that the Government will be open to changes that further children’s rights even more, perhaps particularly on information sharing to allow safety planning for victims.

In a briefing that was sent ahead of the debate, Children 1st highlighted the bairns’ hoose approach, which is also to be welcomed. I note that Scotland’s first bairns’ hoose will open this summer and I support Children 1st’s conclusion that that approach will have a transformational impact. However, I acknowledge that, as Children 1st tells us, more energy and resource will be required to ensure that all children and young people have access to it when they need it.

At all levels of the justice system, we must have an effective, trauma-informed approach that supports people at their most vulnerable. Every contact that an individual has with the justice system can have a significant impact. Evidence shows that how we are treated affects our feelings about, and confidence in, justice processes and that those experiences are often as important as the conclusion of a case or dispute.

For the justice process to work effectively and to encourage people to report crime, victims and witnesses need to know that the services that they encounter are designed to support and help them and that the people who work within those services listen to and respect their needs. With the knowledge and skills framework and upcoming legislation, we have the opportunity to ensure that that is the case.

16:07

Claire Baker (Mid Scotland and Fife) (Lab):

Although I welcome the debate and the publication of “Trauma Informed Justice: A Knowledge and Skills Framework for Working with Victims and Witnesses”, the cabinet secretary will recognise that the focus of debate over the past few days has been the publication of the Victims, Witnesses, and Justice Reform (Scotland) Bill—indeed, I heard her on “Good Morning Scotland” this morning. I will direct some of my comments to the bill, but the framework, which was published on Friday, is a welcome contribution to the aim of improving the experience of victims and witnesses in the justice system.

Victims of crime, particularly victims of violent and sexual crimes, have described feeling let down and retraumatised by their experience of going through the criminal justice system. The adversarial system involves victims reliving and being challenged on their experiences in the courts, but that is often not what they expect.

The backlog of cases is a significant issue that must be addressed. Delays to justice are, in themselves, traumatising and stressful for victims. In research for the victims task force, people describe the process as like being in limbo. The anticipation of going to court and the anxiety that comes from waiting to go through the process add to the stress and trauma of being prepared to give evidence and have your case brought before the courts. The Scottish Government must tackle court backlogs and properly resource the legal system if the aspirations that are set out in the framework are to be a reality.

Trauma-informed justice is a necessary starting point for improving the experience of victims, but the next steps should include expanding independent legal representation for victims in cases of rape. That is, to a limited extent, included in the Victims, Witnesses, and Justice Reform (Scotland) Bill, which will provide an opportunity to explore the merits of the approach further, as my colleague Katy Clark outlined. In particular, the way in which victims of sexual crimes are treated through the courts, through the investigation and by the media is a concern that I have raised a number of times in Parliament. All those experiences contribute to the trauma that victims experience.

There is broad support in the Parliament for improving the experience of victims and witnesses, particularly in sexual offence cases, and a recognition of the retraumatising impact for victims of experiencing the current system, but the framework that was published last week needs to demonstrate how a trauma-informed approach will be embedded throughout the justice system and how it will lead to a consistent approach for

vulnerable witnesses. In her opening speech, the cabinet secretary referred to the role of the bill on that point. The recently published bill also needs to be clear how proposals such as a dedicated sexual offences court will better serve victims.

However, trauma-informed practice will not deliver justice for victims of sexual assault and rape alone. There are persistently lower conviction rates for rape and attempted rape. In Scotland, the most recent figures show that 51 per cent of rape and attempted rape cases result in a conviction, compared with an overall conviction rate of 91 per cent. In 2021, 2,176 rapes were reported to the police, but only 152 of those came to prosecution and just 78 led to a conviction. That is in the context of less than 20 per cent of victims of rape reporting the incident to the police. That is unacceptable.

Rape is a crime that is overwhelming committed against women, by men, and it is a crime that causes extreme distress and trauma, yet it remains difficult to bring it forward to a case and even when it is, it is difficult to successfully convict. Rape is a crime that is often not even recognised as a crime, and one where there is a reasonable likelihood of there being no consequences for the perpetrator. To focus on the bill, would changing to a single-judge trial improve that situation?

The Government must be clear about what defines a successful pilot. International comparisons tend not to show an increased conviction rate, but they demonstrate a more empathetic approach to the case that is victim centred. Will a measure of success be how efficient the change is in reducing delays and delivering quicker decisions? The Government's proposal is for the judge to issue a reasoning of the decision, which is not required from a jury. How will the victim's experience be measured and how will that be part of the evaluation? I have some concerns that leaving the detail of pilots to secondary legislation will make it harder for the Government to grow consensus, and the question of what is to be gained from the pilots needs to be answered.

In recent years, there have been two cases in which women have taken their case to the civil courts in the pursuit of justice and to have the offence—the crime—acknowledged. That is not the appropriate route, given the severity of the crime. I have previously raised concerns—following the case of Denise Clair, who bravely waived anonymity to speak about her experience—that women would resort to civil courts. In 2018, Miss M successfully sued Stephen Coxen in a Scottish civil court, with the sheriff saying that the evidence against Coxen was “compelling and persuasive”. That followed a not

proven verdict in 2016 and was the first time that someone who had been cleared in a criminal trial was subsequently sued. There is a lesser burden of proof in a civil case, but for women to be resorting to that route indicates that the current system is not working as it should.

Although the framework may improve the experience of victims and witnesses, it requires that action from all partners is co-ordinated and that there is a shared understanding of what it means to be person centred and trauma informed. There are clear advantages for the justice system if witnesses are supported and listened to in a supportive environment, so the cabinet secretary will need to work hard to ensure that that is a priority of the courts and that the objective is shared. For example, Rape Crisis Scotland has repeatedly called for specialist training for judges and sheriffs who preside over sexual offences and mandatory training for legal representatives involved in sexual offence cases. It is important that the introduction of the framework addresses those calls.

16:13

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): First, I want to acknowledge the bravery of all victims and witnesses who have lived through trauma and experienced the criminal justice system. They deserve to have their experiences acknowledged, their voices heard and justice served. Injustice anywhere is a threat to justice everywhere.

I also want to acknowledge families, friends and communities who support victims and witnesses by listening, believing and responding, and the many staff in organisations who are often vicariously living the trauma of others who are navigating the justice system.

Our journey towards trauma-informed approaches has derived in part from our growing understanding of adverse childhood experiences and from the evidence base linking a range of social and personal determinants to wellbeing. We know that there is a disproportionate prevalence of trauma among the justice-involved population. Today's debate is an important opportunity to acknowledge the legislative provisions that are already in place to improve the experiences of victims and witnesses, while at the same time looking forward, not back.

The Sexual Offences Act 2003 modernised sexual offences legislation to include a statutory definition of consent. The Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019 provides for child witnesses to give pre-recorded evidence in serious cases.

I am particularly pleased that the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021 enables a victim to request a forensic medical examination following a sexual assault without first having to report the incident to the police. That has trauma-responsive practice all over it. It empowers a person to be in the driving seat of their own journey. The Domestic Abuse (Scotland) Act 2018 explicitly recognises psychological domestic abuse, such as coercive and controlling behaviour. Why, then, when hope feels as though it is at its lowest premium for many victims and witnesses, is their experience still so mixed?

Just last week, I spent an afternoon with a criminal justice social work team led by the inspirational Claire Wilson in Aberdeen. I observed its trauma-responsive approach to women in the criminal justice system, which is underpinned by its understanding of the relationship between the women's experiences of trauma and their offending behaviour. The team is made up of skilled practitioners who are making a difference.

The Government motion recognises the critical importance of developing a skilled workforce, and I welcome the new knowledge and skills framework—weighty though it is—that underpins a whole-system approach to training. Training and workforce development are often somewhat overlooked in debate because members tend, understandably, to focus on the ever-challenging issue of funding.

Recently, the Criminal Justice Committee undertook post-legislative scrutiny of the Domestic Abuse (Scotland) Act 2018. Although it is clear that the act is supported across the justice sector, training was identified as a key area for improvement. Giving evidence, Police Scotland outlined that 18.5 officers and staff have received baseline training in the legislation, around 13.5 have completed additional core training and around 600 domestic abuse champions have received additional specialist training. However, despite early progress, much more work is required. Giving evidence, Professor Michele Burman highlighted that although training has been rolled out to many thousands of officers, it should be trauma-informed, continuous and reviewed. Similarly, Dr Marsha Scott commented that

“things can be done much better”

and

“one-off training does not work”.—[*Official Report, Criminal Justice Committee*, 8 March 2023; c 21.]

The knowledge and skills framework also highlights the role of leadership and sets out options to develop workforce competence through, for example, organisational training needs analysis

and establishing effective workforce policies that translate new skills into practice. If I had my way, that would be a mandatory requirement for all justice partners. While recognising that it is for partners to develop training programmes to fit the needs of their workforce and service users, I ask the Scottish Government to ensure that justice partners are provided with the resources and support that they need to deliver a contemporary whole-system trauma-informed approach to victims and witnesses.

