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Meeting of the Parliament

Tuesday 7 October 2025

Session 6

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Tuesday 7 October 2025

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Scottish Parliament

Tuesday 7 October 2025

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

Time for Reflection

The Presiding Officer (Alison Johnstone): Good afternoon. Our first item of business is time for reflection, for which our leader is Ali Hussnain, co-chair of the Scottish Ahlul Bayt Society—SABS.

Ali Hussnain (Scottish Ahlul Bayt Society): Presiding Officer and members of the Scottish Parliament, as-salaamu ’alaikum—peace be upon you—and thank you for the privilege of being able to lead this time for reflection.

I am an ordinary proud Scot. By profession, I am a software technology director, but I speak as a Shia Muslim who has volunteered with SABS in local communities across the central belt for 14 years.

I want to share the driving force for our charity’s work, which is a principle from the Islamic tradition. The Noble Lady Fatima, daughter of the Prophet Muhammad, who is recognised for her commitment, more than a millennium ago, to the dignity and wellbeing of ordinary people, said that before one’s household comes one’s neighbour. All faiths share a similar principle. What is the intimation? It speaks to the observance of compassion, inviting us to spare a thought for, and extend a hand to, our neighbours, regardless of who they may be—to look beyond the walls of our own households at our neighbourhoods, which constitute 40 houses from one’s own in every direction.

I believe that some approximation of that principle drives you, as elected members of the Scottish Parliament, irrespective of your political leaning or background. It is a principle that you share with not only me but one another. I believe that you, those who came before you and those who will come after you possess a deep concern for the wellbeing of the communities and neighbourhoods that you represent. My food for thought is the conjecture that, if each and every Scot were to embody that principle, taking responsibility for the wellbeing of their many neighbours, we would flourish. Loving one’s neighbour might represent a defining value in the culture that you and I aspire to.

That matters, because our nation faces serious challenges, pressures and divisions, which are not abstractions but lived struggles—or tragedies, as we have lately seen. A neighbourly duty of care empowers us to contribute to the solution. I believe that that is our collective superpower: a compassion that invites us to co-operate to look after one another, irrespective of differences.

For instance, seek out and support the work in your neighbourhoods that makes a difference and benefits locals. The charity that I lead supports communities through, for example, distributing meals to those in need and by saving hundreds of lives annually through our Imam Hussain blood donation campaign, in partnership with the Scottish National Blood Transfusion Service—an outcome that benefits all and discriminates against none.

My take, for reflection beyond just the chamber, is that, were every Scot to care for their neighbours, they would be cared for and Scotland not only would be made resilient to the trials of today, but would rise to the opportunities of tomorrow.

[*Applause*.]

The Presiding Officer: Thank you very much indeed.

Business Motion

14:04

The Presiding Officer (Alison Johnstone): The next item of business is consideration of business motion S6M-19264, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, on changes to business.

Motion moved,

That the Parliament agrees to the following revisions to the programme of business for—

(a) Tuesday 7 October 2025—

delete	
6.00 pm	Decision Time
and insert	
6.10 pm	Decision Time
followed by	Members' Business

(b) Wednesday 8 October 2025—

after	
followed by	Ministerial Statement: Secure Accommodation – Capacity and Future of Secure
insert	
followed by	Scottish Government Debate: Climate Change (Scotland) Act 2009 (Scottish Carbon Budgets) Amendment Regulations 2025
delete	
5.40	Decision Time
and insert	
6.40 pm	Decision Time

(c) Thursday 9 October 2025—

after	
followed by	Stage 1 Debate: Right to Addiction Recovery (Scotland) Bill
insert	
followed by	Motion on Legislative Consent: Public Authorities (Fraud, Error and Recovery) Bill – UK Legislation
delete	
5.00 pm	Decision Time
and insert	
5.30 pm	Decision Time
followed by	Members' Business—[*Graeme Dey*.]

Motion agreed to.

Topical Question Time

14:04

Child Poverty Reduction (Interim and Final Targets)

1. **Martin Whitfield (South Scotland) (Lab):** To ask the Scottish Government how it plans to meet the interim and final child poverty reduction targets, in light of the Joseph Rowntree Foundation's finding in its report, "Poverty in Scotland 2025", that current levels remain largely unchanged since 2021. (S6T-02704)

The Cabinet Secretary for Social Justice (Shirley-Anne Somerville): One child in poverty in Scotland is one too many, and we need to work together across this Parliament and, indeed, all Parliaments to deliver the change that is needed. Our action is making a real difference to families. On average, households with children that are in the poorest 10 per cent of households are estimated to be £2,600 a year better off in 2025-26 as a result of Scottish Government policies. Although the Joseph Rowntree Foundation predicts that child poverty will rise elsewhere in the United Kingdom by 2029, it highlights that policies such as our Scottish child payment and our commitment to mitigate the two-child limit are

"behind Scotland bucking the trend".

Martin Whitfield: The report shows that relative child poverty remains at 23 per cent, virtually unchanged since 2021, and that, worryingly, three quarters of children in poverty are in households where someone is in work. The report highlights that well-paid, secure work is a key guard against poverty and that, in order to get more families into work, we need a focus on childcare. According to research from Pregnant Then Screwed, 41 per cent of families have had to use their savings or take out loans to afford childcare. Why is the Scottish National Party's childcare policy putting families into debt and keeping them mired in poverty?

Shirley-Anne Somerville: I recognise the fact that we have a lot of in-work poverty in the UK as a whole, and we recognise that one way to assist parents is to assist them into sustainable employment and to support them to increase their income once they get into a job. That is why we have parental employability support, which has been broadened to include parents in low-income employment and is enabling more parents to access person-centred employability support.

When it comes to childcare, members in the chamber will be well aware that the Scottish Government's annual investment of around £1 billion in the delivery of the 1,140 hours of funded

early learning and childcare is providing vital support and that that offer would cost families more than £6,000 per eligible child per year if they had to pay for it themselves. We are working with local authorities to reach younger children by maximising the take-up of the ELC offer for eligible two-year-olds.

Martin Whitfield: I am grateful for that answer, but 41 per cent of families are still dipping into their savings. The cabinet secretary spoke about employability support, which is a crucial measure and is, of course, devolved to the SNP Government, although it has been repeatedly cut. What specific action is the Scottish Government taking to expand employability support for the nearly 40 per cent of households in which someone is disabled that are in poverty?

Shirley-Anne Somerville: I am sure that the member would also want to point out that the main responsibility for many of the employability schemes lies with the UK Government through the Department for Work and Pensions and its Jobcentre Plus centres, and it would be fair to say that the success of those has been mixed.

The member talks about what is happening for those in a household with a disabled person. That is why, just a matter of weeks ago, I was delighted to announce that there will be further funding from the Scottish Government to ensure that particular support for those with a disability or a long-term condition is available right across the country. I hope that the member will welcome that. That is, once again, a case of the Scottish Government stepping in where the UK Government has, as yet, failed to deliver.

Marie McNair (Clydebank and Milngavie) (SNP): The evidence is clear that cruel Tory policies such as the two-child cap, which is now Labour policy, are increasing poverty and hardship in Scotland and across the rest of the UK. Despite these challenging circumstances, Scotland is the only part of the UK where levels of child poverty are falling. How is the Scottish Government planning to mitigate the two-child cap policy, and what pressure is being put on the UK Government to follow suit?

Shirley-Anne Somerville: I thank Marie McNair for that question on a rather obvious part of what could be done to assist families with children in poverty, which Mr Whitfield seemed to forget about. Let me point again to another area where the Scottish Government is stepping up because the UK Government is failing to deliver, which is in mitigating the two-child cap. That is happening alongside our mitigation of the bedroom tax and our mitigation of the benefit cap.

That support, which we are proud to deliver, is open for applications from 2 March 2026 and will help children across Scotland. Once again, the Scottish Government is delivering where the UK Government has not.

Alexander Stewart (Mid Scotland and Fife) (Con): The Joseph Rowntree Foundation's report also shows that in-work poverty has increased in Scotland, with more than 60 per cent of people in poverty being in a household where one or more people are in work. Is the cabinet secretary at all concerned that higher income tax in Scotland is pushing households into poverty?

Shirley-Anne Somerville: The member will be well aware that the Scottish Government's income tax policies ensure that the majority of people in Scotland pay less tax than they would pay elsewhere in the United Kingdom. Our progressive tax policy has allowed more than £1.5 billion-worth of additional investment in our public services. If the member wishes to see that progressive tax system change, he will have to suggest where else that £1.5 billion would come from. It includes great investment to support low-income families and others through the current cost of living crisis.

Storm Amy

2. **Jackie Dunbar (Aberdeen Donside) (SNP):** To ask the Scottish Government whether it will provide an update regarding its response to storm Amy. (S6T-02709)

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): The Met Office issued two amber weather warnings—including a high-impact warning—for storm Amy, which caused power outage to more than 117,500 customers and issues across the transport network. The Scottish Government resilience room was activated at 3 pm on Friday and it worked in partnership with the front-line agencies that led on the response and recovery from storm Amy's impacts and that provided support to all those who were affected.

More than 107,600 customers had been reconnected by Monday morning, with more than 115,700 reconnected by today. Engineers are working hard to reconnect the approximately 1,800 customers who are without power, and it is expected that the vast majority of customers' power will be restored by Wednesday evening. Communities continue to be supported with a range of welfare vans and food facilities. I thank everyone who has played and continues to play their part in getting services back up and running and supporting their local communities.

Jackie Dunbar: At a time of ever-changing weather patterns, which can bring more storms to Scotland, what can the Scottish Government do to provide more information to folk so that they can

be more resilient and ready for extreme weather events?

Angela Constance: Climate change is increasing the frequency and severity of extreme weather, and it is vital that people across Scotland are supported to act both to stay safe during incidents and to build long-term resilience. The ready.scot website and social media channels offer practical advice on preparing for impacts such as travel disruption, power loss and isolation. Those resources are continuously revised to reach a wider audience, and we will work with partners across all sectors to amplify their reach.

There is also the Adaptation Scotland programme, which provides free advice for communities, households and small businesses. I encourage people who are most at risk from climate change to view the new resources on the adaptation.scot website, which can help them to plan ahead and take early action.

Together, those efforts are supporting a step change in climate resilience across Scotland.

Jackie Dunbar: Many services are involved in welfare checks, the provision of food and reconnecting services, often in continuing bad weather. Will the cabinet secretary join me in expressing our gratitude not only to those who are going above and beyond in our recognised services but to our unsung heroes who are volunteering in our local communities?

Angela Constance: On behalf of the Scottish Government, I extend heartfelt thanks to all local authorities, emergency services, volunteers and utility providers who have worked tirelessly to support individuals, communities and households during storm Amy. Their swift action, compassion and resilience made a profound difference, helping communities to return to normal as quickly as possible and supporting people in communities who needed it most—from restoring power in very challenging conditions to checking on vulnerable residents and ensuring public safety. The Scottish Government and, I am sure, everybody in Parliament, is grateful for their hard work, professionalism and community spirit.

Jamie Halcro Johnston (Highlands and Islands) (Con): Three days after storm Amy, nearly 2,000 properties remain disconnected, many of them in the Great Glen, the Fort William area and the Ardnamurchan peninsula in my region. Other homes across the region were impacted, and many will have been left relying on direct-emission secondary heating systems, such as wood stoves.

Having blocked my amendments to the Housing (Scotland) Bill last week, will the Scottish Government finally recognise the vital role that wood stoves play in remote, rural and island communities, in building the long-term resilience that the cabinet secretary talked about and in keeping families warm during power outages, especially given that the SNP's Minister for Agriculture and Connectivity, Jim Fairlie, is clearly an advocate for them?

Angela Constance: Mr Halcro Johnston is right to point out that the Ardnamurchan peninsula is the largest area where customers are still off supply, and that other people, scattered around the country, are also affected. It is extremely difficult and quite punitive to be facing a multiday power outage. That is why Scottish and Southern Electricity Networks is continuing to work throughout today and tomorrow. It has 30 engineers working to fix those faults and will do so as quickly as possible.

I assure Mr Halcro Johnston that the issue of long-term resilience is a cross-Government endeavour. My understanding is that, although his specific amendment was not supported by the Government in the Housing (Scotland) Bill, action in and around wood stoves has been taken elsewhere.

Beatrice Wishart (Shetland Islands) (LD): Storm Amy saw communications go down in Shetland for the second time in three months. There have been power cuts and telecommunications issues at Sumburgh airport, which cancelled all commercial flights on Sunday and Monday morning, and broadband provision for many dropped completely after a fault occurred on the Shetland-Faroes cable—SHEFA-2—between Orkney and Shetland. As yet, there is no confirmed estimated time for repair of the cable.

What engagement has the Scottish Government had with communications providers and NATS about this significant disruption, and how will it work with them to improve island resilience?

Angela Constance: Ms Wishart is quite correct to raise the importance of island resilience. Our island communities, by their very nature, are often more resilient than households, such as mine, that reside in the central belt. Nonetheless, given the geographical isolation of our island communities, we all need to work harder across Scotland to ensure that that resilience response is spread out.

I am certainly aware of the difficulties that have been experienced in Beatrice Wishart's constituency over the weekend and I reassure her that, whether it is ministers or SGoRR officials, we are reaching out to every local resilience partnership on an entire range of issues. I will get a further update to her on the important matter of telecommunications in her constituency.

Fergus Ewing (Inverness and Nairn) (Ind): On Sunday, I contacted SSEN on behalf of constituents who had lost power. I thank SSEN for

its exemplary and swift response in restoring power and the work that hundreds of operatives have done.

In a conference call yesterday with SSEN senior executives, they explained that the use of drones enables them to check out where the faults lie much more quickly now than in the old days of manual checking. Will the cabinet secretary explore with the resilience team how to work with SSEN and Scottish Power on the best use of drones to further speed up the process of reconnection? Does the cabinet secretary agree that drones, at least airborne ones, are quite useful?

Angela Constance: Yes, indeed—Mr Ewing makes a constructive point about the use of technology, which can get a quicker and better result for those whom we seek to serve and can be safer for front-line staff. I will pursue the point that he raises.

Business Motion

14:19

The Presiding Officer (Alison Johnstone): The next item of business is consideration of business motion S6M-19228, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out a timetable for stage 3 consideration of the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill. I ask any member who wishes to speak to the motion to press their request-to-speak button.

Motion moved,

That the Parliament agrees that, during stage 3 of the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limits indicated, those time limits being calculated from when the stage begins and excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended or otherwise not in progress:

Groups 1 to 2: 50 minutes

Groups 3 to 4: 1 hour 30 minutes

Groups 5 to 8: 2 hours 15 minutes

Groups 9 to 11: 2 hours 45 minutes.—[*Graeme Dey*]

Motion agreed to.

Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill: Stage 3

14:20

The Presiding Officer (Alison Johnstone): The next item of business is stage 3 proceedings on the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill. In dealing with the amendments, members should have the bill as amended at stage 2—that is, Scottish Parliament bill 52A—the marshalled list and the groupings of amendments. The division bell will sound and proceedings will be suspended for around five minutes for the first division of stage 3. The period of voting for the first division will be 30 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate. Members who wish to speak in the debate on a group of amendments should press their request-to-speak buttons or enter "RTS" in the chat as soon as possible after the group has been called.

Members should now refer to the marshalled list of amendments.

Section 2—Virtual attendance at court

The Presiding Officer: Group 1 is on virtual attendance. Amendment 58, in the name of Pauline McNeill, is grouped with amendments 59, 2, 60 and 1.

Pauline McNeill (Glasgow) (Lab): I will speak to amendments 58, 59, 2 and 60 on virtual attendance. Amendment 58 would insert:

"(a) an official appointed by the court will be in attendance with the person who is to attend by electronic means,

(b) it is satisfied that the electronic means is of sufficient speed and quality to enable the person to both see and hear all of the other parties, the judge and (where applicable) the jury and any witness who is giving evidence".

At stage 2, the cabinet secretary said that having a court official in attendance

"would place an unsustainable burden on court officers"—[*Official Report, Criminal Justice Committee,* 11 June 2025; c 17.]

and would come with an unsustainable and "unquantifiable" cost. Therefore, I revised my amendment to say

"an official appointed by the court".

Witnesses raised the point that giving evidence virtually should be equivalent to giving evidence in a courtroom. At stage 1, the sheriffs principal told us that

"virtual hearings are heavily dependent on the adequate resourcing of technology and infrastructure."

The Faculty of Advocates told the Criminal Justice Committee that

"These undoubted and important benefits do come at a cost to the justice system... Valuable court time is regularly lost due to delays in establishing remote links and re-establishing failed remote links."

I also welcome amendment 2, in the name of the cabinet secretary, which relates to—

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): Will the member give way?

Pauline McNeill: Yes, give me a minute. Amendment 2 will insert:

"including what requirements must be satisfied by the location from which the person is to appear".

Before I allow the cabinet secretary to intervene, I will say that I am clear about the importance of virtual attendance. I will not move—

Audrey Nicoll: *[Made a request to intervene.]*

Pauline McNeill: Oh, I thought it was the cabinet secretary who asked me to give way, but it was Audrey Nicoll—sorry. Let me just finish my point. I am fully supportive of virtual attendance but I just want to make sure that this important issue is raised, because I have witnessed cases in which there have been very poor connections to the point that we could not identify the accused. I know that that is in hand, but it is an important issue to raise at stage 3, even though it was not part of the conversation and debate prior to that.

I give way to the convener of the Criminal Justice Committee, Audrey Nicoll.

Audrey Nicoll: I note the rest of Pauline McNeill's speech following my request to intervene. I will simply point out that, with regard to amendment 58, I was not clear under what circumstances the court would require an official to be present at a virtual hearing—that is, with a witness or an accused. I am aware that, as the member says, a significant amount of work was done by the Scottish Government on that particular point following stage 2. I hope that some of that has been clarified.

Pauline McNeill: I thank the member for that helpful intervention, which touches on the crux of the matter. We want to ensure that, when people give evidence virtually, they do so in circumstances that are similar to the circumstances in which people give evidence in court. I imagine that, to give the oath virtually, they would do the same thing that they would do in court.

My reason for initially pursuing the attendance of a court official—amendment 58 now calls for an official "appointed by the court"—was to ensure

that someone checks that no one is in the room with the person who is giving evidence virtually. I am sure that the cabinet secretary will speak to that, because there should be no one in the room who might influence someone who is giving evidence. I was not sure how that would be done in relation to evidence that is given virtually, although I am aware that Victim Support Scotland has excellent suites where people can give evidence by commission.

I suppose that my not being a practitioner means that I am unfamiliar with how that could be done to everyone's satisfaction and in a way that meant that evidence that was given virtually would have the same level of solemnity as evidence that was given in court. We want evidence that is given by witnesses virtually to have the same value as evidence that is given by a witness in court—they might not want to give it otherwise. That is why I wanted to air the issue.

I move amendment 58.

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): I start with Ms McNeill's amendment 59, which, I am pleased to say, I can support. It appropriately addresses any concerns about how the Lord Justice General exercises their determination-making power to disapply requirements for physical attendance. It is right that the rationale for those determinations is readily available and understood.

