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DRAFT

Meeting of the Parliament

Tuesday 6 January 2026

Session 6

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Scottish Parliament

Tuesday 6 January 2026

[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, and our time for reflection leader today is the Rev David J M Coleman, environmental chaplain to the United Reformed Church.

The Rev David J M Coleman (United Reformed Church): Today is the feast of the Epiphany, which is the last blast of Christmas. It comes with very powerful stories attached, not least the story that people from another culture, nation and faith finally made their way to the infant Jesus by a combination of what we might call scientific observation and spiritual wisdom. They are known as the wise men, although in Christian history that has perhaps been a way of obscuring the foreignness, in both faith and race, of those revered figures in the Christian story. They bring to the house of a working family gifts of gold, frankincense and myrrh, which are gifts for prosperity, prayer and the acknowledgment of life's changes and endings.

We may know them as "wise men", but, in the first part of their story, and tragically, they turn out to be only clever rather than wise. Naively trusting protocol and procedure, they deal first of all with a corrupt ruler, whose violent response ensures that Christianity's founder starts childhood as a refugee. The full story of Christmas cannot be told without a reminder of how the abuse of power can, and still does, kill the poor and—as science now insists—lead directly to the premature extinction of our fellow creatures to whom God gave the earth as a home just as much as he gave it to us.

I have been environmental chaplain since 2018, working with a wide spread of Christian traditions from the Borders to Shetland and cherishing dialogue with interfaith organisations. Since preparing together for the 26th United Nations climate change conference of the parties—COP26—we have really got to know each other.

My particular calling is to uncover the buried treasure in the green field of scripture and tradition and to activate the spiritual resources that our particular faith has to offer in times of threat and turmoil, working like yeast in the dough of Scotland. To put it simply, I do that so that we, who are now bombarded with the terrifying facts about the crisis of nature and climate, may, with eyes wide open to the bad news that is now beyond reasonable doubt, both repurpose and share something more than facts and figures and be part of the discernment of daily life and community action.

Our grass-roots movement of environmentally committed churches on islands and in cities builds up the courage and resilience—and the joy—of faith communities without dishonestly pretending that the outlook for the coming generations is not terrifying. We do that because the wisdom that takes notice also gives hope.

Business Motion

14:03

The Presiding Officer (Alison Johnstone): The next item of business is consideration of business motion S6M-20312, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, on changes to business. Any member who wishes to speak to the motion should press their request-to-speak button now.

Motion moved,

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

(a) Tuesday 6 January 2026—

after

followed by	Citizen Participation and Public Petitions Committee Debate: Petition PE2018: Recognise the Value of Swimming Pools and Provide Financial Relief to Help Keep Pools Open

insert

followed by	Standards, Procedures and Public Appointments Committee Debate: Standards, Procedures and Public Appointments Committee's 9th Report, 2025 (Session 6)—[*Graeme Dey*]

Motion agreed to.

Topical Question Time

14:04

Resident Doctors Industrial Action

1. **Sandesh Gulhane (Glasgow) (Con):** To ask the Scottish Government whether it will provide an update on the talks with British Medical Association representatives regarding the planned resident doctors strike due to begin next week. (S6T-02820)

The Cabinet Secretary for Health and Social Care (Neil Gray): Presiding Officer, happy new year to you, to colleagues and to other staff.

I held further constructive discussions with the BMA resident doctors committee yesterday, and I have just left further discussions in order to attend to parliamentary responsibilities this afternoon. Those discussions are on-going, and we hope to agree a resolution to avoid industrial action, which is in no one's interests—least of all those of patients.

Sandesh Gulhane: I declare my interests as a practising national health service general practitioner and a BMA member.

November was the worst on record for four-hour accident and emergency waits, the 62-day cancer treatment target has not been met in more than a decade, and Scots struggle even to get an appointment with their local GP. When the SNP is confronted with failures of its own making, it tries to doctor the figures in its favour. Its utter incompetence has left staff picking up the pieces but, with an almost unprecedented flu season under way, it feels irresponsible for resident doctors to strike next week, and I encourage them to think again.

It is critical that the Scottish Government stops those strikes happening. If they go ahead, the needless loss of life will rest squarely on the shoulders of Neil Gray and John Swinney. If Neil Gray capitulates to the demands, where in the budget will he get the money from? What other offers are being made that are not monetary?

Neil Gray: There are a few areas to unpick in Sandesh Gulhane's question. First, the NHS is demonstrably turning a corner. We can see that in the waiting times data that has been published today, which shows that, for the sixth month in a row, waiting times of more than a year have reduced, and reduced substantially. That is down to the efforts of staff and the investment that the Government has given for a focus on that.

On where we are in negotiations, it is important to respect the confidentiality of those discussions. However, I note that, on the one hand, Sandesh

Gulhane tells me to resolve the matter and, on the other, he tells me not to capitulate. This is where the art of negotiation and compromise come in, so that we find a way through that is suitable for patients and resident doctors and is affordable and fair across public sector pay policy.