The Victims, Witnesses, and Justice Reform (Scotland) Bill, which members have covered comprehensively this afternoon, will soon be the subject of parliamentary scrutiny and it will provide an opportunity to further consider this particular issue. Aspects of the bill are already proving to be contentious and not straightforward, and it is incumbent on us all to ensure that robust scrutiny and strong debate take place. However, as the Rev Kenneth MacKenzie reflected earlier today during time for reflection, in this place where rhetoric matters, it will also be our responsibility to take account of those who sit at the heart of everything that we do—victims, witnesses, workers, children, offenders and others. When constructing our personal narratives and behaviours, we should therefore place them front and centre so that we deliver a truly trauma-responsive reformed justice system.

The Deputy Presiding Officer (Annabelle Ewing): I call Maggie Chapman, who is joining us remotely.

16:19

Maggie Chapman (North East Scotland) (Green): I refer colleagues to my entry in the register of members' interests.

I begin by expressing my heartfelt thanks to all the people who are involved in supporting and advocating on behalf of survivors and victims of all forms of violence and those who witness such violence. Structural inequalities and intersectional layers of oppression mean that far too many people are still subjected to abuses of power that cause life-changing—and, sometimes, life-ending—physical and mental harm. Too many of those people go on to be retraumatised by a system that should provide solace, compassion and justice. We should not accept that as inevitable.

We often hear of the mind-blowing resilience of survivors and witnesses and of the mutual support that they can give one another when adequate resources allow for safe and confidential sharing of stories where they are believed and not judged. We should be truly grateful to all those who provide such safe spaces and support victims,

survivors and witnesses, often putting their own wellbeing at risk. Vicarious trauma is real. Workers who support victims, survivors and witnesses of violence are subjected to the risk of vicarious trauma every day. Those workers do phenomenally important work and are incredibly resilient.

However, we should not have to rely on the resilience of individuals. There is nothing inevitable about the violence that leads to trauma. It is a consequence of often intersecting inequalities. It is a direct result of imbalances of power. Therefore, our justice system should ensure that it does not reinforce such imbalances of power in any element of its operation. That is why this debate and the bill and wider trauma-informed justice framework that we are discussing today are so important.

I put on record my thanks to the Cabinet Secretary for Justice and Home Affairs and, especially, to her predecessor, Keith Brown, for their determination to introduce the Victims, Witnesses, and Justice Reform (Scotland) Bill and their commitment to achieving that.

At its heart, the bill seeks to reorient our justice system towards compassion and care and to put victims, survivors and witnesses at its centre, with a trauma-informed approach embedded throughout.

Trauma is complex and multifaceted. It incorporates both the experience of actual physical or emotional harm or threat and the whole context of that event or series of events and circumstances. It is contained in both the immediate experience of harm or threat and the longer-term repercussions of that harm or threat, even if far removed or detached from it. As one person put it when contributing to the significant work that has brought us to today, trauma

“isn’t just the event, the trauma is the whole process of the event, what comes after, whether that’s police interview or court case or whatever. So people shouldn’t dismiss their part in that.”

The cabinet secretary and other members have already outlined how much needs to change in our system to ensure that we do not, however inadvertently, compound the injustices that victims, survivors and witnesses face, because any retraumatisation is an injustice in itself.

I hope that the Victims, Witnesses, and Justice Reform (Scotland) Bill will help to address some of the current issues. On behalf of the Scottish Greens, I welcome whole-heartedly the aim of the bill to treat with compassion victims, survivors, witnesses and other vulnerable parties during their journeys throughout a reformed, trauma-informed justice system.

I am very pleased to see, at last, proposals to protect victims and survivors of sexual and some other offences through an automatic lifelong right of anonymity. Similarly, I welcome the commitment to abolish the not proven verdict. Although that is one of the things that marks out as different the Scottish legal system, it is clear that it has been disproportionately applied in crimes of a sexual nature—35 per cent in trials for rape or attempted rape compared with just 17 per cent in other cases. In line with our rights-based approach to policy making, it is right that we give the survivors and, indeed, perpetrators of those crimes the clarity of a binary verdict option: guilty or not guilty.

Scottish Greens have long called for proper support for witnesses and complainers, and I am pleased that the bill proposes an automatic right to state-funded independent legal representation for witnesses and complainers when applications are made to lead evidence of their sexual history in sexual offence cases. However, that does not go far enough. I welcome the Labour amendment on the issue. I hope that, during the forthcoming discussion of the bill, we can push the ILR proposal further.

I welcome the establishment of a specialist sexual offences court. Like other members, I welcome the important shift in approach for supporting children and young people through the justice system.

We have already heard about the very strong views on the proposal to pilot single-judge trials for cases of rape and attempted rape. That proposal comes directly from Lady Dorian’s report of two years ago and follows calls from survivors and their support organisations. It is controversial and is a marked departure from the status quo, but, given how the system is failing, such a departure may be necessary. I will follow the issue with interest as the bill is scrutinised in the coming months.

Other elements in the bill and the wider framework also seek to transform, but I will raise a notable issue that was not included: the abolition of the corroboration that is another distinctive feature of the Scottish system. I thank Speak out Sisters and others for their engagement on the issue and am sure that those conversations will continue.

In closing, I pay tribute to the efforts of the many campaigners, activists, counsellors, advocacy workers, legal professionals and others who have worked tirelessly to ensure that our justice processes can better serve victims and witnesses. I thank the many survivors, victims and families who have shared their experiences in order to improve the justice system. This legislation, and the associated justice framework, testify to their

hard work and I hope that we can do them justice in the coming months.

16:26

Meghan Gallacher (Central Scotland) (Con):

In the past few years, the complex challenges of the justice system have been widely discussed in this Parliament. That system and our legal processes face chronic issues and are in much in need of improvement. A new approach to Scotland's justice system is important not only for those who encounter that system but for all Scottish people, so that they can feel safer in their communities.

All political parties agree that the justice process must be made easier and more supportive for victims. Although some parts of the Scottish Government's perceived new vision for the justice system seem to promise steps in the right direction, the work has been unremarkable in practice. Progress on delivery has been far too slow, resulting in many victims feeling constantly let down or lacking confidence in a justice system that is meant to support them. The SNP's soft-touch approach to justice clearly has not worked, and I hope that the bill will not be another document that gathers dust on a shelf at the back of a Government office.

Victims are at the heart of this, including those victims who will not come forward to seek justice or who feel that the justice system works against them rather than for them. One story that sticks in my mind is of a woman who had been sexually harassed by a sex pest but who told a newspaper that she would not go to court if she knew that her attacker would avoid jail. That is the current reality of our justice system: victims are anxious about going to court and fear that they will not see justice being done.

With violent crime at its highest level since 2013, the number of sexual crimes higher than in any other year on record and the number of domestic abuse incidents at its second worst level ever, it is no wonder that Scotland's justice system appears to favour the perpetrator over the victim. The Scottish Government must deliver a justice system that takes a multifaceted approach, with victims at its heart. However, this Government has done little to assure me that it can deliver that change.

Broken promises and delays in delivering vital change to the justice system have led to many victims and witnesses being failed by the legal process. There is an endless list of the negative experiences of those who have encountered the Scottish justice system. Many victims have described feeling that they have no voice and being retraumatised or let down by the process.

Community Justice Scotland quotes one report as even referring to court as a "theatre of shame" for victims of crime, with some survivors having to relive experiences of abuse and often doing so long after the crime has occurred.

Audrey Nicoll: I have listened to the member's comments about some of the challenges in the Scottish justice system. Does she agree that those are not unique to Scotland? Although I am not at all downplaying those challenges or saying there is not a lot of work to do, other jurisdictions face similar challenges for multifactorial reasons.

Meghan Gallacher: The SNP has been in Government for 15 years, so we might think that it would have put victims at the heart of its programme for government by now. We are seeing some results now, in this document, but we have yet to see any real and meaningful change for victims within the judicial system. Although the framework is helpful, the Scottish Government could go further to support victims.

Through the Scottish Conservatives' victims law, victims will no longer be left in the dark, as they will be given greater awareness to understand and utilise the processes that are there to support and protect them. Other proposals, such as Michelle's law, could ensure that the lived experiences of victims are heard and that victims are considered at all stages of the justice system, which would enable them to be empowered and informed and would allow us to make targeted changes to transform their experiences.

Reports from victims groups reiterate the importance of trauma-focused approaches. For children and young people dealing with the justice system, that is particularly important, because they are at such an impressionable developmental stage of their life. I am pleased that the framework mentions the experiences that children victims face, especially when they are giving evidence. After all, there is the initial trauma of the crime committed against them, then there is the relived trauma of the child having to describe what happened, which is often repeated over the course of many years due to the length of court proceedings. Therefore, I seek reassurance from the cabinet secretary—after, of course, welcoming her to her post—that she will continue to work with organisations to ensure that children feel supported when navigating the justice system and that they have the essential services to decrease their risk of further trauma and serious long-term consequences.