Although I understand why Ms McNeill has raised the issues at stage 2 and stage 3 that she referenced in her amendments 58 and 60, I cannot support them, as they would be a backward step and would place unnecessary burdens on the court.

The bill provides for virtual attendance in criminal proceedings by making permanent the legislative underpinning that has been in place since 2020. The provision has been used by courts to allow hundreds of police officers and other professional witnesses to give evidence remotely, instead of having to travel across the country to attend court in person, sometimes over several days. The time and resource that have been saved underscore the importance of that provision.

Members will know that remote attendance was not a new concept brought in by the emergency coronavirus legislation in 2020, as forms of virtual attendance at court had been commonplace for decades.

Ms McNeill's amendment 58 would require an official appointed by the court to be in attendance with every person attending a trial virtually, and it is wholly unworkable in practice.

Martin Whitfield (South Scotland) (Lab): Does the cabinet secretary envisage limiting remote evidence, in effect, to professional witnesses and police officers, where there is an assurance that there will not be interference in the evidence, if it is given remotely?

Angela Constance: Right now, virtual attendance is mostly used by professional witnesses—police officers, doctors and so on—and it is quite often done from their place of work, by which I mean the place where they work every day in a professional environment.

In terms of vulnerable witnesses, where there is the opportunity either to have special measures or to give evidence remotely, there are evidence-by-commissioner suites, in which the Government has invested money, and a court official is present at those facilities. Ms McNeill mentioned the great facilities that Victim Support Scotland has in Edinburgh, and for children, we have the bairns' hoose.

As I said, Ms McNeill's amendment 58 would require an official appointed by the court to be in attendance with every person attending a trial virtually. My concern is that that would be unworkable.

Pauline McNeill: It is helpful to clarify that, when such Government-funded suites or those of Victim Support Scotland are used, we already have in place satisfactory arrangements. However, given that the bill would give the Lord President a permanent power to allow virtual evidence to be given, I just wondered who would check—if people were not giving evidence in those suites—that no one else was in the room and that everything was as it should be. That was my motivation in lodging the amendment. I do not know whether the cabinet secretary can answer that, but it would be helpful to know that before we close the matter.

14:30

Angela Constance: I am not aware of a requirement to have someone on site with professional witnesses such as doctors, police officers and other experts. I would have the utmost confidence in police officers being able to give evidence to courts remotely. The Scottish Courts and Tribunals Service's evidence-by-commissioner suites are overseen by the court service.

It is worth reminding members that the default mode of attendance is physical. There has only ever been one determination issued by the Lord Justice General, in September 2022, specifying types of hearings in which the default mode of attendance is virtual. Those are preliminary hearings, which tend to be quite short; sentencing hearings in which the person is detained; full-

committal hearings in sheriff courts, when the person is detained; and bail appeal hearings. A determination was also issued that people who were suspected of having Covid would be advised to self-isolate and to attend virtually. Overall, virtual attendance has been determined for shorter, more procedural hearings.

The default position is that people attend court in person, in particular for hearings in which evidence is being led and for trials. In those cases, the expectation is that people attend court in person unless the person is a vulnerable witness and has had opportunities to give pre-recorded evidence.

Going back to the specifics of amendment 58, it would, in my view, place an unsustainable burden on the courts to require them to appoint those officials. The significant costs and demands on resources that that would bring would mean that virtual attendance would become essentially impracticable, and we would lose all the benefits that it currently provides.

As I said at stage 2 when an almost identical amendment was debated, virtual attendance provisions have been very effectively used to allow police and professional witnesses to give evidence remotely in High Court cases, often from their workplaces. It would be wholly inappropriate to require officials who are appointed by the court to attend at those locations with such witnesses.

On the amendment's requirement for the court to be

"satisfied that the electronic means"

of virtual attendance

"is of sufficient speed and quality",

it is not clear how the court could be meaningfully satisfied in each case, given the volume of witnesses attending from different locations. It would be entirely impractical and problematic to place an obligation on the court to be satisfied as to the minimum technical requirements before the witness can give evidence remotely.

In addition, these amendments are not future proofed, which means that, as technology expands and improves in the years to come, courts would still be required to check on the speed and quality of internet connections.

Ms McNeill's amendment 60 relates to information contained within the court's direction that sets out how a person is to attend proceedings virtually. The amendment would require individual directions, in every single case, to contain technical specifications that are, on the whole, outwith the general expertise and role of sheriffs and High Court judges. I am sure that court users and, indeed, MSPs would not expect judges to routinely spend their time setting out minimum broadband speeds in open court.

Therefore I do not support amendments 58 and 60, which would do nothing to improve the practice of virtual attendance or the experience of court users. However, to provide reassurance, I point out that the bill already provides that, if a direction is being given on virtual attendance, it must require the witnesses to use means that enable all the other parties, the judge and, where applicable, the jury, to see and hear the witness. It is not necessary to place an additional burden for technical specifications over and above that.

In addition, my amendment 2 will require a court, when issuing a direction detailing how a person is to attend virtually, to set out

"what requirements must be satisfied by the location from which the person is to appear".

The purpose of the amendment is to enable the court to set parameters around what makes a location suitable for virtual attendance. That would guarantee that the provision can continue to afford flexibility to police and professional witnesses while ensuring that remote evidence continues to be delivered in a way that is consistent with the solemnity and integrity of court proceedings.

Amendment 2 would enable a court to issue standard requirements in every direction—for instance, those could state that a person must attend in a private place with minimal distractions, using a stable internet connection. I believe that that approach better meets the concerns of members than requiring rigidity in locations or technical requirements.

I am pleased to have been able to work with Liam Kerr on amendment 1, which relates to reporting on the use of virtual attendance in court proceedings. The report will provide important evidence on the effectiveness of the provision in delivering benefits to all users in the justice system.

I ask members to support amendments 1, 2 and 59 and to oppose amendments 58 and 60.

Liam Kerr (North East Scotland) (Con): At stage 2, I lodged an amendment that would have required the Scottish Government to publish a report on the use of virtual attendance in court proceedings. Although the provisions for virtual attendance have been in place for years, there is a dearth of data about their operation. Publishing such a report could allow stakeholders to better understand the extent to which virtual attendance is delivering greater efficiency and effectiveness. At stage 2, I conceded during the debate that the amendment that I had lodged was not quite right as drafted, so I did not press it.

Amendment 1 is the new and improved request for such a report. I put it on record early that I am grateful to the Government for working with me on what has now become a handout amendment. If agreed to, amendment 1 would place a requirement on the Scottish ministers to undertake a review of the way in which the virtual attendance provisions in new sections 303G to 303M of the Criminal Procedure (Scotland) Act 1995, as inserted by section 2 of the bill, operate over the two years after section 2 comes into force.

When undertaking that review, Scottish ministers will be required to consult stakeholders such as the chief constable, the Law Society of Scotland—I remind members that I am a current member of the society and a practising solicitor—and the Faculty of Advocates. That is to say that the views of those who will use the provision the most will be considered and included as part of the review. The amendment requires that,

"as soon as reasonably practicable"

after the review has been completed, Scottish ministers must prepare a report on the review, publish it and lay a copy before the Scottish Parliament. The amendment is a positive step that will assist all stakeholders, so I will be pleased to move it.

As for the other amendments in the group, I find myself persuaded by Pauline McNeill's amendment 59 and the cabinet secretary's amendment 2. Both are useful, and the Scottish Conservatives will vote for them. However, I am unpersuaded by Pauline McNeill's amendments 58 and 60.

I have significant concerns, which I shall describe later, about the burden—particularly the financial burden—that we as a Parliament are placing on what is an already stretched justice system. The cabinet secretary's concerns about amendments 58 and 60 are well founded; thus, if they are pressed, I will not vote for them.

Pauline McNeill: I reassure the cabinet secretary and Liam Kerr that I do not intend to press amendment 58 or move amendment 60. I just felt that we needed to flush out some of the issues. The Government and Liam Kerr have raised some of those issues, which is really helpful. The Government's amendment 2 will achieve what I was trying to achieve, so I will be delighted to support it.

I am also pleased that the Government will support amendment 59, which states that the Lord President must set out the rationale for using the power. I welcome what the cabinet secretary said earlier about its use, because that is the important part to debate. The default will be physical attendance, but we need flexibility to allow vulnerable witnesses and people who are ill to attend the court virtually, and we know that that process works. All that I am ensuring is that we as legislators—we are not practitioners—close every possible gap.

The cabinet secretary was right to say that it is quite hard to consider who would test whether a connection was good enough. However, as I have said many times, I have sat through a custody court session in which the sheriff literally asked me to come to chambers and told me, "Look, this is what I have got to put up with. It is just an appalling quality." That is where I am coming from.

I am reassured that the Scottish Courts and Tribunals Service has said that the technology is a work in progress, but we have to ensure as a Parliament that we reach a point at which it is satisfactory. It is capable of being so, but we need to ensure that it works regularly on that basis.

I intend to move amendment 59, but I will withdraw amendment 58, and I will not move amendment 60.

Amendment 58, by agreement, withdrawn.

Amendment 59 moved—[Pauline McNeill]—and agreed to.

Amendment 2 moved—[Angela Constance]—and agreed to.

Amendment 60 not moved.

After section 2

Amendment 1 moved—[Liam Kerr]—and agreed to.

Section 4—Digital productions

The Presiding Officer: Group 2 is on digital productions. Amendment 61, in the name of Pauline McNeill, is grouped with amendments 62, 63 and 3.

Pauline McNeill: Amendment 61 says:

"Where an image of physical evidence is to be treated in criminal proceedings as if it were the physical evidence itself, either party in the proceedings may request that the physical item be produced in court."

It also says:

"Where a request is made under subsection (1ZA) before or during the trial, the physical item must be produced in court."

Amendment 62 says:

"Notwithstanding any direction made under this section, where either party in the proceedings requests for the physical evidence to be produced in court, the request must be granted."

First, I will say what I am trying to achieve. At stages 1 and 2, there was quite a bit of debate about digital productions. I totally support the

principle behind digital productions because, in many cases, there is no requirement to have a physical item in court. A lot of time, money and space could be saved, so I am in favour of digital productions.

However, before we close on the issue, I want to ensure that we retain the status quo to some degree. Under the status quo, there are cases—I do not know how many—in which producing the physical item in court for the jury to see could be really important. The way that the bill is structured does not prevent that. Parties would be required to say in advance that they wanted the item to be produced in court. If they did not do that within the time limit, they could go to the court and ask the judge whether the item could be submitted to the court.

Amendments 61 and 62 seek to ensure that either party can ask for the physical evidence to be produced. What the issue boils down to is that I do not want there to be a time bar, because we already operate on the principle that the item will be produced in court. There is a minor issue, which is that it is possible that the court could say no. You might think, "Why would the judge ever say no, you can't have the item in court"?

I also had the chance to talk to the Law Society, members of the Faculty of Advocates and practitioners. They seem pretty satisfied; I suppose that they are just looking for an assurance that the Government will continue to discuss with them the guidance and how it will operate in practice.

14:45

At stage 2, the cabinet secretary said that

"there is an existing common-law right for the defence to examine any physical item whose condition is critical to the case against the accused, even when it will not be produced at trial."—[*Official Report, Criminal Justice Committee,* 11 June 2025; c 26.]

I found that reassuring, but I thought that, in the interests of justice, we should tease out whether we have got that right. In the past, I have used the example of a case in which a replica gun was produced in evidence. I have not witnessed this myself, but, as those who have seen one will understand, it would be really important that the jury was able to see that a replica gun looks like a real gun, because that is obviously a criminal matter.

Therefore, there are clearly cases in which it would be beneficial for the jury to actually see the item and it is possible to produce the item. It would make sense to have some sort of tick-box exercise in advance of the trial that would serve as a prompt to ensure that, if the physical item is required, it can be produced. I do not intend to press my amendment, but I wanted to ensure that we properly examined the matter.

Audrey Nicoll: I hear what the member is saying; I simply want to point out the significant implications that the proposed provision would have for Police Scotland. The member might recall that Police Scotland communicated that to the committee some time ago. However, given that it has a significant role in the management of productions once they have been taken possession of, I simply want to flag the significant burden that her amendment would place on Police Scotland.

Pauline McNeill: The provision in question relates to the retention of evidence. Again, my motivation was to maintain the status quo. I am not trying to put any more responsibility or burden on the police to retain any evidence that they do not already retain. Given that we are not practitioners, we must examine the matter and ensure that there will be no loss to the justice process as a result of destroying or not storing evidence. In some cases, the justice process is long.

I assure Audrey Nicoll and Police Scotland that I do not intend to move amendment 63, but we should be absolutely clear, before we pass the bill, about the important difference between producing an item and storing it, and that there will be no loss to the interests of justice as a result of passing the bill.

I move amendment 61.

The Presiding Officer: I call the cabinet secretary to speak to amendment 3 and the other amendments in the group.

Angela Constance: The bill aims to increase the use of modern technology in our courts through a number of measures, including permitting the use of images in lieu of physical productions. As we have heard, such practices are already happening. However, not only would such opportunities for modernisation be lost if Ms McNeill's amendments were agreed to, but their effect would represent a step backwards in how evidence is retained—although I note Ms McNeill's remarks about her intentions, and I acknowledge that it is important that each and every matter is discussed and debated to members' satisfaction.

On the specifics, Ms McNeill's amendment 61 would undo stage 2 amendments that were unanimously agreed to by the committee and which set out the process and timescale by which parties can apply to the court for a direction providing that an image cannot be used in place of physical evidence. That process gives the court the power to determine whether using the image in lieu of physical evidence would prejudice the fairness of the proceedings. Amendment 61 seeks

to replace that process with an oversimplified mechanism that would give parties an unqualified right to have items produced when they request it, with no role for the court in deciding whether that was necessary to avoid prejudicing the fairness of the proceedings.

Amendment 62 would mean that the court would be required to grant every request for physical evidence to be produced at any point before or during the trial, thereby removing any judicial discretion to consider what is fair. Compelling the court to grant every request in every circumstance would, ultimately, favour the use of physical productions instead of images. If the party leading the evidence is concerned that the other party could unilaterally require a physical item to be produced without any court consideration, they might simply choose not to use images in lieu of productions to begin with. The use of physical productions would therefore remain the default.

Amendments 61 and 62 would therefore defeat the purpose of the bill, which is to support the greater use of digital productions. The bill already ensures that parties can request for physical productions to be used, and such productions will have to be produced when the court issues a direction.

Ms McNeill's amendment 63 is similar to amendments that were lodged at stage 2, and I will reiterate the points that I made then. Prosecutors have always been able to determine which productions need to be retained and for how long. Fundamentally different factors need to be taken into account in relation to, for example, marijuana plants in drug offences, personal items belonging to victims and witnesses, and alleged murder weapons. The bill will not alter the nature of those operational decisions. However, my major concern with amendment 63 is that, when images are used, physical evidence would need to be retained for much longer than if it had been used as the production itself.

It is already common practice for some evidence to be returned or destroyed prior to the conclusion of a trial, and if amendment 63 was agreed to, that could no longer happen, which would be unworkable and expensive for justice partners, who would have to store items for longer. The amendment also represents a regressive approach to retention that is not necessary and would be to the detriment of victims, their families and witnesses.

For example, when a vehicle is involved in an accident and a photograph is taken of the damage for use at trial, amendment 63 would mean the vehicle would need to be retained. Under Ms McNeill's proposals, hazardous substances that, at the moment, can be destroyed would also need to be retained, even when no objection has been made to the use of images.

When evidence is the property of victims or witnesses, the items can be returned and a label or image can be used in their place during proceedings. If amendment 63 was agreed to, the victim's property would not be returned until a considerable time after the trial had concluded. That could include personal items that are of value in sentiment and cost, or items that a victim has to do without for more time than is necessary. Such distress could just be avoided. More harrowingly, victims' remains would also need to be kept and not returned to families.

In her role as head of prosecutions, the Lord Advocate is uniquely placed to comment on the implications of the proposal for her staff and the wider system. The Lord Advocate shared her views in recent correspondence with me, which she has allowed me to quote from. She wrote:

> "any amendment which required the retention of physical productions to the stage of appeal would be catastrophic in terms of resourcing impact across the system ... Further, it would have the potential to lead to significant unintended consequences in relation to the return of property to its owner. In particular, I am concerned about the potential for an accused to manipulate the system to perpetuate control over a victim's property. In the context of domestic abuse and sexual offending, property can include intimate images and recordings where retention may be deeply distressing to victims."

Police Scotland has also written to the convener of the Criminal Justice Committee to highlight the impact that amendment 63 would have on operations and the significant issues that it would create for its estate and its capacity to store physical evidence.

At stage 2, however, I recognised that members of the Criminal Justice Committee expressed a desire for the bill to be clear about the impact of the provision on the use and retention of physical evidence. My amendment 3 responds to that. It will require the Lord Advocate to prepare and publish guidance setting out factors that prosecutors will take into account when deciding whether to use images in place of physical evidence and the approach of prosecutors to the physical evidence itself when such images are used.

Amendment 3 has the support of Police Scotland, which manages a large quantity of physical productions. It will continue to work with the Crown Office and Procurator Fiscal Service to agree operational approaches to the retention of physical evidence.

I urge Parliament to support my amendment and to oppose those of Ms McNeill.

The Presiding Officer: I invite Pauline McNeill to wind up and to press or withdraw amendment 61.

Pauline McNeill: I have nothing further to add, other than to say that I seek to withdraw amendment 61.

Amendment 61, by agreement, withdrawn.

Amendments 62 and 63 not moved.

Amendment 3 moved—[Angela Constance]—and agreed to.

Section 7—National jurisdiction for custody cases in sheriff courts and JP courts

The Presiding Officer: Group 3 is on national jurisdiction. Amendment 4, in the name of the cabinet secretary, is grouped with amendments 5 to 8, 64 and 65.

Angela Constance: I will start with my own amendments in this group. The Criminal Justice Committee has given careful scrutiny to the provisions of the bill concerning national custody jurisdiction. The committee's views were instrumental in further refinement through stage 2 amendments to make the end point of national jurisdiction clearer in the bill, underlining that trials cannot be heard under national jurisdiction.

Following stage 2, justice partners raised a further issue around the capacity of the provisions to support the courts' resilience when dealing with time-critical solemn custody appearances in emergency situations, as prompted by the experience of the courts during the disruption caused by storm Éowyn.

When an accused person has first appeared on petition from custody and, after being committed for further examination, has been remanded in custody by the court, the rules require that the accused must again appear in court within eight days for what is commonly known as the full committal hearing. It is at that hearing that the court can be asked to authorise the accused's continued remand while prosecutors take the necessary time to prepare and serve an indictment on which the accused may ultimately face trial.

Under existing provisions, if the accused's first appearance was heard by the court in the sheriffdom in which the offence is alleged to have occurred, the accused must also appear at that court for their full committal hearing. Alternatively, if the accused's first appearance was in a court sitting with national jurisdiction, the accused's full committal can be heard either under national jurisdiction or by the local court.

