



OFFICIAL REPORT  
AITHISG OIFIGEIL

DRAFT

# Meeting of the Parliament

Thursday 26 June 2025

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# Scottish Parliament

Thursday 26 June 2025

*[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, which is our shortest question session of the week, so concise questions and responses are appreciated, as always.

### Wild Goats (Protection)

**1. Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** To ask the Scottish Government what engagement it has had with local stakeholders regarding the protection of wild goats in the Scottish Borders. (S6O-04850)

**The Minister for Agriculture and Connectivity (Jim Fairlie):** We have not had any engagement with local stakeholders on that issue. It is for Oxygen Conservation Ltd, as the landowner, to consider how any reduction in the wild goat population should be achieved in practice. It has produced a question and answer document that has been circulated to all local residents, and it has published updates in a quarterly newsletter on its website. NatureScot has also provided several members of the community, the Wild Goat Conservation Group, local political representatives, councillors, MSPs and the MP with advice and information on the legal status of feral goats.

**Rachael Hamilton:** Wild goats have roamed Langholm moor for centuries, and more than 12,000 local residents have signed a petition calling for their protection. They are not just part of the landscape; they are a living link to Scotland's past. However, the Scottish Government's refusal to grant them protected status has enabled a cull that aimed to reduce a herd of 138 to just 20 during the birthing season. Will the minister commit to meeting me and the Wild Goat Conservation Group and working with us to find a workable solution to safeguard this unique part of the natural and cultural heritage of the Scottish Borders?

**Jim Fairlie:** I understand the sentiment with which Rachael Hamilton has asked the question. As I said, however, this is an issue for Oxygen Conservation Ltd. It is its land and it is for it to decide what it will do in order to achieve the restoration targets that it has set out.

## Student Accommodation

**2. Pauline McNeill (Glasgow) (Lab):** To ask the Scottish Government whether it plans to review planning laws regarding the provision of private purpose-built student accommodation, in light of reported concerns over the concentration of student accommodation in certain localities and objections from local residents. (S6O-04851)

**The Minister for Public Finance (Ivan McKee):** The Town and Country Planning (Scotland) Act 1997, as amended, requires planning authorities, when preparing their local development plans, to consider the

“housing needs of ... persons undertaking further and higher education”.

That will inform the allocation of land for development and decisions on individual planning applications. We have no plans to amend that legislation.

Planning authorities can prepare guidance to support their plans. For example, the Glasgow city plan guidance sets out a clear framework for supporting purpose-built student accommodation in appropriate locations and identifying areas of concentration where further development would undermine residential amenity.

**Pauline McNeill:** Scotland needs good, affordable student accommodation, but the way that planning consents are being granted in Glasgow makes it seem as if they are being handed out as an easy fix for gap sites. We are seeing oversaturation because purpose-built student accommodation is currently favoured by investors due to the ability to charge high rents. Last week, a proposed nine-storey student accommodation block was approved on the site of the former O2 ABC iconic music venue, but that is just one of many student developments that have been heavily objected to by local residents and community groups.

Does the minister share my concerns about the volume of applications for purpose-built student accommodation where there is already saturation? Does he agree that there should be a right to challenge overprovision—a right that does not exist now?

**Ivan McKee:** As I indicated, local authorities, including Glasgow City Council, are able to identify areas of concentration where further development would undermine residential amenity. That power already exists. There is also a power for local communities to produce local place plans to feed into local development plans.

We should recognise, as I think Pauline McNeill does, that students who are studying at our colleges and universities are a hugely important part of society. I welcome international students

and the making of provision for them, and any PBSA provision obviously takes pressure off the private rented sector, which I think we would all agree is to be welcomed.

**Ben Macpherson (Edinburgh Northern and Leith) (SNP):** We want to support our students and welcome those from abroad, but it is time to signal to purpose-built student accommodation developers that their plans are increasingly unwelcome in communities such as the one that I represent. In my constituency and in Edinburgh as a whole, there is increasing concern about the amount of purpose-built student accommodation that is being built in our capital city, especially when there is an acute housing emergency. In many instances, PBSA extracts money out of Scotland, sometimes into tax havens, and uses up valuable urban land where normal housing should be built instead. Therefore, I urge the Scottish Government to work with the City of Edinburgh Council to restrict future PBSA development, if possible, because it often involves corporate exploitation of students and Scotland's urban land.

**Ivan McKee:** As I have said, we want to provide accommodation for students, and PBSA takes pressure off the private rented sector and other parts of the market. However, as I have indicated, local authorities already have the power to identify areas where they feel that further development would undermine residential amenity and to build that into their local development plans. Planning is, of course, delegated to local authorities in that regard.

### Local Road User Charging Schemes

3. **Sue Webber (Lothian) (Con):** To ask the Scottish Government when it plans to undertake a regulatory check of existing Transport (Scotland) Act 2001 powers to allow local authorities and regional transport partnerships to implement local road user charging schemes. (S6O-04852)

**The Cabinet Secretary for Transport (Fiona Hyslop):** On 12 June, the Scottish Government published, jointly with the Convention of Scottish Local Authorities, the car use reduction policy statement, which includes a commitment to undertake a regulatory check of the existing discretionary powers for local road user charging schemes under the Transport (Scotland) Act 2001. The statement was published jointly by me and Councillor Gail Macgregor, who leads for COSLA on the environment and transport. Sue Webber will be familiar with Councillor Macgregor, as she is a member of her political party.

The Scottish Government will now establish a working group that will include membership from regional transport partnerships and local authorities, including those that have sought progress on such a regulatory check to ensure

that the secondary legislation from 2001 remains fit for purpose, because any road user charging scheme could be implemented only if councils wanted to use those powers from 2001. The work of that group will inform a timeline for the check.

**Sue Webber:** I remind the cabinet secretary that Gail Macgregor was speaking on behalf of COSLA, not on behalf of the Conservative Party.

After being forced to scrap its 2030 car use target, the Scottish National Party now plans to continue its war on motorists by charging them for using our pothole-ridden roads. To reduce car use, we should be providing efficient and affordable public transport alternatives, but, under SNP control, ScotRail is deterring passengers by cutting services and packing commuters like sardines into carriages. Does the cabinet secretary accept that the Scottish Government needs to focus on incentives, rather than penalties, to encourage Scots to leave their cars at home?

**Fiona Hyslop:** I was not forced to change the target of a 20 per cent reduction in car kilometres by 2030. I said that it was unachievable and not wanted. Indeed, the Climate Change Committee has said that Scotland needs to reduce its car use only by 6 per cent by 2035, although some parts of Scotland might want to go further, and we might need to go further as part of our climate change plan.

To achieve the necessary shift, we have a big focus on looking at how we provide our public transport services. Under public ownership, ScotRail is one of the top-performing rail service providers in the United Kingdom. ScotRail now carries more passengers and provides more services at greater frequency than it did before it came under public ownership.

I agree that we need to have accessible and affordable public transport for people to use, but if we are serious about tackling climate change—I do not think that the Conservative Party is any more—we must take steps to protect our environment, to protect people in terms of their car use and encourage them to use electric vehicles, and to invest in our public transport system.

### Planning Appeals Process (Reform)

4. **Graham Simpson (Central Scotland) (Con):** To ask the Scottish Government whether it has plans to reform the planning appeals process. (S6O-04853)

**The Minister for Public Finance (Ivan McKee):** The Scottish Government has no current plans to reform the planning appeals process, which it considers to be robust, fair and efficient.

**Graham Simpson:** I thank the minister for that brief answer. He will know that concerns have been expressed in the Parliament about the planning appeals system, which allows one unelected official to overturn decisions that have been taken by elected councillors. A development at Woodhall and Faskine in North Lanarkshire was recently rejected, quite rightly, by North Lanarkshire councillors on the detailed advice of planners. The applicant in that case could appeal and the decision could be overturned by one person—a Scottish Government reporter. Does the minister accept that that is fundamentally wrong? Will he agree to review the system?

**Ivan McKee:** No. I cannot comment on any individual cases, but the right to appeal is a long-standing and important feature of the planning system. All appeals are determined on their merits and on the same legal basis as a planning application, in accordance with the development plan, unless material considerations indicate otherwise. If an application goes to appeal, parties that have made representations on it are given the opportunity to confirm their objection or support. That is a well-established part of our system, and I do not want to take steps to change it.

#### “Housing to 2040” (Adaptations System)

5. **Colin Beattie (Midlothian North and Musselburgh) (SNP):** To ask the Scottish Government whether it will provide an update on the aim under action 20 of the “Housing to 2040” strategy to streamline and accelerate the adaptations system. (S6O-04854)

**The Cabinet Secretary for Housing (Màiri McAllan):** The Government is committed to ensuring that older and disabled people in Scotland have choice, dignity and freedom to access suitable homes to enable them to participate as the full and equal citizens that they are. Adaptations play a vital role in that, which is why we have more than doubled our registered social landlords adaptations programme budget to £20.9 million for this financial year. My officials have begun engaging with stakeholders and are working on setting the scope and timescales for the piece of work to which Mr Beattie refers. I will be glad to update him when that is finalised.

**Colin Beattie:** The gaps in legislation have left a number of my constituents in dire circumstances. Will the cabinet secretary confirm whether the review will be completed by the end of this parliamentary session and whether she plans to meet stakeholders, particularly in the park homes sector?

**Màiri McAllan:** The exact timescales for the review are still to be agreed. I mentioned that my officials have been meeting a number of stakeholders as the work develops. However, I

hear the urgency that Mr Beattie is applying to the issue, and I will bear that in mind as we progress.

We are committed to ensuring that park home residents have appropriate rights and protections. I encourage anyone who requires an adaptation, including those living in park homes, to engage with their local authority, and I urge all local authorities to ensure that they are providing support under existing provisions.

#### NHS Forth Valley (Bus Links)

6. **Keith Brown (Clackmannanshire and Dunblane) (SNP):** Presiding Officer, I apologise for not being here at the start of general question time.

To ask the Scottish Government what discussions it has had with NHS Forth Valley regarding access to health services for communities that rely on local bus links. (S6O-04855)

**The Minister for Public Health and Women’s Health (Jenni Minto):** The Scottish Government meets NHS Forth Valley regularly to discuss health services. We expect national health service boards to consider the needs of their communities, including ensuring access to healthcare. When an NHS board is subsidising a bus service, as it is in this case, I would expect it to work closely with the operator and the local authority to ensure that the service continues to meet the on-going needs of the community.

**Keith Brown:** When the decision was made to site the new Forth Valley royal hospital in Larbert, NHS Forth Valley gave a clear and binding commitment that accessible public transport would be maintained for all communities. I know because I was there. That commitment was critical in securing public support at the time.

Successive health secretaries have recognised and reinforced the expectation that that commitment must be upheld. However, many of my constituents in Clackmannanshire are deeply concerned about the recent removal of key stops on the H1 and H2 bus routes, which are lifeline services for elderly, disabled and carless patients, who rely on them to attend essential appointments.

Will the minister join me in making it clear to NHS Forth Valley that it is obliged to sustain the original commitment? Will she personally instruct the board, as previous health ministers have done, to take urgent steps to ensure that no vulnerable patient is left without a reliable route to care?

**Jenni Minto:** The Scottish Government knows that transport plays an important role in supporting patients’ health journeys. Removing transport barriers and other barriers will help to ensure that

patients across Scotland can access the right care in the right place and at the right time. I would be happy to write to NHS Forth Valley in that regard.

**Alexander Stewart (Mid Scotland and Fife) (Con):** Together with local groups, Clackmannanshire Council has voiced strong opposition to the proposed route changes and has emphasised the importance of maintaining a reliable bus service to Forth Valley royal hospital in Larbert. The concerns are serious, and the proposals could have a negative impact on elderly and disabled people who rely on the existing bus routes. What additional support is the Scottish Government considering? What is it doing to ensure that NHS Forth Valley assists vulnerable individuals?

**Jenni Minto:** I agree that having good, reliable transport to health services helps everyone. That is why, as I indicated in my response to Mr Brown, I will write to NHS Forth Valley to underline the importance of its investing in transport in the Forth Valley royal hospital area.

#### **Neurodevelopment of Children Born Prematurely (Support)**

**7. Mark Griffin (Central Scotland) (Lab):** To ask the Scottish Government what health policies it has in place to support the neurodevelopment of children born prematurely through their early years and adolescence. (S6O-04856)

**The Minister for Public Health and Women's Health (Jenni Minto):** In Scotland, babies who have been in neonatal care receive a developmental assessment at two years of corrected age, as part of a routine follow-up. Such assessment is crucial to identifying any developmental delays or potential problems early. The assessment typically happens at a face-to-face appointment and is usually conducted by a multidisciplinary team.

In the national neurodevelopmental specification, the Scottish Government has set out standards for services to support children and young people who have neurodevelopmental profiles with support needs. The specification aims to ensure that children and families receive the support and access to services that meet their needs at the earliest opportunity, based on the getting it right for every child approach.

**Mark Griffin:** We know that children who are born prematurely have a higher risk of being neurodivergent. What cross-Government work takes place, particularly between the health and education areas, to support them? In each Scottish primary school class, up to three children will have been born prematurely. Will the Scottish Government commit to providing guidance for public service providers who work with children on

becoming prem aware, spotting the signs of neurodevelopmental delay early and helping to ensure that appropriate support is in place for those children?

**Jenni Minto:** I thank Mark Griffin for his work in that area. I had the pleasure of meeting Sarah Brown and Professor James Boardman to learn about the work of the Theirworld Edinburgh birth cohort research project. That is a 25-year study, which is now in its seventh year, that follows the progress of babies who have received neonatal care, and its findings support our work across health, social care and education.

I am happy to come back to Mr Griffin on the detail of his question. In the meantime, as I indicated in my first answer, from my perspective, our approach should be a collaborative one that involves multidisciplinary teams.

#### **ADHD and Autism Assessments (NHS Greater Glasgow and Clyde)**

**8. Marie McNair (Clydebank and Milngavie) (SNP):** To ask the Scottish Government how it is working with NHS Greater Glasgow and Clyde to meet the demand for attention deficit hyperactivity disorder and autism assessments. (S6O-04857)

**The Minister for Social Care and Mental Wellbeing (Tom Arthur):** The Scottish Government has allocated £3.1 billion to NHS Greater Glasgow and Clyde in this financial year. Along with local partners, national health service boards are responsible for prioritising funding to ensure that their local neurodivergent populations receive the support that they need, at the right time and in the right place. To progress that approach, we have commissioned the national autism implementation team to support local health partners and NHS boards, including NHS Greater Glasgow and Clyde, to develop, enhance and redesign existing local adult neurodevelopmental services to meet local needs. We are also working closely with health boards and local authorities to implement the national neurodevelopmental specification for children and young people.

**Marie McNair:** I am aware of a child in my constituency who has been waiting for three years and eight months for an ADHD assessment, which is extremely concerning. By the time my constituent gets an assessment, they will be 17 and likely to be at the point of leaving school. What more can be done to support children who face excessive waiting times for such assessments?

**Tom Arthur:** I thank Marie McNair for raising that important issue. I recognise that there has been a significant increase in the number of children and families who are seeking support and



diagnosis for neurodivergence issues. That is creating challenges for a range of our services. However, support, including in schools, should be put in place to meet a child's needs, rather than their having to depend on receiving a formal diagnosis. Under the Education (Additional Support for Learning) (Scotland) Act 2004, local authorities have duties to identify and provide for the additional needs of their pupils. An additional support need can arise for any reason, and a diagnosis of ADHD is not required before support is put in place.

## First Minister's Question Time

12:00

### Cancer Treatment (Waiting Times)

1. **Russell Findlay (West Scotland) (Con):** One in three cancer patients in Scotland do not begin to receive treatment within the Government's target time. I will repeat that for the First Minister's benefit: one in three cancer patients are not receiving treatment when they need it. In one health board, NHS Borders, fewer than half begin treatment within the 62-day target, and in NHS Grampian it is almost as bad.

Behind those new and bleak statistics are real people. For them and their families, the Scottish National Party's culture of failure can be the difference between life and death.

Does John Swinney accept that that is unacceptable? What will he do to meet cancer treatment time targets?

**The First Minister (John Swinney):** Presiding Officer, before I answer Mr Findlay's question, I acknowledge the announcement that you made at the weekend of your intention not to seek re-election to Parliament at the next election. I express my appreciation of your leadership in Parliament as Presiding Officer. [*Applause.*]

On cancer treatment waiting times, Mr Findlay raises a serious and important issue. I begin by expressing my regret that the cancer treatment waiting times are, in all circumstances, not being achieved around the country. The target for 95 per cent of patients to start treatment within 31 days of an assessment having been made that treatment is required is very close to being met—it is at 94.1 per cent—but performance against the 62-day target is not acceptable.

The Government is focusing on improving the activities and the investment that is made in individual boards to ensure that the performance can be improved. We are able to demonstrate, as the data shows, that, in parts of the country, the target is being met. It is being met in Lanarkshire; the model of care in Lanarkshire, which is achieving both the 62-day target and the 31-day target, is meeting the standard. We are ensuring that learning from NHS Lanarkshire is being applied in other boards around the country to ensure that improved performance is achieved. That is the approach that the Government is taking to ensure that the needs of patients are met and that we can move at the earliest possible opportunity to address any concerns about cancer in the population.

**Russell Findlay:** Presiding Officer, I echo the First Minister's sentiments and thank you for your service.

The First Minister seems content that the target is being met in one in 14 health boards—that is simply not good enough. The SNP Government's flagship national health service recovery plan 2021-2026 is failing patients, just as we warned that it would. Promises to reduce cancer treatment times keep being broken, yet John Swinney will never criticise Humza Yousaf's and Nicola Sturgeon's plan.

At least his public health minister has come clean about the price of SNP failure. When asked whether lives are being lost because of late cancer diagnosis, she said:

"Yes, they may well be."

She said that in the same week that it was reported that the SNP is sitting on a £550 million underspend from last year. That is more than half a billion pounds unspent. Will John Swinney increase cancer spending and use some of that unspent money to launch an emergency cancer fund?

**The First Minister:** On the statistics, two important observations have to be made in addition to what I have already said to Mr Findlay. First, we are treating more patients with cancer on time compared with the same quarter six years ago—pre-pandemic—on both the 31-day standard and the 62-day standard. Our services are treating and interacting with more people than they were pre-Covid, which demonstrates the increases in capacity that we have put in place.

The second point is that, in relation to the 31-day target, the median wait—the mid-point at which people are being treated—is three days. Last year, it was four days, so we are finding that there have been improvements in the time in which treatment is being delivered. I hope that that gives Mr Findlay some confidence that the focus on improving capacity in the national health service to deal with cancer is at the heart of the Government's plans.

Mr Findlay referred to the underspend in the budget, which has been applied to the financial provisions for this financial year. I reassure members of the public that all the underspend from the previous financial year will be able to be deployed to support public services. Of course, that will assist us in supporting the budget that we have in place, which has already increased funding for cancer services as part of the national health service budget, which is the highest budget that has ever been deployed in the history of the NHS. The Government attached the priority to that important investment in putting forward its budget,

which has provided a record financial settlement for the national health service.

**Russell Findlay:** John Swinney seems to be patting himself on the back, which will be absolutely no consolation to all the people who are waiting for treatment. Since John Swinney became First Minister, more than 3,000 cancer patients have been waiting longer for treatment than his Government promised. Every passing day puts more lives at risk, but the Government is complacent. There is no sense of urgency.

The Cabinet Secretary for Health and Social Care, who is not in the Parliament today, was not even in Scotland to respond to the latest shocking figures; he was on his second trip to Japan. I have no idea why he is not here today; it is absolutely ridiculous. The SNP press release said that his visit to Japan was to talk up Scotland's health technology sector. I am all for promoting Scottish technical innovation, but this analogue SNP Government cannot even deliver a basic app for Scottish NHS patients. Can John Swinney tell worried cancer patients and their families how they will be helped by a health secretary who is collecting more air miles?

**The First Minister:** The health secretary is in Japan, at the Osaka expo, in partnership between the Scottish Government and the United Kingdom Government. On three occasions this year, Scotland will have the opportunity to highlight some of the strengths in the Scottish economy. One of those strengths, which the health secretary is promoting, is the life sciences sector, which is a huge asset for Scotland. The health secretary is in Japan at my request and with my approval to ensure that Scotland's life sciences sector is able to be promoted to an international audience, given its significance to our university and research community.

I make it clear to Mr Findlay that the Government has put in place the investment provided for in the budget, which Mr Findlay did not support, to ensure that we are able to support the delivery of healthcare services in Scotland with record funding available. Mr Findlay asked me what steps could be taken to reassure patients. I say to patients that the learning that has been developed in NHS Lanarkshire about the improvements in the delivery of cancer services is being shared around the country. Rapid cancer diagnostic services, which are also in place in a variety of other health boards in the country, have led to significant reductions in waiting times. All those measures will be deployed to ensure that cancer care is delivered where people need it.

**Russell Findlay:** It is perhaps unsurprising that Neil Gray is out of the country, talking tech, because the previous SNP health secretary quit because of his overseas tech difficulties. Where is

Neil Gray's focus? There is a cancer care crisis, but he took taxpayer-funded limos to the pub and the football, and then he decided to go to Japan. It says everything that John Swinney is happy to admit that he sent him there.

This has been more than a couple of bad calls. It is a fundamental issue of his focus and professional judgment. *[Interruption.]*

**The Presiding Officer:** Let us hear Mr Findlay.

**Russell Findlay:** If Neil Gray really thinks that his time is better spent in Japan than in Scotland during an NHS crisis, he should not be the health secretary. What has the health secretary done to give John Swinney any confidence that he can bring down cancer waiting times?

**The First Minister:** Mr Findlay started his questions by raising very serious issues about the delivery of cancer care. I am determined to engage on those issues, because I recognise them to be of genuine concern to members of the public. I assure the Parliament that the focus of the First Minister, the health secretary and the Government is on improving waiting times. That is what we were elected to deliver, and we are taking steps to ensure that that is the case. That is why we put in place the investment, which Mr Findlay did not support. That is why we have focused discussions with health boards about improving performance and learning lessons from areas of the country that are performing well—so that we can improve standards in other parts of the country. This Government is absolutely focused on reducing waiting times for treating cancer and other conditions, and that will remain the focus of my Government.

### National Health Service

**2. Anas Sarwar (Glasgow) (Lab):** Presiding Officer, I join others in thanking you for your service and wishing you all the best for whatever comes next, although I fully expect that, over the next 10 months, you will continue to hold us to behaving with proper decorum in the Parliament and to tell us off from time to time.

Just this week, we have seen that house building has fallen to its lowest level since 2012; rates of sexual violence and domestic abuse are rising; delayed discharge is at a record high; almost one in three Scots is forced to go private to get healthcare; and cancer waiting times are the worst on record. Has the guy who claimed to be steadying the ship become the captain of the Titanic?

**The First Minister (John Swinney):** Mr Sarwar raises a number of important issues. On housing, the Government has put in place a budget provision for this year that provides a significant increase in housing investment and that will assist

us with the affordable housing plans. That builds on the fact that, in Scotland, we have built 47 per cent more affordable houses per head of population than have been built in England and 73 per cent more than have been built in Labour-run Wales. Of course, that money was in a budget that Mr Sarwar never voted for. On delayed discharge, 97 per cent of patients are discharged from hospital without any delay whatsoever, and the level of delayed discharge is falling. Recorded crime is broadly stable. The increase in the reporting of sexual crime is due to the fact that more people are prepared to come forward because this Government is prepared to pursue sexual crime and bring offenders to account. On cancer treatment, as I explained to Mr Findlay, the Government is focused on improving and reducing waiting times.

This Government is absolutely focused on the priorities of the people of Scotland. The leadership that I deliver ensures that that is the case.

**Anas Sarwar:** The fact of the matter is that John Swinney and the SNP are not working, and Scots can see that. Our NHS is fighting for survival under John Swinney, and Scots are paying the price for his incompetence. Just this week, we heard about the case of Gerard McBride, who has waited 76 weeks for hip and knee surgery, despite crippling osteoarthritis. We heard from Alison, a mum, who told the BBC that she had to pay £4,500 for private cataract surgery. She said:

"I would have gone blind before the NHS would have seen me".

We also heard from Elizabeth, who had to spend £18,000 of her own savings on a hip operation due to long waits in the NHS.

That is the price that Scots are paying for SNP failure. The situation is so bad that Dr Iain Kennedy of the British Medical Association has said that the NHS is "dying before our eyes". Is that not a damning indictment of John Swinney and the SNP, who are destroying our NHS?

**The First Minister:** The Government is taking steps to make sure that the NHS has the capacity and resources to deliver on people's expectations and needs.

I will give two examples of that. The first is that we have put in place a record financial settlement for the national health service, which the Labour Party could not bring itself to vote for in the recent budget.

Secondly, in April 2024, we promised to put in place an additional 64,000 appointments and procedures by the end of March 2025, and we exceeded that target by delivering 105,500 additional procedures in the first year of my term in office as First Minister.

This Government will focus on meeting the needs of the people of Scotland, and we will put the money in place to do so. We will not duck the responsibilities, as Mr Sarwar has done, and we will make sure that people get the treatment that they require.

**Anas Sarwar:** This is a failing First Minister in a failing SNP Government. John Swinney took personal responsibility for tackling the crisis in Scotland's NHS, and now things are getting worse. Waiting lists are up, thousands more Scots are forced to go private and cancer waiting times are the worst that they have ever been. As the crisis in our NHS deepens, where was the health secretary this week? He was in Japan, lecturing on digital healthcare, yet he cannot even sort an NHS app at home.

While the health secretary was away, we got a rare moment of candour from the Minister for Public Health and Women's Health, Jenni Minto. When asked about the worst cancer waiting times on record, she said to STV:

"Are people losing their lives as a result of later diagnosis? Yes, they may well be."

An SNP minister has admitted that SNP failure is costing lives. What does John Swinney say to the families who have lost a loved one too soon and are left to pick up the pieces?

**The First Minister:** I say to families that the Government is doing all that it can to make sure that we have in place services that meet the needs of individuals. I reassure them that, when individuals are identified as requiring treatment, the median waiting time for people getting that treatment is three days. That means that the majority of patients are getting an urgent intervention within a matter of three days after their assessment. That is what the Scottish Government is doing.

I accept that, around the country, performance against the 62-day target is not what we require. However, we know from individual parts of the country that those services can be delivered. The health secretary and I are focused on making sure that, in every part of the country, people can rely on the national health service to be there when they require it. That is the commitment that I give to Parliament, and that is what we are focused on delivering.

### **Cancer Treatment (Waiting Times)**

**3. Alex Cole-Hamilton (Edinburgh Western) (LD):** Presiding Officer, on behalf of the Scottish Liberal Democrats, I thank you for your service to the Parliament as an MSP and, in particular, for your commitment to the integrity and values of this chamber. We wish you well.

I listened to what the First Minister had to say about cancer and to his digging into the statistics of one health board, but this comes down to the fact that, when cancer is coming for someone, they deserve to know that they have the best possible chance of survival. Under this SNP Government, that is not happening. Even if we have not had cancer, we will know somebody who has, and treatment times for patients who are referred with an urgent suspicion of cancer are worse than at any point on record. When this potentially lethal disease turns someone's world upside down, the last thing that they need is a long wait for life-saving care. Does the First Minister not think that those people deserve better?

**The First Minister (John Swinney):** As I hope that I have demonstrated in my handling of the questions today, I take the issue and the delivery of cancer care incredibly seriously, so I do not in any way dispute the points that Mr Cole-Hamilton puts to me.

Mr Cole-Hamilton posed his question to me in a particular way, by saying that people who have a cancer diagnosis need to know that they will get an urgent intervention. I reassure him—I know that it is a statistic, but it matters—that the median wait, once a diagnosis is given, is three days. A three-day intervention for the majority of patients could hardly be any more immediate.

I accept that the 62-day target is not being met sufficiently well around the country, and we are focused on strengthening capacity to make sure that it is met. However, we are treating more patients with cancer on time and within both standards compared with the same quarter prior to the pandemic. The pandemic has disrupted healthcare, but, on cancer care, we are treating more patients with cancer on time and within both standards. I hope that that gives some reassurance to Mr Cole-Hamilton about the steps that the Government is taking.

**Alex Cole-Hamilton:** We are talking about the delay in diagnosis. The First Minister's reassurance will come as cold comfort to everyone who is waiting for the post this morning in want of an appointment for diagnosis. His regret will not save lives.

In Scotland, more people die of lung cancer than of any other form of the disease. It kills 4,000 Scots every year. If someone comes from a poorer background, their chances are far worse. Three years ago, the United Kingdom National Screening Committee recommended that the whole of the UK introduce lung cancer screening to help to prevent the disease or to catch it early. Screening would be targeted at those who are at the highest risk—people aged between 55 and 74 who smoke or who used to smoke. Experts have called the recommendation a "game changer".

Survival rates for lung cancer in Scotland are not much better than they were in the 1970s. That intervention could save hundreds of lives every year. The cancer screening programme is being rolled out across the whole of England, but not here. Why not? Why are we years behind? Why are we so slow? Why are Scots missing out on that life-saving detection service?

**The First Minister:** I will look with care at the points that Mr Cole-Hamilton has put to me. In Scotland, we have a track record of having screening programmes that are formidable and significant in their effects. The bowel screening programme is one example of the provision that we have in place.

As I set out in my speech on health service issues in January and again in my speech on public service reform just last week, the Government is shifting the focus ever more to early detection and prevention to ensure that we identify conditions at an earlier stage in order to deliver better outcomes. That will be the focus of the Government's policy approach on this issue.

#### “Unique Among Cancers”

**4. Joe FitzPatrick (Dundee City West) (SNP):** To ask the First Minister what the Scottish Government's response is to the Sarcoma UK report “Unique Among Cancers”. (S6F-04237)

**The First Minister (John Swinney):** As I have said, I fully recognise the challenges that we continue to face in cancer care. However, the report highlights that specialist cancer care in Scotland is of a high standard. I am committed to ensuring that everyone who is affected by cancer, including those with rarer forms such as sarcoma, receives timely, equitable and compassionate care.

We will publish our refreshed Scottish referral guidelines for suspected cancer, including for sarcoma and bone cancer, this summer, to ensure that patients are on the right pathways at the right time.

The Scottish Government will continue to work to identify where improvements can and must be made.

**Joe FitzPatrick:** I am sure that the First Minister agrees that, although sarcoma is a rare form of cancer, every person who is affected deserves timely diagnosis, access to specialist care and the best possible treatment and support. Will the First Minister provide an update on the work that the Scottish Government is undertaking to ensure that that can happen? Will he ensure that his Government engages with Sarcoma UK on the 16 recommendations in its report?

**The First Minister:** I certainly give that commitment to engage in relation to the recommendations in the report.

As I indicated in my answer to Mr Cole-Hamilton, early diagnosis is a critical factor in the matter. The detect cancer earlier programme has led to the delivery of rapid cancer diagnostic services, which are a key tool in taking forward that work. Our sixth diagnostic service opened in NHS Forth Valley in May this year, and we have invested more than £40 million over the past five years to support cancer services and improve waiting times. The budget that Mr FitzPatrick supported earlier this year will assist us in that endeavour.

**Jackie Baillie (Dumbarton) (Lab):** Cancer is Scotland's biggest killer, whether it is a rare sarcoma or a more common cancer, yet waiting times for cancer treatment in the first quarter of this year were the worst on record. Quoting median waits is no comfort for those who are waiting longer. This is a matter of life or death, and the First Minister's own minister accepted that people have been dying as a result of those delays.

This very week, the chair of the British Medical Association Scotland said that the NHS was “dying before our eyes”. How much longer do we need to tolerate the Scottish National Party Government, which is not delivering improvements and which continues to let down staff and patients, with devastating results?

**The First Minister:** I reassure members of the public that this issue has the focus and attention of the Government, the First Minister and the Cabinet Secretary for Health and Social Care. [Interruption.] I have set out already—

**The Presiding Officer:** Let us hear one another.

**The First Minister:** Forgive me, Presiding Officer, but I will repeat some of what I have said already: we are treating more patients with cancer on time, within both standards, compared to the same quarter six years ago. We have expanded capacity. We recognise that there are challenges in waiting times, but the Government has put the investment in place to enable that expansion of capacity.

We can see where the best practices are operating in the country, and the health secretary and I are working to ensure that they are deployed in all parts of Scotland.

**The Presiding Officer:** We have extremely high interest in questions today. If we can be concise, that will enable more members an opportunity to speak.

