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Thursday 22 June 2023

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Scottish Parliament

Thursday 22 June 2023

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

General Question Time

The Presiding Officer (Alison Johnstone): Good morning. The first item of business is general question time.

Question 1 was not lodged.

Public Money (Transparency)

2. Douglas Lumsden (North East Scotland) (Con): To ask the Scottish Government what measures it has in place to ensure that there is full transparency when it comes to the use of public money. (S6O-02417)

The Minister for Community Wealth and Public Finance (Tom Arthur): The Scottish Government is committed to a transparent Scottish budget and has robust controls in place for approving financial expenditure and investment. We comply with all Scottish Parliament and Audit Scotland financial auditing and reporting requirements, having provided unqualified accounts since 2007, and work with Parliament and its committees to improve budgets. The Scottish budget and any end year revisions are scrutinised by the Parliament, with a minimum of two budget updates being published each year. To support improved transparency, significantly enhanced budget revision information is now provided to assist the Finance and Public Administration Committee.

Douglas Lumsden: We have seen huge amounts of public money flow from the Government to the Scottish National Investment Bank and then invested by it. Some of that, as we learned at yesterday's meeting of the Economy and Fair Work Committee, is now lost.

When the legislation establishing the bank was passed, it mandated that ministers establish an advisory group to oversee the bank's objectives, conduct and performance. Was that group ever created? If not, why not? If it has not been created, is the bank operating illegally?

Tom Arthur: First, I want to recognise the excellent work that the Scottish National Investment Bank has been undertaking since its establishment in supporting a range of businesses and economic activity right across Scotland.

Of course, like all public bodies, the Scottish Government is committed to the highest

standards. I am happy to come back to the member in writing on the specific points that he raises. However, as I say, we are committed to high standards of transparency in all matters pertaining to the use of public money.

Stuart McMillan (Greenock and Inverclyde) (SNP): Does the minister agree that it really is farcical for a member of the Conservative Party to stand up in any chamber in these islands and ask about transparency relating to the use of public money when that member's London bosses wasted billions during the Covid pandemic and hand out peerages in return for donations?

Tom Arthur: Mr McMillan makes an important point. Fundamentally, the issue with the Conservatives—this is unsurprising—is a complete lack of self-awareness. However, if one is a member of a party that has inflicted austerity on so many people, that inflicts the rape clause on so many people and that applies an appalling policy towards migrants in small boats, then perhaps a lack of self-awareness and a detachment from reality is the only way that one can live with oneself.

The Presiding Officer: Before I take the next question, I say to the member who has just asked a question that he should in future bear in mind the need for questions to relate to matters for which the Scottish Government has general responsibility.

Jackie Baillie (Dumbarton) (Lab): The truth is that both Governments operate on the basis of appearing to be secretive and lacking in transparency. Papers from NHS Highland suggest that there is a projected overspend of £1 billion in the Scottish Government's health budget, but ministers remain in a state of denial. The lack of transparency makes it difficult to follow that movement of money. So, will the minister publish a detailed financial explanation of how those pressures have arisen and what action will be taken?

Tom Arthur: I sat in Parliament last week and reported on the provisional outturn; I have appeared on numerous occasions before the Finance and Public Administration Committee on budget-revision matters; and we publish full consolidated accounts, which have received unqualified audits for every year that we have had an SNP-led Government in Scotland. We provide an abundance of information to ensure the utmost transparency on matters of public finance. Of course, as I have said previously, I am committed to continued engagement with the Finance and Public Administration Committee, and any member who happens to be interested in these matters, to ensure that we can improve and enhance the transparency of public finances in Scotland.

Police Scotland (Visual Recorded Interviews Pilot)

3. Ash Regan (Edinburgh Eastern) (SNP): To ask the Scottish Government whether it will provide an update on the visual recorded interviews pilot, which involves Police Scotland recording the witness statements of adult and 16 and 17-year-old complainants involving allegations of rape and attempted rape, including any learning from the cases involved as they progressed through the courts. (S6O-02418)

The Minister for Victims and Community Safety (Siobhian Brown): The two-year pilot that was funded by the Scottish Government concluded in May 2022. The aim of the pilot was for the Crown Office and Procurator Fiscal Service to use the interviews as a complainer's evidence, where appropriate, should the case proceed to trial and to make an associated application to facilitate the cross-examination of the complainer by means of an evidence by commissioner hearing. We are carrying out an interim review of the pilot. When sufficient numbers of cases involved in the pilot progress to trial, we will complete a full and meaningful evaluation.

Ash Regan: I think that everyone would agree that there are very clear benefits to complainants in not being retraumatised by the continual retelling of their story over and over again. For those who might be interested in the issue, that is illustrated very well by the television true crime series "Unbelievable", which shows the compassionate and not-so-compassionate treatment of victims of such crimes.

That type of video-recorded evidence is now standard in many other jurisdictions, and I am pleased that the minister said that there will be an interim report on progress. I am keen to know what the timetable for the interim report is and what progress there is on the potential roll-out of the policy across the rest of the country, as it is a key part of improving evidence gathering and lessening the impact on victims.

Siobhian Brown: I am in complete agreement with Ash Regan. As only a small number of cases have progressed to trial to date, it is too early for an evaluation to make a meaningful assessment. It has therefore been agreed that justice analytical services will undertake an interim review of the pilot. Although the pilot has formally concluded, VRI still operates in the areas that form part of the pilot approach, with training continuing to be rolled out by Police Scotland. An internal evaluation of the pilot has been undertaken, and it will be signed off once the assessment has been completed by COPFS. I will get back to Ash Regan on the timescales.

Rights Respecting Schools Awards (Support in 2023-24)

4. Martin Whitfield (South Scotland) (Lab): To ask the Scottish Government what support it will give in the academic year 2023-24 for the rights respecting schools awards programme. (S6O-02419)

The Minister for Children, Young People and Keeping the Promise (Natalie Don): In May 2022, the Scottish Government awarded UNICEF UK a three-year grant to offer its rights respecting schools award to all state primary, secondary and special education needs schools in Scotland. During that period, the costs of participating in the programme are met at a national level rather than by individual schools or local authorities. That has removed local financial barriers to participation and secured an offer for all schools, with significant public sector efficiency savings. In the 2023-24 financial year, UNICEF UK will receive £300,000 from the Scottish Government for that purpose.

Martin Whitfield: The scheme has reached out to 57 per cent of schools, 563 of our institutions have silver or gold stage awards, and registration will remain free until March 2025. However, some of the lesson plans and equipment that are needed come at a cost of £175 or more, and those costs need to be met by the schools themselves. A child in Scotland understanding their rights is fundamental to their understanding their place here. Does the minister agree that the learning of those rights is somewhat challenged by the position with regard to the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill, in that children are unable to pursue some of their rights? When will we see a change in that?

Natalie Don: My colleagues and I have affirmed our commitment to the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill on multiple occasions. The delay to that bill need not and should not prevent schools from building a rights respecting culture.

As well as the rights respecting schools awards, we are aware of other great practices under way in schools, including through the dignity in school programme, which is delivered by the Children's Parliament. Education Scotland has also developed a professional learning module that aims to raise awareness and develops knowledge and understanding of the United Nations Convention on the Rights of the Child. It helps establishments to self-evaluate their practice in light of the UNCRC and supports improvement planning in them.

Childminding Development Officers

5. Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): To ask the Scottish Government what its position is on whether childminding development officers have a significant role to play in supporting and assisting childminders in their professional development. (S6O-02420)

The Minister for Children, Young People and Keeping the Promise (Natalie Don): The Scottish Government recognises and values the unique role that childminders play in delivering early learning and childcare to families across Scotland and is of course keen to see our childminders supported in their professional capacity. I am therefore supportive of any additional support and assistance that is made available to our ELC professionals at local levels to aid their professional development.

Christine Grahame: I thank the minister for her answer and I share her views on the valuable contribution of childminders.

I refer to written answer S6W-19156, dated 21 June this year, which advises that the Scottish Borders have a childminding development officer contracted through the Scottish Childminding Association to Scottish Borders Council. Unfortunately, local childminders have advised me that the position is not to be renewed and that causes them and me concern. Does the minister agree?

Natalie Don: As the childminding development officers or SCMA employees are contracted to work with local authorities, any employment or contracting decisions regarding those roles would be a matter for the relevant local authority and the SCMA to determine. However, childminders are a hugely valued part of our ELC sector and I encourage local authorities, as commissioners of services, to continuously consider what support is available for them at the local level.

For its part, the Scottish Government is working closely with the SCMA to promote childminding. We have supported a successful childminder recruitment pilot, which aims to recruit and train 100 new childminders in remote and rural communities, with a second phase now trialling the recruitment model in urban communities. We are also piloting activity with the SCMA across six local authorities to support childminders with streamlining, thereby reducing the administrative burdens that are associated with their practice, and we will continue to work with sector representatives.

Meghan Gallacher (Central Scotland) (Con): The problem is not with professional development but with encouraging people to enter and stay in the childcare profession. The Scottish

Childminding Association said that 34 per cent of childminders had quit since funding was increased for early education and childcare in 2016. That figure is expected to rise to 64 per cent by 2026. I know that the minister shares my passion for early years learning, so will she update Parliament on any progress that her Government has made to tackle those worrying statistics?

Natalie Don: The Scottish Government is working to increase the number of childminders who are operating across Scotland. That work includes supporting the innovative SCMA-led Scottish rural childminding partnership recruitment model and its extension into urban areas. The pilot makes a package of fully funded support and training available to successful applicants, providing everything that is needed to establish a new childminding business from home.

As I have said, childminders are a hugely valuable part of our ELC sector, not only because of their involvement in funded ELC, but because they have a vital role to play as we deliver our programme for government commitments to extend funded early learning and build that system of school-age childcare. We will continue to work with the SCMA, other sector representatives and statutory bodies to address the issues that affect recruitment and retention, including by reducing administrative burdens.

Craig Hoy (South Scotland) (Con): The loss of funding for the SCMA childminding support officer in the Scottish Borders is deeply regrettable, but is it not also an example of Scottish National Party council cuts? Will the minister therefore now agree to look again at the support that the Government gives councils to discharge their 1,140 hours plan through childminding and nursery provision?

Natalie Don: I think that I have been clear about my support for childminders who, as I have said, are a hugely valuable part of our ELC sector. I am always happy to consider any proposals that would aid the delivery of the Scottish Government's policy on early learning and childcare. However, the posts that the member has referred to support delivery in local areas and I want to see local authorities, as commissioners of services, consider priority in their areas in the first instance.

The Presiding Officer: Question 6 was not lodged.

Employee-owned and Co-operative Businesses

7. Claire Baker (Mid Scotland and Fife) (Lab): To ask the Scottish Government how it is promoting and encouraging an increase in employee-owned and co-operative models of

businesses as part of the shift to a wellbeing economy. (S6O-02422)

The Cabinet Secretary for Wellbeing Economy, Fair Work and Energy (Neil Gray): I must first declare an interest as a Co-operative member.

As we approach tomorrow's employee ownership day, I thank Claire Baker for highlighting the importance of Scotland's thriving co-operative and employee-owned businesses. Co-operative and inclusive business models play a critical role in economic recovery by supporting the Scottish Government's aim of creating a fairer, stronger and more democratic wellbeing economy.

Co-operative Development Scotland, funded through Scottish Enterprise, continues to work to raise awareness of the value of co-operative and employee ownership models and provides specialist advice and support to businesses and community groups that want to adopt those models.

Claire Baker: In March 2022, there were 195 employee-owned businesses operating in Scotland compared with around 100 in 2018. At that pace, it will take at least another 12 years to meet the target of 500, rather than the seven years that the Government has left to meet the 2030 deadline. Can the cabinet secretary provide an update on the review of how to significantly increase employee-owned businesses, which the Government committed to in its programme for government, and what related action will take place this year to kickstart the significant increase that we all want to see?

Neil Gray: I am happy to provide an update. As we set out in the national strategy for economic transformation and in the programme for government 2022-23, which Claire Baker refers to, a review will be conducted on how to support Scotland's social enterprise co-operative and employee-owned business sectors to grow. The review will commence this autumn. An initial pre-review stakeholder discussion will be held this month. That initial meeting will be chaired by my colleague, the Minister for Community Wealth and Public Finance.

Ivan McKee (Glasgow Provan) (SNP): As the cabinet secretary has rightly identified, tomorrow is employee ownership day, when thousands of employee-owners, employee-owned businesses and supporters of employee ownership from across Scotland and the United Kingdom come together to raise awareness of the benefits and impact of employee-owned businesses. I have been delighted this week to host an exhibition by Scotland for Employee Ownership, Co-operative Development Scotland, Scottish Enterprise and the Employee Ownership Association in the

garden lobby of the Parliament and I would commend the stand to members. What is the Scottish Government doing to celebrate and promote employee ownership day?

Neil Gray: I thank Ivan McKee for supporting this week's exhibition and the work that he did in his previous role to support the sector. I join him in commending the exhibition to all members.

The Minister for Community Wealth and Public Finance, Tom Arthur, as co-chair of Scotland for Employee Ownership, met fellow board members yesterday, including the Employee Ownership Association. As well as supporting this week's exhibition, the board discussed plans for further events later in the year.

Food Waste

8. Maurice Golden (North East Scotland) (Con): To ask the Scottish Government what assessment it has made of whether its target for a one third reduction in food waste by 2025 will be met. (S6O-02423)

The Minister for Energy (Gillian Martin): The Scottish Government's commitment to reduce food waste will deliver waste reduction while maximising carbon savings.

Based on robust waste compositional analysis, we aim to publish an estimate on food waste levels in Scotland in the coming months. That will help to inform our understanding of progress against our 2025 target. It will also inform proposals in the upcoming waste route map and refreshed food waste reduction action plan, which are both due for publication this year.

Maurice Golden: I thank the minister for that answer. However, earlier this week, the cabinet secretary was unable to say how much the average food waste reduction has been each year since 2016, when the target was set. It needs to be approximately 33,000 tonnes per year. When setting the target, the Scottish Government would clearly know that. Can the minister—this is a very easy question—actually tell members in the chamber what the figure is today?

Gillian Martin: One of the reports that gives an indication of our achievements in reducing food waste is the Scottish waste from all sources report from the Scottish Environment Protection Agency, which reported that food waste has fallen to record low levels. However, the Scottish Government is committed to improving the consistency of food waste data to better inform our reduction efforts. Members will know that the cyberattack on SEPA in 2020 significantly impacted food waste recycling data collection. Also, obtaining frequent and accurate food waste data takes time and can be expensive, so we are working to secure accurate food waste data through obtaining a waste

compositional analysis, led by Zero Waste Scotland and SEPA. That analysis will inform the food waste reduction action plan review that is due this year.

The Presiding Officer: We will have a brief pause before we move on to the next item of business.

First Minister's Question Time

12:00

Motion of No Confidence

1. Douglas Ross (Highlands and Islands) (Con): This week, the veteran Scottish National Party MSP Fergus Ewing voted against his own Government when he refused to support Humza Yousaf's decision to back Green minister Lorna Slater in a vote of no confidence. There are reports that Humza Yousaf is going to sack Fergus Ewing because of that. Is he going to do that?

The First Minister (Humza Yousaf): I will not go into matters that are for our group, and I will take no lectures on leadership from Douglas Ross—the leader of the Scottish Conservatives who could not muster his own Scottish Tory MPs this week to vote to sanction Boris Johnson—[*Interruption.*] Douglas Ross says that they did, but the soon to be Lord Jack did not. Let us be honest—the leader of the Scottish Conservatives is not Douglas Ross but the Cabinet's man in Scotland, Alister Jack.

Douglas Ross: Let us start with a number of areas. This is a Government issue, because it was a Government vote on a motion of no confidence in a Government minister. Surely, Humza Yousaf can be honest with people across Scotland if he takes it seriously that one of his own MSPs refused to support him.

On the day when farmers and crofters from all over Scotland come to Edinburgh for the start of the Royal Highland Show, the First Minister is reported to be considering sacrificing a former cabinet secretary for rural affairs and one of the longest-serving SNP MSPs for a Green minister who has failed time and time again—[*Interruption.*]

The Presiding Officer: Thank you!

Douglas Ross: Fergus Ewing backed a Scottish Conservative motion of no confidence in the Green minister Lorna Slater because of her dreadful performance in post and especially because of the disastrous handling of the deposit return scheme, which has cost businesses time and money and has completely flopped. For Green support, the First Minister is sacrificing Fergus Ewing—the son of Winnie Ewing, one of the SNP's most famous representatives—[*Interruption.*]

The Presiding Officer: Members, let us have orderly conduct, please.

Douglas Ross: We have gone from, "Stop the world—the SNP wants to get on," to, "Stop the SNP—Fergus Ewing is getting off." Why is the First Minister considering losing a party stalwart,

who is standing up for Scottish businesses, while keeping an incompetent Green minister who has lost businesses' confidence?

The First Minister: I remind Douglas Ross that the Parliament voted to back Lorna Slater and the Government in the vote of no confidence. I will tell members why that was. The Parliament did that because the deposit return scheme was sabotaged—[*Interruption.*]

The Presiding Officer: Excuse me, First Minister—

Craig Hoy (South Scotland) (Con): What are—

The Presiding Officer: Excuse me, Mr Hoy. I ask all members who feel compelled to intervene any time that a member is asking or responding to a question to cease. We will conduct our proceedings in an orderly manner, as is required by our standing orders.

The First Minister: Conservative members do not want to hear this because the blame lies squarely with the United Kingdom Government for sabotaging the deposit return scheme. This Parliament backed the Scottish Government and Lorna Slater in the vote of no confidence because members know that it was the UK Government's 11th-hour intervention that completely torpedoed the scheme.

What have we seen from the UK Government? What have we seen from Douglas Ross? We have seen more flip-flopping from him on the scheme. He stood on not one manifesto but two manifestos to include glass in the scheme, but, when Alister Jack gets involved, Douglas Ross suddenly changes his tune.

How dare Douglas Ross talk about the impact on farmers when it is the hard Brexit that the UK Government imposed that has caused such damage to our farmers up and down the country. Members do not have to take my word for it—they can take NFU Scotland's word for it. Its president, Martin Kennedy, said:

"The Brexit dividend ... certainly hasn't come about at all. And all the things that we were concerned about, the whole reason that we backed remain at the time, they've all come to fruition."—[*Interruption.*]

The Presiding Officer: Members!

The First Minister: If Douglas Ross does not want to listen to me, perhaps he should listen to the farmers of this country.

Douglas Ross: I would love to listen to Humza Yousaf actually give an answer to a question. There are serious questions raised about the conduct of one of his MSPs, who has voted against his Government in a vote of no confidence. If he says that it was the right decision

to back Lorna Slater, what does that say about Fergus Ewing? It looks as though Humza Yousaf, the First Minister who will not suspend Nicola Sturgeon, who is under police investigation, will suspend Fergus Ewing for challenging Green incompetence.

The First Minister has also said that the deal with the Greens is worth its weight in gold, but then he quoted NFU Scotland. So, let me do the same. At 10.50 this morning, from the Royal Highland Show, the National Farmers Union Scotland highlighted its concerns about the nationalist pact with the Greens. It warns—and this is a quotation from NFU president Martin Kennedy—that a

"hardening of the green agenda ... is giving cause for serious concern not only for rural businesses but for the Scottish economy as a whole."

Those are not my words but the words of the NFU president in Scotland. He went on to say that the NFUS doubts very much that solutions to key rural issues will be possible while the Bute house agreement continues. In the week of the Royal Highland Show, Scotland's biggest agricultural event, does that not show that the SNP has abandoned rural Scotland?

The First Minister: The SNP represents most of rural Scotland, so let us leave that to the verdict of the Scottish—[*Interruption.*]

The Presiding Officer: Thank you, members.

The First Minister: We were talking about a recycling scheme a moment ago. Thank goodness that brass can be recycled, because there is plenty of brass neck from Douglas Ross when he talks about the conduct of parliamentarians. For the leader of the Scottish Conservatives to talk about the conduct of parliamentarians after Boris Johnson has just been sanctioned—[*Interruption.*]—this very week shows an incredible level—[*Interruption.*]

The Presiding Officer: First Minister—

The First Minister: —of hypocrisy—

The Presiding Officer: Members, you will be aware of the requirement to conduct yourselves in an orderly manner. I will be grateful if members reflect on how they are behaving at this moment. People have gathered here to listen to questions and responses.

The First Minister: They do not want to listen. Listen to how they bark in defence of Boris Johnson whenever he is mentioned. It is simply a fact that the Conservatives have completely betrayed rural Scotland by imposing a hard Brexit on it. That is why the Conservatives will not back, for example, our sensible plans for a rural visa pilot scheme. That would help our agriculture

community, our sector and our farmers up and down this country, who are suffering because of the hard Brexit that has been imposed by Douglas Ross's Conservatives.

With regard to assisting rural Scotland as best we can, we know that rural Scotland is also suffering the consequences of the Tory cost of living crisis. High energy costs and high inflation have hit agricultural Scotland hard. That is why we provided support for community-led development, including £11.6 million in 2022-23 to more than 300 community-led projects, strengthening the resilience and sustainability of grass-roots rural community groups.

I will continue to show leadership not just of my party but of this country, to protect it from the harm, misery and, frankly, the cruelty of Conservative UK Governments.

Douglas Ross: It is all just deflection and spin from this useless First Minister. Questions about—*[Interruption.]*—Fergus Ewing are answered—

The Presiding Officer: Mr Ross—

Douglas Ross: —with answers about Boris Johnson—

The Presiding Officer: Mr Ross!

Douglas Ross: Questions about—

The Presiding Officer: Mr Ross, let us conduct our business with courtesy and respect.

Douglas Ross: Well, I think that it is perfectly respectful. I think—*[Interruption.]*

The Presiding Officer: Thank you, members.

Douglas Ross: Anyone viewing the three attempted answers by the First Minister will reach the same conclusion as I have. Questions about Fergus Ewing and an SNP MSP are responded to with answers about Boris Johnson, and the First Minister then stands up to quote the president of NFU Scotland, not realising what he said at the Royal Highland Show this morning and the damning assessment of his Government and the SNP-Green coalition Government that was made by Martin Kennedy, from Scotland's farmers and crofters. When the First Minister visits the Royal Highland Show this week, I hope that he will listen to Scotland's farming representatives and what they think about his Government.

It is clearer than ever before that the Green tail is wagging the SNP dog. The extremist Greens in Government seem to be calling an awful lot of the shots of this SNP Government. Their influence is having a damaging effect on every policy area. On the deposit return scheme, they are risking jobs and businesses. On farming, they are risking rural livelihoods. On gender reform, they are risking women's rights. On fishing, they are risking the

very future of the industry. On oil and gas, they are risking Scotland's energy security.

The SNP is so out of touch with mainstream Scotland because it is being dragged that way by the Scottish Greens. Just why is Humza Yousaf, in the words of one of his MSPs, dancing to the tune of an extremist party?

The First Minister: I am being accused of being out of touch by the leader of the third party in Scotland. Of course, when Douglas Ross took over the mantle of leadership, his party was in second place. He has managed to lead it into third place. I am hardly going to take any lectures whatsoever on leadership from Douglas Ross. *[Interruption.]*

Let me talk to—

The Presiding Officer: Excuse me, First Minister.

We will hear the First Minister.

The First Minister: Let me talk to some of the issues that Douglas Ross mentioned. He mentioned the deposit return scheme and the Gender Recognition Reform (Scotland) Bill. Of course, in a number of areas, including those two, the Conservatives have done nothing but allow their colleagues at Westminster to undermine this Parliament and devolution. That is hardly a surprise from the party that opposed the creation of the Scottish Parliament in the first place.

Douglas Ross asks why we are in a co-operation agreement with the Greens. We are in that agreement because I think that people want different political parties—yes, the SNP and the Greens have differences—coming together to work in the national interest. *[Interruption.]* But why else is that co-operation agreement so important? It is because the number 1 issue facing not only Scotland but the entire planet is the climate emergency, which threatens the sustainability of our planet.

Douglas Ross: You failed to meet your targets. You failed.

The Presiding Officer: Mr Ross!

The First Minister: Time and time again, when we bring forward actions to tackle that climate emergency, where are the Conservatives? They oppose every single measure. Why do they oppose every single measure? Because, frankly, they are morphing into climate change deniers.

Labour Energy Mission

2. Anas Sarwar (Glasgow) (Lab): On Monday, Labour launched our mission to make Scotland and the United Kingdom a clean energy superpower. It is an ambitious and far-reaching

plan with four objectives. It will deliver lower bills—[*Interruption.*] Your constituents will get lower bills. It will deliver more jobs and greater energy security, and it will make the UK and Scotland a global climate leader. It is backed up by Great British Energy, a new publicly owned energy company that will be headquartered here in Scotland. Does the First Minister welcome this significant and transformative investment?

The First Minister (Humza Yousaf): I am delighted that Anas Sarwar has been able to clarify Scottish Labour's position, because Labour has had about five different positions on this in about five different weeks.

I often say to Anas Sarwar that he is far more style than substance, so it was good to hear a little bit of substance from Scottish Labour today. The problem is, of course, that the substance was panned by those in the industry, panned by climate change activists, panned by the trade unions and, of course, panned by members of his own party. [*Interruption.*]

The Presiding Officer: Members!

The First Minister: When we finally get Anas Sarwar talking about some substance, he manages to fluff it.

I say to Anas Sarwar very clearly that, when it comes to Scotland's renewable energy, why on earth should the people of Scotland trust a Labour Party that, just a couple of weeks ago, scrapped its £28 billion green prosperity fund? Why on earth should they trust a Labour Party that has been part of successive UK Governments that have taken £350 billion from the north-east?

Anas Sarwar thinks that we should be thankful for the fact that Labour is going to base a little bit of a Government department here in Scotland. I will tell him what the people of Scotland want: they want full powers—[*Interruption.*]

The Presiding Officer: Members!

The First Minister: —over our renewable energy so that it cannot simply be squandered by a UK Government, whether it is Tory or Labour.

Anas Sarwar: Dearie, dearie me—that was a terrible answer from the First Minister. I am not sure whether this is the week that the First Minister should be talking about divisions in a political party.

This is a serious plan and a serious issue but, sadly, we do not have a serious First Minister, because Humza Yousaf cannot even bring himself to welcome these plans. This is billions of investment for Scotland, more jobs for Scotland, lower bills for Scotland and greater energy security for Scotland, but he would rather side with the

Tories and—in his own words—"make life ... difficult for" Labour—[*Interruption.*]

The Presiding Officer: Let us hear Mr Sarwar.

Anas Sarwar: Let us look at what Humza Yousaf is opposing. He talks about substance, so let us look at the substance of what he is opposing: investment to make Scotland a leader in carbon capture and storage, onshore wind, offshore wind and hydrogen; 50,000 clean power jobs in Scotland; 17,000 jobs upgrading homes to make them energy efficient; 1.4 million homes upgraded; 1,000 local power projects, and GBE, a publicly owned energy company for the UK, headquartered here in Scotland. But no—Mr no style, no substance cannot support any of them.

Is the First Minister so blinded by his opposition to a Labour Government that he cannot accept what is good for Scotland?

The First Minister: Of course a GB energy company would be based in Scotland, because we have the majority of the renewables and natural resources here.

Anas Sarwar says that we should be thanking our London masters for the crumbs off the table—well, forgive me if I have far more ambition for our country than this leader of the Scottish Labour Party.

Anas Sarwar—[*Interruption.*]

The Presiding Officer: Thank you!

The First Minister: Anas Sarwar says that he does not want to hear from me. I will tell him my thoughts clearly, but let us listen to what Barney Crockett, the former Labour leader of Aberdeen City Council, who quit following Labour's green energy plan, said. He stated that Anas Sarwar should listen—[*Interruption.*]

Anas Sarwar asks whether we are siding with him. I am quoting a Labour councillor, for goodness' sake, so why does Anas Sarwar not listen to what Barney Crockett had to say? He said:

"Margaret Thatcher never delivered a more brutal put down of an industry than that delivered by Keir Starmer in Edinburgh"—

Members: Oh!

The First Minister: Oh, there is more to come.

Barney Crockett went on to say:

"Moreover, he avoided answering any direct question about Aberdeen. Rather, he deflected to Anas Sarwar who made no specific response about the city",

because, not for the first time, Anas Sarwar and the Scottish Labour Party are prepared to completely abandon every single worker in the north-east.

We simply will not do that. When it comes to a just transition, we have put our money where our mouth is: a £500 million just transition fund. Scottish Labour will put the workers of the north-east on the scrap heap, and we will not be prepared to do that.

The Presiding Officer: I call Anas Sarwar. Mr Sarwar, I would be grateful if you could avoid the use of nicknames in future questions.

Anas Sarwar: Presiding Officer, I was responding to a criticism that the First Minister made of me—I was not using any nicknames to the First Minister—[*Interruption.*] I was clarifying that I was not using any nicknames.

It is really important to say that these plans will ensure that we do not make the same mistakes that Margaret Thatcher made, and the sleepwalking by this Government is what would repeat those mistakes.

This Scottish National Party Government has had 16 years to deliver for Scotland, and it has failed. In 2017, the SNP promised a public energy company—and then scrapped it. Alex Salmond told us that Scotland would be the “Saudi Arabia of renewables”. The SNP promised 130,000 green jobs, and failed to deliver. Nicola Sturgeon could have taken a public stake in ScotWind, but she chose to sell it off on the cheap.