During storm Éowyn, several courts were closed because of red weather warnings. When making arrangements to have essential business dealt with by courts that remained open, justice partners were limited in how they could use the national jurisdiction provisions where the initial appearance on petition was not also heard under national jurisdiction. There was therefore a constraint on the ability of courts outwith red weather warning areas to assist with time-critical custody appearances at courts within red weather warning areas.

I have therefore lodged amendments 4 to 8, which seek to address the issue by outlining a very narrow set of circumstances where an accused who is committed for further examination under local jurisdiction can have their next hearing take place under national jurisdiction. Those circumstances are where the court that heard the initial appearance is closed because of an emergency or special circumstances, such as adverse weather events like Storm Éowyn. I stress that the provision is restricted to proceedings on petition, so it will not allow hearings on indictment, such as first diets or trial hearings, to take place at a court with national jurisdiction.

I do not support Katy Clark's amendments 64 and 65, because they are unnecessary. The proposals in the bill on national jurisdiction have been consulted on and scrutinised by the Parliament, not just through the bill but through the passage of the temporary coronavirus legislation and subsequent extension regulations.

15:00

Sheriffs have not raised any issues regarding access to sufficient information in allowing national jurisdiction to operate effectively over the past five years in which it has been operating. If background or other reports are required by the sheriff in order to deal with a case, the sheriff will request those. Alternatively, if, for whatever reason, the sheriff feels that it is required, they can return the case to the local court for whatever further proceedings or consideration they deem necessary.

I also have a concern about the references in the amendments to the sheriff requesting information from the court where the accused resides. That court would not necessarily be the local court that would have jurisdiction over any complaint or indictment—jurisdiction follows the locus of the offence, not the residence of the accused—so the information would not be available. As such, if the information sought by the sheriff concerned the accused's previous offending or was about whether there was a particular problem in a localised area, the amendments would not be guaranteed to assist, as the local court where the offending was alleged to have occurred might not be in the sheriffdom where the accused lives.

However, to come back to where I started, I note that all that information is already available to sheriffs through material that they have or existing avenues that they can access. Therefore, the addition of the provisions would only add unnecessary confusion to an established process that is working in practice.

The purpose of national jurisdiction, which has been working well for five years, is to ensure that custody hearings can be dealt with swiftly. I strengthened provision at stage 2 to address concerns over the ability of courts sitting with national jurisdiction to sentence in summary cases following an accused's failure to appear after trial.

National jurisdiction does not undermine the principle of local justice, which is an important part of our justice system. It enhances the existing framework for dealing with custody hearings, and it remains the case that national jurisdiction cannot extend to trial hearings. I ask members to support my amendments, which provide a proportionate solution to a practical issue raised by justice agencies, and to reject other amendments in the group, which are unnecessary.

I move amendment 4.

The Deputy Presiding Officer (Liam McArthur): I call Katy Clark to speak to amendment 64 and other amendments in the group.

Katy Clark (West Scotland) (Lab): I will speak to my amendments 64 and 65. The bill will allow national jurisdiction in custody cases. It will allow individuals to appear from custody away from their local area and the part of the country where the alleged offence took place. During stages 1 and 2, concerns were raised about the loss of the judge's local knowledge of a community or an accused. Those issues were raised by the Law Society of Scotland and the criminal justice committee of the Sheriffs and Summary Sheriffs Association, although I note that the cabinet secretary has indicated today that those issues have not been raised during the time that the emergency legislation has been in place.

My amendments would encourage communication with the local court in national jurisdiction cases. I do not intend to move the amendments and press them to a vote, but I have noted carefully what the cabinet secretary has said. I hope that, in the operation of the legislation, maximum communication will be encouraged to ensure that the interests of justice are served.

Amendment 4 agreed to.

Amendments 5 to 8 moved—[Angela Constance]—and agreed to.

Amendments 64 and 65 not moved.

After section 8

The Deputy Presiding Officer: That takes us to group 4, on amendment of indictment. Amendment 9, in the name of the cabinet secretary, is the only amendment in the group.

Angela Constance: Part 1 of the bill seeks to modernise and enhance practice and procedure in the criminal courts to ensure that we have a justice system that is more efficient and is responsive to current demands.

Amendment 9 builds on that purpose and introduces a new mechanism to allow prosecutors, in certain circumstances, to seek to amend indictments to add additional charges against the accused. In correspondence to the Criminal Justice Committee last week, I set out in some detail the rationale behind amendment 9 and why it would bring important benefits to victims, witnesses and the accused.

Currently, once an indictment has been served, prosecutors cannot add substantive new charges to that indictment, other than those relating to the accused's breach of bail or failure to appear at court.

However, there are other circumstances in which prosecutors might want to add further charges to an indictment after it has been served. For example, a complainer will sometimes, at a later date, disclose further offending by the accused. We know that, in abuse cases, disclosures can be staggered and delayed and that it can take complainers some time to be able to disclose the full extent of the abuse that they have suffered. Another circumstance is when additional complainers come forward after an indictment has been served. That can sometimes be triggered by awareness or publicity following the accused's first appearance on the indictment, because court proceedings on the petition prior to that stage are held in private and cannot be reported in any detail.

When such circumstances arise, prosecutors currently have two options for how to proceed. First, they could seek to desert the current indictment and serve a fresh indictment that includes new charges on the accused. That would result in the trial diet fixed for the original indictment being lost and might also require an extension of the relevant time bars. That option can cause disruption, uncertainty and delay for victims, witnesses and the accused, who may be on remand.

The second option is to allow the existing indictment to proceed to trial and conclude without disruption, then to separately indict the accused for a second trial on the additional charge. Where Moorov, the doctrine of mutual corroboration, is relied upon, that might mean that one or more of

the complainers from the first trial will have to give evidence again, the second time as a docket witness. That second trial could be a considerable time after the first and, in some circumstances, the accused might be remanded for longer. As a result, victims, witnesses and the accused would have to endure two trials, and many more months of involvement in criminal justice processes, before matters are finally concluded.

Both options would result in significant duplication of resources and effort, as well as causing considerable distress and disruption for those involved.

My amendment 9 will provide prosecutors with a third option by introducing a new procedure to allow them to amend the existing indictment by adding new charges. That will allow all the allegations against an accused to be tried together and would preserve any trial diet that has been fixed, avoiding delay for everyone involved, as long as certain conditions are met.

The first condition is that that the new charges must relate to conduct that was not known, and could not reasonably have been known, by the prosecutor at time of service of the indictment. That important safeguard ensures that the mechanism will be used only in specific circumstances and will not undermine the existing time limits that apply to prosecutors in preparing their case after an accused appears on petition.

The second condition is that the application is to be made as soon as reasonably practicable after the prosecutor becomes aware of the conduct and at least two months before the date fixed for any trial diet. That will ensure that sufficient notice is provided to the accused and is central to ensuring that, where possible, trial diets are preserved.

Liam Kerr: Amendment 9 seems eminently sensible, but concerns have been raised about a potential impact on disclosure—specifically whether, if the duty to disclose applies only from the point at which the amendment to the indictment is allowed, the defence's ability to challenge that amendment might be curtailed, as well as the preparation time for the trial being limited. How does the cabinet secretary respond to that challenge?

Angela Constance: I share the view that it is imperative to ensure that all parties, including the defence, have enough time to prepare. The purpose of the new provision is to preserve trial diets where possible, which can be done only if all parties have sufficient time to prepare. That is why we require applications to be made, ordinarily, at least two months before a trial. We have also included a further safeguard in allowing the court to grant the accused an adjournment, if that is needed.

I will not repeat my earlier remarks about the two conditions that have to be met before an application by the prosecution can be granted, but their purpose is to protect an accused's interests, including by ensuring that prosecutors act as swiftly as possible so that the defence can prepare effectively. The practical effect of the conditions is that the prosecutor will have to satisfy the court that they are met in each application, and any information that is given in support of their application or requested by the court in that regard will be available to the defence, which will be able to request further information, should that be required, in order to consider their position on the application.

I appreciate that that was a long answer in response to a question on disclosure.

The Deputy Presiding Officer: No other member has asked to speak. Do you have anything to add by way of winding up?

Angela Constance: Just a wee bit, Presiding Officer, if you will bear with me. I will pick up where I left off.

I recognise that circumstances may arise after the two-month deadline, which is why provision is made that the court may consider, on special cause shown, an application that is made after that point.

Amendment 9 further provides that, unless the application is consented to by the accused, parties will have an opportunity to make representations on it. If the court considers that the conditions are fulfilled, it must grant the application, unless it considers that there is just cause not to do so.

It is important to state that amendment 9 does not give the Crown any new ability to prosecute accused persons for offences for which it could otherwise not do so. It is about modernising the way in which the Crown is able to bring about prosecutions, through streamlining procedure and ensuring a more trauma-informed approach. It will reduce churn in the court system by preserving the trial diet and avoiding delays.

I am grateful to justice partners who have been involved in the development of amendment 9. We have engaged widely, including with the Crown Office, the Scottish Courts and Tribunals Service, the Law Society of Scotland, the Faculty of Advocates, the Scottish Solicitors Bar Association and, of course, victim support organisations. I am pleased that the amendment has broad support. I urge the Parliament to take the opportunity that the bill provides us with to advance what is a new, trauma-informed solution to an existing issue, and to support my amendment.

I move amendment 9.

The Deputy Presiding Officer: Thank you, cabinet secretary. I apologise for cutting you off.

Amendment 9 agreed to.

Section 11—Review oversight committee

The Deputy Presiding Officer: Group 5 is on part 2 reviews: bodies involved with reviews. Amendment 10, in the name of the cabinet secretary, is grouped with amendments 11, 12, 22, 23, 25, 26, 28, 30 to 33, 36, 37, 52 and 54 to 57.

Angela Constance: The amendments in this and the following groups relate to part 2 of the bill, covering domestic homicide and suicide reviews. Amendments 10 to 12 make changes to section 11(3), which lists those who can nominate individuals to be a member of the review oversight committee. They are reflective of our continued engagement to ensure that we have the correct representation on the review oversight committee for domestic homicide and suicide reviews.

15:15

Amendment 10 adds the Risk Management Authority to the list of nominating bodies, reflecting feedback from the testing of the review model. Stakeholders said that the Risk Management Authority should be included, as its focus is to reduce the risk of serious harm posed by violent and sexual offending.

Amendment 12 will remove the Scottish Social Services Council as a nominating body because we agree that it is not the right organisation to represent social work on the committee. Its regulatory focus is on social work workforce standards, rather than on supporting and improving social work policy and practice.

To ensure that no gap is created in relation to social work representation, amendment 11 adds Social Work Scotland to the list of nominating bodies. That will ensure that there is a more appropriate social work representative on the oversight committee, given Social Work Scotland's focus on supporting and improving the social work workforce, policy and practice. The inclusion has been endorsed by the Convention of Scottish Local Authorities and I consider that the amendment will strengthen the committee's ability to translate learning from reviews into improvement in social work service—something that I am sure that we can all agree on and welcome.

Amendments 30 and 31 add the Risk Management Authority and Social Work Scotland to the list in section 20(5) to extend the duty to co-operate to them. That ensures consistency and the effective operation of the review model.

As Social Work Scotland is not a public authority, further amendments are necessary. Amendments 22, 23, 25, 26, 28, 32, 33, 36 and 37 make necessary changes in recognition of the addition of Social Work Scotland. Section 20 needs to be broadened beyond applying to public authorities. The term "designated core participant" is being used to convey that the organisations to which the duty applies are all key to the successful conduct of reviews.

Amendments 54 and 55 will add the Risk Management Authority and the Scottish Social Services Council to the list in paragraph 3(1) of the schedule so that an individual may not be appointed to hold a relevant office under the review model if the individual is or, within the year preceding the date on which the appointment is to take effect, has been a member, employee or appointee of those bodies.

That approach will ensure that those taking up the role of the review oversight committee chair, deputy chair or a case review panel chair are independent—a key point raised by stakeholders in the work to develop the review model. The approach is consistent with that for the other bodies that are covered by that provision.

Similarly, amendment 56 relates to the addition of Social Work Scotland to paragraph 3 of the schedule, but in that case it is about a person having been a director rather than a member, which reflects the structure of Social Work Scotland.

The amendments follow further engagement on the criteria for appointment to an office related to the review process. They are there fundamentally to ensure that there remains no conflict of interest.

Amendments 57 and 52 introduce an enabling power that will enable the Scottish ministers to modify the criteria, where necessary and evidenced, for disqualification from appointment to a position related to the domestic homicide and suicide review model.

That power is aligned with and will complement the existing powers to vary lists of persons in sections 11(5) and 20(6). It will, for example, allow an organisation to be added to the list in the schedule to reflect that organisation also being added to the list in section 11(3) and therefore avoid a potential conflict of interests. It will also allow changes to be made if, for example, Social Work Scotland, which is a non-statutory body, changes its name.

Any regulations would be made using the negative procedure, which is in line with the powers mentioned above. The Delegated Powers and Law Reform Committee indicated that it was content with that approach at stage 2 in relation to the existing comparable powers.

I move amendment 10.

The Deputy Presiding Officer: No other member has asked to speak. Do you wish to add anything else, cabinet secretary?

Angela Constance: No, thank you.

Amendment 10 agreed to.

Amendments 11 and 12 moved—[Angela Constance]—and agreed to.

Section 14—Notification of deaths

The Deputy Presiding Officer: Group 6 is entitled, "Part 2 reviews: sift decisions (reasons and reconsiderations)". Amendment 13, in the name of the cabinet secretary, is grouped with amendments 17, 18 and 46.

Angela Constance: My amendments 18 and 13 will ensure that, in circumstances where new information is made available, the review oversight committee may reconsider a death where it had previously determined that a review would not be undertaken. Ministers would be able to do likewise where they had been asked by the committee to take the original decision. The benefits of the amendments are that they will introduce flexibility to the review process and the ability to ensure that cases can be reconsidered where further relevant information emerges after an initial decision not to hold a review. That will ensure that we put victims and their families at the very core of the review model.

The same process that is detailed in section 16 in relation to the initial determination as to whether to hold a review will apply. That means that the review oversight committee will be able to seek the Scottish ministers' advice if necessary, and the Scottish ministers will retain the power to step in and overturn a decision not to carry out a review.

In recognition of the need for transparency, ministerial oversight and ensuring that families are kept informed, amendment 17 will strengthen the documentation of decisions not to proceed to review. We have listened and learned from the process that operates in Northern Ireland. Having a clear audit trail that adequately captures the reasons for decision making is clearly important and right. It will allow for further learning in relation to any issues or gaps in training, and it could also inform enhancements to the statutory guidance.

In the same vein of transparency, amendment 46 will expand the current requirement for a periodic report to detail reasons for the sift outcome under section 16(1)(b). The amendment will ensure that the report also covers the reasons for a determination under section 16(1)(a) that the committee is satisfied that a death is not reviewable. That will apply to both initial decisions and reconsiderations.

Maggie Chapman (North East Scotland) (Green): I thank the cabinet secretary for taking my intervention. I apologise—I was waiting for an opportune moment to break her flow.

Can the cabinet secretary confirm exactly what the process is for ensuring that families are kept appropriately informed of whether a review will happen? That is, appropriately, not set out clearly in the amendments, but we all understand that it is really important to keep families up to date.

Angela Constance: I very much endorse the view that keeping families who are affected informed needs to be at the very heart of practice whether the decision is that a review will proceed or that it will not. It is important that that is covered in the statutory guidance that will be required to underpin practice and process. My officials have already begun those pivotal discussions with organisations that represent victims and families.

I move amendment 13.

The Deputy Presiding Officer: No other member is looking to participate. Do you wish to add anything, cabinet secretary?

Angela Constance: No, thank you.

Amendment 13 agreed to.

The Deputy Presiding Officer: Group 7 is entitled "Part 2 reviews: the Police Investigations and Review Commissioner as a notifying body". Amendment 14, in the name of the cabinet secretary, is grouped with amendments 15, 16, 19 to 21, 29, 48 and 53.

Angela Constance: My amendment 14 adds the Police Investigations and Review Commissioner—the PIRC—as a notifying body under section 14(5) of the bill. This will require the PIRC to notify the review oversight committee of any death of which it is aware and believes to be reviewable.

This is an important addition that responds to a direct request from the PIRC that it be included, and it also recognises the unique nature of some of the cases that the PIRC and staff deal with, which fall outside traditional notification routes.

Since the PIRC does not currently share details of those cases with Scottish ministers or the directing policing body during investigations, including the PIRC within the bill is necessary in order to ensure a clear and direct route for the deaths to be notified.

This addition is also supported by Police Scotland, which has stated that the addition will help to strengthen the review model.

The inclusion of the PIRC will trigger the need for changes elsewhere in the bill, so amendments 19 to 21, 29, 48 and 53 ensure consistency across

the bill and acknowledge the PIRC's new role as a notifying body.

These amendments require the PIRC to be a party to the protocol under section 19 and subject to the duty to co-operate under section 20. The PIRC office will also be added to the list in paragraph 3 of the schedule, so that current and recent former commissioners and employees will not be able to apply for relevant offices under the bill, thereby avoiding conflicts of interest and helping to ensure independence within the review process. Various other minor consequential adjustments are also made.

Finally, amendments 15 and 16 make changes to section 15(4) to provide that, if one notifying body revokes its notification of a death as being reviewable but another has not done so, the review process under section 16 still proceeds. That will ensure that we can account for the possibility of differing views among notifying bodies and disapply in those circumstances the current requirement that any revocation of a notification halts further consideration of the death.

I move amendment 14.

Amendment 14 agreed to.

Section 15—Review of notification

Amendments 15 and 16 moved—[Angela Constance]—and agreed to.

Section 16—Determination as to whether to hold a review

Amendment 17 moved—[Angela Constance]—and agreed to.

After section 16A

Amendment 18 moved—[Angela Constance]—and agreed to.

Section 19—Protocol in relation to interaction with criminal investigations etc

Amendments 19 to 21 moved—[Angela Constance]—and agreed to.

Section 20—Duty on public authorities to co-operate

Amendments 22 and 23 moved—[Angela Constance]—and agreed to.

The Deputy Presiding Officer: Group 8 is entitled: "Part 2 reviews: obtaining information about spent convictions". Amendment 24, in the name of the cabinet secretary, is grouped with amendments 27, 34 and 35.

Angela Constance: Following stage 2 of the bill, the Scottish Courts and Tribunals Service highlighted a barrier in relation to the sharing of information for review purposes. The issue related to review panels not being able to access information about spent convictions and alternatives to prosecution, which might be pertinent in relation to individuals involved in the abuse that led to a reviewable death.

Access to that information is important if we are to fully understand the circumstances surrounding such deaths. The case review panel needs to be able to establish the whole relevant history, which might sometimes go back many years. The absence of that information would diminish the ability to learn from the full circumstances and apply the lessons going forward. Importantly, a case review panel is not determining anybody's legal rights and liabilities, so there is no direct impact on the person convicted from that information being disclosed to a review.