Sandesh Gulhane: I notice that Neil Gray did not answer the question.

The SNP Government has lost the trust of public sector workers, as is demonstrated by the fudged deal with nurses. The Royal College of Nursing has accused Neil Gray of reneging on his promises, so how can anyone possibly trust the word of this cabinet secretary? The broken trust in him is going to directly impact patients such as William McLaughlin, who wrote to me about seeing 12 ambulances parked outside A and E with patients in them and who described University hospital Wishaw as being "under siege". That is the reality of the SNP's incompetence.

The SNP has repeatedly taken credit for Scotland avoiding NHS strikes so far. If the strikes go ahead, will Neil Gray accept responsibility for this failure and resign?

Neil Gray: I recognise the pressures that exist in our health and social care services at this time of year. That is why I visited Monklands hospital on Christmas eve to thank staff for the incredible efforts that they are deploying. That is why the First Minister had engagements at Glasgow Royal infirmary and the Royal hospital for children in Glasgow, to ensure that we were confident and assured as to the work that is being done across NHS boards to respond to the winter pressures in the system.

I recognise the challenges that Sandesh Gulhane set out in relation to University hospital Wishaw. I understand them, and that is why we are working with boards to take a whole-system response that ensures that we are alleviating pressure.

I will not comment or provide a narration on the on-going negotiations with resident doctors. I want to respect the confidentiality of those negotiations, but I am seeking to find compromise with our resident doctor colleagues. I respect their right to strike and their right to ballot their members—of course I do—but I agree with Sandesh Gulhane that industrial action will not be in anyone's interest and will cause substantial disruption. I have ensured that our boards are as prepared as they possibly can be for such industrial action, should it take place next week.

Emma Harper (South Scotland) (SNP): I welcome the fact that resident doctors' pay in Scotland will have increased by 35 per cent by 2027 under the current pay offer. I thank everyone who works in our health service for everything that they do, and especially for everything that they did in the recent festive period. Does the cabinet secretary agree that industrial action will probably not be the best way to benefit anyone? How could such action impact on patient care and working conditions for other NHS staff?

Neil Gray: I thank Emma Harper for putting on record the pay offer that has been on the table for some time, which confirms the fact that the Government has respected the 2023 pay deal when it comes to the making of substantial progress on pay restoration. Increasing pay as the pay award would do over the coming two years would involve a cumulative pay increase of 35 per cent to resident doctors, which is substantial progress in getting to pay restoration.

I reiterate to Emma Harper, as I did to Sandesh Gulhane, that industrial action will bring no benefit to anyone, least of all our patients. NHS boards are planning for strike action and seeking to ensure that any disruption is minimal, but strike action will lead to some appointments being cancelled, as staff have to protect acute and urgent care. I ask the BMA, as I have repeatedly done, to reconsider, so that we can collectively continue to improve our patients' experience.

Jackie Baillie (Dumbarton) (Lab): I, too, wish everybody in the Parliament a happy new year, and I say as gently as I can to the health secretary that former SNP health secretary Alex Neil was scathing in his comments about the Government's turning a corner on the NHS, describing that claim as "rubbish".

The resident doctors' strike is scheduled to start in one week—on 13 January. However, in one of Scotland's largest health boards—NHS Lothian—staff are still waiting to hear what contingency arrangements will be put in place. What arrangements are being made to ensure that patients can still access healthcare in the event that the strikes go ahead?

Neil Gray: From the moment that the ballot for industrial action was called, we have been working to ensure that our boards are as prepared as possible, and we have contingency arrangements in place. Some elements require to be finalised but, from meeting employer representatives—I did that as part of discussions earlier this afternoon—I understand that those preparations are well advanced.

As I have pointed out to our resident doctor colleagues, there is no avoiding the fact that there will be disruption should the industrial action go ahead next week, which has the potential to bring about harm. I know that they do not wish that to happen, as I certainly do not, and I am doing everything possible, through compromise and

negotiation, to find a route that avoids industrial action next week.

Snow and Cold Weather (Impact)

2. **Jackie Dunbar (Aberdeen Donside) (SNP):** To ask the Scottish Government what assessment it has made of the impact of the recent snow and cold weather in Scotland. (S6T-02825)

The First Minister (John Swinney): Presiding Officer, I begin by wishing you and colleagues a happy new year.

The Scottish Government resilience room—SGoRR—has been active since Friday 2 January, and our liaison officers have been working alongside front-line responders, local authorities and other partners to support their work. Ministers have been fully engaged in addressing the impacts of the heavy snowfall on transport, healthcare and social care, along with education, and in preparations for the current amber and yellow warnings that are in place for snow and ice. A further ministerial SGoRR will take place later this afternoon.

Extensive information has been shared with the public by relevant partners throughout the period. I commend staff across our front-line agencies, as well as voluntary organisations and members of the public who have stepped forward to support their communities. I urge anyone in an affected area to follow the advice on staying safe.