I am sure that all MSPs would agree that having a justice system that is trauma informed will reassure victims that the Government is on their side. However, until we see those meaningful changes, I am afraid that it is all just words. The individual experiences that determine whether

events or circumstances are traumatic highlight why the justice system must be trauma focused and prevent further harm to survivors of crime, unlike the current system. We need a fundamental transformation of Scotland's justice system that moves away from the SNP's soft-touch approach and ensures fair and transparent legal processes that better serve and protect victims, witnesses and vulnerable groups. In doing so, we can make Scotland's communities safer and adapt to the needs of modern Scotland.

The Deputy Presiding Officer: I call Collette Stevenson, who will be the final speaker before we move to closing speeches.

16:32

Collette Stevenson (East Kilbride) (SNP): We all want a just, safe and resilient Scotland that puts victims and witnesses at the heart of the justice system. I welcome the publication of the trauma-informed justice framework, which, alongside many of the things that are currently going through Parliament, including the Victims, Witnesses, and Justice Reform (Scotland) Bill, will help to transform the justice system.

A key aim in "The Vision for Justice in Scotland", which was published by the Scottish Government last year, is to have

"effective, modern person-centred and trauma-informed approaches to justice in which everyone can have trust, including as victims, those accused of crimes and as individuals in civil disputes".

We have seen a growing focus on person-centred and trauma-informed services, and that is very welcome—particularly in the justice system. As a member of the Criminal Justice Committee, I have heard lots of evidence over the past couple of years that reinforces my belief that we must make sure that we get trauma-informed practice absolutely right. Being a victim of crime can be traumatising, but I have heard time and again from constituents and witnesses at committee that going through the justice system can be just as bad. Victims and their representatives have told us that their experience of the justice system was just as traumatic as their being attacked or that they might avoid reporting offences in the future.

As the trauma-informed justice framework sets out, it is possible to reduce both the risk of retraumatising people and the distress that they may experience by understanding what they need in order to feel safe, making the process predictable and understandable and empowering them to engage effectively.

The Victims, Witnesses, and Justice Reform (Scotland) Bill is a landmark piece of legislation—among the most significant since devolution. It will ensure that fairness is cemented into the bedrock

of Scotland's modern-day justice system, and it will move us closer to delivering person-centred, trauma-informed practice across our justice services. The bill contains a big package of measures that, together, will lead to a transformed approach in how victims are treated, with a more responsive and sensitive justice process. In particular, that will improve the experience of victims of sexual crime.

In recognition of the complex and interlinked nature of the jury system, the bill makes related reforms to jury size and the majority required for conviction. Those reforms are intended to increase confidence that verdicts are returned on a sound, rational basis while ensuring balance and fairness to all parties. I also welcome the proposal to abolish the not proven verdict and the pilots of single-judge trials for rape and attempted rape cases.

Legislative changes are important, of course. We, in this chamber, make the laws that prosecutors and judges follow, but support for the wider justice sector workforce is also important. We need to ensure that that workforce receives the training that it needs and wants and that it is supported to best carry out its roles. Police officers and support staff, court clerks, social workers, employees of the Crown Office and Procurator Fiscal Service and judges work day in, day out to deliver justice and support people through the justice system as best they can. However, that workforce is not immune to the distress, which is why the trauma-informed justice framework is so important. It recognises those challenges and sets out ways to acknowledge and understand the impact of trauma on witnesses and the workforce; to minimise the risk of harm and retraumatisation of witnesses; to avoid, where possible, interfering with witnesses' recovery from the impact of trauma; to enable witnesses affected by trauma to participate effectively and give best-quality evidence; and to support, with trauma-informed leadership and management, the wellbeing and resilience of the workforce.

Those proposals build on the Scottish Government's record. In the past 15 years, the SNP in Government has promoted and delivered groundbreaking legislative reform to improve victims' rights. That includes the Victims and Witnesses (Scotland) Act 2014, which improved the support and information available to victims and witnesses of crime and introduced a range of rights for victims. Our gold standard Domestic Abuse (Scotland) Act 2018 brought together, within one offence, the modern understanding of what is domestic abuse, which included criminalising explicitly psychological domestic abuse such as coercive and controlling behaviour.

At all levels of the justice system, we must have an effective, trauma-informed approach that supports people at their most vulnerable. Every contact that an individual has with the justice system can have a significant impact. The trauma-informed justice framework and the Victims, Witnesses, and Justice Reform (Scotland) Bill will ensure that victims are treated with compassion and that their voices are heard across the justice system. I fully support those initiatives.

The Deputy Presiding Officer: We move to the closing speeches. I note that one member who participated in the debate is not here for the closing speeches, which is a discourtesy to other members, and indeed to the chair.

16:38

Pauline McNeill (Glasgow) (Lab): I speak in support of the amendment in my name.

The timetabling of the debate was pretty fast on the back of the publication of the report on Friday. Would the cabinet secretary take my point that that is not ideal, given the importance of the issue? Further, the Criminal Justice Committee begins its important stage 2 consideration of the Bail and Release from Custody (Scotland) Bill tomorrow.

That being said, as Katy Clark said, Scottish Labour welcomes fully the publication of the trauma-informed justice framework, which seeks to ensure that our justice system does not introduce additional trauma into people's lives and that it avoids retraumatisation.

I welcome what the cabinet secretary said in her opening speech about the importance of the pioneering work of preparing witnesses for court. Like other members, I have, over many years, been contacted by many victims and witnesses of crime who have told harrowing stories of their experiences of the criminal justice system. For example, I have heard about victims who ran into the accused in the lobby of the court. That is totally unacceptable in any system. Only last month, one victim told me that defence counsel pointed to her in the public gallery during sentencing. I am taking that up with the dean of the Faculty of Advocates. There must be accountability for things like that.

However, those are not isolated incidents in the justice system. As many members have mentioned, recent reports that were commissioned by the Scottish Government have also highlighted delays to hearings, people being put at physical and mental risk during the court process, and the impact on young children as major failings in the current system.

Just last week, the Criminal Justice Committee published its "Post-legislative scrutiny of the Domestic Abuse (Scotland) Act 2018" report, which highlighted delays in specialist Police Scotland training for officers on domestic abuse cases and asked for all officers to be trained in recognising the non-physical violence that elements of that legislation relate to. The report appreciates, however, that that is a very new development in the law.

I agree that it is about time that we ensure that our justice system works for all and does not cause further harm and trauma to those who have experienced or witnessed crime. That is not just the right thing to do; it is wholly necessary in order to ensure that victims and witnesses continue to come forward to report crime, in the full knowledge that—as we would all hope—they will be treated fairly and with the relevant support. Scottish Labour is fully committed to working together in Parliament to deliver meaningful change in those systems and practices, and to enable victims and witnesses of traumatic offences to participate in the legal process effectively.

I agree with Pam Gosal that it is important to consider people whose first language is not English. I would hope that we have come a long way since the Chhokar case many years ago, but that goes back to exactly the point that the then Lord Advocate drew out from that case: that the family could not understand the process because it was not communicated to them in their own language. As Collette Stevenson rightly said, it is important that victims who come forward understand the full extent of the process.

Nonetheless, it is clear that responding in a trauma-informed way is not always sufficient for procedural justice. The framework also needs to be considered alongside and in addition to other work that will enable us to have a fair and effective justice system. I am sure that the justice secretary agrees that the reform of the justice system will be successful only if we also deal with and properly address the current financial pressures, and if we fund services properly in accordance with the six aims that are identified in the framework.

We also need to have regular reports to Parliament. Katy Clark and I have called for that in the past, because the Government needs to continue to bring down the timescales for court proceedings, as prescribed in the Criminal Procedure (Scotland) Act 1995. They are still far too long; as Jamie Greene highlighted, it is outrageous that crimes such as rape are taking years to come to court. We need to check whether we are genuinely making systematic progress in going back to the days when the 1995 act was being fully complied with. The recent "2022 UK Judicial Attitude Survey" report found that nearly

half of Scottish sheriffs and judges are concerned about the morale of court staff, amid lengthy backlogs.

All those matters need to be addressed as we look at how we ensure that our court system functions in a better way. We must also ensure that the framework does not simply impose an additional level of bureaucracy on an already stretched and understaffed justice workforce. I would appreciate it if the cabinet secretary would address that point in summing up.

I agree in principle with creating a trauma-informed justice system, but I ask the Scottish Government whether it intends to monitor the effective implementation of the framework across the sector in order to ensure that victims and witnesses across Scotland are receiving similar treatment when they come into contact with services. Claire Baker also made that point. If we are going to implement the framework at all, it has to be applied consistently.