### Visitor Levy (Reported Delays)

**5. Tim Eagle (Highlands and Islands) (Con):** To ask the First Minister what the Scottish Government's response is to reports that several local authorities are delaying the introduction of a visitor levy. (S6F-04224)

**The First Minister (John Swinney):** The Visitor Levy (Scotland) Act 2024 gives councils the discretionary power to apply a local visitor levy if they think that it is right for their area. If, after it has consulted local businesses, communities and tourism organisations, a local authority does not consider that timing or circumstances are right to introduce a levy, it is entirely appropriate for it to make that decision.

That is what the councils in the Highlands and Islands and the Western Isles have done. They have assessed the appropriateness of introducing such a measure and have decided not to proceed currently, while the City of Edinburgh and Glasgow City councils are proceeding with their proposals. That is local democracy in action.

**Tim Eagle:** There is no political disaster like a Scottish National Party disaster. Not content with an islands act that does not work and ferries that can barely get out the docks, the visitor levy is causing a crisis among already vulnerable rural businesses. *[Interruption.]* Members can mutter away, but it is true.

Orkney, Shetland and Western Isles councils have all delayed the introduction of a visitor levy, with the latter saying—*[Interruption.]*

**The Presiding Officer:** Let us hear one another.

**Tim Eagle:** They do not want to hear it. *[Interruption.]*

The latter council is saying that the levy could risk its visitor economy, thereby destroying tourism in Scotland. Meanwhile, South Ayrshire Council has abandoned its plans altogether. Over 750 small businesses in my region signed an open letter to the Deputy First Minister calling for changes to make the levy fairer.

Has the First Minister reflected on the concerns from businesses, and will he at least agree today to the industry's ask to move to a flat-rate charge?

**The First Minister:** I have heard from the Conservative Party over many years the need to ensure that there is local decision-making capability in different parts of the country. That is exactly what the Government and Parliament have legislated for—to enable local authorities to take a decision, after consultation, on whether they judge the introduction of a levy to be right. The Conservatives have to decide what they believe in. Do they believe in local democracy or not? They

spend most of their time accusing us of centralisation. When we give local authorities the decision-making power, they complain about that as well. The Conservatives do not have a clue about what they are arguing for in this Parliament.

**Alasdair Allan (Na h-Eileanan an Iar) (SNP):** The Government's recent consultation on a cruise ship levy included the option of a port-of-entry model, which has been welcomed by the tourist sector in the islands. Can the First Minister confirm that the Government will give consideration to the views that the sector expressed about that as a potential model for island areas?

**The First Minister:** We have consulted widely on a proposed cruise ship levy, as we promised that we would. The responses are being analysed and all views will be considered as we make decisions on next steps in relation to that policy area.

### Office for National Statistics (Inflation Statistics)

**6. Marie McNair (Clydebank and Milngavie) (SNP):** To ask the First Minister what assessment the Scottish Government has made of the latest Office for National Statistics inflation statistics and any implications for its work to support low-income households. (S6F-04230)

**The First Minister (John Swinney):** The latest official figures show that annual inflation according to the consumer prices index was 3.4 per cent in May. That is above the Bank of England's 2 per cent target, but official forecasters expect inflation to fall later this year and return close to target in 2026.

We are acutely aware of pressure on household budgets across Scotland. That is why, in 2025-26, we have continued to allocate more than £3 billion a year to policies that tackle poverty and the cost of living, including mitigation of the impact of the harshest Westminster policies, such as the bedroom tax and the benefit cap.

**Marie McNair:** With the main rate of inflation at its highest for more than a year, food prices growing for a third month, increased national insurance contributions and planned welfare cuts, the cost of living crisis—fuelled by Labour's obsession with austerity—is unfortunately still hurting families. Does the First Minister agree that, given the current Labour welfare policy fiasco, it is increasingly clear that only the Scottish National Party Scottish Government is serious about tackling poverty and giving vital and compassionate support to families with children and disabled people in Scotland?

**The First Minister:** The Scottish Government has taken a number of measures to address the cost of living challenges that members of the

public face, whether that is about our investment in early learning and childcare, which saves families thousands of pounds in childcare costs; the investment in the Scottish child payment, which boosts household income for those in poverty; or the steps that we, in the Scottish Government, are taking to lift the two-child limit—a cap that should have been lifted as one of the first acts of the United Kingdom Labour Government.

We will always take actions to support families who are facing financial hardship and difficulty, but we face a new threat, which is the benefit cuts agenda of the UK Labour Government. At a time when many Labour MPs are saying that the cuts are unacceptable, is it not telling that Anas Sarwar is supporting the Prime Minister in implementing the benefit cuts? It demonstrates that Anas Sarwar will not be standing up for Scotland any time soon.

### Healthcare Services (Highlands)

**Edward Mountain (Highlands and Islands) (Con):** Highlanders have now lost yet another medical specialty from our area. Our last vascular surgeon has been forced to leave, as the service has been so downgraded that it is no longer functional or safe. His loss can be added to the loss of our only interventional radiologist in the region and of maternity services in Caithness. Those are critical losses—more critical to the Highlands than the inevitable loss to the Scottish National Party of the Inverness and Nairn seat in 2026.

The First Minister's Government is condoning a situation in which Highlanders are forced to get into cars and travel hundreds of miles for treatment when they are seriously ill. When will he put a stop to the destruction of local healthcare in the Highlands, as it appears that his Cabinet Secretary for Health and Social Care is incapable of doing so?

**The First Minister (John Swinney):** There are a number of issues in Mr Mountain's question that I need to address, because there are a number of different factors at play. The issues in relation to maternity services in Caithness have been addressed in that way because of clinical assessments about the most appropriate way in which services should be delivered. I think that the Parliament would take a dim view of ministers who ignored clinical assessments of the safety and efficacy of maternity services. We would not be doing anyone a service if we ignored that clinical opinion.

On other questions, such as the point about vascular surgery, I note that we face challenges in different parts of the country—indeed, this lies at the heart of some of the cancer care issues that I have addressed already—in our ability to recruit clinical leadership to deliver services. I have

absolutely no desire for us not to be able to provide services of the type that Mr Mountain has raised but, if we struggle to recruit individuals to deliver those services, the Government has to address the practical realities of that.

Finally, the Government has invested in establishing a national treatment centre in Inverness, which is delivering thousands of procedures for Highlanders and people from other parts of the country, because of the focus on delivering high-quality healthcare in that environment. That is an indication of the Scottish Government's commitment to the Highlands, which is one of many other commitments that the Government will continue to deliver.

### Radio Teleswitch Service Switch-off

**Stuart McMillan (Greenock and Inverclyde) (SNP):** The First Minister will be aware of the recent announcement that the RTS switch-off is to be phased out and has been delayed. That is welcome, as the experience of many of my constituents has been far from positive, with some making appointments, only to have the engineers not turn up or to have the appointments cancelled at short notice. Will the First Minister join me in calling on anyone who has an RTS meter to contact their energy supplier as soon as possible and, if they have any issues, to contact their MSP or an advice service such as Advice Direct Scotland or Age Scotland for support?

**The First Minister:** I agree with Mr McMillan that it has taken far too long to resolve the issue. I echo his calls for individuals who are affected to make the appropriate contact with their supplier urgently and to alert advice services and Ofgem if they have any remaining issues to address. I am glad that we have some respite, but it has taken far too long to get here.

### Sexual Violence

**Claire Baker (Mid Scotland and Fife) (Lab):** The 15 per cent rise in recorded rape and attempted rape in the past year is highly alarming. That coalesces with the increasing normalisation of violence in sexual activity, with non-fatal strangulation becoming more prevalent and mainstream. I have been calling for Government action to challenge that culture, to be clear on the health and criminal consequences, and to invest much more heavily in prevention work with young people. Will the First Minister commit to taking forward that action?

**The First Minister (John Swinney):** I am happy to associate myself with Claire Baker's comments. In the figures for recorded crime, total recorded crime shows very little change. It is down by less than 1 per cent compared with the

previous year, but the level of recorded crime in Scotland is now down 40 per cent since 2006-07.

However, within those figures, there is a significant rise in the reporting of sexual offences. That is indicative of a greater willingness of victims to come forward, and I welcome and encourage that. There is more historical reporting of individual cases, and I also welcome that those issues can be pursued. However, as Claire Baker rightly points out, there is also a culture that is more prevalent that normalises sexual violence against women. I deprecate that, I condemn it and I commit the Government and my leadership to ensuring that the behaviour of men is properly and fully confronted to address the legitimate concerns that Claire Baker puts to Parliament today.

### Free School Meals

**David Torrance (Kirkcaldy) (SNP):** Given the rising cost of living, free school meals have an important role to play in reducing pressure on families while improving the lives of young people across Scotland. That is more important than ever in the face of the continued austerity from Westminster. Can the First Minister advise how the Scottish Government's recent work in extending free school meals to pupils in secondary 1 to 3 in eight council areas, including in my constituency of Kirkcaldy, will support its work to ensure that every child has the best start in life, regardless of their background?

**The First Minister (John Swinney):** I very much associate myself with the comments of Mr Torrance on the challenges of the cost of living. On Monday, I set out the approach that the Government is taking to the delivery of a pilot exercise in eight local authority areas. On Monday, I visited Springburn academy in the city of Glasgow and saw at first hand the benefits of the offer of a healthy and nutritious free school meal to young people in S1 to S3. The families of those young people are in receipt of the Scottish child payment.

The Government will take forward that proposal and it will be rolled out in about 60 schools across eight local authority areas during the next school year. That could benefit more than 6,000 young people and contribute to tackling the cost of living while giving young people a healthy and nutritious school meal as part of their day.

### Transvaginal Mesh (Reports)

**Jackson Carlaw (Eastwood) (Con):** It is almost a year to the day that we learned of the untimely loss to cancer of Professor Alison Britton, an outstanding public servant, the timing of whose death meant that her contribution to public life in Scotland was not properly recognised by the Parliament. Not least of that contribution was her

two groundbreaking landmark reports on transvaginal mesh that were commissioned by the Scottish Government. Her loss is keenly felt by me, by all her colleagues and by those who worked for her, but particularly by the thousands of women who suffered the injustice of mesh and who saw in her championship leadership.

Will the First Minister undertake to revisit the two reports and the many recommendations that the Government accepted in full, which I do not believe have yet been fully implemented, and update Parliament on the progress with that? Will he also ask the Cabinet Secretary for Health and Social Care to work with the Labour Government at Westminster to revisit the recommendations of the Hughes report into compensation for the women who suffered the mesh injustice and who have waited far too long?

**The First Minister:** I am very happy to take forward those points. I take this opportunity to express my appreciation for the distinguished public service and clinical leadership of Professor Alison Britton. Perhaps the best way to take things forward would be for me to meet Mr Carlaw to discuss those issues over the summer, so that I can properly and fully take stock of the progress that has been made and what requires to be undertaken. We can then report to the Parliament at the start of the parliamentary session in September. I will ask the health secretary to engage with the United Kingdom Government on the Hughes report. I will make arrangements to meet Mr Carlaw to discuss those issues.

### Amey (Redundancies)

**Carol Mochan (South Scotland) (Lab):** The First Minister might be aware that Amey plans to make up to 100 road maintenance workers in Ayrshire and Dumfries and Galloway redundant. Those workers are funded by a Scottish Government contract. The A77 is one of the most dangerous roads in Scotland and causes constant disruption to the economy of the south-west due to its poor state of repair. My constituents have frequent lengthy waits at road works and often face miles of diversions. Will the First Minister travel that road with me and explain to my constituents why 100 workers who should be helping to maintain that important road are losing their jobs?

**The First Minister (John Swinney):** I understand that those issues are the subject of consultation between Amey and the relevant trade unions. I want to make sure that that consultation is done properly and in accordance with the Government's fair work principles. I understand the importance of Carol Mochan's point, but there is a process to go through on those issues, and the outcome that will be achieved through that



might not be the one that Carol Mochan fears. I will ask the Cabinet Secretary for Transport to consider the issues that have been raised and to reply to Carol Mochan about how those points can be properly and fully addressed.

### **Rural Nurseries**

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** On 24 April, I asked the First Minister about the guidance on mothballing rural nurseries. I was told that the guidance was under review. We are at the end of the school and nursery year. Is that review concluded? If so, when will it be published?

**The First Minister (John Swinney):** I understand that there is to be dialogue on the guidance with stakeholders over the summer. That is part of the necessary process of dialogue that the Government has to go through when it is reviewing such material. In preparing for the new academic year, local authorities should follow the existing guidance when considering those questions. The guidance is clear on the need for local decisions to be based on effective engagement with the community, reflecting the needs of local families. That issue will matter significantly to Christine Grahame, given her local engagement on all those issues, which she has raised with me previously and which I know are at the heart of her concerns.

### **The Usual Place (Funding)**

**Craig Hoy (South Scotland) (Con):** On Monday, for the third time in as many months, I visited The Usual Place in Dumfries. As the First Minister will know from his recent visit, Craig McEwen and his team operate a life-changing hospitality-based project that equips young people with disabilities and additional support needs with the experience, confidence and skills to enter the workplace. However, last weekend, it was confirmed that The Usual Place was unsuccessful in its application to the Scottish Government's learning disability support fund. Craig McEwen fears that, if no further Scottish Government funding is confirmed soon, The Usual Place might have to shut its doors for good in December. We cannot let that happen.

Will Mr Swinney engage with his officials and Inspiring Scotland to turn the warm words that he spoke during his recent visit into urgently needed financial support?

**The First Minister (John Swinney):** I value The Usual Place enormously. It is a venue that I know well, and I have engaged with it on several occasions over my ministerial life. I visited The Usual Place a few weeks ago to see the good work that is in place. The funding round that Mr

Hoy referred to is a competitive funding round. The decisions that were made are taken at arm's length from Governments and involve assessment of individual applications. Mr Hoy is correct that The Usual Place was unsuccessful. However, interim funding is in place through other Government funding channels, which have been put in place by South of Scotland Enterprise and, if my memory serves me correctly, by one of the health-based funds, which is supporting the work of The Usual Place. I am committed to trying to find a solution in that respect.

I do not really think that it is fair of Mr Hoy to say that Government funding has not been put into that or that there has been no effort to find funding, because what I have just put on the record refutes what Mr Hoy says. I am completely committed to doing all that we can to support The Usual Place, which does outstanding work in transforming the lives of young people in our country.

### **Private Jets (Charge)**

**Ross Greer (West Scotland) (Green):** This morning, Oxfam published a report showing a huge increase in private jet travel in and out of Scotland. Private jets are a disaster for the climate and are 20 to 30 times more polluting than regular commercial air travel. Two of the three airports that have seen significant increases are owned by the Scottish Government. Air departure tax has not been devolved, but could the First Minister commit to introducing a charge at Scottish Government-owned airports to ensure that super rich elites pay for the amount of pollution that they are throwing into our atmosphere?

**The First Minister (John Swinney):** I have already stated that I am interested in the suggestion of having higher tax rates on private jet flights. We continue to explore all options for implementing air departure tax, but that must be done in a way that protects the connectivity of the Highlands and Islands and the lifeline services that those communities rely on. I understand and sympathise with the points that Mr Greer raises and we will consider those as part of any steps that we take on air departure tax. However, as Mr Greer will know, those issues are incredibly complex, and we must ensure that we have a sustainable response that does not in any way undermine the approach that we take in the Highlands and Islands.

**The Presiding Officer:** That concludes First Minister's question time. There will be a short suspension before the next item of business to allow those who are leaving the chamber and the public gallery to do so.

12:46

*Meeting suspended.*

12:48

*On resuming—*

## Gull Control

**The Deputy Presiding Officer (Liam McArthur):** I ask those who are leaving the public gallery to do so as quickly and quietly as possible as we move to the next item of business, which is a members' business debate in the name of Douglas Ross on motion S6M-17969, on action to address the impact of gulls in Scotland. The debate will be concluded without any question being put.

I invite Douglas Ross to speak for about seven minutes in opening the debate.

### *Motion debated,*

That the Parliament notes with concern the reported changes to the approach taken for granting licences to control gulls in recent years by NatureScot, which, it understands, has led to fewer licences being approved, as demonstrated by 2,041 licences being granted in 2023, but this figure falling to 505 in 2024; understands that communities and businesses in Moray, Nairn and Inverness have had significant problems with gulls in recent years, but that many communities across Scotland also experience similar problems; believes that Business Improvement Districts (BIDs) funding and Common Good Funds should not have to be spent on continually seeking licences to control gulls that display dangerous and aggressive behaviour that are a risk to all, but particularly the young and older people; is concerned that NatureScot reportedly does not fully acknowledge and respect the views of local people and businesses when considering applications to control gulls that are causing significant problems; notes the calls for more robust action from the Scottish Government and NatureScot to protect humans and businesses from what it sees as the menace of dangerous gulls, including the Scottish Ministers taking action through a section 11 order under the Natural Heritage (Scotland) Act 1991, and further notes the calls for a review by the Scottish Government, preceded by a public consultation on the grounds for legal control, with a view to permitting control to tackle significant nuisance caused by gulls, and on the separation of the licensing of control measures and the nature species conservancy functions of NatureScot, in light of reports of an inherent potential conflict between the two and widespread concerns of many constituents that NatureScot neglects the former while preferring the latter.

12:48

**Douglas Ross (Highlands and Islands) (Con):** The people who are leaving the public gallery do not know what they are missing, because I am sure that this will be an excellent debate on gulls. A timeframe of seven minutes is quite tight, because, since the debate was announced, I have been inundated with correspondence about the issue. Following on from Stephen Kerr's heroic efforts in the past couple of days, I have been thinking that I might look for opportunities to lodge stage 3 amendments about gulls when we debate legislation in order to allow us even more time to

discuss the subject, but I will base that on the minister's remarks later, because I hope that we will make some progress.

Some people smirk when we say that the Parliament will be debating the issue of gulls, but it is extremely serious, which is why I am surprised that this is only the second members' business debate on the menace of gulls since the Scottish Parliament was re-established, in 1999. The previous debate was held in 2002 and was also led by a Conservative member, my colleague and friend David Mundell. There was clearly an issue back then, because the motion that was debated said:

"seagulls are causing an increasing nuisance".

That was in 2002, but, 23 years on, we are still discussing the subject.

I particularly thank Fergus Ewing for the work that we have done together on the matter in recent months. When I was told that I had the opportunity to debate gulls today, I first checked with Fergus that he would be here and able to contribute, because he has put in significant effort on the matter in his constituency and has worked very well on a cross-party basis to deliver for his constituents.

I will raise some of the cases that have been highlighted to me. This morning, Moray Firth Radio reported the case of a retired couple in Hopeman. That husband and wife are now worried about going down Forsyth Street in Hopeman, because they are continually dive-bombed every time they go there. They are worried about going out of their home.

Last year, a constituent came to my surgery in Miltonduff to explain that she could not leave her house. She has a small dog, and every time they left the house they were attacked by gulls that were nesting on her property. Such was the severity of the problem that she was given licences and permission to remove up to 10 nests every year, but the cost of getting someone in to remove a nest is £200 a time. That retired lady, who is now 73, has to spend £2,000 of her money to remove those nests every year. That is why this is an issue, and it is a growing issue.

Over the past couple of weeks, I have spoken to a number of my Scottish Conservative councillor colleagues about the issue. Councillor Isabelle MacKenzie has spoken about the growing issue in the Crown area, where she lives and which she represents. She said that stonemasons are reporting problems with being able to do their work. Councillor Babs Jarvie in Nairn spoke about the huge issues for local people and for tourists who come to Nairn. If anyone looks at the BBC news today, they will see a story about the impact

of gulls in Nairn and the increasing problem there in recent years.

In my area of Moray, Councillor Pete Bloomfield and Councillor Elaine Kirby have raised issues in their council ward in Elgin. Pete Bloomfield told me a terrible story, which I have recited to the minister, about a lady who fell outside her house as a result of a gull attack, broke her leg, went to hospital, came out of hospital and was attacked again.

Although Councillor Amber Dunbar said that she has not had any specific cases involving injuries to people, she highlighted the very good point that it is sometimes not just about physical injuries, because there is also a mental health impact. The gulls are so noisy, particularly early in the morning but throughout the day, that people end up having mental health issues because they cannot get to sleep at night. They are woken early in the morning, and shift workers cannot get to sleep at all during the day. She also made the point that, although NatureScot is there to protect and conserve bird numbers, people are seeing a reduction in the number of garden birds in areas that are dominated by gulls.

I am grateful to everyone who has provided briefings for the debate, but I have to highlight the briefing that came from the charity OneKind. It says that we should avoid value-laden language and that referring to gulls as a menace or a nuisance and to their behaviour as mugging or dive-bombing creates and reinforces a perception that gulls are acting maliciously and that their presence is a problem. Well, I say that these gulls are a menace. They are dive-bombing and they are a problem.

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** I will address the language that is used about gulls in my speech.

**Douglas Ross:** I did not hear that properly. I will give way to Christine Grahame again if she wants to repeat what she said.

**Christine Grahame:** I do not agree with those terms, and I will address them in a short defence—a cautious defence—of the common gull.

**Douglas Ross:** Christine Grahame is perfectly able to do that, but I strongly disagree. They are a menace. My constituent in Hopeman who was on the radio today used the phrase “dive-bombing” because they are being dive-bombed by these birds.

I want to highlight the work that is being done by business improvement districts. The work that Fergus Ewing and I have done together has been ably aided by the BIDs in Nairn and Inverness.

They are going above and beyond for their members to get schemes in place, but it is costing a fortune. The motion also mentions just how much money is being spent on trying to get licences and control the birds. Tens of thousands of pounds are being spent by business improvement districts, common good funds and community councils. That huge amount of money could be better spent on other local projects or on improving the environment for local businesses, but it has to be spent on tackling this issue.

I encourage people in the strongest possible terms, as I am sure the minister will, to stop feeding these birds and to stop leaving rubbish out, because that causes part of the problem. I am not ignoring that; I am reinforcing it.

There is also an issue with the licensing scheme, as it is proving far too complex, difficult and expensive to get licences.

I come to the debate not just with complaints but with solutions. We need to keep a record of the number of attacks on people by gulls. I put that to the minister last week at portfolio question time on rural affairs, land reform and islands, and I was encouraged by his response. However, I wonder how on earth NatureScot can refuse applications by saying that the gulls in a particular area are not a health and safety risk when it is not even recording how many people are being injured in attacks by gulls.

Conversely, NatureScot does record injuries and deaths—not of people but of birds. If birds go into wind turbines, NatureScot keeps a record of that, but it does not keep any record of people being injured. I think that it has to look at that.

I want NatureScot’s role to be very much separate. It is currently clearly conflicted between conserving and preserving bird numbers and being the agency that deliberates on, and rejects or approves, applications to control birds. It is no longer possible for NatureScot to do that dual role, so I hope that the minister will consider separating those roles. We need action from the Government, because, 23 years on from the previous members’ business debate on the subject, gulls are still an increasing problem in our communities. They are causing a nuisance, and people want action.

**The Deputy Presiding Officer:** Given the interest in this subject, it is likely that we will need to extend the debate, but I am conscious that afternoon business starts at 2 o’clock, so I would be grateful if members would stick to their four minutes, or even less.

12:56

**Emma Roddick (Highlands and Islands) (SNP):** I thank Douglas Ross for bringing the

debate to the chamber. It is good to have the opportunity to explore what more can be done to deal with local seagull issues, many of which have been reported to me as well.

I live next to an industrial estate in Inverness, so I absolutely understand the issues that seagulls can cause in residential areas in particular. My mother always used a different name for them that many Highlanders would recognise, but I will not repeat it in the chamber.

I receive a disproportionate number of complaints about these birds in certain communities. It is not just about the noise and the mess that they make, and the fact that they are a nuisance; I am aware that people have been injured and that property has been damaged. Douglas Ross mentioned some extreme incidents, which clearly have a massive impact on people's lives.

Therefore, it is important that councils and their partners are able to react more quickly when issues emerge. By the time an issue is noticed and then reported and responded to, it is often past the point at which measures such as targeting eggs can be considered and can be effective. From then on, it is hard to row back on the disruption, rather than just limiting how much worse it gets year on year.

NatureScot issues licences as a last resort when there are issues of public safety. However, between there being no issues and the need to take measures as a last resort, there are opportunities for us to prevent the problem from becoming dire. When I look out of my kitchen window, I can see seagulls nesting on the spikes that are there to drive them away, so perhaps we need to reconsider what measures are actually effective and which measures local councils and partners should be allowed to undertake.

I know that the Inverness and Nairn business improvement districts often manage to target seagull issues successfully, and I thank them for that. People do not very often reach out to me, as an MSP, to share good news or positive feedback, but I have heard repeatedly that the BIDs' work in partnership with tenants associations, businesses and building owners has often meant that good progress is made and people's contributions are listened to.

However, as somebody who served as a councillor six years ago and was, at that time, involved in the decision—as mentioned in Douglas Ross's motion—to continue to award funding from the Inverness common good fund to tackle the problem, I know that progress feels very slow. I have also had constituents write in with concerns about the approaches that are taken in destroying

eggs. They feel that it is not always a last resort but sometimes the only option available.

In Nairn, one person said to me that it is usually human behaviour that she witnesses that encourages the birds. She often finds people, whether they are locals or tourists, littering or intentionally feeding the seagulls. We cannot blame those birds for moving in when they get an easy meal, but we can do more to discourage such behaviour by humans.

NatureScot has a duty to protect the species. It is rare, but not unheard of, that a constituent wants to kill the birds indiscriminately, with no regard to the species being able to survive. People do not want the extreme and dangerous behaviour that takes place when the situation is allowed to get out of control.

I agree with colleagues that we need to give local communities a full range of options to deal with gulls and prevent situations from getting out of control, when the birds have started to pose a risk and when concerns have been raised. I look forward to hearing the minister's response to the suggestions.

13:00

**Finlay Carson (Galloway and West Dumfries) (Con):** Their relentless and noisy squawking and aggressive behaviour have made them a nuisance across Scotland. No, I am not referring to the nationalists—on this final sitting day before summer recess, I hope that, for once, we can part on the best of terms; I am talking about the growing scourge of gulls, particularly in my constituency of Galloway and West Dumfries, where those wild flappers seem to rule the roost and, frankly, appear to revel in the misery that they cause in communities such as Kirkcudbright, Stranraer and Dumfries.

I thank my Conservative colleague Douglas Ross for securing the debate. The issue is long overdue serious attention.

We have heard the stories of elderly residents being attacked outside their homes and children being left bloodied by swooping gulls. This is no longer about just a sensational headline; it is a growing public safety risk that is spreading far beyond our coastal towns and into urban centres across Scotland.

These birds are no longer confined to our beaches. They are now snatching fish and chips, hamburgers and even crisps from outside shop fronts. They have adapted to urban life and are thriving on it. As researchers such as Helen Wilson at Durham University have pointed out, this is about not necessarily rising gull numbers but shifting behaviour. Urban environments now offer

more reliable food sources and fewer natural predators. With changes in fishing practices, more violent winter storms and warming seas, gulls are abandoning their traditional habitats and heading inland.

Although gulls may be adapting, our system for managing them is not. NatureScot's current approach to licensing is simply not fit for purpose. I say that not just as a constituency MSP but because I echo the serious concerns that Scottish Land & Estates raised in its recent briefing. SLE members, who are among the primary applicants for a species control licence, have reported a litany of issues with NatureScot's licensing regime, including unrealistic demands for evidence of species impact, excessive delays in processing applications, a narrow and insufficient list of species that are eligible for control, licensing officers making decisions beyond their remit and a lack of understanding of the practicalities of wildlife management.

I will give one example. In the south of Scotland, an estate was told that it could not control ravens near a site of special scientific interest due to potential disturbance to breeding waders. Instead, it was advised to use gas guns and bangers. That method would have caused far more disruption than a single moderated shot. The approach is not logical, and it is counterproductive.

In another case, NatureScot unlawfully advised an increase in raven control under a livestock protection licence, when the actual concern was the protection of ground-nesting birds. In implementing the new grouse-shooting licensing scheme, it misinterpreted the Wildlife Management and Muirburn (Scotland) Act 2024 and unlawfully requested estate boundary licences. Later, it was forced to backtrack. That was not a one-off. There is a pattern of poor decision making that is actively undermining land managers' ability to protect people, livestock and biodiversity.

In my constituency, councillors spend upwards of £85,000 a year on trying to manage gulls—money that could be far better spent if the licensing system worked. NatureScot insists that the lethal control method should be a last resort but, when non-lethal methods fail, as they often do, communities are left without any viable options. The result is growing frustration, rising costs and a real risk to public safety. In Dumfries, residents have even raised a petition to demand action.

Businesses are being targeted and people are being harassed, yet the licensing process remains slow, opaque and overly restrictive. We need a system that works, is easy to access, proportionate and risk based, is grounded in practical understanding and, above all, is

responsive to the needs of each and every community.

Licences should be easy to obtain when there is clear evidence of harm. They should be difficult to lose unless misused and they should be rationally connected to a licensable purpose, not bogged down in bureaucratic overreach. This is not about demonising wildlife or gulls. It is about restoring balance; protecting people, property and public health; and ensuring that our licensing bodies are equipped and willing to act on public safety. The status quo is not working and, if we do not act now, the consequences could be far more serious than a stolen sandwich.

13:04

**Rhoda Grant (Highlands and Islands) (Lab):** I thank Douglas Ross for securing the debate. I pay tribute to the work of Councillors Sandy Keith and John Divers in Moray, who for many years have been wrestling with problems caused by seagulls in Elgin. We need to be clear that the birds are not acting maliciously; they are simply looking for food and trying to protect their young.

Urban seagulls have been causing a major problem and often present a danger to the public. We have all witnessed them snatching food out of unsuspecting people's hands, which can be dangerous. As the birds swoop and snatch, they can hurt people. That is a greater issue for older people and children, as those more vulnerable individuals can be knocked down and seriously injured. We have seen cases of people being injured or left bleeding after seagulls have swooped on them. I also remember hearing about how the kind operators of one food outlet offered to replace the lunches of schoolchildren when gulls had snatched their food from their hands. As we all know, such problems get worse when seagulls have chicks. They are good parents, and, as their young begin to fledge, they become even more protective. Anyone who inadvertently gets close to a fledgling chick is likely to be attacked, which can cause them injury and fear.

One of my constituents contacted NatureScot about the issue. Its reply was that it would not grant a licence for nest and egg removal where gulls were simply creating a nuisance; it would do so only if there were a public health and safety issue. Even then, nest and egg removal would be done only as a last resort. NatureScot also said that gull numbers were in decline. That might be so in the birds' normal habitat, but it does not feel as though it is the case in urban areas, where the danger that they cause to the public is increasing.

**Douglas Ross:** We need to hear more from the Government on the crucial issue of approval of licences. Does Rhoda Grant agree that, in many

cases where NatureScot rejects applications, the alternatives that it offers are simply unworkable? For example, it told people to use an umbrella to get into a store in Inverness that was suffering from the problem. It is not looking at reasonable alternatives.

**The Deputy Presiding Officer:** Ms Grant, I can give you the time back for the intervention.

**Rhoda Grant:** Thank you, Presiding Officer. I absolutely agree with Douglas Ross's point. The same constituent of mine who wrote to NatureScot was told to approach local government, because the issue was one for it to resolve. They were told that, rather than NatureScot removing seagulls' eggs and nests, councils need to stop people dropping food in the street and littering, and they need to put in place better bins that gulls cannot get into.

It seems that NatureScot is saying that it will not do anything because seagull numbers are falling. However, if it were so concerned about those falling numbers, its response would not be to advise people to remove food sources. It seems that it is really trying to ensure that somebody else takes action, and it is passing the buck. We cannot continue in that way, and we have to make sure that things change, because the issue presents a danger to the public.

As Emma Roddick mentioned, almost 20 years ago in Inverness, there was a sharp increase in gulls coming into the city, following the closure of a nearby landfill site. The council took measures to remove nests under licence, but it also considered other deterrents that were not deadly to birds, all of which helped. Putting together all the available tools and approaches alongside the licensed removal of nests does work, including using sonar and lasers and deploying birds of prey. All of those strategies will have to be considered if towns such as Elgin, Inverness and many others are to receive timely intervention.

The longer the debate has gone on, the more we have heard that there is a role for the Scottish National Party Government to better facilitate an effective relationship whereby NatureScot and local authorities can work together to use all the tools that are at their disposal. Of course, that will need funding, and we know that local authorities have been underfunded for years. It is simply not right for NatureScot to pass on its responsibility.

I hope that, in closing the debate, the minister will address how the Government could step in to ensure that all the organisations concerned can manage the danger that is caused by seagulls attacking people, because that is a public health issue.