Jackie Dunbar: The snow has had the anticipated impact across the country. Aberdeenshire Council, Orkney Islands Council and Shetland Islands Council announced that schools would remain closed today, after hundreds of nationwide closures yesterday and widespread travel disruption. What is the Government's advice to communities across Scotland, including in my constituency, on how they should stay safe and ensure that they are prepared for such weather?

The First Minister: I recognise and acknowledge the significance of the impact across north-east Scotland and the Highlands and Islands. The Scottish Government's Ready Scotland website contains a host of information on how people can prepare and work together to help others when we face conditions such as those that we are experiencing this week in those parts of Scotland. It includes advice on trusted sources of information, what materials to have at home, how to get additional support or help—especially from utility companies and local authorities, if needed—and how to stay safe in the extreme weather that has been experienced in those areas of Scotland.

Jackie Dunbar: The early days of 2026 have seen heavy snowfall across parts of the country, and we should think of the contribution of those who work night and day in the worst of the weather to clear our roads and lay grit—whether that is BEAR Scotland on trunk roads or our local authority workers.

I join the First Minister in acknowledging and thanking those folks for their contributions. Will he join me in thanking all the volunteers who are out there, whether that be someone chapping on a door to make sure that their next-door neighbour is okay or someone digging out their little wee bit of the pathway?

The First Minister: I associate myself entirely with Jackie Dunbar's comments. Our front-line workers have worked extremely hard to ensure that services and access could be restored as quickly as possible. The latest updates are that good progress has been made on the restoration of the transport network. The trunk road network is all functioning. There is still some clearing being undertaken on the rail network, with particularly acute challenges in the far north and on the Kyle line.

I pay tribute to everybody who has made their contribution. We have been greatly assisted by members of the farming community and others in rural Scotland who have used their own equipment to help to clear routes and assist the public authorities in their efforts. I pay the warmest tribute to everybody who has made a contribution to do so.

Liam Kerr (North East Scotland) (Con): The community response to the weather—today it was declared a major incident—has been admirable and extraordinary, unlike the Government's absence, inaction and lack of communication, which have been appalling. Will Andrew Bowie MP's call for immediate mobilisation of all resources be agreed to? What discussions has the First Minister had with Aberdeen City Council and Aberdeenshire Council to offer Scottish Government help in the face of brutal cuts that have limited council resources?

The First Minister: There has been full engagement with public authorities on all these issues, as there is on every occasion. There has also been very active communication on the issue by ministers and those who act on our behalf. There was a change to the weather warnings very late last night by the Met Office, and the Cabinet Secretary for Transport communicated about that very late last night to ensure that members of the public were aware of the escalation to an amber warning.

I assure Mr Kerr and Mr Bowie, who has written to me, that all resources are mobilised to help the situation. We are working closely with Aberdeen City Council and Aberdeenshire Council. If those authorities require any assistance, the

Government will be happy to take forward that work. That is what our liaison officers are doing on a constant basis.

Douglas Ross (Highlands and Islands) (Con): Moray has seen a significant volume of snow, and schools are closed for a second day. I say that as a parent of two boys who have been unable to get to school and nursery. What support will the First Minister and the Scottish Government provide if the situation goes on for a prolonged period and pupils cannot get into school to learn at the start of the new term?

The First Minister will be aware of the commitment that he gave in 2021 as education secretary, when he said:

> "the SNP will roll out a new programme to deliver into the hands of every school child in Scotland a laptop, Chromebook or tablet to use in school and at home."

Does the First Minister know how many children who are stranded and unable to get into school are using the laptops that he promised them, or was that a broken promise? Do they not have those laptops for learning from home?

The First Minister: As Mr Ross will know, local authorities are responsible for the delivery of education in their localities, and the whole process of online learning is properly and statutorily delivered by local authorities. I know that Moray Council will be attentive to the delivery of distance learning when such occasions occur. I am familiar with the mechanisms that I put in place as education secretary to create the e-Sgoil, which is a digital learning platform that provides assistance to individuals in such circumstances and on many other occasions to enhance their educational contribution. All those resources are available to pupils the length and breadth of the country.

CalMac Ferries (Repair and Maintenance Costs)

3. **Katy Clark (West Scotland) (Lab):** To ask the Scottish Government whether it will provide an update on how it plans to address CalMac's ferry repair and maintenance costs, in light of reports that these costs have doubled over the past two years. (S6T-02824)

The Cabinet Secretary for Transport (Fiona Hyslop): Annual overhauls, regular maintenance and vessel repairs are required to achieve safety standards for carrying passengers and goods to and from our islands. In recent years, we have been investing additional sums to maintain fleet reliability and resilience, while we continue delivery of the 13 new vessels that are currently on order for CalMac routes.