It is a hugely important component of any democratic society that people have equal access to justice and receive equal treatment when they come into contact with the justice system, and we must ensure that everyone who comes into contact with the justice system is treated fairly and equitably. That includes those who are accused of a crime, while they are awaiting trial.

As Katy Clark said in her opening remarks, and as Parliament has addressed previously, it is time for a form of legal representation for victims. We support the provision in the bill, but we want to talk about how we could go further than that.

I have addressed the points about the framework and not the wider legislative questions, but I hope that we will get the chance to discuss those in due course. Katy Clark and Claire Baker talked about the need for wider reform, and they said—I support this view—that the Government must clearly set out, when we come to the debate, what its aims and objectives are, and the potential impact of the proposed substantial changes to our legal system, so that we can scrutinise those changes properly. If any such changes are to be made, it is very important that we take everybody with us.

16:45

Russell Findlay (West Scotland) (Con): The Scottish Government loves to talk the talk when it comes to putting victims and witnesses at the heart of the justice system. It tells us that public protection is paramount, yet police officer numbers are at their lowest for 15 years. The Government insists that our officers are valued and supported, yet Police Scotland remains the only UK force without standard issue body-worn cameras. The

Government says that it cares about domestic violence victims, yet a pilot of fully virtual trials—hailed as “groundbreaking” by the then justice secretary, Humza Yousaf—saw just 24 such trials actually take place.

The Government says that it wants to protect vulnerable female prisoners, yet in the six months since they opened, the two custody units in Glasgow and Dundee have never been more than half full. It says that it cares about child victims and sex crime victims, yet a child rape victim regrets seeking justice after her attacker was given community service.

I am sure that you get the idea, Presiding Officer. I could go on and fill my six minutes with similar examples of the chasm between the SNP Government’s public relations handout and the reality for people across Scotland. Today, in 2023, we hear the same painful stories from victims, who say that they are belittled, disrespected, excluded, ignored, dehumanised and retraumatised by the Scottish criminal justice system.

Today’s motion refers to a new NHS report, “Trauma Informed Justice: A Knowledge and Skills Framework for Working with Victims and Witnesses”. Crime victims and witnesses told the researchers that they experienced trauma in the process of being a witness, that the criminal justice process worsened their trauma, which hampered their recovery and put their lives in limbo, and that—as Jamie Greene acknowledged—with the right support, they could have provided better evidence. Finally, they said that being a witness caused such distress that they would avoid reporting offences in the future. That final point is damning. It is a sobering report that confirms the existence of persistent issues.

I have been the victim of a serious crime. I know how casually thoughtless and infuriating the system can be. My attacker is in prison and in the process of seeking parole. Just a few weeks ago, however, I had an unusual and unsettling experience. A colleague answered my persistently ringing office phone here in Parliament. The caller was a criminal justice social worker who needed to speak to me urgently. She was preparing a home background report in anticipation of my attacker’s eventual release. She named my address and wanted me to confirm it. She also wanted to know details of my surgeries. However, it emerged that that information would be shared with my attacker. I was sufficiently concerned to consider that the call might be bogus, but it was real.

I am grateful to the social worker, who is doing a grand job in tough circumstances. However, I cannot help but suspect that the proactive approach that I experienced is not typical for every victim. I am all for transparency. Scotland’s parole process remains stubbornly shrouded in secrecy.

Victims should be entitled to know exactly what is going on and their views must be heard. That should be a universal right, not one that is offered on an ad hoc, unofficial basis. It should be communicated clearly and cleanly.

I now turn to some of today's other speakers. Pam Gosal, Meghan Gallacher, Rona Mackay and others spoke about the difficulties that are still being experienced, specifically by women and children. It is notable that 13 of the 15 speakers in today's debate are women.

Jamie Greene's amendment quite rightly challenges a worrying Scottish Government proposal around electronic monitoring. The Government's Bail and Release from Custody (Scotland) Bill seeks to count two days that an accused person spends subject to electronic bail monitoring as one day off an eventual prison sentence. We believe that that is wrong. It conflates bail conditions with sentencing, although they are two fundamentally different things, and it is opposed by Victim Support Scotland.

We will support the Labour amendment, which raises several issues, not least the perpetual problem of court delays.

Today's Government motion refers to more pending legislation—its Victims, Witnesses, and Justice Reform (Scotland) Bill. I am sure that Jamie Greene will be flattered that its name is so similar to that of his proposed victims bill. Angela Constance says that the tribute bill will put

“victims and witnesses at the heart of the justice system.”

We absolutely agree, and we will support the Government motion. However, I end on a note of caution: we have heard all this before. We need less talk and more action.

The Deputy Presiding Officer: I call Angela Constance to wind up the debate. Cabinet secretary, it would be helpful if you could take us up to decision time.

16:50

Angela Constance: I start by thanking Dr Caroline Bruce and her team at NHS Education for Scotland for leading the work on the trauma-informed justice framework, because it is vital to the support for victims and witnesses, as well as to the staff who work in the justice system.

Most importantly, like Maggie Chapman, I pay tribute to victims, survivors and their families—those experts by experience who are informing every step of our journey to challenge and change our justice system, which, as most members have reflected in the debate, leaves victims feeling unheard. It can be an impenetrable system where access to information is difficult, and where victims

often feel unsafe and that they are not treated with compassion.

Everybody seems to agree that, in the interests of embedding specialism and fairness and protecting balance, as well as serving the interests of justice, we need to do better and need to change.

I cannot support the Conservative amendment at decision time, simply because it pre-empts the two sessions on stage 2 of the Bail and Release from Custody (Scotland) Bill, which will take place tomorrow and next week. I suspect that Mr Greene probably knew that when he penned his amendment.

I say to Meghan Gallacher that, when you get to my age, you are always in a hurry, time and pace are always of the essence. I accept the remarks and concerns about court delays, because justice delayed is of course justice denied. That is why this year alone we are investing £26 million to help reduce the court backlogs. The backlog in trials has been reduced by a third, but much more needs to be done on solemn and High Court proceedings.

I also say to Jamie Greene and Pam Gosal that I will give their proposals a fair hearing when they are published. I have no reason not to be fair on that. I am sure that they will look at each and every piece of Government legislation to see how they can amend it to their own desires. For the first time, this Government has published end-to-end journey times, because I very firmly believe in transparency and shining a light on where more needs to be done.

I commend members for the range of issues that they have championed and raised in the debate. It is important that the debate about single-judge trials does not drown out debate on the other matters in victims, witnesses and justice reform, because the pilot is part of a much wider package.

Claire Baker raised a number of issues relating to the importance of clarity in setting out the case for specialist sexual offences courts and the wide-ranging approach that we will take to measurements and evaluations, whether that is for a pilot or for sexual offences courts. We will debate and discuss the detail of that in the months ahead. As usual—I am sure that Ms Baker will accept this—if I was to reply to every detailed point that she raised in her five minutes, I would probably be here for 90 minutes.

I am pleased to say that I can support the Labour Party's amendment. As a former criminal justice social worker, I very much agree on the need to develop implementation and to co-operate with those who work at the coalface. I take

engagement with all staff and all professions very seriously.

We propose, of course, an expansion of independent legal representation legislatively, and I am exploring wider provision in our discussions with the Emma Ritch law clinic.

Beatrice Wishart championed the bairns' hoose movement, and Ruth Maguire made the link with other legislative measures that apply to our children and young people.

It is important that the debate on single-judge rape trials should not be drowned out at this stage. Rona Mackay made the point that it is important that we listen to all the voices and debate and discuss all the evidence. I very much intend to proceed in that vein.

The evidence on jurors' preconceptions about rape and how they can be carried forward into deliberations and impact on verdicts is overwhelming. That is not the case with other serious crimes. In due course, I am sure that we will discuss and debate further the international evidence and the 50-plus studies, most of which have taken place in the past 20 years. The diversity of juries has not overcome unfair influences. We have seen that in independent Scottish jury research.

Jamie Greene: I appreciate that much of the focus is on the issue of juryless trials, but in Lady Dorrian's recommendations she also made a number of very sensible suggestions about how outcomes could be improved in trials with juries. Will the Government introduce them as well as or instead of juryless trials?

Angela Constance: Jamie Greene has made a very important point. Because of the seriousness of sexual offending, we have to look at the justice journey from end to end. Many of the matters that are raised in Lady Dorrian's review, some of which the judiciary are already taking forward, are not, of course, necessarily either/or matters. Every fibre of my instincts tells me that, if we want seismic systemic change, we need to bring all the potential solutions to the table, and we need to debate each and every potential solution in full.

I want to end with a quote from Lady Dorrian's review. She reflected on an earlier report from the Scottish Law Commission, in 1983. She traced the developments in law, and she said:

"Despite some notable successes ... far too often the issues reported by complainers echo what was being said by complainers in sexual offence cases 20, 30 or even 40 years ago."