Amendments 24, 27, 34 and 35 will operate in conjunction with secondary legislation that will be introduced—specifically, an affirmative order under the Rehabilitation of Offenders Act 1974. Together, these amendments will enable this information about spent convictions to be obtained under section 20, through the duty to co-operate provisions, and section 21, relating to the provision of information, notwithstanding the fact that it would not be admissible in evidence in court.

I move amendment 24.

15:30

Amendment 24 agreed to.

Amendments 25 to 33 moved—[Angela Constance]—and agreed to.

Section 21—Provision of information

Amendments 34 to 37 moved—[Angela Constance]—and agreed to.

Section 22—Reports on case reviews

The Deputy Presiding Officer: Group 9 is entitled "Part 2 reviews: case review reports (sharing and anonymisation)". Amendment 38, in the name of the cabinet secretary, is grouped with amendments 39 to 45 and 51.

Angela Constance: My amendments in this group deal with two matters that relate to case review reports. First, as part of the review process, it is important that we are able to share reports with relevant bodies in confidence, where relevant and appropriate. To ensure that that is deliverable, amendment 38 will allow the chair of the review oversight committee and the chair of a case review panel to share draft review reports—in

confidence and in accordance with the protocol that will be established under section 19—with

"any person ... whom the chair in question considers it appropriate"

in order to check the accuracy of such reports prior to finalisation. The material can be redacted or anonymised

"as the person considers appropriate"

and an extract from a report can be shared where that is all that is needed.

At the same time as sharing the draft reports, the chair in question must

"provide a copy"

of the material that is shared

"to the Scottish Ministers for information".

Amendment 38 will ensure the accuracy of reports, which is essential, and it will allow for any necessary changes to be made in advance of finalisation.

Amendment 42 will enable the chair of the review oversight committee and the Scottish ministers to share approved review reports, or parts of them, with persons whom they deem to be appropriate. That is important in order to ensure that lessons are shared appropriately even if there are good reasons why the report cannot be published. If the review report includes unpublished material, sharing must follow the protocol that will be established under section 19, with options to redact or anonymise content. Recipients will have to keep such material confidential and not share it further. Any such sharing would therefore be done in a controlled and purposeful manner and could be done only in order to support learning that is aimed at safeguarding those who are affected by abusive domestic behaviour or promoting the wellbeing of victims.

Amendment 42 will strengthen the learning and accountability framework while ensuring adherence to the established protocol and protecting the privacy of those who are involved.

Secondly, in relation to the matter of anonymisation in published reports, amendments 40 and 41 are designed to strengthen the current safeguards. At present, the bill will prohibit the identification of any "living individual" in a published report unless they have consented to being identified. Following discussions with the Information Commissioner's Office and experts in the information governance delivery group as part of the domestic homicide and suicide review task force, it has become evident that relying on consent as a lawful basis for identifying individuals in published reports is problematic.

My amendments will remove the possibility of giving consent to being identified. They will also modify the duty to prevent identification to one of taking "all reasonable steps to" prevent identification, and they will extend protections to living and deceased individuals.

In addition, amendment 41 will more specifically attach the anonymity requirement to those who need it. That is being done because a blanket approach to anonymity will no longer work now that the exception for consent is being removed. A blanket approach would prevent, for example, panel members from being able to identify themselves as the authors in the report that they produce, or the citation of a published author whose work has informed understandings of domestic abuse.

The amendments will ensure that review reports support learning and accountability without compromising privacy, safety or ethical standards. They also respond to concerns raised by the committee in its stage 1 report and reflect the evolving understanding of information governance in sensitive contexts.

In relation to deceased individuals, although data protection legislation applies only to the data of living individuals, there are strong ethical and practical reasons to treat the information of deceased persons in published reports with the same level of care as we treat the information of the living. That is why deceased individuals have been added under amendment 41.

In the light of these changes, amendment 40 will replace the current absolute duty in section 22(9) with a duty to take all reasonable measures to ensure that a person for whom anonymity is needed is not identifiable. The change acknowledges the unpredictable nature of indirect identification and aims to achieve a balance between transparency and privacy.

Finally, the remaining amendments in this group are technical. They adjust the structure of the bill, splitting section 22 into two, in recognition of the extra material that is being added to it.

I move amendment 38.

Amendment 38 agreed to.

Amendments 39 to 43 moved—[Angela Constance]—and agreed to.

Section 23—Requirement to respond to report recommendations

Amendment 44 moved—[Angela Constance]—and agreed to.

Section 24—Periodic reports

Amendments 45 and 46 moved—[Angela Constance]—and agreed to.

The Deputy Presiding Officer: Group 10 is entitled "Part 2 reviews: periodic reports". Amendment 47, in the name of the cabinet secretary, is grouped with amendment 49.

Angela Constance: Amendment 49 will place a requirement on the Scottish ministers to consult with the chair of the review oversight committee, the deputy chair, the case review panel chairs and such other persons as ministers consider appropriate in the preparation of periodic reports. That will ensure that the periodic reports reflect the views of those operating the review model, and it is a response to the views of the domestic homicide and suicide review task force and stakeholders, who want to ensure the independence of the process.

Amendment 47 will broaden the information that is required to be included as part of the reporting requirements, so that the periodic reports will be guaranteed to include the number of notices that the Lord Advocate gives under section 18, which is about pausing, discontinuing or resuming a review, and any reasons that are given under section 18(3) in connection with those notices. That will provide further transparency about how the review process is operating.

I move amendment 47.

Amendment 47 agreed to.

Amendments 48 and 49 moved—[Angela Constance]—and agreed to.

Section 25—Guidance by the Scottish Ministers

The Deputy Presiding Officer: Group 11 is entitled "Part 2 reviews: guidance". Amendment 50, in the name of the cabinet secretary, is the only amendment in the group.

Angela Constance: Amendment 50 is a technical amendment that will ensure that the review oversight committee and any case review panel chairs who are appointed as part of the review infrastructure provide the Scottish ministers with

"such assistance as they reasonably request"

in the preparation of guidance on the functions of the review oversight committee and case review panels. That will ensure that the expertise and knowledge of the members of the review oversight committee and of case review panel chairs will inform the development and amendment of guidance, ensuring that it is always of the highest standard.

I move amendment 50.

Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP): [*Made a request to intervene*.]

The Deputy Presiding Officer: I invite Elena Whitham to make a contribution.

Elena Whitham: I was just going to intervene on the cabinet secretary to ask whether it could be made clear in the statutory guidance that victims organisations such as Scottish Women's Aid and others will be represented in the panels and on the committee.

Angela Constance: I offer my apologies to Ms Whitham for not catching her intervention request on the screen in front of me.

I reassure her that my officials continue to meet Scottish Women's Aid and did so most recently on 26 September. That meeting was around that very point—the importance of statutory guidance and ensuring that, at all times, we have the right people around the table to do the review, so that we get the right learning. I can give her that guarantee.

Amendment 50 agreed to.

Section 26—Regulation-making powers

Amendments 51 and 52 moved—[Angela Constance]—and agreed to.

Schedule—Domestic homicide and suicide reviews: public appointments

Amendments 53 to 57 moved—[Angela Constance]—and agreed to.

The Deputy Presiding Officer: That concludes stage 3 consideration of amendments.

As members will be aware, the Presiding Officer is required under standing orders to decide whether or not, in her view, any provision of a bill relates to a protected subject matter—that is, whether it modifies the electoral system and franchise for Scottish parliamentary elections. In the Presiding Officer's view, no provision of the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill relates to a protected subject matter. Therefore, the bill does not require a supermajority to be passed at stage 3.

Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is a debate on motion S6M-19221, in the name of Angela Constance, on the Criminal Justice, Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill at stage 3. I invite members who wish to speak in the debate to press their request-to-speak buttons now.

15:43

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): I thank all those who have engaged in the Criminal Justice, Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill throughout its passage. I am appreciative of the work of the Parliament and of the committees that considered the bill, particularly the members of the Criminal Justice Committee, past and present, and their clerks. I thank the bill team and my private office, as always, for their support.

The bill is in two distinct parts. Part 1 provides resilience to the criminal justice sector by embedding efficiency and modernisation in procedures to make sure that our criminal justice system can meet current and future demands on it. I would like to put on record my appreciation for the efforts, day and daily, of those who work in the criminal justice system, and of those who work more widely to support people who are affected by what can sometimes be deeply devastating and traumatising experiences.

The second part of the bill will establish a new domestic homicide and suicide review model. My gratitude goes to all those who are involved in getting us to this point today, and in particular to the members of the domestic homicide and suicide review task force and other stakeholders. Their contribution, commitment and constructive challenge in ensuring that the model will achieve its overall aims have been invaluable.

The bill seeks to make permanent some of the temporary provisions that were first put in place through the emergency legislation that was passed in response to the coronavirus pandemic and which were continued by the Parliament through subsequent legislation. Although those measures were introduced in the context of an emergency, they achieved much-needed modernisation and laid essential groundwork for a number of the provisions in the bill that is before the Parliament today.

Most provisions in part 1 have been in place for more than five years and have become a vital part of the justice system. Where members have made recommendations for improvements, such as on virtual attendance and national jurisdiction, I am pleased to have worked with them to improve the bill. Part 1 also introduces new provisions that aim to support greater modernisation and enhance effectiveness in justice processes. Those provisions will support the further roll-out of the groundbreaking digital evidence-sharing capability and Police Scotland's use of body-worn video, which are essential technologies that are transforming the operation and delivery of justice services.

Part 2 establishes a gold standard for domestic homicide and suicide reviews. Although we all wish that they were not necessary, the purpose of those reviews is to learn lessons following domestic abuse-related deaths, improve services and better protect victims. Our work to develop a national domestic homicide and suicide review model began in 2022 and has been guided since then by a multi-agency and multidisciplinary task force.

The bill is an important part of how the gold standard will be achieved, but legislation alone will not secure that. Statutory guidance and the continued hard work and dedication of stakeholders are also needed. In particular, part 2 has highlighted the exemplar partnership working of stakeholders, which demonstrates what can be achieved by working constructively together and what more can be done.

I am therefore pleased to tell Parliament that I want to go further in that work. That is why I have commissioned Healthcare Improvement Scotland to work with stakeholders to develop national standards for domestic homicide and suicide reviews in order to support the review model to meet and exceed the gold standard that victims and their bereaved families deserve. Scoping workshops with key stakeholders will be held next month, and a standards development group will shortly be established. The development group will be co-chaired by Professor John Devaney of the University of Edinburgh and Dr Edward Doyle, deputy medical director of NHS Lothian. The group will include strategic and operational expertise from health, social care, justice and the third sector. Importantly, the work will be underpinned by the experiences of families and people with lived experience.

Any death in connection with domestic abuse is one too many. Although we know that more can be done and needs to be done, the establishment of a domestic homicide and suicide review model, backed by national standards, will help to ensure that Scotland implements best practice in

establishing the review system, with the aim of learning lessons, improving services and better protecting victims.

I reiterate my thanks to the committees that considered the bill, to the wide range of individuals and organisations that brought significant operational, legal and academic expertise to its development and progress, and to those who have shared their lived experience of domestic abuse and those who are bereaved by it.

I move,

That the Parliament agrees that the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill be passed.

15:48

Liam Kerr (North East Scotland) (Con): The Scottish Conservatives will vote for the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill at decision time today.

Before I deal with the specifics, I wish to reiterate some remarks that I made earlier in the process. My first point is about the fact that the two parts of the bill cover quite distinct aspects. Part 1 is focused on introducing, on a permanent basis, some of the criminal justice measures from the coronavirus legislation, while part 2 introduces a review mechanism for deaths in the context of abusive domestic behaviours.

I remain unpersuaded of the merits of locking two very distinct mechanisms together in such a way. My fear, as I set out at stage 1, is that it can lead to different parts of the bill receiving different levels of scrutiny and interest. Although that is not the case with this bill, there is a risk that, if we do such things with bills, those who might support one part very strongly but perhaps oppose the other are left in a quite invidious position when we come to stage 3.

I also remain of the view that the timescale for consideration of the bill is not ideal. As I flagged at stage 1, the Criminal Justice Committee and the Parliament as a whole have wrestled with the Victims, Witnesses, and Justice Reform (Scotland) Bill, which passed fortnight ago. Last week, the Parliament passed the Housing (Scotland) Bill, and proceedings on the Land Reform (Scotland) Bill are imminent. At stage 1, that is exactly what I warned about when I referenced an op-ed by my colleague Edward Mountain. There are those who might fear that the bill has been somewhat rushed or that it has been given less attention than it merits, and that, as a result, the risk is that opportunities are missed—a theme that I will return to when I deal with part 2.

According to the policy memorandum, part 1 contains measures that aim to improve

"future resilience, effectiveness and efficiency of the criminal justice sector through modernisation, in particular through greater use of digital processes."

It does so principally, but not entirely, by making permanent some of the provisions in the temporary coronavirus legislation. Those measures include electronic signing and sending of documents in criminal cases; enabling virtual attendance at criminal courts; removing geographical limitations on criminal courts dealing with initial stages; permitting digital pictures to be used; raising the limit on fiscal fines; and dealing with time limits in solemn cases. The Scottish Conservatives are entirely comfortable that part 1 achieves the policy memorandum's aims.

Part 2 establishes a framework for a national system of domestic homicide and suicide reviews. The idea is to identify what lessons can be learned and potentially applied following a death in which domestic abuse is known or suspected in order to help prevent future abuse and deaths. The provisions have been welcomed throughout the bill's passage, but it is fair to say that more involvement has been required when it comes to things such as definitions, overlaps and, especially, costs, which I will return to in short order.

Before I do that, I want to raise again my concern about the bill's timescales. We have received a very helpful stage 3 briefing from Scottish Women's Aid, which has campaigned for the provisions that are set out in part 2 for nearly 10 years. Crucially, the briefing seeks to draw members' attention to concerning omissions from the bill. I worry that, because there has understandably been so much focus on other bills, we as a Parliament might have inadvertently missed taking some of the opportunities that Scottish Women's Aid has suggested, although I am pleased that the cabinet secretary takes its suggestions very seriously.

I mentioned the costs of the measures earlier. At stage 1, I highlighted that Police Scotland had flagged that the financial memorandum was

"silent on the anticipated financial impact on the police budget."—[*Official Report, Criminal Justice Committee*, 29 January 2025; c 27.]

I have not seen any significant additional information or reaction since then.

It has been contended that a lot of the finance will be known only on implementation, but given the Scottish Police Federation's warning to the Criminal Justice Committee, which has been reported widely today, that policing in Scotland could be "unsustainable" without further funding, the lack of financial certainty seems particularly

concerning, especially as the legislation loads yet more responsibility on to the police.

Indeed, before stage 1, the Convention of Scottish Local Authorities noted:

> "The financial memorandum does not reflect the costs and capacity needs of local authorities and their strategic community planning partners".

It has been said that the stage 1 financial memorandum and the revised memorandum that was to be produced after stage 2 proceedings were not expected to give rise to any additional costs on local authorities. However, the cabinet secretary will recall the Finance and Public Administration Committee's concerns in recent years about the quality—or otherwise—of financial memoranda in the Parliament.

It is fair to say that, although the memoranda are fairly clear about publication and the like, they are less clear about the full cost of staffing and training, or of the costs of maintenance of new information technology and digital systems, of bringing court rooms up to standard for virtual hearings, and, perhaps, of any additional legal aid or court representation, should there be increased numbers of hearings or reviews, or more people requiring assistance because of the shifting of some processes to court or review.

All that said, at decision time, we will be asked whether the Scottish Conservatives will vote for the bill, and I confirm that we will do so.

15:55

Pauline McNeill (Glasgow) (Lab): As members have heard, the bill deals with two distinct issues: criminal justice modernisation, and domestic homicide and suicide reviews. Like Liam Kerr, Scottish Labour is not in favour of putting two distinct issues together, because we might have disagreements, and, in some ways, we have been here before. However, we will support the bill tonight, because we believe in modernisation and because part 2 of the bill is really required and is an excellent piece of legislation.

Most of the focus has been on the modernisation aspects of the bill. As I have tried to demonstrate through my amendments, there is quite a lot for non-practitioners and legislators to understand about the status quo in courts versus the new arrangements. The principle that we are trying to pursue is to confirm what is already in use and to ensure that there is no loss of existing rights and no detriment to the interests of justice in the court system. Therefore, we were right to test those issues.

Much of the detail of the bill's provisions is not in the bill but will be set out via regulations, so there is still a lot to put on trust. As was put to me by a lawyer, if the system works the way in which it is supposed to work, there is no reason why it will not all go well, but that does not always happen. I have no doubt about everyone's best intentions, but we need to ensure that there is not institutional creep, which is something that I have had to tease out in certain areas. That is why I whole-heartedly welcomed small but important Government amendments that were agreed to today.

I cited the example at stage 1 of a previous time when we agreed a time limit of 180 days for High Court trials, and look where we are now. There were delays in the High Court system well before Covid, because the law on time limits was not adhered to. That is my example of the fact that, sometimes, things can creep in that we did not intend, and that is why we must be vigilant.

The bill makes permanent the temporary provisions relating to virtual attendance in order to increase its use. Virtual attendance is a very important tool, supported by victims organisations and the legal sector. We know that, without it, some victims simply could not give their evidence. It allows cases to proceed in circumstances that, previously, would have prevented the case from going ahead. It is interesting that, at stage 1, the police witnesses demonstrated that there is more work to be done to ensure that it is an efficient process that reduces police time in court, as they were not as enthusiastic about that as I thought they might be. It is important to note that.

It is extremely important, from the point of view of victims, to note that virtual attendance should have the same value as attendance at the courtroom, not just because of the need to create solemnity and equality between the courtroom and virtual attendance, but because it is important to always ensure that the evidence that victims give virtually is taken as seriously as it would be if it were given physically in court. For that reason, there should be on-going research to ensure that that is the case.

The bill sets out that the Lord Justice General has the power to issue determinations to change the default position to virtual attendance for particular categories of cases, and my amendments, supported by the Government, set out that the Lord Justice General must provide reasons in making any determination. That is an important step, because, as we examine the reasons why virtual attendance is granted by the Lord President, it is important to see the rationale. I am glad that the Government has accepted that. The committee noted that it should be dealt with on a case-by-case basis rather than there being a class of trials for which virtual attendance can be used, so that is clear.

I am also broadly satisfied with the Government's amendment on national jurisdiction,

which is a matter that my colleague Katy Clark raised in her amendments. I agree with the Law Society of Scotland that local justice should still be preferred where possible and that changes should be made only to make the system smoother.

On the issue of digital productions, my intention was that I did not want parties to lose their existing rights in relation to physical items, and it can sometimes be important for the jury to see the physical item in court. However, on the basis of what we heard from the cabinet secretary today and at stage 2 , I am satisfied that that will not be denied and that there is a process for doing that.

In conclusion, it is important to welcome the national standards for review cases involving domestic abuse and homicide. It is an important part of the legislation. If we are to stop the alarming trend of violence against women and girls, we must do everything that we can to understand why it happens in the first place. Notwithstanding the fact that, as Liam Kerr said, there could have been more improvements if we had had more time to focus specifically on that aspect, I believe and welcome that the bill will enhance our knowledge and processes in the fight against violence against women and girls.