As part of the Clyde and Hebrides ferry service 3 contract arrangements, vessels will be subject to an increased programme of regular maintenance outwith the annual overhaul schedule in order to reduce unplanned disruption and overhaul overruns. CalMac is in the early stages of considering and delivering that revised approach, and it will be engaging with communities in the coming months and weeks.

Katy Clark: It is reported that more than £260 million has been spent on repairs in the past 11 years. The bill was £50.1 million in 2024-25, compared with £25 million two years earlier. Does the cabinet secretary agree with campaigners that costs are out of control?

Fiona Hyslop: The member will be aware that annual overhauls are mandatory. There is a legally required period when every vessel must be taken off service for annual maintenance and overhaul. There are issues with inflation over that period, but the member will also be aware of the work on the MV Caledonian Isles continuing for a considerable amount of time, and funds for that will have particularly increased in the past year.

The costs and scope of the annual overhauls and the recertification of the vessels are planned well in advance, in line with statutory regulations. That sometimes includes complex work, which costs money—such as overhauling propulsion units or engines and sourcing spare parts to minimise disruption to lifeline services.

The issue is not just about repairs; it involves statutory annual overhauls. For the year that the member is referring to in particular, the MV Caledonian Isles will have been a substantial part of the picture, as there was an extended period of work on it following its annual overhaul.

Katy Clark: The increase in costs is clearly a result of the ageing fleet and the failure of the Scottish Government to order new vessels over many years. Given the delays to the MV Glen Rosa and the two Turkish vessels that have been ordered coming into service, and given the number of vessels that keep being taken out of commission for repairs, how can CalMac realistically be expected to plan its annual deployment timetable with any degree of confidence?

Fiona Hyslop: Management across the fleet, particularly in periods of overhaul—which we are now in—can be quite complex. The member needs to differentiate between some maintenance costs and repairs. Some 50 per cent of repairs are completed within four hours—although that can still cause disruption. In maintaining our fleet, we want to be proactive with the new contract, ensuring that regular maintenance takes place not just at the time of annual overhaul but throughout the period. That would minimise disruption. The 13 new vessels coming into the fleet will address

some of the issues that the member has, understandably, addressed.

Sue Webber (Lothian) (Con): Having a resilient CalMac fleet means ensuring that the new vessels are delivered on time. Despite the First Minister's reassurance that the MV Glen Rosa would set sail before May's election, we heard the dreadful news, before Christmas, that that lifeline vessel will not be delivered until the end of this year. The blame for this national scandal lies squarely with Scottish National Party ministers. Can the cabinet secretary outline what additional costs will be incurred by the delay and where the money will come from? What actions are ministers undertaking to ensure that the vessel is finally delivered?

Fiona Hyslop: The statement about the time period for the MV Glen Rosa was made to Parliament in the regular updates at the end of December 2025, and I refer the member to those.

The really important thing is the service that is provided to the people of Arran in particular. We are in our annual overhaul period, when vessels are out being repaired and having their annual maintenance and investment. I have been clear that, until such time as we have the Glen Rosa, I want there to be a two-harbour operation, involving both Troon and Ardrossan, with the caveat that we are in the annual winter overhaul period. That is important not just for the people of Arran but for the communities of Troon and Ardrossan.

Jamie Greene (West Scotland) (LD): I wish members a happy new year. I thank CalMac staff, who have kept islanders moving in very difficult conditions over the past few weeks. I note that the news about the MV Glen Rosa was snuck out to Parliament in what the cabinet secretary suggested was the usual way—that is, it was announced the minute we rose for recess, as has become a habit for the Scottish Government.

The reality is that there have been 6,000 technical cancellations on the Gourock to Dunoon route over the past few years. They were technical, not weather related. There have been nearly 800 such cancellations on the Arran route alone. There have been 16,000 technical cancellations in three years, due to vessels being out of action.

Will the Scottish Government look to extend and expand the compensation scheme, so that all coastal and island communities can benefit from it when they are out of pocket through no fault of their own?

Fiona Hyslop: There are a number of points in that question. I, too, extend my thanks to CalMac staff who, throughout the winter period, often deliver services in very difficult circumstances.

Technical cancellations are a very small percentage in comparison with the numbers of cancellations as a result of weather, which are by far the most substantial. We are talking about hundreds of thousands of vessel journeys, and the numbers that the member mentioned amount to about 4 per cent. Those technical cancellations have an impact, but we should remember that that is in the context of hundreds of thousands of journeys every year.

On the member's other point, he may have missed that there is regular three-monthly reporting on vessel completions. I was previously a member of the Net Zero, Energy and Transport Committee, which set the timescale for when those reports would happen. They are always published quarterly, and the timing has been regular since my time on the committee, almost two and a half years ago. There is a regular drumbeat of reporting, which I think is appropriate, from those who are responsible for the delivery of those vessels.