She went on to say:

"Without profound reform there is a real possibility that our successors will be examining the same issues forty years hence."

I make this pledge to members—not on my watch. Notwithstanding that we are at the start of a process with the Victims, Witnesses, and Justice Reform (Scotland) Bill and that that bill will inevitably look different at stage 3 from what it looks like at stage 1, we have to ensure that the bill is better and that it will take us forward, not back. We need to get to a place where there is no more hand wringing and an acknowledgement that no part of our justice system is too complex or too sacred for scrutiny. We need to bequeath something far better and far fairer to our daughters and sons.

It is time to have the courage to acknowledge problems where they exist, such as in the long-standing and significant disparity in conviction rates for rape in comparison with other offences. We need to own those problems and seek to solve them—even though, admittedly, there is no monopoly of wisdom. We need to have the courage to debate evidence. Terms such as "soft-touch" justice are soft in substance and drag down the debate that we all seek to have.

To those who oppose any aspect of the bill, my challenge is this: if not this, what? If not now, when? It is time to move forward in the debate and to do so together.

The Presiding Officer (Alison Johnstone): That concludes the debate.

Decision Time

17:00

The Presiding Officer (Alison Johnstone): It is time to move to the next item of business. There are four questions to be put as a result of today's business.

The first question is, that motion S6M-08864, in the name of Humza Yousaf, on the coronation of King Charles III and the Queen, be agreed to.

Motion agreed to,

That the Parliament congratulates Their Majesties The King and The Queen on the occasion of Their Coronation; expresses its gratitude for Their Majesties' public service to Scotland, and affirms the deep respect that is held for Their Majesties in Scotland.

The Presiding Officer: The next question is, that amendment S6M-08865.1, in the name of Jamie Greene, which seeks to amend motion S6M-08865, in the name of Angela Constance, on transforming justice in Scotland—person-centred and trauma-informed approaches for victims and witnesses, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

We will have a short suspension to allow members to access the digital voting system.

17:01

Meeting suspended.

17:03

On resuming—

The Presiding Officer: We move to the division on amendment S6M-08865.1, in the name of Jamie Greene. Members should cast their votes now.

The vote is closed.

Alexander Burnett (Aberdeenshire West) (Con): On a point of order, Presiding Officer. I would have voted yes.

The Presiding Officer: Thank you. We will ensure that that is recorded.

For

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)

Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 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)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 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)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (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)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 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)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (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)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (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)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitfield, Martin (South Scotland) (Lab)

The Presiding Officer: The result of the division on amendment S6M-08865.1, in the name of Jamie Greene, is: For 31, Against 86, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S6M-08865.2, in the name of Pauline McNeill, which seeks to amend motion S6M-08865, in the name of Angela Constance, on transforming justice in Scotland—person-centred and trauma-informed approaches for victims and witnesses, be agreed to.

Amendment agreed to.

The Presiding Officer: The final question is, that motion S6M-08865, in the name of Angela Constance, on transforming justice in Scotland—person-centred and trauma-informed approaches for victims and witnesses, as amended, be agreed to.

Motion, as amended, agreed to.

That the Parliament notes the publication of Trauma Informed Justice: A Knowledge and Skills Framework for Working with Victims and Witnesses, which identifies six key aims of a trauma-informed justice system; recognises

that victims and survivors of crime and witnesses can be affected by trauma in many ways, and that there is, therefore, an imperative for the criminal justice system to be designed to be person-centred and trauma-informed, so that victims, survivors and witnesses are supported to recover from the harm and trauma and possible re-traumatisation that they have experienced; recognises the critical importance of staff having a shared understanding about the impact of trauma, and the knowledge and skills to minimise re-traumatisation and support recovery; notes the opportunity for the Parliament to further consider these issues through its scrutiny of the Victims, Witnesses, and Justice Reform (Scotland) Bill, which puts victims and witnesses at the heart of the justice system; further notes recent reports of poor experiences of victims within the justice system, including long waits for court cases to be heard and the re-traumatising effect of the legal process for victims of domestic abuse and rape; invites the Scottish Government to explore the potential benefits of expanding the independent legal representation available to victims, particularly in cases of rape; understands that reform of the justice system will only be successful if the current pressures on the justice system are addressed, and expresses its belief that further reforms must be developed and implemented cooperatively with those who work in the criminal justice sector in order to bring about effective and practical change for victims and witnesses.

VAT Burn Campaign

The Deputy Presiding Officer (Liam McArthur): The final item of business is a members' business debate on motion S6M-07973, in the name of Jackie Dunbar, on VAT burn campaign. The debate will be concluded without any question being put.

Motion debated,

That the Parliament welcomes the VAT Burn campaign that was launched by Amy Callaghan MP on 4 February 2023 to coincide with World Cancer Day, an international awareness day to encourage the prevention, detection, and treatment of cancer; notes that the campaign is seeking the removal of VAT from sunscreen products of sun protection factor (SPF) 30 and above and with at least a 4-star UVA protection rating; further notes that the NHS advises people to use sunscreen that offers this level of protection, and understands that 90% of cases of melanoma could be prevented by staying safe in the sun; considers that taking such measures could both save lives and protect NHS budgets, including in the Aberdeen Donside constituency; understands that, in September 2022, Amy Callaghan coordinated the preparation of a cross-party letter, supported by 48 MPs from every major UK political party, to the former chancellor, Kwasi Kwarteng, calling for VAT to be removed from sunscreen products; recognises Amy Callaghan's personal experience of skin cancer, and believes that she has been able to draw on this experience while campaigning on the issue; notes the calls for people to show their support for the VAT Burn campaign by signing the petition at [amycallaghan.scot/vat-burn](https://www.amycallaghan.scot/vat-burn), and further notes the calls urging the UK Government to remove VAT on sunscreen products of SPF 30 or above with at least a 4-star UVA protection rating.

17:09

Jackie Dunbar (Aberdeen Donside) (SNP): I feel so honoured to be leading the debate this evening and I am proud to add my name to the calls for the United Kingdom Government to scrap VAT on sunscreen of factor 30 and above because those products are essential health items.

I thank colleagues from my party and the Labour Party who supported my motion. Their support has allowed the debate to go ahead.

I also welcome Amy Callaghan MP to the public gallery. Welcome to our—your—Parliament, quine, and mak yersel at hame.

Members have had the opportunity this afternoon to drop in to chat with Amy about the campaign and I thank colleagues from across the chamber who have taken the time to do so. I also whole-heartedly thank Amy for her campaigning on the issue, as she is herself a survivor of skin cancer. She has been a relentless advocate and her work is hugely welcome. If her bill passes, it will, without a doubt, save lives.

I also thank Melanoma Focus, Melanoma UK, Young Lives vs Cancer, the Teenage Cancer

Trust and Skcin, who have backed Amy's calls and continue to work for this vital change to VAT to be enacted as a matter of urgency.

Cases of melanoma have more than doubled since the early 1990s. Each year, 16,000 new cases of skin cancer are diagnosed across the UK, resulting in 2,300 deaths. As many as 90 per cent of melanoma cases could be prevented by people staying safe in the sun, including using sunscreens of sun protection factor 30 and above with a four-star ultraviolet A protection rating. Wearing sunscreen is one of the simplest things that we can do to protect our skin against the risk of cancer, but one in eight of us do not wear it purely because of costs. Some people just cannot afford it.

Amy Callaghan's campaign will stop families being priced out of buying sunscreen by making it more affordable for everyone. Amy's bill is a simple and inexpensive one that could save countless lives.

Australia, the US and Canada have already removed VAT-style taxes from sunscreen and there is nothing preventing the UK from doing the same. Cases of melanoma skin cancer are increasing but most cases could be prevented if people were sun-smart, including wearing factor 30 and above sunscreen.

Public polling indicates that many folk find the cost of sunscreen just too high. With the current cost of living crisis deepening and summer fast approaching, the cost is likely to deter increasing numbers of folk from buying sunscreen. The major retailers Tesco and Asda have recognised cost as a prohibitive barrier to folk buying sunscreen. To its credit, Tesco reduced the price of its own-brand sunscreens by 20 per cent in 2021 to offset VAT. That move from Tesco followed a consumer poll in which 57 per cent of respondents said that the product was too expensive and 29 per cent claimed that they would wear sunscreen daily if it was a little bit cheaper. Asda called for VAT to be removed from sunscreen as part of a sun safety campaign in 2013. I join Amy Callaghan in calling on all supermarkets to take steps to make sunscreen as affordable as possible, in the absence of action from the UK Government.

Removing VAT from factor 30 and above sunscreens will make them more affordable for folk and it will send a powerful message to the UK Government about the importance of skin protection. With the impact of climate change meaning increasing temperatures in the UK, the measure is becoming increasingly urgent.