16:00

Maggie Chapman (North East Scotland) (Green): Before I begin, I remind colleagues of my entry in the register of members' interests. I worked for a rape crisis centre when I was elected in 2021.

Today we reach the final stage of the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill, which is both technical and deeply human. At its heart lies the question of how we can make our justice system not only faster and more efficient but more compassionate, equitable and restorative—a more humane system that upholds fairness, care and compassion for everyone it touches.

The bill offers us a step in that direction. It speaks to a modern Scotland that recognises that justice must evolve to meet people where they are in the 21st century and in the realities of their lives. I am pleased that, through its reforms to criminal procedure and the creation of domestic homicide and suicide reviews, the bill represents progress towards a system that listens, learns and acts with integrity.

As we have heard, part 1 of the bill contains reforms that make permanent many of the emergency measures that were introduced during the pandemic, including digital submissions, virtual attendance and electronic documentation. Those might sound procedural but, as Victim Support Scotland has reminded us, they have made a real difference for victims and witnesses by reducing delays, cutting travel time and cost, and improving the smooth running of proceedings.

The ability to give evidence virtually can spare victims the trauma of being in the same courtroom as the accused. It can make participation possible for those who would otherwise struggle to attend in person. We must ensure that the reforms are delivered in a way that enhances accessibility and choice. Modernisation must never become a barrier to justice—it must open doors, not close them. That is why I welcome the Government's commitment to reviewing the impact of virtual attendance and to working with organisations such as Victim Support Scotland and Scottish Women's Aid to ensure that trauma-informed practice is embedded in every part of the justice process. I also welcome Liam Kerr's work in that area.

Victim Support Scotland has also made it clear that victims and witnesses now expect flexibility and that taking it away would be a backward step. It has also reminded us that victims must be kept informed of developments, including any changes to charges or indictments. In this case, communication is not a courtesy but a right.

Part 2 of the bill, which creates a statutory model for domestic homicide and suicide reviews, is long overdue. Scottish Women's Aid and others have campaigned for it for almost a decade. They have called for a framework that allows us to learn, with honesty and care, from the most devastating cases of domestic abuse and coercive control. The reviews will not undo tragedy, but they will help to prevent repetition. They will shine a light on where systems fail in housing, policing, health and in the co-ordination between those and other services.

Scottish Women's Aid and Victim Support Scotland have stressed that the reviews must be independent, properly resourced and inclusive. The voluntary and specialist sectors—those that are closest to survivors and families—must have a guaranteed seat at the table. I welcome the Scottish Government's assurances that that will be reflected in statutory guidance.

For me, justice must be feminist, restorative and rooted in compassion. It must not only punish harm but work to prevent it and to build systems that protect, heal and repair. As we have heard this afternoon, the bill does not do everything, but it moves us forward in the right direction. It offers a foundation on which to build a justice system that is responsive to people's lives and experiences. Let us pass the bill this evening, not as the end of a process but as the beginning of lasting change.

16:04

Liam McArthur (Orkney Islands) (LD): I thank and congratulate the Criminal Justice Committee, the Cabinet Secretary for Justice and Home Affairs and stakeholders for what has clearly been a collaborative and constructive process. To echo what I said at stage 1, I share some of the concerns that were expressed earlier today by Liam Kerr and Pauline McNeill about the fact that we are dealing with two distinct issues, which would ideally be covered by stand-alone primary legislation. However, it is fair to acknowledge that, were the two issues to be covered by separate pieces of proposed legislation, the chances are that one or other of them would not have made it through during this session of Parliament. Some of the concerns that were expressed at stage 1 have been addressed through the process.

As other members have observed, part 1 deals with many of the modernisation aspects that were introduced during the pandemic, and it is right that we take time during peacetime to reflect on how those might be made more permanent, surrounded by the appropriate guidance and structures that stakeholders would expect. The modernisation of our criminal justice system is certainly long overdue, and making the best use of technology and digital advancements is entirely sensible. For example, the electronic signing of legal documents and digital copy mechanisms are very positive outcomes—albeit long overdue—and they have been welcomed by stakeholders including the Law Society of Scotland and Victim Support Scotland. Virtual attendance has been in place for many years across the Scottish criminal justice system, and there are benefits from it. However, as we look to broaden it out, time needs to be taken to ensure that we put in place the proper safeguards and guidance around it. I acknowledge the efforts of Liam Kerr and Pauline McNeill, in particular, in taking their amendments through stages 2 and 3, endeavouring to ensure that those provisions are workable and as efficient as they can be.

The Law Society previously raised concerns about the permanent inclusion of virtual attendance, but it now appears to be more reassured, which is testament to the good work that has been done since stage 1. Ultimately, remote attendance can be beneficial in giving victims agency during what are often traumatic processes, and making the option more widely available has been endorsed by Victim Support Scotland. I would make a plea, however, that that cannot be done on the cheap, and resources will be necessary to ensure that the infrastructure is there to support it.

I move briefly to part 2, which introduces a system for reviewing deaths relating to abusive behaviour in relationships, with the aim of identifying where opportunities for intervention were missed and improving the understanding of the profile of abusive domestic behaviours and of the associated risks. At stage 1, I expressed concerns about the complexity of the review landscape, and progress has been made over the course of stages 2 and 3 to begin to address some of those concerns. Notwithstanding some of my broader concerns about the need for reform of our fatal accident inquiry system, I was assured by the cabinet secretary's indication at stage 2 that statutory guidance will set out the safeguards being considered in relation to children and young people and that steps will be taken to ensure that families are not subject to additional lengthy review processes as a result.

It is not ideal that we are dealing with two distinct issues in the context of a single bill, but it appears that the process that has been embarked on through stages 2 and 3 has addressed those concerns as far as possible. The Scottish Liberal Democrats will be pleased to support the bill at decision time this evening.

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

16:09

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): I thank everyone who supported scrutiny of the bill through its passage to stage 3 this afternoon. As we have heard, the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill seeks to do two things: first, to provide a basis upon which our justice system can continue to modernise, specifically through embracing digital technology; and, secondly, to establish a review process that supports learning in the aftermath of a domestic homicide or suicide.

I want to make a couple of points in the debate. On part 1, I note that justice systems value tradition; that is certainly no different in Scotland, where deeply rooted customs and formal rituals are highly regarded.

The Covid-19 pandemic obviously posed a monumental challenge for the justice system, but, in doing so, it created an opportunity to modernise the justice sector through greater use of digital technology. The bill seeks to make certain processes permanent, one of which is virtual attendance at court, which has already been examined in detail in the debate. At stage 1, as we have heard, there was strong support for that from victims organisations, which cited trauma-informed practice and giving victims agency.

However, the virtual attendance provision understandably raised a number of questions

about scope, reliability of technology, appearance from custody and security—that is, ensuring that witnesses are not susceptible to any undue influence. The latter point was discussed earlier this afternoon. A key point that the cabinet secretary made is the default arrangement, whereby attendance should be in person. I agree that Pauline McNeill's well-intended amendment 58, which proposed a requirement for closer supervision of anyone attending court virtually, would have had monumental resource implications and would have been completely unworkable.

I am pleased that, since the stage 1 debate, the Scottish Government has engaged with stakeholders, including the Lord Justice General, on virtual attendance. There is consensus that the current provisions have been in place for some time, that practitioners are familiar with them and that they work well, as currently framed.

I very much welcome the Government's amendment 9, on the addition of charges to an indictment. I note the conditions that the cabinet secretary outlined and welcome that amendment.

I turn to part 2. Scotland does not currently have a statutory system to review deaths linked to domestic abuse, which means that the opportunity to learn lessons is lost.

During stage 1 scrutiny, the scope of the review process raised questions in so far as it is broader than the current definition of domestic abuse, as outlined in the Domestic Abuse (Scotland) Act 2018. The Criminal Justice Committee heard conflicting views on whether the definition in the bill was too wide in scope and should only apply to incidents that would fall within the definition that is in the 2018 act. Strong arguments were made by Emma Forbes of the Crown Office and Dr Marsha Scott of Scottish Women's Aid on that point.

On the other hand, it was recognised that many of those who experience domestic abuse do not report their abusers to the police. That is often an action of last resort, so a broader definition would create wider opportunities to learn through the review process and to prevent future deaths. I agree with the view that the impact of domestic abuse reaches beyond the relationships that are set out in the 2018 act definition and that the bill allows wider opportunities for learning and, ultimately, the prevention of future deaths.

I very much welcome the provisions in the bill. They reflect the fact that Scotland's justice system is determined to modernise and move with the times. I ask members to support the bill this evening.

The Deputy Presiding Officer: We move to closing speeches. I call on Maggie Chapman to close on behalf of the Scottish Greens.

16:13

Maggie Chapman: As we close the debate, I thank everyone who has shaped the bill: survivors, campaigners, practitioners and the organisations whose expertise has been essential, specifically Scottish Women's Aid, Victim Support Scotland and many others. I thank, too, the members and clerks of the Criminal Justice Committee for their meticulous scrutiny of the legislation, and I thank the legislation team for all their work. I am grateful to the cabinet secretary and her team for the various discussions that we have had about the bill over the past months.

The bill is rooted in learning and listening. It reflects what can happen when we really listen to the experiences of victims and survivors. Victim Support Scotland has been clear that the reforms must make justice smoother, safer and more humane.

The flexibility of virtual attendance, the use of digital evidence and the modernisation of documentation are not simply technical improvements; they are changes that can reduce trauma and delay. But, as Scottish Women's Aid has warned, technology alone is not enough. Modernisation must be guided by trauma-informed, feminist principles, and survivors of abuse must have choice and control of how they participate in proceedings. The Greens support those measures because they show that efficiency and empathy can go hand in hand and that a justice system can be both effective and compassionate.

The second part of the bill, which deals with the establishment of domestic homicide and suicide reviews, reminds us that justice is not only about courts and trials but about learning from failure. Both Scottish Women's Aid and Victim Support Scotland have championed that reform because they know what is at stake: real lives, real families and real grief. Victim Support Scotland's work with families bereaved by murder and culpable homicide gives it a unique perspective. It has rightly insisted that families must have a voice and must have choice and control in those reviews, including the right to request reconsideration when new information emerges. Scottish Women's Aid has made it clear that those reviews will succeed only if they are independent and transparent, with equal representation from the third sector. Their expertise must be embedded, not merely consulted.

Passing the bill is only the beginning. We must now ensure that reviews lead to change; that recommendations are implemented, tracked and made public; that families are supported through every step; and that survivors see a system that learns from its mistakes rather than repeating them.

Justice can never be static. It must evolve with empathy, grounded in the belief that every life lost to abuse is one too many. This bill, alongside the Victims, Witnesses, and Justice Reform (Scotland) Bill, which passed just a couple of weeks ago, can help reshape Scotland's justice system to make it more compassionate, more transparent and more just. It will take vigilance, courage and collaboration to make that promise real, because we know that we still have work to do, despite the passing of both bills, but today, with this bill, we take an important step, and the Scottish Greens will proudly vote for it at decision time.

16:17

Katy Clark (West Scotland) (Lab): I am pleased to close the debate for Scottish Labour.

Many of the changes in part 1 of the bill were introduced during the pandemic, with the Scottish Government now seeking to make them permanent. Although we are generally supportive of that, we have some concerns about how far some provisions in the bill might extend.

We are particularly concerned about whether too many decisions will be left to the discretion of the Scottish Courts and Tribunals Service and whether that service is properly resourced to deliver the changes set out in the bill. Although the Scottish Government has given assurances that there will be no overreach, we believe that monitoring will be necessary to ensure that the provisions do not in any way hinder justice.

It is clear that increased use of digital documents and evidence will be vital to modernising the court system. However, there is also a need to ensure that physical evidence can continue to be available in criminal cases if requested. Labour members made those arguments during today's debate, as well as earlier in the bill process. Greater use of digital documents and evidence also raises questions about digital inclusion, which the Scottish Government must address. Audit Scotland has previously highlighted the fact that 15 per cent of adults lack foundational digital skills, such as knowing how to turn on a digital device, and the Scottish Council for Voluntary Organisations has called on the Scottish Government to publish a digital inclusion action plan.

Members have spoken about the bill's provisions for virtual attendance at court proceedings. Those provisions were introduced temporarily during the pandemic and we believe that making them permanent will both increase their use and help to reduce the backlog that still exists in courts. Many victims groups, and the legal sector, have welcomed making virtual attendance a permanent feature of our court system. However, we urge the Scottish Government to do more to ensure that virtual attendance is always safe and free from interference. We accept that, regardless of whether the bill's provisions on virtual attendance are absolutely and utterly watertight, the Scottish Courts and Tribunals Service sees it as an inherent part of the system. Work needs to be done to ensure that locations offer a strong video and wi-fi connection and good picture quality. We heard evidence that that has been a problem in the courts over the past five years.

The Scottish Government must address the concerns of Scottish Women's Aid and other organisations about the bill's provisions on virtual attendance. Scottish Women's Aid has argued that the provisions do not go far enough in protecting women, children and young people who experience domestic abuse. As has been said in the debate, I think, the committee did not look at that in detail during our scrutiny of the process. Even at this late stage, we need to give thought to it, and I am sure that the Scottish Government will be thinking about that as we move forward. I welcome the fact that the cabinet secretary has indicated clearly that she will engage with Scottish Women's Aid and other organisations on the issues that they raise.

As well as increasing the use of virtual attendance, the bill seeks to allow cases in which a person appears from police custody to take place in any sheriff court in Scotland. We recognise that that could lead to savings in court costs—in particular, in the costs of transferring prisoners around the country. However, many organisations, such as the Law Society of Scotland, have rightly raised the importance of local justice. Those issues must also be given adequate consideration.

We welcome the creation in part 2 of the bill of a framework to review domestic homicides and suicides, and we agree with the comments that that has perhaps not had the scrutiny that it should have had, given that it deals with a gap in existing legislation and frameworks. We should remember that similar provisions already exist in England and Wales, and that the ways in which England and Wales deal with such things is very different. We recognise the vital work that victim support groups have played in developing the framework, but we also believe that we need to look closely at how reviews have worked in other jurisdictions in the United Kingdom.

We urge the cabinet secretary to address the issues that relate to membership of the proposed review oversight committee that have been raised by Scottish Women's Aid—specifically, to ensure the proper representation of victim support groups,

including those that deal on the front line with violence against women and girls.

We support the bill. We very much hope that its provisions will allow a modernisation of the courts that improves the experience of those who use them—victims and witnesses—and that will help to address the considerable backlogs that still exist. However, we also recognise that far wider issues surround the resourcing of our courts and the state of legal aid, so we remain concerned that, although some of the provisions are very welcome, a great deal more work needs to be done to address the significant backlogs in our courts system.

16:23

Sharon Dowey (South Scotland) (Con): Scotland's justice system is in a state of crisis, and the Scottish Conservatives welcome anything that improves things for those who work in it and, of course, for victims and witnesses. As such, the bill has our support, and the priority now should be to ensure that the changes that are agreed today will genuinely make life better for those who matter most. Although we will vote for the bill, we still have some concerns about implementation and financing, and we remain disappointed that some of our suggestions were rejected.

Like many of our institutions, the courts system is in desperate need of modernisation, so I am glad to see some sensible provisions in the bill. As the cabinet secretary said, some of those were introduced on an emergency basis during Covid, through necessity rather than design. Although it is right that some pandemic-era measures are consigned to history, it is absolutely correct that those that work well are retained.

The courts system is under huge stress. Backlogs show little sign of clearing, and there are fears among senior lawyers that things will get even worse. In addition, the system can cause unnecessary distress and inconvenience to victims and witnesses.

Pauline McNeill highlighted that virtual attendance is a positive change, although it is vital that the correct technology is in place to make sure that such appearances are smooth, free from technical glitches and of good enough quality that it does not matter that the person speaking is not in the room. That point was also emphasised by Liam McArthur.

Similarly, the change to photographed evidence must also come with assurances. There is an obvious risk of tampering when real, physical things are replaced with photographs—a threat that is becoming greater with advancements in artificial intelligence. The system must be absolutely bullet proof.

Another element of the bill that requires caution and monitoring is the permanent increase of the fiscal fine limit to £500. On the face of it, that makes sense and represents a strengthening of the system of punishment for offenders whose crime fits that punishment. However, we already know that criminals are let off with fines when they really ought to be receiving something more serious. That weakens deterrence, emboldening criminals to offend again, safe in the knowledge that the gains from their crimes will probably outweigh the fine handed down by the court. That is particularly true of shoplifting, a scourge that has run out of control across Scotland. Indeed, as the Scottish Solicitors Bar Association highlighted in evidence, shoplifting is already effectively decriminalised, given how readily courts deal with it by way of fines.

What must be made crystal clear is that a raising of the threshold does not mean an expansion of how fines are used. That increase should absolutely not be seen as a replacement for stiffer punishments. It is disappointing that my amendment that would have compelled ministers to produce a progress report within a year of this change was rejected. That will make it harder to know whether the new measure is being used as intended.

As is the case with all legislation, we need to ensure it is matched by resources. We cannot place additional strain on public services without giving them the right tools. That is especially true of the police, who are already under immense strain and on whom many of the changes will fall. Both Police Scotland and COSLA have expressed concern about funding when it comes to the domestic homicide and suicide reviews. However, the finances behind the reviews are vague in the bill, and we need to make sure that the reviews will work effectively in practice. Audrey Nicoll highlighted the benefits of that happening.

I am also disappointed that my amendment on working with family members when producing these reviews was rejected. We know from experience that when the legal and justice system deals with tragic cases, families often feel marginalised and out of the loop. My amendment would have reduced the chances of those mistakes being repeated, and ministers must now find another way to keep family members included. Maggie Chapman also highlighted the importance of communication.

Liam Kerr highlighted the differences between part 1 and part 2 of the bill. The risk of rushing through legislation is that we might not give it the scrutiny that it deserves and that we might miss opportunities to include more improvements. We need to consider that in relation to any further legislation that comes through.

Katy Clark highlighted concerns about digital inclusion. For far too long in Scotland, victims have played second fiddle to criminals. Victims have been let down by a justice system that does not punish or deter, does not keep communities safe and does not rehabilitate offenders. Today, there is at least an opportunity to reverse some of that decline. That is why we will vote for the bill, but it must be the start of a sea change, not a ceiling for victims and witnesses, and not warm words that are matched by little action.

The Deputy Presiding Officer: I call the Cabinet Secretary for Justice and Home Affairs, Angela Constance, to wind up the debate on behalf of the Scottish Government.

16:28

Angela Constance: I thank everyone for their constructive engagement on the bill and for their remarks this afternoon. In particular, I thank the criminal justice spokespeople from the Opposition parties, the members of the Criminal Justice Committee and the committee's convener, Audrey Nicoll. It is indeed a busy committee and its members have my sympathy.

I note the views of Liam Kerr when he spoke about this being a two-part bill. There are, of course, pros and cons to that approach. Like Liam McArthur, I fall on the side of pragmatism. I am always looking to get things done, particularly given where we are in the parliamentary cycle.