13:09

**Mark Ruskell (Mid Scotland and Fife)**

**(Green):** I thank Douglas Ross for lodging the motion for debate. I certainly acknowledge that there are areas where we need more effective management and consideration of how we can co-exist with gull populations, but I hope that Douglas Ross will acknowledge that, in the 23 years since Parliament last debated the topic, herring gull populations have collapsed in Scotland—numbers have halved since the 1980s. There are huge pressures on our seabirds. Part of the reason why gulls are moving more into urban areas is that the coastal environments that they would usually inhabit are under pressure and under attack.

**Fergus Ewing (Inverness and Nairn) (Ind):** It has just been stated that the populations of herring gulls and urban black gulls—the two main species—have declined, but there is no evidence for that. In fact, NatureScot now admits that there is no such evidence regarding the populations of the urban-based species. Therefore, the whole debate is proceeding on a false assertion.

**Mark Ruskell:** I ask Mr Ewing to speak to NatureScot and those who are monitoring our bird populations across Scotland. The fact that herring gulls are on the red list of protected species suggests that the science behind that shows that herring gull populations are collapsing.

Scotland is an internationally important location for herring gulls; we host about a quarter of the global breeding population. The pressures from climate change, food shortages and avian flu have contributed to the worrying declines in seabird populations, but they continue to be under attack in local areas.

I get people writing to me about gulls all the time. A group of people from Burntisland wrote to me this week to say that they are concerned because Forth Ports has demolished a hangar at the old Burntisland Fabrications site. Young, flightless herring gull chicks were stranded on that roof and were killed when the hangar was brought down. Dozens of nesting sites were destroyed. That might hearten Douglas Ross and some members of the Conservative Party, but I say to them that that is a wildlife crime. It is a crime that will be investigated by the Scottish Society for the Prevention of Cruelty to Animals and Police Scotland, because these birds are protected for a very good reason.

There are options for authorities to control gulls where they are causing a problem. There are three circumstances in which that can take place—when there is a threat to human health and safety, when other non-lethal measures have been ineffective and when it is not harmful to the

conservation of the overall population. That is the basis of the current licensing regime.

We have to consider what happens in our towns around waste management, and I point to the situation in Stirling. Tuesday is bin collection day in the centre of town, and we have bagged bin collections. Of course, the gulls flood into Stirling on a Tuesday morning, because they know that they can get an easy meal by opening up the bags. They are smart and intelligent creatures. I have also seen local residents putting out bread for the gulls between the times when waste collection takes place, which exacerbates the problem.

We need an approach that is led by councils, involves NatureScot and the business community and educates local people about the best way to manage gull populations. We also need an approach that respects the fact that these species are under attack and are declining in population. They are protected under law, and we should find a better way to coexist with them.

13:14

**Craig Hoy (South Scotland) (Con):** As we prepare to take flight, I congratulate Douglas Ross on bringing forward this important debate. As colleagues across the chamber have referenced, the menace of seagulls has been getting steadily worse in communities across Scotland. As a South Scotland MSP, I represent a wide region that includes many coastal areas, from Eyemouth and Dunbar in the east to Stranraer in the west. Many of those coastal towns and villages—and even inland ones—are experiencing serious and growing issues with gulls.

The birds can be large, aggressive and very territorial, and they are larger now than in the past because of their ready access to fast food on many streets. There have been multiple gull strike victims in Eyemouth. Outside one local business, in one month, seven children were attacked and left with gashes to the scalp and blood running down their faces. It is a real problem. Residents and businesses report to me and many parliamentary colleagues the problems that they are facing, from noise to property damage and direct attacks. Children, older people and tourists are particularly terrified when those attacks take place. As many members have referred to, I have heard about people changing their plans, changing dog walking routes or even changing the way that they access their homes because of the effect of gulls, particularly during nesting periods.

As ever, my colleague Douglas Ross is right to raise concerns about the recent shift in the approach that is being taken by NatureScot through its licensing regime. The reduction of

approximately 75 per cent in the number of licences shows just what a seismic shift its new policy and guidance is having, and that change is leaving many communities with limited options to manage the issue. It has definitely contributed to the increased number of gull-related incidents across Scotland. The licences are essential for local authorities, landowners and businesses that are trying to protect public spaces, retail areas, residential communities and, in many instances, the local economy. The sharp drop in approvals has caused real concern for many of my constituents, and there is now a growing frustration that NatureScot is not fully reflecting the views of those who are directly affected when it assesses applications.

In East Lothian, for example, towns such as Dunbar and North Berwick are facing relentless problems during nesting season. I have heard from residents who feel as though they are under siege and are, rightly, calling for a more robust and practical use of licences to tackle the scourge of gulls. As Mr Ruskell made clear, those problems can be made worse by residents' behaviour. For example in North Berwick, one resident feeds the seagulls, which causes huge disturbance, noise and inevitable mess for neighbouring properties. Apparently, East Lothian Council is powerless to intervene.

As Finlay Carson said, in Dumfriesshire, the issue has been particularly persistent. Anyone who visits Dumfries will see the gull that permanently sits atop the statue of Robbie Burns. Dumfries and Galloway Council spent its full £84,000 in gull control budgetary measures in 2023-24, investing in nest removal, gull-proof bins and deterrents on buildings, but the initiatives are still not working. That serves to show how serious the issue is and how much NatureScot must listen to local communities, because council budgets are being fully utilised. It would be unfair for NatureScot not to represent the views of our constituents.

I do not speak to demonise the herring gull. Gulls, when properly managed, are every bit a part of coastal life as fishermen, beaches and fish and chips, but the problem needs to be addressed. I look forward to hearing from the Minister for Agriculture and Connectivity what the Government will do to take forward those concerns, because they are concerns of the communities that we represent. It is about protecting people, public health and local economies. We should not shy away from taking the serious and necessary steps that are needed to keep our communities safe.

**The Deputy Presiding Officer:** I advise members that we are very tight for time. I will have to restrict later speakers to three minutes, as well as extending the debate.

13:18

**Fergus Ewing (Inverness and Nairn) (Ind):** I thank Douglas Ross for securing the motion for debate and for the joint working that we have done, and the Minister for Agriculture and Connectivity for his engagement.

Gulls behaving naturally are a menace to humans. If a gull, a gigantic creature, swoops on an elderly person with poor balance and they fall over and break a hip, their mortality might be reduced by 18 months and they might be housebound. Infants in a pram or a buggy who get guano droppings on their hands or near them will put that in their mouth, which can cause all sorts of diseases—histoplasmosis, cryptococcosis, psittacosis, ornithosis, salmonellosis and E coli—I will give the *Official Report* the spellings. Those diseases are potentially lethal.

What survey analysis has been done by NatureScot or the health sections of the Scottish Government about the health risk? I am very serious about that. I believe that there has been no analysis whatsoever. If that is so, and there is a fatality, the Government will be held responsible, because it has not looked into the issue.

Under section 4 of the Regulatory Reform (Scotland) Act 2014—I know, because I wrote it—there is a duty on all quangos to take account of the economic impact of their decisions. The economic impact on the business improvement districts is that they have to pay tens of thousands of pounds; instead of improving business, which is their role, they are having to sweep up the mess for NatureScot.

However, I will set out the real problem, which I mentioned in my intervention on Mr Ruskell. Incidentally, I have met NatureScot several times. We have been in lengthy correspondence, and I am fortunate to have had sight of a lengthy freedom of information response that a constituent received. I cannot read it all out—I do not have the time—but I will sum it up.

NatureScot has made its assertions constantly. Understandably, the minister has to rely on the advice that he gets—that is true, to a certain extent. However, once he reads that FOI response, he will see that there is no reliable data for the urban gull population. There were repeated requests for that data in 2021, 2023 and 2024—I could read those out, but I do not have the time—but it never came.

When officials raised the issue with the Joint Nature Conservation Committee of the UK Government, they said that “unfortunately” it had been raised again by an MSP. Why on earth are officials expressing a view that it is wrong for a parliamentarian to raise a concern? I say to the minister that they do that repeatedly. There is bias

behind the scenes. The system is fundamentally flawed.

The summit should be chaired by an independent person, it should be open to the public, and it should have presentations from Lorraine McBride, Lucy Harding and others who have done sterling work but who should not have to have done so. As the minister knows, I profoundly believe that. I am not saying it for any effect other than to solve the problem in Scotland. That is what we are here for.

The system is defective. It is flawed from top to bottom. It needs to be completely redrawn. NatureScot should have nothing to do with licences, because there is a clear conflict of interest between that responsibility and its responsibilities for the conservancy of species.

13:22

**Brian Whittle (South Scotland) (Con):** I thank my colleague Douglas Ross for bringing the debate to the chamber.

I listened to the interaction between Douglas Ross and Christine Grahame about terminology. As a Troon boy, and having had the great pleasure for 30 years of doing my morning run along the beach with my dog, I can assure members that “dive-bombing” is a very good description of what gulls do. Fortunately, my dog was smart enough and big enough to take care of herself—

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

**Brian Whittle:** Of course I will give way to Christine Grahame.

**Christine Grahame:** “Dive-bombing” is a description of an action. Terms such as “menace” apply a characteristic.

**Brian Whittle:** It is a very apt description of what gulls have been doing for years.

I acknowledge that a balance must be struck between managing nuisance birds and managing conservation and the wider impacts on the ecosystem. However, we must also recognise that there is an inherent risk to people and property as gull numbers increase in human-populated areas.

I recognise that some councils in my constituency are better than others at managing nuisance birds, and some face different challenges in that area. The Scottish Environment Protection Agency uses East Ayrshire Council’s seagull management plan as an example of good work. However, that does not mean that there are no seagull-related issues in East Ayrshire, and even the best councils have limited tools at their disposal.



A constituent of mine moved to Kilmarnock in 2021. In his own words, he

“spent a considerable amount of money on this property including the back garden area for the benefit of my grandchildren. The last two summers have been ruined with the council’s inability to do something about these birds and the pest they have become. My rear garden has become a no-go zone in the summer due to constant swooping when the young gulls are born, and the constant large amounts of toxic bird waste being deposited over my garden area.

I realise that these birds are protected but in doing so then the council/ Scottish Government must be responsible for the impact they are having on residents lives.”

When I raised the issue with the council on behalf of my constituent, it told me that it has no statutory duty to take action against the gulls and that it has no statutory powers to enforce the changes in behaviour that are needed to make a meaningful impact in such situations. In fact, it has said that it cannot stop people from feeding birds. However, it tries to encourage responsible feeding and offers education to that effect in the cases that are brought to its attention.

Neither does the council have any legal powers to require other building owners to follow the hierarchy of controls that are referred to by NatureScot before ultimately applying to it for a licence to remove nests and eggs. That is an action of a responsible property owner.

The approach to gull management needs to change to a proactive whole-system approach, working with residents, businesses and property owners, who each have a role to play. Not only do councils and businesses need the ability to get a licence for control measures, as my colleague Douglas Ross has laid out, but councils need more powers for enforcement in situations where the building owners and occupiers are documented and not managing their premises responsibly.

Gulls are traditionally associated with the sea, and my constituent lives inland, so the only reason that the gulls are there is for a food source. Their natural behaviour and environment have changed because of human interaction. Unless councils are given greater enforcement powers, along with the powers to manage the population, those issues will persist and grow. I hope that the minister will address those key issues in his response.

I once again thank my colleague Douglas Ross for raising this important issue.

**The Deputy Presiding Officer:** Due to the number of members who still wish to speak in the debate, I am minded to accept a motion without notice, under rule 8.14.3, to extend the debate by up to 30 minutes.

*Motion moved,*

That, under Rule 8.14.3, the debate be extended by up to 30 minutes.—[*Douglas Ross*]

*Motion agreed to.*

**The Deputy Presiding Officer:** I call Beatrice Wishart, to be followed by Liam Kerr. You have up to three minutes, Ms Wishart.

13:26

**Beatrice Wishart (Shetland Islands) (LD):** Sorry—I missed what you said, Presiding Officer. Did you say three or four minutes?

**The Deputy Presiding Officer:** Three minutes.

**Beatrice Wishart:** Three minutes. Okay.

I thank Douglas Ross for bringing the debate to the chamber this afternoon. As the motion states, gulls can be a problem and even dangerous.

Problem behaviour is often heightened during nesting season, when vulnerable eggs and chicks need protecting. I have witnessed and experienced the intense behaviour of gulls during nesting season. One gull in my neighbourhood attacked anyone who was near the communal waste bins. I saw another fly at an unsuspecting man as he got out of his car. The large gull swooped, and its beak made contact with the man’s head and drew blood. He was quite shaken by what had happened.

I had my own gull experience a few years ago. I had hung out some washing to dry on a fine, sunny day. When I attempted to retrieve it, I was dive-bombed by a gull. I managed to bring it in only by clutching an open umbrella over my head and making a dash for safety as the gull had another go at me. I fear that, without my brolly, I, too, would have ended up with a gash to the head.

Although it seems amusing to retell the tale, there is a serious issue to deal with, and I believe that NatureScot must do much more to issue licences swiftly when there is evidence of possible harm to humans.

The Scottish Seabird Centre’s briefing pointed to the fact that 70 per cent of Scotland’s seabird species are in decline. We know that that is a result of the impact of climate change, invasive species and a reduction in natural food sources.

I have lived in a top-floor flat for more than 20 years. When I first moved in, I frequently heard the noisy call of herring gulls as they padded across the flat roof. They would fly down to the nearby seashore, pick up small crabs, starfish and sea urchins, and fly back, dropping their catch to break it open on the roof before landing to feed on their meal. They would nest in the chimneys on a

nearby row of terraced houses. Interestingly, I do not see or hear them so often now.

RSPB Scotland highlights that herring gull numbers have almost halved since the 1980s. With readily available food from human waste, gulls are increasingly brought into our urban areas. They hover outside fish and chip shops in Lerwick, waiting for a feed. It is not unusual to see them sitting on top of parked cars while, inside, the occupants eat their fish suppers.

I, too, reiterate the advice not to feed the birds, not least because it can attract other wildlife. Gulls are acting naturally in an environment that we have built, and that requires us to change our behaviour so that we can live in greater harmony.

Although we can mitigate some human behaviour, NatureScot must be more proactive in reacting to evidence-based situations when licences are sought. The agency cannot give less importance to the safety and protection of humans than it does to that of gulls. There is a balance to be found.

13:29

**Liam Kerr (North East Scotland) (Con):** I am delighted that Douglas Ross lodged this motion. Since being elected in 2016, I, too, have been inundated with concerns from constituents about screeching gulls dive-bombing people, particularly the elderly and small children, for food or territorial reasons.

In Aberdeen, the council receives around 200 complaints and inquiries about gulls every year, most of which concern aggressive behaviour, noise and damage to buildings. Just last week, on Schoolhill, I saw an enormous gull on the pavement, squaring up and refusing to budge. It was facing off against a terrified elderly woman and eyeballing her food. Aberdeen's Marischal college, the second-largest granite building in the world, has sustained structural damage from the birds.

I must correct Mark Ruskell's unevidenced assertions about numbers. A 2015 University of Bristol study showed that the number of urban gull colonies in the UK and Ireland had more than doubled to just under 500. In 2017, *The Independent* reported that the number had nearly quadrupled. That was eight years ago—the number will be huge by now.

I first started trying to find solutions in 2017.

**Mark Ruskell:** Will the member take an intervention?

**Liam Kerr:** No, I do not have time.

I saw then that, as long ago as 2010, the Scottish Government had commissioned research

into the use of falcons to displace nesting gulls and into other actions, including egg and nest removal and egg oiling.

In 2016, the House of Commons suggested that buildings could be seagull proofed, councils could issue gull-proof bin bags and people could be educated about seagulls. At the time, former Edinburgh councillor Nick Cook advocated funding for de-nesting. More recently, Aberdeen has tried a hawk and Aberdeenshire is trialling sonar devices.

However, where in all this is the Government or NatureScot? Rhoda Grant gave us the answer to that earlier—they are passing the buck. I found a parliamentary question from 2015, in response to which Aileen McLeod MSP stated flatly:

"It is the responsibility of local authorities to address problems caused by urban gulls."—[*Written Answers*, 17 September 2015; S4W-27335]

In 2019, following constituent complaints in Airyhall in Aberdeen, I demanded action, but Roseanna Cunningham simply said that it was for the local authority to deal with the situation. Later that year, I wrote to Aberdeen Council on behalf of constituents in Torry. The council said that there was nothing that it could do due to the legislative framework and that the problem was the property owner's responsibility; it also sent me a nice leaflet about living with urban gulls.

Here we are, all these years later, with member after member queuing up to show that the problems are worse than ever, thanks to a Scottish Government that slopey shoulders them and a Government agency that, as Douglas Ross said, has an extraordinary conflict of interest—an agency that seriously proposed that people should use an umbrella to go into local shops and/or send their dug up on to the roof.

This is a serious problem, and it needs serious solutions. Douglas Ross has proposed some—which I am four square behind—to protect humans and businesses from the menace of gulls. Nearly a decade on from when I first started campaigning, it is long past time for this Government to get its act together.

13:32

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** I thought that, while recognising the concerns raised by members, I would be alone in defending the clever, adaptable gull. I was wrong. The debate has been reasonably balanced.

I watched a gull on a busy high street case out a local store. It looked cautiously this way and that, glanced through the shop window, double-checked, dismissed me as being too distant to be

a threat and then, when the shop door swished open, it was in and out in a flash, with a packet of crisps secured. It managed to break the seal to enjoy a snack. It was not a thief; it was simply an animal looking for easy pickings.

Language such as “mugging” and “menace” can be applied to us and to our counterparts, but it is not appropriate to demonise an animal that is simply looking for food. Anthropomorphising is tempting but not helpful. In part, as we recognise, we brought this on ourselves, as we are mucky creatures. Unlike the gull, however, we know the consequences, and we should take responsibility for dropping our half-consumed chips and for throwing sandwich packets to the ground, even when there is a visible waste bin nearby. There are also waste bins that are not regularly emptied but that should be. We fill tips with the detritus of our lives. If you were a gull, you would be tempted.

Do not get me wrong: I recognise that gulls can be intimidating and that there are serious incidents. Of course, if someone is somewhere where gulls regularly nest and have nested historically, they must keep their distance and respect nesting birds, which are, quite rightly, fierce defenders of their young. I was dive-bombed during the nesting season on the Isle of May. I say to members that I use the term correctly—I am not demonising; I am describing an action. That incident was completely my fault. It happened because of my ignorance.

What can we do? We can modify our own behaviour—we have mentioned all the things that we do wrong. We must not feed them, for example. We can choose methods to constrain and restrain that cause least harm to these animals. We might provide alternative nesting sites—perhaps that is why the stonemasons were being attacked.

In the Parliament, we have used trained hawks. In the main, that has been effective, although I recall seeing gulls mobbing a hawk and seeing it off, never to be seen again. However, that hawk was possibly being mobbed because the gulls have nests on this very site.

I have listened to the debate, in which legitimate issues and concerns have been raised. We must consider legal ways to control specific areas—methods of control that are humane for the gull population. I look forward to the response from the minister. However, we must not have a situation of people versus gulls or gulls versus people.

13:35

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** I thank my colleague Douglas Ross for bringing forward this important debate. As many members have said, we have

been talking about this issue for years, but absolutely nothing is getting done. The Government is not listening to us, so the problem continues.

In Eyemouth, in my constituency, aggressive seagull behaviour continues to cause concern to businesses, tourists and anybody who is doing anything along the harbour. It is not just a seasonal nuisance; it is a serious and growing health and safety risk, particularly for children and elderly residents, as Fergus Ewing said.

In September last year, we were told that, in one month, seven children in Eyemouth had been attacked, with one girl left with gashes to her scalp and blood running down her face. One resident described people being “scared, attacked and traumatised”, and said that the problem is “actively deterring customers” from her business and the town. We found ourselves trying to plan ahead. The community got together with supportive councillors—Councillor Carol Hamilton, a Conservative, and Councillor James Anderson, an independent—and NatureScot to try to do something about the situation. However, the can was kicked down the road and nobody took it seriously.

NatureScot made some suggestions. Jim Fairlie shook his head when my colleague Liam Kerr said that the use of dogs had been suggested. That is absolutely in this—

**The Minister for Agriculture and Connectivity (Jim Fairlie) rose—**

**Rachael Hamilton:** I will say what is in this document first, if Mr Fairlie does not mind, and then I will take the intervention.

The document says that the applicant intended to try some solutions but that other solutions that had not been tried included disturbance by dogs. The reason why people have not used dogs is because gulls do not have nests on the ground. I made the point last week: do we expect spaniels to scale scaffolding or dogs to go up on drones?

**Jim Fairlie rose—**

**Rachael Hamilton:** I will take the intervention.

**Jim Fairlie:** When Rachael Hamilton raised the issue last week, I was absolutely appalled to hear that it had been suggested that dogs should be used on roofs. I made an inquiry to NatureScot. The response that has come back says:

“We have not suggested or provided instructions that dogs should be used on rooftops to scare gulls and prevent nesting. Dogs can be an effective tool to disturb ground-nesting gulls and dogs are used in every licence application response as a possible means of deterrent.”

NatureScot gives people across-the-board deterrents, not just deterrents for use in a specific instance.

**The Deputy Presiding Officer:** I can give you some of that time back, Ms Hamilton.

**Rachael Hamilton:** We have been working closely with local residents, and my point is that the licensing scheme is both bureaucratic and unrealistic, Mr Fairlie. I would appreciate it if you could look at—

**The Deputy Presiding Officer:** Speak through the chair.

**Rachael Hamilton:** I would appreciate it if the minister could look at the red tape that is associated with businesses and at the timescales. We suggested a pilot, which would have been absolutely perfect and would have dealt with the bespoke issues that affect each and every town across Scotland that has problems with gulls.

I will give a snapshot of where I am and how I have tried to represent the views of my constituents. In December, I hosted a site visit with NatureScot to show it the worst-affected areas around the harbour. I have held multiple meetings with NatureScot to explore and seek advice on the licence application. I secured NatureScot's endorsement of signage to discourage the public from feeding gulls. I have also convened discussions with Scottish Borders Council, which is now preparing a draft gull management plan.

Much more needs to be done on this. I do not believe that the issues are being taken seriously. When I highlighted last week—

**The Deputy Presiding Officer:** You need to conclude—

**Rachael Hamilton:** I highlighted last week that, within 24 hours, NatureScot had U-turned and granted two licences. That happened only because I had highlighted the issue to the minister in Parliament. A lot more needs to be done. We need to support the people who are having trouble with the gulls.

**The Deputy Presiding Officer:** I invite the minister to respond to the debate—around seven minutes, minister.

13:39

**The Minister for Agriculture and Connectivity (Jim Fairlie):** Thank you, Deputy Presiding Officer—I will try to get through everything, but there is an awful lot to get through.

When I mention the fact that we are having a debate on gulls, people chuckle and laugh—just as Mr Ross talked about. It seems funny, but it is not—it is deadly serious. I absolutely accept that,

and I hope that Mr Ross and Mr Ewing accept that I have taken the issue very seriously right from the start. I met them both on 15 April to talk about the gull management issues in Inverness and Moray; I then had a meeting with NatureScot immediately after that, on 23 April, to discuss those issues. I subsequently had a meeting with the Nairn and Inverness BIDs and Highland Council on 7 May to ensure that we were progressing the issues.

I understand that we currently have area-wide licences in Inverness and Nairn. We are still engaging with Moray Council to try to get a similar approach to that which has been taken in Inverness. NatureScot has been attempting to engage with Aberdeen City Council—so far, it has been unsuccessful, so I urge the council to engage with NatureScot so that we can get some resolution on the issues that we are talking about.

With regard to the rationale for licensing, the licences that are issued for dealing with gulls are based on the NatureScot guidance, which has been subject to clarification. Mr Ross has, in the past, raised the question of why the licensing has changed. The licensing has not changed, but the guidance has on the basis that the use of language such as “menace” or “nuisance” does not constitute a licensable purpose. That is a critical point, and I will come back to possible solutions later. The use of language is important, and licences can be issued only on the basis of health and safety. That is why the approach to current applications has differed from the approach that was previously taken. I am well aware of that issue, and we will pursue it. I appreciate the frustration that people feel when they have not been able to get a licence because of the surrounding bureaucracy.

Mr Ross has asked me to intervene using section 11 of the Natural Heritage (Scotland) Act 1991, which allows for ministerial directions. However, we have delegated the responsibility for licensing to NatureScot in order to have it make the decisions—

**Douglas Ross:** Will the minister give way?

**Jim Fairlie:** In two seconds, Mr Ross.

If we go against the licensable purposes, we could be open to judicial review. It would therefore not be appropriate for ministers to get involved under the provisions that are currently in place.

I am happy to take an intervention from Douglas Ross.

**Douglas Ross:** On the point about ministerial direction and the licensing function of NatureScot, does the minister accept that—as the motion states and as members have reiterated today—there is a clear conflict between NatureScot's

responsibilities to conserve bird numbers and to consider applications to control those numbers?

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

**Jim Fairlie:** I am more than happy to have a wider discussion when we come to discuss resolutions and what the debate will actually deliver. I am happy to look at all the issues that have been raised with us.

As I said, Mr Ross has asked me to look at my role in how we define the licensing terms, but we have delegated that power to NatureScot, and that is where it should stay at this time.

We also have to work out what is causing the issue in the first place. It is quite simple: we are feeding the gulls. We are creating a habitat and creating feeding stations, and we are thereby allowing gulls to inhabit our space. That is now quite clearly causing a conflict. Beatrice Wishart's point in that regard was absolutely spot on and very balanced, as were Brian Whittle's comments. There is a conflict, and we now need to find some way of coming to a resolution on that. We have to try to limit food waste and public littering, to take away the feeding opportunities. I dispute the fact that taking away the feeding opportunities is about starving the birds—it is about dispersing them and their behaviour so that they go to other places.

We hear about landfill sites that have been closed down. Those used to be feeding stations, but they are no longer available. Christine Grahame is spot on—the birds are having an issue with where they are sourcing their food. We have created that food source and we are creating nesting sites, and that is the issue on which we have to focus.

**Rachael Hamilton:** Jim Fairlie is slightly missing the point. If he takes the time to look at the reasons for the refusal of applications, he will realise that NatureScot has already stated, and has evidence to show, that the people who are having trouble have already undertaken all the measures for management and deterrence, including those with regard to food waste, preventing a return to old nests, hawking and so on. We need a summit, not just in Moray but across Scotland.

**Jim Fairlie:** I have not missed any points at all. I stated from the outset that I am taking the matter very seriously. There is absolutely no doubt that, as we have heard from members from around the chamber, people are being attacked and injured and that we have to deal with that.

Mark Ruskell talked about gull numbers. Dee Ward has a tweet on his timeline that says that the red-listed herring gull seems to be bucking the trend in Dundee. However, the nine birds in the

photo are sitting on top of rubbish bins, which are feed sources for them. I continue to make the point that we have a joint responsibility to work out the ways in which we are creating an environment that allows gulls to thrive in our communities and to consider how we can manage that in the future.

**Fergus Ewing:** Will the minister address the point that I made that the basis of the restriction on licensing was that NatureScot argued—wrongly, I believe—that the populations of the two species that I named were in decline when, in fact, there is no evidence of that? Will the minister study the FOI responses if I send them to him? They prove beyond any doubt that there is no evidence that the populations are in decline. Therefore, what he said to me in his letter of 12 June is simply incorrect and the whole business is proceeding on the basis of a false assertion by NatureScot.

**Jim Fairlie:** At this moment, I do not accept that. When I have definitive proof that it is the case, I will be more than happy to look at it. Indeed, I am more than happy to look at it.

**Mark Ruskell:** Will the minister give way?

**Jim Fairlie:** Do I have time to take the intervention, Presiding Officer?

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

**Mark Ruskell:** Does the minister also acknowledge that, although there might be some limited increases in populations in some urban areas, we see a decline across Scotland? That is why the species is on the red list and we have to take our international responsibilities seriously if we are to continue to protect it in law.

**Jim Fairlie:** I also disagree with that point, because it is not small increases in numbers in urban birds. The figures that I have seen show large increases in the numbers of urban birds but crashing numbers of birds in their natural environment. That goes back to the point that I made right at the start of my speech, that we must stop feeding them, stop creating nesting spaces and find ways to displace them back to that natural habitat.

I am more than happy to take the issue seriously. I have already said that I will convene a summit. I announce—and my officials will ensure that it is done—that it will be in Inverness. When we have that summit, all the issues that have been raised in the debate will be discussed and we will consider everything. That is me taking responsibility as a minister who takes the matter seriously. I will ensure that we try to progress it so that we are not standing here in 10 years' time with another members' debate about gull species.

**The Deputy Presiding Officer:** I apologise to colleagues for having to constrain the debate but

we need to allow time for staff to come in to do the chamber turnaround before afternoon business begins at 2 o'clock.

13:48

*Meeting suspended.*

14:00

*On resuming—*

## **Business Motion**

**The Deputy Presiding Officer (Annabelle Ewing):** Good afternoon. The next item of business is consideration of business motion S6M-18148, in the name of Jamie Hepburn, on behalf of the Parliamentary Bureau, on changes to business.

*Motion moved,*

That the Parliament agrees to the following revision to the programme of business for Thursday 26 June 2025—

after

4.55 pm                      Decision Time

insert

*followed by*                      Members' Business—[*Jamie Hepburn*]

*Motion agreed to.*

## Portfolio Question Time

### Education and Skills

14:00

**The Deputy Presiding Officer (Annabelle Ewing):** The next item of business is portfolio question time, and the portfolio this afternoon is education and skills. I remind members that questions 1 and 5 are grouped together and that I will therefore take any supplementaries on those questions after both have been answered.

#### Apprenticeships (Number of Places)

**1. Lorna Slater (Lothian) (Green):** To ask the Scottish Government, in light of the reported significant demand for apprenticeships from both employers and applicants, what it is doing to increase the number of apprenticeship places available. (S6O-04858)

**The Minister for Higher and Further Education; and Minister for Veterans (Graeme Dey):** The Scottish Government is investing £185 million this year to support high-quality apprenticeships, aiming to strengthen the skills system and ensure efficient use of public funds. Our approach to proactive contract management allows flexibility to respond to emerging demand, aligned with Government priorities. Skills Development Scotland supports providers to maximise opportunities throughout the year. We remain committed to working with employers and industry leaders to reform the skills system. Improving skills planning is key to ensuring that supply is better aligned with the demands of Scotland's economy.

**Lorna Slater:** I also have concerns about the gender pay gap for Scotland's apprentices. Male apprentices are predominantly found in sectors such as construction, engineering, information technology and telecommunications—sectors that typically offer higher wages and stronger long-term earning potential. Female apprentices are more likely to be found in social services, health and social care, business and administration, and hairdressing and beauty—sectors that generally have lower average pay and fewer opportunities for progression to higher wages. What is the minister doing to close that gap and ensure that apprenticeships are not trapping women in low-paid work?

**Graeme Dey:** Lorna Slater highlights a really important and long-standing issue, which continues to exercise all of us who have a locus and interest in ensuring that our young people are supported into rewarding and sustainable careers that allow them to best realise their potential.

The fact that Scotland's apprentice of the year, Louise Collins, is a female who is working in aerospace engineering will, I hope, help us to demonstrate to young women that engineering is for them. I also hope that our plans to weave the recommendation of the Scottish Apprenticeship Advisory Board's gender commission into our work in the reforms space, especially on careers, will be helpful. That is the critical element of how we address this issue. When I talk about our work on careers, I mean that it should involve reaching not just the young people but the biggest influence on the career decisions that those young people make, which is their parents and carers.

Progress has been made in breaking down the gender barriers, but much work remains to address the challenge of attracting more women into engineering and construction—the high-paying sectors that Lorna Slater has identified. We should also be alive to the fact that, in some instances, young men are not being attracted to other professions. That, too, has to be addressed.

#### Apprenticeships (Availability)

**5. Evelyn Tweed (Stirling) (SNP):** To ask the Scottish Government what assessment it has made of any regional variability in the availability of apprenticeships. (S6O-04862)

**The Minister for Higher and Further Education; and Minister for Veterans (Graeme Dey):** Skills Development Scotland has operational responsibility for apprenticeships in Scotland. SDS acknowledges that regional variability in apprenticeship availability is influenced by the geographic distribution and recruitment activity of employers across key sectors of the economy. As apprenticeships are demand led and aligned with employer needs, the number and type of opportunities naturally differ across regions.

To manage this situation, SDS undertakes continuous labour market analysis and produces annual regional skills assessments. These assessments inform the strategic management of apprenticeship starts at both national and regional levels, which ensures alignment with industry priorities and local economic conditions.

**Evelyn Tweed:** My Stirling constituency covers a vast area, but the majority of apprenticeships are centred in Stirling city. How is the minister engaging with stakeholders to ensure the wide availability of apprenticeships, especially in more rural areas?