After 16 years of the SNP in government, people across our country are looking for action, and Labour has a plan for more jobs, lower bills, greater energy security and climate leadership.

There is going to be a global leader in the clean energy revolution. The difference is that Keir Starmer and I believe that that global leader will be Scotland and the UK. Why do Humza Yousaf and the Tories not believe that?

The First Minister: I remind Labour—because it seems that Anas Sarwar does not know—what its policy is. Time and again, UK Labour politicians have said that they want to use Scotland’s natural resources to give a council tax freeze to people in England. Once again, Anas Sarwar and the UK Labour Party view our north-east as a cash cow; they want to take money from the north-east in order to be able to fund a council tax freeze for the rest of the UK.

The difference between Anas Sarwar and me is that I want to keep the profit that is made and invest it in communities here in Scotland while he wants to squander it, as successive UK Governments have continued to do. When it comes to investing in our renewables and our north-east, how on earth does Anas Sarwar square that with the fact that his party has just dumped its £28 billion flagship green prosperity fund? [*Interruption.*]

Anas Sarwar does not want to hear from me and he does not want to hear from his own councillor—somebody who was a Labour councillor before quitting the party in protest at Anas Sarwar’s plans—so why does he not listen to the trade union movement? The GMB union’s Gary Smith has warned of the dangers of “cliff-edge policies” for North Sea oil and gas. [*Interruption.*] I will quote him directly: he said:

“The inconvenient truth for some is that the UK is still going to need oil and gas until 2050 and ... beyond, and a ban on new licences ignores this reality”.

The Presiding Officer: Members!

The First Minister: Let me say to Anas Sarwar, to end on a point of consensus, that neither he nor I see the future of Scotland being in unlimited extraction of oil and gas. The difference between Anas Sarwar and me is that he believes that turning off the taps today will be good for the north-east and good for Scotland, while I believe in a just transition that means that we will not leave a single worker in the north-east on the scrap heap. It is a shame that UK Labour does not feel the same way.

Climate Emergency (Leadership)

3. Mark Ruskell (Mid Scotland and Fife) (Green): To ask the First Minister how the Scottish Government will recommit to the leadership needed to tackle the climate emergency. (S6F-02266)

The First Minister (Humza Yousaf): This Government absolutely will lead on that. As set out in the policy prospectus, I am absolutely committed to tackling the climate emergency, urgently and fairly. This week, we published our response to the United Kingdom Climate Change Committee’s annual report, accepting 98 of its 99 recommendations, with the other one being on a fully reserved matter.

Although it is, of course, disappointing that we have missed the 2021 greenhouse gas emission targets, so narrowly, that demonstrates that we are not far behind where those world-leading targets dictate that we should be. Our draft climate change plan, which will be published in November this year, will lay out how we will reduce emissions to meet future targets.

We will also deepen our global leadership on international climate justice, pushing for bold action across the world, advocating the human rights of those most impacted by climate change and supporting vulnerable communities through our climate justice fund.

Mark Ruskell: I thank the First Minister for that considered answer. There is, of course, a consensus for deeper and more far-reaching

action on the climate emergency. Scientists, campaigners and communities on the front line are demanding it, and the public mood is shifting. Most MSPs in the chamber—apart, of course, from the extremist and increasingly climate-denying Tories—know what must be done yet, too often, when action is proposed it gets drowned out by naysayers, defenders of business as usual and those who are content with watching the planet burn. Time is running out, so will the First Minister commit to a climate conversation later this year—[*Interruption.*]

The Presiding Officer: Let us hear Mr Ruskell.

Mark Ruskell: —bringing together those focused on action to speed up the journey to a greener, fairer future?

The First Minister: We are committed to doing more than that. I am more than happy to take away consideration of the idea of a climate conversation or convention to bring together the appropriate stakeholders, because we know that, for the good of our planet, we have to go faster and put more urgency and pace behind the action that we are taking. That is why the Scottish Government has an enviable track record on making sure that we invest in our just transition and why we have an enviable record when it comes to ensuring that we unleash the potential of the green economy.

Mark Ruskell is absolutely right that, every time the Scottish Government brings forward proposals to tackle the climate emergency, there are far too many—across the chamber but particularly in the Conservative Party—who oppose our actions time and time again. We will continue with our commitment to that just transition to net zero and that unwavering £500 million fund, and I am more than happy to commit to a meeting, conversation or convention ahead of COP28—the 28th United Nations climate change conference of the parties—to discuss what more we can do to meet our climate ambitions. However, it is so important that we do not just talk the talk—[*Interruption.*]

The Presiding Officer: Members!

The First Minister: —but that, when the Scottish Government brings forward important interventions, they are not opposed time and time again by the climate-denying Conservative Party.

Sarah Boyack (Lothian) (Lab): Given the cost of living crisis that is hitting both renters and home owners, and the urgent need to decarbonise our homes to meet our climate targets, how many homes will the Scottish Government's funding help to retrofit this year? What lessons have been learned from last year's failure to spend the allocated £133 million on refitting our homes to make them energy efficient and affordable to heat?

The First Minister: I do not have the exact figures to hand, but I am happy for the appropriate minister to write to Sarah Boyack with the detail that she is requesting. It is so important that we reduce the emissions that come from heat in buildings, which is why the new standard was recently published, as we know that around 20 per cent of our emissions come from heat in buildings.

As well as investing in new buildings, we are committed to investing in retrofitting, which is an important issue. Of course, the issue does not just affect Scotland or the rest of the United Kingdom; the whole world will have to look at putting serious investment, both public and private, into retrofitting both residential and non-residential buildings.

We take the retrofitting issue seriously. The member will be aware of our heat in buildings bill, which we will introduce shortly. I ask all political parties to engage in it in the spirit of collaboration, because we know that, when it comes to tackling the climate emergency, we will all have to come together, particularly on issues around heat in buildings, in order to tackle the biggest threat that the planet faces.

Sexual Health Advice

4. Clare Adamson (Motherwell and Wishaw) (SNP): To ask the First Minister what action the Scottish Government is taking to improve access to sexual health advice. (S6F-02259)

The First Minister (Humza Yousaf): Access to sexual health advice and services continues to be one of the Scottish Government's priorities, which is why we are currently revising the sexual health and blood-borne virus framework. Sexual health is also a key priority in our women's health plan, which looks to improve access to contraception services.

The NHS Inform women's health platform is being developed, which provides easy access to information, including on contraception and sexual health. We have ambitious targets to eliminate hepatitis C as a public health threat by March 2025 and to eliminate HIV transmission by 2030. The framework will set out priorities for sexual health and BBV, and we will make an announcement on its publication shortly.

Clare Adamson: According to Public Health Scotland, cases of gonorrhoea were steadily increasing prior to the Covid pandemic but have increased rapidly since the end of 2021 and are now almost 50 per cent higher than in 2019.

Does the First Minister agree that those figures speak to the need to, first, redouble our efforts to encourage people of all ages and at all stages of life to practise safe sex and, secondly, to end the stigma around seeking medical assistance in cases of sexually transmitted infections?

The First Minister: I agree whole-heartedly with Clare Adamson. The emphasis that she puts on people of all ages is really important. Although a lot of outreach work and awareness-raising campaigns on STIs are targeted at young people, they can of course affect people of all ages. We know that, following the pandemic, sexual health services especially have been working hard to try to reduce the backlog in contraception provision and to recover to pre-Covid levels of services.

There are simple and painless tests for gonorrhoea, which can be cured and harm-limited if antibiotics are given at an early stage. To add to my earlier point, Professor Nicola Steedman, who is the deputy chief medical officer, has written to national health service boards to highlight the importance of early diagnosis of gonorrhoea. The Government will do everything that it can to raise awareness of that important issue and to ensure that the campaign is not just targeted towards one specific demographic. Given that people of all ages can be affected by STIs, including gonorrhoea, we will ensure that we take a broad-brush approach in that respect.

Sandesh Gulhane (Glasgow) (Con): As an NHS general practitioner, I see those patients all the time. Unfortunately, they keep coming back to see me to say that they are unable to access sexual health clinics. What would the First Minister say to my patients?

The First Minister: I would just say what I said a moment ago: that backlogs are being worked on. I understand that there might be slightly longer waits than any of us would like, which is why funding is being provided to NHS boards annually through our outcomes framework to deliver on a range of those strategic priorities.

For example, £800,000 of funding will shortly be allocated to projects that support progress to improve sexual health and blood-borne virus outcomes. We have received a large number of high-quality bids and will be confirming the successful ones in the coming weeks. We have also provided £500,000 to support the development of an online STI testing service, which is a pilot project that is currently under way in NHS Lothian.

I am not denying the points that Sandesh Gulhane has made. There are still challenges as we recover all our NHS and social care services following the pandemic. The Government is putting the appropriate and requisite funding in place to try to alleviate the backlogs and ensure that people get the services that they need in a timely manner.

Road Safety and Condition

5. Jamie Greene (West Scotland) (Con): To ask the First Minister whether he will provide an update on whether the Scottish Government is fully committed to improving the safety and condition of all of Scotland's major roads. (S6F-02273)

The First Minister (Humza Yousaf): We are fully committed to improving road safety. As such, we continue to invest in the safety and condition of our motorway and trunk road network. For example, we are currently progressing or have recently completed key improvements on the A9, A96, A92, A90, A77, A737, A720, A83 and A82. Our future investment priorities are set out in the second strategic transport projects review, which was published in December 2022 and has a focus on improving safety, climate change adaptation and resilience of the road network.

It is also worth noting that Scotland's 32 local authorities are responsible for the operation and maintenance of their respective local road network.

Jamie Greene: I thank the First Minister for that update. Rightly, much has been said in the chamber about the dismal progress on improving the A9 and the A96. However, right across Scotland, the reality is that there are far too many roads that are not just crumbling but costing lives, including, in the south and west of Scotland—my area—the A75, A77, A737, A84, A85 and A8, and the M8, which is in permanent gridlock. I could go on and on. Far too many single-carriageway roads are accident hotspots, and, over the past three years, we have, sadly, lost more than 450 lives—each one a tragedy. It should not be a discussion about whether those roads will receive upgrade investment; it should be a conversation about when they will receive upgrade investment.

I have a specific question to ask the First Minister. Are there any major and vital road-building projects or upgrades that were promised and pledged by the Scottish National Party Government that will no longer go ahead as a direct result of the Bute house agreement?

The First Minister: Of course, what makes our job more difficult when it comes to capital infrastructure projects are the continued cuts to our capital budget by the United Kingdom Government over the years. We therefore have a limited pot to invest in capital infrastructure—not just road-building projects but other capital infrastructure projects that are crucial to the people of Scotland up and down the country.

We have a strong record when it comes to investing in our trunk road network. Jamie Greene mentioned a few of the roads that we have invested in. For example, £430 million has gone

into the dualling of the A9, and we are fully committed to ensuring the A9 dualling between Perth and Inverness. Jamie Greene mentioned the A77, and this Government is proud to have invested in the A77 Maybole bypass. He mentioned the A75, on which we have made improvements, and Transport Scotland has submitted an A75 business case to the UK Department for Transport for development funding following its union connectivity review. We are hoping that that will get backing from the Scottish Conservatives and the UK Government.

We have a strong track record of investing in our trunk road network, but that job would be far easier if the UK Government did not continue to cut our capital budget.

Industrial Action (Further and Higher Education)

6. Pam Duncan-Glancy (Glasgow) (Lab): To ask the First Minister how the Scottish Government is responding to the on-going industrial disputes in further and higher education. (S6F-02272)

The First Minister (Humza Yousaf): Although the Scottish Government has no direct role in resolving industrial disputes in the further and higher education sectors, we are clear that we expect trade unions and employers to work together to resolve issues around pay and terms and conditions. The Minister for Higher and Further Education has met college and university employers and trade unions in recent weeks, urging them to engage in constructive and meaningful dialogue in pursuit of a resolution to the disputes.

I recognise that students are being adversely affected by the industrial action, and I expect colleges and universities to have appropriate mitigations in place to minimise disruption, including from the impact of marking and assessment boycotts.

Pam Duncan-Glancy: The chamber might be aware of the news that has broken in the past few minutes that the young man on the Titan submersible is a student in Glasgow. I am sure that all members will join me in sharing our thoughts with him and his family at this unprecedented and difficult time.

I am afraid that the First Minister's answer is unacceptable and is evidence of a further lack of leadership. I and my Labour colleagues support the staff and trade unions and their right to strike, and we stand with them in their decision to do so. We know that it has been one that they have not taken lightly; they have been pushed to the brink.

The First Minister must accept that that industrial action is a result of the Scottish

Government's lack of leadership and complete inaction in the further and higher education sectors, and a consequence of years of real-terms budget cuts that have left staff and students paying the price. Will he intervene and end that inaction, or will he allow students to walk across the stage at their graduation ceremonies with a blank piece of paper?

The First Minister: First and foremost, let me associate myself with Pam Duncan-Glancy's remarks about the young man on the Titan submersible. I was not aware of that news and, of course, my thoughts are with everyone—the families, the loved ones and the communities—who will be affected by it.

With regard to our leadership in the higher and further education sectors, Pam Duncan-Glancy is wrong to characterise the situation by saying that we have not appropriately funded those sectors. Over the past decade, since 2012-13, the college sector's resource budget has increased by more than £168 million, or 33 per cent, in cash terms. In the same timeframe, between 2012-13 and 2019-20, the resource budget of the university sector increased by £23 million. Therefore, we are providing appropriate funding.

Of course, there will always be calls for us to fund those sectors more. As I said when I met trade unions earlier this week—the University and College Union was present—this Government will continue to call for employers to get round the table and enter into meaningful discussions with our trade unions, because we know that industrial action is not wanted by anyone. We know that trade unions do not want to go on strike. Employers are, of course, severely affected but, importantly, the most adverse impact is on our students, so I urge everyone who is involved to get back round the table to ensure that a fair funding settlement is achieved.

On the right to strike, Pam Duncan-Glancy was well off the mark when she said that we do not support that. This Government does support people's right to strike—their right to withdraw labour. It is, of course, Keir Starmer who has told his front bench not to join picket lines up and down the country. I will not say that to any politician. We support any worker, whether they are in higher education or further education, to exercise their right to strike.

Bill Kidd (Glasgow Anniesland) (SNP): It is important to reiterate that universities and colleges are autonomous institutions and that, as the First Minister said, the Scottish Government has no locus to involve itself in internal disputes.

As we know, it is the people who work in the further and higher education institutions across Scotland who have made those institutions a

major international success story. Therefore, it is vitally important that a settlement is based on fair work principles and that the people who run those institutions reach a proper financial settlement, and develop a proper relationship, with the staff as soon as possible.

The First Minister: I could not agree more with that. The whole point of the letter that was sent to the sector by Graeme Dey was to reiterate those very points. That letter, which was sent to all college principals, could not have been stronger on the importance of our commitment to fair work principles.

Bill Kidd is absolutely right. Operational decisions on resourcing and staffing matters are for individual institutions. As ministers, we do not have a direct role in those decisions. However, the fair work principles must be the guiding light when it comes to the settlement of the disputes. I again urge all the employers to engage meaningfully, get round the table and ensure that we get a settlement. That is in the best interests of staff but, more importantly, it is in the best interests of the students who have been affected.

Stephen Kerr (Central Scotland) (Con): What is so terribly disappointing about the way in which the First Minister is answering these questions is that he is using it as an occasion to engage in political knockabout, when we know that the issue is about young people. Regardless of whether we agree with the lecturers, surely the First Minister recognises that these students have had their education disrupted by Covid restrictions and are now being used as collateral in the current dispute.

Therefore, will the First Minister take the opportunity to send a message from the Parliament that young people should not be treated as collateral in the dispute, and that their work should be properly assessed and properly celebrated?

The First Minister: I am happy to reiterate that point, because that is what I said in response to the questions I was asked just a moment ago. Time and time again, when asked about those disputes, I have said that students, young and not so young, are all being impacted and affected.

When I spoke to the trade unions this week, I got the very strong impression, as I often do, that they have taken industrial action only because they see that as a last resort. I do not doubt that for a minute or a second.

It is important that we in this chamber come together and that I, as First Minister, send a very clear message that we expect employers to get back round the table with the trade unions to come to a settlement that is embedded in our fair work principles.

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

Online Harassment (Women)

Rona Mackay (Strathkelvin and Bearsden) (SNP): Last week, I chaired a round-table meeting with media representatives, campaigners and cross-party members on the role of the media in tackling violence against women. We have agreed to meet again, and the First Minister would, of course, be welcome to attend.

In the meantime, what analysis has the Scottish Government done on the impact that gendered online harassment has on women's safety?

The First Minister (Humza Yousaf): I am grateful to Rona Mackay for raising the issue. I record my admiration for her for having done so on many occasions. Other parliamentarians have also, rightly, done so. If Rona Mackay invites me to have another conversation and I am unable to attend, I will ensure that someone else from the Scottish Government does attend.

We all know that abuse and bullying, online and offline, are totally unacceptable. We continue to work closely with the United Kingdom Government and Ofcom to develop proposals for stronger online safety measures to protect children and young people through the UK Government's Online Safety Bill. Rona Mackay will be aware that I have written to the UK Government on the back of the *Daily Record*'s excellent and important campaign about violence in our schools, because I believe that our media companies could do far more in that regard.

The Scottish Government is starting work to consider how we can gather greater analysis regarding online harm, building on the reflections of the women's justice leadership panel.

The Promise (Oversight Board Report)

Roz McCall (Mid Scotland and Fife) (Con): The First Minister will be aware of the publication today of "The Promise Oversight Board: Report TWO June 2023". The report says that, due to the current slow pace of change, the

"Board does not believe that delivering the original aims of Plan 21-24 is realistic by next year"

and that a lot more needs to be done to keep the Promise by 2030.

The board also calls for

"explicit leadership and drive from the Scottish Government ... to articulate a clear set of principles, outcomes and milestones that will guarantee the promise is kept so that Scotland's care experienced young people's life chances are not defined by the fact they have been in care."

What will the First Minister do, right now, to ensure that keeping that Promise remains on track?

The First Minister (Humza Yousaf): That issue is of the utmost importance—not only to me as First Minister, and to the Government that I lead but, I am certain, to every single parliamentarian here. I give an absolute guarantee and a cast-iron commitment to every person who has experienced care, whether they are young or at any other stage in life, that we fully intend to keep the Promise.

The oversight board report that Roz McCall has referred to, which was published today, is a reminder and a wake-up call that we must move with more urgency and pace. That report has now been published and we will give it full and due consideration. It is important to note that the oversight board report says that the 2030 target can be met, but that that will require swift and urgent action.

We have already progressed a range of actions. I am happy to ensure that Natalie Don writes to Roz McCall with details of what we have done. I can also absolutely confirm that we will introduce a Promise bill by the end of this session of Parliament to make any further legislative changes that will be required to keep the Promise.

The Yard (Funding)

Claire Baker (Mid Scotland and Fife) (Lab): The First Minister will be aware of the calls that have been made by my constituent Lawrence Cowan and his four-year-old daughter Eilish for improved funding for disabled children across Scotland. Eilish has a rare genetic condition, and the Yard in Edinburgh is a place where she is celebrated for who she is and is not defined by her disability.

The Scottish Government's decision to freeze funding levels since 2016 means that the Yard's funding has, in effect, reduced from £163 per family to just £39 per family this year. Will the First Minister agree to meet the Yard and its families to discuss how the Scottish Government can work better with them to ensure that no disabled child in Scotland feels alone?

The First Minister (Humza Yousaf): I absolutely agree with the sentiment behind Claire Baker's question. I am happy to look at the case in more detail and I will, of course, ensure that the Government meets the families who have been affected by the issue that Claire Baker raises, given the good work that the Yard does. If she will forgive me, I will look at the detail of the work that is done by the Yard and the funding issues that have been raised, and I will ensure that we engage in the way that she has asked.

I say to Claire Baker that there is much that we have done, particularly through Social Security Scotland, to help people with disabilities, but I take her point—especially given that the cost of living crisis has affected the most vulnerable people in our society harder than it has affected everybody else. There is absolutely more that we can do; I am open to exploring what that is. In relation to the work that the Yard is doing and the issues that have been raised by Eilish and her family, I will ensure that the Scottish Government engages to hear more about that good work.

Ferry Bookings

Beatrice Wishart (Shetland Islands) (LD): My constituents cannot book sailings between Shetland and Aberdeen beyond 30 September because Transport Scotland has not opened up the booking system beyond that date. That appears to be a bureaucratic decision that has little to do with meeting the needs of the people who rely on that lifeline service to the Scottish mainland. It is the third time that islanders have faced a cliff edge for bookings in the past 12 months.

Results from my survey, which had over 1,000 responses, show that 85 per cent of people want to book more than three months in advance. Indeed, Serco NorthLink frequently tells islanders to book early. I have repeatedly been advised that the system will open as soon as possible, but those are hollow-sounding words for my constituents.

Does the First Minister agree that his Glasgow constituents would not put up with such travel restrictions? Can he say why mine should?

The First Minister (Humza Yousaf): Beatrice Wishart raises very important points. I do not think that it is helpful to pit one part of the country against another, because we should all have access to transport services. In the case of Beatrice Wishart's constituents, they are lifeline services, which are so important.

Beatrice Wishart has raised a very important point. There can be technical reasons why booking systems cannot be opened, but I will look into the issue personally and ensure that the Minister for Transport engages with Beatrice Wishart on the issue. If the booking system can be opened earlier, that would clearly be of great help and use to Shetlanders and the island communities. We will see what can be done in that regard. I will ensure that we update Beatrice Wishart as soon as we can.

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

Point of Order

12:47

Liam Kerr (North East Scotland) (Con): On a point of order, Presiding Officer.

In an answer to Anas Sarwar, the First Minister said:

"Of course a GB energy company would be based in Scotland, because we have the majority of the renewables here".

If he was over his brief, he would know that, at the year end 2022, Scotland had 21 per cent of total UK renewables installed capacity and 26 per cent of renewable electricity generated. As he has not corrected the record from the last time I pointed out his error, can you guide him as to how he can rectify his latest gaffe?

The Presiding Officer (Alison Johnstone): Liam Kerr will be aware that the content of members' contributions is not generally a matter for the chair. He will also be aware that a mechanism exists by which members can correct any inaccuracy. Thank you.

I will suspend the meeting briefly to allow the gallery to clear and members to leave the chamber.

12:48

Meeting suspended.

12:50

On resuming—

Deconcentrating Land Ownership

The Deputy Presiding Officer (Liam McArthur): The next item of business is a members' business debate on motion S6M-09174, in the name of Mercedes Villalba, on deconcentrating land ownership. The debate will be concluded without any question being put. I invite members who wish to participate in the debate to press their request-to-speak buttons now or as soon as possible.

Motion debated,

That the Parliament understands that, in 2013, just 432 landowners owned 50% of all Scotland's privately-owned rural land; notes that feudal tenure in Scotland was only formally abolished through the Abolition of Feudal Tenure (Scotland) Act 2000; supports the expansion to community rights to buy under the Community Empowerment (Scotland) Act 2015; understands that continuing concentration of ownership remains a significant barrier to communities exercising their rights; considers that land represents a huge reserve of unearned wealth in Scotland, including in the North East Scotland region; notes the view that there is a need for stronger action to disrupt the concentration of land ownership in Scotland; further notes the view that a clearly defined, legally enforced, public interest test is needed to ensure that land holdings work for the benefit of the people of Scotland, and notes the calls for Scotland's land to be owned by, and managed for the benefit of, Scotland's communities.

12:50

Mercedes Villalba (North East Scotland) (Lab): I begin by thanking all the members who signed my motion, which allowed it to be debated today. It is no surprise that not a single Tory MSP signed the motion, so it will come as no surprise to them that I will not be taking interventions from the landed Tory gentry on those benches.

It could not be a more important time for Parliament to have this debate. The high concentration of so much land in the hands of so few is central to the inequality that has blighted Scotland for centuries. Land, and who owns it, are at the heart of the crises that we face. From food security and climate resilience to housing and energy, land ownership shapes modern Scotland, as it has done for centuries. To tackle those crises, we must tackle the injustice of current land ownership.

Since devolution, there has been much talk about tackling the high concentration of land ownership, but there has been far too little progress. Although Scotland officially abolished feudal tenure in 2000, the system of land tenure is still overwhelmingly feudal in nature. In many communities, the relationship of landholder and tenant remains deeply unequal.

In 2013, it was reported that just 432 landowners own half of all Scotland's privately owned land and, since then, there has been no indication of any significant change, because Scotland's land market is almost completely unregulated. Provided that their bank balance is big enough, anyone can buy whatever land they want with no questions asked. A multibillionaire has become Scotland's largest landowner in around a decade, buying estate after estate with no barriers.

In fact, ownership of Scotland's land is so concentrated that the Scottish Land Commission likens the situation to monopolies in banking, supermarkets and energy, except those industries are all subject to legal regulation to prevent monopolies, whereas land ownership is not. While many of our constituents struggle to cover the basics such as food, housing and energy, a small number of individuals are free to buy up more land than they could possibly ever need, denying the public our fair share. However, it does not have to be this way—inequality is not inevitable. Land is a public good and a precious natural resource, and it can and should serve our common interest.

That is why I am currently consulting on a proposed member's bill to address the centuries-old concentrated pattern of land ownership in Scotland in order to strengthen the regulation of Scotland's land market, subject large landholdings to a public-interest test and, yes, to introduce a presumed limit of 500 hectares on the amount of land that any person can own. The 3,000 hectare limit that the Scottish Government proposes—equivalent to 30 square kilometres—is so vast and would affect so few landowners that it would do little to address the issue.

I am not alone in that view. The Scottish Government's recent consultation analysis found that most respondents who suggested an alternative threshold called for a lower figure. I hope, therefore, that, in responding to today's debate, the minister will update us on the Scottish Government's thinking around that threshold.

More than 20 years after devolution, our landlords still lag far behind those of other European countries when it comes to protecting that public interest. That is why we need a community-informed public interest test—a test that would consider whether it is in the public interest for a landholding to remain at such a large scale, and a test that accounts for the public interest in sustainable food, affordable housing, climate resilience and energy security. For too long, the public interest has been ignored, communities have been sidelined and the environment has been trashed.

The issue of land reform has dogged Scottish politics for decades. We have had years of

discussing and debating, of consulting and reviewing, but now is the time to act. Now is the time to redress the balance. Now is the time to put the public interest first. Now is the time for land justice. So, I urge everyone who hears this to complete the consultation, to share it as widely as possible and to join the movement for land justice. I am proud to move the motion in my name.

12:56

John Mason (Glasgow Shettleston) (SNP): I thank Mercedes Villalba for bringing forward this debate. I was certainly happy to support the motion and I very much agree with its direction of travel. How can it be that so few owners own so much of our land? I accept that large areas of Scotland are not that fertile and have never been great for farming or even forestry, but there are still many fertile parts that used to support people and no longer do so, and I believe that some of them could do so again.

Members might know that I enjoy visiting islands. A few years ago, I visited both Eigg and Muck. There was quite a different feel to those two neighbouring islands, and that is linked to their ownership. There was a clear feeling on Muck that people had to keep in with the landowner, who could decide whether someone lived on the island or not. By contrast, Eigg is community owned and had a much more welcoming and relaxed feel about it.

I visited Ulva about the time when community ownership was being considered. It seemed clear that the previous owner was deliberately clearing the island of people. There was accommodation in Ulva, but it was sitting empty as no one was allowed to move and live there. Thankfully, that has now changed, not least because of the Scottish land fund and ownership by the North West Mull Community Woodland Company.

I strongly believe, too, that there is a moral angle to land ownership, and I would like to refer to some of the Bible's teaching on that, which is perhaps a slightly different angle from others that we will hear in the debate.

First, when the people of Israel entered the promised land after God had delivered them out of Egypt, the land was divided up into tribes, and then families, by Joshua and other leaders at the time. One of the main rules that God gave them in relation to the land was that it could never be permanently transferred outwith that family. Inevitably, as in all societies, some people would become richer and some would become poorer over time, and, as a result, some people might be forced to sell their land out of hardship and necessity. However, every 50 years—the year of jubilee—the land would revert back to the original

family. If someone had been forced to sell their land, or had chosen to do so, that sale was effective only until the next year of jubilee, and the price reflected that, depending on how long there was to go.

Secondly, we have an example of one of the worst kings of Israel, whose name was Ahab. He wanted to get hold of land owned by a guy called Naboth, and Naboth rightly refused to sell, citing God's law. Ahab got Naboth murdered, and then he took over the land. However, he was challenged by Elijah the prophet, and, in due course, he was punished for that, with his dynasty coming to an end.

I accept that we live in a different kind of society nowadays, with most of us in cities, and that most of us are less directly dependent on the land for our food and livelihood. A person can be wealthy nowadays without owning a lot of land. However, there is still a strong link between wealth and land. We cannot disregard lessons on that from history.

A few people owning most of the land is an economic issue, with wealth being concentrated in a few hands. It is also a housing issue if ordinary local people cannot afford a home. It is an agricultural issue if good land is lying empty instead of being used as a farm or a croft. It is also an environmental issue if deforested areas are not being replanted with trees. However, ultimately, for me, it is mainly a moral issue. If some people in our society have more and more while other people have less and less, that is wrong, and we as a Parliament have a duty to do something about it.