I feel that there has been significant scrutiny, but that is perhaps just because of where I sit. I think that the scrutiny, particularly on part 1, has been detailed, and we have certainly been in the weeds of court procedure and process. I am pleased that the bill now has broad agreement and consensus on its aims, and I am particularly pleased that it looks as though the bill will be passed when Parliament votes on it this evening.

The bill will deliver the necessary legislative underpinning that will ensure that our justice system can continue to meet the demands that are placed on it. It will provide a solid foundation to ensure that we learn the lessons following domestic abuse-related deaths, improve services and, ultimately, better protect victims. Justice agencies and victim support organisations strongly support the temporary measures that the bill will make permanent, and they have been clear that those are essential features of a modern system.

I remind members that significant progress has been made in reducing court backlogs. The total number of scheduled trials that are outstanding has fallen by more than 60 per cent since January 2022, and we have reached the milestone of returning to a position where the number of outstanding scheduled trials across all criminal business types is below 20,000. The Scottish Courts and Tribunals Service considers that to be a manageable level of workload for the justice system.

However, I acknowledge that we need to give focused and acute attention to the increased demand, particularly on the High Court. The nature of that business is changing, even though the overall volume has returned to pre-pandemic levels. Initiatives such as the £33 million investment in the digital evidence sharing capability that is being rolled out will support the bill's provisions on digital productions.

I take exception to the statement that shoplifting has, in effect, been decriminalised in this country. I am rightly notified of every death in custody and I can advise members that, as I shared with some colleagues earlier, there was one such death of a person who was in custody for shoplifting times seven, so I really cannot—

Jackie Baillie (Dumbarton) (Lab): Will the cabinet secretary take an intervention on that point?

Angela Constance: I will indeed.

Jackie Baillie: I cannot be silent on that. In my community, there are not enough police on Dumbarton High Street, and the number of people who are shoplifting and getting away with it is acute. It is a real problem, and I would be grateful if the cabinet secretary would acknowledge that.

Angela Constance: I acknowledge that shoplifting is certainly a problem for our communities and our retail sector. That is why our budget for this year has invested £3 million to tackle those issues. Indeed, improvements are being seen as a result of that investment, which I can demonstrate if the member wishes. I was purely challenging the point that shoplifting has been decriminalised in this country. It has not, and our budget of £1.64 billion is maintaining police numbers at 16,500. Indeed, over the past year or so, Police Scotland has recruited more police officers than at any time in its history since 2013.

It is important to acknowledge members' concerns. I have appeared before the committee annually with regard to the temporary measures, which I hope we will agree at decision time to make permanent. I assure members that, although I will continue to focus more on part 2 in my closing remarks, I will continue to work with Scottish Women's Aid.

I am glad that Pauline McNeill welcomes the national standards. Maggie Chapman is right to say that, although, in many ways, part 2 felt technocratic, the amendments have a very human purpose. Liam McArthur is right to say that families should not endure duplication of reviews.

However, there is always work to do, and that is why the bill has been future proofed, so that we can return to the issue of so-called honour killings when that policy work has been completed.

When I introduced this bill a year ago, its publication was marked by the unveiling of a previously unmarked memorial cairn in Holyrood park, in memory of domestic homicide victim Margaret Hall, who was murdered by her husband in 1720.

As I said when I opened this debate, we all wish that reviews were not necessary, but, to all those who have played their part in making sure that Scotland can learn lessons to better protect victims, I offer my sincere thanks.

Fiona Drouet, founder and chief executive of EmilyTest, said:

"The introduction of domestic homicide and suicide reviews marks a critical step forward in Scotland. These reviews will help us better understand the warning signs so often missed before a tragedy. They will be crucial in helping to prevent so many avoidable deaths, whether by murder or suicide."

Today, this Parliament has the opportunity to ensure that the review model becomes law, and I urge everyone to support the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill.

The Presiding Officer: That concludes the debate on the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill at stage 3.

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 4.37 pm.—[*Graeme Dey*]

Motion agreed to.

Decision Time

16:37

The Presiding Officer (Alison Johnstone): There is one question to be put as a result of today's business. The question is, that motion S6M-19221, in the name of Angela Constance, on the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill at stage 3, be agreed to.

As this is a motion to pass the bill at stage 3, the question must be decided by division. There will be a short suspension to allow members to access the digital voting system.

16:37

Meeting suspended.

16:40

On resuming—

The Presiding Officer: We come to the vote on motion S6M-19221, in the name of Angela Constance, on the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill at stage 3. Members should cast their votes now.

The vote is closed.

Brian Whittle (South Scotland) (Con): On a point of order, Presiding Officer. My app would not connect. I would have voted yes.

The Presiding Officer: Thank you, Mr Whittle. We will ensure that that vote is recorded.

For

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)
Balfour, Jeremy (Lothian) (Ind)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Burnett, Alexander (Aberdeenshire West) (Con)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Chapman, Maggie (North East Scotland) (Green)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dowey, Sharon (South Scotland) (Con)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Duncan-Glancy, Pam (Glasgow) (Lab)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Annabelle (Cowdenbeath) (SNP)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Findlay, Russell (West Scotland) (Con)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Neil (Airdrie and Shotts) (SNP)
Greene, Jamie (West Scotland) (LD)
Greer, Ross (West Scotland) (Green)
Griffin, Mark (Central Scotland) (Lab)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hoy, Craig (South Scotland) (Con)
Hyslop, Fiona (Linlithgow) (SNP)
Johnson, Daniel (Edinburgh Southern) (Lab)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Kerr, Liam (North East Scotland) (Con)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Lochhead, Richard (Moray) (SNP)
Lumsden, Douglas (North East Scotland) (Con)
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)
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)
McKee, Ivan (Glasgow Provan) (SNP)
McLennan, Paul (East Lothian) (SNP)
McNair, Marie (Clydebank and Milngavie) (SNP)
McNeill, Pauline (Glasgow) (Lab)
Minto, Jenni (Argyll and Bute) (SNP)
Mochan, Carol (South Scotland) (Lab)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
O'Kane, Paul (West Scotland) (Lab) [Proxy vote cast by Michael Marra]
Regan, Ash (Edinburgh Eastern) (Alba)
Rennie, Willie (North East Fife) (LD)
Robertson, Angus (Edinburgh Central) (SNP)
Robison, Shona (Dundee City East) (SNP)
Ross, Douglas (Highlands and Islands) (Con)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Sarwar, Anas (Glasgow) (Lab)

Simpson, Graham (Central Scotland) (Reform)
Slater, Lorna (Lothian) (Green)
Smith, Liz (Mid Scotland and Fife) (Con)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP) [Proxy vote cast by Fulton MacGregor]
Stewart, Alexander (Mid Scotland and Fife) (Con)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Sweeney, Paul (Glasgow) (Lab)
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)
Wells, Annie (Glasgow) (Con)
White, Tess (North East Scotland) (Con)
Whitfield, Martin (South Scotland) (Lab)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Whittle, Brian (South Scotland) (Con)
Wishart, Beatrice (Shetland Islands) (LD)
Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division on motion S6M-19221, in the name of Angela Constance, on the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill, is: For 115, Against 0, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill be passed.

The Presiding Officer: That concludes decision time.

Early Learning and Childcare Provision

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is a members' business debate on motion S6M-19090, in the name of Jamie Greene, on addressing the postcode lottery of early learning and childcare provision. The debate will be concluded without any question being put. I invite members who wish to speak to press their request-to-speak buttons.

Motion debated,

That the Parliament recognises what it sees as the importance of funded early learning and childcare in giving every child in Scotland the best start in life; believes that funded places have a vital part to play in helping parents return to work and boosting Scotland's economy; considers that the high cost of childcare is creating real barriers for parents who want to get back into work; understands with regret that many local authorities in the West Scotland region, including Inverclyde Council, North Ayrshire Council and East Dunbartonshire Council, only offer funded places from the start of the term after a child's third birthday, leaving some families missing out on up to four months of support; considers that this postcode lottery stems from the Scottish Government's *Early Learning and Childcare Statutory Guidance*, and notes the calls for the Scottish Government to guarantee that funded places are available from the day after a child's third birthday, and that children are treated fairly, no matter where they live or when they are born.

16:43

Jamie Greene (West Scotland) (LD): I thank the members who have stayed the course this afternoon and those who supported my motion, which allowed this debate to come to the chamber. I thank the organisations that have written to us ahead of the debate, including Close the Gap and the National Day Nurseries Association, which circulated some thoughtful research ahead of the debate. I also thank the many parents, particularly from my region, who saw this debate in the business programme and wrote to me on the issue.

Let us start with the basics. In Scotland, parents are entitled to 1,140 hours of free childcare each year for all three and four-year-olds. Some eligible two-year-olds are also included in the provision, but I will focus principally on those who are aged three or four. I support and welcome the policy. However, I know from my many years in the Parliament—particularly from a spell on the Education and Skills Committee and from being the shadow cabinet secretary for education and skills at one point—that the early years sector is not without issues, which I am sure we will discuss today.

The genesis of this debate was parents from the West Scotland region contacting me because they

were concerned about the eligibility criteria for funded childcare. I am not a parent, so I inquired further about the problem. I found out that, until this year, three-year-olds in East Dunbartonshire could access the provision from the day after their third birthday. That makes complete sense. However, that has changed. They will now have to wait until the start of the next academic term to access childcare. In practice, that means that a child in that area who turns three years of age on 1 September will have to wait until the new year before they can access much-needed early learning. That is resulting in many children missing out on up to four months of vital early learning places in comparison with peers who were born just a few days before them.

East Dunbartonshire Council is not alone in having made that decision on the date of access. Inverclyde Council and North Ayrshire Council, which are also in the West Scotland region, have adopted a similar position. However, children living only a few miles up the road in Renfrewshire, for example, can access provision from the month after their third birthday. In Glasgow, which is a few miles further up the M8, the criterion is even more generous and children can access the entitlement from the Monday after their third birthday. We often talk about postcode lotteries in relation to accessing public services. To be honest, it is a bit of a cliché, but, in this case, it really is a postcode lottery in its truest sense.

The Scottish Government's statutory guidance for local authorities on the issue states that eligibility starts from the beginning of the first term after the child's third birthday. Councils have discretionary powers to provide funded early learning sooner than that, and they are encouraged to do so in that same guidance. However, the reality is that many are simply not in a financial position to do so. Indeed, East Dunbartonshire Council made its decision with the very explicit aim of saving £757,000, which is not a small amount of cash to save. The reality is that councils up and down the country have been making impossibly difficult decisions for a number of years in order to plug the budget gap that they face, which is £650 million in this financial year alone. Things do not look any better as we look down the barrel of the funding gap in future years.

The Accounts Commission forecasts a budget versus resource delta of almost £1 billion in the next two years. It is no surprise that councils are making the difficult decision to delay access to early years provision. Yes, they are simply following the guidelines, but they have opted for the minimum, not the optimum, early years provision, and that comes at the expense of parents, who will either have to fund that childcare privately, if they are able to, or delay going back to work or even into the workplace at all. None of that is helping those families and none of that is helping the Scottish economy.

Brian Whittle (South Scotland) (Con): Will the member take an intervention?

Jamie Greene: Yes, if I can get my time back.

Brian Whittle: I have to agree with everything that Jamie Greene has said so far. Does he agree that the current situation comes at a cost to the child as well, because they are not interacting with other children of their age?

Jamie Greene: I could not agree more, and I will come on to some of the cognitive effects that that has on a child of three years of age.

A wider point, which I hope Mr Whittle will agree with, is that the whole sector is in desperate need of focus, which is why the National Day Nurseries Association wrote to us ahead of today's debate. It warned that the current funding model quite simply does not sufficiently cover the costs that nurseries incur to provide childcare. It is right to point out that, if people like me want to expand eligibility to universal access, we must also recognise the flaws in the current funding model. It believes that, on average, there is a shortfall of around £1.40 between the funding rate and the cost per child per hour. Seventy-six per cent of the association's members report that they believe that they will either only break even or operate at a loss this year. Those are not reasons not to expand eligibility, but they are reasons to fix the current funding model.

This week, we have a much wider political focus on poverty—and rightly so. The Scottish Government itself has an explicit aim of reducing child poverty, and I support that aim. However, the Fraser of Allander Institute states that limited access to affordable childcare is the

"elephant in the room when it comes to the cost of raising parental employment".

The Scottish Women's Budget Group conducted a survey on that very issue, and 50 per cent of the women who responded reported that managing childcare had impacted the volume of paid work that they were taking on, with a third reporting that they were reducing their working hours simply to meet childcare costs. Those substantial costs are not to be sniffed at. The Scottish Government's own Scottish household survey, which was published this morning, says that 16 per cent of households are spending between £5,000 and £10,000 per year on childcare. That figure was just 10 per cent in 2018, so it has gone up massively. For the vast majority of families, that money is simply not there and childcare is just not affordable.

On the point behind Mr Whittle's intervention, high-quality early learning is vital to supporting a

child's cognitive development and their development of social skills. UNICEF has identified it as one of the key factors. It knows that children from lower-income backgrounds are at greater risk of learning delays and of falling behind their more affluent peers. UNICEF also identifies that children who have access to high-quality early learning will do better in terms of attainment and higher job earnings and are more likely to stay out of the criminal justice system. There are plenty of upsides, down the line, to the provision of early learning and childcare.

My question is simply this: why are children in Scotland subject to a postcode lottery when it comes to accessing early years provision? My motion makes the simple asks that the Scottish Government change the guidance and guarantee funded places, across all local authorities, from the day after a child's third birthday. If that is not doable and the Government is not minded to change that guidance or to fund any change, other options should be considered.

Ultimately, I am seeking universality and equality of access to early learning and development across Scotland, which simply does not exist at present. The Government must end the postcode lottery, it must encourage more parents back into the workplace and it must properly fund early learning provision from a child's third birthday, no matter where they live in Scotland. I look forward to hearing what the minister and others have to say in response to those calls.

16:51

Alasdair Allan (Na h-Eileanan an Iar) (SNP): I thank Jamie Greene for bringing this important matter to the chamber. Mr Greene's motion begins by recognising

"the importance of funded early learning and childcare in giving every child in Scotland the best start in life".

Scotland remains, it should be said, the only part of the UK where 1,140 hours a year of funded ELC are available to all three and four-year-olds and eligible two-year-olds, regardless of their parents' working status. I believe that that helps to promote equality and make sure that every child accesses the same high-quality early learning foundation.

All that said, the motion notes that there are variations in the commencement date of the funded hours across local authorities. In the past few weeks, there have also been reports of some local authorities restricting funded hours to specific nurseries, including term-time-only nurseries.

Many individuals and organisations are pushing hard to ensure that local provision around the country meets demand. I can think of such organisations in my constituency, such as the Uist and Barra childcare forum and the new outdoor facility in North Uist, Otter Mountain, which just last week received its Care Inspectorate registration, allowing it to begin operating as an after-school and holiday childcare facility.

It is only right that I also acknowledge the challenges that are faced in rural and island areas, where the distances involved make it impossible for parents to shop around to access the childcare that they need. Some of the challenge is a consequence of the declining number of childminders. For instance, there are now no childminders left in Barra, Uist or Harris, and there has been a steep drop in the number of childminders in Lewis in recent years—a trend that is reflected in some other parts of the country. I have heard examples of parents having to take an interisland ferry journey daily to access a place at a nursery for their child, although that is an extreme, rather than a representative, example.

Last May, I carried out a survey among parents of young children in my constituency. Although it found that parents were making use of what was available and were grateful for it, 82 per cent of parents surveyed said that they or their partner were unable to work as many hours as they wanted because of childcare issues. Those views were reflected at a meeting that I held recently in Benbecula with parents on childcare. Solving the issue is not straightforward, but it is right that we debate it.

The countries that are often rightly cited as world leaders in childcare and pre-school education have available to them the fiscal levers of small independent countries. I respectfully suggest to those who come after me in the debate that, if we are willing to ask for substantial additional spending in this area, we must be willing either to identify the fiscal freedoms that would achieve that or to identify where in Scotland's existing budget the money might be found.

I hope that there is a greater degree of consensus across the chamber on some of the other issues. Those include the need to ensure equity of access to funded provision across Scotland, the need to build on the good work that is already being done to boost the creation and sustaining of childminding businesses, the need for better tailoring of Care Inspectorate requirements, and the need to ensure good pay and conditions across private and local authority-run nurseries in order to strengthen Scotland's childcare sector.

16:55

Meghan Gallacher (Central Scotland) (Con): On 5 September 2023, Humza Yousaf announced the plan to improve childcare, which involved a

pilot to expand the provision of childcare to children from the age of nine months to the end of primary school, alongside plans to accelerate the expansion of care provision to two-year-olds and to offer more parental choice, to make childcare flexible.

Two years on, where are we? Well, we are not world leading, as some Scottish National Party members would have us believe, because, despite repeated promises, the SNP has failed to deliver on its pledge to expand the provision of early learning and childcare to children from the age of nine months. The pilot was scrapped before it even managed to get off the ground. I remind members that it was a flagship policy that was hailed as transformational for parents but that, like so many other SNP promises—such as those about free bikes, free laptops and the full roll-out of free school meals, to name just a few—turned out to be hollow words. The Government told parents that it would back them, but it turned its back on them.

Nowhere is that betrayal more evident than in places like North Lanarkshire, in my region, where the council does not provide early learning and childcare provision until the start of the term after a child turns three. The reason for that is budget pressures. Let us take a closer look at what that means for parents. A child who turns three in September will not receive funded childcare until January. That means months of additional pressure on working parents and months of missed learning opportunities for their child. However, that is not just an administrative error made by one local authority; as Jamie Greene rightly states in his motion, it is commonplace, and there is a postcode lottery. Councils are just following the guidance, but who sets the guidance? Well, it is the Scottish Government.

This systemic failure leaves parents in an impossible position and those who are hoping to start a family perhaps thinking again. Why is that? Without funded childcare support, parents are being forced to make an unfair choice. They can go back to work and pay extortionate childcare costs—which, for some, outstrip the cost of their rent or mortgage—or give up work altogether, sacrificing income, career progression and financial stability. Not many families have a choice about whether to work or to stay at home.

In September 2025, Pregnant Then Screwed reported that more than half of parents were forced to reduce their working hours or leave their jobs due to the high cost of childcare, with one in four families paying more than £1,000 a month. The Government needs to acknowledge that childcare is not a luxury and that starting a family is not just nice but is a pillar of a functioning economy.

Given that birth rates are declining, we need to make it easier, not harder, for couples to start a family. When parents are priced out of the workforce because they cannot find affordable childcare, we all lose. Parents are not a burden on our system; they are contributing taxpayers and they are the backbone of local and national economies. They deserve a Government that supports them so that they can give back.

Under the SNP Government, promises will continue to be made and will continue to be broken. Families are repeatedly told by the Government that help is on the way only to be left behind by a Government that views them as an afterthought. That is what they are—parents are being told that they are an afterthought. Local authorities such as North Lanarkshire Council are unable to deliver because of a lack of resource, planning and political will from the top. That is not about political will from councils; it is about political will from the Scottish Government to acknowledge the problems that we experience in our childcare provision and make the necessary changes to fix those.