In the US, sunscreen products have been federally exempt from VAT-style taxes since 2012. In Australia, they are exempt provided that they are principally marketed for use as sunscreen and

have an SPF rating of 15 or more. Melanoma Focus believes that the reduced VAT revenue from the policy would be offset by reduced melanoma skin cancer cases and reduced costs to the national health service.

The NHS England Getting It Right First Time review of dermatology highlights high and increasing skin cancer demand, with 200,000 surgical operations being carried out for suspected skin cancer every year and skin cancer rates doubling every 14 to 15 years. It highlights the need for additional workforce to meet current and future pressures and it recommends raising sun and skin awareness, which is needed to reduce pressure on dermatology services.

The message is simple: remove VAT from sunscreen, save lives and remove pressure from the NHS, which, as we know, is already under increased strain. It is, frankly, shocking that the UK Government cannot see that benefit and that it has not taken action to exempt sunscreen from VAT.

We know that VAT is a policy area that is reserved to the UK Government, but there is action that the Scottish Government can take. I ask the minister whether she could write to her counterpart in the UK Government to request that VAT be removed on sunscreen of factor 30-plus or that this Parliament be given the powers to do so in Scotland. I also ask her to consider working with retailers in Scotland to explore actions that could be taken to increase access to sunscreen. Those are simple steps, but they will save lives.

I again thank Amy Callaghan MP for all her work on the issue. I add my support to the campaign and call on the UK Government to take the action that is needed. I look forward to hearing the contributions from members.

17:15

Rona Mackay (Strathkelvin and Bearsden) (SNP): I am especially pleased to speak in this important debate and I thank my friend and colleague Jackie Dunbar for bringing it to the chamber.

May is melanoma awareness month. Each year, 16,000 new cases of melanoma—the deadliest form of skin cancer—are diagnosed across the UK and 2,300 people sadly die. It is a largely preventable disease, as 90 per cent of cases of melanoma could be prevented by staying safe in the sun. That is why the VAT burn campaign, launched by my friend and colleague Amy Callaghan MP, is so vital.

I will say a few words about Amy, who is in the gallery. She has beaten melanoma twice—while in her teens and in her early 20s. I will do my best not to embarrass her, but she is a remarkable

young woman. She was my office manager when I was elected in 2016, until she won the constituency of East Dunbartonshire in 2019 in stunning style, beating the sitting MP Jo Swinson. I never doubted her ability to do that or to tackle issues head on. She has dealt with considerable health issues with amazing courage and determination and, if anyone can win this campaign, she can. Amy is a winner.

Amy's VAT burn campaign aims to remove VAT from sunscreen products of SPF 30-plus and four-star UVA protection rating. We know that using an effective sunscreen is the safest way to enjoy the sun and protect the skin, but sun cream is expensive. As we heard from Jackie Dunbar, research suggests that one person in eight does not wear sunscreen because it is too expensive. As someone who has always used a factor 50 sun cream—I still have to limit my time in the sun to avoid burning—I know how necessary it is and have never understood why the higher the factor, the higher the price. It makes no sense.

Melanoma Focus, which is backing the campaign along with the Teenage Cancer Trust, Skcin, Melanoma UK, Young Lives vs Cancer and Melanoma Action and Support Scotland, states that factor 30-plus sun cream is a healthcare item and I whole-heartedly agree. There is no valid reason for retaining VAT on sunscreen products. The policy change would cost the Treasury in the region of £40 million per year, which is a drop in the ocean when it comes to saving lives. However, despite cross-party support, the UK Government has refused point blank to take forward the initiative of removing VAT. That is shameful.

In the 15 to 44 age group, melanoma skin cancer is the second most common cancer in males and the third most common in females. One male in 36 and one female in 47 will be diagnosed with melanoma skin cancer in their lifetime. Cases are increasing, but most cases can be prevented if people use a high-factor sunscreen. We are in the middle of a cost of living crisis and our summers are getting hotter, although admittedly not yet this year, so there will never be a better time to review the policy of paying VAT on a healthcare item.

It is good news that supermarkets Tesco and Asda have recognised that cost is a barrier to people buying sunscreen. As Jackie Dunbar outlined, Tesco has reduced the price of its own-brand sunscreen by 20 per cent, Asda has called for VAT to be removed and Morrisons has also pledged to pass on VAT reduction.

Removing VAT from sunscreen would not have been possible under European Union rules but is now possible. Perhaps that is the only benefit of Brexit. In the US, sunscreen products have been federally exempted from VAT-style taxes since 2012. In Australia, they are exempt provided they

are marketed principally for use as sunscreen and have an SPF rating of 15 or more. It is high time that common sense and a duty of care to save lives prevailed and those healthcare items were exempted from VAT.

I again thank my colleague Jackie Dunbar for bringing the debate to the chamber and wish Amy Callaghan all the best with her commendable campaign.

17:19

Sandesh Gulhane (Glasgow) (Con): I start by taking a look at sun creams. *Which?* recommends Asda's own brand, at £3.50 and Boots' own brand, at £4, but it raises safety issues with Hawaiian Tropic, at £14; Green People, at £25; Alba, at £12; Tropic, at £28; Ultrasun, at £28; and Clinique at £26. If you are looking around for the best type of sun cream that works most effectively, it is not about price, but what is inside it. That is what makes it cost more, going up through the different factors.

I want to talk about skin cancer, which is abnormal cell growth on the outermost part of our skin: the epidermis. Ultraviolet light damages the DNA and triggers mutations, and that growth rapidly spreads. It is more pronounced in people with fair skin and people who are more susceptible to sunburn, but that does not mean that it does not happen to people of all colours.

Having a large number of benign moles, and a family history of skin cancer, are also risk factors. In addition, we need to make it clear that it is harder to diagnose skin cancer in people with darker skin and in children under 15. A lot of that has to do with the fact that, at medical school, all the things that I saw—from rashes and moles to cancer—were on people with Caucasian white skin.

There are different types of skin cancer. Some are very rare. The three most common types are basal cell carcinoma, or BCC, which is a pearly white lump; squamous cell carcinoma, or SCC, which is a pink lump with a rough or crusted surface; and melanoma, which is the most aggressive and dangerous type. As we heard, 12,000 people are diagnosed with melanoma annually, and about 1,200 malignant melanomas—the most serious type—are registered each year.

Sun cream alone is not the answer—it is very important, but we also need to be sun aware. We need to ensure that we spend time away from the sun, especially during the hottest times, and that we cover up by wearing a hat or long sleeves. As we do not get a huge amount of sun in Scotland, we want to go out and enjoy it as much as

possible, but although that is tempting, we need to be wary of doing so.

I also want to talk about how people go about looking at moles. What do they need to do? If anyone out there has a mole that they are not sure about, I would like them to get a ruler and take a picture of the mole. That means that if they take more pictures of it, we know how much bigger it is. We need to be taking the A, B, C, D, E approach. A stands for asymmetry—you want to look at the mole to see whether it matches. B is for border—is it irregular, ragged or blurred? C is for colour—is the mole uneven or the same colour all the way through? D is for diameter—is it about the size of a 5p piece? E is for evolving—is it changing over time?

If those things are happening to you, we need to be clear that you should present to your general practitioner, because it is time for that mole to be photographed and sent to dermatology. A small spot can still be very significant, so it is very important to do that if you are concerned.

That is what the sun causes, so we also need to limit our use of sunbeds. The proposal to remove VAT on sun cream, which would cost the public purse around £40 million a year, is definitely worthy of further discussion. As I said at the start, however, it is important that we all wear sun cream, no matter what our colour, and we need to spend time out of the sun. People need to be educated on what is important when it comes to the moles that they have. I say to anyone out there: please present to your GP if you are concerned.

Finally, I declare an interest, as per my entry in the register of members' interests, as a practising NHS doctor.

17:24

Ruth Maguire (Cunninghame South) (SNP): I congratulate Jackie Dunbar on securing the debate and bringing this important topic to the chamber. My thanks also go to Amy Callaghan MP, who has been campaigning tirelessly for the removal of VAT on sunscreen products that are recommended by the NHS.

There are 16—forgive me, Presiding Officer; I am number blind. There are 16,000 new cases of melanoma diagnosed each year across the UK, with 2,300 people dying, but we know that 90 per cent of cases of melanoma could be prevented by staying safe in the sun. We heard those shocking statistics from Jackie Dunbar in her opening speech. However, it is important that those numbers are highlighted and repeated in order to press home how crucial action such as removing VAT on products could be in preventing cancer and saving lives.

Prevention is what the campaign is about. Sunscreen is often seen as a luxury—something that somebody buys when they head off on holiday. In Scotland, we may think about it only after the searing pain of being sunburned, which has probably happened to all of us at some point. We may even have joked about it, but would we do so, if we knew? To quote Police Scotland, we need to “stay safe”. It takes only one blistering sunburn, especially at a young age, to more than double a person’s chance of developing melanoma later in life.