13:00

Richard Leonard (Central Scotland) (Lab): There is a lineage that runs through the aristocracy, who own much of the land in Scotland—it is a hereditary principle—but there is a lineage, too, of land reformers. We have our own inheritance. We are the heirs of our tradition, which dates back to the Highland Land League and the Crofters Party of the 19th century; to the Scottish Labour Party, James Keir Hardie, the Independent Labour Party and Tom Johnston in the 20th century; and over the last half century to the committed socialist John McEwen and the first generation of MSPs, notably the late Donald Dewar, and, in more recent times, to Andy Wightman—all attacking the land question from a socialistic viewpoint, even when their party badge was not always red.

It is in light of all of that history of where we have come from that I believe that, Mercedes Villalba, by leading this debate in Parliament today, is reigniting the flame of that radical tradition. That is why I believe that her proposed

member's bill to cap land ownership would extend democratic principles and methods into a realm that they have been excluded from for far too long.

The Minister for Energy and the Environment (Gillian Martin): I always enjoy Mr Leonard's enthusiasm on such issues. Transparency on who owns the land is really important. I am very interested to know what Labour's position is on an amendment to the Charities (Regulation and Administration) (Scotland) Bill that Jeremy Balfour has lodged, which will be debated next week. The amendment would restrict the obligation on churches and religious groups to declare the land that they own. Will Labour support the Scottish Government in voting against that amendment, which would be a retrograde step?

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

Richard Leonard: Thank you.

I am in favour of full transparency, and I am a long-standing supporter of a comprehensive land registry. That is really important. We need to have the facts before us.

Earth was made to be a common treasury. That is what the Levellers said. Land is our most valuable asset, but its value rests on how it is used and, in turn, who owns it and so who controls it, and in whose interests it is controlled.

I have listened to conservative voices asking of Mercedes Villalba's proposed bill: which problem is it trying to solve? Self-evidently, it seeks to tackle the overconcentration of land ownership in the hands of the old privileged aristocracy of Scotland. That is the problem that it is trying to solve: Scotland's hereditary curse. Other conservative voices, echoing Oscar Wilde's definition of a cynic, ask "How much will this cost?", and in so doing, they betray a retreat not only from particular political principles but from the very idea that political principles exist at all.

So, of course the Parliament should be debating the land question. The pattern of land ownership tells us a lot about Scotland. It is a very painful reminder of a very different history compared even to that of our near neighbours. It points to a very different distribution of wealth that is still with us and is emblematic of the great inequality of power that persists in Scotland today: riches in abundance and idleness in luxury on the one hand, and ever-rising, wretched working poverty for the toiling millions on the other. In so doing, it points to a class-based society, to a class system that leads to the excesses of the grouse moors and the degeneracy of the shooting estates, all with the quite intentional consequence of the denial of fundamental democratic and community rights.

That is why this is no time for timidity, why this is a time for socialist courage and a time to defend and put into practice our enduring ideas and our unflinching principles that speak to us across the centuries. This is about democracy and, down the years, the fight for democracy has always been about converting privileges into rights. This is about justice, about taking on absentee landlordism and challenging local land monopolies, whether the land is owned by ancient lairds or the new offshore corporations. We cannot have a serious and meaningful agenda for social, economic and environmental reform that does not include land reform.

Finally, I tell you that the questions of power and power relations are not theoretical and abstract; they are part of the everyday experience of a people and their class. The current rigged system of land ownership in Scotland smells strongly of decay. The time has come for it to be swept away. It is time for radical, decisive change.

13:06

Brian Whittle (South Scotland) (Con): Wow. I thank Mercedes Villalba for bringing the motion to the chamber. I would like to bring a little bit of reality to the debate.

Land reform is one of the Scottish Parliament's favourite subjects. We only have to look at how much legislation we have passed on it in the 24 years since devolution compared to what was passed in the previous 200 or so years to know that. Most, if not all, of what we have done has been for the better, including strengthening land management regulations, protecting the environment and giving crofters, tenant farmers and communities greater rights. More recently, as Ms Villalba's motion highlights, the focus in land reform has been shifting and I am concerned that, as that focus shifts, it also blurs the lines between evidence-based policy and policy that, as we have just heard, has as its first intention the application of a particular political ideology.

In looking at this, or at any other issue, I am first minded to ask what is the problem that we are trying to solve. Mercedes Villalba and other members might answer that by citing examples of poor environmental management by large landowners or a conflict between a large landowner and a community, and use that as justification for arguing that big landowners equal bad landowners. I disagree.

The motion that we are debating today opens with one of the selection of statistics that is often trotted out to somehow symbolise inequality:

"in 2013, just 432 landowners owned 50% of all Scotland's privately-owned rural land".

It goes on:

"notes that feudal tenure in Scotland was only formally abolished through the Abolition of Feudal Tenure (Scotland) Act 2000".

I have to say that my immediate response to those points is, "So what?" I am far from convinced that most people are at all bothered by the first point, never mind perceiving it as a burning injustice. Moreover, it is a statistic of little value as I doubt that even Mercedes Villalba could tell me what number of landowners would be acceptable to her in that context.

Similarly, feudal tenure was not about knights and serfs. It was a legal means by which conditions could be attached to the sale of land and enforced, and as she points out, it was abolished more than 20 years ago.

John Mason: Does the member think that land is just a commodity like milk, butter, cheese or anything else and that anyone can just buy any amount of it?

Brian Whittle: Does the member own a house? What level of land ownership are we talking about? We are talking about 500 hectares but I do not think that that is the endgame. If we all own a bit of land, how we use that land is important; I will talk about that a bit later.

Given some of the proposals in Ms Villalba's member's bill, I am surprised that she is not more familiar with the legislation as she is proposing to empower the Scottish Land Commission with similar powers. Why does Mercedes Villalba propose a 500-hectare limit on the ownership or transfer of land in her consultation and then, the next day, ask a parliamentary question about the number of transfers of that scale? Does she always do her research after her proposals?

I should be clear here, Deputy Presiding Officer, that I am not saying that I or the Scottish Conservatives have any fundamental opposition to giving more people in communities the opportunity to take ownership of land. Large-scale landowners can, like any landowner, fail to live up to what is expected of them.

However, what this motion and Mercedes Villalba's bill both fail to do is to recognise the considerable efforts being made by what she would define as large-scale landowners, whether that is in agriculture, nature restoration, tree-planting or improving biodiversity. Such landowners are making a substantial contribution to both their local economies and our environment, with the added benefit that they are able to carry out these activities at scale from day 1. If the member and the Scottish Government are intent on the deconcentration of land ownership, they need to be a lot clearer on why they are doing it. If they believe that the simple act of deconcentration is the solution, they have wilfully or otherwise

misunderstood the problem. Deconcentration is no guarantee of success. Community bodies regularly fail to meet the objectives; nor are they necessarily the best entity to manage land interests. What happens if they secure land and they cannot deliver on their aims? How fragmented can we make land ownership in a given area before we hold back the economy and limit the ability to implement environmental actions at scale?

Ultimately, Mercedes Villalba's motion suffers from the same issue as her proposed bill—it fails to explain what the specific problems are and how simply breaking landholding will help.

Mercedes Villalba: Will the member take an intervention?

The Deputy Presiding Officer: The member is just winding up.

Brian Whittle: Thank you, Deputy Presiding Officer—and if Mercedes Villalba wanted to make an intervention, she should have allowed one from me.

If this Parliament is serious about further land reform that actually makes a difference, we should be spending far more time talking about how we improve its management, regardless of the size of ownership.

In closing, I come back to where I started: what is the problem that we are trying to solve? If the central problem is that large landowning offends certain people's politics, it is the wrong problem.

The Deputy Presiding Officer: I call Mr Sweeney.

13:11

Paul Sweeney (Glasgow) (Lab): It is a pleasure to rise—[*Interruption.*]

The Deputy Presiding Officer: Mr Sweeney, could you resume your seat for a second? Mr Whittle.

Brian Whittle: Apologies, Deputy Presiding Officer.

The Deputy Presiding Officer: I call Mr Sweeney again.

Paul Sweeney: It is a pleasure to rise in support of my friend Ms Villalba, who is a member for North East Scotland, and her motion for members' business, which was a pleasure to sign, as indeed it was to support her proposed member's bill, which challenges this persistent, invidious and pernicious problem at the heart of Scotland's economy.

The Conservative spokesman asked why we were debating the topic and for what purpose. It actually runs as a thread through every aspect of

public policy in this country. We often come here and debate the inadequacy of the public finances, our incapacity to generate sufficient public resources to address the population's needs and to ensure that everyone can have a good, dignified quality of life.

This is a wealthy country. The question is not the extent of the wealth but its distribution, and at the heart of that is this debate, because the elephant in the room of this country's economy is the concentration of ownership and wealth that is vested in the land of this nation. That is fundamentally at the root of it. So much of our public treasury is derived from taxes that are levied on income that is generated from waged employment and from profits that are generated from economically advantageous and productive activity. What is not levied is the unproductive rent extraction that is rampant across the Scottish economy, and that is something that must be addressed; it has never been addressed in a century, despite repeated attempts.

Indeed, we could go back to 1909, when William Bellinger Northrop drew a polemic map of London with an octopus on it, with the tentacles wrapped around all the different aspects of the land of London owned by the various aristocrats. At that time, over a century ago, the text on the map characterised the octopus as an "absorbent parasite", leaching £20 million of rent out of the common wealth of people at that time. It has extended its grip; it has extended the rent extracted exponentially since that time. It has only ever got worse. The decoupling of the value of wealth vested in land from that in wages has been extraordinary—certainly, over the past 30 years—and it is at the heart of the problem that we face in this country today.

My friend's motion focuses on rural land ownership concentration, but the issue is prevalent in our urban environments, too, where 91 per cent of Scotland's people live. Urban areas account for only 2.3 per cent of Scotland's land, but I will take Glasgow city centre as an example, as I have looked at it recently. Glasgow has 2.3 million square feet of vacant commercial floor space—that is equivalent to the space in the Empire State Building—and it is largely owned by remote owners in tax havens, whose position is opaque. Those owners pay not a penny towards the city's improvement or maintenance, but they extract rents and free ride on business rates not being charged on buildings that are listed and of value to the city's heritage.

Since 2005, Glasgow has pretty consistently had about 5,000 empty homes. Vast amounts of potential are locked away from people by remote ownership and uninterested owners. Since 2019, only 52 compulsory purchase orders have been

issued in Glasgow. The rate of recycling of such properties is insufficient, and I hope that the minister will reflect on the state's capacity to bring such properties back into fundamental public ownership.

On every front, we see an attack on community ownership in Scotland. Community-run housing associations are being railroaded into asset-stripping mergers with large national groups. We need to take cognisance of such things to improve justice in Scotland.

At the heart of the issue is the opportunity to unlock our economic potential by removing the parasitic extraction of wealth through rents and unleashing productive economic activity in every possible facet of human endeavour. That reality has been observed for more than a century; it is at the heart of our politics and it is the reason and the mission behind why, for the benefit of the many, we need to unlock the hoarding of land by a remote few.

13:16

Ariane Burgess (Highlands and Islands) (Green): I congratulate Mercedes Villalba on her proposed member's bill and on securing this important debate, which is on a subject that we share an interest in.

Land ownership matters because it is unjust for a tiny percentage of people to own the majority of Scotland's land and unjust for that tiny percentage to derive all the benefit and power that land ownership brings. It also matters because ownership equals control. Those who own the land decide what it is used for and how it is managed. Decisions over how our land is managed are too important to leave to a tiny minority, given that those decisions affect every one of us.

In this time of climate and nature breakdown, our land—especially our rural land—is a powerful tool that can turn things around, if only we use it better and manage it for the public good, not for private interest and profit.

I welcome the principle of my colleague Mercedes Villalba's proposal to strengthen regulation of the land market. That is urgently needed, given the rush to invest in Scotland's natural capital and the consequential skyrocketing of land prices, which is making it harder and harder for our communities to buy local land, despite increases to the Scottish land fund.

Just days ago, I discussed with the Cabinet Secretary for Rural Affairs, Land Reform and Islands ways to strengthen the regulation of markets in land, carbon and nature and to widen opportunities for community benefit. It is not clear to me why Mercedes Villalba feels the need to

introduce her own land reform bill when the process is well under way for a Government bill to be introduced, as set out in the Bute house agreement, which covers the substantive points that she has raised.

The proposed member's bill uses radical language on limiting the amount of land that one person can own, but it does not propose a cap—it would simply rephrase the language on the trigger for the public interest test, which is in the Government's proposed bill, by referring to a presumed limit. However, if large land transfers passed the public interest test, as some will, her proposal would not apply a limit—presumed or otherwise.

In truth, the proposed member's bill would lower the threshold for the public interest test to 500 hectares. That is an absolutely admirable aim that would apply the test to more of Scotland's land but, unfortunately, it does not appear to be backed up by data or consideration of the impacts.

In early June, my colleague lodged a series of written parliamentary questions indicating that, two days after she had lodged the proposal for her bill, she did not have the figures on the number of landholdings over 500 hectares or on the number of individuals or corporations that own them. My concern is that more groundwork is needed to determine how many additional estates would be subject to the public interest test under the lower threshold, and to weigh the benefit against the disadvantages that would be posed to smaller landholders compared with larger ones, which have more resources, as well as the additional public resource that would be required to administer the test at a lower threshold. The Greens are in discussion with the cabinet secretary on lowering the proposed threshold in the Government bill, and I would encourage the member to do likewise.

The Scottish Greens are helping develop a land reform bill that will be workable, effective and robust against any legal challenge, whether it be from large private landowners who feel a threat to their control, or from an increasingly controlling Westminster Government. We will also continue to make the case for the bill to include truly transformative mechanisms, such as those that would, for example, restore common good lands, as well as improved powers such as compulsory sales orders for public bodies.

I fully agree with the motion's sentiment that

"Scotland's land"

should

"be owned by, and managed for the benefit of, Scotland's communities."

That is what we will achieve through the upcoming Scottish Government land reform bill.

13:21

Carol Mochan (South Scotland) (Lab): I thank my comrade Mercedes Villalba for bringing this debate to the chamber. I know that it is an area of keen interest for the member, and I think that, in her opening remarks, she made an excellent case for change, as others have done. I hope that the Scottish Government will support her efforts.

For me, the final part of the motion is the simplest to understand, as perhaps the member sitting opposite will agree. It is also one of the most important parts. After all,

“Scotland’s land”

should

“be owned by ... managed for the benefit of”

and belong to

“Scotland’s communities.”

The deconcentration of land ownership and redistribution of it to our communities will put people, not profit, at the centre of land ownership.

As has been mentioned and as we know only too well, 98 per cent of Scotland’s land mass is rural, and it is a matter of concern that community land ownership accounts for only around 3 per cent of the total land area. In my South Scotland region, there are vast rural areas, and it is important that, in our efforts to deconcentrate ownership, we deliver for people and our communities. In a country where young people are not inclined to move to urban areas by default, they should be able to start a career locally, in traditional or different sectors, and make their mark in their own home town without feeling that they have to move away. This is about more than land ownership; it is about equality of opportunity and equality of outcomes. It is about equality and fairness, and it is something that we in this Parliament ought to recognise.

It would be remiss of me not to highlight the figures that are outlined in today’s motion and which have been quoted by others. In 2013, 50 per cent of all Scotland’s privately owned rural land was owned by just 432 landowners. We cannot accept that the outcome from such a situation will benefit our communities—it is not acceptable or sustainable. I therefore hope that the minister will be supportive of the proposal in the motion; indeed, I note that some of the comments from the Government so far have indicated that it would support moves in this direction.

I note with interest that, in its own community wealth building consultation paper, the Scottish

Government has made improved community access to and ownership of land and property one of the five pillars in its efforts to make community wealth building in Scotland a success. I, of course, agree with that, and in that respect, I look to the strong Labour councils in Preston and North Ayrshire, where community wealth building has been a success. At every turn, I see investment and trust being placed in our communities and the skills that we know that we have on our doorstep, and I see action being taken that matches the population’s own ambitions. That is why it is important for land to be owned by its people and communities.

I welcome the Scottish Government’s co-operation thus far, but we are far from the finish line. Communities need more investment, and the requirement for legislation that deconcentrates land ownership to the benefit of our population has never been greater, so we need some urgency around that.

I once again thank my colleague Mercedes Villalba for bringing the debate to the chamber, and I thank other members who have spoken in support. It is a consultation, and my friend has been so open in asking for all contributions, so I ask members to please contribute to the consultation process so that we can get this right for our populations and our communities.

We know the challenges faced by our rural communities around fuel poverty, transport links and young people’s understanding of where they see themselves. There are opportunities here for rural areas in particular, so I ask members to support the members’ bill or at least participate in the consultation. I thank members for coming to the chamber.

The Deputy Presiding Officer: I invite Gillian Martin to respond to the debate.

13:25

The Minister for Energy and the Environment (Gillian Martin): I welcome the opportunity to close the debate for the Government, in my capacity as Minister for Energy and the Environment. I am deputising for the cabinet secretary, Mairi Gougeon, who has responsibility for land reform. As members will imagine, she is at the first day of the Royal Highland Show, so she cannot be here, but I am sure that she will be very interested in hearing how the debate has gone.

There is an awful lot in Miss Villalba’s motion that the Scottish Government supports, as we see community ownership at the forefront of land reform. As somebody who took forward a member’s bill in the first eight months in my tenure as an MSP, I have advice aplenty to give to anyone who is embarking on that process. They

should engage fully with as many members on all sides of the chamber as they can, and they should not underestimate the amount of work that is involved.

There was a bit of a heads-up today, in some of contributions in the debate, regarding some of the questions that a bill will pose, not least in the contribution from Ariane Burgess, who was able to point out what the Government's proposed bill might do and where that might fit in with what Miss Villalba wants to do. The contributions have also highlighted some of the challenges to the threshold that has been suggested, which might have unintended consequences. However, that is the beauty of a member's bill: you learn, find out and adapt, you respond to the comments that your parliamentary colleagues make, and—hopefully—you get through the process.

I want to talk about the Land Reform (Scotland) Act 2003, which brought about the first community right to buy. We think that it was truly groundbreaking, and it has allowed so many communities to own land and take control of how it is used.

Brian Whittle said that we have passed an awful lot of land reform legislation in the Parliament's history, but that is really because it has been so sorely needed. An awful lot of work had to be done.

As a constituency MSP who is involved in various campaigns in a rural constituency, one thing that has been said to me when I have been speaking to people is that we need to do more on land reform, in particular on allowing more young people to own their own land if they want to work on the land. That is something that is said to me by a lot of young farmers.

Paul Sweeney: Undoubtedly, the community right to buy abandoned, neglected and detrimental land is a positive thing, but there are so many constraints around organisational capacity in communities, in particular deprived communities, where people are not necessarily able to get together because they are so busy working and trying to make ends meet. In addition, there is an issue with simply trying to raise the capital. Is there a way for us to bolster that capacity by resourcing councils, for example, to do it, with the understanding that they can build up that capacity with communities, rather than leaving it to laissez-faire self-organisation?

Gillian Martin: There are a number of things in place. The Government brought forward the Community Empowerment (Scotland) Act 2015, which introduced the right to buy neglected and detrimental land and extended the right to buy it in urban communities. As I have seen in my constituency, however, the wording in that act

perhaps sometimes does not filter down into local authorities regarding how they approach people who want to apply to buy land and take it off the books of a local authority when it is not being used. I think that an awful lot more can be done at local level.

I highlight the land fund, which has approved more than 300 funding requests and has brought more than 300 hectares into community ownership. John Mason gave us some significant examples of community ownership on Eigg and Ulva, as well as a short divinity lesson, which I very much enjoyed. We are going to put more money into that fund, as the demand and the applications greatly outstrip what is available.

Ms Gougeon recently announced an increase in the fund by a further £100—sorry, a further £1 million; I was about to give the wrong figure there and get myself into trouble—for this year, and we are committing to doubling the fund by £20 million by 2026.

The Government readily acknowledges that there is an awful lot more to do to address the concentration and transparency aspects of land ownership. That is why we propose to introduce a new bill on land reform. I encourage Ms Villalba, and indeed every other member who has spoken in the debate, to engage in that process, notwithstanding any plans for members' bills. Our new bill will build on existing land reform measures, complement the existing community right-to-buy mechanisms and further empower communities by providing them with more opportunities to own land and have more say in how land in their areas is used. That is not something to be feared; being able to have such conversations again should be welcomed. Everyone needs to be involved in those if we are to seek what is right, fair and just.

We seek to further improve transparency of land ownership. I intervened on Richard Leonard's contribution because there are transparency issues regarding other bills that are perhaps being used to make land ownership more opaque. Mr Balfour's amendment to the Charities (Regulation and Administration) (Scotland) Bill stems from good intentions, but it could result in certain organisations being exempt from declaring what they own in Scotland. Surely that is not the way that we want to go. I would welcome members reconsidering the matter and perhaps supporting the Government in opposing that amendment.

Instead of moving back, we should be trying to move forward to the next phase of land reform, as Ms Villalba's motion largely seeks to do. I enjoyed Paul Sweeney's contribution, in which he described the map with an octopus on it. I am sure that he will be well aware of the work done by the group Led By Donkeys, who go around showing

people who owns what in central London. I see a register of controlling interests in land as being like our octopus. I want such a register to be meaningful and comprehensive, so that there will be no secrets there.

We are not content with the status quo. I know that Ms Gougeon will continue to work with stakeholders as we develop the bill. We want to ensure that we introduce a bill that is ambitious and balanced and that will perhaps fill in some of the gaps that past land reform bills did not reach.

Our long-standing land reform objectives for greater diversity of ownership are not incompatible with our net zero and environment ambitions. Carol Mochan's points about diversity, inclusion and equality were well made, and I largely agree with what she said in that regard.

All landowners—whether they be public, private, community or charitable—are capable of working together on access to land. I do not think that anyone has anything to fear. We need to work to make such access easier, especially for local people, who have previously been at a disadvantage in securing land for their livelihoods and their communities.

I encourage all members to get behind the Government's bill proposals, which will help to take our nation forward. I also thank Mercedes Villalba for conducting what we might call a soft launch of her member's bill in today's debate.

13:32

Meeting suspended.

14:00

On resuming—

Presiding Officer's Statement

The Presiding Officer (Alison Johnstone):

We will all be deeply saddened to learn of the passing of Winnie Ewing, who was an inspiring and hugely influential politician: an MSP, an MP and an MEP and, of course, the first person to chair the reconvened Scottish Parliament, in 1999. I know that members will wish to join me in conveying our deepest sympathies to our colleagues Annabelle Ewing and Fergus Ewing and to all Winnie Ewing's family and friends.

I have asked for the flags outside the Parliament to be lowered for today, as a mark of respect.

Portfolio Question Time

Social Justice

14:01

Adult Disability Payments (Delays)

1. Jackie Baillie (Dumbarton) (Lab): Presiding Officer, in the light of your news, I wonder whether I could, on behalf of the Scottish Labour Party, offer our deepest condolences to Fergus and Annabelle Ewing and all members of the family. There is no doubt that Winnie Ewing's contribution to Scotland and this Parliament was immense. I well remember listening to her as the very first person to open and speak in this Parliament.

I will now ask my question.

To ask the Scottish Government for what reason there was a delay of more than 80 days in processing 70 per cent of adult disability payments in April 2023. (S6O-02408)

The Cabinet Secretary for Social Justice (Shirley-Anne Somerville): With your permission, Presiding Officer, I thank Jackie Baillie for her kind words.

Winnie was the first Presiding Officer of this Parliament. She reconvened this Parliament, and much will be said about her role in the SNP and the independence movement. I still have in my office the card that she sent me when I was first elected, and I looked at it before I came down the stairs today—hence, I think, why I am so emotional.

She was a trailblazer for women, particularly in my party, but not just for the SNP. Much will be said about her role in the SNP and the independence movement, as I said, but I hope that, today, the whole Parliament can join me in paying tribute to Winnie. Hers was a life well lived, and her contribution to public life in Scotland is hard for us to measure. On behalf of my party and our members, I pay tribute to Winnie and give our deepest condolences to Fergus, Annabelle, Terry and their families at what is the hardest time for any family, but particularly for those in public life.

I will now answer Jackie Baillie's question.

Fifty three per cent of decisions on ADP were made in less than four months. However, we know that some people are waiting an unacceptably long time for adult disability payments. Urgent and concerted action is being taken to speed the process up, with every step of the application and decision-making process having been examined.

Social Security Scotland will continue to deliver ADP in a different way to the DWP, supporting

people to apply and, where required, collecting supporting information for them. Under the previous system, people had to do that themselves before applying. The agency's focus is also on getting the decision right the first time, and statistics show that that is working, with only 6 per cent of people asking for a redetermination. People can also be assured that all payments are backdated to the date of application.

Jackie Baillie: The average processing time for applications has, in fact, increased every month since the adult disability payment was launched, from 45 working days in September 2022 to 96 working days in April 2023. The Scottish Government promised a fair and more compassionate social security system in Scotland, but people in Scotland are now having to wait even longer than people in the rest of the UK, which I am sure was not the intention. Disabled Scots need that support during a cost of living crisis, so what specifically will the cabinet secretary do to address those delays and deliver the working social security system that we need as a matter of urgency?

Shirley-Anne Somerville: As I said in my initial answer to Jackie Baillie, there are a number of differences between what happens with the DWP system and what happens with Social Security Scotland. The most obvious one is the collection of supporting information, which the agency does on behalf of the client. That is very different from what happens in the DWP and it necessarily takes more time to do.

I reassure Jackie Baillie on the issue. Every aspect is being looked at, all the way from the application form, through the information that goes along with the form to how the decisions are made. We are looking at every part of that process seriously. I will give just some examples of that. There are a number of ways in which we have changed how calls are handled in the agency, staff have been redeployed in a different way, and there have already been changes to application forms, particularly in relation to supporting information.

I say to all members in the chamber that, if they have constituency issues or lessons that can be learned, the Government and the agency stand ready to learn in relation to what is still a new system that we are developing. We are determined to do better than we are doing at the moment on processing times.

Jeremy Balfour (Lothian) (Con): Presiding Officer, the Conservative members also want to pay our respects to Winnie Ewing and associate ourselves with the comments that you made about her. I had the privilege of meeting her on a few occasions. She was a formidable woman but also sought to encourage everyone who wanted to get

involved in public life. Our thoughts and prayers are with her family at this time.

I say to the cabinet secretary that people are experiencing unacceptable delays not just on ADP. The average processing time for funeral support payment was 39 days in March this year. That means that many families are having to wait well over five weeks before they can even start to organise a funeral. Will the cabinet secretary tell members why those delays are happening? Will she commit to investigating ways in which that can be fixed and report back to the Parliament?

Shirley-Anne Somerville: I thank Jeremy Balfour for that important question on funeral support payment. With all aspects of Social Security Scotland's work, there is a great deal of focus on processing times. On funeral support payment, some of the work cannot be completed until the agency has all the information from a client to allow it to process a claim. However, if I can receive further information from Jeremy Balfour in writing, I am more than happy to consider any specific issues—or, with a constituent's permission, specific cases—to see whether more can be done to learn lessons and speed things up where that is at all possible.

Willie Rennie (North East Fife) (LD): I echo others' comments about Winnie Ewing. She was certainly a towering figure. She made quite a mark on Scottish politics and I understand why people feel so emotional about her passing. The Liberal Democrats pass on our sympathies to those people who feel this great loss.

One of my constituents has been waiting since last October. He has a degenerative spine condition and his mobility is declining. Even though his complaint was upheld, he has been allocated only the basic rate for mobility, so he has now asked for a redetermination and the wait is even longer because of that.

The trouble is that expectations were incredibly high after the Government promised so much from the new social security system. In addition to the changes that the cabinet secretary outlined, how will she restore confidence among people who are applying to the system, so that they believe that it is worth it and that they will get their benefits on time?

Shirley-Anne Somerville: I thank Willie Rennie for that question and the discussions that I have had with him previously on particular issues.

Confidence in the system is important. I was up in Dundee, at the Social Security Scotland offices, to talk to staff and clients who had applied for and received the Scottish child payment and child and adult disability payments. They made it clear to me that, as has been shown in the client surveys that the agency has produced recently, there is still a

high degree of confidence in the service that is being provided. People feel that they are believed, trusted and treated with dignity, fairness and respect. That is important. However, we know that there is much to do on the processing times, and I hope that I have given members some reassurance on that.

As I said, a small number of decisions are going to a redetermination. That is a necessary part of the system, and we will, of course, endeavour to ensure that everything is done in the agency to make that process as smooth as possible for people, too.

The Presiding Officer: Question 2 was not lodged.

United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill

3. Alexander Burnett (Aberdeenshire West) (Con): To ask the Scottish Government whether it will provide an update on the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill. (S6O-02410)

The Cabinet Secretary for Social Justice (Shirley-Anne Somerville): I will provide an update to Parliament on the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill before the summer recess, which I am confident will provide stakeholders with sufficient reassurance about progress, the reasons for the time that it has taken to bring the bill back to Parliament, how we propose to amend the bill and our continued commitment to incorporation.

Alexander Burnett: In January, the cabinet secretary said that the Government remains absolutely committed to incorporating the United Nations Convention on the Rights of the Child into Scots law as far as it is possible within devolved competence. However, instead of making that a priority, the Scottish National Party Government has chosen to air its constitutional grievances by embarking on a costly legal battle with the United Kingdom Government to defend its flawed Gender Recognition Reform (Scotland) Bill. Why has this Government chosen to prioritise the GRR bill over the UNCRC bill, and when can the Parliament expect to see a draft of the updated UNCRC bill?