Finally—if you can bear with me, Presiding Officer—I note that the member referred to financial support, which is the responsibility of Mairi Gougeon. It was announced at the end of last year that the £4.4 million islands business resilience fund has been extended to cover the communities on Mull, Islay, Coll, Colonsay and Jura. It was always our intention to extend that funding if possible, but, initially, it had to be focused on those who had experienced the most significant disruption, which is why the first tranche of funding went to the relevant islands.

I am very pleased that the SNP Government has taken the issue seriously and is delivering £4.4 million of business resilience to those communities.

The Presiding Officer: That concludes topical question time.

Civil Legal Assistance

The Presiding Officer (Alison Johnstone): The next item of business is a debate on motion S6M-20208, in the name of Karen Adam, on behalf of the Equalities, Human Rights and Civil Justice Committee, on civil legal assistance in Scotland. I would be grateful if members who wish to speak were to press their request-to-speak buttons. I call Karen Adam to speak to and move the motion on behalf of the committee.

14:27

Karen Adam (Banffshire and Buchan Coast) (SNP): I am pleased that we have the opportunity today to debate the provision of civil legal assistance in Scotland. In the course of our inquiry, the committee was presented with an alarming picture of the current availability of civil legal assistance. People's access to justice is being compromised, and we must take the opportunity today, as a whole Parliament, to debate the "Report on the Equalities, Human Rights and Civil Justice Committee inquiry into Civil Legal Assistance in Scotland".

Access to justice has been a key theme of the committee's work during the current session of Parliament. In particular, the committee has been concerned about the provision of civil legal assistance and the increasing challenges that some people face in finding a lawyer to take on a case.

In the context of recent increasing concern about the ever-declining number of solicitors in Scotland who are taking on legal aid work, the committee agreed to undertake an inquiry into civil legal assistance in Scotland. The committee agreed to focus on what is and what is not working in the current civil legal aid system, and on what changes could be made in the short term and the longer term to address access issues.

A number of key themes emerged from our work. However, before I get into those themes, I state that the committee was disappointed that no primary legislation has been introduced in the current session of Parliament to effect an improvement in the provision of civil legal assistance. The concerns that we heard emphasised that the need for legislative change has long been known and has not just emerged, and a desire was expressed that primary legislation should have been introduced earlier in the session. However, it is welcome that the Scottish Government has been consulting on reform, and we hope that the Government will go even further. Legislative reform of civil legal assistance must be a priority for the next Administration.

During our inquiry we heard significant concerns about the operation of current systems, which emphasised the acuteness of the situation. I am grateful to all those who provided us with written and oral evidence that painted such a vivid picture of the current predicament with regard to civil legal assistance in Scotland. The committee was presented with a picture of legal aid deserts that are compromising people's ability to exercise their legal rights. These legal aid deserts relate both to geographical areas and to areas of law, including those relating to asylum seekers, immigration, welfare, housing and employment.

Perhaps most strikingly, we heard about the experience of women seeking legal assistance in relation to domestic abuse cases. We were given the example of Grampian Women's Aid, where workers are making 50 to 60 calls a day to find a legal aid solicitor. That challenge is not unique to remote and rural areas. We were also told that, in domestic abuse cases across Scotland, women are having to contact 30 to 50 solicitors before they can access advice. We noted that that was unacceptable and, in our report, we urged the Scottish Government and the Scottish Legal Aid Board to work together to understand the extent of unmet need for civil legal assistance in Scotland. Therefore, we welcome the Scottish Government's recognition—in its response to the report—of the need to undertake such an exercise, and we also welcome the efforts that are being made by SLAB and the Law Society of Scotland to do it.

It is also pleasing to note the commitment of funding for initiatives such as the legal aid traineeship fund to attract new entrants to the legal profession. Measures to increase the capacity and capability of the supply base are noted, as well as the potential impact of the Regulation of Legal Services (Scotland) Act 2025.

Those are all welcome measures that we hope can contribute to an improved supply of civil legal assistance. However, there must be tangible results from the exercise, and we will strongly emphasise to our successor committee that it must hold the Scottish Government to account for progress in those areas. Although we welcome the measures, we note that they do not respond to the primary driver of shortages that we heard about. We were told that shortages of legal aid practitioners were primarily attributable to the low rates of fees for solicitors for legal aid work, and that increasing those rates would have a significant impact on the availability of legal aid practitioners. There appeared to the committee to be a clear link between low fee rates and the lack of lawyers who are willing to undertake legal aid work.

When we reported, we welcomed the Minister for Victims and Community Safety's commitment

to reinitiate fee review planning and collaborate with stakeholders on the reform of legal fees in 2025. The committee also welcomes the subsequent commitment to establishing a fee review mechanism group. It is pleasing to see that the group has now been established and has met, and we hope that it can make good and swift progress.

The report says:

"Bureaucratic processes were identified as another major barrier to offering and accessing civil legal assistance. SLAB administration requirements were seen as burdensome and disproportionate resulting in a strained relationship between legal aid lawyers and SLAB."