We need a childcare system that works for every family—one that is accessible, that is affordable and that delivers. I will finish with a question. Has the SNP Government completely given up on expanding childcare or fixing its problems, has it forgotten about it, or is it completely incapable of fixing the problems that we have in our childcare sector?

17:00

Martin Whitfield (South Scotland) (Lab): It is a pleasure to follow Ms Gallacher's articulate argument on the challenges that we face. I thank Jamie Greene for allowing us to discuss the subject today. The statistics that have been outlined paint a very grim picture. Families have been let down by the SNP Government's outlandish promises, on which it has failed to deliver.

I welcome that the motion

"calls for the Scottish Government to guarantee that funded places are available from the day after a child's third birthday".

A significant number of parents whom I have spoken to fully expected that to already be the case, because that is what they thought that the Scottish Government's commitment meant. It was only afterwards that they found out that it is not. We have to acknowledge that such guarantees are utterly meaningless unless we can provide the childcare workforce with adequate support to provide the childcare.

I will raise another postcode lottery that has occurred: councils are being forced to interpret the

guidance in such a way that they can make savings. That is the case with the City of Edinburgh Council and the surrounding councils, where cross-boundary support arrangements exist. Parents who come into Edinburgh are required to use only city-run nurseries rather than private nurseries, which might be better located geographically and familiar to the children.

Parents who want to return to work and who want to know that their child is safe and in an environment in which they can properly develop, are facing challenges of all sorts, such as the amount of time and thought that they are required to put into considering how on earth they will get childcare for their children; they have no alternative but to spend almost their entire time begging grandparents and families for help, and fighting their local administration and a guidance system that is being interpreted differently in different areas. I am not blaming the councils, because they are not making decisions to limit access to childcare on a whim. The decisions are a result of shrinking budgets and a failure to properly value the people who make childcare happen.

Alasdair Allan made an incredibly powerful contribution: the loss of childminders in Scotland has been a real tragedy, because they are able to provide flexible, imaginative care in the community where a child is growing up. It is right to say that the Government has tried to stem the haemorrhaging. However, 50 per cent of childminders were lost in the six years between 2016 and 2022, and the Government's proposed policies and ideas are not filling the space that childminders have left—the aim is basically just to stem the loss. The sad thing is that, with proper support, older parents, women who want to change their work and men who want to change their work-life balance could provide the most brilliant childminding facilities—first to their own children but also to others at a later stage. We are losing a skill set of expertise that will be very hard to bring back.

To echo Meghan Gallacher's contribution, if we cannot get childcare right, we will not do anything with the economy and we will put pressure on families, who will start to make really serious decisions about whether they can afford to have a second child.

To put it at its politest, this is putting an unrealistic expectation on the parents of today.

17:04

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): I apologise for being a couple of seconds late. I thank Jamie Greene for bringing today's members' business debate on early learning and childcare provision.

I have not ordinarily been involved in education debates, because I have not been on the committee or had that portfolio to speak on. However, I have recently been very involved with this specific issue, because, only last week, a parent contacted me to share their concerns about the lack of affordable and accessible childcare. She said:

"It puts Scottish families even further behind those in England"

with some

"pushed to the limit of affordability each month".

That speaks to the importance of this topic.

Many members have spoken about the importance of the accessibility of childcare for young children. Although it is not explicitly referred to in the motion, I would like to speak about the importance of nurseries in rural communities. In places such as the Scottish Borders, nurseries provide much more than childcare: they support working parents, help to attract new families, keep rural primary schools alive and viable, and safeguard the future of our rural towns and villages.

Sadly, in the Borders, their future has recently come under threat. Over the past year, amid the national insurance hike from Labour and the SNP's chronic underfunding of local councils, some families have been faced with proposals to mothball childcare facilities and to create composite nursery classes by combining them with classes in the primary school. That has happened in places such as Cockburnspath, Ednam, Westruther, Yetholm and Sprouston. Those decisions have caused huge worry, and the threats have been felt very strongly by the local communities.

Parents and families have been in touch with me. One parent said that she would have to leave her job in a career that she has worked very hard for. We want to encourage women into the workplace, not discourage them. Another parent shared that they feel as though they are being forced out of the village because of the lack of access to childcare. During and after Covid, many people moved to the Borders from cities and settled in rural villages. Some of the attraction was the standard of the schools and the educational offering in the Scottish Borders Council area. Families have told me that the nursery is so important in keeping their village vibrant and bringing in new families and that any closure could have an impact on the future of the primary school and the village itself.

I would like the minister to respond in her closing speech to those concerns about mothballing, which I have raised before. I know that there is going to be a review of sections of the statutory guidance on mothballing under the Schools (Consultation) (Scotland) Act 2010. I asked a question just last week about when that will happen, and, if possible, it would be great to have an answer to that for parents.

That also speaks to issues in relation to delivering the 1,140 hours of childcare, which have been spoken about today. Everybody is signed up to ensuring that we can make a success of the 1,140 hours provision and that it is accessible to everybody, but that is not always possible. For example, if a mother and father—or a mother or a father, or whatever the family set-up is—have three children and the nursery of one child is under threat, they then have to move the child to their second-choice nursery and that child then has to go to a different setting from his or her siblings, so the arrangement becomes very disjointed and unsettling. Parents just want certainty, to be able to go to their jobs with confidence, and to ensure that their child is in a safe and nurturing setting.

17:08

Davy Russell (Hamilton, Larkhall and Stonehouse) (Lab): I thank Jamie Greene for bringing this important motion to the chamber. It has been an eye-opener to look into how local authorities differ in their interpretation of funded childcare. For obvious reasons, providing the statutory minimum of the term following a child's third birthday is fairly common in the west of Scotland, as has been noted, while some authorities, including Glasgow City Council, offer funded places in essence from a child's third birthday. My constituency in South Lanarkshire is somewhere in between, where there is potentially a huge delay between March and August each year. It is not just a postcode lottery; it is a birthday raffle, too, because provision basically depends on when a child is born.

Where local authorities can increase the eligibility for funded childcare, they are doing so, because there is a demand for it. We hear anecdotally about parents putting their careers on hold to have children, but we all know that the majority of those are women, and that there are long-term consequences for their career progression, salary, pension contributions and career fulfilment. That is to say that it is not just an economic issue but a social justice issue.

Unequal nursery-place provision across local authorities also reflects the common attitude that nursery is simply childcare while parents are at work, when of course it is a solid pre-school foundation. It greatly helps the child's development of language, physical development and socialisation by preparing them for the big day when they start primary school.

That should come at the right time for the child, not at the right time for the vague statutory guidance. There are difficulties with that—recruitment, to name but one—but that does not seem to hinder our European neighbours, who take the issue very seriously and seem to come up with solutions.

All of that is before mentioning that 1,140 hours is not even equivalent to a full-time job. I know parents who are on reasonable incomes who find that it is not financially viable to work full-time because the current funded-childcare provision is so difficult, with a postcode lottery on various issues. We need action.

I know that this is a complex issue with many parts. However, can we let common sense prevail and fix it? I join colleagues in calling for a tightening up of the guidance as well as a wider review of early learning and childcare provision.

Meghan Gallacher: On a point of order, Presiding Officer. I should have mentioned in my opening speech that I sit on the Pregnant Then Screwed advisory board. I apologise for omitting that.

The Deputy Presiding Officer: Thank you, Ms Gallacher. That will be on the record.

17:12

The Minister for Children, Young People and The Promise (Natalie Don-Innes): I thank members for taking part in the debate and for their contributions. I assure families around Scotland that we are listening to their concerns and reflecting on them.

Early learning and childcare are central to the Government's approach to making Scotland the best place to grow up in. As members have said, it is vital to support children's outcomes, and we understand that. We know that the positive impact can be even greater for those families who are experiencing poverty.

More than that, our childcare sector is a pivotal part of Scotland's national economic infrastructure. It is vital to enabling parents and carers to enter or return to work, to increase their working hours or to take up learning or training. Every year, we invest £1 billion in that crucial service. Families across Scotland have been benefiting from 1,140 funded hours of high-quality early learning and childcare for all three and four-year-olds and eligible two-year-olds since 2021. Some of the messaging that we have heard in the debate is not quite right about the priority that the Scottish

Government gives to early learning and our understanding of its benefits for children's development. We have been prioritising £1 billion of investment in that every year since 2021.

Meghan Gallacher: If the Government was serious about fixing the problems with childcare and its expansion, why has it not expanded funded childcare from nine months onwards? That was a promise that the SNP made, and it is a promise that has been broken.

Natalie Don-Innes: We are expanding childcare in a number of ways and I will be happy to get on to talk about some of the different ways in which we are doing so and how we are exploring what families need in Scotland, if I can make some progress with my speech.

If families paid for the offer themselves, it would cost them more than £6,000 per eligible child per year. However, that does not mean that there are no challenges. I reiterate my commitment to listen to the views of parents, those who work in the sector and, of course, members from across the chamber on how we can strengthen our national childcare offer.

I am very proud of the progress that we have made over the past few years in delivering the expansion to 1,140 hours. It has been a fantastic collaboration between the Scottish Government, local government, the childcare sector and families across the country, and quality is at the heart of that expansion.

I am sure that all members are encouraged that the Scottish household survey childcare report that was published just this morning shows that 91 per cent of households receiving funded ELC

"were either very or fairly satisfied"

with the quality of provision.

When I visit ELC settings across the country, I am very proud to see the difference that the investment is making in children's lives every single day—not to forget the difference that it makes to parents across Scotland by providing them with crucial support, reducing household costs and helping them to go out and work, train or study.

I am also proud of the support that we have prioritised for the ELC workforce. In the most recent budget, we committed a further £9.7 million to ensuring that the people who deliver the funded hours are paid at least the living wage. Unlike the United Kingdom Government, we have legislated to introduce a nursery rates relief scheme, through which we provide 100 per cent relief on non-domestic rates to eligible day nurseries, which has saved the sector more than £11 million this year alone.

Martin Whitfield: Is the Scottish Government still confident that the private nursery sector's financial model works?

Natalie Don-Innes: I will get on to talking about that funding model.

I would like to consider where we are right now, as it is important to recognise how far we have come since we delivered the policy. The fact that 95 per cent of three and four-year-olds are registered to take up funded hours is a testament to the childcare sector in Scotland, which delivers that every day. Throughout that delivery, we have been evaluating the ELC expansion, and we expect to publish a report on that first full evaluation in early 2026, covering several strands including the Scottish study of early learning and childcare and the parent and carer surveys that were carried out before, during and after the ELC expansion. That is important. As I have said, I am listening. When the reports are published, we will, of course, take the time to work with stakeholders across the ELC sector to understand what the reports tell us and what we can learn for the future.

I have listened with real interest to the points that members have made about start dates and about equity in the system. Of course, I appreciate the difficulties that parents face when systems change in their local area. Guidance was written in such a way as to allow local authorities flexibility. Members across the Parliament believe that local authorities should have flexibility, because we know that there is not a one-size-fits-all approach. Any change to the current minimum expectation around start dates would require a change to legislation, which would place additional duties on local authorities. Within the current structure, local authorities have the ability to put in place expanded or flexible arrangements locally should they choose to do so, as members have rightly pointed out—and I know that many authorities have been doing that. However, if the Parliament were to amend the minimum expectation, it would need to identify the significant additional funding that is required to cover the additional ELC hours that the system would have to make available.

I also point out that, even were start dates to be standardised to birth dates, that would not necessarily deliver an equitable amount of funded ELC per child. In fact, in many cases, it could create a bigger disparity. That is a technical point, but an important one. Children currently exit funded ELC provision at different ages due to the standardised entry point once per year in primary school. Although allowing those children to start as soon as they reach the age of three might seem fairer, those children who would receive the most extra entitlement, because they are born before or during the summer, are already likely to be

receiving a full two years of funded ELC. I do not think that that is the answer to all the concerns that have been raised today, but it is an important point to highlight. It makes it clear that we perhaps need to consider other ways to improve equity in the system—and that is exactly why I stated that I am willing to listen and to discuss the issue. I agree with Mr Greene, who pointed out that other options could be considered.

It is important to note how Scotland deals with deferrals. The Government has legislated to ensure that all children whose school entry is deferred can continue to receive funded ELC until they start school. That is enabling families to make decisions without the need to apply to the local authority, which is an important step in supporting parents to make decisions in the best interests of their child.

I am conscious of time, and I have not been able to get through all my points, but I must come back to Mr Whitfield's point. Indeed, Mr Greene and other members also mentioned the funding model. I reiterate that I understand the concerns around that, which is why it was my priority to more effectively understand the costs involved and why I prioritised starting the cost-collection exercise, helping us to understand the issue further and inform the guidance for setting rates next year. I had a meeting with ELC stakeholders just last week, and I believe that there is a feeling of positivity around that. I will share the outcomes from the sector later this year.

We are committed to giving every child in Scotland the best start in life, no matter their family circumstances. Our approach is based on the needs of children. We continue to make significant investment to give every eligible child the opportunity to benefit from 1,140 hours. That does not come without its challenges, and I hope that I have been clear in the debate that I am willing to listen and to act on concerns that members, families and the sector raise.

Health Service (Long-term Sustainability)

The Deputy Presiding Officer (Annabelle Ewing): The final item of business is a members' business debate on motion S6M-17486, in the name of Brian Whittle, on securing the long-term sustainability of Scotland's health service. The debate will be concluded without any question being put.

Motion debated,

That the Parliament welcomes the publication of the Scottish Fiscal Commission (SFC) 2025 *Fiscal Sustainability Report*, which was published on 22 April 2025; notes with concern that the report indicates the potential for growing fiscal pressures over the next 50 years, largely due to the combination of Scotland's ageing population and increasingly poor public health driving up health spending; understands from the research that health spending, which is already the largest area of spending within the Scottish Budget, is projected to grow from 34% of devolved public spending in 2029-30 to 47% by 2074-75; notes the analysis indicating that, as a result of demographic change, the Scottish Budget will face a significant challenge within the next 20 years unless action is taken soon to address rising levels of preventable illness, including long-term chronic conditions; further notes the view that, without any intervention, the worst case scenario set out by the SFC would leave a future Scottish administration being forced to choose between cuts to the health service or sacrificing other public services to sustain health spending; considers that helping people across Scotland, including in the South Scotland region, to live longer, healthier lives can reduce growth in healthcare costs as the population ages; notes the belief that this can be achieved through the delivery of a robust, preventative health agenda, integrated across multiple policy portfolios, that promotes inclusion, physical activity and good nutrition; further notes the view that it is essential for the Scottish Government to set out how it proposes to address the issues identified in the 2025 *Fiscal Sustainability Report*, in particular the specific steps that it will take to address the forecast gap resulting from poor public health, and notes the belief that politicians from across the political spectrum must have a shared commitment to improving public health if that goal is to be achieved.

17:22

Brian Whittle (South Scotland) (Con): I thank members from across the chamber for supporting my motion so that the debate could take place.

Members will recognise that I have been known to argue that the solution to most problems in our society is to go for a run. Today, however, I will not make that argument; instead, I will set out why improving public health is the solution to many, if not most, of the intractable long-term issues that our economy faces. I will, of course, weave into my argument the importance of being physically active.

The Scottish Fiscal Commission's 2025 "Fiscal Sustainability Report", which was published in April this year, set out that Scotland's annual

budget gap is set to widen in the coming decades, and that that is being driven in no small part by an ageing and less healthy population. The fact that the population of Scotland is predicted to age more quickly than that of the United Kingdom as a whole means that those pressures will arrive with us more quickly.

As a society, we are living longer, which is welcome, but there is a difference between life expectancy and healthy life expectancy, which is the number of years for which someone can expect to live in good health. Scotland's average healthy life expectancy recently fell to a near 10-year low, with women expected to have 60 years of good health and men 59.6 years. Across the country, there is huge variation in healthy life expectancy. In North Ayrshire, men and women can expect to have around 52 healthy years of life, while people in Perth and Kinross can expect to have at least 13 more healthy years than that.

As we live longer, we are likely to spend more years in poor health, which means more years with chronic illness, disability or dependence on others for care, all of which comes at a price. The demand on the national health service grows as more people need more treatment for longer. Social care and welfare costs rise as more people are unable to work or care for themselves. On the other side of that coin, economic activity, productivity and tax revenues decline as the size and health of our working-age population declines. It is a vicious cycle and, as the SFC's report makes clear, we must act to arrest it now if we are to have any hope of avoiding crippling budget challenges in years to come.

Healthcare already accounts for a major percentage of Scotland's total budget. If we do not take tough decisions today, we risk our successors in the Parliament having to make impossible decisions a few years from now. The biggest opportunity for change is to reduce the demand for healthcare by increasing our healthy life expectancy. There are many ways in which to achieve that aim, but any approach must include reducing obesity, promoting a healthy diet and widening opportunities for activity. It means tackling poverty, improving our housing stock, making better use of education—not only to promote a healthy lifestyle but to create new opportunities—and, of course, increasing participation in sport and physical activity.

Over the summer, working with the think tank Enlighten, I published a paper that is aimed squarely at preventing illness. It sets out how we can embed prevention within our education system and make better use of the facilities and resources that we already have to prevent illness and to ensure that members of the next generation live longer, healthier lives.

We must encourage change not only among young people. The SFC tells us that the greatest challenge for our economy will come as those who are currently in their 30s and 40s reach old age. Although those who are over 55 at the moment are most likely to drink and smoke to excess, those in the generation below them are struggling with obesity, inactivity and a more sedentary lifestyle. Even a small change in habits today can have an outsize effect on health outcomes down the line. The biggest factors by a long way in a person's long-term health outcomes in later years are their VO_2 max, which is their ability to absorb oxygen, and their muscle mass in the middle years. Those two things can be improved if relatively small actions are continued over time, which is why I am such an advocate for a concerted shift towards prevention now. The sooner we act, the better.

Why is it so hard to make that change? First, prevention is, by its very nature, hard to measure. It is far easier to say how much we are spending on treating cancer or supporting people who are dealing with addiction than it is to say how many cancers have been prevented by improving people's diets or how many people took a different path because a community organisation got five years' guaranteed funding. Secondly, when the health and social care sector is under so much pressure, many within it are naturally resistant to the idea of any of the money that they are spending now being diverted towards prevention.

I suggest that prioritising one element does not necessarily mean deprioritising another. Rather, it might reduce the need in certain areas. That would have to be a gradual shift and not an overnight change but, because it would be gradual, we must begin the process now if we want to maximise its impact. We must be ready to overcome the resistance to changing priorities within the NHS and must accept the need to shift the less-effective elements of the existing spend to prevention.

Almost every aspect of what the NHS does today could be argued to be essential, but the judgment that we must make is not whether something is essential but whether it is effective. That criterion of effectiveness is crucial. Too often, the most effective long-term approach loses out to the one that is more politically expedient or cheaper today, even if that means a higher cost tomorrow. Equally, those of us whose role is one of scrutiny can be guilty of having our own reasons for choosing the path of opposition over collaboration. Short-term thinking tends to result in long-term losses, and although the nature of politics means that we will not—and, indeed, should not—agree on everything, we are in danger of losing sight of anything that is not on our immediate horizon.