Shirley-Anne Somerville: Well, if Mr Burnett was not simply reading a pre-prepared second question and had listened to what I said, he would know that he will get more information next week.

I know that we have genuine differences on gender recognition, but the first question was about the incorporation of children's rights. Perhaps we could just rise above having a dig about gender recognition and recognise the sheer difficulty that we, as a Parliament, have, in that we

literally have to pick out supporting children's rights because of the devolution set-up; unfortunately, that takes time.

I am very sorry that the member conflates those two issues. They are entirely different and separate, and the Government will report back to Parliament on the issue of the UNCRC bill next week.

Martin Whitfield (South Scotland) (Lab): I thank the cabinet secretary for her response, and I look forward to the statement next week.

Is the Scottish Government confident that its guidance on "Decision-making: children and young people's participation", which was updated on 20 June, has, in particular regarding the UN Committee on the Rights of the Child's general comment 12 on the involvement of young people, manifested itself in the Government's outreach work on the UN Convention on the Rights of the Child so far?

Shirley-Anne Somerville: I hope to be able to say slightly more on that next week, if the member will forgive me, when—with the Parliament's permission—I will bring forward a statement on it. The member raises an important point about how we continue to involve children and young people in the issues. As I said, if the member will forgive me, I will say more on that next week.

Refugees from Ukraine (Supersponsor Scheme)

4. Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): To ask the Scottish Government whether it will provide an update on whether it plans to resume the supersponsor scheme for Ukrainian refugees. (S6O-02411)

The Cabinet Secretary for Social Justice (Shirley-Anne Somerville): Since the war against Ukraine began, more than 24,700 people sponsored by an individual or by the Scottish Government have arrived in the United Kingdom. The decision to pause the scheme was difficult—a surge in applications, combined with pressure on short-term accommodation, meant that it was needed to ensure that we could continue to welcome those already with a visa. A review of that decision against an agreed set of criteria is under way, and Parliament will be updated in due course.

In the meantime, people can apply for a visa with an individual sponsor.

Rachael Hamilton: The Scottish Government seems to have overstretched its capacity and resources with the supersponsor scheme for Ukrainian refugees, leaving many in a perilous position, unsure of where they will live and when the Government's short-term housing may run out

for them. What measures, if any, has the cabinet secretary taken to ensure that every sponsored refugee who is taken in by the Scottish Government will be given long-term housing options as soon as the short-term housing option contracts end, given that the scheme was paused in July last year as a result of a lack of availability of housing?

Shirley-Anne Somerville: I thank the member for the question, but I caution against suggesting that people are in "perilous" positions. The people we are speaking about have come to Scotland under circumstances that we cannot even begin to imagine. That is why it is very important that there is a reassurance that the short-term welcome accommodation is there.

Of course, there is a great deal of work going on around long-term accommodation with the private rented sector and with councils, and a number of councils have taken up the opportunity of using the Scottish Government funding to bring back void and other accommodation back into use for our Ukrainian guests. I would be more than happy to provide further information to the member on that if she wishes.

Refugees from Ukraine (MS Victoria)

5. Ben Macpherson (Edinburgh Northern and Leith) (SNP): To ask the Scottish Government, regarding any implications for refugees from Ukraine, whether it will provide an update on the disembarkation of the MS Victoria, prior to the ship's planned departure from the port of Leith on 11 July 2023. (S6O-02412)

The Cabinet Secretary for Social Justice (Shirley-Anne Somerville): There are matching teams on board the MS Victoria supporting all guests to move on to suitable alternative accommodation before the contract ends on July 11. The teams work closely with guests to encourage them to consider a range of housing options including social housing, private rented sector properties, hosted accommodation or alternative welcome accommodation including hotels.

We remain on course to safely disembark the ship ahead of the end of the contract, with the majority of guests who were resident now having already departed or having plans to disembark in the coming weeks.

Ben Macpherson: I pay tribute to all those involved in that operation and appreciate and welcome the work that is under way by matching teams on board the MS Victoria to provide assistance and to minimise the inevitable disruption by helping guests to transition successfully to new accommodation through a

trauma-informed and person-centred approach, as the cabinet secretary has emphasised.

I would be grateful if the cabinet secretary could also provide an update on on-going discussion between the Scottish Government and the private rented sector on helping to remove any remaining barriers to access to suitable accommodation for my constituents, especially regarding the cost of deposits for secure tenancies.

Shirley-Anne Somerville: I thank Ben Macpherson for that question and pay tribute to the work that he and Deidre Brock MP have done to support their newest constituents while they have been in Leith.

In addition to providing £1.72 million in grant funding to bring 100 properties in the city back into use, we are working with the Convention of Scottish Local Authorities and local authorities to consider whether we can bolster existing local authority support packages that help people with the cost of deposits and other barriers to accessing private rented properties. Officials and the Minister for Housing have also engaged directly with letting agents, landlords and tenant reference agencies to understand and overcome some of the non-monetary barriers to accessing private rental properties and to ensure that displaced people from Ukraine are able to access information about private tenancies.

If Mr Macpherson has further constituency work, I would be more than happy to work with him, as we have done in the past, alongside my colleague the Minister for Housing.

Miles Briggs (Lothian) (Con): I associate myself with the words of Ben Macpherson and also take the opportunity to thank those who work in our schools in Edinburgh who have offered a very warm and supportive learning environment to those young people while they have been being educated here in Edinburgh. My question is on maintaining connections between those young people. We know that many of them will now be moving to different parts of the country, but their support network is here in Edinburgh. What support will be provided to ensure that they can continue to keep those relationships going in the future?

Shirley-Anne Somerville: I associate myself very much with the remarks that Miles Briggs has made about the warm welcome that has been given within our schools—particularly, but not only, in Edinburgh—to our youngest Ukrainian guests. It is very important that councils are working together on that. The City of Edinburgh Council is not the only one that has been on board the ship; many others have, as well, and the councils in Edinburgh and elsewhere are working exceptionally closely to make sure that we do

everything that we can in public agencies and the third sector to maintain connections and make the transition from MS Victoria to other accommodation as seamless and easy for people as possible.

Beatrice Wishart (Shetland Islands) (LD): On Monday, at the cross-party group on mental health, of which I am a co-convenor, we heard a presentation from Edinburgh-based charity Feniks on the mental health and integration needs of Ukrainian refugees settling here. The findings from those who responded to its survey suggest that more support is required for refugees in navigating the system and accessing services such as mental health and children's services. What additional measures can be provided to those who have sought sanctuary in Scotland to ensure that they get all the support that they need, and what can be done to ensure that the support is trauma informed?

Shirley-Anne Somerville: Again, that is another very important issue. The fact is that this is not just about housing or, indeed, schooling but about ensuring that we wrap around as much support as possible for Ukrainians as they come to Scotland, for however long that may be.

Scottish Government officials, councils and other public agencies are working closely on the issues around support, whether in the health service or in wider services. If the cross-party group has particular concerns, I would be more than happy to receive further feedback from it, as Emma Roddick and I would be interested to see what we can learn from it.

Social Security Scotland (Support)

6. Michelle Thomson (Falkirk East) (SNP): To ask the Scottish Government what support is being provided to Social Security Scotland, in light of the continued transfer of cases from the Department for Work and Pensions and increase in applications. (S6O-02413)

The Cabinet Secretary for Social Justice (Shirley-Anne Somerville): We are working closely with Social Security Scotland and the DWP to safeguard the transition of client awards to the agency, which is a joint delivery programme. We are prioritising the safe and secure transfer of client data.

We are closely monitoring the number of applications for disability benefits against our forecasts and exploring a range of ways to improve our application processes, including taking a comprehensive look at every step in the journey, from people applying for a disability benefit to getting paid.

Good progress is being made on the transfer of awards from the DWP.

Michelle Thomson: Several constituents have contacted me, citing delays to their payments. One constituent advised that they had waited more than four months for their paperwork to process and a decision to be made, during which time they were supporting an ill family member residing in the same household and had to travel to hospital appointments with very little income.

What support can the Scottish Government provide to Social Security Scotland to ensure that it continues to maintain a person-centred approach while implementing its first-come-first-served case management system?

Shirley-Anne Somerville: As I mentioned to members in previous answers, a great deal of work is going on in Social Security Scotland and the social security directorate in the Scottish Government to ensure that action is being taken at every step of the journey to see what can be done to speed up processing times. I reassure members that progress is being made. More decisions are now made per week than have been made in the past, so we are seeing improvements.

I go back to the fact that the agency collates the supporting information, which is very different from what happened under the DWP, where the client had that responsibility. Both the Government and the agency are carefully considering what more can be done to speed up the process of receiving the supporting information and of the decision then being made.

If Michelle Thomson would like me to look into particular constituent cases, I would be more than happy to do so.

Paul O'Kane (West Scotland) (Lab): We know that the Government has spent almost £280 million on an information technology system for the agency, with no end in sight, and that significant challenges exist for people to get a response on the phone or online. What action is being taken immediately to ensure that people can get through and get an answer on those issues?

Shirley-Anne Somerville: That IT system is the one that delivers the Scottish child payment, so there is one end that we already have well in our sights, which is providing support directly to children and families across the country.

Now that I have made that point, I will say that there is an issue around telephony, which is why the agency has considered and will continue to consider what more can be done to improve the call waiting times. Improvements have taken place in that area because of some of the steps that the agency has already taken. Again, I am more than happy to share further detail of those improvements with the member in due course, should he wish to see them.

Child Poverty

7. Paul Sweeney (Glasgow) (Lab): To ask the Scottish Government what its response is to the level of child poverty in Scotland. (S6O-02414)

The Cabinet Secretary for Social Justice (Shirley-Anne Somerville): As our progress report, which was published last week, shows, our focus on tackling child poverty is unequivocal and making a significant difference. However, still too many children live in poverty in Scotland.

Economic modelling that was published last week estimates that 90,000 fewer children will live in relative and absolute poverty this year due to Scottish Government policies, with poverty levels at 9 percentage points lower than they would otherwise have been—that decrease includes the lifting of 50,000 children out of poverty through the Scottish child payment.

We are, however, doing that with one hand tied behind our back, given the United Kingdom Government's decade of austerity, its mishandling of the economy, and a hard Brexit, which is why we will continue to argue for full powers to tackle poverty to be in the hands of this Parliament.

Paul Sweeney: The cabinet secretary is aware of the shocking statistics—she just mentioned them—that show that a third of children in Glasgow are living in poverty and that, in the neighbouring local authority of South Lanarkshire, a quarter of children live in poverty. I agree wholeheartedly that cruel Tory policies such as the two-child cap should be scrapped, but the Scottish Government could and can do more here to eradicate poverty.

One way in which it could do that is through funding local authorities to enable them to continue their summer holiday food programmes, which provide targeted support for families that are in need and ensure that children get at least one hot meal a day. The Government has provided no clarity on the funding that will be available for local authorities to deliver those programmes, and the councils in both Glasgow and South Lanarkshire are crying out for clarity. When will the Government confirm the funding, because schools in Glasgow close for the summer tomorrow and South Lanarkshire schools finish on Tuesday? Thousands of children look set to lose out on that crucial provision simply because of the Government's indecision.

Shirley-Anne Somerville: I will be happy to provide Paul Sweeney with further information about the refocusing of the funds for that issue. I gently say to him that I am really glad that he thinks that some UK welfare policies should be scrapped or changed; it is just a shame that UK Labour does not agree. When there is no change happening at that level among the Scottish

Conservatives and their masters down south or in UK Labour, it is deeply disappointing that, once again, we have members coming to the chamber expecting the Scottish Government to mitigate the worst of Tory and, apparently, now Labour welfare policies.

Collette Stevenson (East Kilbride) (SNP): Analysis shows that 90,000 fewer children will live in poverty as a direct result of the actions and decisions that the Scottish Government is taking with its limited powers through the Scottish child payment and mitigating cruel Tory policies such as the bedroom tax and benefit cap. However, as the cabinet secretary has mentioned, we are acting with one hand tied behind our back. Will the cabinet secretary remind members what the impact would be on child poverty levels in Scotland if key UK welfare reforms were reversed?

Shirley-Anne Somerville: The UK Government's welfare reforms have been hugely damaging to people in Scotland and right across the UK. They are driving people into poverty, which is a political choice that the UK Government has made. The reforms mean that some Scottish Government policies simply mitigate the impact of UK Government cuts. Scottish Government analysis that was published last year showed that reversing key UK Government welfare reforms since 2015 would bring an estimated 70,000 people, including 30,000 children, out of poverty in Scotland in 2023-24. We have repeatedly asked the UK Government to reverse the cuts, which are inflicting damage on households right across the country.

Food Banks

8. David Torrance (Kirkcaldy) (SNP): To ask the Scottish Government whether it will provide an update on its plan, "Cash-First: Towards Ending the Need for Food Banks in Scotland". (S6O-02415)

The Cabinet Secretary for Social Justice (Shirley-Anne Somerville): Earlier this month, Scotland became the first nation in the United Kingdom to publish a plan to work towards ending the need for food banks. It includes a new £1.8 million programme to improve urgent access to cash in a crisis. As the Trussell Trust notes, the efforts of the Scottish Government to tackle poverty, including through the Scottish child payment, will help to raise incomes so that fewer people need to turn to emergency food parcels.

David Torrance: Data from the Trussell Trust indicates that the Scottish child payment has reduced the demand for emergency food bank use. At the same time, we know that aspects of the UK Government welfare system such as sanctions and a five-week wait for universal credit

have caused an increase in demand for food banks. Does the cabinet secretary agree that there is a limit to what we can achieve in Scotland while we are under Westminster's control?

Shirley-Anne Somerville: David Torrance is quite right to point out the limitations that we have within our devolved powers and fixed budget. The Trussell Trust is right to note that the efforts of the Scottish Government to tackle poverty and, in particular, child poverty through the Scottish child payment will help to raise families' incomes. It is a shame that the UK Government does not share our determination to tackle child poverty and lift children out of poverty so that they can reach their full potential.

Education Reform

The Deputy Presiding Officer (Liam McArthur): The next item of business is a statement by Jenny Gilruth on education reform. The cabinet secretary will take questions at the end of her statement, so there should be no interventions or interruptions.

14:30

The Cabinet Secretary for Education and Skills (Jenny Gilruth): I want to briefly pay tribute to Winnie Ewing, a giant of our movement in the Scottish National Party, and to send condolences to our friends and colleagues Annabelle Ewing and Fergus Ewing on the sad loss of their mum.

Three weeks ago, I set out the vision and values that were produced by the national discussion on education. Two weeks ago, the Government published James Withers's report on the skills delivery landscape. Today, I will update Parliament on the final report of the independent review of qualifications and assessment that was led by Professor Louise Hayward. Next week, Parliament will receive an update on the purpose and principles of post-school education, research and skills.

There is a lot happening in the policy world of Scottish education, and that external context is important when considering the internal context in our classrooms at the present time. I will return to that point.

“It’s Our Future: Report of the Independent Review of Qualifications and Assessment” is a detailed and comprehensive report that sets out 26 recommendations. It is a culmination of the work that has been undertaken over the past year by Professor Louise Hayward and her independent review group, which involved a wide range of stakeholders. I am grateful to Professor Hayward and to everyone who shared their views with the review. I commend the inclusive and transparent approach that has been taken.

The final report recommends that a Scottish diploma of achievement should be the graduation certificate that is offered in all settings where senior phase education is provided. The report suggests that all learners should be provided with the opportunity to experience learning in the diploma, programmes of learning, project learning and a personal pathway.

In respect of the programmes of learning, the review recommends that learners should continue to study subjects and for vocational, technical and professional qualifications; that a wider range of methods of assessment should be adopted; and that the number of examinations in the senior

phase should be reduced, with the removal of exams at the end of secondary 4 being suggested.

In project learning, the review explains that learners would have the opportunity to apply the knowledge and skills that they have developed in a real-world situation by undertaking a project on a significant question or problem important to them.

The focus of the personal pathway is a reflection on learning, whether that be learning in school, in college or in the community. The purpose is to give learners the opportunity to personalise their diploma by selecting aspects of their experiences that reflect their interests, the contributions that they make to society and their career aspirations.

The review recommends that there should be a digital profile for all learners that allows them to record personal achievements and identify and plan future learning. The report also highlights the need to support the system through any process of change, with phasing and timing being linked to the resources available.

The recommendations, if implemented, could represent a very significant change to the qualifications that are offered by Scotland’s schools and colleges. The recommendations for reform in the report could amount to a radical shift in Scottish education. As cabinet secretary, I need to be certain that those changes are the right ones for Scotland’s young people.

To that end, and before I arrive at a conclusion on the proposals, I need to hear from our teachers, particularly our secondary teachers, who will be key in driving any changes to our qualifications system. I must also be mindful of the wider policy context that I have outlined. With four substantive reports being published within four weeks, the Government now requires to provide an overarching narrative that ties those outputs together to set a clear trajectory and not miss the inherent opportunities that exist.

We also need to learn lessons on educational reform. As the report notes of curriculum for excellence,

“When they asked for support, more guidance was developed. What teachers wanted was practical support”.

When I visit schools, it is not advice and guidance that teachers want; often, they want practical help in responding to things such as additional support needs and behaviour and relationships post-Covid, and in seeking to improve parental engagement. I need to be certain that our reform agenda is ambitious enough to deliver on that expectation.

As we have discussed in the chamber in recent weeks, the culture in our schools has changed post-pandemic, and we know that that is impacting on attendance. We also know that schools are

responding to a cost of living crisis and other external challenges, from artificial intelligence to global instability. The Hayward report and the national discussion talk to that uncertainty.

The Government must provide leadership on reform that addresses the new normal in our school communities. In evidencing that leadership, I have concluded that now is not the time to introduce legislation on educational reform. Any reform that meets our ambitions for our young people must be bold and holistic and, crucially, must be shaped by the expertise of our teachers. I am determined to take the time needed to ensure that that happens before introducing legislation during the next parliamentary year.

The immediate challenges faced by the teaching profession in responding to our post-pandemic school communities will not be helped by legislation, nor can I expect meaningful engagement on our future qualifications if Parliament is focused on legislating for those new bodies. Instead, the focus must be brought back to improving educational outcomes for our children and young people and on delivering excellent learning and teaching for all. The component parts of our education system must work together in a spirit of partnership.

We must take the opportunity to design our entire national education and skills landscape to better support children, young people and adult learners. Pre-empting what is possible in the context of the new national bodies by taking a narrow legislative focus at this stage would, I believe, miss that opportunity. If we are to deliver parity of esteem across the education system, we will require a holistic approach to legislation.

I recognise that this announcement will have an impact on the staff of the Scottish Qualifications Authority and Education Scotland. I thank everyone in both organisations for their on-going work to support Scotland's young people and reiterate the Scottish Government's commitment that there will be no compulsory redundancies as a result of the reform process.

Nonetheless, I reassure Parliament that the work to deliver the new national education bodies will continue at pace, strengthened by the extended period of engagement. We already have plans in place to recruit a new chair of the SQA, who will lead the transition to the new qualifications body. It is also critical to establish the leadership of the new independent inspectorate. I want to start that process now and am therefore taking forward recruitment for the role of chief inspector of education. Both posts will provide enhanced leadership to support the establishment of the new bodies and to ensure that we deliver change in both practice and culture.

As cabinet secretary, I will work with all parties in Parliament to improve educational outcomes for all. That is a prize worth striving for and it is vital that we get that right for the next generation.

Throughout their educational journey, our learners are supported by excellent teachers and other professionals. We want that support to continue as the effects of the pandemic continue to impact on the young people we entrust to their care. I very much recognise the pressures faced by our teachers and wider education workforce. As a first step, I want to work with local government partners to ensure that we have a comprehensive picture of the health and wellbeing support that is currently available and to identify how we can build on that.

As part of our reform, we also want to undertake a short, sharp review of the impact that our regional improvement collaboratives have had on supporting our pupils and practitioners. I will work with the Convention of Scottish Local Authorities, the RICs and others on that review, which will conclude in October.

It is important that we assess the ideas coming out of the national discussion and the independent reviews in more detail. As cabinet secretary, I can see that a lot of reviews are happening at a similar time: it is important that we now hear from the profession about the outputs of those reviews. I am determined that that process will move at pace and that it will involve teachers, and others working in education, at the earliest possible opportunity. To that end, I have written to directors of education to request that they prioritise time to consider reform during in-service sessions in the new term. We will use the outputs of that feedback to provide a full response from the Government and I commit to returning to Parliament to fully and more extensively debate the proposals in the review.

Good teaching uses continuous assessment to monitor progress and we trust our graduate workforce to do just that. The report takes the view that there should be an end to the taking of final examinations in secondary 4. Some would describe that as radical but, since the introduction of national 4 in 2013-14, learners taking those qualifications have not been required to sit a final exam. At the time, critics argued that that devalued national 4; it is likely that that contributed to a level of over-presentation, with more pupils being presented for national 5 as it was considered to be a more robust qualification due to its final exam element.

Scottish education likes a test. As Professor Gordon Stobart has observed, Scottish upper secondary school students are examined more frequently than those in other jurisdictions. That is a consequence of the tradition of offering three

suites of examinations—national 5, higher and advanced higher—during the secondary school years S4 to S6; such examination loading is not found in other jurisdictions.

As a former teacher, I am fully supportive of the use of more continuous assessment. That must, of course, be managed appropriately, but a move away from high-stakes final exams will create a more holistic approach to assessment. It also means that our young people will not face a cliff edge.

It is worth reflecting that the new national qualifications as they originally operated contained an element of continuous assessment through unit assessment. However, the recording of outcome and assessment standards quickly became quite a burdensome bureaucratic task that detracted from day-to-day learning and teaching. Ultimately, unit assessments were removed for that reason. We need to learn lessons from that experience in designing, with teachers, continuous assessment practices that are proportionate and robust and that enhance learning and teaching rather than detract from them.

The independent reports by James Withers and Professor Louise Hayward have implications for learners of all ages across all settings; for teachers and practitioners; for local and central Government; and for our national bodies. I would like to use the coming weeks and months to take forward detailed examination of the proposals, allowing Parliament and others across the system opportunities to engage with and shape our response.

Our response must be holistic to reflect a single clear expectation—namely that, following the reform process, we will have a coherent education and skills system where every part works together and there is collective responsibility to deliver for learners of all ages. We want a coherent education and skills system that is focused on taking the best from our educational traditions, including our long-standing and well-recognised highers, and making sure that we build on that success in order to help our learners to go on achieving the very best that they can.

Change in education is not always about inputs. It is most of all about the outcomes and the lifetime satisfactions that come from every young person—every individual learner—being enabled to reach and often surpass their potential. In the end, we must judge everything that we do by those criteria, focusing on the needs and expectations of all those in our schools. If we can all agree on that, Scotland and Scotland's learners will be the winners. It is surely worth working together to achieve that.

The Deputy Presiding Officer: Thank you, cabinet secretary. I echo your sentiments in relation to the passing of Winnie Ewing, who was the first person to preside over this Parliament on its re-establishment in 1999. I send my condolences to Fergus and Annabelle Ewing and the wider family.

The cabinet secretary will now take questions on the issues that were raised in her statement. I intend to allow about 20 minutes for questions, after which we will move on to the next item of business. I urge members who wish to ask a question but have not yet pressed their request-to-speak buttons to do so.

Stephen Kerr (Central Scotland) (Con): Deputy Presiding Officer, I wish to associate myself entirely with the sentiments that you have just expressed in relation to the passing of Winnie Ewing.

I thank the cabinet secretary for advance sight of her statement and the effort that she went to to reach out to the parties in this Parliament. However, to expect members to digest a 230-page report, complete with summaries and appendices, in the hour before a statement is, obviously, to ask a lot of us. [*Interruption.*] I hear the minister saying “Slacker”, but that is a lot of reading, even if we divide it up. It would appear that the Minister for Parliamentary Business was more interested in abiding by the protocol than he was in enhancing scrutiny. It is worthwhile to work together but, to do that, we need to share our working.

I thank Professor Louise Hayward and everyone who worked with her to produce the review. I also thank the authors of the national discussion, the Withers review and the Muir report. However, let me not pussyfoot around the issue. Those reports and reviews, combined with the output that we see from various sources, represent a damning verdict on 16 years of SNP Government. Based on the national discussion, I think that the cabinet secretary knows that she has a long way to go in regaining the trust of teachers, parents and learners and delivering the practical support that she mentioned in her statement.

The truth is that, after all those reviews—and, I think, by her own word—we still have no clear sense of what the Government's strategy is, or its direction of travel. Having said that, if Jenny Gilruth embraces the need for bold, innovative and urgent change that will be better for learners, she will always have the support of those on the Conservative benches.

I have four short questions, to which I would like to give the cabinet secretary an opportunity to give four short answers, because I can see the concern of the Deputy Presiding Officer.

How does the cabinet secretary assess that the recommendations in the Hayward review will change the commonly diagnosed issues in the senior phase, such as the two-term dash and teaching to the test? How does she envisage that course assessment other than examinations will be externally verified, and what does that assessment mean for teachers' workload? Does she agree that we must not do anything to diminish the standing or reputation of the higher and advanced higher in the eyes of employers and further and higher education? Does she agree that much more needs to be done to create parity of esteem for technical and professional qualifications—

The Deputy Presiding Officer: Thank you, Mr Kerr.

Stephen Kerr: —in the education system overall?

Jenny Gilruth: I thank Mr Kerr for his questions. I am not sure that I will be able to give a detailed response, Presiding Officer, but I am more than happy to meet him to discuss the substantive questions that he raises, because I think that they are important points.

The first question that Mr Kerr poses relates to the two-term dash. The report talks to the challenge implicit in having a system that is largely dependent on a final examination, which we currently have. That is one reason why the report recommends that we remove final exams at the end of S4, so that we can have a more continuous approach to assessment throughout the school year. Such assessment might not be in one school year—it might be over the course of two years, for example—but that in itself could remove the two-term dash.

It is important that the profession engages with the practicalities of what is a very detailed report. It is hugely important that I hear from the secondary teaching profession, because a move towards continuous assessment will fundamentally change the type of learning and teaching—and, in fact, the pedagogy—that exists in our classrooms, particularly in the senior phase.

The second thing that I would observe is that we have always had continuous assessment—I was quite careful to make that point in my statement. It existed in standard grade to an extent—for example, we always had end-of-unit tests—and in the architecture around curriculum for excellence when the new national qualifications came forward, but we deviated back to a final exam system.

Part of that related to the administration of unit assessments, and I mentioned their removal. That was a test of the exam system, and it is hugely important that the new exams body, which will be

key in this endeavour, works with the profession to deliver assessment criteria that do not add to workload and that help to improve the learning and teaching that we have in our classrooms.

I will try to touch on Mr Kerr's three other questions, while being mindful of time. I think that I have answered the question about workload. He talked about not doing anything to diminish higher and advanced higher, and I fully agree with that; I had a point about that in my concluding comments. I am really keen that we do not deviate from that, and that we recognise the strengths of Scottish education—particularly the gold standard of our higher qualifications, but also parity of esteem.

That is why we cannot read the report in a silo, away from the recommendations and what James Withers has said. It is really important that those outputs come together and that we deliver that overarching narrative.

Pam Duncan-Glancy (Glasgow) (Lab): I thank Professor Hayward for her work, the people who engaged with it and the cabinet secretary for advance sight of her statement and the conversation with us yesterday. However, as I think that she agrees, it would have been far more helpful to have seen the report earlier than one hour ago.

The cabinet secretary has acknowledged that the report is another in a long list of reviews that has left teachers, pupils and parents waiting and anticipating change for some time. Of course, understanding and reviewing problems is necessary for change, but it is clear that what is needed now from the Government is leadership, clarity and action.

I welcome, as others will, the breadth of the report and the cabinet secretary's commitment to put teachers at the forefront of reforms. However, as she takes the time to do that, there are significant questions around the suggested reforms, and teachers, pupils and parents need more answers to those from the cabinet secretary today.

The report recommends the removal of S4 exams, but it leaves questions on how children leaving after S4 will demonstrate their achievements. Significant reductions in high-stakes exams will have a huge potential impact on teacher workloads, and teachers are worrying that they could increase. To settle some of that uncertainty early, I ask the cabinet secretary to consider that issue, especially in the light of the commitment to reduce teacher contact time, and set out how that aspect of the vital reforms could work.

Finally, in the light of the cabinet secretary's—

The Deputy Presiding Officer: Both opening questioners have gone beyond the time allocation, which is going to eat into the available time for back-bench questions. That is not acceptable. Cabinet secretary, can you respond, please?

Jenny Gilruth: Ms Duncan-Glancy and Mr Kerr referenced that they have not had enough time to digest the report. I recognise the limitations around publishing an embargoed report before giving a statement. I undertook in my statement to come back to Parliament to debate more fully the outcomes of the report.

Ms Duncan-Glancy asks a fair question in relation to the overarching narrative surrounding the four separate outputs. On the point that she made about workload, I met trade unions yesterday to discuss those issues. That relates to some of the points that I made in response to Mr Kerr about the administration of what continuous assessment looks like. When I reflect on my experiences of being in the classroom 10 years ago when we brought in the new national qualifications, I can see that it became a bit of a tick-box exercise, if I may say so.