We also heard that the administrative processes undermined legal practitioners' capacity to undertake trauma-informed approaches, so it is pleasing to see the Scottish Government's recognition of that concern, including its recognition of the importance of a trauma-informed approach.

In the coming weeks, the committee looks forward to scrutinising secondary legislation, which the Government tells us will: provide quicker access to legally aided services for people who are eligible; reduce administration for solicitors and SLAB; reduce the number of multiple legal aid applications that are required for payment; and provide greater certainty of payment.

We note the secondary legislation that supports those policy objectives, but it is disappointing that no changes will be made to address the pressing concerns around access to civil legal assistance, and we consider that a range of suggestions from our report could have been taken forward at this juncture. However, we welcome the on-going planning for primary legislation in the next parliamentary session to respond to those challenges.

Eligibility for civil legal assistance was another key concern for the committee that emerged from the inquiry. For example, we noted that it is not tenable that someone with £1,718 in their bank account

"should not be able to access Advice and Assistance",

and we called for inflationary increases and increases to advice and assistance financial eligibility

"to match civil legal assistance thresholds as proposed by the Scottish Association of Law Centres."

We recommended

"that the Scottish Government pursue reforms with a view to removing financial eligibility tests"

for legally aided legal advice on civil protection orders and homelessness due to a breach of statutory duty cases. We also urged the Scottish Government to

"investigate options for ensuring legal aid is available without means-testing to a wider selection of domestic abuse cases."

The committee did not find that the flexibilities that exist in the current system are sufficient to meet the challenges that people currently face in relation to eligibility.

In its response to the report, the Scottish Government noted its commitment

"to ensuring that civil legal aid is accessible to all who need it, particularly survivors of domestic and gender-based violence as highlighted in the Committee report."

We would welcome more clarity in the Minister for Victims and Community Safety's response on how that commitment will be met.

In the longer term, the committee welcomed

"the emphasis being placed on mixed models of delivery and user voice by the Scottish Government."

However, we believe that judicare, whereby solicitors themselves decide whether to offer legal aid and are paid on a case-by-case basis, must remain a key feature of any future system.

The committee also asked that

"the Scottish Government consider preventative approaches and public legal education as part of its discussion on longer-term reforms."

Again, we would welcome some further reflections on that point from the minister in the course of the debate.

There are serious concerns about the operation of civil legal assistance in Scotland. We welcome the generally positive tenor of the Scottish Government's response and hope that it will be accompanied by action, so that any future committee will not express similar concerns to ours at the end of the next parliamentary session. I look forward to the remainder of this important debate.

I move,

That the Parliament notes the findings and recommendations in the Equalities, Human Rights and Civil Justice Committee's 3rd Report, 2025 (Session 6), *Report on the Equalities, Human Rights and Civil Justice Committee inquiry into Civil Legal Assistance in Scotland* (SP Paper 858).

14:37

The Minister for Victims and Community Safety (Siobhian Brown): I welcome the Equalities, Human Rights and Civil Justice Committee's report on civil legal aid. It is a report that highlights the strengths of our system and also the need for change. I also thank all the organisations and individuals who contributed to

the report. Those insights have been invaluable in shaping the report and they will also inform the Scottish Government's response and work as we progress legal aid reform.

The legal aid system in Scotland remains among the most comprehensive in Europe. It is demand led, and all who are eligible receive support. In the previous financial year, expenditure reached £169 million, which is the highest figure in cash terms since 2016-17.

The committee's report is clear: the system must evolve to meet the needs of a modern justice system. I agree—reform is essential to maintain and strengthen access to justice. We must ensure that legal aid is affordable and ensures value for taxpayers' money.

The committee's recommendations align closely with our programme of reform, which was set out in the "Legal Aid Reform Discussion Paper" that was published in February. That paper set out proposals for a modernised legal aid framework that is simpler, more flexible and better able to respond to changing needs. That includes exploring a single, streamlined application process and a more sustainable funding model that balances fair remuneration with value for taxpayers. Those reforms will ensure that legal aid remains accessible, efficient and resilient in the decades to come.

The discussion paper, our programme of work to prepare for future legislation and the action that we are taking now to improve the system is guided by four principles: equality and human rights; people-centred service design; evidence-based policy; and collaboration and partnership.

I will outline some of that current work. In December, we laid draft regulations to strengthen support in the children's hearings system. Children will no longer need to pass income or merit tests to prove that their case deserves support. The initial authorised expenditure limit for solicitors will rise substantially from £135 to £550, reducing administrative burdens. Importantly, care leavers who are in receipt of our care leavers payment will not have that counted against them when their eligibility for legal aid is assessed. Those changes will ensure that financial support that is intended to help care-experienced young people does not create unintended barriers to accessing justice.

Martin Whitfield (South Scotland) (Lab): I welcome the draft Scottish statutory instrument that was laid towards the end of December. Does the minister feel that that goes as far as is recommended in this excellent committee report, particularly in relation to women who are facing domestic violence and people who are facing homelessness? It is in those areas that people want change to be speeded up.