**Graeme Dey:** A key priority for the Scottish Government is to encourage apprenticeship delivery in island and rural communities. As part of that, we introduced a rural uplift for modern apprenticeship delivery, which is an increased

payment for training providers, to encourage provision in island and rural areas. In addition, travel and subsistence support, including accommodation funding, is also available to support apprentices where they have to attend formal off-the-job training outwith normal daily travel, if required as part of the MA framework.

The member's constituency is home to one of the most celebrated rural apprenticeship successes in the shape of Marc Ingram, who works at Blair Drummond Smiddy. Marc was the 2024 Scottish apprentice of the year and is an amazing young man whose journey highlights the incredible transformative impact that an apprenticeship can have on someone's life.

**The Deputy Presiding Officer:** I have received requests for supplementary questions from three members. I intend to take all three.

**Kenneth Gibson (Cunninghame North) (SNP):** Concerns remain that some schools allegedly advise as many young people as possible to go to university, even when an apprenticeship or graduate apprenticeship would provide better prospects.

Given the chronic shortage of construction and engineering workers, for example, what steps are being taken, in partnership with schools, to encourage more young people to take up an apprenticeship?

**Graeme Dey:** There is no doubt that the problem that Kenny Gibson highlights exists. I have visited many schools where the culture is very much as we would want it to be when it comes to promoting the full range of career paths, but that is not always the case, as I have heard directly from young people.

The work that is under way in the careers space through the careers collaborative is designed to ensure that, in all our education settings—not only schools but colleges and universities as well—there is a full and complete offering to young people of opportunities to pursue careers.

We have an issue around construction, which Kenny Gibson mentioned. There is, for example, a disconnect between the number of young people who go to college to do construction-related courses and the number who then go into the construction sector. I offer Kenny Gibson the reassurance that we are very much alive to that issue.

**Stephen Kerr (Central Scotland) (Con):** On the same theme, yesterday, Alan Wilson of Scotland's electrical trade body, SELECT, warned that

"Scotland absolutely must not be left behind when it comes to apprenticeship funding."

That is how he feels. He highlighted the emergence of a two-tier system. Funding for electrical apprentices in England stands at £23,000, and in Scotland it is £8,000. It is three times more in England. He is right to say that we need electricians here and now, that we will need electricians in the future, and that a two-tier system is totally unacceptable.

With a 30 per cent real-terms cut over seven years—by his calculation—and no increase in funding in that time, does the minister accept that those warnings are real, and will he now act to close that unacceptable gap?

**Graeme Dey:** I am very much alive to the competing arguments for funding in the post-16 education space. I regularly hear asks for an increase in the payment rates, but I also hear asks for increases in all sorts of other spend in that area. Through the reform work, we are trying to look very closely at the needs of the economy and to prioritise those sectors. As part of that work, we will, in due course, look at the payment rates, but I cannot stand here today and say that we will suddenly magic up a pot of money to address the issue, although I take the point on board.

**Carol Mochan (South Scotland) (Lab):** Construction apprenticeships are essential and there is demand for them. However, in my South Scotland region there are two areas that we must work on. The first is to better link employers and colleges to agree numbers in order to meet the skills gap. Secondly, local qualification courses are a real barrier in rural areas, and long distances mean that we lose apprentices early on because of the difficulty in accessing courses. What can be done to address those issues?

**Graeme Dey:** I would always encourage the training providers, whether in the private or public sector, to have a relationship with employers and trade bodies in order to understand demand. However, I say gently that one of the issues is an expectation that courses will be provided in every locality, when those who seek the courses cannot provide the critical mass of students to go to that college, or a pipeline that allows the college to create and sustain an offering.

Therefore, I encourage an open dialogue between those sectors and the local colleges in particular. However, there must be a realistic starting point, with the numbers required to create and sustain the courses.

**The Deputy Presiding Officer:** I note that the member who lodged question 2 is not here. I expect an explanation and an apology.

For question 3, I call Katy Clark.



### Children in Care (Exclusion from School)

3. **Katy Clark (West Scotland) (Lab):** To ask the Scottish Government what it plans to do to ensure that children in care are not excluded from school, as set out in the Promise. (S6O-04860)

**The Minister for Higher and Further Education; and Minister for Veterans (Graeme Dey):** Schools and local authorities need to do all that they can to ensure that children and young people are included, engaged and involved in their education.

More than £60 million has been provided to local authorities through the care-experienced children and young people fund as part of the Scottish attainment challenge. We are working with Education Scotland and local government to improve the educational outcomes of care-experienced children and young people. The Government also continues to provide £100,000 of annual funding to CELCIS to support the facilitation of the virtual school headteachers and care-experienced teams network, which is playing a key role in reducing exclusions.

Our national policy on exclusion has a strong focus on approaches that can be used to prevent the need for exclusion. Exclusion should be the last resort and, when used, it should be a proportionate response where there is no appropriate alternative.

**Katy Clark:** Can the minister outline how he believes that it will be possible to address on-going exclusions from school of care-experienced children, given the harm that it does to their lives? Does he believe that a legislative solution through the Government's Children (Care, Care Experience and Services Planning) (Scotland) Bill, which seeks to fulfil the Promise, will be possible, or does he believe that other strategies will be effective?

**Graeme Dey:** I note Katy Clark's long-standing interest in this matter, which she has raised in the chamber previously.

The Scottish Government has been working in close partnership with Education Scotland and partners, including the Association of Directors of Education in Scotland and the Convention of Scottish Local Authorities, to consider the calls for action that are made in the Promise. That work has resulted in the development of the Promise in education framework, which seeks to support the improvement of the educational outcomes of care-experienced children and young people. Such improvement will include reducing exclusions. All of that is aligned with the asks that are in the Promise.

Before the framework was fully developed, it was tested in local authority settings. Initial

feedback from local authorities was largely positive, but further testing is to be done. I expect that the findings of the recent Who Cares? Scotland report, which were quite concerning, will provide fresh impetus to the work that is happening on exclusions.

A review of national guidance on exclusions will also get under way later this summer, and I am sure that the intersection of exclusions and care-experienced children will feature prominently in that activity.

**Roz McCall (Mid Scotland and Fife) (Con):** The minister mentioned the Who Cares? Scotland report. I agree that its findings are deeply concerning, given that, although the Promise aimed to end the practice of excluding care-experienced children, those children are nearly six times more likely to be excluded than their peers. The use of extremely limited timetables as a method of avoiding formal exclusion is also unacceptable, especially as it begets non-attendance, increases stigma and enhances mental health issues.

In its 2025 report, the Promise oversight board stated that

"school exclusions, reduced timetables and non-attendance can be interlinked. Data sets must be connected to give a clearer picture of what young people need in order to thrive."

Is the Scottish Government collating that interlinked data? If so, when will it be published? If not, what steps is it taking to facilitate that important information?

**Graeme Dey:** I hope that the member recognises that that is not my particular area of responsibility, so I will ask the relevant minister to write back to her.

I am quite pleased to hear that she is concerned about exclusions, because we regularly hear from the Conservative benches a demand for a greater number of exclusions. There seems to be a slight disconnect in the Conservatives' positioning on that. However, she makes a fair point, and I will ask the minister to write to her.

**Willie Rennie (North East Fife) (LD):** The use of 15-minute timetables—that is, 15 minutes per day—to avoid formal exclusion is simply tokenistic. Third sector bodies have been clear that there are instances where that occurs in many parts of the country without the young person having appropriate wraparound support for the rest of the day.

Can the minister provide us with a guarantee that that will be thoroughly investigated, to ensure that care-experienced young people get the educational support that they deserve?

**Graeme Dey:** The chief inspector of education is currently looking at that issue. The cabinet secretary is well aware of the problems that Mr Rennie has highlighted, and we will undertake to write to him with a further update on what is happening.

**The Deputy Presiding Officer:** Question 4 has not been lodged.

### **Children with Disabilities and Additional Support Needs (Holiday Hub Provision)**

**6. Ben Macpherson (Edinburgh Northern and Leith) (SNP):** To ask the Scottish Government what assessment it has made of the impact of holiday hub provision for children with disabilities and additional support needs in the city of Edinburgh and elsewhere in Scotland. (S6O-04863)

**The Cabinet Secretary for Education and Skills (Jenny Gilruth):** We have published a series of national evaluations on the impact of school holiday activities and childcare. The evaluations show positive impacts for children and their families, including improved confidence and skills development. Reports highlight that it is important for services to be inclusive and delivered by staff with the right skills and experience. I very much recognise that more needs to be done to improve the experiences of disabled children and those with additional support needs. That is why we have invested an additional £1 million this financial year to support the delivery of holiday play schemes and activity provision for disabled children.

**Ben Macpherson:** I thank the cabinet secretary for that answer. It is good to hear about the evaluations and investment.

As the Parliament is aware, there has been a notable rise, in recent years, in the number of children identified as having additional support needs. It is my understanding that councils have a statutory duty under the Children (Scotland) Act 1995 to provide out-of-school and holiday care for children with disabilities and additional support needs. However, a number of parents in my constituency and elsewhere have raised concerns with me that the level of provision that is available is inadequate to meet their children's needs. That concern is especially pressing as we approach the school summer holidays. Councillor Euan Hyslop has been raising the issue with the City of Edinburgh Council administration. Will the cabinet secretary say a bit more about how she is considering the issue nationally and engaging with councils at this time?

**Jenny Gilruth:** I thank Mr Macpherson for raising what is a hugely important issue. He rightly puts on the record the increase that we have seen

in recent years in the number of pupils with an identified additional support need. Part of that relates to the broader definitions that we, as a Government, have taken forward for good reason, but I recognise the implications that that has for support.

On local authorities' responsibility, there is a duty on local authorities, under section 27 of the Children (Scotland) Act 1995, to provide out-of-school care "as is appropriate" for children in need. That provision might be subject to assessment, but the question whether out-of-school care is appropriate for a child's particular strengths and needs is a matter for the local authority.

To Mr Macpherson's substantive point, I note that we are beginning to work with partners across local government to better understand the range of approaches that our councils are taking to implement those statutory duties. We are working through an improvement lens, which has been identifying the opportunities to strengthen existing approaches across local authorities. I am more than happy to ask my officials to engage with the City of Edinburgh Council on the issue that Mr Macpherson has raised today.

**Miles Briggs (Lothian) (Con):** I associate myself with the comments of Ben Macpherson. The way in which the council has handled the issue has been totally unacceptable. Parents and families are rightly angry that they have been left in the dark. We are now heading into the summer holidays, and children with severe medical complex needs, disabilities or life-limiting conditions should have the right to access holiday hub provision. There are often few opportunities for them to participate otherwise. What national guidance is the Government developing with councils on this issue? I did not hear that in the cabinet secretary's answer. Does she recognise that the City of Edinburgh Council is finding it difficult as the lowest-funded council in Scotland?

**Jenny Gilruth:** Mr Briggs is absolutely right to say that parents should not be left in the dark in that regard, particularly at this point in the academic year. I gave an undertaking to Mr Macpherson that I would ask officials to engage directly with the City of Edinburgh Council to that end.

At the current time, as I set out previously, the legal obligation rests with local authorities. Miles Briggs asked about national guidance, but, because of their statutory responsibilities, guidance is a matter for local authorities. However, I am more than happy to speak to officials about whether there is an opportunity for us to consider producing national guidance to supplement that and, to Miles Briggs's specific point, to press forward with engagement with the City of

Edinburgh Council and the challenges in that regard.

On funding more broadly, the Government provided additionality to local authorities such as Edinburgh through the budget negotiation process. That was a key ask. There was £29 million for additional support needs, yet Miles Briggs's party voted against that.

**Martin Whitfield (South Scotland) (Lab):**

Further to the answers that the cabinet secretary has already given, which I am grateful for, would not national guidance on the definition of "appropriate" in section 27 of the 1995 act resolve some of the challenges, because, in essence, there is a postcode lottery as to what "appropriate" means?

**Jenny Gilruth:** I will not give Mr Whitfield a definitive answer on that today, because the existing legislation very much speaks to the statutory responsibilities of local authorities, as I have set out to Mr Macpherson. I am happy to take further advice from officials in relation to the potential for national guidance to strengthen the position, recognising the concerns that have quite rightly been raised by members today.

**People with Hearing and Sight Difficulties (Awareness in Schools)**

**7. Michelle Thomson (Falkirk East) (SNP):** To ask the Scottish Government what consideration it has given to supporting schools to raise awareness of, and provide the required assistance to, people with hearing and sight difficulties. (S6O-04864)

**The Cabinet Secretary for Education and Skills (Jenny Gilruth):** The Requirements for Teachers (Scotland) Regulations 2005 require education authorities to ensure that teachers who are employed to teach hearing and visually impaired pupils hold an appropriate qualification. Work is under way with partners to update the qualifications guidance. That will ensure that education authorities and teaching professionals have clear, up-to-date information on the appropriate qualifications that are required to support pupils effectively, enhancing the proficiency of this specialist area of the workforce.

The Scottish Government also funds the Scottish Sensory Centre and CALL Scotland to provide advice and training to school staff, including in the use of assistive technology for pupils with specific and/or complex communication and sensory needs.

**Michelle Thomson:** The most recent census data shows that the number of pupils who are recorded as having a vision impairment has doubled since 2011. At the same time, the number of qualified teachers of children and young people

with vision impairment has not increased sufficiently, and additional concerns have been expressed about the ageing profile of the workforce. What action is the Scottish Government taking to address the specialist teacher recruitment and training shortage, to ensure that blind and partially sighted pupils continue to receive the quality education that is necessary to reach positive destinations and to narrow the attainment gap with their fully sighted peers?

**Jenny Gilruth:** I thank Michelle Thomson for raising a hugely important issue. It is worth recounting that, under the Education (Additional Support for Learning) (Scotland) Act 2004, all teachers have a role in meeting the additional support needs of their pupils, including those with visual impairments. In addition, specialist teachers who are qualified teachers of children and young people with visual impairments work collaboratively with colleagues in mainstream education settings to meet the individual learning goals of pupils with visual impairments. In 2023-24, 90.2 per cent of mainstream secondary school leavers receiving support for a visual impairment were in a positive destination nine months after leaving school.

To answer the member's substantive point, we recognise that the increase in the number of pupils with visual impairments presents challenges for schools. That is why, as I said in my answer to the previous question, the Government prioritised £29 million of additional funding in the 2025-26 budget for local and national programmes to support the recruitment, retention and training of the ASN workforce.

**College Funding (Business Needs)**

**8. Kevin Stewart (Aberdeen Central) (SNP):** To ask the Scottish Government what action it is taking to tailor funding to colleges to ensure that they are providing courses to meet the needs of businesses in an ever changing world. (S6O-04865)

**The Minister for Higher and Further Education; and Minister for Veterans (Graeme Dey):** The Scottish Funding Council is responsible for allocating funding to colleges in line with ministerial priorities, as set out in the SFC's annual letter of guidance. Colleges are responsible for determining their own operational decisions, including course provision. I expect colleges to engage with employers and local partners to understand skills needs and to continuously plan and adjust their curriculum to meet the emerging needs of the economy. The post-school education and skills reform programme aims to make further improvements. The 2025-26 budget allocates £656.2 million in resource funding to colleges, which is a 2 per cent uplift on 2024-25.

**Kevin Stewart:** North East Scotland College is adapting to ensure that we have the people to meet the needs of business and the energy transition. Does the minister share my view that funding to colleges also needs to adapt to recognise the changes that are taking place so that we meet our net zero ambitions to achieve a just transition and to build a workforce for the future? Does that mean that ministerial priorities and what ministers say to the Scottish Funding Council also need to change to meet those needs?

**Graeme Dey:** NESCol is an excellent example of a college adapting to the net zero transition. It collaborates closely with regional and national employers to meet the needs of the energy transition.

To support the sector at large to tailor its courses, the Scottish Funding Council has established a curriculum transformation framework that allows colleges to use their funding more flexibly to respond to local needs and demands. The college tripartite alignment group heard this morning that there has been a fair degree of interest from institutions in taking that opportunity. I hope that an enlightened and forward-looking college such as NESCol would be among those.

On the point about priorities, I have had extensive conversations with colleges, including this morning. It is clear that a large number of colleges are seeking to change their offering and to align it to the changing needs of their local economy. We will do everything that we can to support them to achieve that.

**Douglas Ross (Highlands and Islands) (Con):** Last week, the Education, Children and Young People Committee heard from the University of the Highlands and Islands. We discussed the top slice that it takes from its local colleges such as Moray, which accounts for about £15 million that goes into the central executive office every year. However, those colleges have a deficit of about £11 million, so that money would make a huge difference to them. What does the minister think about the future of that top slice from colleges' budgets, and what discussion has he had internally, and externally with the University of the Highlands and Islands, about it?

**Graeme Dey:** As we have had an exchange on this before, Douglas Ross will know that I have been encouraging the reform work that the UHI has been doing, which is being driven from the bottom up. There is a need to ensure that the UHI, as a concept, has a sustainable long-term future, notwithstanding the financial and other challenges that it has. I am aware of the exchange on that very subject that Douglas Ross had with the principal of the UHI at the committee meeting. I expect that, as part of the on-going work—which

has taken an extended period of time to get right—the UHI will look at how it can make best use of the financial resources that are provided to it, because I recognise the criticism that is made in that regard.

**Pam Duncan-Glancy (Glasgow) (Lab):** The principal of Glasgow Kelvin College told the Education, Children and Young People Committee last week that the college is now having to turn away two out of every three applicants. That is happening in Glasgow, a city with high levels of deprivation where employers are crying out for skilled workers. The committee also heard that 40 per cent of the college's students come from Scotland's most deprived areas. Why does the minister think that a college in one of our largest cities is being forced to turn away the majority of its applicants? Does he think that that is acceptable? What could he do so that colleges do not have to do that in the future?

**Graeme Dey:** As ever, Pam Duncan-Glancy brings problems, never solutions. Both she and I are well aware of the challenges in the college sector in Glasgow and elsewhere. I will say to her what I said a moment ago about the on-going work through the tripartite alignment group—of which the principal of Glasgow Kelvin College is a member—to best equip colleges to tailor their offering to the needs of their student cohort.

**Alexander Stewart (Mid Scotland and Fife) (Con):** On a point of order, Presiding Officer. I apologise to you and the chamber for not being here to ask question 2, my portfolio question on education and skills.

**The Deputy Presiding Officer:** Thank you, Mr Stewart. That is not a point of order. Nonetheless, I thank you for your apology. There was no clarification as to whether it was a lift issue, a dog-eating-the-homework issue or something else. [*Laughter.*] I highly recommend that Mr Stewart—and, indeed, all members—take a daily glance at the Scottish Parliament's *Business Bulletin*. It is always a useful thing to do.

With that, I thank the minister and conclude the portfolio session on education and skills. There will be a short pause before we move on to the next item of business in order to allow front-bench teams to change positions.

## Young People's Neurodivergence, Mental Health and Wellbeing

**The Deputy Presiding Officer (Annabelle Ewing):** The next item of business is a statement by Tom Arthur on ensuring the right support for young people's neurodivergence, mental health and wellbeing. The minister will take questions at the end of her statement—apologies, I mean his statement—so there should be no interventions or interruptions.

14:28

**The Minister for Social Care and Mental Wellbeing (Tom Arthur):** Thank you, Presiding Officer, for the opportunity to update the Parliament on the Scottish Government's work to improve access to the right support for young people's neurodivergence, mental health and wellbeing.

I know that people are waiting too long to get the support that they need. I want to be clear from the outset that we are committed to making improvements in those areas. Last week, the Royal College of Psychiatrists in Scotland published its manifesto for next year's Scottish Parliament election, in which it noted a significant increase in people across all ages who are seeking support for their neurodivergence. It also highlighted the importance of a needs-based, stepped care approach to support for neurodivergent people. That echoes our thinking.

Although I recognise that significant work is needed in the area and will go on to say more about our plans for that, I highlight the national neurodevelopmental specification for children and young people. Published in 2021, the specification sets out standards for all children's services to follow, to ensure that children and young people can access the support that they need for their neurodivergence. The specification takes a needs-based approach to providing neurodevelopmental support, is underpinned by the principles of getting it right for every child and is intended to be delivered by all children's services partners through a multi-agency approach. I welcome the recommendations from both the royal college and the child heads of psychology services in that regard, because that is what we are working towards through the implementation of the neurodevelopmental specification.

Since the specification was published, the scale and pace of the increase in demand for neurodevelopmental support and services, particularly for diagnosis, have been unprecedented. That growing demand is placing significant pressure on services and is making the

implementation of the specification challenging. We know that children and families who are seeking support can be left feeling worried or uncertain about what support is available to them and how to access it, fearing that they will be left stranded if they do not have a formal diagnosis.

I take the opportunity to reassure parents and carers who may be worried that that is not the case. I recognise that a formal diagnosis can be important to an individual's identity and to their understanding of themselves or of their child. However, support should be provided on the basis of need, not diagnosis. That is particularly important for children and young people, whose needs will change over time as they continue to grow and develop, and for those who have support needs but do not meet diagnostic criteria.

I understand that medication can be important for some who have attention deficit hyperactivity disorder and that a diagnosis of ADHD is needed to access that, but non-pharmacological support can also be helpful and is recommended in the first instance by the National Institute for Health and Care Excellence. It is also important that children and families are able to choose whether medication is right for them.

Much of the conversation in this chamber around neurodivergence has focused on diagnosis and treatment and on the relationship between neurodivergence and child and adolescent mental health services. Those conversations have included incorrect assertions that young people are being moved off waiting lists to meet the CAMHS waiting times target. I make it crystal clear that that is categorically not the case. CAMHS is a specialist mental health service for children and young people who are experiencing significant mental health problems. Neurodivergence is not a mental health condition and CAMHS is not the appropriate service for children seeking a neurodevelopmental diagnosis.

The improvements in CAMHS waiting times are the result of significant and sustained investment by this Government in mental health services and of hard work by our CAMHS workforce. I put on record my gratitude to them for the work that they do every day to support children and young people who have acute mental health needs. The 18-week CAMHS waiting time standard has been met for the second quarter in a row, with 91.6 per cent of children and young people starting treatment within 18 weeks of referral, but we cannot be complacent. Performance still varies across health boards and some children are waiting too long to receive the support that they need. We continue to provide enhanced support to boards that are not on track to meet the standard through providing access to professional advice and ensuring that they have robust improvement plans in place.

We also know that early intervention and prevention are key to supporting good mental health and that not all children who seek support will need a specialist service such as CAMHS. In fact, the majority will find more suitable support in their local community, and we are providing support to local authorities to ensure that that is quickly and easily accessible. Indeed, we have provided local authorities with more than £65 million since 2020 to fund community-based mental health and wellbeing supports for children, young people and their families. Those supports are available in every local authority area, and councils report that they were used by nearly 83,000 people between July 2023 and March 2024. That £15 million per-year funding is continuing through the local government finance settlement from 2025-26, alongside £16 million for school counselling.

Returning to focus on neurodivergence, I acknowledge the concerns raised by families, and in this chamber, about neurodevelopmental diagnostic waiting times. I recognise that that data is not nationally reported or published. Our primary focus—quite rightly, I think—is on timely provision of appropriate support. However, I certainly recognise that further work is needed to improve the quality of the data that we have on neurodevelopmental requirements and support. We will continue to work with health boards and local authorities to improve our understanding of the quality of the data that is available and how it can be used to improve support and services.

Last year, we provided nearly £250,000 to fund a range of individual projects aimed at improving assessment and support for children and young people, including family support and testing of digital assessment tools. That built on a previous £1 million investment to fund five pilots that focused on various aspects of the national neurodevelopmental specification, including implementing GIRFEC and multi-agency working.

In partnership with the Convention of Scottish Local Authorities, we have undertaken a review of the implementation of the specification, which sought views from education authorities, health boards, young people and their families, clinicians and third sector partners, along with others. The review highlighted areas of challenge and further work to support children's services partners to implement the specification. A report that sets out our findings has been published today and it outlines the specific short, medium and long-term actions that we will take forward. They include providing greater clarity on the roles and responsibilities of partners in delivering the specification; opportunities to promote training; the sharing of good practice, including in the use of new digital assessment tools; work on data availability; and work to improve support to

families. I extend my thanks to everyone who contributed to the review.

I am also pleased to announce that, to support us in driving forward this vital work, we will set up a cross-sector task force that will be jointly chaired by Fiona Davies, chief executive of NHS Highland, and Dr Lynne Binnie, chair of the Association of Directors of Education in Scotland's additional support needs network and the City of Edinburgh Council's head of education for inclusion.

Further, I am pleased to announce that, to support this work, we will provide half a million pounds in additional funding this year to deliver improvements to the support and services that are available to children, young people and families who are seeking support for their neurodivergence. That funding will be available across children's services partners in recognition of the multi-agency and needs-based approach that is required. Further details will be set out in due course.

I do not underestimate how much work is needed to ensure that neurodivergent young people are able to access the support that they need when they need it. That will not happen overnight. It will require collaboration and a range of partners working together, including within Government—for example, between my officials and officials in the education and skills portfolio.

Neurodivergence reflects the rich, varied and complex ways in which our brains work. Neurodivergent children and young people bring unique strengths, perspectives and ways of thinking that enrich all our communities, but I recognise that they can face significant barriers in education and daily life that often continue into adulthood when entering further or higher education and the workplace. Those difficulties can be made even harder by the increased risk of mental health struggles that many neurodivergent individuals experience, alongside the need to navigate a world that is not always built for them.

We have made positive progress in ensuring that children and young people are able to access support for their mental health and wellbeing, and we will continue to deliver further improvements. We are in the early stages of an improvement journey on neurodevelopmental support and I look forward to further detailed conversation at the upcoming cross-party summit on neurodivergence.

I end by emphasising the Government's continued commitment to ensuring that all children and young people who grow up in Scotland receive the right support in the right place at the right time.

**The Deputy Presiding Officer:** The minister will now take questions on the issues that were raised in his statement. I intend to allow about 20

minutes for questions, after which we will move on to the next item of business. It would be helpful if those members who wish to ask a question would press their request-to-speak buttons.

**Brian Whittle (South Scotland) (Con):** I thank the minister for early sight of his statement. This is the first time that I have been able to officially welcome him to his new post. He takes it over at a really challenging time, as he has just alluded to.

When we have such a massive increase in diagnoses over such a short period of time, it is obvious that something catastrophic has occurred. I put it to the minister that the Scottish Government has not been entirely honest with the public or the families who have suffered on the waiting list. The gathering of data has not been transparent and the Scottish Government has once again been cherry picking and manipulating the data to fit its narrative. If neurodivergent conditions were never supposed to fall under child and adolescent mental health services, why did the Scottish Government allow that to occur in the data in the first place, and for such a length of time?

In March 2024, the workforce census of the Royal College of Psychiatrists reported that the number of general psychiatrists, including locum rolls, had remained unchanged for more than a decade. According to freedom of information data that I obtained, only 32 per cent of children were seen for an assessment within the timescales recommended by the national autism implementation team.

I understand that not everyone will need or want a diagnosis, but, given the increase in demand, what is the Scottish Government doing to ensure that there are staff to diagnose such conditions in order to give children access to the support that they need, where eligibility for support requires a diagnosis? In situations in which a diagnosis is not wanted, what is the Scottish Government doing to better support children by providing them with an outlet through community activity?

In 2023-24, the Scottish National Party pledged £55 million for neurodevelopmental conditions services, yet it did not include dedicated funding for such services in this year's budget.

**Tom Arthur:** The first thing that I want to say is that I do not view the rise in visibility and demand as catastrophic—I do not think that that is what Brian Whittle intended to say. Neurodivergent people have always been with us, whether as our friends, in our family or in our communities, but they now have more of a voice. They are being heard, and we are working to provide the support that they require. That is important.

Over the past five to 10 years, we have had a significant increase in demand. Consequently, our

systems must respond to that. That is why we brought forward the specification and the review of the specification, and it is why we supported the pilot areas and the tests of change—we wanted to learn. It is also why we are taking forward the work with the task force and the additional in-year funding that I have set out today. We want to support our local partners—health boards and children's services partners—to ensure that the right support is available in the right place. That is absolutely vital.

On the question about data, I touched on that issue in my statement. I recognise that we do not currently have a national data set on waiting lists for neurodevelopmental diagnosis. That is why we are committed to continuing to work with health boards and local authorities to assess and understand the data that is available and its applicability to improving outcomes for young people and children in our communities.

With regard to the workforce, we previously commissioned the national autism implementation team and NHS Education for Scotland to provide professional learning and development to a range of practitioners at a range of levels to increase awareness across those levels.

I hope that that clarifies some of the points that Mr Whittle raised.

Finally, the data on CAMHS is clearly presented on the Public Health Scotland website, so I refute Mr Whittle's point about that.

**Paul Sweeney (Glasgow) (Lab):** I welcome the minister to his new role in Government and thank him for providing early sight of his statement.

I was dismayed by one aspect of his statement in particular—the claim that “incorrect assertions” had been made that young people are being moved off waiting lists to meet the CAMHS waiting times target. Many members across the chamber will agree that it is a matter of fact, not assertion, that that is happening—that is exactly what we are seeing across Scotland. Children are being moved off the CAMHS lists to different pathways that often have indefinite waiting times. The minister's remark struck me as being a bit of Orwellian doublethink.

It is very easy for the minister to declare a job well done when the list is being reduced not by successfully getting children and young people the help that they need, where they need it, but by creating additional lists. We know that several health boards now count initial assessments as treatment. For a target to be useful, it must be permanent, measurable and rigorous. The Government has proven that the CAMHS waiting times target does not fulfil any of those objectives. It is unethical and, ultimately, futile.

Some children are now having to wait years for the treatment that they so desperately need. Does the minister agree that it is simply not acceptable, in a country such as ours, to have waiting times that are measured in years? Will he finally fulfil the Scottish Government's promise that it would spend 1 per cent of the national health service budget on CAMHS by the end of this parliamentary session, so that we can get children and young people the support that they need, where they need it?

**Tom Arthur:** Again, let me be crystal clear: the assertion—it is an assertion—that individuals are being moved off the CAMHS waiting times list is incorrect. The CAMHS waiting times list is for people with significant mental health conditions. Individuals who co-present as neurodivergent and as having mental health conditions will be on that list, but CAMHS is not the appropriate pathway for a neurodevelopmental diagnosis. The CAMHS statistics reflect that, and they are accurate. The data is transparently provided on the Public Health Scotland website.

We have provided additional investment in mental health. This year, mental health spending will reach around £1.5 billion. In the past five years, direct spending by the Scottish Government has increased from approximately £117 million to £270 million. We are working towards the target that Mr Sweeney mentioned. We are very close to meeting the target of 10 per cent of health spending being spent on mental health and 1 per cent being spent on CAMHS by the end of this parliamentary session. As I have already indicated, I am preparing to engage with health boards to work constructively in partnership with them to ensure that those targets are realised.

**Stuart McMillan (Greenock and Inverclyde) (SNP):** The Health, Social Care and Sport Committee has launched an inquiry into ADHD and autism pathways and support. I warmly welcome that, because many of my constituents have contacted me about the issue. However, that has led to constituents asking what that means for the learning disabilities, autism and neurodivergence bill that the Scottish Government has committed to. Can the minister provide an assurance that that legislation is still being worked on and that the additional inquiry highlights how seriously the Parliament views improving the systems to help neurodivergent people of all ages to get the support that they need?

**Tom Arthur:** I welcome the Health, Social Care and Sport Committee's inquiry and assure Stuart McMillan that the Government's commitment to developing the LDAN bill has not changed. The proposed bill is important to many people across Scotland and we are firmly committed to ensuring that the rights of people with learning disabilities

and neurodivergent people are respected, protected and championed. We have made a clear commitment that the work will continue and that the next steps will be for us to publish draft provisions, with the benefit of the consultation evidence informing our refined proposals. We are currently progressing that work, which is being informed by discussions with the three bill advisory panels, which include representation from people with lived experience, stakeholders and practitioners.

**Roz McCall (Mid Scotland and Fife) (Con):** I am glad to hear that the Government accepts that people are waiting too long to get the support that they need. Although the minister highlighted that support is not based on having a diagnosis, that is not necessarily the case for too many children and young people with autism and other neurodivergent conditions.

I also note the minister's assertion that young people are not being moved off waiting lists to meet CAMHS targets. The minister can be as crystal clear as he likes, but we have a freedom of information response that shows that that statement is completely false. If the minister has that proof, will he commit to publishing the data that supports his statement regarding neurodivergent conditions and CAMHS waiting times?