Education in a young person’s life is crucial to their understanding of the world; it gives them tools that influence their decisions throughout their life. As parents and carers, we like to be role models for our children and young people. We encourage them to drink water and stay hydrated; to eat healthily; and to get outdoors and move around and play, especially when the weather is nice. When we manage to get them off their devices to go outside, we teach them not to speak to strangers and to be careful of traffic, but do we always make sure that they use sunscreen? If not, why not?

On an MSP’s salary, £3.50 for sunscreen might be cheap, but for a lot of families that impacts on the weekly amount of money that they have to spend. When we talk about being safe in the sun, we know that sunscreen alone is not enough, but with the cost of hats, summer clothes and sunglasses, the costs for families can be significant.

Over the past wee while, the cost of living crisis has been high on the agenda. Energy prices have risen, interest rates have soared and people have endured an increase in the cost of their weekly shop. With the Met Office reporting that the average hottest summer day is between 4°C and 7°C warmer than previously recorded, it is vital that families are able to afford to protect themselves and their children.

A survey by Tesco showed that 57 per cent of adults think that sun cream is too expensive—29 per cent said that they would wear it daily if it was a little cheaper, and nearly a third of parents said that they cannot always afford to apply sun cream to the whole family, often deciding to apply it only to their children. As we heard, Tesco has already absorbed the cost of VAT on all products in its own brand range, which has meant a reduction of 20 per cent in the price. I know that Morrisons backs Amy Callaghan’s campaign too. As summer approaches, I urge families who are feeling the pinch with the cost of living crisis not to skimp on buying sun cream, and to remember that it is not the brand but the ingredients that keep you safe.

Melanoma UK projects that over 19,000 people in the UK are expected to be diagnosed with

melanoma in 2025. It is vital that action is taken now to remove VAT on sunscreen so that protection is affordable and easy for young people and families, in order to save lives and prevent cancer.

17:27

David Torrance (Kirkcaldy) (SNP): I thank Jackie Dunbar for bringing this important debate to the chamber. I, too, express my gratitude to my Westminster colleague, Amy Callaghan MP, for leading the VAT burn campaign, which is calling on the UK Government to remove VAT from sunscreen products that have significant health benefits.

There are 16,000 new cases of melanoma diagnosed each year across the UK, and yet 90 per cent of the cases could be prevented by staying safe in the sun and using sunscreen that is at least SPF 30 with a four-star UVA protection rating or above.

Skin cancer is one of the most preventable cancers, and yet sunscreen products are still subject to VAT, which creates a significant barrier to access. Cancer affects so many of our lives and our constituents’ lives, and making the simple and effective change of removing VAT from sunscreen products could have an enormous impact on people across the country, now and for generations to come.

The benefit of scrapping VAT on sunscreen products is well known, and the UK is a decade behind the US in exempting sunscreen products from VAT-style taxes. If the past few years of Covid and the past 13 years of Tory austerity have taught us anything, it is that we cannot put a price on our health. At a time when thousands of families across the country are facing incredibly difficult decisions regarding their finances, it is clear that making sunscreen more affordable and readily available is a commonsense approach that the UK Government needs to take to save lives. No family should feel that they have to forsake sun protection for the sake of cutting costs.

According to a 2021 survey, 15 per cent of adults think that sunscreen is too expensive, and 29 per cent said that they would wear it daily if it was a little cheaper. Nearly a third of parents who were surveyed said that they cannot always afford to apply sunscreen to their whole family, often deciding to apply it only to their children. Although it is incredibly welcome that some supermarkets have made the decision to absorb the cost of VAT and to reduce the overall price of some sunscreen items, it is essential for the UK Government to recognise that sunscreen is an essential product, not a luxury, and should be treated as such for VAT purposes.

I join many others in condemning the UK Government's response to the campaign. The argument that Government funding would reduce if VAT on sunscreen products was scrapped is almost laughable, considering that the estimated cost of skin cancer to the NHS is £100 million. To put it in perspective, less than 0.5 per cent of the revenue that is generated by the Treasury from VAT comes from sunscreen products.

It is also massively disappointing that the UK Government has placed responsibility for these issues on retailers, many of which are small businesses and individuals, and many of which are suffering as a result of the cost of living crisis. The UK Government previously committed to reviewing VAT on sunscreen products, and I join others in calling on the Government to consider that commitment once again.

I also very much support the second component of the VAT burn campaign, which is to improve education and awareness around skin protection and sun. May is skin cancer awareness month, when prevention, detection and treatment of skin cancer take centre stage, and this debate is helping to give this important topic the political attention that it deserves.

Research from Melanoma Focus shows that 35 per cent of Scots rarely or never use sunscreen when in the UK, with only 15 per cent always using it. That is despite the fact that 44 per cent of Scots report getting sunburned at least once per year. In recent years, we have seen record temperatures as the climate crisis makes us more susceptible to heatwaves and intense periods of direct sunlight. As we reach the warmer months, therefore, raising awareness of skin cancer prevention and symptoms is absolutely essential.

I am proud of the number of initiatives that Scotland has introduced, such as sunbed regulations; improving sun awareness education for thousands of pupils; and increasing the number of clinical nurses who are specialists in skin cancer, including in Victoria hospital in my constituency. Thanks to the tireless and dedicated work of researchers in the NHS and the medical profession, and of campaigners and cancer charities, those initiatives have made a tremendous impact on the way that we approach skin cancer prevention and awareness.

It is clear that much more has to be done. The contributions to the debate have highlighted just how much support the VAT burn campaign has across all areas of Scotland. It is our duty to make these products more accessible and affordable to our constituents, and I am reassured to see that the Scottish Government's priority is to improve the experience and outcomes for people who are affected by all cancers across Scotland. With UK Government support for the VAT burn campaign,

we could continue to improve the lives of people who are affected by skin cancer and the lives of their families and loved ones.

17:32

Carol Mochan (South Scotland) (Lab): I, too, thank Jackie Dunbar for bringing this important debate to the chamber. It is right that we debate this topic, because it is important that we consider the campaign and discuss all options that would allow people to be safer in the sun.

As the motion states, the vast majority of melanoma cases

"could be prevented by staying safe in the sun",

and so it is critical that we are always raising awareness of the key components of good sun safety practice. Those include, as has been mentioned, wearing clothes that provide sun protection, finding shade and taking extra precautions if you have any, or many, moles.

In addition, it is only right that we take the opportunity, in this debate, to look at where the Scottish Parliament has, in the past, legislated to tackle the incidence rate of skin cancers in Scotland. As members may know, the former Labour MSP and Presiding Officer of the Parliament, Ken Macintosh, delivered legislation that directly addressed the lack of clear and visible warnings surrounding the use of sunbeds, which we know has direct links to skin cancer, sunburn and other skin-related conditions.

That was important when the legislation was introduced, and it remains so now—possibly even more so, given that analysis of Britain's high streets has revealed that businesses such as tanning salons are concentrated in areas of the country that already have high levels of deprivation and are perhaps targeting specific communities. It is important that we get a chance to discuss those broader issues in the chamber.

Jackie Dunbar: Does Carol Mochan share my view—I apologise for not bringing this up in my speech—that unions have done a huge amount of work to ensure that sun creams are used as part of the personal protective equipment in a lot of workplaces? Will she join me in thanking them for all the hard work that they have done in that regard?

Carol Mochan: That is lovely—thank you. I am sure that the member will understand that the next part of my speech very much addresses that particular issue, so her intervention is very welcome.

The role that employers play in protecting employees, in particular those who work outdoors during periods of high temperature, cannot be

underestimated—as we all agree, it seems. During last year’s heatwave, the Trades Union Congress and the Scottish Trades Union Congress rightly called on employers to provide sun cream and advice on the need for protection from the sun when employees were working outdoors.

From a workplace perspective, the TUC argued that sun cream is PPE and should be considered as such, and that, although it is within the rights of an employee to refuse to take up the offer of wearing PPE—in this case, sun cream—for whatever reason, it should remain the case that employers are fully expected to still make that offer to the wider workforce.

When we think about the times when we may be at highest risk of damaging ourselves in the sun, we often think about being on the beach or overseas. However, the NHS rightly advises the public that they can burn in the UK, even—as we have heard—if it is cloudy, and that sunburn, as we have also heard, increases the risk of skin cancer. We must always be aware of the risk, no matter where we are and no matter what the weather is.

It is absolutely right, therefore, that we debate the matter and look at all the avenues, including the campaign that has been spoken about today, and I thank Amy Callaghan MP for the opportunity to discuss it in the chamber. We can, and we must, do better for people.

My party and I fully appreciate and acknowledge the importance of protecting skin from the sun. In this place, where we have the power to do something, we should always ensure that we do what we can. We must increase awareness, and every member has done so tonight. I thank Jackie Dunbar once again for bringing the debate to the chamber, and I thank all those members who have spoken this evening.