Siobhian Brown: More than 18 months ago, I committed to considering what non-primary legislation we could introduce. That work is being done in consultation with the Scottish Legal Aid Board and the Law Society of Scotland. In the meantime, we have taken forward what we can. However, I take the member's point, and I will be referring to the issue later in my speech.

The changes will reduce complexity, support early resolution and guarantee timely representation for those who are most in need. In addition, and importantly, we committed to and have established the independent fee review mechanism group to examine what changes are needed to create a legal assistance system for the 21st century. The group will play a crucial role in shaping a fair and sustainable fee structure that supports access to justice and the viability of legal aid work.

The committee's report highlighted concerns about geographic and subject matter gaps. Although the number of civil legal aid solicitors has declined over the past decade, the average number of grants per solicitor has increased, showing a concentrated and more active cohort. However, I recognise that challenges remain, so we are considering actions to address those specifically.

We are developing a new legal aid traineeship fund to attract new entrants and to increase capacity. The fund will run for another two years from 2026, and I have committed to fund up to 20 traineeships initially. We are taking on board the lessons learned from the first fund to develop the new scheme, including potential targeting of specific geographic areas and legal aid types.

We are also supporting initiatives under the Regulation of Legal Services (Scotland) Act 2025, which will allow charities and law centres to directly employ solicitors, expanding access to justice for vulnerable people and communities. That reform will enable third sector organisations to deliver reserved legal services, such as court representation, without needing to rely on external legal firms. That provision is anticipated to be included in the commencement order that is to be laid before the Scottish Parliament next month.

In addition, we have introduced non-means-tested legal aid for families who are involved in fatal accident inquiries following deaths in custody. Legal aid must be accessible to those who need it most, and I am pleased to inform the chamber that, between April and December last year, 22 families have received civil legal aid due to that new measure.

We continue to support survivors of domestic abuse through targeted funding and pilot projects. Those measures reflect our commitment to

trauma-informed service delivery and inclusive access.

The Scottish Legal Aid Board is a key partner in legal aid reform, and it has provided a response to the committee's report that outlines some of the work that it is taking forward, independently of the Scottish Government and in collaboration with the Law Society of Scotland, to make improvements.

In the longer term, we want SLAB's grant funding powers to be used to support more developmental areas of work. That includes new ways of managing demand for assistance; better connecting people from marginalised communities to legal aid support; embedding digital approaches in advice delivery and support for advisers; and using grants to build capacity.

Reform is not a single act but an on-going process. We will continue to work with the committee, SLAB and stakeholders to deliver a system that is fair, sustainable and fit for the future, upholds equality, protects human rights and ensures access to justice.

14:44

Tess White (North East Scotland) (Con): Throughout the committee's inquiry, we heard consistent and deeply concerning evidence about the growing difficulty that individuals face in finding a solicitor who is willing or able to take on legal aid cases. Solicitors are leaving legal aid work, and those who remain face rising case loads, financial insecurity, stress and burnout. The pressure on those professionals is intense, and the consequences are borne by the most vulnerable in our society.

What was striking to me and the committee was not only the strength of feeling in the evidence, but the fact that many of the concerns have been raised for years—in some cases, since at least 2017. What is required is structural reform of a system that is no longer fit for purpose. There is a lack of any change leadership, and there are serious issues with the system that is managed by SLAB.

Regarding SLAB, the committee had intended to publish this report before the summer recess, but just as we were due to consider a first draft, we received late correspondence from SLAB suggesting that some of the evidence that we had taken was based on what it described as "demonstrable misunderstandings". The letter was described by the committee as "disappointing". That is an understatement, not because it delayed our work, but because SLAB had ample opportunity to respond to evidence during oral evidence sessions or through timely follow-up submissions. In my view, submitting that correspondence at a late stage was disrespectful to the committee and only served to reinforce the concerns that we heard about SLAB's poor stakeholder engagement and its methods.

Legal aid policy is set by the Scottish Government, which oversees SLAB, yet, time and time again, we heard that SLAB's bureaucratic processes and poor engagement are a major barrier to offering and accessing civil legal assistance.

Siobhian Brown: [*Made a request to intervene*.]

Tess White: I say sorry to the minister, but I will make progress.

Administrative requirements were described as "burdensome", "disproportionate" and "damaging" to SLAB's relationships with the legal profession. Individuals cannot access legal aid unless they go through a solicitor, and legal aid is not available to groups.

JustRight Scotland gave the committee an illustration of the kind of administrative processes that solicitors are required to engage in with SLAB. Andy Sirel told the committee:

> "This afternoon, I will probably go back to my office to negotiate with SLAB over sums of money as small as £7.50",

or that SLAB might say:

> "'You had a meeting that lasted one hour. We think it should only have lasted 45 minutes.'"—[*Official Report*, *Equalities, Human Rights and Civil Justice Committee*, 13 May 2025; c 35.]