**Tom Arthur:** Data on CAMHS waiting times is transparently published by Public Health Scotland.

I addressed in my statement the point about data on neurodivergent conditions assessment waiting times. We do not have a centralised national collection of data on that, but we are working with health boards and local authorities to identify which data is relevant and which data can be best deployed to support outcomes for people who use those services.

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** It is important that children and young people receive all the support that they need at an early stage to thrive in an educational setting, particularly when those children and young people have neurodivergent and mental health issues. Will the minister set out the importance of education and health services working together, and outline how the Government is investing in additional support for learning for those young people?

**Tom Arthur:** We all want children and young people to receive the support that they need to reach their full learning potential. Education authorities should identify, provide for and review the additional support needs of their pupils, and they can ask health boards to support that. Spending on additional support for learning reached a record high of more than £1 billion in



2023-24. We have prioritised additional investment of £29 million in the 2025-26 budget to support the ASN workforce. We have provided local authorities with £16 million per annum to ensure that all pupils aged 10 and above have access to counselling services. The Cabinet Secretary for Education and Skills is bringing together a cross-party round table with local government to discuss supporting ASN in our schools.

**Daniel Johnson (Edinburgh Southern) (Lab):** As someone with ADHD who takes medication on a daily basis, I have to take issue with some of the assertions in the statement. The minister stated that non-pharmacological support can also be helpful and that people may choose to take other forms of therapy. However, the reverse of that is also true. For many people like me, medication will make the biggest difference, but most importantly, how can we choose unless we have a diagnosis? We need that to be in place first.

The minister also misquotes the NICE guidance. Although it is true that the NICE guidance suggests that, for children, other forms of therapy should be pursued, it also states:

“If the behavioural and/or attention problems persist with at least moderate impairment, the child or young person should be referred to secondary care (that is, a child psychiatrist, paediatrician, or specialist ADHD CAMHS) for assessment.”

The minister must not partially quote the NICE guidance in that way. If CAMHS is not the right pathway for diagnosis, what is? When will that pathway be implemented and will it require co-occurring conditions? If it does, the only option will be to access diagnosis privately, which will cost thousands of pounds that many families cannot afford.

**Tom Arthur:** I recognise that Daniel Johnson is bringing his expertise and experience to bear on an issue that he has championed in the Parliament. In my statement I recognised explicitly that a diagnosis can be transformational, because it enables people to access medication—I made that point. I quoted the NICE guidance simply to highlight that other forms of non-pharmacological support are also important, and are often used as a first-line intervention.

The other key point that I want to convey is that, when someone is waiting for an assessment or a diagnosis, that should not be a barrier to their receiving support. Just as the absence of a diagnosis should not be a barrier to their obtaining that, neither should the fact that they are waiting for an assessment. That is absolutely vital, and it is what we expect our joined-up services, which involve local government and health boards, to deliver. That is what I want to see, and it is what the national specification aims to do. It is also what the work of the task force that will follow the review

will seek to deliver. We will discuss that issue when we have the cross-party summit later in the year.

**Evelyn Tweed (Stirling) (SNP):** I welcome the minister to his new post. The Scottish Government has been trying to make improvements aimed at reducing CAMHS waiting times, but it is vital that we maintain momentum on that. Can the minister say more about how health boards are being supported to improve their performance and provide our young people with the help that they need?

**Tom Arthur:** As I said earlier, despite the improvements that we have seen, we absolutely cannot be complacent. I acknowledge that there is still a lot of work to do. Alongside our provision of a record £16.2 billion settlement for health boards, we have provided an additional £123.5 million-worth of recurring funding to support better outcomes across a range of mental health services, including CAMHS and neurodevelopmental services. We are committed to supporting all boards to meet the standard, which is that 90 per cent of children and young people who are referred to CAMHS should start their treatment within 18 weeks. We are providing access to professional advice and support to boards that are not on track to meet that standard, as well as ensuring that we have robust improvement plans in place and are monitoring their implementation.

**Mark Ruskell (Mid Scotland and Fife) (Green):** I, too, welcome the minister to his new post. In his statement, he said that it is important that children and their families are able to choose whether medication is right for them. However, the reality is that they are being denied that choice right now. NHS Tayside has told my constituents that, due to a lack of capacity to prescribe medication safely, even children with existing ADHD diagnoses cannot access potentially life-changing medication. Does the minister think that that is acceptable? Will he meet me to discuss the issue?

**Tom Arthur:** I want to be absolutely clear that I recognise the importance that is placed on having a diagnosis, particularly with regard to accessing medication for ADHD. I do not want there to be any dubiety about anything that I have said. It is unacceptable that anyone should have to wait an unduly long period of time to be assessed or diagnosed—none of us wants that.

**Mark Ruskell:** They have a diagnosis, but they cannot get the medication.

**Tom Arthur:** I recognise the specific points that Mr Ruskell raises about NHS Tayside, and I will be happy to meet him to discuss those further.

**Alex Cole-Hamilton (Edinburgh Western) (LD):** I welcome the minister to his new role.

Improving neurodevelopmental care pathways is such a vital issue for the Scottish Liberal Democrats that we used our only debating day this year to bring a debate on it to the Parliament. People should not have to wait seven years for a diagnosis or to face life-defining exams without support. The minister's statement is utterly silent on the issue of shared care, which we raised in our debate. It used to be that families could get a private diagnosis and thereafter obtain a national health service prescription, but that option is no longer available in the NHS Lothian area. Doctors have ended it because of concerns about the credentials and safety of private diagnosticians, but also because they fear that they could be overwhelmed. The executive medical director of NHS Lothian has now written to several practices to say that she cannot support that decision. There is an impasse between NHS Lothian and local general practitioners. Will the Scottish Government bring those two parties together to agree a protocol for shared care that can be delivered safely, with adequate resources, to ensure that people can start being seen?

**Tom Arthur:** I put on the record my gratitude to the Scottish Liberal Democrats for securing the debate at the end of May that Mr Cole-Hamilton mentioned. As he might imagine should be the case, I have been through the *Official Report* of the debate and have considered carefully the issues that were raised in it.

During my first two weeks in the post that I am honoured now to hold, the issue of shared care has stood out for me. I am not going to underplay the complexity of the issue or the absolute importance of the lead clinician in any decision making that takes place, but I very much recognise the iniquity that can be created when those who are unable to access an assessment or diagnosis through the national health service turn to the private sector and are confronted with a situation in which the two systems do not join up.

I am not playing down the complexity of the issue. I will explore it further, and I am happy to engage directly with Alex Cole-Hamilton as part of the wider cross-party summit.

**Emma Roddick (Highlands and Islands) (SNP):** It is vital that children and young people have access to the right support and specialist care. I am glad that steps forward have been taken in the understanding of complex cases, intersectionality and comorbidities in neurodivergence. It can make a huge difference if a child is sent down the wrong treatment route due to misunderstandings. Can the minister say any more about the Scottish Government's work to ensure that young people access the right

pathways and that services provide adequate support?

**Tom Arthur:** I reiterate that I understand that recent confusion about the relationships between CAMHS and neurodevelopmental support has been causing concerns. I reiterate that CAMHS is not the correct service for children seeking a diagnosis of a neurodevelopmental condition unless they have a co-existing mental health condition.

A neurodevelopmental pathway can help to ensure that the right support is provided. That is intended to ensure that young people who need CAMHS support for their mental health receive it in a timely manner and that specialist neurodevelopmental support is available whenever it is needed.

The specific design of health services is for individual health boards to decide, and each will have its own arrangements. However, there should be a multi-agency approach, and services should be designed to ensure that children receive appropriate and timely support for their individual needs.

**Miles Briggs (Lothian) (Con):** In all my time in the Parliament, I have never heard a statement from a Government minister so disconnected from the reality that our constituents, especially young people, face. The minister should reflect on that and should potentially withdraw his statement, because it does not mention young people transitioning into adult services. How many young people are not starting treatment prior to transitioning to adult services? He has not mentioned that. How many families have been forced to seek diagnosis and treatment in the private sector, as Alex Cole-Hamilton said, because of failures of the minister's Government?

**Tom Arthur:** I reject the accusation that there is a disconnect, because I have been very clear that waits are too long. I have spoken about the individual experiences of people, and I directly responded to Alex Cole-Hamilton and recognised the issues that he raised. The point about transitions is absolutely important, and I look forward to further engagement with members on that. A joined-up approach is key to that. That is what the national specification seeks to achieve. We are taking forward the work of the review via the task force to ensure that we have a more joined-up, connected, integrated, holistic and person-centred approach that is absolutely consistent with the GIRFEC principles. That is what we are working to achieve.

**Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP):** Will the minister clarify how regional inequalities are being addressed in rural and post-industrial communities, including former

coalfields, to ensure equitable and timely access to support for neurodivergent young people? My inbox is full of correspondence from families who are experiencing huge difficulties in accessing the support that they urgently require and are entitled to, as is set out in the national specification.

**Tom Arthur:** I recognise Elena Whitham's championing of these issues in the chamber.

I recognise that young people in rural communities can experience particular challenges with their mental health and wellbeing. It is helpful that decisions on the provision of mental health and neurodivergent services, which are delivered through a mixture of the NHS, local authorities and third sector organisations, are a local responsibility, because local needs can be taken into account. We have provided health boards and local authorities with significant investment to deliver appropriate support. That funding is provided in a flexible way to ensure that funding can be put to use in a way that is consistent with the nature of the demands of a particular location and is specific to the needs of communities.

**Monica Lennon (Central Scotland) (Lab):** I, too, welcome the minister to his new role and agree with him that young people are waiting too long for support for their neurodivergence—young people such as my six-year-old constituent from Blantyre who has been waiting for almost four years.

For many children, young people and families affected by the issues that we are discussing, the school holidays will be a challenging time. What reassurance can the minister give to my constituents that, this summer, if they need it, they will be able to access the right support in a way that is accessible and affordable?

**Tom Arthur:** I thank Monica Lennon for raising the issue. I appreciate the challenges that school holidays can present. Statutory responsibilities are placed on local authorities and other partners to ensure that there is the correct provision of services. The length of waiting time that she referred to is unacceptable. I am determined to build on the excellent work of my predecessor, Maree Todd, in driving forward improvements. That is why I have delivered the statement; that is why we are bringing forward additional investment; that is why the task force has been established; and it is why I look forward to working with colleagues when we meet later in the year for the cross-party summit.

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** The statement recognises that early intervention is key. However, following a fatal accident inquiry after the tragic death of my 18-year-old constituent Harris Macdonell, Sheriff Paterson stated that it was wholly inappropriate

that Harris was placed in Huntlyburn adult psychiatric ward. As a result of an FOI request, we know that, since 2007, 107 young people have been placed in inappropriate adult care settings. There are just three such facilities for young people in Scotland, but the statement does not accept that there are issues from diagnosis through to appropriate mental health care for young people. Will the minister react to that, please?

**Tom Arthur:** I thank Rachael Hamilton for raising the matter. I have read the FAI report—indeed, I engaged with the media and was interviewed yesterday about it. It is a heartbreaking and tragic case that should not have happened. As I said previously, it is a matter of deep regret and I apologise, because no one should have to experience what Harris experienced.

The case underscores the importance, when in-patient mental health treatment is required for children and young people, of that treatment being provided in an age-appropriate setting. There has been investment to increase the capacity of CAMHS, and we have seen improvement. We also recognise that the overwhelming majority of CAMHS engagement takes place in a community setting. Rachael Hamilton's point, which she has raised previously, about the number of young people who are not being seen in a dedicated adolescent setting is cause for concern.

Working through those issues will be a priority for me when I engage with health boards and other partners during the summer. Part of the work will involve enhancing the capacity in the system to support treatment and care in community settings. I recognise the need for in-patient capacity and the work that we have to do to ensure that there are age-appropriate settings for all children and young people who need to be seen as in-patients.

**Stephen Kerr (Central Scotland) (Con):** With all respect to the new minister, I cannot see how he can be crystal clear about anything when, in his statement, he conceded that there is no national data. How can the Government make policy when no national data is published? There will be another task force, but what will be its measurable outcomes and when will it report?

**Tom Arthur:** I accept Stephen Kerr's point about the need for data, which is why I have referred specifically to our on-going work in engaging with local authorities and health boards on neurodevelopmental assessment. We do not have the data because the statutory responsibility for delivering those services lies with local partners.

I noted that we have seen a significant increase in demand, which the system needs to respond to. It must be dynamic and recognise the change, which is why I set out the measures that I referred to in my statement. Having undertaken a review of the national specification, some work needs to be done to drive things forward, so that the standards that are set out in the specification are realised consistently on the ground across Scotland and, most importantly, are felt in the lived experience of those who use the services.

I take the point about the importance of data informing national policy. Of course, the situation with CAMHS is different, so we need to clarify what the CAMHS waiting times show. I hope that that answer has been of some use to Stephen Kerr.

## Border Security, Asylum and Immigration Bill

**The Deputy Presiding Officer (Liam McArthur):** The next item of business is a debate on motion S6M-18076, in the name of Kaukab Stewart, on the legislative consent motion for the Border Security, Asylum and Immigration Bill, which is United Kingdom legislation. I invite members who wish to participate to press their request-to-speak buttons.

15:05

**The Minister for Equalities (Kaukab Stewart):** I open this debate on the Border Security, Asylum and Immigration Bill at a time of growing global instability. That instability can result in people having to flee their homes to seek safety in another country. Scotland has a proud history of welcoming those who are fleeing war and persecution, and the debate needs to be seen in that wider context.

Border security is central to the UK Government's plan for change. The Border Security Command aims to co-ordinate efforts to dismantle criminal gangs, which prey on the desperation of those who are seeking a safe haven. At the time of the previous general election, more than 122 million people worldwide were forcibly displaced as they fled persecution and conflict, violence and human rights violations.

Many people risk dangerous Channel crossings out of desperation and rely on smugglers and criminal networks. These are not journeys of choice; they are journeys of desperation by men, women and children who are seeking safer shores.

In 2024, 73 people died attempting the crossing—more than in the previous six years combined. The boats are now more crowded, with an average of 53 people per vessel, which is up from 13 per vessel in 2020. The Scottish Government does not condone illegal activity and supports efforts to disrupt criminal networks. Measures such as enhanced data sharing and new offences can help, but they must be implemented with care. Strong oversight, safeguards and respect for privacy and due process are essential.

Strengthening border security is legitimate, but it must not criminalise those who are fleeing war and persecution. While we support sanctions for serious crimes, such as human trafficking, breaching immigration rules alone should not result in criminalisation. Many people who arrive in small boats are vulnerable individuals who are

seeking safety. Detention and prosecution should always be a last resort.

The bill must be matched by the expansion of safe and legal routes, such as refugee resettlement, family reunion and humanitarian pathways. Amnesty has said that safe routes save lives, and the Scottish Refugee Council has called the bill a “missed opportunity”. Enforcement alone will not resolve the crisis. We must address the root cause and protect the most vulnerable. As a founding signatory to the refugee convention, the UK has a moral and legal duty to uphold its principles.

I welcome the Equalities, Human Rights and Civil Justice Committee’s report on the legislative consent memorandum and its recommendation that the Parliament should consent to the relevant provisions in the bill. The committee highlighted stakeholder concerns about age declaration forms and called for the reassurance that we are working with the UK Government to mitigate the risks for unaccompanied asylum-seeking children. We have engaged with the UK Government and we understand that those forms are used in Kent, not Scotland. We will continue to monitor the issue.

The Scottish Government remains committed to supporting those who come to Scotland in search of safety and to ensuring that the implementation of the bill reflects our values and respect for human rights. As head of the Crown Office and Procurator Fiscal Service, the Lord Advocate has published instructions for prosecutors when considering the prosecution of a person who is, or appears to be, the victim of human trafficking and exploitation.

The Scottish Government introduced what became the Human Trafficking and Exploitation (Scotland) Act 2015, which provides support when there are reasonable grounds to believe that an adult is a victim of human trafficking. That support can include accommodation, medical care, legal services and psychological support.

Alongside support services that local authorities provide to child victims, the Scottish Government funds the guardianship Scotland service to support unaccompanied children in Scotland who have been trafficked or who are vulnerable to being exploited.

We facilitate refugee integration through the new Scots refugee integration strategy, which is delivered in partnership with the Convention of Scottish Local Authorities and the Scottish Refugee Council. We also provide tailored support through Scotland’s migration service, which helps people to navigate our complex immigration system, understand their rights, access services and build stable lives.

In moving the motion, I recommend the Parliament’s consent to the relevant provisions in the bill as amended. While recognising the UK Government’s efforts to combat organised immigration crime, the Scottish Government reaffirms its commitment to those who are fleeing persecution and urges the UK Government to expand the availability of safe and legal routes to sanctuary.

I move,

That the Parliament agrees that the relevant provisions in the Border Security, Asylum and Immigration Bill, introduced in the House of Commons on 30 January 2025, relating to the provision and sharing of trailer registration information (amended clauses 30 to 33), the provision of biometric information at ports in Scotland (clause 36), the repeal of certain provisions of the Illegal Migration Act 2023 (clause 38), the detention and exercise of functions pending deportation (clause 41), powers to take biometric information at detention centres (clause 44), offences relating to articles for use in serious crime (clauses 49 and 50), applicants for making of orders and interim orders (clause 54), and the validation of fees charged in relation to qualifications (clause 57), so far as these matters fall within the legislative competence of the Scottish Parliament and alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.

15:11

**Stephen Kerr (Central Scotland) (Con):** Before us today is a legislative consent motion for a bill that epitomises a weak response from a weak Government. Is there a policy area that Keir Starmer has not reversed on? Right before our eyes, as we hold the debate, we can see what is happening with his welfare reform proposals. Labour’s Border Security, Asylum and Immigration Bill is a master-class in vacuous legislation—it is long on rhetoric and short on resolve. If the members on these Conservative benches were in the House of Commons, we would oppose the bill, just as our colleagues at Westminster are rightly doing.

Instead of building on the robust deterrent measures that the previous Conservative Government put in place—most notably the Rwanda policy that was championed by Prime Minister Rishi Sunak—Labour has taken a wrecking ball to them. The result is that illegal immigration has surged and the number of small boat crossings in the past 11 months alone has hit record highs. That is not coincidence—that is consequence.

Let us be clear that the Border Security, Asylum and Immigration Bill repeals key sections of the Illegal Migration Act 2023—the very provisions that created a pathway to deter illegal crossings and dismantle the vile business model of people-smuggling gangs. The Rwanda partnership was about not just removing illegal entrants but sending the clear and unambiguous message that,

if people come here illegally, they will not be allowed to stay. Labour has turned its back on that principle.

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** I wonder whether Stephen Kerr could say what the legal routes to seek refuge in the UK are.

**Stephen Kerr:** These are people who are leaving the safety of France and putting their lives in the hands of ruthless human traffickers. That is what we have to stop. People are drowning in the Channel, and that cannot go on. Bob Doris might want to ask such questions, and I respect his right to do so, but the priority should be to stop the trade and the crossings.

We have to send the right message, and Labour is sending the wrong message. It is sending the wrong message to the smugglers, the traffickers and those who are willing to put large sums of money in the hands of those criminals and risk their lives in dinghies crossing the Channel.

Unfortunately, the message from Labour is that Britain is open again for illegal business. Members should make no mistake—this is costing the British taxpayer billions. It is costing more than £8 million a day to house illegal arrivals in hotels, many of which are in communities that are already stretched for housing and services. Who pays the price? Local families, rural businesses, tourism operators and hard-pressed councils. This is not compassion—it is collapse, and it is happening on Labour's watch.

Let us turn to the Scottish Government. The Scottish National Party has consistently refused to accept the reality of illegal immigration. Its attitude to border control is one of ideological fantasy—a completely open border with limitless immigration, legal and illegal alike. It talks about compassion, but its refusal to distinguish between legal migration and unlawful entry undermines public trust.

Let us be honest—that is not lost on the Scottish people. Time and again, Scots have told pollsters and politicians that they share the concerns of the UK public at large. They are concerned about the pace of immigration and they are alarmed by illegal crossings. They understand that a country that cannot control its borders is a country that cannot control its future.

What Labour and the SNP do not seem to grasp is that public consent for immigration depends on two things—that the system is fair and that the system is enforced. The Rwanda plan might not have been perfect, but it showed seriousness. It aimed to protect lives, shut down smugglers and restore order. Labour's bill does none of those things.

In the House of Commons debates, our colleague Chris Philp has rightly warned that the bill is a repeal bill, not a reform bill. Our party leader, Kemi Badenoch, has said that Labour is gutting a deterrent without offering an alternative. They are both right. The bill is not a plan; it is a posture—a gesture to the leftist consensus that is comfortable with chaos. Yet, in this Parliament, we are asked to give consent.

We recognise that this is largely—I would say wholly—a reserved matter. By convention, the Scottish Conservative and Unionist Party respects the overall legislative authority of the UK Parliament in reserved areas. That is why, despite our trenchant opposition to the bill and everything that it represents, we will abstain on the motion.

However, let there be no mistake—the Conservative Party remains the only party that is serious about restoring control, integrity and order to our borders. Labour and the SNP are out of tune with the mood of this country, Scotland included. Until they confront reality, they will continue to betray the very people whom they claim to serve.

15:17

**Martin Whitfield (South Scotland) (Lab):** It is always a pleasure to follow Stephen Kerr, even when his oration—we might call it a salad of linguistic excitement—on the bill that is ploughing its way through the Westminster houses might lead to both entertainment and concern. However, members across the chamber, and politicians across the whole of the United Kingdom, often talk about taking care in the use of language when something, on the surface, offends, and I think that care should also be taken with language used when one can see an opportunity—rightly or wrongly—to stir people up or incite ideas that others might then use as false information.

It is correct to say that the bill on which we are being invited to agree to the legislative consent motion contains repeal provisions relating to the Rwanda plan that Stephen Kerr talked about and to the Illegal Migration Act 2023. It is right to repeal that legislation. I am more than content to discuss the matter with the member—perhaps it would be more beneficial to do so outside the chamber—as we have done in the past. I had understood that we had reached a conclusion, but perhaps times have changed.

I welcome the bill, but I also welcome the minister's approach in moving the motion. This matter requires all those who represent constituents across the United Kingdom to work together. There is an interesting discrepancy between the language used about those who are fleeing appalling circumstances in their home

country and their legitimate right to travel through safe countries to seek refuge elsewhere, as identified by the United Nations, and those—

**Paul Sweeney (Glasgow) (Lab):** Will Martin Whitfield take an intervention?

**Martin Whitfield:** Yes.

**Paul Sweeney:** I thank my friend for giving way. He makes a salient point about the misbelief that, if someone is to claim asylum, they are obligated to claim it in the first safe country through which they travel. Often, people are moving towards the UK for very human reasons, such as their ability to speak English or in order to reconnect with their families and relatives. There is a very human story behind that journey in many cases, as we know from our constituency casework.

**Martin Whitfield:** I will pick up on one of the phrases that the member used in that intervention—the “human story”. We are talking about human beings and their travel and the situation that leads them to decide that they can no longer stay in the country of their birth or where they live. That is a truly appalling decision for individuals to have to take.

What frightens, scares and annoys me is those other humans who see these people as a way to profit. Very complex financial arrangements can be made, in which families in effect borrow money from moneylenders at exorbitant interest rates, with the expectation that, if the individual makes the journey safely, they will reimburse the family. We have an entire dark economy working on that model.

**Stephen Kerr:** I hope that Martin Whitfield, who is a realist, will recognise that the vast majority of the people on the dinghies are young men. They are, in a sense, almost undoubtedly economic migrants. *[Interruption.]* The question that he must address, which the bill does not address, is what deterrent will stop them from putting their money and their lives in the hands of those wicked people.

**Martin Whitfield:** I am not going to make categorical assumptions about what groups of people choose this route—

**Stephen Kerr:** Oh!

**Martin Whitfield:** If the member will be patient—*[Interruption.]* I am conscious of time; I apologise, Presiding Officer.

I am not going to make sweeping assumptions about groups of people who are taking their life in their hands. With regard to the gender of the people who are coming over—although I do not necessarily accept the diagnostic that the member claims—I suggest that those people might feel an obligation to flee their country because of their

own sexuality, or whatever, and are seeking safety.

Returning to the LCM, I repeat my welcome of the minister’s approach to this issue. It is a complex one. There are areas that are reserved, and there are areas that this Parliament and the Scottish Government rightly have an involvement in. I congratulate the Scottish Government on the way that it has handled the matter and on its interaction with the UK Government.

For the sake of time, I will leave it there—although, interestingly, I understand that we might have a fascinating members’ business debate brought by Mr Kerr after our return from recess.

15:22

**Maggie Chapman (North East Scotland) (Green):** The Scottish Greens will support the LCM at decision time.

However, I want to get the following comments, which relate to clause 38 of the Border Security, Asylum and Immigration Bill, on the record. As it stands, clause 38 of the bill will repeal certain provisions of the Illegal Migration Act 2023—specifically sections 24 and 28, which disappplied specific powers and duties of the Scottish ministers that are in the Human Traffic and Exploitation (Scotland) Act 2015. Neither of those sections has been fully brought into force. We support the repeal of those sections and would like to see the whole Illegal Migration Act 2023 repealed.

It is disappointing that the UK Government saw fit not to repeal section 29 of the 2023 act as well. It focuses on disqualifying protections for individuals who are identified as potential victims of modern slavery or trafficking if they are deemed, according to the act, to be

“a threat to public order or ... have claimed to be victims in bad faith”.

Some might say that that is fair, but a key provision of the 2023 act is the expansion of the definition of a “threat to public order” to include anyone who is convicted of a crime and given a prison sentence and those who are liable for deportation under the Immigration Act 1971. That means that victims of trafficking could still be detained and face removal rather than receiving support, and it applies even if they were coerced or forced into entering the UK irregularly by their traffickers.

**Paul Sweeney:** That is a really important point, as is shown by a case in my constituency in 2018. Duc Nguyen was trafficked from Vietnam and forced to work in conditions of slavery on a cannabis farm, which was then raided. He was jailed for six months and then was liberated and

claimed asylum. Nonetheless, he was detained arbitrarily and faced deportation until there were interventions across parties to secure his release. That is a particular case that we can relate to, and it is important that we address that issue.

**Maggie Chapman:** Absolutely. I thank Paul Sweeney for raising that. Let us remember that many trafficked victims are forced into criminal activity and, by virtue of being trafficked, they are much more likely to have a criminal record.

Section 29 of the 2023 act makes it more difficult for such victims to come forward and seek help, which could force them further underground, where they could continue to be exploited, could be re-trafficked or worse. We know that, when trafficked victims are removed from the UK, they face a high risk of being re-trafficked and could end up in exactly the same situation.

I am grateful to the Scottish Refugee Council for its meticulous work on the ramifications of the bill. I really wish that we could repeal the entire Illegal Migration Act 2023—one day soon, I hope that we will.

I note that Stephen Kerr seems not to like the fact that the right to seek asylum is enshrined in article 14 of the Universal Declaration of Human Rights and elaborated on in the 1951 Convention Relating to the Status of Refugees—it is clear that his party does not like human rights for many people at all. However, there are few, if any, so-called legal routes to get to the UK for refugees and asylum seekers from parts of the world that continue to suffer the consequences of imperialism, uneven development and climate breakdown. I wonder how some people justify the differential treatment that the UK has shown to Ukrainians compared to Yemenis or Palestinians.

If people really want to stop the boats, let us arrange safe and secure routes and crossings for asylum seekers, as we should do under our international and moral obligations. I am proud to be in a party that believes that we should welcome refugees and asylum seekers and that we should offer them the dignity of safety and sanctuary. That is our duty.

15:26

**Kaukab Stewart:** I thank colleagues for their thoughtful and considered contributions to the debate, although the speeches have been varied and possibly a little polarised, which is not unexpected. I ask the chamber to support the Scottish Government's motion to grant legislative consent to the relevant provisions of the UK Government's Border Security, Asylum and Immigration Bill. I emphasise again that this is not a blanket endorsement of the UK Government's immigration and asylum policy; indeed, just the

other week, I stood here and expressed serious concerns about its approach to migration.

We welcome many of the intended benefits of the provisions of the bill, especially through the repeal of the Safety of Rwanda (Asylum and Immigration) Act 2024 and the repeal of parts of the Illegal Migration Act 2023 that removed the duty on Scottish ministers to protect trafficking victims. That is a necessary step towards addressing the legacy of fear, uncertainty and hostility that was left in the wake of those deeply concerning measures, which were initiated by the UK Conservative Government.

The provisions on which we seek consent—particularly those concerning data sharing, enforcement, co-operation and safeguarding—demand our active engagement. Through that active engagement, we can ensure that they are implemented in a way that respects devolved responsibilities and upholds fundamental human rights. In an interconnected world, challenges such as migration, climate change and global security demand co-operation and not isolation. By working across Governments, we respond more effectively to shared crises.

We recognise the serious challenges in the current system, but the bill must come with a commitment to improving access to safe and legal routes for those who seek protection. Without such measures, we risk perpetuating the very vulnerabilities that the bill seeks to resolve.

I say on the record that I have much sympathy with Maggie Chapman's contribution on section 29 of the Illegal Migration Act 2023. Of course, that matter is wholly reserved and today we are talking about the Border Security, Asylum and Immigration Bill.

I close with the message that Scotland stands—and will always stand—for dignity, fairness and respect and will remain a place of refuge for those fleeing persecution and conflict.



## Product Regulation and Metrology Bill

**The Deputy Presiding Officer (Liam McArthur):** The next item of business is a debate on motion S6M-18080, in the name of Richard Lochhead, on a legislative consent motion on the Product Regulation and Metrology Bill, which is United Kingdom legislation. Again, I invite members who wish to participate to press their request-to-speak buttons.

15:30

**The Minister for Business and Employment (Richard Lochhead):** Thank you, Deputy Presiding Officer, for the opportunity to debate the motion on legislative consent for the Product Regulation and Metrology Bill.

The bill is primarily an enabling or framework bill, which gives the UK Secretary of State powers to regulate products in a range of sectors for certain purposes. Those include reducing or mitigating risks associated with products, ensuring that products operate efficiently and effectively, and reducing or mitigating the environmental impact of products where the European Union makes such provision.

The bill also creates powers in relation to metrology, which is the science of measurement. That, however, is fully reserved, so those powers are not covered by the legislative consent process.

Much of the UK's existing product regulation framework is derived from EU law, and the UK Government deems the creation of the powers in the bill to be necessary to close the regulatory gaps that have been caused by the UK's exit from the EU.

The stated aim of the bill is to support economic growth, provide regulatory stability and deliver more protection for consumers. That includes enabling the UK Government to respond to new and emerging products being marketed, as well as to new business models in the supply chain, such as online marketplaces.

The UK Government has stated its wish to protect consumers by reducing the number of unsafe goods that are sold online. For example, there are fire safety concerns around products entering the UK market at times, such as e-bikes that have unsuitable lithium-ion batteries, which members will be familiar with. The Scottish Government agrees with the UK Government that regulatory stability is important for business confidence and that the correct regulatory framework should be in place to ensure consumer safety and support growth in our economy.

However, as I am sure members would expect me to say, it is essential that the UK Government's regulatory framework adequately respects the devolution settlement and the legislative confidence of the Scottish Parliament. The bill was announced as part of the King's speech on 17 July 2024 and was introduced soon after, on 4 September. Unfortunately, that rushed timetable allowed for limited engagement at the official level, and agreement in principle was not sought from Scottish ministers prior to the bill being introduced to the UK Parliament. That meant that the Scottish Government's concerns about how devolved matters were covered in the bill were not reflected in its drafting.

Our primary concern was the proposal to grant powers to UK ministers to regulate products in areas of devolved competence without the oversight of Scottish ministers or the Scottish Parliament. For that reason, the Scottish Government lodged a legislative consent memorandum in the Scottish Parliament on 24 September 2024 and recommended that Parliament refuse to consent to the bill.

In February 2025, a UK Government amendment that extended the scope of the bill's powers was introduced in the House of Lords. As the amendment did not address the Scottish Government's fundamental concerns with the bill, our recommendation remained unchanged, as expressed in the supplementary legislative consent memorandum that was lodged on 3 March. My officials and I then continued to engage with the UK Government to secure changes to the bill that would allow us to change the recommendation.

In past months, I have met Lord Leong and minister Justin Madders to discuss the Scottish Government's concerns. As a result of that engagement, the UK Government tabled an amendment on 15 May that provides that the UK ministers may use the powers in the bill to materially change devolved law only with the prior consent of Scottish ministers.

That is a key improvement to the bill, although we would have liked the UK Government to have gone further. For instance, it was not willing to remove certain devolved product categories from the scope of the bill, and neither was it willing to provide Scottish ministers with concurrent powers to regulate products to reduce their environmental impact, which is an area of interest for the Scottish Government and Parliament.