The new qualifications body has a key role to play in ensuring that teacher workload is not increased as a result of the changes. I also say to the member that if we are looking to move away from high-stakes final exams, we also need to look at the percentage allocation that is applied to the final examination and the overall awarding of the qualification.

As cabinet secretary, I do not have all the qualifications and expertise to make such decisions, but I very much trust Scotland's teachers to tell me what they think. They fed into the SQA's work on developing the new national qualifications, and I fully expect them, at a subject specialist level, to feed into the work as we move forward with the recommendations of Professor Hayward. Teachers have the subject expertise and the knowledge to ensure that we can deliver assessments that are balanced, and that we improve the learning and teaching that happens in our classrooms through continuous assessment.

The Deputy Presiding Officer: We have 11 members who want to ask questions, but we have only 12 minutes, so the questions and responses will have to be as brief as possible.

John Mason (Glasgow Shettleston) (SNP): There can sometimes be a difference between what young people want to learn and what employers are looking for. Does the cabinet secretary think that we are getting the balance right in that regard?

Jenny Gilruth: The member poses an interesting question about whether the purpose of our education system is just to prepare our

children and young people for the world of work, or whether its purpose is to give them a well-rounded education that equips them with the necessary skills for life. I am inclined towards the latter, but I accept that what our employers need must be part of that broader consideration.

We know that we now have record numbers of young people going on to positive destinations, and that is evidence of progress. There has been good progress but, nonetheless, we need to build on that. That is why we need to have a holistic approach to where we go next, which is absolutely the reason why the outputs from the James Withers review need to be considered in the wider context of education reform, particularly—to answer the member's question—in relation to the needs of employers and that wider skills base.

Meghan Gallacher (Central Scotland) (Con): We have had review after review of our education system—I think that we have had enough reviews to last this Parliament a lifetime. However, there is no strategy as of yet. From today's statement, I understand that more reviews will be undertaken before any direction will be given by the Scottish Government.

I understand that the cabinet secretary has inherited a mess after 16 years of Scottish National Party Government: there is too much bureaucracy and too many education bodies, and reforms that could bankrupt councils should this Government not fund them correctly.

The Deputy Presiding Officer: Question please, Ms Gallacher.

Meghan Gallacher: How many more statements will be made to this Parliament before we see legislation that will transform our education system?

Jenny Gilruth: I agree with the member to some extent in relation to the number of reviews and reports have come to fruition at a similar time, but I think that the member does a disservice to Scottish education when she describes it as "a mess". Actually, we are starting to see real progress in relation to the poverty-related attainment gap closing and we are starting to see more young people going on to positive destinations, but we recognise the need for that overarching narrative that Government will provide.

It is important that Parliament talks about these things, which is why I have committed to come back to Parliament to more substantively debate the outputs from the report that, if enacted, could see radical changes for Scotland's children and young people. It is important that we get the change right, and, as I gave a commitment to do in my statement, I will work across the party divide to ensure that that is what happens.

Marie McNair (Clydebank and Milngavie) (SNP): None of the proposed reforms is possible without our hard-working teachers, who are the lifeblood of our education system. Unfortunately, at the moment, many of them, especially those with only a couple of years' service, are struggling to obtain full-time permanent positions after they have finished their probation. Numerous constituents have raised this issue with me, and it is leading to many young teachers leaving the profession to seek work abroad.

In light of the recommendations of the independent review, and, indeed, the national discussion, can the cabinet secretary outline what further reforms she will bring forward to ensure that our invaluable teachers remain in our education system?

Jenny Gilruth: The member asks an important question. She might remember that we faced similar challenges when I first qualified as a teacher in relation to staffing and how to attract people to the profession and ensure that they are in the right parts of the country at the right time. There are lots of different ways in which we can do that. For example, the Government offers a golden handshake to probationary teachers who are prepared to go anywhere—I was one of those back in 2007. That is an important part of how we can attract people into the profession. However, there are other things that we need to consider. A couple of weeks ago, I started a conversation with the General Teaching Council for Scotland, and we have been undertaking further work on the issue through the Scottish education council to consider its role in relation to staffing.

Ultimately, staffing in relation to teacher numbers is a matter for local authorities. We have provided additionality in that respect—more than £145 million—to protect increased teacher and support staff numbers, and to ensure that teachers in Scotland are now the best paid in the United Kingdom, but I commit to working with COSLA on the issue, because it is hugely important that we retain teachers in the teaching profession. We want to keep teachers in Scotland to help them to be part of the journey of education reform.

Martin Whitfield (South Scotland) (Lab): I welcome the fact that we have a statement that confirms that we are going to have a pupil-centred education system, and I also welcome the cabinet secretary's guarantee that we will have a graduate workforce that sits in front of those.

With regard to the education reforms and the cabinet secretary's confirmation that now is not the right time to introduce legislation, does that mean that she has decided not to abolish the SQA, which was set up by the Education (Scotland) Act 1996?

Jenny Gilruth: No, the SQA will be abolished, and it will be replaced by a new qualifications body. I put that on the record for absolute certainty.

I appreciate that members will not have had time to go through all the detail of the report. There are a number of recommendations that have a bit of read-across to the reform agenda on the new bodies and what that will look like. Of course, we also have the wider report landscape, as I outlined in my statement to Parliament. It is important that we take account of both things through the legislative process. I need to ensure that what comes next in qualifications reform is fit for purpose, and I think that legislating at the current time would not be the right thing to do. That is why we have decided to pause for a year.

I confirm that we will legislate to remove the SQA.

Ruth Maguire (Cunninghame South) (SNP): What more will be done to support the quality and consistency of the implementation of existing policies and practices that improve outcomes for children and young people?

Jenny Gilruth: Ruth Maguire is quite right to raise those issues. While we look to a bold and ambitious reform agenda, we cannot lose sight of the key priorities that are in front of us right now. I will continue to work with Education Scotland, our local authorities and others as we seek to deliver the best possible outcomes for our children and young people.

Making progress in closing the poverty-related attainment gap is of the utmost importance to the Government. Our £1 billion of investment in the Scottish attainment challenge is designed to do exactly that. That includes, of course, empowering our headteachers to use pupil equity funding to best support children and schools impacted by poverty in their locality.

Willie Rennie (North East Fife) (LD): I share the cabinet secretary's caution in terms of the implementation of the report. There is an awful lot going on in respect of behaviour, the pandemic, closing the poverty-related attainment gap—on which we are not quite making as much progress as she indicates—and raising our international performance. However, I am a bit concerned that she is delaying the reform of the national bodies by a year, it seems. It is important that the profession has confidence in those national bodies.

The Deputy Presiding Officer: Ask a question.

Willie Rennie: I worry that, if reform is delayed, we will have a real problem in inspiring confidence among teachers. Can the cabinet secretary assure me on that front?

Jenny Gilruth: Willie Rennie has made a really important point. My reflection on where Scottish education is currently is that it faces a number of challenges. We have talked about that at length in recent weeks in the chamber. We have talked about behaviour post-Covid, the change in the culture in our schools, and excellence. Willie Rennie referred to international surveys. Rejoining those international surveys is a hugely important step from the Government.

It also has to be about partnerships. Our local authorities are key to delivering quality learning and teaching in our schools. We need to have the faith of the profession, and the profession has been through quite a challenging time in relation to industrial relations. I am glad that we have been able to resolve the dispute, but I now need to work with our teaching profession.

As I have gone in and out of schools over the past couple of months, it has struck me that I am not sure how many teachers have engaged with the national discussion and have engaged holistically with the outputs from the Hayward review. I need to ensure that the teaching profession is engaged with the outputs of the reviews. That has an impact in relation to reform.

Reform of the bodies is absolutely coming, but I absolutely have to work with the teaching profession to drive the reforms forward. I cannot foist change upon the teaching system. I think that I know that better than others in the chamber.

The Deputy Presiding Officer: We have less than four minutes, and five members still want to get in.

Rona Mackay (Strathkelvin and Bearsden) (SNP): Any future education reform must proactively remove practical or discriminatory barriers to learning. What consideration is the cabinet secretary giving to the needs of those who may feel excluded or marginalised in the current education system?

Jenny Gilruth: That is a really important question from Rona Mackay. She is absolutely right. The reform agenda that I am committed to has to secure better outcomes for all our children. A crucial part of that will be ensuring that remaining barriers to learning for those who feel marginalised by the current system are removed.

The Government is, of course, already taking steps to tackle specific barriers to education in the work through the Scottish attainment challenge and the national improvement framework. More broadly, we have had good discussions in the chamber in recent weeks about behaviour and relationships challenges. We will take forward work on that next week.

I hope that the changes and the support across the system to improve inclusivity will be a driver behind our reform. One of the key outputs from the national discussion was that we have a really inclusive system in Scotland. It is important that we use that strength to build on the changes that we seek to bring forward.

Ross Greer (West Scotland) (Green): The review is the end result of an agreement that was reached between the Greens and the Scottish Government in 2020. I am delighted by its output. As part of taking it forward, will the Government progress the review of indicators and measures that are associated with the curriculum to ensure not just a sustainable teacher workload, but that the curriculum matches up with any requirements of a move towards a continuous assessment model?

Jenny Gilruth: Ross Greer makes a good point about teacher workload in particular. We cannot just assume that the system is operating at optimum level. As we take this brief pause in legislation, we need to look at the current qualifications to ensure that they are fit for purpose and that they are not driving teacher workloads. I am happy to take Ross Greer's suggestion away.

In yesterday's discussions with the teaching unions, they made the point strongly to me that we need to consider the impact that any reform will have on teacher workload. Fundamentally, we want continuous assessment to drive better learning and teaching without high-stakes exams at the end. That is where the reform agenda will get to, but we need to support the profession to get there. That goes back to Willie Rennie's question about the reform of the bodies. They will be key in driving the change that we need.

Sue Webber (Lothian) (Con): On the basis of the cabinet secretary's statement and comment, it is not advice and guidance that teachers want; it is often practical help in responding to things such as additional support needs, behaviour, relationships, and seeking to improve parental engagement. I was under the impression that Education Scotland's role was to offer that practical help. If it is not, what is Education Scotland doing?

Jenny Gilruth: The member makes an interesting point. Education Scotland has a key role in that regard. When I was bringing together the reports in the past few weeks, I was struck by the role of our regional improvement collaboratives. That is why, in my statement, I talked about reviewing the role of our regional improvement collaboratives, which are staffed by people in Education Scotland and supported by our local authorities. It is important that that improvement function is looked at to ensure that it is fit for purpose. The challenges that Ms Webber has played back to me are ones that I would

expect Education Scotland to support. It is important that we hear from the profession about how we can perhaps better support some of that work going forward.

Ben Macpherson (Edinburgh Northern and Leith) (SNP): The independent review and the national discussion have undertaken significant engagement on necessary and appropriate modernisation. Building on that, can the cabinet secretary elaborate on how that engagement will continue? She rightly emphasised the engagement with the teaching profession, but I presume that engagement will also continue with learners, the business community and other relevant stakeholders.

Jenny Gilruth: As Mr Macpherson outlined, we had substantive engagement in relation to the work of the national discussion. It has generated a level of enthusiasm for change in our system, and we have also seen that reflected in Professor Hayward's review. As the member said, it is important that this is not just about the teaching profession. They are key drivers within the system, but our children and young people also have to be part of the discussion. They were very much part of Professor Hayward's review, and they also fed in substantively to the national discussion. I expect to continue to work with our children and young people on the outputs from the reform of our qualifications system, but I also take the member's point in relation to business.

The Deputy Presiding Officer: I apologise to the member whom I was not able to call, but we need to move on to the next item of business.

Children (Care and Justice) (Scotland) Bill: Stage 1

The Deputy Presiding Officer (Liam McArthur): The next item of business is a debate on motion S6M-09610, in the name of Natalie Don, on the Children (Care and Justice) (Scotland) Bill at stage 1.

15:03

The Minister for Children, Young People and Keeping the Promise (Natalie Don): First, I thank the Education, Children and Young People Committee for its scrutiny of the bill, its detailed stage 1 report and its support for the general principles of the bill. Scotland and all the parties in Parliament committed to keeping the Promise by 2030, and the bill will implement various key aspects of the Promise and mark a significant step in that journey. Just last week, I spoke on the bill to more than 200 experts at the national youth justice conference in Stirling and there was warm support for its objectives and direction of travel.

Fundamentally, the bill provides that, when children come into contact with care and justice services or come into conflict with the law, that should happen in age-appropriate systems and settings. The bill also advances rights under the United Nations Convention on the Rights of the Child, and it brings consistency across various parts of care and justice legislation to the definition of a child as a person under 18. That approach builds on our getting it right for every child principles and on our youth justice vision to 2024.

Members will be aware, from the responses that have been given to calls for views and from expert evidence that has been given to committees, that there are inconsistencies in how Scotland treats particular 16 and 17-year-olds. Provided that it does not prevent children's realisation of their rights or leave them vulnerable to harm, policy and legislation relating to children and young people may legitimately operate with different age thresholds.

That is encouraged under the UNCRC where this furthers children's rights in line with evolving capacity. An example of this in Scotland is that children over 16 have the right to vote. However, where inconsistencies either have, or risk having, a harmful effect on children's rights, we need to address that. In particular, we need to bring coherence—

Stephen Kerr (Central Scotland) (Con): Will the minister take an intervention?

Natalie Don: Yes, I will.

Stephen Kerr: Would the minister agree that consistency is infinitely preferable to confusion, and that, if there is confusion about what the age of a child is in relation to one aspect of law as opposed to another, that is not a good thing?

Natalie Don: I would not agree that inconsistency always leads to confusion, no. I have been quite clear that when children's rights can be furthered at that age, that is an appropriate thing to do, but where inconsistencies can have a harmful effect on children's rights, we absolutely need to address that.

In particular, we need to bring coherence to how children experience the children's hearings and criminal justice systems and how those two systems interplay. The bill makes provisions to improve the safeguards that are available to all children in the criminal justice system.

Martin Whitfield (South Scotland) (Lab): One of the challenges, particularly with regard to the UNCRC, is cross-border placements. Will the minister address that issue in her opening speech?

Natalie Don: Absolutely. If the member does not mind, I will cover that later on in my opening remarks.

By raising the maximum age of referral to the reporter, the bill takes positive action under the UNCRC. All children should be able to access the hearings system in cases where they may need the care and protection of that system, including when they are in conflict with the law.

Importantly, the bill does not disturb the constitutional independence of the Lord Advocate. Procurators fiscal will retain the discretion to prosecute children and young people in court, where that is necessary in the public interest. Where justice and safety demand it, Scotland's courts will still be able to deprive a child of their liberty. Yet, in line with the Promise, the bill makes it clear that detention should normally be in secure accommodation rather than in a young offenders institution—at least until that deprivation of liberty needs to end or they turn 18.

I know that members of the committee have visited secure centres across Scotland and HM Young Offenders Institution Polmont. Despite the strengths in that facility, I hope that we can all agree that YOIs are not primarily designed as environments for children. Secure care centres, however, are designed, established and staffed to levels that allow them to be trauma-informed and age-appropriate settings. They offer a high staff to child ratio of skilled professionals with the specific qualifications that are required to meet the complex care and support needs of those young people.

Secure care can, and already does, care for those children aged 16 to 17 who pose the greatest risk of serious harm. The supervision and support arrangements in secure centres are intensive. Members will have seen from their visits that, when a child is placed there, public protection and safety are critical elements and facilities are locked.

I know that stakeholders unanimously expressed support for ending the placement of children in YOIs but also that some concerns have been raised about capacity and resourcing for secure care. The Scottish Government is already active in that area. That is why the reimaging secure care project, which the Children and Young People's Centre for Justice is undertaking on our behalf, is running in tandem with the bill. A national implementation group for the bill, which is looking at costs, workforce issues and system readiness, began its work in early June.

I know that stakeholders have expressed support for the bill but have also raised issues about resourcing more broadly.

Meghan Gallacher (Central Scotland) (Con): Does the minister share my concern—a concern that is shared by the Finance and Public Administration Committee—over the bill's financial implications and the ability to resource what is outlined in the bill?

Natalie Don: I understand that many concerns have been raised—these concerns were raised in the committee. Again, that is something on which I intend to update members during the debate.

In terms of public expenditure, it is important to recognise the wider backdrop of the benefits that those change programmes are advancing. The negative costs—

Stephen Kerr: Will the minister take an intervention?

Natalie Don: I am sorry, but I cannot take another intervention at the moment—I have got a lot to get through.

The negative costs, both economic and social, to society of offending and crime—both at the time and into the future—are well documented. The Promise "follow the money" report estimated the cumulative private costs of physical and emotional harm to care-experienced children, lost output and public service costs to be £3.9 billion. Investing in services that take an early intervention approach can lead to more positive pathways for individuals and our communities.

We are coming from a strong baseline. Between 2008-09 and 2019-20, there was an 85 per cent reduction in the number of children and young people who were prosecuted in Scotland's courts and a 93 per cent reduction in 16 and 17-year-olds

being sentenced to custody. The Government is not complacent and recognises that there will always be a level of offending and a requirement for care and protection in any society, but the bill represents a solid step forward.

The Government has engaged widely to prepare cost forecasts. In addition to our full public consultation, extensive engagement has taken place with a host of partners and stakeholders. The cost forecasts that are in the financial memorandum are based on the feedback and figures that were provided in that engagement. I am aware that, as has been raised today, the stage 1 process has brought to light helpful additional detail and updated information. That is part and parcel of the legislative process, and we welcome it. The Government is alert to the need to ensure that forecasts are refreshed and are as up to date as possible.

That is why the multi-agency implementation group, which started meeting earlier this month, will be crucial to our preparations and to the bill's later parliamentary stages. We will work with partners to explore in more depth individual and combined resource requirements and we will report any necessary updates or clarifications to the Parliament.

That work will feed into budget profiles for next year and the years beyond, as is the established process for financial planning for proposed legislation. We are mindful that parliamentary agreement is required, so we will keep projections refreshed as the bill is amended through scrutiny processes.

Secure care funding has been a key topic at stage 1. Earlier this year, we ran a last vacant bed funding pilot in each of the four independent secure care centres. I am happy to confirm that £4.6 million will be invested to extend that exercise to fund up to 16 secure beds, so that sufficient capacity will stand ready should the bill be passed. We are also looking closely at the appropriate mechanisms for funding remand costs, and we will update Parliament when we have concluded that work.

I turn briefly to cross-border placements. None of us wants children and young people to be removed from their communities and placed far away from home, family and friends. However, such arrangements need to be able to happen in some very exceptional circumstances. There must be rigour in how such placements are planned for and implemented, and it is vital that they are not detrimental to children's rights. The bill will provide further powers to ensure that, for temporary placements, responsibility remains—rightly—with the placing authority, which knows the child and plans their care.

The Deputy Presiding Officer: Minister, you need to conclude.

Natalie Don: By helping to address the causes of a child's offending behaviours, we can assist them to desist and to rehabilitate. In turn, we can prevent further harm and minimise the number of victims.

I hope that those opening remarks were helpful. I move,

That the Parliament agrees to the general principles of the Children (Care and Justice) (Scotland) Bill.

The Deputy Presiding Officer: With apologies, I advise members that there is no time in hand, so interventions will have to be subsumed in speaking time allocations. That means that members cannot say, "In conclusion," as they reach their four or six minutes.

15:13

Sue Webber (Lothian) (Con): I am delighted to speak on behalf of the Education, Children and Young People Committee. I thank my colleagues for their diligent work on the bill so far, and all the people and organisations that provided evidence in person or in response to our call for views.

The committee thanks Gerry Michie, Mary Geaney, Jim Shields and their respective teams, who all generously gave their time and shared their insights when the committee visited HM YOI Polmont, Rossie Young People's Trust and St Mary's Kenmure. In particular, we are grateful to the young people whom we met on our visits to Rossie and St Mary's Kenmure.

The committee is also grateful to the Criminal Justice Committee, the Delegated Powers and Law Reform Committee and the Finance and Public Administration Committee for their work to scrutinise the bill and for sharing their conclusions and recommendations timeously, so that we could reflect on them when considering our report.

As our report makes clear, there is broad support for raising to 18 the maximum age at which a young person can be referred to the children's hearings system. That would end the current inequity that means that only some 16 and 17-year-olds can be referred to a children's hearing, whether on offence grounds or, as is the case for the vast majority, solely on welfare grounds.

However, our report also makes it clear that the success of the legislation will depend on the ability to give young people the support and interventions that they require to address their underlying needs.

The bill will pose significant resourcing and training challenges for a number of key agencies,

including Children's Hearings Scotland, the Scottish Children's Reporter Administration and local authorities, including social work teams. The committee heard that social work teams and others are already stretched and that they do not currently have the capacity to deliver the increase in support that the measures in the bill will require.

The committee was concerned about the lack of financial information relating to some parts of the bill and the lower estimates that have been used in respect of other parts, so it would welcome the minister's committing to providing an update and expanded costings.

Martin Whitfield: Will the member take an intervention on that point?

Sue Webber: No—I will not yet, if the member does not mind, given the time restraints. I hope that I will cover the member's point. Mr Whitfield might catch my eye later.

Given how vital support packages are for children and young people for successfully reducing reoffending and providing care for children with complex needs, the committee was firmly of the view that those updated and expanded costings must be provided ahead of the debate, to ensure that Parliament had the full information before being asked to vote on the bill.

Although we appreciate that the Scottish Government's response to our report identified areas for possible inclusion in its supplementary financial memorandum, the committee is gravely concerned that the actual costs have not been placed before Parliament before it is asked to vote on the bill.

The timing of the debate was of the Scottish Government's choosing. Given that the Scottish Government could not make the full financial information available ahead of today's debate, it could have postponed it until a time when it did.

The committee's visits to HM Young Offenders Institution Polmont and the secure accommodation services that are run by Rossie Young People's Trust and St Mary's Kenmure helped us to understand the different environments and the tools that staff have to support the young people in their care.

There was broad support, including from the governor of YOI Polmont, Mr Michie, for the measures that will ensure that 16 and 17-year-olds who are to be deprived of their liberty are no longer sent to prison or a young offenders institution, but rather to secure accommodation.

Many stakeholders highlighted that secure accommodation provides a more therapeutic environment than YOIs, by having staff who have more specialised training and higher staff-to-child ratios. The committee heard that such

environments offer a far better opportunity for a child to receive care, be rehabilitated and importantly, following their time in secure care, reintegrate into their community.

However, the committee heard that 78 of 84 places in the secure accommodation estate are provided by charities that are dependent on occupancy rates of 90 per cent to remain viable. The Scottish Government ran a pilot scheme earlier this year to hold a bed in each of the independently run secure accommodation services, should a Scottish child need it. The committee noted that the Scottish Government was seeking to extend and increase that pilot scheme, to secure four places in each of the services, to provide capacity and, importantly, to make the centres more financially viable. I am pleased that the minister has confirmed today that the pilot scheme has been extended. I am sure that that will give a lot of support and reassurance to the secure care providers.

However, given the vital nature of their work, it is essential that secure accommodation services are financially sustainable. Although we recognise that a review of secure care, which is considering the funding of the sector, is under way, it is not due to report until spring 2024.

The committee asked the Scottish Government to urgently produce interim findings to set out how the measures in the bill are likely to affect the financial sustainability of the secure care sector, and we welcome the minister's commitment to do that in August.

The Education, Children and Young People Committee supports the general principles of the bill. However, successful implementation will depend on services that have not been adequately costed. There must be full costings and a commitment to provide the resources that are required in order to ensure that the bill can achieve its aims.

15:19

Meghan Gallacher (Central Scotland) (Con): There is a lot to digest in the Children (Care and Justice) (Scotland) Bill, and I am sure that many members would have preferred to have a stand-alone debate this afternoon. I fully understand the challenges for members who have been allocated only four minutes, because they will be stuck for time to develop their arguments. That does not allow for good debate. However, I understand that it is process-related and is a matter for the Parliamentary Bureau. When it comes to important bills such as this one, members need the time to debate and challenge the thoughts of others in the chamber.

On the bill itself, I will start on a positive note. The Minister for Children, Young People and Keeping the Promise and I recently had a productive meeting in which we discussed issues relating to her brief, which I shadow. I hope that we can work together on the bill and across other issues. We both care about the wellbeing and safeguarding of children and young people. I also agree with the principle of the Children (Care and Justice) (Scotland) Bill—supporting young people, whether they are victims or perpetrators of minor crimes, to try to reduce reoffending, and ensuring that wraparound care is available.

Should the bill be approved by the Parliament, it would increase the age of definition of a child from 16 to 18 in the criminal justice system and will mean that most offences that are committed by under-18s will be dealt with by the children's hearings system rather than by the court system.

However, the bill does not come without its problems. Some are historical but it is imperative that we MSPs do not allow bad law to pass through Parliament.

I welcome the opportunity to debate at what age a child becomes an adult. I have struggled with that when looking at devolved law, because the Scottish National Party has moved the goalposts, depending on portfolio area. For example, a person can get married at 16 and can buy alcohol or get a tattoo at 18, but is not viewed as an adult until 21 or 25 for justice-related issues.

Then there is the Gender Recognition Reform (Scotland) Bill. The SNP suggests that young people should be able to change their gender at 16, but the Children (Care and Justice) (Scotland) Bill changes the age of a child from 16 to 18. We need to have a serious conversation about age, but I understand that that discussion will need to be for another day.

My colleague Sue Webber, in her capacity as convener of the Education, Children and Young People Committee, highlighted the valid concerns of MSPs who sit on that committee. She raised the important issue of finance and resource. As it stands, the bill lacks detail on costings and outlines issues regarding key agencies. The Finance and Public Administration Committee also highlighted the lack of financial information in the financial memorandum. That already puts the bill at a disadvantage; it causes doubt about its deliverability and provides no reassurance that bodies such as local authorities and Children's Hearings Scotland will be able to implement the changes that the proposed legislation will introduce.

I could not agree more with Sue Webber about the timings for the bill. With no full costings,

debating the proposed legislation is like putting the cart before the horse.

Natalie Don: Does Meghan Gallacher recognise that the full costings were worked out with key stakeholders and that we have committed to providing a supplementary financial memorandum, as is the usual process for legislation?

Meghan Gallacher: I take the minister's point, but Sue Webber's point was that linking the bill to that information would have been more appropriate so that we would debate the proposed legislation with better costings than we have. My concern is that agencies and key bodies that will be imperative to the bill's implementation do not know whether they will be able to implement what it asks them to do.

I will now consider issues relating to the children's hearings system.

At present, the system is stretched to breaking point. It is a volunteer system, but there are areas, including Aberdeen, that find it difficult to recruit volunteers and have to rely on people from other areas to fill the gap and deal with the backlog of cases. If the changes in the bill are approved, the children's hearings system would need to recruit an additional 270 panel members. That would be a challenge, given the current recruitment issues.

However, former panel members have also raised serious concerns about the culture and behaviour within the children's hearings system. It has been reported that panel members have had their reputations ruined because of the internal complaints system within CHS, and people have called for an investigation into behaviour within the organisation. I would be grateful if the minister could meet the group of former panel members to hear their concerns before stage 2, if she has not done so already, because the bill proposes extending the measures that may be included in a compulsory supervision order, which would give the children's hearings system greater choice when deciding on which measures are suitable for a child's individual needs.

The Education, Children and Young People Committee also raised concerns about section 3 of the bill, when considering victims and trauma. Section 3 could put the onus on victims to avoid people and locations that are harmful to them, so I agree with the committee that the Scottish Government must consider the wider needs of victims and how they can be met, especially when they are navigating the criminal justice system and the CHS.

I have not even touched on the bill's intention to clarify the test that is to be applied when a children's hearing or sheriff is considering secure accommodation or a compulsory supervision

order, the introduction of an interim compulsory supervision order, cross-border placements, or care-experienced young people.

My last point—I understand that I need to close my remarks—is on the severity of crime and information that can or cannot be shared. There will be some nervousness among members about what is classed as a severe crime. Of course, there are the obvious examples of murder and rape, but we need to tread carefully with regard to where a young person is detained, especially in respect of crimes that are so severe.

I will conclude my remarks, Presiding Officer. There is merit in the Children (Care and Justice) (Scotland) Bill, but I feel as though there have been many missed opportunities. We will no doubt get to those at stage 2.

The Deputy Presiding Officer: I call Pam Duncan-Glancy. You have up to five minutes, Ms Duncan-Glancy.

15:25

Pam Duncan-Glancy (Glasgow) (Lab): Thank you, Presiding Officer—I will do my best.

Before I begin, I thank all those who gave evidence to the committee on the bill. I also thank the secure accommodation providers and the people who live in secure accommodation who allowed the committee members to visit and see at first hand the work that they do.

Scottish Labour welcomes and supports the general principles of the bill and will be voting in favour of it at decision time today. We stand firmly in support of its purpose, which is to improve the experiences of and outcomes for, and strengthen the rights of, children and young people who come into contact with the criminal justice system.

However, as was made clear throughout the committee's scrutiny—and as we have heard already today—there are a number of issues with the bill and a number of areas that need greater clarity, not least in terms of the associated costs and the financial memorandum. Members will be aware that both the Education, Children and Young People Committee and the Finance and Public Administration Committee have raised concerns about that. Although I accept that legislation of this nature will of course be subject to some level of approximation when it comes to figures, it is clear that, in this case, even the rough estimates appear to be far off the mark in many areas of the bill, such as the cost of training panel members, the implications for social work services and the impact on legal services and legal aid, to name a few.