17:36

Ash Regan (Edinburgh Eastern) (SNP): I, too, thank Jackie Dunbar for bringing this important issue to the chamber. I also lend my support to our colleague Amy Callaghan for her very important VAT burn campaign to remove VAT from sunscreen with an SPF of 30 or above.

It is timely that we are debating the issue in the chamber this month, because it is skin cancer awareness month. As other members have mentioned, skin cancer is—despite what many might think—one of the six most common cancers to be found in Scotland, so it is right that we take the opportunity this evening to raise the issue and discuss it, covering the medical aspects, things to look out for, different brands of sun cream and so on.

I am somewhat of an expert on the topic, being a redhead who likes to spend as much time outdoors as possible, and also having two red-headed children. In our house, we are so into sunscreen that we spend time discussing the merits of different brands and comparing them against each other, because not all of them perform as well, or are as pleasant to use, as others. It is clear, however, that sunscreen is not a luxury item, which is why I support the campaign. It is very important to use sunscreen, especially for children, as we know that getting one very serious burn as a young child seriously increases your risk of going on to develop skin cancer later in life.

The debate is also a good opportunity to talk about sunbed use. Some members of my family have become addicted to using sunbeds, and I know that that is far from rare in Scotland. There is a dilemma there—with the weather that we have in Scotland, tanning is very popular now, and many people like to look tanned. I think that one reason why sunbeds are so popular in Scotland is that, because they contain some of the rays that would naturally be found in the sun, they can give people a boost to their mood. Nonetheless, we need to remind people that sunbed use, and indeed overuse, can be an extreme risk factor for going on to develop skin cancer of one type or another.

We have made mention of the weather so far. It sometimes seems, given Scotland’s latitude, that we very rarely see the sun, and when we do, we want to rush out and enjoy it. I think that that is the right thing to do, as being in the sun can make us feel better—as we have discussed—and it allows our bodies to generate vitamin D. Vitamin D is a very important vitamin—or a hormone, as it is sometimes even described—that can, when it is in our system, help us to remain at an optimum level of health.

We have learned in the past few decades that many Scots are seriously deficient in vitamin D, which may in part be because we have moved significantly away from a traditional Scottish diet that was, for my mother’s generation, heavy on oily fish. They used to regularly eat herring, which has a lot of vitamin D.

It is difficult to get all the vitamin D that we need from diet, so it is important also to expose our skin to sunlight, although, I stress, not to the point where the skin becomes pink or burns. Most of us will know how many minutes that will take or at what point that will happen to us, but it is possible to go online, check the different skin types to find our own and find out how long it might be appropriate to expose our skin without sunscreen in order to get some vitamin D into our system.

The important message is: get outside and enjoy the sun and it is even better if you can exercise while you do that. Do not let yourself get

burnt. Sunscreen is important and is not a luxury item. I support this important campaign.

17:41

The Minister for Public Health and Women's Health (Jenni Minto): I thank everyone who has made a contribution to this debate. It is a privilege to respond as Minister for Public Health and Women's Health. I thank my colleague Jackie Dunbar for bringing the motion to the chamber today. I welcome Amy Callaghan MP to the Scottish Parliament chamber and thank her for driving this campaign, not only here in Scotland but in Westminster. As others have done, I praise her for using her personal experience of skin cancer to campaign for VAT to be removed from sunscreen products.

I am old enough to remember the "Slip! Slop! Slap!" campaign, which perhaps stuck with me because I am a peely-wally blonde-haired Scot who burns easily. As Amy Callaghan said during her debate at Westminster, the campaign originated in Australia and New Zealand and aimed to reduce unhealthy sun exposure by getting people to slip on a shirt, slop on sunblock and slap on a sun hat.

The Scottish Government recognises the importance of tackling skin cancer. As others have said, malignant melanoma is the fifth most common cancer in Scotland, affecting more than 1,000 new individuals each year. That figure excludes non-melanoma skin cancers, which are far more common, with more than 12,000 cases registered in 2019.

I thank my colleagues for their important contributions raising the profile of this illness and informing people about the importance of sunblock and the need to be aware of the impact that sun has on our skin. It is great to see unity across the parties on the need to support the public in preventing skin cancer.

Ruth Maguire said that one bad bout of sunburn doubles the chance of contracting skin cancer and that other protections are as important as sunblock. She also highlighted the impact of the cost of living. David Torrance correctly said that we cannot put a price on our health and must take a commonsense approach.

The Deputy Presiding Officer: Minister, could I ask you to adjust your microphone? It is struggling to pick up what you are saying.

Jenni Minto: I hope that you do not want me to start again.

Jackie Dunbar had a couple of asks. She wants me to write to the UK Government to ask it to make changes or to give us the powers to make changes. I am very happy to do so.

Rona Mackay talked about higher-factor sunscreen coming at a higher price and said that £40 million would be a drop in the ocean if it led to saving lives, which I absolutely agree with.

Sandesh Gulhane explained a very helpful way for us to monitor any moles that we might have by using the A, B, C, D, E approach and I thank him for that.

Carol Mochan mentioned the importance of raising the profile of the issue in the chamber, as well as the TUC and the responsibility of employers. As she said, we can and must do better.

I thank Ash Regan for highlighting the importance of vitamin D. I know a lot of people who suffer from seasonal affective disorder, but we must ensure that we enjoy the sun safely, so I thank her for highlighting the online check that people can do to check the length of time that they can stay out without sunblock on.

As members are aware, cancer remains a national priority for the Scottish Government and across NHS Scotland. We are developing a new ambitious 10-year cancer strategy, which is to launch very shortly. We conducted a public consultation on what its aims and principles should be, and there was general agreement on priority areas, including placing an emphasis on the role of prevention.

The new strategy will take a comprehensive approach to improving patient pathways, from prevention and diagnosis through to treatment and post-treatment care. Its vision will be supported by a three-year action plan.

As has been said during the debate, we know that the earlier cancer is diagnosed, the easier it is to treat. That is why the Scottish Government is committed to raising awareness of all forms of cancer, including melanoma, through our detect cancer earlier programme, which we continue to invest in. Members might spot the "early bird" posters across Scotland, as well as short videos, which I ask members to share on their social media if they have not already.

Work to develop a new earlier cancer diagnosis vision in Scotland that will outline the future of the detect cancer early programme is nearing completion. The vision will form part of the new cancer strategy. The programme helps to ensure that those with suspected symptoms of cancer are put on the right pathway at the right time. Our aim is to reduce later-stage disease so that cancer, when detected, is more likely to be curable.

We know that melanoma is often detected early and contributes to its high five-year survival rate of more than 90 per cent. We hope to continue that trend. However, the ideal is to prevent cancers in

the first place. That is possible only for some types of cancer, but reducing risk factors to help to prevent cancer is one of our new ambitions.

As the motion recognises, the risk of both melanoma and non-melanoma skin cancers are increased by exposure to ultraviolet or UV radiation—both natural sunlight and tanning lights. As Carol Mochan said, the Parliament introduced legislation to prohibit the use of sunbeds by those under 18 years old, including a requirement for proof of age. Secondly, the Public Health etc (Scotland) Act 2008 states that written health information must be provided to any person before using a sunbed. Thirdly, it prescribes the content and form of notices to be displayed in sunbed premises.

I encourage anyone who is considering using a sunbed to consider its implications and the higher risk of skin cancer that it produces, especially among those under 25 years of age.

As Ash Regan talked about, when enjoying the outdoors, the best way to enjoy the sun safely and protect one's skin is to use shade, clothing and sunscreen. Sunscreen does not protect completely from sun damage on its own; however, it can be useful for taking care of the parts of skin not under shade or cover. It is important to highlight the importance of using a sunscreen with at least SPF15, if not higher, and with four or five stars.

As members have said during the debate, the power to set VAT rates remains reserved to the UK Government. I echo my colleagues' call on the UK Government to remove VAT on sunscreens with a sun protection factor of at least 30 and those with at least a four-star UVA protection rating. As I said, as a result of this debate, I will write to the UK Government.

As Amy Callaghan stated in Westminster in February this year,

"Removing VAT from sunscreen is not a radical idea; in fact, when asked, most people are surprised, if not shocked, that VAT is charged on sunscreen."—[*Official Report, House of Commons*, 9 February 2023; Vol 727, c 399WH.]

I believe that this simple but necessary act is one of common sense, which emphasises to the public, as Ms Callaghan has said, the importance of using sunscreen as a sun safety measure.

I thank again those who have spoken in support of our fight against cancer. I reiterate to members and those watching the debate the Scottish Government's enduring commitment to reducing the burden of cancer in Scotland through a wide range of actions, from preventing the onset of cancer and detecting it earlier to strengthening our treatment options and providing wider, supportive care.

The Deputy Presiding Officer: Thank you, minister. That concludes the debate.

Meeting closed at 17:49.

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