No adequate reason has been given for the decisions to deny those asks. That is, of course, regrettable. On our ask in relation to concurrent powers, I assure the Parliament that we have some similar existing powers in this area to take action should they be required. An example would

be the powers in the Environmental Protection Act 1990 that were recently used to ban the sale and supply of single-use vapes. That makes the UK Government's refusal to include those concurrent powers in the bill a bit more puzzling.

However, that does not detract from the fact that the addition of the consent mechanism has removed our primary concern with the bill, which now better respects the devolution settlement. That amendment also means that the UK Government will be unable to use the powers in the bill to actively diverge from the EU in areas of devolved competence where doing so would not be within Scotland's interests. It therefore represents a significant improvement on the bill as introduced, which enabled the Scottish Government to lodge a second supplementary legislative consent memorandum on 29 May recommending that the Scottish Parliament provide its consent to the bill.

I thank the Economy and Fair Work Committee for inviting me to discuss the bill in December 2024 and on 18 June, just a couple of weeks ago. I welcome the report that was published by the committee yesterday, which recommends that the Parliament agree to consent to the bill. The Welsh Government and the Northern Ireland Executive had initially expressed similar concerns about the bill to those that were expressed by the Scottish Government. However, the Scottish Parliament will be interested to note that both the Welsh and Northern Irish have voted to grant consent to the bill as amended.

I move,

That the Parliament agrees that all relevant provisions of the Product Regulation and Metrology Bill, introduced in the House of Lords on 4 September 2024, so far as these matters fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament.

**The Deputy Presiding Officer:** I call Murdo Fraser. You have around six minutes.

15:36

**Murdo Fraser (Mid Scotland and Fife) (Con):** I am sure that the packed chamber and the many millions of people who are riveted as they watch at home will be disappointed to know that I will not be taking all of my six minutes—unless I get lots of interventions, of course, which I would welcome.

I will make a brief contribution to the discussion on the legislative consent motion relating to the Product Regulation and Metrology Bill, for which the third reading in the House of Lords was completed on 4 June. As we have heard, the purpose of the bill is to ensure a level playing field for businesses that operate online or on the high street, to ensure the maintenance of high product standards, and to support businesses and

promote economic growth—a very worthy and positive set of intentions. The bill relates to public safety, efficiency, effectiveness, environmental impact and other standards, as well as metrology issues, and it applies to tangible products.

As the minister outlined, the Scottish Government initially did not recommend that the Scottish Parliament consent to the bill but has since had a change of heart. The LCM before us proposes that consent be granted.

We have a number of concerns about the bill as it stands. It gives very extensive powers to ministers in the UK Parliament. It is best described as a framework bill, and the full extent of those powers will not be clear until we see the relevant secondary legislation, perhaps some months or years down the track. Therein lies part of our difficulty with it. The secondary legislation that will be produced in the Westminster Parliament will not come to the Scottish Parliament for scrutiny and will not be subject to an LCM process. Scottish ministers have said that any lawmaking in this area by the UK Government will be subject to their consent. However, it will not necessarily come to the Scottish Parliament for consideration or scrutiny.

The bill allows UK ministers to introduce regulations that might align the UK more closely with the EU. Conversely, it also allows UK ministers to further depart from EU rules. Given that the Scottish Government's stated position is to align more closely with the EU—which, incidentally, we do not necessarily believe is in the interests of Scotland or its economy—it is curious that Scottish ministers seem so relaxed about agreeing to grant legislative consent.

**Stephen Kerr (Central Scotland) (Con):** Part of the reason why they might be relaxed is that it is all just rhetoric and they are not in dynamic alignment with the European Union at all.

**Murdo Fraser:** That might well be the case. I am sure that that is a debate that we could have at another time. I will simply reflect that the Scottish National Party Government seeming to be more willing than the Scottish Conservatives to pass powers to UK ministers is a rather odd position to be in.

We are concerned about the level of ministerial discretion that has been granted in the bill and about the role of this Parliament in providing adequate scrutiny. The Delegated Powers and Law Reform Committee highlighted that there would be no scrutiny role for this Parliament and no need for Scottish ministers to consent to the making of regulations that fall outwith statutory instrument protocol 2. We believe that that issue should be properly addressed.

Given our concerns about the situation and specifically about the lack of scrutiny, Conservative members will not oppose the LCM, but we cannot support it.

15:40

**Martin Whitfield (South Scotland) (Lab):** This has been a fascinating debate on the legislative consent motion because, in quite amicable terms, it has highlighted one of the challenges that this Parliament and the Scottish Government have faced regarding legislative consent motions. By common custom, the matter is one for Governments to discuss between themselves, but, following discussions earlier in this session about legislative consent motions, Parliament is now taking the opportunity to look at the issue and to see whether we might do what I could call “assisting” a more generous and even discussion between Governments about how legislative consent should be dealt with.

To pick up on Murdo Fraser’s comments, there are concerns about framework bills. Those concerns have been expressed in this chamber and the chambers of other devolved Parliaments and, of course, at Westminster. There is also always the challenge of the interestingly named Henry VIII powers that can follow on from such framework bills. As we go forward, there is a question for Parliament about how to deal with that matter.

I turn to the legislative consent motion in front of us today. I omitted to do this in the previous debate, so I will put the record straight by thanking the committees that have provided information to members about the LCMs that are before us today.

We have here a bill that seeks to protect people. I thank Richard Lochhead for bringing some reality to a bill that may seem, to the millions watching us from the outside, to be strangely worded. We are talking about the world of e-scooters and other potentially challenging products that can put our citizens at risk, and the bill is a way of protecting them.

I also thank Richard Lochhead for the articulate way in which he described what I imagine may, behind the scenes, have been slightly more challenging discussions during the process of moving from the earlier legislative consent memorandums to the one that we have today. I welcome the amendment at UK level that has given the Scottish Government confidence to back the request for legislative consent.

I will leave it there except to say that this may be another part of the footpath that will lead this Parliament and others to look again at legislative consent at the right time.

15:43

**Lorna Slater (Lothian) (Green):** This legislative consent motion has been discussed several times by the Economy and Fair Work Committee and I will place my concerns about it on the record.

The Scottish Government did not initially recommend that Parliament should consent to the LCM, due to the absence of a mechanism for the UK Government to seek consent from the Scottish Government when making regulations in devolved areas. That is not a trivial problem. The UK Government drafted a piece of legislation that covered devolved areas but did not ask the Scottish Parliament’s consent. At no point in the UK Government process did anyone—not the officials, not the ministers—recognise that they were legislating in devolved areas. It was either that or that they did not care. They entirely overlooked the fact that the Scottish Parliament has responsibility in devolved areas. Following two rounds of amendments, the legislation now at least requires the Secretary of State to seek the consent of Scottish ministers when making regulations in devolved areas.

I bring all that to Parliament’s attention because it is evidence of the creeping rollback of devolution and of the weakening of the powers of this Parliament. More and more powers are being seized by Westminster and this LCM demonstrates that. The matters covered by this LCM can be significant to Scotland’s devolved powers to protect its environment and to protect public health.

The United Kingdom Internal Market Act 2020 has effectively shut down Scotland’s ability to move faster than England in protecting our environment and our public health. Legal instruments such as the LCM that we are discussing reduce the Scottish Government to consenting to what the UK decides to do in areas that are covered by the bill, instead of the Scottish Parliament being able, as we should be under the Scotland Act 1998, to diverge from UK legislation and set our own legislation at our own pace to protect our environment and our public health.

The fact that the Scottish Government is reduced to only having the power to consent to what the UK Government decides also means that we depend on it respecting the Sewel convention, which it has failed to do 11 times with no consequences. There is absolutely nothing that we can do if the UK Government decides to ignore our lack of consent.

As members of the Scottish Parliament, we should be concerned about the creeping loss of power from this Parliament. As residents and citizens of Scotland, we should be concerned that our devolved powers become less and less

effective in protecting our environment and public health as Westminster takes those powers back for itself.

Devolution is not working for Scotland. Only as an independent country will Scotland have all the powers that we need to protect public health and the environment. The Scottish Greens will not support the LCM and will abstain on it at decision time this evening.

**The Deputy Presiding Officer:** I call the minister to wind up. You have around three minutes, minister.

15:46

**Richard Lochhead:** I thank members for their contributions to the debate. As Murdo Fraser started his speech with the great news that he would curtail his remarks, I feel obliged to do likewise and say that I want to make only a few remarks in response to members' contributions.

First, I note that Murdo Fraser's argument that the Scottish Government is giving powers away to the UK Government is strange, given that the whole purpose of us coming to Parliament with the LCM today is that, after a bit of a battle with the UK Government, we eventually got an amendment that will require Scottish ministers' consent on devolved issues in the UK bill. That is the reverse of what Murdo Fraser said. This Government has protected devolution and ensured that, as far as possible, power is retained by this Parliament.

**Murdo Fraser:** Will the minister give way?

**Richard Lochhead:** I am happy to allow Murdo to extend the debate.

**The Deputy Presiding Officer:** I remind the minister to use full names.

**Murdo Fraser:** I am very grateful to the minister. Will he address the concern, which I outlined in my speech, that although ministers might need to give their consent, there will not necessarily be an opportunity for this Parliament to scrutinise the legislation?

**Richard Lochhead:** As I explained to the committee, if, under the protocol, the UK Government approaches us for consent in relation to any impact on devolved issues, we will write to the relevant parliamentary committees, which will have an opportunity at that point to reflect on what was asked of the Scottish Government. A mechanism will be in place, albeit that it is a bespoke arrangement for this kind of legislation that has been negotiated with the UK Government and indeed Parliament recently.

On the wider issues, we all share an aspiration to support sustainable economic growth in this country. In our programme for government, the

First Minister and the Government outlined the importance of ensuring that Scotland's economy is prepared for the emerging challenges and opportunities. In a sense, that is what this legislation is about. As I stated, it is essential that the appropriate regulatory frameworks are in place to support economic growth and ensure consumer safety. That is especially true when it comes to innovative products and sectors that are crucial to our future, because we know how fast everything is changing and where technology is taking us. I addressed that in my opening remarks.

The bill provides a framework for new regulation to keep pace with those technological advances and support the future development of many products and sectors while addressing safety and environmental concerns. It also provides opportunities to level the playing field between online marketplaces and high-street retailers.

Although I acknowledge the UK Government's decision to amend the bill to introduce a statutory consent mechanism, concerns remain about its approach to devolution in this case. Lorna Slater refuses to support the Government's motion and says that she is going to abstain. I agree with the concerns that she expressed, because it appears that we are sometimes caught up in a constant battle to protect Scottish devolution and this Parliament's interests.

It is disappointing that we did not get all that we asked for in the bill. I argue that our ask was largely uncontroversial, but the UK Government still would not give us what we asked for. However, we got the key ask, which was for Scottish ministers' consent to be required in relation to any relevant measures that are brought forward by the UK Government, in order to protect devolution. That important ask was secured, which is why we urge Parliament to support the motion.

As I said, the process highlighted a number of issues in relation to our relationship with the Labour Government. Those issues need to be sorted out, because we must not be involved in a constant battle. We must protect Scottish devolution. As that is in the interests of the people of Scotland, all parties in the Parliament should stand up for that.

The final issue that I want to address is that of alignment with the EU. The bill's history is related to Brexit and retained EU law. The bill includes the ability to align with EU environmental law when it comes to protecting the environment, but, as other members have mentioned, the UK Government also has the ability, in that context, to diverge from EU law. However, the bill gives the UK Government the power to align with EU environmental law. Of course, that is the policy of the Scottish Government, and we urge the UK Government to do that at every opportunity.

I urge Parliament to support the motion.

**The Deputy Presiding Officer:** That concludes the debate on the legislative consent motion on the Product Regulation and Metrology Bill.

## Employment Rights Bill

**The Deputy Presiding Officer (Liam McArthur):** The next item of business is a debate on motion S6M-18075, in the name of Richard Leonard—sorry, Richard Lochhead; we need the summer recess—on a legislative consent motion on the Employment Rights Bill, which is United Kingdom legislation.

I invite the minister to speak to and move the motion.

15:51

**The Minister for Business and Employment (Richard Lochhead):** Thank you, Deputy Presiding Officer. If it gives you any comfort in relation to getting our names right, you will not make that mistake after the next Scottish Parliament elections, because neither Lochhead nor Leonard will be here. [*Laughter.*]

I welcome the opportunity to debate the motion to provide legislative consent to provisions in the UK Government's Employment Rights Bill. The Scottish Government is supportive of the overall ambitions of the bill. We have engaged fully and constructively with our counterparts on key measures, and we welcome the majority of the proposals, including those on which we have been listened to and in relation to which improvements have been made.

The bill puts on a statutory footing some of the progress that we have already made in Scotland, which, I would argue, vindicates our trailblazing fair work agenda. Notably, the Scottish Government was the first Government in the UK to become a real living wage employer. That was back in 2015. It was also the first Government in the UK to include criteria, including the real living wage, to address fair work as part of public procurement exercises, and—through fair work first—it was the first to include fair work criteria in public sector grants and contracts. More recently, we strengthened our approach by attaching fair work conditions to public sector grants.

There remains more to do, but, through fair work, we have made a real difference for employees in every sector of Scotland's economy. Evidence shows that treating workers fairly and putting them at the heart of business is good for business. Scotland has the highest proportion of employees earning at least the real living wage, and the median gender pay gap for full-time employees is narrower in Scotland than it is in the UK as a whole—that has been the case since 2003. In addition, the fact that the disability employment gap has reduced over the past nine years shows that we are making good progress to meet the ambition of at least halving it by 2038.

Building on the progress that we have achieved through political will and action, the gains that the bill will undoubtedly make in relation to workers' rights should be protected, not just for the duration of a Labour Government but beyond. We cannot rely on the good work of the current or future UK Governments in protecting the rights of workers in Scotland in the long term. That is why the Scottish Government remains firmly convinced that the best way to protect Scottish workers is through the full devolution of employment powers. I continue to welcome the Scottish Trades Union Congress's on-going support for that position.

In the meantime, we have used the opportunity to work with UK ministers and officials to protect devolved powers and to seek to strengthen the bill's provisions for all workers. Throughout the process, Scottish Government ministers and officials have continued to press for Scottish interests. As a result, the bill now confers some limited powers on the Scottish ministers. For that reason, the consent of the Scottish Parliament is required, first, for the provisions that relate to the protection of workers who are involved in public sector outsourcing, to address the issue of two-tier workforces; and, secondly, for those that relate to the establishment of a social care negotiating body for Scotland.

The Scottish Government has long advocated using the power of public procurement to drive fair work standards where that is possible and appropriate. The bill, as amended, includes the power to avoid a situation in which there is a workforce consisting of ex-public sector employees and private sector employees with each group on different terms and conditions, which would be a two-tier workforce. Scottish and United Kingdom ministers may specify in regulations the terms that a public body should ensure if it is awarding a contract that outsources the delivery of its functions or functions that were previously delivered by a public body. The bill also requires Scottish and UK ministers to publish a code of practice for public bodies in relation to relevant outsourcing contracts and to lay that code before their respective Parliaments.

The bill, at introduction, included provisions relating to the social care sector in England to establish a negotiating body, through regulations, to consider pay, terms and conditions for the sector. The outcome of those negotiations, once accepted by the Secretary of State, was to be enacted through regulations delivering fair pay agreements for those workers in scope.

The Scottish Government recognised the opportunity to underpin much of the work that has already been undertaken in Scotland on sectoral bargaining and secured agreement from the UK Government to have that part of the bill apply to

Scotland. That will provide the Scottish Government with the option to regulate for negotiated fair pay agreements for the sector, as an alternative to a voluntary process. We also secured the broader application of those bill provisions to children's social care services as well as adult social care services.

I look forward to continuing to work closely with the UK Government to build on our fair work principles and to help to maximise the positive impact of the bill across Scotland.

I draw Parliament's attention to clause 47 and schedule 7, which were included in the supplementary legislative consent memorandum. On further consideration, our view is that they do not affect the competence of Scottish ministers and have therefore been removed from the motion.

I move,

That the Parliament agrees that the relevant provisions in the Employment Rights Bill, introduced in the House of Commons on 10 October 2024, and subsequently amended, relating to the protection of workers in relation to relevant outsourcing contracts (amended clause 30), and the establishment of the Social Care Negotiating Body for Scotland (amended clauses 36 to 46 and 48 to 52, alongside related amended clauses 153 and 155), so far as these matters alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.

15:57

**Clare Haughey (Rutherglen) (SNP):** Thank you, Presiding Officer, for the opportunity to speak to the legislative consent motion on the Employment Rights Bill, as convener of the Health, Social Care and Sport Committee. As members will be aware, on 10 June 2025, the committee published its report on the supplementary legislative consent memorandum as it relates to the bill. That was triggered due to the provisions in the bill regarding social care negotiating bodies, as well as various other amendments that fell under the health and social care remit. I am pleased to say that a majority of committee members recommended that the subsequent draft supplementary motion be agreed by Parliament. The Health, Social Care and Sport Committee recognises the importance of the bill and, more importantly, the need for comprehensive scrutiny of the provisions that require legislative consent.

Although employment law is a reserved matter, the provisions in the bill will have massive implications for Scotland's workforce, particularly in social care. That is why we sought extensive evidence from stakeholders, both in written form and in oral evidence to the committee. To that end, I thank the Convention of Scottish Local

Authorities, Glasgow City Council, Health and Social Care Scotland, Scottish Care, the Scottish Social Services Council and Social Work Scotland for their engagement on the matter. I give special thanks to the witnesses who gave oral evidence on 20 May.

Although I am unable to give a summary of the extensive evidence that was received regarding the supplementary LCM and the bill more generally, our report contains a comprehensive overview of the key points that were raised during those sessions. That said, one of the main themes that echoed throughout was the need for continued collaboration when it comes to creating an effective negotiating body for social care. As is highlighted in our report, members were keen to hear more about the on-going discussions with trade unions, as well as the work of the fair work in social care group. I am grateful to the then Minister for Social Care, Mental Wellbeing and Sport, Maree Todd MSP, and her supporting officials for speaking to the supplementary LCM and addressing the points that were raised by stakeholders in evidence to the committee.

Although union membership in social care currently sits at around 20 per cent of the workforce, concentrated largely among local government employees, the committee nevertheless welcomes the minister's commitment to promote increased union membership across the social care sector as a means of improving terms, pay and conditions. That said, we note the minister's comments that time must now be spent bottoming out the Scottish social care sector's preference, be that a voluntary arrangement or statutory underpinning. We strongly encourage the Scottish Government to continue to do its best to seek consensus with relevant stakeholders, so that we can achieve better and fairer work conditions for those in the social care sector, which are arguably long overdue.

On behalf of the Health, Social Care and Sport Committee, I hope that the bill's provisions will be a positive step in the right direction for Scotland's social care workforce. I look forward to assisting further scrutiny in that area, where my committee's remit is engaged.

16:00

**Murdo Fraser (Mid Scotland and Fife) (Con):** During the previous debate, I observed that 11 members were in the chamber. I see that we have now increased that number dramatically—to 17. Such is the quality of the debate this afternoon that members are flooding in to hear our exchanges. I hope that we can improve that quality as we go on.

The legislative consent motion that is before us relates to the Employment Rights Bill, which, as we have heard, is UK-wide in effect. It is a wide-ranging piece of legislation that was introduced by the Labour UK Government, implementing plans that had been proposed in a Labour green paper published in September 2022. The bill covers a range of subjects, including the regulation of zero-hours contracts; greater rights for flexible working; removing the three-day waiting period for statutory sick pay; removing the qualifying period for paternity leave and ordinary parental leave; expanding eligibility for bereavement leave; providing employees with additional protection from harassment; and removing the two-year qualifying period for unfair dismissal claims.

Although Scottish Conservatives would agree with some of the measures that are set out in the bill, we have concerns about the overall economic impact of what is being proposed. Business organisations have expressed concern that the rules on unfair dismissal that it is proposed to change would make it less attractive for businesses to hire staff. One of the most vocal critics of the bill has been the Federation of Small Businesses, which has expressed concern about the impact, on smaller businesses in particular, of having to cope with 28 changes in employment law simultaneously. Similarly, the Association of Professional Staffing Companies has expressed concern that conferring day 1 rights would have adverse effects on recruitment practices for risk-averse employers, who might, as a consequence, look at methods of pushing those risks on to others in the supply chain, such as staffing companies. Those are the potential unintended consequences of the bill's proposals.

Changes in employment law must strike a balance. On the one hand, giving greater rights to employees is generally beneficial. However, if that leads to additional difficulties for businesses in hiring staff, which make them reluctant to do so, the overall impact can be negative. We have to see that against a backdrop where Labour's ruinous increase in employer national insurance contributions is already having a negative impact on the wider economy and on businesses' ability to attract and retain staff.

As we would expect, the minister again set out the Scottish Government's stated aim to see all employment law powers being devolved to this place. I understand why that is its position. However, that demand is opposed by business organisations across Scotland, which want to see a level playing field across the United Kingdom. That is particularly important for businesses that operate in all parts of the UK and do not want to run different regimes that apply to different members of staff. For an Administration that claims to support growing our economy, it is

curious that the Scottish Government takes that particular approach when business is so firmly opposed to it.

The fact that Scottish Conservatives have concerns about the parent legislation is not, in itself, sufficient reason for us to vote against the legislative consent motion, so we will not do so. However, we have concerns that the legislation has been rushed through with insufficient thought and consideration of the wider economic impact. For that reason, we cannot support the LCM that is before us, but we will not oppose it.

16:04

**Martin Whitfield (South Scotland) (Lab):** I thank the minister, the committee and its convener, Clare Haughey, for their contributions to the debate. As Murdo Fraser rightly pointed out, the purpose of the Employment Rights Bill is to put into legislation the Labour UK Government's plan to make work pay—a fascinating principle that underlies the suggestion that, by working, people can afford to live.

I thank Murdo Fraser for articulating many elements of the bill. I would add to his list the work to prevent fire and rehire, sectoral collective bargaining, which has been mentioned, introducing rights for trade unions for access to workplaces, repealing the Strikes (Minimum Service Levels) Act 2023 and some of the provisions from the Trade Union Act 2016, and bringing together the powers of existing labour market enforcement bodies along with other powers under the secretary of state and enforcement officers. I welcome all those elements of the bill.

I also welcome the approach that the Scottish Government has taken with regard to discussions with the UK Government. If the economy is to grow across the whole of the UK, with the greatest respect to Murdo Fraser's contributions, it will be through the workers of this country. We will support the LCM this evening.

16:05

**The Minister for Social Care and Mental Wellbeing (Tom Arthur):** I thank members for their contributions.

I am responding in my capacity as Minister for Social Care and Mental Wellbeing, but in my previous role as Minister for Employment and Investment, I had considerable engagement with the UK Government, including with minister Justin Madders. I put on record that, although we were not able to reach agreement on some issues, we always worked in the spirit of not making the perfect the enemy of the good, and we took a very constructive approach. I know that my colleague

Maree Todd, when she was social care minister, had a similarly constructive relationship with her UK Government counterparts.

On that topic, I refer to the contribution of Clare Haughey in her capacity as convener of the Health, Social Care and Sport Committee, and I underscore the constructive and collaborative approach that Maree Todd and I will take as we consider the potential utilisation of the new powers that will be conferred on Scottish ministers, subject to the legislation gaining royal assent at Westminster.

**Clare Haughey:** I welcome Tom Arthur to his new role. I have not had an opportunity to do that formally, and I welcome the approach that he will take to working with the committee.

**Tom Arthur:** I very much appreciate that. I look forward to engaging with the committee, particularly on its recently launched inquiry, and I look forward to constructive engagement with the convener. I emphasise my commitment to engaging constructively with the sector and all partners, including trade unions, to build consensus.

Members have made important contributions in the debate. With regard to what Martin Whitfield said about the fundamental purpose, reasoning and rationale of the legislation, we very much support that. As my colleague Richard Lochhead said, the legislation, in effect, puts on a statutory footing many of the policies that the Scottish Government has sought over the past decade, whether through its influence in its convening power or around conditionality and guidance on matters of public grants and procurement.

Although I take a different position from Murdo Fraser's, he is right to raise the concerns that have been expressed by business. It is important that those concerns are raised, because it is a reminder to us all to implement legislation constructively and to communicate it clearly. That is vital, particularly given that much of what will follow from the bill will come through guidance.

The bill is important for us as a Parliament because, although responsibility over nearly all of employment law is in effect exclusively reserved to Westminster, it will have significant implications for the Scottish economy. The implications, I think, will be positive, but it is important that we engage constructively with the UK Government as it takes forward those provisions.

The Scottish Government's position is that employment law should be devolved to the Scottish Parliament. I note that that position was previously supported by the Labour Party in a motion in 2023. Although we are now in a position of alignment in wanting to advance workers' rights, we cannot take that for granted. British politics has



always had one certainty, which is that Labour Governments have been followed by Governments of a different political hue. That has previously been the Conservatives, but it might not be the Conservatives next time; it may well be a party that is not aligned to the values that command majority support in this place with regard to workers' rights.

That is why it is of paramount importance that we secure the devolution of employment rights to this Parliament, not only so that we can protect and embed those rights and guarantee them so long as there is a majority for them in this Parliament, but so that we can work constructively and proportionately with others to enhance those rights. Fair work is not only good for workers and not only a social and moral imperative; it is good for the economy. Ultimately, workers are also consumers, and the more security and fulfilment that they have in their work and the more disposable pay that they have, the better it is for businesses and for workers' dignity.

It is also good commercially for businesses, because a workforce that is invested and that feels secure, fulfilled and respected will be more productive and will make more of a contribution to their employers. Those matters are of fundamental importance to the wider Scottish economy, and they underscore the importance of our constructive and collaborative approach with the UK Government in taking forward the LCM. It also underscores why the Government thinks that we should be looking to devolve employment powers to the Parliament in full, which would enable us to guarantee and protect those rights for all time, as long as there is majority support for that in the Parliament.

We would have liked the UK Government to go further on some measures, such as sick pay. It would also have been beneficial if we did not require the consent of the secretary of state on provisions relating to the social care negotiating body. Again, that underscores the importance of having employment law devolved to the Parliament.

As I said at the outset, we did not approach this with the intent of making the perfect the enemy of the good. We have worked constructively, and I believe that the LCM is a positive step forward on the road to the full devolution of employment law to the Parliament in due course.

## Children's Wellbeing and Schools Bill

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

The next item of business is a debate on motion S6M-18081, in the name of Natalie Don-Innes, a legislative consent motion on the Children's Wellbeing and Schools Bill. Members who wish to speak in the debate should press their request-to-speak buttons now.

16:11

**The Minister for Higher and Further Education; and Minister for Veterans (Graeme Dey):** Thank you, Presiding Officer, for the opportunity to open the debate, which will focus on proposed changes to United Kingdom legislation that have the potential to increase and improve opportunities for Scottish children and young people, and to put their best interests at the heart of decisions that affect them.

In December, the UK Government contacted the Scottish Government about extending to Scotland the provisions in its Children's Wellbeing and Schools Bill that relate to child employment and community-based and secure accommodation. More detail was sought from the UK Government to allow there to be consultation with stakeholders and to provide advice to Scottish ministers. Although our engagement has been constructive, a delay in securing the necessary detail to inform our approach has impacted our ability to engage as we would have wished with the Scottish Parliament. However, the positive feedback from children and young people and from other stakeholders enables me to recommend that the Parliament consents to the legislative changes.

Currently, children from the age of 14 up to the leaving age for compulsory schooling can work for up to two hours on a Sunday. The bill proposes to amend those restrictions so that children can work the same number of hours on Sundays as they can on Saturdays. Children will also be able to work up to an hour before school and until 8 pm on any day. Currently, they cannot work before a school day and can work only until 7 pm.

**Jeremy Balfour (Lothian) (Con):** The minister will be aware that the Delegated Powers and Law Reform Committee met on Tuesday. There was no time for the committee to consider a written report on the issue, and there was no opportunity for us to scrutinise the LCM. The Parliament has been asked to approve an LCM that many members have been unable to find the full details of and to ask the appropriate questions about. I appreciate that there has been a consultation with those outside the Parliament, but members in the Parliament seem to have been left behind. Why is

there such urgency to get the LCM through today, and why could it not wait until September? Could he also confirm that the approach that has been taken is not good practice and should not be seen as such?

**Graeme Dey:** There were a number of questions in there. On the timing and why we are discussing the LCM now instead of waiting, there is a compatibility issue with legislation if we do not do it immediately. As a former minister for parliamentary business, I place great importance on giving the Parliament its rightful opportunity to scrutinise legislation. In this instance, I am afraid that a couple of things were at play. There were delays in obtaining the necessary information from UK Government officials to allow us to move forward, but I accept that there was also an element of delay at this end. I apologise to the Parliament for that, because I think that it is important. I hope that that provides the answer for the member.

Existing caps on weekly hours and a prohibition on working during school hours will remain in place.

The young people whom we engaged with on the changes viewed them as beneficial, because they will allow them more opportunity and greater flexibility to work. Young people said that they feel restricted by the current limitations and find it difficult to save money. Young people often find it harder than adults to find employment. Expanding Sunday working hours provides more opportunities for children to gain skills and experience, save money, develop their independence and better prepare themselves for their futures.

The bill also proposes changes to the rules on the conditions in which children can work. Those rules are currently set by local authorities through individual bylaws and they differ across Scotland. If consented to, the provisions would allow Scottish ministers to make child employment regulations, replacing local variations and providing a more consistent approach across Scotland. Local authorities will retain responsibility for issuing child employment permits and control of the process at a local level. Local authority representatives with whom we have engaged generally support that. In our discussions, the Federation of Small Businesses has also been supportive of the changes.

We will ensure that local authorities are able to engage in creating and implementing the regulations to reflect their local knowledge of businesses and regional differences in employment. Children and young people will also be given the opportunity to express their views, and any changes will be considered in line with their best interests. All other existing relevant

legislation will remain in place, including safeguarding measures.

The second area that is covered by the provisions is secure community-based accommodation. The bill proposes a statutory mechanism that will allow children to be placed in community-based provision in England that can provide for deprivation and restriction of liberty measures, if that is in the best interests of the child. Placements in secure accommodation in England are currently possible for children living in Scotland. Provisions in the bill would enable them to be accommodated in the new proposed settings, if appropriate. Ministers are clear that any cross-border placements should happen only in exceptional circumstances and that such alternative provision should not be used where there are capacity challenges in Scotland.

However, flexibility with regard to placement options to meet the varying needs of children is important. There might be occasions when it is in a child's best interests to be placed in provision in England—for example, to ensure that children are placed closer to their families, which is critical to relationships and wellbeing. The arrangements for and the monitoring and review of such placements will be clarified with relevant stakeholders and the UK Government to ensure that the circumstances align with Scotland's work on the report "Reimagining secure care: a vision for the future", the response to which the Scottish Government published today.

Just as there might be exceptional circumstances that make it appropriate to place a child from Scotland in England and to deprive them of their liberty, children from England may also be placed in secure accommodation in Scotland on welfare grounds. Amendments that the bill will make to section 25(5A) of the Children Act 1989 clarify that the person in charge of secure accommodation in Scotland can deprive a child of their liberty when they have been placed there from England or Wales.

Providing consent today would allow us to continue to work with our stakeholders to ensure that the changes are implemented in line with current Scottish Government policy and Scotland's unique and lauded approach to child welfare and justice.

I move,

That the Parliament agrees that the relevant provisions of the Children's Wellbeing and Schools Bill, introduced in the House of Commons on 17 December 2024, and subsequently amended, affecting child employment and community-based and secure accommodation, so far as these matters fall within the legislative competence of the Scottish Parliament and alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.

**The Presiding Officer:** I call Douglas Ross to speak on behalf of the Education, Children and Young People Committee.

16:18

**Douglas Ross (Highlands and Islands) (Con):** I rise to speak not about the detail of the LCM but about the process, and I endorse everything that Jeremy Balfour said. Before I come to what the DPLR Committee discussed this week, it is right to make it clear that the Education, Children and Young People Committee had its first opportunity to discuss the LCM eight days ago—just one week away from the summer recess. People will be aware that this has been an extremely busy week for those in the Parliament with an education interest—I include the cabinet secretary and the minister in that. When we discussed what we could do in our final week, we had to take on board the fact that members were going to be in the chamber late on Tuesday and Wednesday to deal with stage 3 of the Education (Scotland) Bill.

This week alone, just in committee, we have sat for more than seven hours, taking evidence on the University of Dundee. Even if we had wanted more scrutiny of the LCM, which I believe that members would have wanted, there was literally no time to include that in our deliberations.