Local authorities, the Convention of Scottish Local Authorities and Social Work Scotland have

all raised concerns that the Government has not given an accurate representation of the resources that are needed to implement properly, and get the full benefit from, the changes that the legislation proposes.

It has also become apparent—I know that the minister has accepted this—that the projected number of additional hearings that is used by the Government is lower than the numbers that are suggested by the Scottish Children's Reporter Administration. Those numbers must be revised.

The same is true of the estimated costs arising from the extension of the use of movement restriction orders. The Government has accounted for only the costs of monitoring itself, and not for the costs for the additional support that must go along with that. Widening the availability of these orders as an alternative to secure care must go hand in hand with proper support measures, so that people can understand why they are restricted and are supported to adhere to that.

In addition, it appears that across many areas of the legislation, the Government has lost sight of the Kilbrandon principles: that the best interests of the child, wellbeing and support must be central to the system. That all needs proper resource, training and support, and I worry—as others do—that the finance associated with the bill is instead based on a minimum standard of delivery.

I welcome the minister's acknowledgement that the financial memorandum needs updated and I appreciate her commitment to do that, but I make clear on the record today my firm disappointment that, despite the committee's clear recommendation for that to happen prior to today's debate, updated figures have not been provided.

It is important that members have a clear picture of the resources that are needed in order to do the legislation, and young people, justice. Almost every contribution to the committee's call for evidence called for more resources to be provided for what is an already overstretched and strained system. In many respects, those changes will increase demand in areas where capacity is creaking.

The changes that the bill sets out could have the potential to improve lives, but if the support around it and the services that are needed to give that support do not have the resources to do that, it will not live up to its potential. In some cases, the situation could end up being even worse than it is now, and none of us wants that.

I am conscious that other members will expand, and already have expanded, on the financial challenges, so I will move on to cover some of the other areas.

The changes that are set out in section 1, which redefine a child in the system as anyone under 18, are welcome and align with the definitions that are set out in article 1 of the United Nations Convention on the Rights of the Child. I have made clear my frustration with the delays to incorporation of that convention on many occasions, and I remain disappointed that the Government has still not moved to bring the bill back to Parliament. However, in its absence, I welcome wider legislative changes that seek to better align devolved policy and practice with its principles.

I am, however, concerned that the way in which that change is set to operate in practice will continue to fall short of what is required. The Government has indicated that the effective cut-off age for referral will be set at 17 and a half to take account of the processing time in the system. It suggests that the imminence of an 18th birthday would make it impractical and impossible for the child to be dealt with appropriately by the children's reporter, but that fails to take account of the UNCRC stipulation that the date of the incident should be the one that is important, not the date at which processing has been completed.

Natalie Don: Will the member take an intervention?

Pam Duncan-Glancy: I am afraid that I do not have time.

I understand the logic behind that decision but cannot support it. Should the Government be particularly concerned about complications that might come about from someone exceeding 18 by the point at which they are dealt with in the system, it should focus on reducing delays, not on abandoning the principle of equal access.

It is also important to make it clear that, should a children's panel find a person guilty of an offence, that can remain on their record. Therefore, it is vital to ensure that any admission or finding of guilt comes in a fair and just manner. We on the Labour benches feel strongly that provisions should be made to ensure that legal representation is available in any conversation that could lead to a conviction.

To ensure that the bill is equipped to deliver on its aims and meet its potential, clarity on finance must be addressed, there must be sufficient funding to resource it, there should be enhanced victim support, which must be forthcoming, and the best interests of the child must be at the heart of it. That, I believe, is a principle that all of us in the chamber today support.

The Deputy Presiding Officer: I re-emphasise the tightness of time. I will now have to keep everybody to exactly their time, if not less. Willie Rennie, you have up to four minutes.

15:31

Willie Rennie (North East Fife) (LD): The committee visited Polmont. It was a prison and I do not think that children should be in prisons. I have been in court before and I do not think that children should be in court. That is fundamentally what we need to do with this bill, and that is why the Liberal Democrats will support the bill.

The Promise oversight board's report today emphasises how we need to act with speed in order to deliver the Promise. Young people have great expectations about what this Parliament will do for them and we need to match those. We have heard much about the concerns over the costings, which I think speaks to a deeper anxiety in local authorities and delivery partners that they might be left to pick up the tab on that. That is why we are asking all these questions about whether the costings are real, so I hope that the minister takes that on board.

I understand the points about getting the most up-to-date figures. I get that, and I understand the desire to move at pace but, at the end of the process, we must end up with a system that is deliverable and can be funded. If we do not, the very children we have just talked about will be let down. I hope that the minister takes that on board and makes sure, at the next stage, that we have the fullest of costings, that they are realistic and that local authorities and others will have the money that they need in order to deliver the Promise.

The bill is full of principle, but on some occasions I think that the balance between principle and compromise tips towards compromise. Take the issue about 17 and a half-year-olds: I understand the practicalities of the processing time, but young people should not suffer because of the inadequacy of the system. They need to be given their rights, no matter what.

Perhaps the response to that has to be the youth justice reforms, which I hope will come more in line with what we are intending for young people. The Glasgow youth court proposals and pilots will perhaps speak to a bit of that. However, we need to reflect on the issue of 17-and-a-half-year-olds, because I do not think that it is necessarily fair or sticks to the principle.

Natalie Don: Will the member take an intervention?

Willie Rennie: I have very little time, I am afraid.

The other issue is police custody. The report says that police cells are not a place for children but goes on to say that, if it is necessary to have children in police cells, this is how we should ensure that the practice is applied. If the cells are

not suitable for children, we need to move at lightning speed to create facilities that are suitable for children, rather than putting them up in the cells.

The final issue is secure transport. I read the minister's response to the committee on that and it is almost as if she is shrugging her shoulders because she does not know what the solution is. She is saying that legislation is not the answer. The Care Inspectorate says that it is not responsible for it. The issue needs to be resolved at speed.

We should not have vehicles travelling from Portsmouth to take children from one part of Scotland to the other—sometimes, the shortest distance is 50 miles, which is just insane. We need to have a system of secure transport that is based in Scotland and affordable, because money will be tight. I hope that the Government takes a lead on that issue instead of shrugging its shoulders.

A number of difficult issues exist with regard to victim notification, secure unit viability and the capacity of the children's hearings system, and we need answers around all that. The debate is far too short—we need much longer, and I hope that we get more time in future debates.

Martin Whitfield: On a point of order, Presiding Officer. I am sorry to disturb the chamber with this but, under rule 9.3.2 of standing orders, a bill that is introduced must be

"accompanied by a Financial Memorandum which sets out best estimates".

We have heard from the convener of the Education, Children and Young People Committee that the figures that have been published in the financial memorandum are in fact the lowest estimates, and we also heard evidence that they are ranging estimates. Are you aware of any confirmation from the Government that the figures in the financial memorandum are the "best" estimates?

The Deputy Presiding Officer: My understanding is that that would be a matter for the lead committee. In the first instance, it would be for the Finance and Public Administration Committee and then it would be a matter for the lead committee, the Education, Children and Young People Committee, to take account of. It will be the responsibility of the Government to speak to the financial memorandum that attaches to any bill.

Stephen Kerr: For clarity, and given the evidence that has come from both committees, which have raised concerns about how wildly out the financial memorandum is for this bill, are you saying that the responsibility to ensure that a financial memorandum is the best estimate of the

cost of the legislation is with the committee, with the Government or with the office of the Presiding Officer?

The Deputy Presiding Officer: In the first instance, the preparation of a financial memorandum is a matter for the Government. It is then for the Finance and Public Administration Committee to satisfy itself as to the veracity or otherwise of the financial memorandum, a view that the lead committee—in this instance, the Education, Children and Young People Committee—will take account of.

Stephen Kerr: On a point of order, Presiding Officer. This is so important. We are making law in such a compressed time—frankly, it almost verges on farcical. The lead committee for the bill reported that the financial memorandum is utterly unsuitable and unacceptable. In fact, it specifically said that it should be "updated" in advance of the debate. Whose judgment are we operating on here? If it is the committee's judgment, I suggest that we should perhaps adjourn the debate, because we are in a situation where we are addressing ourselves to subject matter that is, frankly, unknown.

The Deputy Presiding Officer: I thank Mr Kerr for his further point of order. As I have said, the Education, Children and Young People Committee has made clear its view on the matter. It is up to Parliament to take a view later this afternoon as to whether it is satisfied with the response that it has had. The issue has been aired as part of the debate; I cannot add anything more in relation to those points of order.

We move to the open debate. I call Ruth Maguire for a very strict four minutes.

15:38

Ruth Maguire (Cunninghame South) (SNP): It is not possible in the time available to cover all the aspects of this really important report. In the short time that I have, I will speak to two areas of concern, on which I would welcome further discussion with the minister in order to explore possible resolution or amendment at stage 2: legal representation and treatment of child victims of crime.

On legal representation, it is of grave concern to me that a young person could accept offence grounds without understanding the full implications of that decision. As Katy Nisbet of Clan Chilblaw explained in her evidence, offence grounds are labelled in the same way as a criminal charge would be, including reference to the crime and the behaviour that supports that the crime has been committed. When those grounds are agreed by the child, without a hearing on evidence and with no automatic right to legal advice, they can be

disclosed in protection of vulnerable groups—PVG—checks years later.

I acknowledge the points that were made in the Government's response to the committee's report in that an offence that is dealt with through the hearings system is spent immediately. However, it is the case that offences such as serious sexual violence, theft and fraud remain visible on PVG checks, and it is not difficult to see the impact that that would have on future employment opportunities in later life.

A child will be referred to a solicitor only if they refuse to agree the grounds or do not appear to understand the grounds, in which case the matter will be referred to the sheriff court for what is known as a proof hearing. Although advice by way of representation can be applied for, it is considered on the basis of a means and merit assessment. In other words, it is not granted as a matter of right, nor is there a duty on the children's reporter to ensure that a child knows about the option to obtain legal advice.

The seriousness of the consequences of agreeing offence grounds—that it will be treated as a criminal conviction in certain disclosure contexts—is not adequately explained, and neither is the potential impact of the disclosure of the criminal offence. As such, I support Clan Childlaw's calls for automatic legal representation for children when being presented with offence grounds, and I feel that that should be addressed in the bill.

Our committee's report recognises the challenge of balancing the rights of offenders against those of the victims who are harmed by offending behaviour. That is never starker than when both parties are children. From their case work, MSPs will recognise situations in which the balance has been off and has not felt just and in which the harmed child has been further traumatised by the actions of our care and justice system, which intended to do its best for the child who caused harm.

Giving evidence for Victim Support Scotland, Kate Wallace stated that the balance of rights in the bill, as currently drafted, is not correct, with the focus being on the child who has harmed and not as much on the child who has been harmed. With regard to information sharing, she explained that

"if you are offended against by an adult, you can opt into a victim notification scheme in order to get information if someone has escaped or absconded from prison. You are also entitled to know when they are released. However, if, for example, you have been subjected to a serious sexual assault by a child or young person who ends up in secure care and goes through that route, at the moment, you will not be informed about when they leave that secure establishment."—[Official Report, Education, Children and Young People Committee, 29 March 2023; c 45.]

I fully understand the challenges around information sharing, but it is simply not good enough that, in such circumstances, victims cannot plan effectively for their own safety.

To build on Scotland's progressive approach to children's rights in line with the UNCRC, we must not shy away from acknowledging and addressing the potential conflict of rights and then carefully and openly working our way through the issues to balance them. It can and must be done. It is essential and fundamental for obvious reasons of fairness. In addition, and just as important, by getting the balance right, we will ensure that the public have confidence in these really important reforms to improve our justice system for children and young people.

15:42

Roz McCall (Mid Scotland and Fife) (Con): I agree with the principles that are behind the proposed legislation. Considering my very vocal stance on anything Promise related, I accept that we must move forward with some speed if we are to uphold the good intentions of the Promise report. That said, there are parts of the bill that need to be carefully thought through and properly analysed as it progresses through stages 2 and 3.

I note the change in the age of referral to a children's hearing from 16 to 18, which will move us towards upholding the Promise by extending the provisions of the children's hearings system to incorporate older children and incorporating the UNCRC into Scots law by upholding children's rights.

However, the age change raises a valid point that we should debate—although not today, obviously. I refer to the suggestion from the Faculty of Advocates that there should be a review of the definition of "child" across Scots law, which begs the question: when, in a legal sense, does a child become an adult? In the short time in which I have been a member of the Parliament, we have debated and discussed contradictory arguments on that point—contradictions based not on political lines or overarching ideologies but on the bill that we have before us.

Currently, a 16-year-old can legally leave school, move out of their parents' home, apply for a passport, get married, have children, have a job, pay taxes, vote and even change their name. However, they cannot drive, get a tattoo, watch an 18-rated film, buy cigarettes or buy a pint in a pub, and that is before we take into consideration the Scottish Government's policies on changing gender and standing for Parliament. If, in a care and judicial setting, a young person is a child till the age of 18, why is a young person not a child till the age of 18 in all other aspects of the law?

John Mason (Glasgow Shettleston) (SNP): Will the member take an intervention?

Roz McCall: I am really short of time—I apologise.

I also note the changes to the children's hearings system that Sheriff David Mackie proposed in the recently published "Hearings for Children" report and the fact that the move towards a single point of authority—a paid position to support care-experienced young people through the hearings system—will have an effect on the on-going bill process.

Although that report looks to radically change the process of volunteering for children's hearings and panels, it is important to highlight that, if we are to increase the number of young people who utilise the hearings process, we must ensure that adequate training, support, funding and expertise are provided. We know that there is currently a shortage of children's panel volunteers, and it is estimated that the bill will result in a need to increase the number of panel members by 10 to 20 per cent. We do not have the capacity.

We will be asking panel members to review some of the most concerning cases in a judicial capacity, and it is imperative that all relevant training and support are provided to ensure that the process works not only for young people from a care-experienced environment, but for all young people in Scotland. If we do not ensure that the capacity is there, we will fall—and fail—at the first hurdle.

In conclusion—I have gone faster than I thought—although I support the intentions of the bill and am encouraged by the progress that is being made towards implementing the Promise, the Government must recognise the effort that is required to ensure that what the bill proposes will work outwith the care-experienced silo, for all of society.

15:46

Bill Kidd (Glasgow Anniesland) (SNP): I begin by reiterating the comments that I made during last week's debate on the Education, Children and Young People Committee's report on its college regionalisation inquiry. Although I joined the committee only recently, I would like to thank everyone who was involved—the other members of the committee and the clerking team, who have done a fantastic job—in helping to produce our stage 1 report.

Introduced last December, the Children (Care and Justice) (Scotland) Bill aims to make changes to the law in relation to the care of children and the involvement of children in the criminal justice system by legislating in a number of areas,

including by changing the age of referral to a children's hearing from 16 to 18 on welfare and criminal grounds; ending the detention of under-18s in young offenders institutions through the provision of secure accommodation services as an alternative; setting out the support, care and education that must be provided to children who are accommodated in secure accommodation; and extending the meaning of "child" to under-18s in other areas of previous legislation covering children and young people.

I welcome the broad support for the bill's aims and the measures to achieve them that has been received from the committee and the organisations that gave evidence at stage 1.

In his briefing to members, the Children and Young People's Commissioner Scotland notes that the bill will help Scotland to meet its international human rights obligations by ensuring that children's rights are protected when they are in need of care and protection, regardless of whether they are in conflict with the law. The commissioner goes on to welcome the proposed changes to ensure that "child" is understood as meaning any person under the age of 18, in line with article 1 of the UNCRC.

Children 1st, which has more than 130 years of experience of working with children, has also welcomed the proposed changes, but it believes that any changes need to be considered holistically, in tandem with changes to other services such as the introduction in Scotland of the Scandinavian barnahus model, in relation to which Children 1st and partners are leading practice developments. They stress that, in their view, it is essential that bairn's hoose developments are aligned with the Children (Care and Justice) (Scotland) Bill.

That view is backed by Barnardo's Scotland, which echoes that point by saying that many of the children, young people and families with whom they work have experienced trauma, loss and abuse, which can have significant, lasting impacts on their lives. Barnardo's says that what they particularly need is support with their mental health and wellbeing, as well as other holistic and intensive support.

I hope that the committee revisits that point as part of its stage 2 considerations, and I look forward to hearing more from the organisations that I have mentioned about how we can facilitate that in the bill.

Barnardo's and others strongly support the bill's intention to remove all children under the age of 18 from young offenders institutions. They also note that, although the number of children who are detained in prisons has drastically reduced in recent years, as of June 2023, there are still a

small number of children under the age of 18 who remain in residence at the young offenders institution in Polmont. Although they strongly welcome the proposals to ensure that not even a small number of children should be detained in YOIs, they share the committee's view that there should be no loopholes in the system that would allow children aged 17 and a half to be included within the remit of the adult criminal justice system. On that point, as before, I assure those who are listening that the committee will work together at stage 2 to address those concerns.

The Scottish Government's response to the committee's report—which the committee received yesterday and which picks up on the committee's point that it is essential that the public should understand the rationale for the changes brought about by the bill—is welcome, as is the information that the Government is actively considering a communication strategy for the bill. Such a strategy is essential, and I urge the Government to update the committee on its progress as soon as possible. If we want the changes and the bill to be effective, clear and concise information is essential to ensure smooth implementation and to harmonise holistic aims.

15:50

Richard Leonard (Central Scotland) (Lab): Children are not the property of their parents; they are the responsibility of society. If they are healthy, educated and loved—rather than born in overcrowded housing into semi-starvation and multiple deprivation—they will grow up to be useful citizens, giving something back not only to their families and communities but to society as a whole.

We live in an unequal, class-ridden economy, with widespread and institutionalised poverty. According to the Scottish Children's Reporter Administration, two out of every three children who are referred to a children's hearing are growing up in deprived neighbourhoods—two out of three. They did not choose to be born in those neighbourhoods; that is not within their control. Almost half—half—of those who are referred to hearings are victims of parental neglect. They have been failed from the earliest age, but that is not their choice either.

Many of those young people have been through trauma and are maimed in body and spirit, so it should come as no surprise that there is a strong correlation between those young people who offend and those who have their own welfare needs: they are, all too often, the very same young people. We are all responsible for their care and protection. It is not only our task but our duty, as elected members of this Parliament, to make it

possible for them to live useful, fulfilling, loving lives and to do so in peace.

In recent weeks, there have been calls for a takeover of the children's hearings system to "change the decision-making model" to one with

"highly skilled, salaried professionals",

by which is meant lawyers. We are told of the "complexities" of the European convention on human rights and of the legal arms race in the system, but that is to miss the point. The children and young people in whose best interests that system is meant to work, and who we are here to serve, must be at the centre, which means that they must be able to comprehend the system. If it is being suggested that we scrap and sweep aside experienced and already intensively trained adult lay panel members because it is all too complicated for them, what chance do our children and young people have?

In this economically and socially segregated society of ours, how many of those professionals live in the same local communities as those children, let alone in the most deprived neighbourhoods, where the vast majority of those children live? Putting the professional managerial class in control of the system breaches the very ethos, principles and philosophy of Kilbrandon, taking away the voice of community and lived experience from the panel.

Abandoning the use, in the words of Kilbrandon, of

"a lay panel to reach decisions on treatment"

in

"a preventive and educational approach"

where

"the paramount question in every case must be the child's interests"

would not be a step forward—it would be a step backward. It would undermine the democratic nature of the panel itself. Worse, it opens the door to the unwanted and tawdry influence of money on Scotland's children's hearings system.

That is not to say that there are not reforms that could usefully be made. Better alignment with mental health legislation, an end to the national scandal of child and adolescent mental health service provision and alternatives to the hospitalisation of our youngsters in acute psychiatric wards would be a start.

However, attention needs to be paid to the analysis about the financial memorandum not being adequate, because we need to get this right.

Too many young people and too many children, some as yet unborn, depend on it.

15:55

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): I am very pleased to speak in the debate as convener of the Criminal Justice Committee, which is a secondary committee for consideration of the bill. We took evidence on the justice provisions, and I thank all the witnesses who gave evidence.

In the short time that is available to me in the debate, I want to highlight two key issues. The first is the use of secure care. The bill proposes that any child aged 18 or under should be held in a secure care setting rather than in a young offenders institution. It also provides for a young person up to the age of 19 not to automatically transfer to a YOI if that is in their best interests and it is not contrary to the best interests of other children in the secure care facility.

During our scrutiny, the governor of HMP and YOI Polmont told us that, at that point, he had seven young people in custody, but he said:

“no 16 or 17-year-old child should be in our care.”

He said that holding them in secure care rather than in a YOI was

“Morally ... the right thing to do.”—[*Official Report, Criminal Justice Committee*, 29 March 2023; c 19.]

His view was supported by other witnesses, including Linda Allan, whose daughter Katie took her own life in Polmont and who now campaigns on behalf of young offenders. I pay tribute to Linda for her courage when speaking to the committee.

Secure care is not a soft option. A young person in secure care is still removed from the community, but they will receive far more appropriate care than they would get in a prison setting. Staff-to-offender ratios are better, and staff are more appropriately trained and skilled to provide a trauma-informed setting within which young people are better supported and their needs met.

It is for those reasons that there was strong support for the proposal that young people aged 18 or under should no longer be held in a YOI and that they would be better held in a secure care setting. However, we need assurances that the necessary resources will be put in place to deliver the changes that will be necessary, given that secure care places can cost up to four times as much as a place in a YOI.

Stephen Kerr: Will the member take an intervention on that point?

Audrey Nicoll: I will come back to the member if I can.

The secure care estate may need to be reconfigured so that the very small minority of young people aged 18 or under who may present a risk to others can be held securely while the risk of them harming themselves or others is minimised. The committee also heard that, in future, consideration should be given to having a more flexible, individualised system rather than one that is based on age criteria alone.

The second issue that we considered was the rights of children who are held in police custody. Although we broadly welcome the bill’s provisions, we again seek assurances about resources. We recognise the funding implications that arise for local authorities from their proposed new role of providing an alternative place of safety for a child, rather than their being held in a police cell.

This is an important bill. Although it was not for our committee to reach a conclusion on its general principles, we heard support for the two main provisions that I have covered in the short time that was available to me today. I thank my fellow committee members for their constructive and collegiate approach to scrutiny of those provisions and I thank all the witnesses who engaged with us.

15:58

Ross Greer (West Scotland) (Green): The bill’s intentions have been welcomed across Parliament and, I believe, across the country. Although our committee process has raised serious concerns that should be addressed, it is clear that substantive consideration has been given to some of the really tricky issues, such as the balance of rights between children who have committed offences and those who are the victims of that offending. That is particularly difficult given that a high proportion of children who offend are also victims.

In the time that is available to me, I will focus on the situation in secure transport. Transport provision for young people in secure care has been a missing link when it comes to the gradual raising of standards, quality and accountability in recent years.

I want to thank the hope instead of handcuffs campaign for raising the profile of the issue. It highlighted to Parliament that children in Scotland are being inappropriately restrained when in the care of secure transport providers, including by the use of handcuffs in situations where they are simply not necessary.

The use of restraint against children has rightly been the subject of significant scrutiny and debate in this Parliament and in council chambers across the country in recent years, and progress has been made in relation to schools, specifically with

much-improved guidance having been produced, but restraint in secure transport settings has been underscrutinised up until now.

The evidence received by the committee made it clear that key stakeholders, including local authorities and secure accommodation providers, want to see the gap closed. With that broad agreement, much of our discussion in the committee at stage 1 focused on the method by which we could apply clear rules and standards. It could be via guidance, which COSLA and key partners are already working on; via regulation, by amending the bill to give ministers that power at a later date; or we could put it directly in the bill.

There were mixed views on the route to take. It would be fair to say that the balance of views leaned towards the regulations approach, which would give us flexibility as well as the opportunity to take a bit more time to develop specifics than would be the case if we placed those standards directly in the bill.

I highlight that other contributors, such as the Children and Young People's Commissioner Scotland, stated a preference for putting the standards in primary legislation. I am firmly of the view that they need to go into legislation, but I do not have a particularly strong feeling for whether that should be primary legislation or regulation via secondary legislation. I look forward to engaging with the minister and officials before stage 2 to consider that.

There is a clear need to restrict the use of restraint against children in secure transportation, but it is based on anecdotal evidence, which demonstrates the second issue: the lack of reporting. At present, there are no consistent reporting requirements for secure transport providers. After incidents of restraint, some inform the accommodation provider, and some inform the local authority, but in many cases it seems that no report is made at all. Even when reports are made, there is no mechanism for them to be collated.

COSLA and its sector partners are doing good work there, but they agree that the bill is an appropriate way to set clear reporting requirements. Not only should the bill set those requirements in each individual instance, but clear responsibility needs to be assigned, whether it is to the Care Inspectorate or another appropriate national body, for the collation of those reports, to give us an accurate picture of what is going on.

One issue that was raised during evidence gathering on the bill, and which certainly needs addressed—although that should be done largely outside of legislation—is the availability of secure transport. We on the committee were stunned to hear that secure transport providers are so close to non-existent in Scotland that accommodation

providers are being forced to procure transport from as far south as Portsmouth for journeys as short as going from Montrose to Ninewells hospital or from one side of Glasgow to the other.

We did not have time to fully understand the lack of Scotland-based transport providers, but it is clear that the system is currently incredibly inefficient and is failing the young people involved, so I welcome the minister's commitment to take action through and outwith the bill to improve the situation in secure transport for children and young people. However, I share Willie Rennie's concerns about the level of ambition that we need to place on the issue, because it is clear that the current situation is unacceptable to all those involved.

I look forward to working with the minister on amendments and the wider policy changes that are required to make the improvements that we all agree are necessary.

16:03

Jamie Greene (West Scotland) (Con): I thank members for their contributions so far. It has been an interesting but far too short debate—something that we have become accustomed to. This is an important and complex subject that merits far more chamber time. I cannot believe that we are squashing a stage 1 debate and a stage 3 debate into two and a half hours of chamber time on a Thursday afternoon. It does not do any justice to the great work that was done by all the committees. The Government and its business managers need to reflect on the issue. It is becoming a problem, and is stifling debate—no one can take inventions, for example.

I have just a few points to make on the bill. I was part of the Criminal Justice Committee, which was one of the feeder committees, and we did a good report on the bill. We did not spend a huge amount of time on it, but we certainly looked at the justice elements and at children's experiences of secure accommodation, young offenders institutions and, of course, sadly, as we know, prison, although those numbers are reducing.

There is a general feeling—I am certainly picking it up this afternoon—that there is consensus that the bill is well intentioned. The concept of promoting consistency in our criminal justice system and doing more to uphold the human rights of children in that system are welcome objectives. I see and hear no political adversarial arguments about that, but it is clear that there are concerns, not least those around the financial memorandum, deliverability and inconsistencies in how the bill interacts with other legislation. Those are serious issues that the lead committee will have to grapple with in the coming months.

Please do not rush this—let us not have another farcical situation where we have last-minute amendments to legislation that mean that we end up with a bill that does not make sense and is unworkable and financially unaffordable. We have seen that far too often in the past couple of years.

I want to make a couple of points about the issue of detention. The proposal that someone could stay in secure care beyond their 18th birthday, until their 19th birthday, is controversial, but I understand the flexibility that that might afford individuals and that, in certain circumstances, it might be the right thing to do. That is why the Criminal Justice Committee said that we were okay with the proposal. However, like many people, we have a problem with the possibility of an extension to the 18-to-21 group, or even to the 21-to-25 group, and we took evidence about the issues in that regard.

I was quite worried when the minister said that the Government might consider that. I do not think that that scenario should be entertained. A secure care environment that is designed to house children should not house any adults—whatever the definition of an adult is these days—because we know the tragic consequences of getting that wrong. As Victim Support Scotland has said, and as Ruth Maguire noted in her speech, older children do bad things to younger children, and the safety of those young people is absolutely paramount. I echo recommendations that any changes to the age at which a young person can be sent to a YOI should be made only through primary legislation.

Another problem is that we all too often fail to listen to the victims, often women or girls of varying ages, who are suffering at the hands of young men. When they speak to committees, all that they ask for is some fairness and balance in the system. They understand the need to take action that is appropriate in relation to people's rights and that the law is one way of dealing with that, but all they ever ask for is fairness.

I have absolutely no time whatsoever to talk about the issues of care in custody, of children being kept in police cells or of the availability of appropriate legal representation when a young person is being interviewed by police. There is a bunch of issues that we do not have time for, and I hope that we have an opportunity to discuss them—we would have had such an opportunity if we had had a full and proper debate on this matter.

All that I would say is that I think that we should proceed with caution. This is a well intentioned bill with some positive elements, but there are clearly real concerns. I think that we will hear more of those, not just today, but throughout stages 2 and 3. The Government absolutely must listen to them.

16:07

Kaukab Stewart (Glasgow Kelvin) (SNP):

There is an old adage that resonates very deeply, which says that one can judge a country by its treatment of its prisoners. Coping with difficulty while retaining compassion and humility is where the challenge really lies. Young people are our present and our future, and we obviously have to nurture them.

There is no denying that the criminal justice system in Scotland has evolved greatly in recent years, not least in its treatment of our young people who find themselves in conflict with the law. As someone who was previously deputy convener of the Education, Children and Young People Committee, I state my support in principle for the bill and I acknowledge the committee's scrutiny, as outlined by Sue Webber.