The Scottish Fiscal Commission's report lays out in stark detail the consequences of continuing down that short-term path when it comes to the intersection between health and our economy. Health is far from being the only factor that will influence our future fiscal position, but many of the other factors are, for better or worse, outside our control. Healthcare and the health of our population are very much the responsibility of this Parliament. As is true of anyone's efforts to improve their own health, improving the nation's health is not something that we can achieve instantly with one action; it is the result of a lot of small changes that work together, over time, to achieve a cumulative effect.

That end result has the potential to be transformational. We could see improved productivity thanks to a healthier workforce, an end to the seemingly ever-growing number of people who are condemned to a life on welfare because of preventable illness, and fewer people struggling with poor mental health. We could also take the pressure off Scotland's NHS, better allowing it to see beyond the immediate future.

Taken together, those steps would give us a genuine chance to address the fiscal threat that the Scottish Fiscal Commission has set out and would take us at least some way towards closing the looming budget gap. Even more importantly, they would enable us to help more people in Scotland to live longer, healthier lives. Ultimately, if we in this chamber cannot find a way to focus on long-term gain for the country, how can we hope to convince the public to do the same for their own health?

The Deputy Presiding Officer (Liam McArthur): We move to the open debate.

17:29

Emma Harper (South Scotland) (SNP): I thank Brian Whittle for lodging his motion on a hugely important subject that he has consistently—and rightly—raised over his time on the Health, Social Care and Sport Committee, which both of us have been members of during this and the previous session of Parliament.

It will be a challenge to cover the diverse issues in fower minutes, but I wanted to highlight some of the work of the Non-Communicable Disease Alliance. In Scotland in 2022, 53,000 deaths—about 85 per cent of all deaths—were attributed to non-communicable diseases.

The Government and the professionals who deliver public health policies from day to day place a huge emphasis on preventative healthcare. That cannot be overstated. However, for much of its early existence, our health service was mainly reactive, due partly to the economic circumstances and post-war austerity and partly to the medical technology that was available for front-line professionals. In recent decades, there has been a quantum leap in the technology and science that are available for our front-line staff to deploy where they need it.

I witnessed the advances in technology when I worked for the NHS as a registered nurse. I am still a registered nurse, and I like to keep up with the inventions and the on-going tech. Today, our healthcare staff have access to an incredible and efficient range of diagnostic tools. Blood samples can be taken from patients, tested and analysed rapidly—that includes immediate point-of-care testing and rapid results. The scale at which testing and screening can take place has increased almost exponentially. Magnetic resonance imaging and CT scans are absolutely routine across the country, and labs operate around the clock. The fact that mass screening programmes are deployed across the country to thousands of people allows for much earlier diagnosis and treatment.

There has also been an incredible development of vaccines across our population. Many of us will have memories of seeing those who survived polio but were left disabled by its effects. Thousands died from the polio virus every year, with little hope of treatment and no vaccine to prevent the disease in the first place. Mass vaccination has saved thousands of lives and saved tens of thousands of people from long-term health conditions that would affect their quality of life and demand increased care and support from our healthcare system.

That is why the purposeful disinformation on this side of the Atlantic—and, sadly, from the heart of Government on the other side of it—is so dangerous. Already, drops in vaccination rates in some areas of England have resulted in measles outbreaks. Measles isnae a benign virus; it is a serious and potentially deadly one.

I agree with Brian Whittle that the projected scale of funding for our health service over the next five decades is, in some ways, pretty terrifying. Fifty years ago, back in the 1970s, the idea that we could have the capacity or the technology to vaccinate every two-year-old against flu, to rapidly develop new vaccines for threats such as Covid-19, to begin to eliminate cervical cancer through the human papilloma virus vaccine, to screen for bowel cancer for 25 years everyone who reaches their 50th birthday, or even to routinely screen women for breast and cervical cancer—I could go on—would have been at the edge of science fiction. Today, those things are embedded in our health service, and our biggest challenge is driving up the uptake rates when invitations for screening are sent out.

Brian Whittle is also right to highlight the fact that healthcare and being healthy are cross-portfolio issues. Active travel spending has increased in recent years; that is not just about transport policy, as it will deliver healthier lifestyle benefits.

I am concerned about the rise of ultra-processed food and how that relates to poor health outcomes. I want the good food nation plan to address that. The promotion of shopping local, short supply chains, keeping local butchers and greengrocers open and the planning policies of the 20-minute neighbourhoods help to drive better health and wellbeing, even though, on the surface, it may not look as though those are health portfolio policies.

The issues that Brian Whittle highlights are not unique to Scotland. Nearly all the western world faces similar public policy challenges. I believe that the preventative and holistic approach that I have outlined is at the heart of the Scottish Government's agenda and that it is absolutely the correct one.

Therefore, I hope that members can work across parties, collegiately, as we often do in the health committee and when I speak in debates led by Brian Whittle. We need to work collegiately to ensure that, in future decades, we can look back at this era as one of continued progress and continued improvement in our nation's health.

17:35

Davy Russell (Hamilton, Larkhall and Stonehouse) (Lab): I thank Mr Brian Whittle for bringing the debate to the Parliament and I thank the Scottish Fiscal Commission for its report. As we are in the last six months before this session of Parliament is dissolved, it is a welcome reminder of the long-term implications of the work that the Parliament undertakes.

Although the financial implications of demand for health services—bearing in mind the ageing population and lower birth rates—are critical, we must not forget that, when we see the old recipe of increasing demand on health services coupled with the lack of adequate financial planning, it is a recipe for disaster.

It is not the service cuts that we see; it is the increasing waiting lists. My inbox is creaking at the seams with messages from constituents who have been told that they are on a waiting list—12 months for a new hip, two years for cataract surgery and 18 months for a ganglion cyst that is making life torturous for the individual concerned. There is one woman who has waited seven years for reconstructive breast surgery after bravely undergoing a double mastectomy—it is truly heartbreaking.

If we do not make profound reforms to our health service delivery model, we will not need to wait 50 years to see the problems that are described by the Scottish Fiscal Commission—they are chapping at our door now. We need to move away from the Scottish National Party's national sickness service and return to a true national health service.

Across the country, patients are finding it impossible to speak with their general practitioners. Recently, in my constituency, it has become more difficult for patients—mostly senior members of the community—to get routine blood tests or even blood pressure readings, as they are pushed away from their local surgeries to a centralised service. Many elderly people now need to take two buses to get something that they could get round the corner and, particularly in poor weather, that is a ridiculous situation. Where is the thought for the patient? The bureaucrats make uncaring decisions based on what suits them, rather than the patient.

We need to move towards a health model that prioritises keeping our population healthy by focusing on prevention, early intervention, timely local assessments and treatment, access to therapies for those with mental health concerns, and early diagnosis of autism and attention deficit hyperactivity disorder, as well as help with educational issues around health, healthy eating and fitness. That all starts with better resourcing for local GP surgeries, not centralised hubs that might look better on paper but which do not work for real people.

I would have loved to stand here and speak about the positive initiatives that Scotland should be at the heart of and leading the way on. However, as usual, we seem to be embedded in a firefighting approach, where our service delivers policies rather than heeding the old adage that prevention is better than cure. If we are not getting the basics of community health right, I am not convinced that my constituents are getting the sustainable health service that they deserve.

17:39

Tim Eagle (Highlands and Islands) (Con): I thank Brian Whittle for bringing the debate to the chamber. I should first register an interest: my wife is a GP up in Moray.

I think that I was probably in the Parliament no more than about five minutes before I had my first conversation with Brian Whittle about the preventative health agenda—he is a true champion on this subject—and it is something that I am deeply proud of. That is partly because I know a lot of doctors and I know the stresses that the NHS can come under, although I do not want

this debate to be about negativity; I want it to be about what we can do. It is also partly because of my time as chair of Moray Council's children and young people's services committee, which made me aware of just how important sport and leisure and healthy eating are for our children—and, in fact, for all of us. That is why I support Liz Smith's Schools (Residential Outdoor Education) (Scotland) Bill. It is vital to get people out into the countryside and realising the value of outdoor pursuits, activities and sport.

I will be 95 in 50 years' time—I hope that I am still alive then—which is when the Scottish Fiscal Commission's report says that we will be spending nearly 50 per cent of the Scottish budget on the NHS. That is a worrying figure because there is so much else that we need to do with our Scottish budget. Preventative health—everything that Brian Whittle talks about—is therefore vital, because we need to ensure that we use every penny of that tax money as well as we can for the people of Scotland.

In the little time that I have left, I will focus on sport and leisure. For a long time, and certainly since I became a councillor, I have been deeply concerned that we do not take sport and leisure as seriously as we should. I have seen services in decline across the Highlands and Islands, and particularly in my patch in Moray. Every year, swimming pools have come under threat, as have sports clubs, because they cannot get the funding that they need. We should be 100 per cent behind them. Not only are swimming pools in our coastal communities essential for saving lives, they bring people the ability to maintain a healthy weight and they also support mental health. By being part of a team, we can be stronger as people.

Brian Whittle touched on lifestyle support, support for mental health, and early detection and screening, which are all things that we need to do more of. I am not an app developer, but I am convinced that, in a digital world, there is more that we can do to deliver for the Scottish population and help people to have healthy and long lives.

I have always been a strong supporter of the NHS. I am ultimately very proud of it and I do not want to risk losing it—so it worries me when I hear stories about more people moving to private healthcare—because the NHS is something that is uniquely British. I have some statistics here. Last year, one in eight of the population were admitted to hospital, and there were 1.2 million hospital admissions and 4 million out-patient appointments. We want to have a healthy, thriving NHS where our doctors and nurses feel valued and people know that, in the worst of times, they are going to be looked after.

I fully support Brian Whittle in his members' business debate this evening. I hope that the Scottish Government and members from every party that is represented in the chamber will come together and make sure that we truly fund the future of our NHS but also fund our preventative programme to ensure that we do not need our NHS as often.

The Deputy Presiding Officer: Thank you, Mr Eagle. That was an ingenious way of subtly boasting that you are still in your 40s, I think.

17:42

Carol Mochan (South Scotland) (Lab): Like everyone else, I thank Brian Whittle for bringing this important debate to the chamber. As everyone has said, he has been a champion of this subject.

Our health, and the health of our friends and family, is the most important thing in all our lives, and public health must always be viewed as a priority in guaranteeing a prosperous and thriving Scotland. However, the truth is that Scotland has the lowest life expectancy and healthy life expectancy in the UK and the lowest life expectancy in Europe. That should drive us, as politicians, in how we talk about health and health spending, and it is why we must prioritise the preventative health approach.

Recent statistics reveal that healthy life expectancy in Scotland has fallen to a near 10-year low. We should all note that. It means that people in Scotland not only die prematurely compared with their counterparts in the rest of the UK but can expect to spend more time in poor health. I think that every member would agree that that is what many of our constituents and their families speak to us about. It is not just about having a long life; it is about having a healthy life.

We must recognise that improvements to public health are an investment in our future. Prevention must be viewed as an investment in our communities. As the motion says, health spending is the largest part of the Scottish budget, so it is important, and the Scottish Fiscal Commission expects it to increase significantly over the next 25 years. If we want to see that investment, then, as we all agree, we need to move to a more preventative approach to healthcare.

We also need to acknowledge our responsibility to ensure that there are cross-portfolio approaches, as others have mentioned. We recognise that poor health is not just about individual choice but about what access one has to housing, transport, space, healthy workspaces, secure work, family time and so much more.

We in Parliament and the Government have a responsibility to legislate in a way that tackles

rising inequalities. The truth is that the gap in health is unacceptably high. We have a responsibility to close that gap with a robust approach to policies that tackle poverty and inequality. That is a preventative approach.

Those who are living in the least deprived areas spend more years living in better health than those in the most deprived areas—we hear that a lot in the chamber. East Ayrshire, which is in my South Scotland region and is where I live, has some of the lowest healthy life expectancy rates in Scotland, with the average male expected to live 55.8 years in good health and the average woman 55.4 years. NHS Ayrshire and Arran also has the joint lowest healthy life expectancy estimates of all Scottish health boards. It is important to me and my constituents that, in Parliament, we work towards a preventative system.

The health inequalities that exist in our deprived communities must be considered when determining the targeted interventions that are required to improve outcomes. We must also ensure that more targeted interventions happen. More resources and support need to be put into those communities.

I thank Brian Whittle and other members for having this positive discussion about how preventative healthcare can help our constituents. I reiterate that our health and wellbeing is the most important thing in all our lives. Living a long and healthy life is possible. It is possible for us to allow all our constituents to have a long and healthy life, but to do that, we need to take our responsibility as legislators seriously.

I hope that, in closing, the minister will address the measures that the Government is taking and will continue to take, because it is the responsibility of Government to provide sufficient direction and leadership to ensure that Scotland's population live long and healthier lives.

The Deputy Presiding Officer: I invite Tom Arthur to wind up the debate.

17:47

The Minister for Social Care and Mental Wellbeing (Tom Arthur): I thank Brian Whittle not only for bringing the motion to the chamber, but for the considered and thoughtful way in which he presented his remarks and set out his views. There is much that we can collectively learn from the approach that he has taken, and from recognising some of the collective challenges that we share, not least of which is the proclivity of our political discourse to focus on the short term at the expense of the medium term and the long term, and the risk that such short-term thinking can pose.

That focus can be particularly present in our discourse on health. Our debates are regularly consumed by immediate and pressing demands—for very understandable reasons, because those are what our constituents routinely come to our surgeries to seek our support and assistance on. However, we have a collective responsibility not just to this generation but to the generations to come. That philosophy and wisdom were very much present in Mr Whittle's speech.

I also note Mr Whittle's point about the need for small changes and the importance of recognising that, although significant shifts that take place overnight can perhaps present an insuperable challenge, small changes do make a difference, Indeed, consistency compounds: whether one works in finance or is training in athletics, one has to recognise that it is about consistency and taking small steps in the right direction. I think that, in Scotland, we are collectively taking steps in the right direction.

I welcome the SFC's report, which makes an important contribution to our debate. As it sets out very clearly, there will be significant challenges ahead if nothing changes. The report underscores the importance of our not only working collectively but recognising the multifaceted nature of public health.

In his speech, Mr Whittle spoke about the implications of public health for the economy. I suggest that it is also important to recognise the impact on public health of the way in which our economy operates. An example is the consumption of products that are harmful to health. There are those who will stand to gain from that through profits and trade, while the externalities that ensue in the form of public health challenges fall to the state. It is important to consider that interaction when considering public health.

Brian Whittle: Will the minister take an intervention?

Tom Arthur: Before I take Mr Whittle's intervention, I note that it is appropriate that we remind ourselves that Nye Bevan was not just the secretary of state for health but was the secretary of state for health and housing. When we think about public health and health more broadly, and the interaction with other portfolios, it is extremely important that we consider that as a cross-Government endeavour.

Brian Whittle: Some of my optimism comes from changes that have been made in other countries. We are not other countries; we are Scotland. However, where there is political will, there is a way.

I look at countries such as Japan, which made a political decision to have a nutritionist in every

school. Children there must eat a specific healthy diet. Japan, which is the third-largest economy in the world, has an obesity rate of 4 per cent. If we have the political will, change can be made.

Tom Arthur: Mr Whittle highlights an important point. As he will appreciate, in relation to the differences that we see in life expectancy and healthy life expectancy between different countries, a country's public health policy has an impact. However, there are wider cultural, historical and economic factors at play as well. That does not, in any way, diminish the importance of his point.

Emma Harper gave an excellent speech. She touched on the wide range of factors that come into play in shaping our public health and our population health as a whole. She touched on how our economic model interacts with public health. For example, shopping locally often leads to the procurement of good-quality, nutritious produce, but it also supports our local economies, sustaining the presence of local businesses and promoting active travel.

Emma Harper also touched on 20-minute neighbourhoods and no-go living. As a former planning minister, I am reminded of the fact that when the first legislation to create what became the modern planning system was introduced nearly a century ago, it came from the public health movement and was a response to the dire housing conditions that were once present. That is worth bearing in mind.

Davy Russell addressed one of the tensions that will always be present in our debates on health, which is the tension between local services and centralised centres of excellence. We have seen that trend in the delivery of healthcare for many years now, owing to the increasing sophistication, complexity and specialisation of services. Delivery models that might have been sustainable with previous iterations of technology have to change and adapt, but, to balance that, I recognise that there is the opportunity for greater localisation of services and a different way of delivering them.

Of course, we live in a world now where procedures that would have meant in-patient stays in previous decades can be undertaken as a day patient or as an out-patient. That reflects Emma Harper's point about the progress that can be made through the use of technology and innovation. Indeed, Carol Mochan touched on many of those broad aspects in her speech. She also touched on the importance of considering not just life expectancy but healthy life expectancy. She asked me to mention some of the work that the Government is undertaking in that regard.

This year, the Government published and began to enact a series of short-term, medium-term and longer-term actions to realise our vision of a Scotland where people can live healthier, longer lives. Those actions are outlined in three published plans.

The NHS Scotland operational improvement plan, which was published in March sets out a number of actions to be taken across the NHS to improve our services. It is a clear plan to improve services and is supported by £200 million of targeted investment.

The plan was followed by two key frameworks for the future not only of our health and social care services but of the health of the Scottish population. Our population health framework, which was co-produced with the Convention of Scottish Local Authorities, is firmly focused on meeting the challenges that the Scottish Fiscal Commission has outlined. That framework, which was published in June, sets out a cross-Government and cross-sector approach to improving population health over the coming decades, with a firm focus on prevention. It aims to improve life expectancy while reducing the life expectancy gap between the 20 per cent most deprived areas and the national average by addressing the key social, economic and environmental drivers of health and economic inequality. It looks to ensure that we pursue and implement equitable access to health and care services.

The evidence is clear that our health is, as I have touched on, closely linked to the circumstances and environments in which we are born, grow up, live, work and age—the building blocks of health. As I have said previously, that needs a cross-Government and cross-sectoral focus. We know that investing in prevention is one of the most cost-effective interventions that the NHS and wider systems can make in improving population health and reducing inequalities.

The population health framework sets out 30 actions, including the promotion of healthy eating, in line with a new two-year implementation plan to improve the food environment, diet and healthy weight. It looks at tackling obesity, including through legislation to restrict promotions of foods that are high in fat, sugar and salt, and the development of new digital type 2 diabetes remission programmes. The framework also includes work to reduce harms from smoking and vaping, such as work with the UK Government on the bill to increase the age of sale for tobacco products, and work to introduce an advertising ban for vapes and nicotine products.

In concluding, I will touch briefly on the service renewal framework, which sets out how we will strengthen integration across health and social care, delivering services that are preventative, person-focused and built on collaboration. The

population health framework, along with the reforms that are outlined in the service renewal framework, set out a collective long-term approach to reform and renewal of health and social care in Scotland.

I again thank Brian Whittle for bringing this important debate to the chamber and for the tenor in which he did so. I thank other members for their contributions.

Meeting closed at 17:56.

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