When I received the letter from the DPLR Committee convener yesterday, I was concerned about the note in the second paragraph that

“amendments and the UK Government’s supplementary delegated powers memorandum have been available since 14 May.”

We got that information on 16 June, well over a month after the UK Government had finished its consideration of the matter.

I echo everything that the DPLR Committee has said about the lack of opportunity to interrogate the matter further. I believe that my colleague Roz McCall will look into some of the details that members of the Education, Children and Young People Committee would have looked into, because we treat such matters very seriously. The minister and the cabinet secretary know that we go into in-depth detail with Scottish statutory instruments and other things, and we would have done so with the LCM had it not been for the timing of its coming here and the business that the committee already had.

I urge the minister to take back to his successor as Minister for Parliamentary Business the point that we need help as committees to do our job and to allow Parliament to do its job, and more time to discuss and prepare for these LCMs would be appreciated.

I will not detain the Parliament any longer other than to say—I think that I am still within the subject—that, because we were so busy as a committee this week, we could not look at the issue. Although it is right that MSPs on committees are busy—I am keen on that as a committee convener—I would like to thank the clerks and the official report and broadcasting staff, who have also sat through more than seven hours of evidence. They were long and thorough sessions and, although it is right that we, as MSPs, do our job, I believe that our clerks and others associated with the Education, Children and Young People Committee went above and beyond this week. On behalf of the committee, I offer my thanks to them.

16:21

**Roz McCall (Mid Scotland and Fife) (Con):** I rise to speak on the LCM that we have been asked to approve this afternoon. It has already been highlighted that it covers child employment, secure care and residential care. I have concerns about it, which I will briefly outline to members.

At face value, the proposal to allow residential accommodation as an alternative to secure care might seem uncontroversial. Indeed, the Scottish Government seems quite comfortable in its assertion that it is very unlikely that a child would be given a cross-border placement. Unfortunately, however, unlikely does not mean impossible. The Scottish Government’s memorandum states that

“allowing for this option is in line with article 3 of the UNCRC, which requires that the best interests of the child are a primary consideration in all actions involving them.”

The proposal to allow residential accommodation might seem helpful in offering greater flexibility, especially where capacity is under pressure. Secure accommodation in Scotland is currently under immense pressure, but we must not lose sight of what secure care is and why it matters.

Last year, in this Parliament, we passed the Children (Care and Justice) (Scotland) Act 2024, which moved away from placing children in young offenders institutions and into an individual child-based system that increases the use of secure care, with all the safeguarding and specialist support that come with it. We said that the outcome of that would be that there would be immense pressure.

The briefing from the Children and Young People’s Commissioner Scotland for this LCM also raises concerns, specifically about the possibility of cross-border placements. I stress that the fact that the Government assures us that such placements are unlikely to happen does not mean that they will not happen.

Residential care is not secure care. It does not offer the same physical security, therapeutic oversight or legal framework. It is not a like-for-like substitute, and we should not treat it as one.

I have a couple of questions for the minister. What legal guarantees could be put in place to prevent residential facilities being utilised in a justice-related placement? How will cross-border oversight be managed if the facilities are based in England? I look forward to the assurances and information on that, and I accept that the minister is stepping in on this matter.

I will also briefly address the child employment provisions. On the surface, they are not controversial, but there is an open question that I would like clarity on. Does the bill cover children who work on family farms or in small businesses? I understand that we have legislation on that, but, all over Scotland, that is not just a job but part of family life. That is how many people—especially young people—learn responsibility. If there is any unintended impact, we must understand it and address it.

Finally, I come to the point on process that has already been highlighted very well by Jeremy Balfour and Douglas Ross. It is my understanding that the LCM is being rushed because the UK Government did not fully appreciate the Scottish implications of the amendments, despite the UK bill being in the House of Lords. I note the minister's comments and his apology for any delay on the Scottish Government's side, and that is accepted. However, Parliament is being asked to approve last-minute changes to devolved legislation without full consultation, without detailed impact assessments and without certainty on how those powers would be used.

We are being asked to give up scrutiny and to take on trust that it will all work out, and I am afraid that I cannot do that. I was assured that the concerns raised about secure accommodation provisions in the Children (Care and Justice) (Scotland) Act 2024 would not be an issue, but it has come to pass that they are. When vulnerable children are involved, I cannot simply go on assurances—the price is too high.

We have a responsibility to protect the integrity of our justice reforms, the clarity of our devolved powers and, above all, the rights of the children we serve. On that basis, we will not fully support the legislative consent motion, but we will not oppose it.

16:25

**Martin Whitfield (South Scotland) (Lab):** I will speak on behalf of Scottish Labour to various elements of the LCM. I compliment both committees that were involved in this matter—I

appreciate the challenge in being able to scrutinise legislative consent memorandums.

Without repeating what I said, I refer to my earlier comments about how LCMs are dealt with in the Parliament and the obligations on Governments in dealing with and facilitating the matter between them. I suggest that the Parliament could help with that, most probably in the next session.

What fundamentally underpins the bill to which the legislative consent memorandum relates—the Children's Wellbeing and Schools Bill—is an attempt to break the link between a young person's background and their future success, which is a goal that we share in Scotland and in Wales, Northern Ireland and England. There are two processes here—one relates to employment and the other, which I would like to spend a few moments discussing, relates to secure care.

I echo what Roz McCall said about the current state of secure accommodation in Scotland. As of today, there is one vacant bed. No doubt we will, sadly, return to that issue after the recess. Will the minister intervene in relation to the question that has been raised by the Children and Young People's Commissioner Scotland about ensuring that cross-border placements are only ever used for a young person in appropriate and exceptional circumstances?

**Graeme Dey:** I appreciate the opportunity to clarify. Let us be absolutely clear that the bill does not in any way change the approach in Scotland. Indeed, if we take the comparator of reverse cross-border placements, I believe that there are currently only three England-based children resident in Scotland under the system—this time last year, there were 20-odd. The direction of travel has been set. I understand the commissioner's query, but, in reality, the bill changes nothing about the approach that we will continue to take in Scotland. I hope that that offers reassurance.

**Martin Whitfield:** I thank the minister for his intervention. Unlike Roz McCall, I am reassured by that, because I think that, when the Government gives such assurances, we should be able to rely on them. I thank the minister, who I know is stepping in today for the debate on the LCM.

**Jeremy Balfour:** Will the member give way?

**Martin Whitfield:** I will finish my point, and then I will come to Mr Balfour.

I thank the minister for stepping in to cover the debate at this late stage.

**Jeremy Balfour:** Martin Whitfield will be aware that the legislation that we pass does not last just for the duration of the current Government; it lasts for years to come. I am happy to accept what the

minister says, but we do not know how the legislation could be used by future Governments, which might have a very different view. Is Martin Whitfield not concerned that, if there is a Scottish Government policy change, the legislation could be used in a way that would have a damaging effect on young people in Scotland?

**Martin Whitfield:** I am grateful for Mr Balfour's intervention. Of course, no Parliament or Government can bind future Governments. On his underlying point, of course there should be concerns about differences that might occur in the future, whether at a Government or a parliamentary level. I have raised that issue in a number of debates during this parliamentary session. I am less in agreement on whether this is the point at which to draw the line in the sand. I understand from Roz McCall's contribution that the Scottish Conservatives will not oppose the motion but will merely abstain.

As with our previous discussion about framework bills, a large number of questions has arisen in recent years, from both Governments and from both Parliaments, and we need to seek answers to them, because people outside the chamber are looking for them.

Given the minister's reassurance about cross-border placements, for which I thank him, I will leave my contribution at that.

16:30

**Graeme Dey:** I will deal first with the legitimate points that members have raised.

I absolutely take on board Douglas Ross's point about the workload of the Education, Children and Young People Committee and its having had insufficient time to deal with the issue. He noted the date of 14 May. I should explain, in case it has not been clear, that there continued to be to-ing and fro-ing between the two Governments. As I understand it, that was in part because of a clause in the bill and the fact that we were completing the work on reimagining secure care ahead of making it public. For our part in that to-ing and fro-ing, I apologise.

As I said earlier, as a former Minister for Parliamentary Business, I could not agree more about the need for the Parliament to have an appropriate amount of time to do its work. As I explained, there would have been a legislative compatibility issue had we allowed consideration to run beyond the timeframe that we have.

As I understand it, Roz McCall was talking about the proposed community-based secure accommodation in England. She is no doubt aware that no such accommodation is currently available. The bill provides for such facilities to be

developed. If the bill is agreed and receives royal assent, the UK Government will consult on the provision of and the requirements for the facilities. In effect, we are future proofing our approach by referencing the existence of such accommodation. I give her the reassurance that this is not in any way a change in our approach. As I said to Martin Whitfield, this is about getting the wording of the legislation right, and the bill does not make cross-border placements more likely.

The point about family farms was a very good one for Roz McCall to raise. I do not have the answer for her today, but the bill provides a power for ministers to create a single bylaw—that is probably not the correct term—that would apply across the whole of Scotland. There will be consultation on that. I will ask officials to take on board the very fair point that she made to ensure that whatever is brought forward captures that issue that she has rightly raised. The Parliament will have a role in that regard.

I thank all members for their constructive and thoughtful contributions. No Government or Parliament on these islands has done more to progress the rights of children and young people. We are rightly proud of what we have achieved together in this Parliament in that regard.

We are also rightly fierce in protecting the best interests of children and engaging with them to get their views on decisions that affect them. The provisions on employment should give children more choice and opportunity to make decisions about when they work to gain income and independence. They modernise our approach to children's employment and will make protections and opportunities more consistent across the country. I will quote a young person who was engaged with the proposed changes:

"I think that it will make young people happier and able to work and gain more experience."

Although it would have been our preference to legislate on this devolved matter here at Holyrood, it would have been wrong to pass up the opportunity to update what is an outmoded statutory framework. A system of 32 local byelaws on child employment lends itself to inconsistency across councils in relation to permitted and prohibited types of work. Some byelaws are out of date and are not reflective of modern-day employment opportunities. Most have not been updated since the early 2000s—indeed, one dates back to 1973. Some still refer to the prohibition regarding children working as chimney sweeps or on merchant ships or undertaking work in coal yards. Creating central regulations will provide consistency, reduce the administrative burden of updating byelaws and allow for engagement to ensure that updates reflect the needs and

interests of children and young people, as well as local communities and economies.

The provisions on community-based accommodation will provide flexibility and choice in providing the most appropriate placement for a child, if deemed appropriate and in an exceptional circumstance, and if it fully meets their care needs. No significant issues were raised about either of those changes by stakeholders, and there was recognition of the value of them. However, it is recognised that further engagement will be undertaken with key stakeholders.

As I said earlier, I note the concerns of the DPLR Committee regarding timescales, and, once again, I apologise that the Parliament was not given more time to consider the changes. When working with UK bill measures, that is not always feasible, but I accept the importance of giving parliamentary committees more opportunity to scrutinise proposed legislative changes, especially changes as important as these. I hope that the Parliament will agree that the changes will help to protect and enhance the best interests of Scotland's children and young people and will, accordingly, give consent.

## Parliamentary Bureau Motions

16:36

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

The next item of business is consideration of three Parliamentary Bureau motions. I ask Jamie Hepburn, on behalf of the Parliamentary Bureau, to move motions S6M-18141 and S6M-18142, on committee membership, and motion S6M-18143, on committee substitutes.

### *Motions moved,*

That the Parliament agrees that—

Paul McLennan be appointed to replace Joe FitzPatrick as a member of the Education, Children and Young People Committee; and

Joe FitzPatrick be appointed to replace Stuart McMillan as a member of the Public Audit Committee.

That the Parliament agrees that—

Jamie Halcro Johnston be appointed to replace Alexander Stewart as a member of the Constitution, Europe, External Affairs and Culture Committee;

Stephen Kerr be appointed to replace Jamie Halcro Johnston as a member of the Economy and Fair Work Committee; and

Alexander Stewart be appointed to replace Liz Smith as a member of the Social Justice and Social Security Committee.

That the Parliament agrees that—

Brian Whittle be appointed to replace Stephen Kerr as the Scottish Conservative and Unionist Party substitute on the Criminal Justice Committee; and

Jamie Halcro Johnston be appointed to replace Brian Whittle as the Scottish Conservative and Unionist Party substitute on the Rural Affairs and Islands Committee.—  
[*Jamie Hepburn*]

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

## Motion without Notice

16:36

**The Presiding Officer (Alison Johnstone):** I am minded to accept a motion without notice, under rule 11.2.4 of standing orders, that decision time be brought forward to now. I invite the Minister for Parliamentary Business to move the motion.

*Motion moved,*

That, under Rule 11.2.4, Decision Time be brought forward to 4.36 pm.—[*Jamie Hepburn*]

*Motion agreed to.*

## Decision Time

16:36

**The Presiding Officer (Alison Johnstone):** There are five questions to be put as a result of today's business. The first question is, that motion S6M-18076, in the name of Kaukab Stewart, on the legislative consent motion for the Border Security, Asylum and Immigration Bill, which is United Kingdom legislation, 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.

16:37

*Meeting suspended.*

16:39

*On resuming—*

**The Presiding Officer:** We move to the vote on motion S6M-18076, in the name of Kaukab Stewart, on the legislative consent motion on the Border Security, Asylum and Immigration Bill, which is United Kingdom legislation. Members should cast their votes now.

The vote is closed.

**Katy Clark (West Scotland) (Lab):** On a point of order, Presiding Officer. I could not vote. I would have voted yes.

**The Presiding Officer:** Thank you, Ms Clark. We will ensure that that is recorded.

### For

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (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)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (LD)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green) [Proxy vote cast by Ross Greer]  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP) [Proxy vote cast by Rona Mackay]  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (Ind)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 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)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Haicro 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)  
 Regan, Ash (Edinburgh Eastern) (Alba)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

**The Presiding Officer:** The result of the division on motion S6M-18076, in the name of Kaukab Stewart, on the legislative consent motion on the Border Security, Asylum and Immigration Bill, which is United Kingdom legislation, is: For 86, Against 0, Abstentions 28.

#### *Motion agreed to,*

That the Parliament agrees that the relevant provisions in the Border Security, Asylum and Immigration Bill, introduced in the House of Commons on 30 January 2025, relating to the provision and sharing of trailer registration information (amended clauses 30 to 33), the provision of biometric information at ports in Scotland (clause 36), the repeal of certain provisions of the Illegal Migration Act 2023 (clause 38), the detention and exercise of functions pending deportation (clause 41), powers to take biometric information at detention centres (clause 44), offences relating to articles for use in serious crime (clauses 49 and 50), applicants for making of orders and interim orders (clause 54), and the validation of fees charged in relation to qualifications (clause 57), so far as these matters fall within the legislative competence of the Scottish Parliament and alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.

**The Presiding Officer:** The next question is, that motion S6M-18080, in the name of Richard Lochhead, on the legislative consent motion on the Product Regulation and Metrology Bill, which is UK legislation, 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)  
 Baillie, Jackie (Dumarton) (Lab)



Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 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)  
 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)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (LD)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP) [Proxy vote cast by Rona Mackay]  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (Ind)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 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)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harvie, Patrick (Glasgow) (Green)  
 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)  
 Mackay, Gillian (Central Scotland) (Green) [Proxy vote cast by Ross Greer]  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Regan, Ash (Edinburgh Eastern) (Alba)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 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-18080, in the name of Richard Lochhead, on the legislative consent motion on the Product Regulation and Metrology Bill, which is UK legislation, is: For 80, Against 0, Abstentions 34.

### *Motion agreed to,*

That the Parliament agrees that all relevant provisions of the Product Regulation and Metrology Bill, introduced in the House of Lords on 4 September 2024, so far as these matters fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament.

**The Presiding Officer:** The next question is, that motion S6M-18075, in the name of Richard Lochhead, on a legislative consent motion on the Employment Rights Bill, which is UK legislation, 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)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (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)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (LD)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green) [Proxy vote cast by Ross Greer]  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP) [Proxy vote cast by Rona Mackay]  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (Ind)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 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) (Alba)  
 Rennie, Willie (North East Fife) (LD)

Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 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)

**Against**

Fraser, Murdo (Mid Scotland and Fife) (Con)

**Abstentions**

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 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-18075, in the name of Richard Lochhead, on a legislative consent motion on the Employment Rights Bill, which is UK legislation, is: For 88, Against 1, Abstentions 27.

**Motion agreed to,**

That the Parliament agrees that the relevant provisions in the Employment Rights Bill, introduced in the House of Commons on 10 October 2024, and subsequently amended, relating to the protection of workers in relation to relevant outsourcing contracts (amended clause 30), and the establishment of the Social Care Negotiating Body for Scotland (amended clauses 36 to 46 and 48 to 52, alongside related amended clauses 153 and 155), so far as

these matters alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.

**The Presiding Officer:** The next question is, that motion S6M-18081, in the name of Natalie Don-Innes, on a legislative consent motion on the Children's Wellbeing and Schools Bill, which is UK legislation, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

The vote is closed.

**The Cabinet Secretary for Education and Skills (Jenny Gilruth):** On a point of order, Presiding Officer. My app would not connect. I would have voted yes.

**The Presiding Officer:** Thank you, cabinet secretary. We will ensure that that is recorded.

**Foysoyl Choudhury (Lothian) (Lab):** On a point of order, Presiding Officer. My app did not refresh. Will you check whether my vote went through? If it did not, I would have voted yes.

**The Presiding Officer:** Thank you, Mr Choudhury. I can confirm that your vote will be recorded—it had not been previously.

**Michael Marra (North East Scotland) (Lab):** On a point of order, Presiding Officer. I do not think that my app connected. I would have voted yes.

**The Presiding Officer:** Thank you, Mr Marra. We will ensure that that is recorded.

#### For

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysoyl (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Dey, Graeme (Angus South) (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)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)

Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (LD)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green) [Proxy vote cast by Ross Greer]  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP) [Proxy vote cast by Rona Mackay]  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (Ind)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 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) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 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)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Eagle, Tim (Highlands and Islands) (Con)

Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 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-18081, in the name of Natalie Don-Innes, on a legislative consent motion on the Children's Wellbeing and Schools Bill, which is UK legislation, is: For 87, Against 0, Abstentions 28.

*Motion agreed to,*

That the Parliament agrees that the relevant provisions of the Children's Wellbeing and Schools Bill, introduced in the House of Commons on 17 December 2024, and subsequently amended, affecting child employment and community-based and secure accommodation, so far as these matters fall within the legislative competence of the Scottish Parliament and alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.

**The Presiding Officer:** Unless any member objects, I propose to ask a single question on three Parliamentary Bureau motions.

As no member has objected, the final question is, that motions S6M-18141 and S6M-18142, on committee membership, and motion S6M-18143, on committee substitutes, all in the name of Jamie Hepburn, on behalf of the Parliamentary Bureau, be agreed to.

*Motions agreed to,*

That the Parliament agrees that—

Paul McLennan be appointed to replace Joe FitzPatrick as a member of the Education, Children and Young People Committee; and

Joe FitzPatrick be appointed to replace Stuart McMillan as a member of the Public Audit Committee.

That the Parliament agrees that—

Jamie Halcro Johnston be appointed to replace Alexander Stewart as a member of the Constitution, Europe, External Affairs and Culture Committee;

Stephen Kerr be appointed to replace Jamie Halcro Johnston as a member of the Economy and Fair Work Committee; and

Alexander Stewart be appointed to replace Liz Smith as a member of the Social Justice and Social Security Committee.

That the Parliament agrees that—

Brian Whittle be appointed to replace Stephen Kerr as the Scottish Conservative and Unionist Party substitute on the Criminal Justice Committee; and

Jamie Halcro Johnston be appointed to replace Brian Whittle as the Scottish Conservative and Unionist Party substitute on the Rural Affairs and Islands Committee.

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

## Glasgow's Bus Services

**The Deputy Presiding Officer (Liam McArthur):** The final item of business is a members' business debate on motion S6M-17910, in the name of Patrick Harvie, on the future of Glasgow's bus services. The debate will be concluded without any question being put. Members who wish to participate in the debate should press their request-to-speak buttons now.

### *Motion debated,*

That the Parliament notes Strathclyde Partnership for Transport's (SPT) proposals to develop bus franchising arrangements for the region and its recent consultation on how to create more affordable, reliable and environmentally sustainable bus services in Strathclyde; further notes the calls for SPT to proceed with the most ambitious approach to franchising, and for the Scottish Government to work constructively with SPT to make this possible; welcomes the report from Scottish Trades Union Congress (STUC), *The Next Stop: The Case for Publicly Owned Buses in Scotland*; notes that it argues that moving local buses into public ownership would have a positive impact for local communities, allow local authorities to plan routes and cap fares, and return revenues to the public sector; understands that Scotland's only publicly owned bus company, Lothian Buses, has returned a dividend of £36 million to its local authority shareholders over the last decade; congratulates Get Glasgow Moving on its continued campaigning work on this issue, and notes the calls for the Scottish Government to further commit to support the expansion of publicly owned bus services and deliver high quality, affordable and reliable bus services, integrated ticketing and higher standards of service across the SPT region and beyond.

16:50

**Patrick Harvie (Glasgow) (Green):** It is usual to begin a members' business debate by thanking those who have chosen to stay late for it, and I have a double reason to thank those who have chosen to stay late on the last day before recess. I am grateful to those who have chosen to participate and to those who added their names in support of my motion. Those names include members of four political parties. I am sorry that they are not represented in the chamber, but they are represented in their support for the motion.

I will begin by talking about the state of Glasgow's bus services. People standing at a bus stop in Glasgow will rarely hear anyone ask when the bus is due or see them check the timetable, because most people quite simply know not to bother. People are far more likely to ask whether the bus that they want has been and gone, because the idea of actually relying on the published timetable is largely a joke. Even at the few stops that have electronic displays, the more typical experience is to watch as the minutes count down to the time for the bus that you are waiting for and then to roll your eyes as the time

disappears from the screen, although the bus never appears on the road.

The network is fragmented, with different routes being covered by different operators who do not recognise one another's tickets. I made a recent trip to a Glasgow hospital for reasons that I will not go into but that are nothing that most men in their 50s have not experienced. I will spare members the grisly details, but I was attending a public service that people need good-quality public transport to be able to reach. I can honestly say that the task of planning and undertaking the multi-operator bus journey to get to the hospital was significantly more stressful than the medical procedure that I was there for.

Bus fares are simply ludicrous, with an all-day city ticket on First Bus costing almost £6 and—bizarrely—two single journeys costing even more than that. No one believes that they are getting value for money—and that is before we consider whether the routes that we need can be depended on. Just today, I had an email from a constituent about another cancelled bus route, this time the number 65 between the city centre and Halfway in Cambuslang, which First Bus has confirmed it will end in just a few weeks' time.

The system is not working. Deregulation, privatisation and running public transport for profit have never worked for passengers. I am pleased that the Greens have made good progress in recent years on some important improvements, most significant of which is free bus travel for young people and for asylum seekers. However, the truth is that bus services in Glasgow, and in much of Scotland, bear no comparison with those in many other European cities and countries.

Even in other parts of the United Kingdom, such as Manchester, dramatic progress has been made in recent years. I was very amused to see ahead of the debate the rather childish name-calling from Sandy Easdale of McGill's in today's *Glasgow Times*. He claimed that Manchester's franchising has been a "disaster", so let us take a look at some of the results of that disaster. Patronage has increased by 14 per cent year on year in the first franchising areas, and punctuality regularly exceeds the 80 per cent target, compared with a rate of 66 per cent before franchising. Communities are better connected, with more residents living within a five-minute walk to a half-hourly service, and there are more affordable fares, convenient integrated ticketing, cleaner and greener buses, and a pilot of 24/7 bus services, reinstating night-time services to the north-west of the city for the first time in a decade. The Bee Network combines buses, trams, trains, walking, wheeling and cycling to create a seamless travel experience in the kind of disaster that Glasgow's bus services can only dream of.

I recognise everyone who has put in tireless efforts to campaign for a better bus service for Glasgow, notably Get Glasgow Moving, and I commend the work of the Scottish Trades Union Congress and others who are building the case for change and pointing to solutions. What are those solutions? The first stop is franchising, which brings public control over routes, fares and service standards—things that are currently dictated by private operators. Franchising in the Strathclyde Partnership for Transport area would be the first test case for the Transport (Scotland) Act 2019. However, as well as the process being slow, the 2019 act requires the plan to come under the scrutiny of an independent panel convened by the traffic commissioner for Scotland. The equivalent legislation in England does not have that requirement. SPT has asked that the panel approval process be removed, and a very simple bill in this Parliament could remove that unnecessary step.

SPT also estimates that it could take seven years to introduce a bus franchise. In the meantime, it plans to move ahead with a bus service improvement partnership. However, I share the concerns of Get Glasgow Moving, which suggests that any use of the BSIP programme would delay efforts to establish the franchise. SPT could avoid the BSIP route if the Scottish Government provided funding to accelerate franchising.

From there, we need to go on to public ownership. Taking bus fleets and depots into public ownership would, in the first instance, give franchising real teeth. A franchising arrangement that left fleets and depots in the hands of private companies would be a half measure. According to STUC data, First Glasgow has a 10 per cent profit margin compared with 9.1 per cent for Scotland's only publicly owned bus company, which is Lothian Buses. Lothian Buses has returned a dividend of £36 million over the past decade. If it was a private service, that money would have gone into the pockets of already wealthy people. Instead, it has gone where it should go—back into improving the service that people rely on.

If we really want to redesign the network to improve frequencies and coverage, introduce flat affordable fares, expand fare-free travel and create a unified information and ticketing system—in short, if we want to create a bus service that works in the public interest and returns revenue to the public purse—the next stop should be full public ownership under a municipal operator. That is the vision that we should be working to realise in Glasgow and then in the rest of the country: transport as a public service. It can happen, but it needs Scottish Government support, investment and political will. Glasgow deserves world-class public transport.

16:57

**Clare Haughey (Rutherglen) (SNP):** I thank Patrick Harvie for bringing this debate to the chamber. It has proved to be timely for residents in my Rutherglen constituency. At its heart, this debate is about people. It is about how our communities operate and thrive, and how they access services, employment, education and leisure. Our communities should have the assurance and confidence that our bus networks are affordable, green and a reliable alternative to cars.

Last week, I received notification from First Bus that it is completely withdrawing from service the number 65 bus between Glasgow city centre and Halfway in Cambuslang. The letter that I received about the cut states that the withdrawal of the service will allow the company to improve timetables across other parts of greater Glasgow. It also includes a list of alternative journey options, which include the number 21 service.

Since that announcement, my constituency office has been flooded with calls and messages from constituents who are deeply worried and angry about the proposals. I take this opportunity to thank all those who have been in touch with me over the past week to share their concerns and experiences. Many of them have made the point that the number 21 service, which is one of the apparent alternatives, is also subject to service reductions, with changes to its frequency and running times.

Some have described the number 65 service as a lifeline that allows them to access vital services, including many disabled or elderly residents who are set to lose their only route to town centres. Others have told me that they will now need to take two or three buses to get to their work or face a long walk to a stop, either because their bus is disappearing altogether or because its hours are being drastically reduced.

At the same time, South Lanarkshire Council is cutting school bus services to around 8,000 school pupils. In a letter to families in Cambuslang, the number 65 bus was cited as an alternative means of getting to school from August this year. As if it was not bad enough that they are losing their school transport, those families are feeling abandoned yet again. It is not surprising that the idea that the removal of the number 65 is somehow positive news for greater Glasgow as a whole has been met with much cynicism and anger in my constituency.

**Paul Sweeney (Glasgow) (Lab):** The member makes the very important point that there is no way to fully view the coherence of the greater Glasgow bus system, because the information about the money that routes make and which

routes are losing money is not available. We can address that issue, along with control of the farebox, only through franchising. Does she agree that, ultimately, franchising is the only solution to the problem?

**Clare Haughey:** I will come on to that point later in my speech, but the long and the short of it is yes, I do.

Yesterday, I met First Bus to relay my and my constituents' concerns about the changes, and I left the company in no doubt about my opposition to the removal of what is a vital service that links together communities in my constituency such as Springhall, Fernhill, Cathkin, Whitlawburn and Halfway.

At my request, First Bus has now committed to undertaking further studies to see whether, should the 65 be withdrawn, alternative routes could be created to serve the communities that stand to lose out. Unfortunately, First Bus has advised that that will not be a quick process and that nothing is guaranteed, so I will continue to do what I can to urge First Bus to maintain the number 65 route.

One of my major concerns about the process is the fact that constituents do not seem to have a formal role to play in opposing timetable changes or service cuts. Of course, they can lodge complaints or raise issues with their elected representatives, but I am keen to learn from the minister whether bus users can play a more formal role in relation to any changes that are proposed by bus companies. How can we make that happen?

I have long supported and called for private bus services in South Lanarkshire to be moved into public ownership to avoid the issues that I have outlined are impacting my community and to allow for joined-up thinking and planning in relation to the network. Currently, bus services are at risk of being reduced or completely cancelled at relatively short notice, with little or no meaningful consultation.

Under franchising, such decisions would fall to a local transport authority, which would have a responsibility towards, and would be accountable to, the communities that it serves.

17:02

**Graham Simpson (Central Scotland) (Con):** I start by apologising to Patrick Harvie for not attending the debate in person. I did my very best, but I simply could not make my diary work.

**Patrick Harvie:** [*Made a request to intervene.*]

**Graham Simpson:** I think that Patrick is trying to intervene. If that is the case, I am happy to allow him to do so.

**Patrick Harvie:** I am grateful to Graham Simpson. I apologise to him. I was not aware that he was joining us online when I made my comment about parties being represented in the debate. I put on record my recognition of his long-standing interest in the issue.

**Graham Simpson:** That is very nice of Patrick to say. He is right. We have worked together on the issue for a long time. There has been cross-party agreement on the subject, and I was very happy to sign his motion when it appeared. I am really glad that we are having this debate.

Clare Haughey expressed the frustration that many of us have felt over the years when bus services have been removed. I live in an area of East Kilbride from which a bus service was removed some years ago. The service has not returned to what it was. I would describe the area that I live in as a bus desert, so it is no wonder that most people—including me—use cars, even though we would much rather be able to use public transport.

That is why there are many of us in Parliament who favour a move to a franchising model in the Strathclyde region. One of the frustrations, though, is the time that that is taking—it is taking far too long. The powers were introduced in the Transport (Scotland) Act 2019, but the regulations have only just gone through, and it will be some years before a franchising model—if, indeed, the proposal goes ahead—is rolled out across Strathclyde.

When I say “across Strathclyde”, I am talking about not just Glasgow but all the places around it, such as East Kilbride, North Lanarkshire, South Lanarkshire and the Renfrewshires. Those should all be part of an integrated transport system for Strathclyde.

I am less hung up about who owns the buses than Patrick Harvie might be, but they need to operate under one badge, with one body—probably SPT—running them, setting fares and organising the routes, and perhaps also running a light rail system. Maybe we will, at some point, get the Clyde metro system that we have been promised. Maybe it will even happen in my lifetime—I hope so. In essence, we need a better public transport system, and that is why people want franchising in Strathclyde.

The minister, who will respond to the debate, has written to the Net Zero, Energy and Transport Committee. However, in that letter, he does not seem to accept that things are taking too long and that there are problems, such as the problem with the panel appeal process that Patrick Harvie raised earlier. That really needs to change, and I look forward to speaking to the minister very soon—next week, in fact, when I hope that we can iron out some of those problems.

Once again, Deputy Presiding Officer, I really do apologise for not being in the chamber in person. I prefer to do these things in person, but I am glad that we have had the debate.

**The Deputy Presiding Officer:** Thank you, Mr Simpson.

17:05

**Pam Duncan-Glancy (Glasgow) (Lab):** I thank my colleague, Patrick Harvie, for bringing this important debate to the chamber. I also thank the Deputy Presiding Officer for agreeing that I may leave before the debate concludes, as I need to head back to Glasgow. After the time of the debate was changed, I was unable to reschedule what I need to be back for, so I apologise to colleagues and to Patrick Harvie, and I put on record that I will undertake to watch the minister's contribution early in the next few days.

People in Glasgow need affordable, reliable and environmentally sustainable bus services. The 2022 census reported that 9.3 per cent of commuters in Glasgow use the bus as their main mode of transport when travelling to work; that is much higher than the national average. Furthermore, it should be noted that that figure covers only travel to work and does not include non-work trips such as for shopping, leisure or healthcare visits, as we have heard.

As a result, the percentage of people across the region who rely on buses is likely to be far higher, particularly among the older population. In fact, the Glasgow Bus Alliance estimates that buses provide 75 per cent of the public transport services in Glasgow, and they are an integral part of daily life. However, that means that any changes to service provision have a wide-ranging impact. We have heard already about the First Bus 65 service, which runs from Glasgow to Halfway and how passengers on that service were told, with less than 28 days' notice, that their service was being withdrawn without consultation or engagement with passengers.