Ever since the hugely influential Kilbrandon report of 1964—one of the most important documents in youth justice history—we have proudly strived to take a progressive welfare-based approach, with varying degrees of success. Kilbrandon was able to recognise that the children who were labelled as offenders were hostages to fortune. They were not inherently bad or troublemakers; they were people who had been failed and were as equally in need of care as those who had suffered abuse or neglect. He recognised that, for many, their behaviour seemed inevitable, as if there was no other path.

Community Justice Scotland illustrated that through the story of a now-successful mentor working with vulnerable young people. James had a chaotic start in life, spending a lot of time with his mum in women's refuges. By the age of seven, he was already engaged with the criminal justice system, having more and more run-ins with the authorities and, by his mid-teens, he had a custodial sentence, spending a night in Barlinnie, followed by time in a young offenders institute. He recalls:

“I was terrified and cried myself to sleep.”

Reading about James's experience, I am further reminded of my time on the Education, Children and Young People's Committee, listening to people such as Sue Brookes from the Scottish Prison Service, who said:

“Even if the rest of the establishment was empty, those children should be somewhere else.”—[Official Report, Education, Children and Young People Committee, 29 March 2023; c 13.]

Her dismay and discomfort at having to expose young people to such a harsh environment was palpable and, of course, understandable.

It will come as no surprise that I whole-heartedly welcome the proposal to increase the age cut-off for referral to children's hearings from 16 to 18

years old and that I support the ending of placing under-18s in young offenders institutions.

I welcome the considerations of the Criminal Justice Committee, which Audrey Nicoll mentioned earlier. The independent care review made it clear that criminalising children and putting them in prison-like settings is deeply inappropriate. If we are to align more closely with the UNCRC, the bill must surely extend to 16 and 17-year-olds. Depriving children of their liberty deprives them of their childhood. That must be a last resort. By protecting that childhood, we move towards keeping the Promise to our young people.

I welcome the minister's commitment to providing an updated financial memorandum that provides sufficient funding and resourcing for care-based alternatives to custodial sentences. I request that she addresses the transportation issues that my colleague Ross Greer has already mentioned very clearly.

In the words of the late American humorist Erma Bombeck,

"A child needs your love most when they deserve it least."

The Presiding Officer (Alison Johnstone):
We move to winding-up speeches.

16:11

Martin Whitfield (South Scotland) (Lab):
Kaukab Stewart finished her speech on a very pertinent point about the importance of children who are, quite frankly, bashing up against walls all over the place to find people for whom love can be a way to communicate.

The debate has been a challenging one in respect of time and subject matter and, indeed, some of its content. Scottish Labour will support the principles of the bill at stage 1 under rule 9.5 of the standing orders. However, we have heard contradictory evidence about the financial memorandum. I find that disappointing, because the standing orders are explicit that there is supposed to be the best estimate that the Government can give. I invite the minister to confirm whether the estimates are the best ones. Are they, as we have heard in evidence, the lowest estimates or the estimates of other bodies outside Parliament? If the minister feels unable to deal with that at the moment, we will support the bill at this stage, but it is a huge disappointment that members cannot see the proper financial consequences of a very important bill that speaks to a very important group of people in Scotland.

A number of matters that have been raised are worth revisiting, although I will curtail my speech because of my earlier point of order. Ross Greer made comments about transport and the committee having the opportunity to look into that

and to get to the bottom of the problem. I hope that we will see amendments at stage 2 or, alternatively, explicit requests of the Government about how that will be achieved. It seems ridiculous that, in 2023, vans are driven all the way from Portsmouth to transport children in Scotland.

I want to mention Roz McCall's fascinating speech, and particularly her emphasis on the call for a review of children under Scots law. A number of members have spoken about the challenge that exists in Scots law. My personal point of view is that it is more important that we look at the circumstances of a young person as much as the specific day or date on which they were born. That raises the interesting question of those who are 17 and a half. I am sorry to refer back to the financial memorandum, but it specifies that a young person of 17 and a half is unlikely to be dealt with because of delays in the system. That seems to me to be a very dangerous way to start legislating—building in delay or a problem with the system and inflicting a level of punishment on a person that is entirely dependent on when they were born. As the UNCRC and good practice suggest, it should be the date of the incident that is taken into account.

It would, of course, be remiss of me not to say that we have spoken a lot about the UNCRC, and I am pitching a huge amount on the Government's statement on the matter next week, if members will allow that. We speak strongly about our desire, and we point our children and young people to the rights that they have, the rights that they should expect and, indeed, the rights that they should expect others to have, but we seem to be unable to bring the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill back to the Parliament.

I am conscious of the time, so I will leave it there. I am disappointed that we are unable to get an answer about whether the financial memorandum meets the requirements of standing orders, but members in committee will have more time on that. I also hope that we will have a lot more time later and we do not have a crushed stage 3 with many amendments.

16:15

Stephen Kerr (Central Scotland) (Con): I congratulate my colleagues who have tried their best to use very little time to deal with a complex and important bill. Frankly, it saddens me greatly to have to say this, but our Parliament—Scotland's Parliament, the Parliament to which we belong and take a great deal of pride in being members of—is developing a reputation for creating bad law. We are developing that reputation, unwanted as it is by us all, because of what we have witnessed this afternoon. Colleagues have tried to

address a complex matter and have made excellent speeches, given the little time that they have been allowed, but they have not really got to the issues that are at the heart of the bill, regardless of whether we support them or are concerned about them.

Because there is so little time, I will be clear from the outset. Scottish Conservatives will support the bill at stage 1 because we believe that its principles are essentially correct. However, I will say something now that I will probably repeat more than once before I sit down: good intentions do not make good law. When we in Parliament accept that, we will see an improvement in the efficacy of the measures that are brought before us, we will see better implementation of the measures that we pass, and we will see the intended better outcomes that come with the good intentions that lie behind any bill. The bill is full of good intentions, which is why we will support it, but we will abstain on the financial memorandum.

As was pointed out by Martin Whitford—I mean Martin Whitfield; I have given him a new name. I do not think that we have the authority to give each other new names, although the Presiding Officer talked about nicknames during First Minister's questions.

As Martin Whitfield pointed out, the requirement for a financial memorandum that reflects the best estimate has been failed, in this case. It is not acceptable that we are having a compressed stage 1 debate with a financial memorandum that is, frankly, not fit for purpose because its figures bear only a passing resemblance to the true costs of implementing the bill. That was the overwhelming evidence that was received by the lead committee, which is convened by my friend Sue Webber.

The committee is entitled to make its position clear in the debate, and it has done so through the voice of the convener. However, Parliament should be saying that we expect the Scottish Government to provide updated costings to reflect stage 2 amendments, and that we should be considering the bill at stage 1 with a financial memorandum that represents the best estimates of the bill as it stands. That is not the case. This is a call to the common sense of the members of the Scottish Parliament for them not to vote for the financial memorandum simply because to vote for it will be an abrogation of our responsibility as members of the Scottish Parliament. I therefore ask members to seriously consider their responsibilities when we get to decision time.

I have two minutes left. Reference has been made to the UNCRC; I support what a number of colleagues have said about how it certainly does not allow the Government to say in one breath that it is redefining the legal age of a child at 18 and

then, in the next breath, to say that it does not mean 18, but means 17 and a half. That is not acceptable. The issue of age is at the heart of the bill, so it is important to have a serious review of the confusion that exists in our law relating to the age of a child. By voting for the bill today, we are going to define the age of a child in legal terms as being up to 18, but there are so many anomalies, which Meghan Gallacher touched on.

Ruth Maguire: Would Stephen Kerr recognise that, in terms of children's rights, there are protective rights and participative rights and that those happen at different ages and stages?

Stephen Kerr: We need to look at the whole issue of how we treat children in the eyes of the law. The point that Ruth Maguire makes has a deal of validity to it, but the age should be reviewed because we have got to the point at which there are so many competing and confusing issues around it.

In the 15 seconds that I have left, I would like to mention the importance of the bill not being seen as soft-touch justice—that is very important—and the need to look at the stresses that we will cause to the children's hearings system, which we have touched on but not properly dwelt on—in particular, in response to Sheriff Mackie's recent report on the Promise. There are many issues, which have been touched on by colleagues, that must be addressed in relation to the children's hearings system.

Basically—if I might indulge in making a few more points, Presiding Officer—we need a new financial memorandum, we need to deal with age inconsistency in law, we need to deal with the age being defined as 17 and a half as opposed to 18 and—for those who go to secure accommodation—there has to be absolutely guaranteed access to mental health services, which currently they might get in Polmont but might not get in secure accommodation.

At that, I can see that I have tried the patience of the Presiding Officer to the point at which I should sit down. Thank you.

The Presiding Officer: Thank you, Mr Kerr. I call Natalie Don to wind up. You have up to seven minutes, minister.

16:22

Natalie Don: Before I begin, I would really love to know how many seconds of time in the debate have been wasted discussing the amount of time in the debate, rather than the subject itself—[*Interruption.*]—so I encourage members to focus on the debate at hand. [*Interruption.*]

I repeat my thanks for the lead committee's report on the general principles of this important

bill, and for the diligent scrutiny by other committees. My hope is that the Scottish Government's response, which was published earlier this week, reflects the spirit in which we will continue to develop and debate these important reforms.

I also thank members for the questions and points that they have raised in the debate today. I will take away those thoughts and give them serious and sincere consideration. However, I am disappointed by the use of the term "bad law" to describe the bill, because, as far as I am concerned, that is not what the young people and the key stakeholders whom I have been talking to are saying. [*Interruption.*]

The Scottish Government will work right across the relevant sectors throughout the period before stage 2 to determine whether and where the bill can be improved. Despite the concerns and questions that have been expressed here today, I am heartened by members' approach to the issues and I am further encouraged by the broad consensus on the underlying reach of the bill.

The bill's policy objectives and the direction of travel that it sets are the right ones at this time. However, some concerns have rightly been raised today; I hope to address those. We have heard concerns about resourcing and readiness. I recognise the significant challenges that the sector currently faces, including recruitment and retention issues that are faced by social work services and Children's Hearings Scotland. We absolutely have to ensure capacity building and system readiness, which will be key. That is exactly why we have convened a national multi-agency implementation group, which had its inception meeting on 5 June and has more meetings scheduled right into the autumn.

Concerns have also been expressed about the financial memorandum. I have been clear that there is a need to provide more information to Parliament at later stages of the bill. We are therefore working with key partners.

Sue Webber: I thank the minister for taking this intervention.

Surely she must agree that members are being asked to support the general principles of a bill without fully understanding its cost implications and without certainty that the Scottish Government understands them, either.

Natalie Don: We have not published, and could not publish, a supplementary financial memorandum ahead of today, not least because the data for 2022-23 is not yet available. This will become—

Stephen Kerr: You should have waited then.

Natalie Don: I have said that my priority is keeping the Promise by 2030, and the bill is a key part of that. The financial side can be progressed in further stages—

Stephen Kerr: That is not what standing orders say.

Natalie Don: My priority is to ensure that the bill proceeds for the benefit of children and young people.

The Presiding Officer: I ask members not to comment from their seats.

Natalie Don: Last month, I was privileged to meet care-experienced young people at the launch of the hearings system working group. From that conversation, I understood the need to act with urgency and to take every opportunity to learn and listen, which is exactly what I am doing. Scotland's young people—especially those who have faced adversity and disadvantage—need us to get this right. I will take that same listening and learning approach to the bill, as it progresses.

Members have commented on the hearings system. We know that it is already dealing with 16 and 17-year-olds, and that the people who work in the system are well equipped to think and act in a trauma-informed way for that age group. There is an appetite among all the relevant workforces to keep improving the hearings system. We are considering the redesign report of Sheriff Mackie's hearings system working group, which we will respond to in full later this year. On where we are now with Children's Hearings Scotland, I met the chair and the national convener last week, when those matters, as well as the upcoming recruitment campaign, were discussed.

As I said in opening, additional Scottish Government funding for 16 secure beds will be made available to ensure that providers of secure accommodation have the required resources. They need support for the capacity to be there to cope with young people who would otherwise be placed in YOIs.

The important work that is under way on reimagining secure care will help to identify any areas that can be improved for children who need those services. Profiling the needs of young people who are currently in YOIs will continue alongside the progress of the bill, so that secure centres can be supported to address the full spectrum of young people's needs.

I will touch on some things that we have not discussed or had time to explore fully. The bill will make it easier for a child, including a child victim, to remain anonymous during the investigation of a crime and in court proceedings. That is crucial to children's safety, rights and recovery. The bill will give courts discretion to extend anonymity for

children who are found guilty of an offence, to allow them to be rehabilitated without damaging intrusion and speculation.

Importantly, the bill will put tighter inspection regimes in place for providers that set up in Scotland to take children from elsewhere in the UK. It is vital that cross-border placements be used only in exceptional circumstances and when they are in the child's best interests. I was due to meet the UK Government Minister for Children, Families and Wellbeing, Claire Coutinho, around this time today to discuss that matter, but the meeting will be rescheduled, and I will be happy to give an update on it.

Questions have been asked about the reference to the age of 17 and a half that was used in the financial memorandum. The bill will enable all children who are under 18 to access the children's hearings system, which will be treated on a case-by-case basis. It will be a matter for the Lord Advocate, if and when the current guidelines are reviewed, to consider whether a cut-off age is needed.

I move to specific contributions. I thank Ruth Maguire for her comments and appreciate where the concerns come from. I would be happy to meet her to discuss the matter further. Audrey Nicoll was right to highlight that secure care is not a soft option. The bill is not about soft justice but about providing a trauma-informed and age-appropriate setting that gives children the maximum opportunity for rehabilitation. I appreciate the concerns that Ross Greer and Willie Rennie expressed, although I do not like the suggestion that I am "shrugging" anything off. Work is ongoing on a national service specification for secure transport that looks specifically at data gathering, information sharing and who is best placed to provide transport.

I urge members to support the bill and to allow it to move to the next stage in the parliamentary process. Scotland's children need the changes to be brought in and need improvements to be made to the outcomes that we seek for them and the support that we provide. I am absolutely committed to keeping the Promise and to ensuring that children have their needs met in a trauma-informed and age-appropriate way. That cannot happen when they are in systems that are designed for adults.

The bill will have life-changing impacts for our children and young people—especially those who are from disadvantaged and care-experienced backgrounds, who are disproportionately represented in the youth justice system. There is no doubt that the approach is preventative and will offer our young people the best chance for rehabilitation and the best chance to alter their life path.

The Presiding Officer: Please conclude, minister.

Natalie Don: We all have a responsibility to get it right for every child, but we can do so only if we all work together.

Stephen Kerr: On a point of order, Presiding Officer.

At the risk of exhausting your patience, I feel that there is some confusion about standing order rule 9.3.2, which was referred to earlier by Martin Whitfield. It says clearly in the standing orders of this Parliament that

"A Bill must on introduction be accompanied by a Financial Memorandum which sets out best estimates of the costs, savings, and changes to revenues to which the provisions of the Bill would give rise, and an indication of the margins of uncertainty in such estimates. The Financial Memorandum must also include best estimates of the timescales".

However, we have now heard from the minister that the financial memorandum does not represent the best estimates of the costs that will be associated with the bill and its implementation because they have not been properly scoped.

Presiding Officer, I appeal to you for guidance on whose responsibility it is to enforce standing order 9.3.2. In this scenario, given that the minister herself has said that the financial memorandum does not represent the best estimates of the implementation costs of the bill, where do we go from here? It seems to be a very odd predicament to find ourselves in—to be passing a bill at stage 1, on its way to becoming law, when we and the Government have no idea how much it will cost to implement the measures, however well intentioned they are.

The Presiding Officer: I thank Mr Kerr for his point of order. That is a matter for scrutiny by the lead committee and the Finance and Public Administration Committee. Members are considering and debating those matters this afternoon and will later vote on the financial resolution and general principles of the bill, at which point they will take into account what they have heard.

That concludes our debate on the Children (Care and Justice) (Scotland) Bill at stage 1.

Children (Care and Justice) (Scotland) Bill: Financial Resolution

16:32

The Presiding Officer (Alison Johnstone): The next item of business is consideration of motion S6M-09158, in the name of Shona Robison, on a financial resolution for the Children (Care and Justice) (Scotland) Bill. I call Natalie Don to move the motion.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Children (Care and Justice) (Scotland) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3A of the Parliament's Standing Orders arising in consequence of the Act.—[*Natalie Don*]

The Presiding Officer: The question on the motion will be put at decision time.

Bail and Release from Custody (Scotland) Bill

The Presiding Officer (Alison Johnstone):

The next item of business is a stage 3 debate on motion S6M-09599, in the name of Angela Constance, on the Bail and Release from Custody (Scotland) Bill. I would be grateful if members who wish to speak in the debate pressed their request-their-speak button. I call Angela Constance to speak to and move the motion. You have up to seven minutes, cabinet secretary.

16:32

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): I am pleased to open the debate on the Bail and Release from Custody (Scotland) Bill. I start by expressing my thanks to the committees that took part in considering the bill, particularly the Criminal Justice Committee for its careful and thorough scrutiny of the bill over the past year. I also thank the Scottish Government's bill team. In particular, I want to say a special thank you to everyone who engaged with the committee and the Government during the development and passage of the bill. Their engagement and input have undoubtedly made the bill better.

I will start by summarising how the bill will make a positive difference to how imprisonment is used and to supporting the effective reintegration of people who are leaving prison.

The bill has two main purposes. The first is to focus the use of remand on those who pose the greatest risk to public safety or threaten the delivery of justice. I will discuss in a moment how the bill does that. The changes brought about by the bill will not, on their own, radically reduce the remand population—certainly not in the short term. We have all acknowledged that point on a cross-party basis, as have victims organisations.

The bill ensures that remand and imprisonment are reserved for those who pose a risk to the safety of victims and communities. There is no single solution to reduce the use of remand in Scotland, which, again, everyone in the chamber agrees we need to do. The bill is one—albeit important—part of a wider approach, along with action to address the court backlog and invest in alternatives to remand.

The second purpose of the bill is to improve the support that is provided to people leaving prison. That benefits all of us and the communities that we seek to serve. I listened carefully to the tragic examples that members highlighted yesterday of where that support has not been in place and to their descriptions of the devastating consequences

that that can have. I am clear that we can do more to support people leaving our prisons and to keep them and others safe. The bill aims to do that.

I highlight some specific provisions that have the potential to bring about real and lasting change. They include ending scheduled liberations on a Friday and the day before a public holiday. They also include placing new duties on the wider public sector to engage in pre-release planning so that planning starts at an earlier point in a prisoner's time in custody. That applies to remand and sentenced prisoners, as well as those released direct from court. Also, in establishing national statutory throughcare standards that will include remand and sentenced prisoners, we will ensure more consistent support for people leaving prison across Scotland. Taken together, those measures should lead to more people leaving custody with the support that they need in place, not just a list of appointments that they might struggle to attend.

I will focus on the concerns that victims group such as Victim Support Scotland and Scottish Women's Aid have about the move to a single bail test and the removal of the presumption in favour of remand for certain cases. I acknowledge their concerns about victims' views on, and perceptions of, those changes, and it is only right that I address them directly. Given the trauma experienced by victims of crime, they should and must have confidence in our justice system.

I make it clear to members that the single test of bail will allow a court to remand someone who is accused of a serious sexual offence or a serious domestic abuse offence, particularly where there is a track record of offending. Such cases are currently covered by the presumption in favour of remand and are exactly the types of case in which remand will be used under the single bail test. In fact, the new bail test emphasises that. That is because, although the single bail test recognises that remand should be used as a last resort, it makes it clear that remand is necessary where victim safety is put at risk.

That is why the bill means that the court must specifically consider the safety of the victim and their protection from harm when applying the new bail test. Importantly, the concept of harm in the bill includes physical and psychological harm. It uses the same definition as in the Domestic Abuse (Scotland) Act 2018. As a result, the bail test explicitly recognises the type of harm arising from coercive and controlling behaviour.

In addition to that focus in the new bail test, steps have been taken to further emphasise the importance of victim safety in the bill through amendments. Those include Maggie Chapman's amendments that were agreed to yesterday to emphasise the importance of victim safety information being sought from the prosecutor

when the court makes its bail decision. Parliament yesterday also agreed to amendments to require information to be collected on the use of bail in cases previously covered by the presumption in favour of remand. In the coming years, that will aid understanding of how the new bail test is operating for that category of case.

We have been open to making improvements to the bill throughout the process, while maintaining a firm focus on what it seeks to achieve. I am grateful to everyone who has provided their time and expertise to inform amendments. The bill will ensure that the use of remand is firmly focused on public and victim safety. It will also improve the opportunity for the rehabilitation and reintegration of people leaving prison. That will make a positive difference and will keep people safe.

I move,

That the Parliament agrees that the Bail and Release from Custody (Scotland) Bill be passed.

16:39

Jamie Greene (West Scotland) (Con): Today marks the end of a long journey for the Bail and Release from Custody (Scotland) Bill. Although it seems quite technical in nature, it attracted a range of outlooks on and experiences and views of our criminal justice system. The bill will have far-reaching consequences, which we must consider. It is our duty to do so.

We face important questions about the bill. Is it in part, or as a whole, entirely necessary? Will it improve outcomes for those who interact with our criminal justice system? Will it make people's lives safer and better? Does it increase or decrease the risk, or any perceived risk, that is posed to them? Does it produce better outcomes than the status quo?

Legislation, wherever it comes from, must, in my view, meet all those criteria to be passable in this place. In fairness, there are parts of the bill, most of them in part 2, that pass those tests. I support those parts and I welcome them. There are, however, parts that do not pass the tests.

It would be predictable, and probably quite easy, for us, as politicians, simply to divide down the traditional political lines on the bill: to oppose, for opposition's sake, on this side of the chamber, and to resist compromise on the other side, on the wrong assumption that what is being proposed is somehow motivated by ideology. I will be honest: I find that whole approach rather depressing. That is why I approached this bill as I would any other: with an open mind, a constructive attitude and a willingness to listen—in particular to listen to those who know what the changes mean out there in the real world, rather than in the confines of a committee room.

That is perhaps why the committee's stage 1 report was unanimous: because we got out of our comfort zone. We visited prisons and courts, and we met victims, judges and advocates, as well as staff and police and their unions. That is why at stage 1 I laid out my own thoughts, in this exact place in the chamber, as to where I thought that the bill meant well but had scope for improvement.

I have to say that, on the day, that was met with typical bombast, to which I sadly became accustomed, from the former Cabinet Secretary for Justice and Veterans; I should add that that is a direct compliment to the current cabinet secretary. That is why my party lodged 24 amendments at stage 2 and 33 amendments at stage 3.

I personally lodged 29 amendments over those two stages, and many of my amendments were drafted in conjunction with organisations such as Victim Support Scotland, Rape Crisis Scotland, the ASSIST—advocacy, support, safety, information and services together—project, Scottish Women's Aid and so many others. When every other public service shuts its door at 3 o'clock on a Friday afternoon, those organisations are always there for victims and their families. I make no apologies for being guided by them in my approach to the bill.

Many of my party's amendments, which sought to improve the information that is given to and received from victims in relation to custody hearings, were voted down. Our amendments to scrap the formula that equated two days electronically tagged on bail to one day in prison were voted down. Our amendment to record the reasons for why bail was granted was voted down. Our amendments to give judges the ultimate flexibility and discretion around bail, and to remove the new two-part test, which is the cause of so much concern, were voted down.

Our amendment to stop the emergency release of prisoners without the scrutiny or approval of the Parliament was voted down. Our amendment to stop the early release of prisoners on a four-year sentence after serving just 18 months of it was—guess what?—voted down. Finally, our amendment to remove section 3 of the bill, which itself removes from law section 23D of the Criminal Procedure (Scotland) Act 1995—that vital safeguard for victims of domestic abuse—was voted down too.

Nothing substantive that was asked of the Government by me, by other members and, more importantly, by those victims organisations, which pleaded every step of the way for the Government to listen, was accepted—not one amendment. It was not my amendments that were voted down—it was their voices that were shut down in all this.

I suspect that those organisations are, today, as angry as they are saddened, despite the comments that the cabinet secretary has already made—and all for what? It is so that the Government can say, "We are tackling Scotland's remand population," on the assumption that these changes will do so, or on the assumption that judges are wilfully sending people to prison when perhaps they should not be.

The number of untried prisoners arriving into custody has dropped by 35 per cent over the past 10 years, while at the same time, the length of time spent on remand due to backlogs has doubled. There is the remand problem right there in one statistic. Nonetheless, we ploughed on with the bill, which makes two fundamental errors. One is that the bail test should be amended, about which I and many, many others, have serious doubts, and the second is the removal of a much-needed safeguard that determines whether someone who is accused of serious domestic abuse or assault is remanded into custody or is released. Section 23D is not a buzzword for lobby groups—it is a very real protection in law that was created in response to the horrendous rise in violence against women and girls. Shame on any MSP who voted against my amendment yesterday to retain that protection.

The words of Victim Support Scotland and their friends and partners in their 11th-hour appeal to MSPs today are thus:

"The safety of victims should be at the heart of decision making. The new bail test is not sufficient to keep people safe and it does little to show victims of serious crime that their safety is being protected under the law."

That is a devastating assessment of any bill at stage 3, in my view, and I proudly give them the last word today. I do so because it is deeply personal to me. As the only child of a family of domestic abuse, I owe so much to organisations such as those. My promise to them is this: you made it your red line and it is my red line, too. That is why I cannot support the Bail and Release from Custody (Scotland) Bill.

I ask members not to listen to me or even to their whips but to listen to the voices of those to whom this bill matters and to their own conscience. Mine is clear; I hope that others can say the same.

16:45

Pauline McNeill (Glasgow) (Lab): I thank members of the bill team for making themselves available to the Scottish Labour team and the committee clerks for their incredible support in creating the stage 1 report. At stages 1 and 2, Scottish Labour stated that it could not support the Bail and Release from Custody (Scotland) Bill if

the Scottish Government did not address serious deficiencies in the bill and, crucially, provide clarity on its purpose.

There has not been any consistency from the Scottish Government team on whether the bill's purpose is aimed at reducing the remand population or is about something else. When the former cabinet secretary was first asked to clarify the purpose of the bill, he did not confirm that it was to restrict the use of remand, and he subsequently seemed hesitant to confirm that that was the purpose. I appreciate that, yesterday, Angela Constance, the Cabinet Secretary for Justice and Home Affairs, used exactly that language, but I need to emphasise that, right up until that point, we had been trying to clarify the purpose of part 1 of the bill.

The description on page 1 of the bill does not use such language. The policy objectives section in the policy memorandum states that the purpose of the bill is

"to refocus how imprisonment is used."

It also says that

"the use of custody for remand is a last resort ... to give a greater focus to the rehabilitation and reintegration of individuals leaving custody."

Although the policy objectives section says that the bill's decision-making framework is to be

"reserved for those who pose a risk to public safety (including victim safety) or for when it is necessary to prevent a significant risk of prejudice to the interests of justice in a given case",

it is hard to see why the new bail test will make any real difference as compared with the old one that is contained in the Criminal Procedure (Scotland) Act 1995, where there is also a presumption for bail.

Exceptions to that are provided for under section 23D of the 1995 act, but, as Jamie Greene mentioned, the Government has deleted that section through the bill. That provision means that, in all solemn cases where there has been an analogous previous conviction on specified serious offences, including domestic violence, the person must be remanded to custody unless there are exceptional circumstances. The bill removes that provision, but we do not have any evidence either way on whether keeping or removing it will make any difference to the remand population, and the deletion of section 23D of the 1995 act does not have the confidence of victim support organisations.

Last night, Victim Support Scotland, Scottish Women's Aid and the ASSIST project urged members to vote against the bill to protect the interests of people affected by crime in Scotland. They are adamant that the removal of that vital

safeguard presents a serious risk to the safety of people affected by crime in Scotland and, in particular, victims of gender-based violence.

The Scottish Government tried to explain its position today and disagreed with that assessment, but I do not think that it has adequately explained what the removal of section 23D would result in, and I do not think that it has adequately worked with victim support organisations to convince them of the need to remove that section.

Members should remember that subsection (3A)(c) of section 23D, which added domestic abuse to the category of offending, was only inserted into the 1995 act by the Domestic Abuse (Scotland) Act 2018. Last night, victim support organisations reiterated that section 23D is, in their opinion, still

"a vital part of Scotland's commitment to eradicate violence against women and girls."

We are all concerned about having one of the highest levels of remand population in Europe but, on the face of it, the bill does not appear to change that. One of the biggest factors, as has already been mentioned, is lengthy waiting times for court hearings, which we have tried to reduce, but that might not happen until 2026. We believe that our primary focus should be to get those waiting times down.

The Scottish Government has not given any indication of what specific reduction it anticipates seeing, although I appreciate what the cabinet secretary said about that today.

The concerns of Scotland's judiciary, which we have discussed yesterday, have caused me a great deal of concern, too, and I am not convinced that the issues that Lord Carloway raised in his 17-page letter on behalf of the senators of the College of Justice have been adequately addressed.

During the consultation process, Lord Carloway stated that the bill introduces

"an unnecessary, cumbersome and artificial process."

He also said that it was

"difficult to see how the proposed new structure will make any practical difference in outcomes. The overarching test, that bail is to be granted unless there is a good reason to refuse it, remains the same."

The Scottish Government's "Vision for Justice in Scotland" programme aims to have a justice system that prioritises the experience of victims of crime and places women and children at the heart of service delivery. Many things in part 2 of the bill on the management and release of prisoners are important, but they are not enough for us to pass the legislation today as some of that could be done without legislation.

As we proceed to a final vote, Scottish Labour believes that we must balance the interests of justice for those people who are accused of crimes with the safety of victims. A clear consensus exists among all parties that Parliament needs to do more work to change the experiences of victims. Yesterday, I tried to show, through a serious amendment, what I think is a gap in the law in relation to the notification for bail—

The Presiding Officer: I ask you to conclude, Ms McNeill.

Pauline McNeill: However, the Government did not accept that either—it was quite deflating that nothing that we suggested seemed to be accepted.

On behalf of Scottish Labour, I am resolute in my commitment to victims but, unfortunately, Scottish Labour cannot support the bill.

16:51

Liam McArthur (Orkney Islands) (LD): I commend the Criminal Justice Committee and, particularly, the small number of MSP colleagues across the parties who did the bulk of the heavy lifting with the amendments yesterday. I add my thanks to the many stakeholders whose insight and expertise has informed Parliament's scrutiny of the bill.

As I did at the stage 1 debate, it is important to underline why I believe that reform of bail and release is necessary. Scotland's prison population is among the highest in Europe and it is growing, which has led to overcrowding, poor conditions and problems undertaking the purposeful activity and throughcare that are essential for rehabilitation and reducing the risk of reoffending. That situation is not sustainable, nor is it safe.

The growth in the prison population has been driven largely, though not exclusively, by the numbers on remand. Despite what Jamie Greene has said—although I accept the figures that he has mentioned—the majority of people on remand are untried. Even as the population of sentenced prisoners fell during the emergency Covid releases, the remand population grew because of the backlog in our courts. As important as tackling that backlog is—Jamie Greene made that point yesterday—the problem in relation to remand certainly predates Covid.

Scottish Liberal Democrats have no difficulty with the policy memorandum when it states:

"The provisions of this Bill ... are intended to ensure that ... the use of custody for remand is a last resort".

At the same time, a balance must be struck with the rights and safety of victims and witnesses—that was a focus of much of the attention yesterday. In that respect, I again thank

organisations such as Victim Support Scotland for helping us to understand the experience of victims when it comes to the bail system. I know that they have real misgivings about aspects of the new bail test and understand why that is the case. However, some of the amendments that were passed at stage 2, and again yesterday, have improved the substance of the test and clarified the interpretation.

Consideration of victims as well as public safety is now more explicit and front and centre. I appreciate that the repeal of section 23D has caused particular anxiety, in part perhaps because of the message that that repeal is seen to send. I do not in any way underestimate the level of that concern. On balance, however, embedding victim and public safety more explicitly in a single bail test is appropriate. That said, it will need to be closely monitored, and Parliament will obviously take a keen interest in scrutinising reports that the Government must now provide.

Another area in which on-going focus will be required is the resourcing of criminal justice social work, which is set to take on an enhanced role in informing court decisions around bail and remand—that is as it should be, but it certainly cannot be achieved on the cheap. Criminal justice social work provides a way of ensuring that the court is aware of victims' needs and safety requirements. I welcome the changes that were made at stage 3 on the basis of the amendments that I lodged at stage 2. However, with council budgets under pressure, ministers must ensure that they will the means as well as the aims in relation to the role of criminal justice social work.

Due to chairing duties yesterday, I did not take part in the debate. Overall, I was impressed by the tone of the contributions, even when opinions differed markedly. That has been reflected again so far in this afternoon's debate. I draw special attention to the exchanges on Jamie Greene's so-called Suzanne's law provisions, which, although they were not agreed to, allowed for an important debate and a statement of collective intent. Like Jamie Greene, I was disappointed that proposed amendments to the emergency release powers were not agreed to. There were a number of options, and it was disappointing that none of them were taken up.

However, all in all, the bill introduces necessary reforms that can help to balance the need to address the problems arising from Scotland's high and growing remand population with the interests of victims and the public more widely. On that basis, the Scottish Liberal Democrats will support the bill at decision time.

16:55

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): I am pleased to speak in the debate, with most of my speech being made in my capacity as convener of the Criminal Justice Committee. I again thank witnesses, the bill and clerking teams, other Parliament staff and organisations and individuals who supported and informed our scrutiny of the bill.

It is an important bill. I want to note from the outset that, although the committee did not reach consensus on all the issues that we considered, we were able to reach an amicable view in our report on the bill. I will start where most consensus was found.

Part 2 of the bill proposes changes to the process of release, including on planning for release, accessing services and throughcare, release on certain days of the week, release on licence, powers to release early and victim notification. Committee members were clear in their support for most of the provisions in that part of the bill. Throughcare plans for prisoners and access to key services including housing, benefits, healthcare and medication on release are essential to support reintegration and avoid the revolving door of recidivism and the setting up of people to fail. As the committee heard, release planning must start on the day that someone enters prison.

An issue of particular personal interest to me is how to better support prisoners who are released unexpectedly by court, and I am pleased that the Government accepted my amendments providing ministers with a regulation-making power to make further provision in the area of release planning, if necessary.

Part 1 of the bill proposes important changes to the use of bail. It was here that committee members differed on some of the key provisions of the bill. Some members wanted the Government to be clearer about what it wanted to achieve with the bill, as has already been articulated by other members. For example, did the Government propose the changes so that bail being granted would be more likely, which would, in turn, bring down the numbers of people being held on remand, which we all agree are too high?

As noted at stage 1, the Scottish Government has not set a specific target for the number of cases in which it expects that the outcome would be different under the revised bail test. That made it harder for the committee to scrutinise the likely difference to the numbers of people being granted bail who would previously have been remanded.

We had concerns about the resource implications for the wider role of justice social work

in bail decision making and whether that would, in fact, slow down the process.

There were differences of opinion on the proposal to remove section 23D from the Criminal Procedure (Scotland) Act 1995 and around provisions on the consideration of how time spent on electronic monitoring while on bail might be taken into account during sentencing.

However, despite those differences, all members agreed that there are some useful provisions in the bill that, resourced properly, will go a long way to improving the release process for prisoners. Despite our differences, the bill benefited from robust scrutiny at stage 1 and from amendment at stages 2 and 3. That is especially true in relation to part 1 of the bill, on which views among committee members differed.

I look forward to the Criminal Justice Committee undertaking further scrutiny on the legislative provisions to follow and to confirming that we have, indeed, delivered positive reform to bail and release from custody.

16:59

Sharon Dowey (South Scotland) (Con): My party has serious concerns about the damage that the Bail and Release from Custody (Scotland) Bill could do. Regrettably, the bill is yet another example of the SNP's soft-touch approach to justice. The needs of criminals are, once again, being prioritised over the rights of victims.

The bill seeks to reduce Scotland's prison population, to let criminals out early and to remove restrictions that protect people from dangerous offenders. Unfortunately—I do not say this lightly—it will put public safety at greater risk. Before I get into broader arguments, I will outline the specific sections of the bill that deeply concern us.

Section 2 makes it more difficult to remand an accused offender in prison. Section 3 removes some restrictions on bail being granted in the most serious of cases that are heard by juries, such as cases involving violent, sexual and domestic abuse offences. Section 5 allows time spent on electronic monitoring to be deducted from an offender's sentence. Section 7 allows SNP ministers to release prisoners for up to six months at a time, even before the Parole Board recommends release. Section 8 allows SNP ministers to release prisoners early, before the end of their sentence, without parliamentary approval. We have raised issues with those sections throughout the bill process, yet the SNP has refused to make the necessary changes to improve the bill.

If the bill is passed, what impact will it have? First, it will not deal with one of the main sources of the problem. Scotland's remand prison population is high largely because there is such a large court backlog. A recent Audit Scotland report said that the backlog will not be cleared until March 2026. Instead of tackling the root of the problem by working to clear the court backlog, the SNP Government is trying to take the easy way out by seeking to empty prisons.

That approach will have profound consequences. The increased risk to public safety is so clear that it is stunning that the SNP Government does not recognise it. One in four crimes are committed by people who are on bail. In the most recent year for which we have data, that amounted to 15,724 crimes and offences. Those figures include the most serious crimes, from rapes to murder. Despite that, this SNP law will release even more criminals on bail and will cut time off prison sentences that are already short. That is not justice.

Statistics tell only a small part of the story. Specific cases are more enlightening. A few years ago, Robbie Smullen stabbed Barry Dixon in the heart and killed him. Barry was 22. A witness in the trial said that Smullen was not upset afterwards; he was bragging about it. Barry Dixon's murderer was on three different bail orders when he committed that vile crime. Barry's aunt, Jade Taylor, said:

"It's as if it's acceptable for our children and loved ones to be collateral damage because of policies they have put in place simply to save money. We are talking about murders, rapes and serious assaults that would never have happened if the monstrous individuals responsible were remanded in prison instead of repeatedly being granted bail while continuing to offend."

The Government must reflect on the words of Barry Dixon's family. It must consider the horrific and tragic consequences that can come from letting criminals walk the streets freely on bail. If the Government carries on with the bill, it could increase the risk to public safety, it could result in more victims and more broken families across Scotland, and it could stack the justice system even more in favour of criminals.

I urge colleagues across the chamber to think again and vote against the bill.

17:04

Carol Mochan (South Scotland) (Lab): I think we can all agree that giving greater focus to reintegrating people into society when they are released from prison is a worthwhile and essential cause. Reforming how we utilise remand is key to that, and I am supportive of all efforts to do so, provided that they effectively achieve that aim.

Sadly, on balance, I do not believe that the Bail and Release from Custody (Scotland) Bill achieves that aim. I say that because, at times, it has been difficult to ascertain what the Government is seeking to do with the bill. My colleague Pauline McNeill articulated how clouded some of the Government's explanations have been during the bill's progress through Parliament.

In particular, Scottish Labour would like to see more evidence that the Scottish Government is committed to, and is able to financially resource, the shift towards alternatives to custody. The Government seems to miss the point that much of what we all hope to achieve needs the resources to achieve best practice, rather than additional layers of bureaucracy.

We really cannot say with any clarity what the intended purpose of the bill is, what effects it might have or how it will be delivered. To put it simply, the bill does not seem ready. There is important work to do and I do not doubt the good intentions. I say that genuinely. The cabinet secretary was clearly engaged yesterday. She was very considered and took individuals' responses seriously. I was impressed by how much she engaged with parliamentarians from across the chamber during our stage 3 discussions, and I thank her for that.

I was not involved in the committee stages of the bill process, but the papers that I have read suggest that we require far more research detailing why Scotland has so many people on remand and what the specific causes of that are. Some of that may be due to the case backlog caused by Covid, but the number of people on remand was stubbornly high even before then. The Criminal Justice Committee has sought to shed light on those issues, but it appears that the Government has decided to push ahead with the bill regardless. It is clear that the committee wished for a better understanding of how the provisions in the bill will bring about change.

We do know, as others have said, that Scotland has the highest remand rates in Europe, which cannot be allowed to continue. Will the bill decrease the number of people on remand? Unfortunately, we do not know. I believe that the only way that we could have said that with any clarity would have been if the data suggested by the Criminal Justice Committee had been pursued by the Scottish Government, but the Government did not seem to support efforts to do that.

We know from the testimony given to the committee that organisations representing victims, victims' families and victims themselves do not have confidence in the bill, nor do many judges and criminal justice organisations. In fact, I have rarely seen a bill reach this stage following so much criticism from expert groups. I urge the

Government to think far more carefully about victims' experiences and concerns and to consider how the bill, in its final form, can be sustained in the long term if it passes into law. Those voices must be heard.

Judges will be required to register their reasons for refusing bail. It would be useful to have that data, but it is unclear why that cannot be done without the legislation. My colleague Pauline McNeill explained that much better than I can, because I am not heavily involved in that particular field, but the legal profession seems to be saying that there is much that can be done without having to put legislation in place. That is my understanding.

The Presiding Officer: Please conclude.

Carol Mochan: No bother.

I support the position of my colleague Pauline McNeill, but, on balance, I am unable to support the bill.

17:08

Maggie Chapman (North East Scotland) (Green): I begin by thanking all the parliamentary staff, from security and catering to the official report and chamber desk teams, who worked until after 10 pm last night to enable us to complete discussion of all the amendments.

I welcome the provisions in the bill and am grateful to both the former and current cabinet secretaries for the constructive conversations that we have had. I thank the Criminal Justice Committee, clerks and the bill team who have worked so hard on all the details, and I am very grateful for the input of victims and survivors, and the organisations that support them, for all their contributions.

I refer colleagues to my entry in the register of members' interests.

This is a complex and technical bill that has required much work and has rightly received much scrutiny. Fundamentally, the bill is about reducing harm—both the harm done to the victims and survivors of violence and abusive crime and the harm experienced by people who are accused or convicted of crime. This is not a zero-sum game. Effective, human rights-based justice means that there will be justice for everyone, and everyone benefits when we get it right.

Scotland has not got it right so far, especially not for women and girls who have experienced gender-based violence. Far too often, they have been treated with insensitivity and disdain by the criminal justice system, denied vital information and placed in situations of distress and danger. I therefore entirely understand the concerns of

individuals and organisations who are worried about the repeal of section 23D of the 1995 act, which contains the presumption against bail. In a society of embedded misogyny with a justice system that has repeatedly failed women and girls, I know how vital it is to have appropriate safeguards.

However, section 23D has not always been an effective safeguard for all survivors of gender-based violence and domestic abuse, and its broad application, including to non-violent drug offences, prevents courts from making bail decisions based on genuine safety considerations. The bill specifically has those considerations at its heart. Critically, it says that what matters is that both actual and potential victims are protected from harm. Properly implemented—and we are determined that it should be properly implemented—the bill should be far more effective than section 23D in keeping victims and survivors safe.

We know that prison is not a safe place. It is not safe for those who are incarcerated, including, as we discussed last week, women who have themselves experienced violence and abuse, and it is not safe for society—for the communities and families that receive people when they leave prison. For the sake of those communities, we need rehabilitation and reintegration to be deep-rooted realities and not pious pipe dreams. Prison makes that much, much harder.

It is not soft, then, to demand more effective forms of justice; it is simply common sense. If we recognise that prison is not a good place for the defendant or for society, then refusing bail should be absolutely the last resort. That is why cumulative tests are more appropriate than alternative ones. Let us not forget that people who are considered for bail have not been found guilty. To curtail someone's freedom without trial rightly requires a substantial hurdle to be overcome.

In the same way, the restrictions and humiliations of electronic monitoring should not be lightly imposed or blithely disregarded. Electronically monitored bail is not full freedom, and that needs to be recognised in any subsequent sentencing. It is entirely appropriate for the bill to make that principle clear.

The bill is an important step on the journey towards a fairer and a safer Scotland—one in which the criminal justice system, which so often acts to reinforce trauma and inequalities, instead works to counter, redress and heal them.

17:12

Fulton MacGregor (Coatbridge and Chryston) (SNP): Scotland has one of the highest remand populations per head in the world. A claim

is often made that Scotland is soft on crime, but our use of prison and remand would suggest otherwise. The main purpose of the bill is to help to reduce the remand population and create a greater focus on the rehabilitation and reintegration of people leaving prison in order to help them to resettle in their communities.

Both the Criminal Justice Committee, of which I am a member, and the Scottish Government see refocusing the use of remand as a key priority. The committee noted that short periods of custody can often be detrimental, especially for those who have not yet been convicted of an offence. Early last year, the committee unanimously supported a reduction in remand. That is in line with the conclusions of the Justice Committee in the previous session of Parliament, of which I was also a member. It noted that remand should be used only as a last resort.

We have acknowledged that remand is and will always be necessary in some cases, but the bill provides that, for the first time, the court should specifically consider victim safety, including the risk of both physical and psychological harm to the alleged victim, when applying the new bail test. That was strongly supported during our evidence gathering. To allay any fears, statutory exclusions will prevent specific groups of prisoners from being considered under any early release process and prison governors will retain a power to veto the early release of any eligible prisoner where it would present a known risk to a specific individual.

The bill also aims to create a greater focus on the rehabilitation and reintegration of people who are leaving prison in order to help them to resettle in their communities. We found that short periods in custody, including on remand, can be quite detrimental to effective rehabilitation.

Those short stints in custody also do little to address the underlying causes of offending. During stage 1 evidence, Fergus McNeill made the point very clearly that they can also increase the chances of reoffending on release. Short-term imprisonment can and does disrupt families and communities, adversely affecting health, employment opportunities and housing—the three things that, in a stable situation, are critical in preventing reoffending. A justice system that more effectively addresses the reasons why people offend and provides greater opportunities for rehabilitation benefits everyone and will lead to fewer victims in the future.

We have heard that part 1 of the bill requires the court to give justice social work the opportunity to provide a report when the court is considering bail. Although we know that that often happens, it is clear that it varies by court and across the country. At this stage, I should refer members to my entry

in the register of members' interests; I am a registered social worker.

The committee spoke to social work and other organisations ahead of our stage 1 report, and it is fair to say that we need to match our ambition with funding. We have increased the criminal justice budget a bit, but to do the provisions in part 1 right might take even more resources. Savings might be able to be found via a reduced prison population. More workers in court social work teams will allow for more detailed assessments and more joined-up working, allowing voices of victims and third sector organisations to be heard, which we all think is important.

I want to touch on the removal of section 23D of the Criminal Procedure (Scotland) Act 1995, which was debated at length yesterday. I would like members to know that our committee spent a lot of time on that, as the convener has referred to. I will read from our stage 1 report briefly, as it probably summarises the position best:

"The Committee has been acutely aware of the concerns expressed by organisations representing victims of crime regarding the proposal to repeal section 23D. The Committee has explored with a number of witnesses what the impact of the repeal of section 23D will be and how, in practice, it will impact on bail decisions. The Committee notes that there appears to be a view from many observers that the removal of section 23D would not impact on how the courts take into account the safety of victims. Furthermore we heard arguments that the removal of section 23D could bring some advantages in terms of better decisions by courts as it would allow judges to exercise a degree of discretion."

That perhaps sums up the issues around section 23D.

I see that you are asking me to conclude, Presiding Officer. I wanted to elaborate on section 23D, but I will conclude by saying that I fully support the bill and ask members to vote for it at decision time.

The Presiding Officer: We move to winding-up speeches.

17:17

Katy Clark (West Scotland) (Lab): I am pleased to close the debate on behalf of Scottish Labour. We wish to see a reduction in the use of remand in Scotland, a greater role for alternatives to custody, more justice social work involvement and better throughcare. However, we do not believe that the significant concerns about the bill that have been raised with the Scottish Government by the judiciary and victims organisations have been addressed, or that the bill will achieve its policy aims.

We accept the view of many legal practitioners that the lack of a definition of the new public safety test in the bill will lead to more uncertainty and

appeals. We note the strong opposition to the bill from Scottish Women's Aid, ASSIST and Victim Support Scotland and their concerns about the implications of removing section 23D of the 1995 act.

Although we have heard conflicting evidence on the wisdom of removing that section, we do not understand why the Scottish Government is lowering the threshold in those most serious cases where the accused has analogous previous convictions, as those are the cases where remand is most likely to be appropriate. Indeed, it was as a result of bail being granted in such a case that those provisions were originally enacted, when the accused who had been granted bail then committed offences of abduction, rape and murder.

We have repeatedly asked the Scottish Government for examples of what kind of accused who are currently remanded would be granted bail if the bill passes, but that detail has not been forthcoming.

We believe that there continues to be a lack of robust alternatives to remand available to the courts, and we support the development of more forms of supervised bail. Electronic monitoring has been less used in recent years in Scotland compared with other jurisdictions, and we believe that there is great scope for greater use of electronic monitoring as a bail condition to avoid remand. However, having spoken with Victim Support Scotland, we share its concerns about the current lack of tracking and monitoring that is associated with electronic monitoring, and we support the need for GPRS systems, so that there can be tracking.

We also share the concerns of legal practitioners with whom we have spoken about the lack of a definition of the public safety test in the bill. At stage 2, I lodged some probing amendments with potential alternative wordings and called on the Scottish Government to provide a definition. However, we have accepted the advice of those in the legal profession who believe that it is safer to retain the current bail test, which is settled law, and which, of course, provides a presumption in favour of bail in most cases.

We remain unconvinced that this bill will achieve its aims with regard to reducing the remand population, and we believe that many of the concerns that have been raised are legitimate. Although there is much that we agree with in part 2 of the bill, most of those provisions do not require legislation and could be delivered now by the Scottish Government within the current legislative framework. For those reasons, we will not support the bill in the final vote.

17:21

Russell Findlay (West Scotland) (Con): I begin by thanking everyone who gave such insightful and informative evidence to the Criminal Justice Committee, and I also thank our team of clerks for their hard work.

An essential role of the Government, the Parliament and, indeed, us as members is to prioritise the safety of the people of Scotland. We should strive to ensure that people not only feel safe but are safe, whether they are at home, on the street, in the workplace or at school. However, every day, we hear distressing accounts of crime in our communities. Those can include the most depraved and devastating acts of violence. Those crimes are committed not just against adults but against the most vulnerable: the very youngest of children and our cherished senior citizens. Those events can be life changing and, of course, sometimes life ending.

I believe unequivocally that survivors deserve justice and that we have a duty to ensure that that is what they get. On many occasions, however, that is not what they get. Too often, the initial pain and shock of the original crime is compounded by the justice system. We keep hearing the same stories from survivors who feel disrespected, isolated and unimportant. The word "betrayal" is often used.

One of the most important stages in the process is at the very beginning, when an alleged perpetrator is arrested by the police. The bill that we are about to vote on seeks to change the law relating to what happens at that critical juncture: is an accused person remanded in custody or released on bail?

In the very short time that I have, it would be impossible to rehearse every detail of the bill's passage since its introduction last June, but some important contributions and observations must be revisited. The Government's apparent intention for this law is to reduce the number of prisoners on remand. However, my colleague Jamie Greene has cited data showing that the number of prisoners being remanded has plummeted over the past decade. That revelation alone debunks and demolishes the Government's entire justification for its legislation. Incidentally, that is exactly the kind of crucial information that was withheld from the committee.

Throughout the passage of the bill, there has been a background drum beat. Some campaigners suggest, often implicitly, that old-fashioned judicial attitudes are to blame for Scotland's high remand rate. This morning, a BBC television report reflected that narrative by saying that remand will now be used only as "a last resort". Anyone who has spent time inside a court

or spoken with practitioners will know that that is what already happens. Bail is always the default position. Sheriffs remand someone only after full and careful assessment of the individual circumstances of the case.

Mr Greene's statistics also confirm what many have suspected—that there is a more fundamental problem, which is that Scotland's stubbornly high remand rate is actually due to a failure of the Government to properly fund our criminal justice system. It is little wonder that Scotland's most senior judge, the Lord President, gave the Government's plans such short shrift. He described its consultation as "a tick box exercise" that

"is simply an unacceptable way to deal with complex issues of such societal importance".

There was a similarly scathing take from the Scottish Police Federation, which posed the question: what exactly is the problem that the bill is trying to fix? I wish I knew. Why do we need a law that will tie the hands of sheriffs and make their ability to remand even more difficult? Again, I wish I knew.

Last night, as we tangled with 90 amendments, three prominent victims groups, including Scottish Women's Aid and Victim Support Scotland, issued a press release that urged members to vote against the bill. They said that that is necessary "to protect the interests of people affected by crime in Scotland".

As MSPs, we have a choice. Do we prioritise the needs and the protection of victims, or do we instead seek to make life easier for those who commit crimes? I believe that that, essentially, is the choice that is before us today, and our party will make the right choice.

17:26

Angela Constance: I once again thank all members for their contributions throughout the journey of the bill. I think that we have, by and large, demonstrated that we can disagree agreeably. However, I point out to colleagues that the vast majority of the Government amendments that I lodged at stage 2 and stage 3 were in direct response to requests and comments from members of Opposition parties and victim support groups. I reassure members that, even though at times we will disagree and divide, I will continue, even where I have to make decisions, in that spirit of co-operation.

I also once again thank my bill team, which has had a lot to put up with, not least a new Cabinet Secretary for Justice and Home Affairs.

Most of all, I thank all the organisations, including victim support organisations and other

justice stakeholders, that have agreed or disagreed with the Government in whole or in part. It is important to acknowledge that numerous pieces of written and oral evidence were submitted to the Criminal Justice Committee that spoke in favour of the bill and its overall aims or specific parts of it, such as that from Professor Fergus McNeill and Sheriff Mackie of the Howard League Scotland. There was also commentary from Social Work Scotland and Community Justice Scotland.

I point out to members the progress that we are making in tackling the court backlog and the progress that has been made on the roll-out of bail supervision schemes. That is now evident in 30 local authority areas.

There is no doubt that we have all wrestled with big questions and hard decisions for Government, Parliament and, indeed, our country. Nothing is more important to me than public and victim safety. I know that I do not have a monopoly on that concern and that we all share it, even though we may disagree on how best to achieve that.

This is the first time since 2007 that the bail test has been significantly reformed, so it is inevitable that it has been at the centre of the debate. I believe that, in simplifying the bail test and embedding public and victim safety in all cases, we have strengthened it in shifting the focus rightly on to those who present the greatest harm. It speaks directly to those solemn cases that section 23D sought to address.

Although no bill is a magic bullet, this bill will move us forward in refocusing on what and who incarceration is for. Prison is for punishment, but it is also for rehabilitation. It plays a vital role in public protection, but it can also be an incubator for risk. The evidence shows that short periods of remand can be particularly damaging and it can disrupt the very things that prevent reoffending: a home, health, work and family. As we proceed in partnership and in the spirit of debate, support and scrutiny, I have no doubt that we will come back to the issues in and around community justice services.

There is a bigger prize here if we have the courage to make some of those hard decisions, and Liam McArthur spoke to that. Our collective challenge is that, if our prisons continue to deal with a high number of highly vulnerable people who services and society have not served well, our prisons and the justice system as a whole will be less effective in identifying and managing those who present the greatest risk. That is not in the interests of victims or of the communities that we all seek to serve.

Jamie Greene: Will the cabinet secretary give way?

Angela Constance: I will not; forgive me.

I want to finish where I started. This is not the end of the journey—far from it. However, it is a journey that we must be prepared to continue. The Government will come forward with other legislative plans and non-legislative plans, and I am sure that other members will also do so. If it is passed tonight, the bill will introduce a new bail test that puts public and victim safety at its core. For the first time, our courts will be required to consider the physical and psychological safety of victims. It will end Friday liberations, and for good reason. It will place statutory duties on wider public services to prepare prisoners for release. It includes measures to help remand prisoners. For the first time, there will be statutory throughcare standards. It extends the provision of information about prisoner release to victim support organisations. It gives us more tools to support rehabilitation and reintegration. It gives more safeguards, more consultation and more review and reporting.

I recommend the bill to members. All its actions will help to reduce reoffending and make our communities safer.

Decision Time

17:32

The Presiding Officer (Alison Johnstone):

There are three questions to be put as a result of today's business. The first question is, that motion S6M-09610, in the name of Natalie Don, on the Children (Care and Justice) (Scotland) Bill at stage 1, be agreed to.

Motion agreed to,

That the Parliament agrees to the general principles of the Children (Care and Justice) (Scotland) Bill.

The Presiding Officer: The next question is, that motion S6M-09158, in the name of Shona Robison, on the financial resolution to the Children (Care and Justice) (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

There will be a short suspension to allow members to access the digital voting system.

17:33

Meeting suspended.

17:35

On resuming—

The Presiding Officer: The question is, that motion S6M-09158, in the name of Shona Robison, be agreed to. Members should cast their votes now.

For

- Adam, George (Paisley) (SNP)
- Adam, Karen (Banffshire and Buchan Coast) (SNP)
- Adamson, Clare (Motherwell and Wishaw) (SNP)
- Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
- Arthur, Tom (Renfrewshire South) (SNP)
- Baillie, Jackie (Dumbarton) (Lab)
- Baker, Claire (Mid Scotland and Fife) (Lab)
- Bibby, Neil (West Scotland) (Lab)
- Boyack, Sarah (Lothian) (Lab)
- Brown, Keith (Clackmannanshire and Dunblane) (SNP)
- Brown, Siobhian (Ayr) (SNP)
- Burgess, Ariane (Highlands and Islands) (Green)
- Chapman, Maggie (North East Scotland) (Green)
- Choudhury, Foysol (Lothian) (Lab)
- Clark, Katy (West Scotland) (Lab)
- Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
- 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)
- Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
- FitzPatrick, Joe (Dundee City West) (SNP)
- Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)

Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 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)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Mairi (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)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (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)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 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)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division on motion S6M-09158, in the name of Shona Robison, is: For 84, Against 0, Abstentions 28.

Motion agreed to,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Children (Care and Justice) (Scotland) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3A of the Parliament's Standing Orders arising in consequence of the Act.

The Presiding Officer: The final question is that motion S6M-09599, in the name of Angela Constance, on the Bail and Release from Custody (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 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)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)

Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Máiri (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)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 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)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McNeill, Pauline (Glasgow) (Lab)

Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 66, Against 44, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Bail and Release from Custody (Scotland) Bill be passed.

The Presiding Officer: The Bail and Release from Custody (Scotland) Bill is passed.

That concludes decision time.

Meeting closed at 17:39.

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

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