The Transport (Scotland) Act 2019 requires bus companies to notify local authorities when they plan to vary or cancel a bus service. In this case, First Bus notified SPT, as the affected authority. However, there was no requirement for local authorities to be notified by either the bus operator or the transport authority. As a result, although school routes are affected, at least in the South Lanarkshire Council area, as we have heard, and First Bus and the council were in active discussion over the matter, there was no legal requirement for the company to disclose the material change in circumstance to the council.

That means that, where there is a transport authority in place, there is no requirement for a

bus operator to notify any affected local authority of a service cancellation, thus distancing the decision from democratic oversight.

**Clare Haughey:** On that very point, the decision is—as the member will have heard in my speech—very much a hot topic. Is she aware of SPT having consulted with South Lanarkshire Council?

**Pam Duncan-Glancy:** It is my understanding that there is no requirement for SPT to do so, which means that we could be left with a situation in which there is no public accountability for the actions that it is taking. I do not think that either of us think that that is acceptable, because we need public accountability in that regard.

In all cases, not having a legal requirement for bus operators to consult the public on service cancellations, or to notify them until after a cancellation has been confirmed, is difficult and removes opportunity for public scrutiny. I would be grateful if, in his closing remarks, the minister could set out the ways in which the Transport (Scotland) Act 2019 has teeth and can be used to influence bus operators' decisions so that they can be subjected to appropriate scrutiny.

For people who rely on the 65 service that I mentioned, the lack of consultation on the decision to withdraw it is devastating. One resident said that the service means everything to her, because it connects her with life outside. Without it, she would not be able to have the same quality of life. That is exactly the impact that pulling services without employing democratic accountability can have on people's lives.

I will use the short time that I have remaining to describe my experience of travelling on buses in Glasgow as a disabled woman. I say on the record that, as Patrick Harvie has highlighted, even getting to a bus stop in Glasgow can be difficult for anyone, and they cannot be sure whether a bus will come along. A wheelchair user has the added lottery element of not knowing whether the bus will be fully accessible or whether someone else will be in the wheelchair space. That makes it really difficult to travel around a city in which buses can be the only accessible form of transport. In the past couple of years, NASA has put disabled people on the moon. If NASA can do that, surely bus authorities can help disabled people to get across our great city.

**Patrick Harvie:** Will Pam Duncan-Glancy take an intervention?

**The Deputy Presiding Officer:** I can give you the time back, Ms Duncan-Glancy.

**Patrick Harvie:** Pam Duncan-Glancy makes an extremely important point. I assume that she would agree that the experience of disabled



travellers in Manchester shows that genuinely displaying ambition about the renewal of bus services—as regards both infrastructure and vehicles—highlights that a more integrated approach can result in dramatic improvements in accessibility.

**Pam Duncan-Glancy:** I whole-heartedly agree with that point. From my own experience and that of other disabled people I have spoken to, I know that bus travel in Manchester is far better and far easier. With franchising, we have the opportunity to make bus travel here more accessible and more affordable, and to address issues with frequency so that buses are in the right places and at the right times to meet the needs of our constituents.

**Bob Doris:** Will the member take an intervention?

**Pam Duncan-Glancy:** I will be happy to take Bob Doris's intervention if I have time, Presiding Officer.

**The Deputy Presiding Officer:** I call Bob Doris.

**Bob Doris:** I thank you for your indulgence, Presiding Officer.

Pam-Duncan Glancy makes a really important point. As a dad who uses bus services, I have often felt that I am competing with wheelchair users when I am on there with babies, buggies and prams. There is a lack of understanding among the travelling public that there are specific spaces on buses for wheelchairs and similar mobility devices, which are not intended for prams, buggies or suitcases. Do you think that we need to educate the general public more, too, Pam Duncan-Glancy?

**The Deputy Presiding Officer:** Always speak through the chair.

**Pam Duncan-Glancy:** I have been in awkward situations—as I am sure that the member, or anyone who has a wheelchair or a buggy will have been. I find it regrettable that anyone has to get off the bus in that situation, if I am honest. Surely we can design buses that have enough space for everyone. It is important that the general public understand the difficulties that both groups of people have in trying to get around the city, so that we can use the buses in Glasgow and get people around in them.

I recognise that I am over my time, Presiding Officer. I appreciate your giving me the opportunity to respond to those interventions.

17:13

**Mark Ruskell (Mid Scotland and Fife) (Green):** I thank my colleague Patrick Harvie for securing the debate. For many years, he has been a relentless champion for people in Glasgow,

including bus users. It is great that the debate has been brought to the chamber at a critical point for bus services. I also thank Get Glasgow Moving, which has been really successful in working across the parties in the Parliament. I have been pleased to support its petition, which calls for a better process for establishing bus franchising in Scotland.

I hope that the minister has been listening to the debate and recognises the cross-party concern about the process involved in making decisions about setting up franchises, the length of time that that will take and issues regarding the panel. I hope that he will also note that, when the Parliament agreed to the regulation last year, it really only happened because the Deputy Presiding Officer rather than the Presiding Officer was in the chair at the time—the vote was absolutely on a knife edge.

My inbox overflows with issues relating to bus travel, and I have to say that they constitute a real mixed bag. I get great feedback on free bus passes for the under-22s, and I get a lot of people calling for that scheme to be extended. However, having such a pass only works for people if they have a reliable bus service to get on in the first place. The majority of constituents' emails about bus travel that I receive contain concerns about the quality and state of our bus services.

I pay tribute to a constituent of mine, Valerie Brand, who has for years campaigned for better bus services in her community, particularly in relation to the X10 Glasgow-Balfron-Stirling bus service, which was initially run by First Group and in recent years has been run by McGill's Buses. Valerie has documented all the issues over the years, including holes in the floors of the bus, water gushing in from windows, inaccessible buses and buses going on fire—an issue that led to a public inquiry into McGill's by the traffic commissioner, which concluded last year. She has documented poor services, cancellations, online apps not being updated, drivers going past stops and passengers having to request stops because of the poor training of the drivers.

In that community, when people want to know what is going on with the buses, they do not get in touch with McGill's—they just phone up Val and ask her for the latest chat on the buses. To be honest, I would like Val to run the bus services—certainly the X10—rather than private companies that are utterly unresponsive to public need. However, I will settle for public bus services being run in the public interest if Val is not available to run them.

We need to have bus services that listen to people, listen to everyday needs and run responsive services. I absolutely support the public franchising of bus services in Glasgow. I

hope that that will have a positive impact on the X10 service, and I hope that SPT is able to make the right decision in September and progress its case for that.

Across Scotland, there are many different types of public control. We have a situation with the Loch Lomond and the Trossachs national park, where a public body has commissioned a new bus service between Callander and Aberfoyle. It is very successful and is going into its second year. The minister will be aware of the Auchterarder town bus service in his constituency, where a community body has commissioned a bus service.

We have the situation in Glenfarg, where Stagecoach walked away from a bus service that was getting only around 10 or 12 passengers a day. Glenfarg Community Transport Group stepped up, and is now running a 55 service that has 1,200 passengers a week—an incredible turnaround—and a 23 service that attracts 600 passengers a week. Stirling Council is taking an initial first step in taking over the C60 bus service and is running a minibus between Killin and Callander. Many different models could apply to Strathclyde and to rural communities across Scotland.

Ultimately, we need to run bus services in the public interest, but that needs political will and vision. We need to use that huge public investment in concessionary travel schemes and the network support grants to support public bus services that are run in the public interest. Let us get the investment right, let us get the model right and let us see public transport run in the public interest—in rural areas, in urban areas and across the whole of Scotland.

17:17

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** I thank Patrick Harvie for bringing this important motion to the chamber.

For the substantial Scottish Government investment that we make in Scotland's bus services, we should be getting a far better city bus service in Glasgow. That is clear. Fares are too high and services are too sparse, particularly in the evenings, on Saturdays and—absolutely—on Sundays. Some places are bus deserts on a Sunday. However, we can do better. We need strategic investment in bus services. I believe that a franchising model, under powers given to local authorities and transport organisations from the Scottish Government, would do better. In Glasgow, that means co-ordination by SPT.

What are the issues in Glasgow? Ruchill, in my constituency, barely has a service running through it. The 90 service is thin gruel, quite frankly. The 8 is a valued service but does not exist from

Springburn on a Sunday, and it is far reduced at nights and weekends as it runs through Summerston.

There is also the lack of a bus service through Kelvindale. I pick that example because it shows managed decline by bus companies. A few years ago, when First Glasgow decided to take out the Kelvindale part of the 4A service, which went from, I think, Broomhill through the west end and onwards through the city centre, Kelvindale was left without a bus service. Through the intervention of myself and others, SPT stepped in and the M4 service was put in place instead. Although it is far inferior, it is something. We championed that as a win, although it is not really a win—it is just that the situation is not as bad as it otherwise would have been.

Recently, I met First Glasgow to try to get it to reinstate a service through Kelvindale. It pointed out that running that service would not be economically viable—well, of course it is not. We have to look at the end-to-end journey in its entirety. If we break up a route into its component parts, no bus service will be economically viable, but it requires investment as a public service. That is what franchising and co-ordination are all about.

We have to accept that it will cost money. We need to ensure that there is a common purpose in the Parliament, because there needs to be the collective political will to make that investment. We are talking about Glasgow and the greater Glasgow area, but there also needs to be political will across the country. Colleagues elsewhere in the country may not champion the up to £80 million per year that the changes could cost. Let us be realistic about it: we do not have that money right now, but we have to find it.

**Patrick Harvie:** Mr Doris makes some important points. I again make the case that the other changes that we need to make in the transport system for climate purposes, such as road pricing in whatever form it will take, need to be seen as a source of revenue for investment in public transport. Does Bob Doris also acknowledge the statistic that I referred to in my speech, which is that Lothian Buses, which is already in the public sector, returns revenue to the public purse? Although it may cost some investment to reach a point where a service can generate revenue, once we are in the position of running bus services in the public interest, that revenue can be put back into the public good.

**Bob Doris:** I agree with that. I cannot expand on the point, because I have only four minutes and my time is lapsing, but we have to reach to that point first, and we have to have a will to make that investment before we can get there.

We have to be clear about why—other than the climate issues that Patrick Harvie has raised—we want to franchise buses. Will we serve the areas that have the greatest unmet demand or the lowest car ownership, or areas of low income, deprivation or social needs? We must not pretend, as some people have done in the past, that bus franchising will provide a bus outside everyone's door that will take them and drop them off wherever they want to go. That is what some people think will happen. We must be strategic, targeted and co-ordinated, but any plans must also be funded, which will take political will. In the chamber this evening, we have the political will, which we have to share across the Parliament.

17:22

**Paul Sweeney (Glasgow) (Lab):** I thank my colleague Patrick Harvie for lodging the motion, which I was pleased to sign, for this members' business debate. I recognise the excellent work that Get Glasgow Moving has done over the past decade or so. Along with the associated better buses for Strathclyde campaign, its work has driven the public-spirited effort to improve buses across our city.

The message that goes out loud and clear to the Government from all those who have been elected, across the chamber, to represent the people of greater Glasgow is that we demand speedy and immediate improvement to the regulations on bus franchising so that we can get on with franchising without further delay. The process has been unacceptably slow and inadequate, and I hope that the minister is hearing that there is a consensus across the region that the continued situation is unsustainable and socially unjust. That is ultimately what has come across in the debate.

I enjoyed Mr Doris's remarks—I wish that he had had another minute to continue. Ultimately, we come back to the point that social justice is at the heart of the issue that we face with our bus system in Glasgow. Glasgow represents 20 per cent of the Scottish economy yet, according to the Centre for Cities, it is underperforming economically compared with similar European cities by about £7 billion a year in gross domestic product. That is the equivalent of the entire oil and gas industry in Scotland. Another 4.5 per cent could be added to Scotland's GDP if our transport system was optimised and at a level that was competitive with our European city equivalents.

The situation illustrates a truism that goes back to the point that we need to relearn the lessons of 100 years ago. There has been a 40-year failed experiment in the deregulation and privatisation of the public transport system.

It was a century ago last year that Glasgow first introduced motor buses under the corporation of the city. That was at an apex in Glasgow's municipal socialism, which started with the public transport system. The system was privately run when it began in the 1870s. Under the Glasgow Street Tramways Act 1870, a private operator was to take on a 22-year lease to operate and develop the city's tramway system.

Ultimately, the corporation of the city took over the system in 1894. It took over the Glasgow subway system in 1923 and, in 1924, it launched a motor bus service across the city. The service provided 30 routes that covered more than 100 miles and served more than 50 million passengers a year. That was an amazing achievement, and Scotland—Glasgow—was a world leader in municipal public transportation. How have we let things get to the point where we are now a laggard in the UK rather than a leader?

**The Minister for Agriculture and Connectivity (Jim Fairlie):** How many cars were on the road then, and how many cars are on the road now?

**Paul Sweeney:** The minister makes a very important point. Relatively speaking, the private car has taken a significant share of the overall movement of people around the city region. However, on the point about social justice, it is important to note that Glasgow remains the city with the lowest level of car ownership in the UK, as only 41 per cent of Glaswegians own a car. The situation accentuates the social injustice across Glasgow. All the concessionary travel schemes that have been introduced are not much use if the bus service does not actually function. That is why we need to address the issue.

Members across the chamber have relayed the umpteen services that have been curtailed, reduced or cut altogether across the city; that has certainly been the case for many services in my time representing Glasgow. The number 65 bus through the Calton out to Cambuslang is only the latest example of those cuts.

It is debasing for a democratically elected parliamentarian to go and beg a private company to sustain a public service. That is not good enough. We need public accountability, which starts with control of the farebox through our franchise system. That would also address the fact that Glasgow's bus fares are the most expensive of any British city. A single ticket is now £2.85, compared with £2 on Edinburgh's publicly owned Lothian Buses and £1.75 on Transport for London services. It is simply not fair that Glaswegians are subject to this private rent and private profit extraction, when that money could be reinvested in subsidies for loss-making routes and could help to sustain coherence across the network. We do not even know which routes make money and

which routes lose money. We cannot plan coherently.

On the wall of my office, I have a map of Glasgow's bus and tram services in 1938. We knew what they were and we knew where they were and how they performed. There were night buses, night trams and late-night subway services. The subway ran on a Sunday and we had a fully integrated transport system. I do not know how we let that unravel. I urge the minister to hear the pleas from the people who represent our great city of Glasgow to fix our transport system and let Glasgow flourish once again.

**The Deputy Presiding Officer:** I am conscious of the number of members who want to participate in the debate. Therefore, I am minded to accept a motion without notice, under rule 8.14.3 of standing orders, to propose to extend the debate by up to 30 minutes. I call Patrick Harvie to move the motion.

**Patrick Harvie:** I did not expect to have to do this on the last day of term.

**The Deputy Presiding Officer:** That is undoubtedly an achievement.

*Motion moved,*

That, under Rule 8.14.3, the debate be extended by up to 30 minutes.—[Patrick Harvie]

*Motion agreed to.*

17:28

**John Mason (Glasgow Shettleston) (Ind):** I thank Patrick Harvie for lodging the motion. I certainly agree with the bulk of it and especially the point that we should have

“high quality, affordable and reliable bus services”

and integrated ticketing. I just say to him that, for knowing when a bus is coming, the First Bus app for Glasgow is very good—it can actually show where a bus is at a particular time.

As a councillor, I was a member of SPT for a number of years, and I am a strong supporter of it as an organisation. It is good that we can look at public transport from a wider perspective than just that of individual council areas, especially in Strathclyde, where so many people travel into Glasgow for work, study, retail and leisure purposes.

However, we need to tread a little cautiously on public ownership of buses and franchising. Broadly speaking, I support public ownership and, potentially, franchising, but neither of those is a magic bullet. I grew up with Glasgow Corporation operating buses in the city and SMT and others running services outside the city boundaries. The system was not perfect at the time. There were

regular complaints that areas that voted strongly Labour, such as Castlemilk, got a better bus service than areas that voted in different ways. Therefore, public ownership does not guarantee major improvements.

**Bob Doris:** I will not take the bait on whether Labour areas get better bus services but, in my speech, I made the point that those with the loudest voices and the most organised campaigns may get better services because politicians are quite attuned to representing constituents who make the strongest case. However, they might not always have the biggest social need.

**John Mason:** If the member's point is that there is a risk under public ownership, too, I certainly agree with that.

ScotRail might have marginally improved under public control, but there has not been a sudden dramatic increase in services or staff pay or a reduction in fares. All those improvements, which are desirable—even necessary, as other members have said—cost money, no matter who owns and operates the bus network. I support the desire for buses to run through the night, to be more frequent in rural areas and to do circular routes in the cities, but we need to be realistic and accept that all of that would take more taxpayers' money, which I presume would mean higher taxes. I personally support that, but I realise that not everyone does.

**Paul Sweeney:** Will the member take an intervention?

**John Mason:** Yes—if it is brief.

**Paul Sweeney:** Mr Mason makes an important point. It is important to recognise that about 45 per cent of bus company turnover is already public subsidy. The issue is that we cannot visualise where the money is being made and where it is being lost, so we cannot cross-subsidise in a coherent way. That could be done through control of the farebox. Does the member agree that that would be a logical solution?

**John Mason:** I certainly agree that we need more information. For example, I have asked First how many passengers the 65 bus has. As far as I am aware, we do not get that information.

We have to be cautious about comparing Glasgow and Edinburgh. Buses in Edinburgh have a virtual monopoly on public transport—together with the trams, obviously—whereas, in Glasgow, we have an excellent local rail system that, for many people, is much faster and more convenient and comfortable than buses will ever be. Glasgow has some 72 rail stations, including 15 on the subway. In my constituency, we have 11 rail stations. A train from Easterhouse to the city centre takes about 15 minutes, whereas the

number 2 bus, which does a similar route from Baillieston, takes 40 minutes. I admit that the bus is cheaper—free, in fact, for those of us who are over 60 or under 22—but, with a rail card, the return train fare is £2.95, which is not bad.

However, buses stop much more frequently and are therefore more convenient for going to local shops, the general practitioner, chemists, schools and so on. We definitely need both trains and buses but, to some extent at least, they are competing with each other.

That competition has been a particular challenge for the village of Carmyle in my constituency. The train service improved dramatically when the Whifflet line was electrified, and services now run through the Argyle line. Partly as a result of that, bus usage to and from Carmyle has declined. Not surprisingly, the bus service has been reduced, too, and that leads to complaints from those who really need the bus for more local journeys, which the trains cannot provide.

Bus usage in the west of Scotland has been in decline for many years, and it is not exactly clear how that can be changed. Most recently, as others have mentioned, First has announced that it is dropping the number 65 route because of poor patronage, although it is a vital route for some people and places, including Bridgeton Main Street in my constituency.

We also face the challenge that many people still want to use cars. That can be for a variety of reasons, including convenience, starting or finishing work when there is little public transport, feeling safer, working out of town, and location.

Finally, there is the question of the cost of a franchise system. I understand that the subsidy in London is about £700 million per year, which is about £80 per head of population. Yes, I support the direction of travel, but someone will have to pay the bill.

17:33

**Monica Lennon (Central Scotland) (Lab):** I thank Patrick Harvie for making us all stay late. No, seriously—we thank him for securing this important debate on the future of Glasgow's bus services.

The issues that are raised in his motion impact my constituents in central Scotland, too, and I know that members across the chamber are passionate about improving bus services in our communities, as we heard in the thoughtful speeches tonight, even though people are a bit on the tired side this evening.

I hope that the minister feels energised hearing that colleagues, regardless of party or where we

sit in the chamber, feel very strongly about the issue and want to work together on solutions.

No one wants to live in a bus desert. Graham Simpson, who has disappeared from the screen, highlighted the real concern about that issue that many of us share, and it is becoming a reality for too many communities. The term “bus desert” has appeared in the *Official Report* too many times for my liking.

As a member of the Net Zero, Energy and Transport Committee, I am keenly aware of the challenges and opportunities that decision makers face. I join colleagues in paying tribute to Get Glasgow Moving for its better buses for Strathclyde campaign, which is supported by more than 12,000 people and counting across the region. I thank Ellie Harrison and all the volunteer campaigners, because they do that work in their own time. I am sure that, at times, it is very stressful and tiring, but that lived experience is valuable.

Mark Ruskell and others have addressed some of the challenges around the franchising process and have mentioned some of the barriers. Colleagues, including Bob Doris, have talked about bus services and routes that they care about. Clare Haughey and other colleagues have mentioned the 65 route, which is operated by First Bus at the moment. That makes me think back to our experience in Hamilton with the X1 bus service, which the minister and other colleagues have heard me talk about a lot. Again, with First Bus, there was a real lack of consultation, transparency and accountability, and a lack of responsibility regarding what was in the public interest.

Through community efforts, people did not give up on the X1 bus service. I pay tribute to JMB Travel, a small operator that saw the opportunity that was presented by the public's demand and need for the service. The X1 bus service has been resurrected, and we again have a fast route through Hamilton, into the town centre and on to Glasgow city centre. However, the preservation of such services should not be down to luck and hard work on the part of communities, because not everyone has the capacity and resilience to do that.

**Paul Sweeney:** As a former urban planner, my colleague Monica Lennon will understand that the inability to join up rail services, subway services and bus services undermines the efficiency of the operation of the whole system, and she will get that that is part of the problem.

**Monica Lennon:** Absolutely. We need to have a spatial and joined-up approach. The political will is here, and we need the Government to step up. I see that the minister is shaking his head, and I am

happy to give way, but I see that he is indicating that he does not want to make an intervention.

The situation here contrasts with the situation in England, where the Chancellor of the Exchequer has announced more than £15 billion to transform public transport in the regions that are committed to bus franchising. There is a real danger that Scotland will lag behind.

It is great that communities are being backed by their MSPs and MPs, such as Michael Shanks in Rutherglen and John Grady in Glasgow East, with their petitions on the 65 bus. It is also great that we can work in a cross-party fashion, but we need leadership from the Scottish Government. As others have said, the issue involves aspects of social justice, the environment and the economy, so we can bring about a win-win-win situation with an approach that is right for Scotland's people, environment and economy.

Finally, I hope that the minister will address the very important issue of school transport.

**The Deputy Presiding Officer:** Ross Greer is the final speaker in the open debate.

17:38

**Ross Greer (West Scotland) (Green):** Like colleagues who have spoken already, I thank Patrick Harvie for securing this debate and for his long-standing commitment to campaigning for quality bus services. I remember that, when I was first elected in 2016, I found it advantageous that I could borrow some of the props that Mr Harvie had produced over many years of campaigning for local services. His novelty bus conductor's hat and novelty bus stop have proved to be very useful for various photo opportunities with local campaign groups over the years.

I am glad that we are having this debate, because, as Paul Sweeney reflected, there has been a disastrous 40-year experiment with the privatisation of our bus services. In the current situation, the public pay twice. We pay once for a ticket on the bus and we all pay a second time through taxation to subsidise essential services that private operators are not interested in running unless they receive a public subsidy to do so.

I will share a couple of examples from either end of my region. John Mason made the point about Strathclyde being seen as a region in this regard, which makes sense given that much of the operations are centred on Glasgow. The first example involves a constituent of mine, Cameron, who is 89 and lives in Skelmorlie. He has to go to Crosshouse hospital regularly for treatment for Crohn's disease. However, he needs to take four buses to get there—a local bus within Skelmorlie, then a bus from Skelmorlie to Largs, followed by

one from Largs to Irvine and then a fourth bus from Irvine to the hospital. That journey, which involves eight buses to and from his regular medical appointment, represents a significant barrier to his ability to access services, but it would be even worse for someone who is between the ages of 22 and 59 and therefore has to pay for their bus tickets, because they cannot get a day ticket for those journeys, as the buses are run by two different operators.

There are areas in which some progress has been made, largely driven by the free bus travel for young people scheme that the Scottish Greens secured. Two services in my area—the 17 and the 15, which are operated by West Coast Motors and run from Duntocher and Milngavie, respectively, into Glasgow city centre—have had their timetables significantly expanded in recent years because of the increased patronage by young people, primarily those going to college and university in the city.

However, when the 17's timetable was improved, that resulted in two other bus services in Duntocher being withdrawn completely. McColl's Travel withdrew the 6B and 118 services. That was not done because the 17's increased timetable provided a comparable or like-for-like service, and the decision left a number of my constituents without the services that they need.

Sandra, who is a nurse in Duntocher and works at Gartnavel general hospital, now has an extra 90 minutes on her journey to get to the hospital. Anybody who lives anywhere near the area will know that the distance between Duntocher and Gartnavel is not huge, and an extra 90 minutes on a journey, before and after a 12-and-a-half-hour shift as a nurse, is a significant challenge.

I will give one final example, because it involves a change that will come into effect this Saturday. McColl's has just announced that it is withdrawing the 340 service, which runs from Helensburgh and the Vale of Leven hospital to the Royal Alexandra hospital in Paisley. That bus service was introduced when some health services at the Vale of Leven hospital were transferred to the Royal Alexandra. I sympathise with the health board, which subsidised that service using charitable funding that is no longer available. The board is now providing its own direct service, but that is only for staff and patients, and not for visitors or patients' companions, unless they are a formal companion for someone with a recognised disability. For visitors, there is now going to be an expensive, long, multi-operator journey to get from Helensburgh or the Vale of Leven to the Royal Alexandra, where many of the services for those constituents—

**Paul Sweeney:** Will the member give way?

**The Deputy Presiding Officer:** I suggest that you do not, Mr Greer—you need to wind up.

**Ross Greer:** I will wind up—my apologies to Mr Sweeney.

What I have described is just another example of fragmentation, and it is going to result in more cars on the road during a climate emergency and greater isolation for those without a car. I ask the minister to respond to the calls in this debate and from campaigners to act with urgency on the matter. Action on this matter would be transformational for the economies of not only our cities but our rural areas in particular, for social justice, and for public health, in tackling many of our local air pollution issues. It is a win-win—it is exactly the kind of preventative spend that we talk about and exactly the kind of transformation for which our constituents are crying out.

**The Deputy Presiding Officer:** I invite the minister to respond to the debate. You have around seven minutes, minister.

17:42

**Jim Fairlie:** I genuinely thank Patrick Harvie for bringing the debate to the chamber and for allowing us to discuss the opportunity that we have in front of us. I apologise for expressing my frustration to Monica Lennon—it is late in this session of Parliament and late in the day—but I think that the Scottish Government has done, and is continuing to do, a lot. We are absolutely committed to doing as much as we can.

We are all, across the chamber, in agreement that buses are an essential service not only in providing people with access to the services and facilities that they need, but in tackling the climate emergency. Bus services play a vital role in delivering on the First Minister's four priorities of eradicating child poverty, growing the economy, tackling the climate emergency and improving Scotland's public services.

Since January 2022, more than 225 million bus journeys have been made across Scotland by children and young people using their under-22 free bus entitlement cards. That is helping them and their families to cut the costs of essential and leisure travel. In December 2024, the Child Poverty Action Group reported that free bus travel could save a child in Scotland up to £2,836 annually.

I take the points that have been made by members across the chamber—

**Monica Lennon:** Will the minister give way?

**Jim Fairlie:** Yes.

**Monica Lennon:** I am grateful to the minister for giving way. Of course I accept his apology. I

understand why he feels frustrated; it has been a long week.

Nevertheless, does the minister agree that it is even more frustrating for people who rely on bus services when buses do not turn up, the service is unaffordable or the routes are under threat? We heard about the 65 service, and Ross Greer gave a powerful example as well. What will the minister do to tackle those issues and give people some hope?

**Jim Fairlie:** I will continue to use my time to get through as much of my speech as I possibly can, because the answers to an awful lot of the questions that I have been asked in the debate will be contained in what I am going to say.

Across Scotland, more than 2 million children, young people, disabled people and older people are now benefiting from free bus travel, making more than 3 million journeys a week. However, we want more people to travel by public transport for work, study and leisure. In order to help local transport authorities improve bus provision in their area, we have delivered the legislation that provides them with powers on partnership working, running their own services and bus franchising. I am encouraged that authorities across Scotland, including SPT, are exploring those powers.

The franchising panel has been mentioned a couple of times in the debate. SPT has previously highlighted its concerns about the panel, which I absolutely accept. However, it has also said to the Citizen Participation and Public Petitions Committee that it would

“seek assurance that any change would not materially impact on the timeline required to undertake a Franchise Assessment nor introduce additional risks to any authority considering Franchising as a means of improving bus networks for the travelling public in Scotland.”

If we go back to square 1, which is what would be required, that is exactly what will happen. We are on the journey that we are on, and we have to do this together. I see Patrick Harvie shaking his head. I apologise that he does not like that answer, but that is the position that we are in. Franchising panels were put in the primary legislation—the 2019 act—and we have to follow through on that.

**Patrick Harvie:** Would the minister just accept as a point of fact that the situation down south is so much easier because it does not have that unnecessary step, which adds nothing of value to the process? We should surely be making it as quick, simple and easy for SPT and others as possible.

**Jim Fairlie:** Patrick Harvie makes a couple of points there. He says that that approach adds nothing. Actually, it does add something—it adds

robustness to the franchising process. Clare Haughey talked earlier about whether passengers can have a say in what is happening to their services—franchising gives us that, too. In the franchising process, the final robust step is that the panel makes sure that everything has been done.

On the processes that have been carried out in England that have not worked or that were refused—the ones that I assume Mr Harvie is talking about—that was on the basis of a financial issue only. The processes did not look at the entirety of the service. The process that members agreed to in this chamber in 2019 put that robustness in place, and it is now in the primary legislation. That is why a panel is required and why we are where we are.

**Paul Sweeney:** Will Jim Fairlie give way on that point?

**Jim Fairlie:** Well, I am not going to get through all the other things that I was going to talk about, but I will take Paul Sweeney's intervention.

**The Deputy Presiding Officer:** Very briefly, please, Mr Sweeney.

**Paul Sweeney:** Does the minister recognise the concerns raised by SPT that the panel could demand the rejection of the proposal or require changes that would cause significant delay, with the latter triggering a renewed cycle of the franchising framework and assessment process? Can he at least give some reassurance about how that would be managed?

**Jim Fairlie:** I cannot give the reassurance that the panel will accept the franchise unless the people who are pulling the franchise together do it in such a robust way that it will not be rejected. There is something here about the psyche of SPT. I have met representatives of SPT on a couple of occasions and we have had this conversation. It is very well aware of the robustness that it will have to put into its process, which would give me confidence to say that it will get its franchise through, because it knows that every i has to be dotted and every t has to be crossed as a result of having the panel there in the first place.

If nobody else wants to intervene, I will continue. I have absolutely no idea where I am in my speech now. What I will say is that I very much welcome Get Glasgow Moving to the public gallery. The work that it has done has been phenomenal. I have met members of the group at least once—one unofficially and one officially.

I will try to go back to my speech. We want more people travelling by public transport for work, study and leisure, and I am encouraged that authorities across Scotland are already exploring that.

We are investing more than £2.6 billion in 2025-26 to support public transport and make the transport system affordable and more available and accessible for all. We are increasing our funding for bus services and concessionary travel from £430 million in 2024-25 to £465 million. Over the coming year, we will provide almost £50 million to support bus services, so that operators can continue to provide access to affordable transport.

The LTAs have a duty under the Transport Act 1985 to identify where there are social needs for particular services, which they can subsidise at their discretion. To help them with that, we provide funding through the general revenue grant. In 2023-24, the LTAs spent £56 million subsidising essential services.

Several members have already congratulated Get Glasgow Moving, and I add my congratulations. I met members of that group recently, and I encourage their commitment to engaging with local communities, to go back to the point that Clare Haughey made. Further, engagement with the bus services is absolutely essential. I understand that they are private companies, but they serve the public. In addition, as I have said, I have met SPT on a couple of occasions.

I am going to ditch my speech altogether, Presiding Officer.

I share the frustration of the members who are in the chamber that so much public funding is put into bus services and yet we do not have a say over when services are cut or what the routes will be, nor control over any of the other things that we would genuinely hope that a public transport provider would have. It is a deregulated market. Nonetheless, we have given powers to local authorities and there are a number of examples of where things are beginning to turn around.

I give a guarantee that, as long as I am the minister for buses, I will do everything in my power to make bus services work for the people who are trying to use them.

**The Deputy Presiding Officer:** Thank you, minister.

That concludes the debate at the end of a long week. I congratulate members on making it to the bitter end, and I wish members and staff a restful summer.

*Meeting closed at 17:50.*



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