Witnesses told the committee that such processes are having a negative impact on the relationship between lawyers working in legal aid and the Scottish Legal Aid Board.

The Scottish Government has repeatedly promised reform. The programme for government 2021-22 pledged that legislation on legal aid would happen during this parliamentary session, but progress has stalled, key stakeholders withdrew from engagement and, once again, reform has been kicked into the long grass.

The Human Rights Consortium Scotland highlighted the existence of "advice deserts" in

> "areas of the law such as domestic abuse, discrimination and human rights."

As we heard from the convener, Grampian Women's Aid told us that it is making between 50 and 60 calls just to find one legal aid solicitor. We had evidence that it had taken 117 calls for one domestic abuse survivor to find a legal aid solicitor. Women who are fleeing domestic abuse face additional barriers, particularly around financial eligibility and paperwork. Many have experienced financial abuse or fled without documentation.

SLAB told us that there were flexibilities in the system, but awareness of that is low, and reliance on that so-called flexibility has not been sufficient to help the most needy. How can it be that the former chief executive of the Scottish National Party and husband of the former First Minister can receive legal aid when the most vulnerable in our society are denied it?

Our committee was told about a survivor of domestic abuse who had to flee for her own safety and that of her 12-year-old son. Sara is legally married. Her husband has the financial means and resources to employ solicitors, who have been advising him. There are two properties from the marriage, but Sara has no access to those without legal assistance, and no solicitor will take on her case without payment. Her husband—the abuser—has recourse to the law, which has enabled him to retain all the assets from the marriage while Sara is left with no assistance whatsoever to help her in her situation, thereby enabling coercive control to continue.

I have constituents who face similar situations. One has had to leave her children behind and has no access to them. However, even though she is on the minimum wage, she earns too much to access legal aid, so again he has coercive control and control of the children. That is why the committee strongly recommended removing means testing for civil protection order and homelessness cases and exploring wider access to non-means-tested legal aid for domestic abuse cases.

The legal aid system is broken. Our committee report involved such a lot of work and effort by so many people, but it will now go on the shelf, as we are only a few months from the end of the session. That is wrong and disrespectful to the Scottish people.

The Presiding Officer: I call Ariane Burgess.

Ariane Burgess (Highlands and Islands) (Green): [*Inaudible*.]—broader eligibility, reduced bureaucracy and targeted action to retain and attract legal aid solicitors in remote areas. Will they ensure that—

The Presiding Officer: Ms Burgess, my apologies, I called you a little early. That will give us time to address the audiovisual issues.

I should of course have called Katy Clark.

14:51

Katy Clark (West Scotland) (Lab): Thank you very much, Presiding Officer. I am pleased to open the debate on behalf of Scottish Labour. We thank committee members, clerks and all others who contributed to the committee's important report. We believe that the issues that are highlighted in the report go back over many decades. It is vital that we have a properly funded and accessible legal aid system.

As we have heard, cuts to legal aid rates over a number of years have led to what are called legal aid deserts, where it is impossible to find a lawyer to take on a civil legal aid case. Insufficient fees for civil legal aid have led to lawyers being unwilling to carry out such work, and low eligibility thresholds mean that fewer and fewer people qualify. There have also been cuts—again, over many years—to the types of cases in which it is possible to get legal aid.

We are all aware of many constituents who have been unable to get legal representation when they need it, and we agree with the committee convener that it is very disappointing that there will be no primary legislation on the issue in this parliamentary session. It is also very disappointing that there has been no other significant action, with the situation only getting worse—in that respect, I listened very carefully to what the minister said.

Scottish Labour has repeatedly warned about the deep and damaging cuts that the Scottish Government has made to the legal aid system. Scottish Government spending on legal aid has declined by 45 per cent over the past decade. We are clear that there must be an end to the cuts to legal aid and that the system must receive sustainable funding. The cuts that there have been have also clearly contributed to the growing issues with legal aid provision that we are seeing across Scotland.

Siobhian Brown: [*Made a request to intervene.*]

Katy Clark: The number of solicitors who are registered to provide legal aid in Scotland has fallen by 12 per cent in just three years.

Does the minister still want to make an intervention?

Siobhian Brown: Yes—a brief one. I appreciate that there are concerns about eligibility, fees and so on, and negotiations are on-going on those issues, but would you acknowledge that legal aid has had an increase of 25 per cent since 2019?

The Presiding Officer: Always speak through the chair.

Katy Clark: I am aware of the very recent increases, but, as the minister is aware, the problem is the significant cuts that have been made over many, many years. The 10 per cent rise in fees in 2023 effectively meant little in the face of cumulative inflation of 16 per cent at that time. I accept that the situation has improved in some ways in that there have begun to be increases in legal aid rates, but that is against a

backdrop of many years of cuts. I am sure that the minister accepts that point.

If the minister has worked to fight for more funding and to ensure that there has been at least some increase, I welcome that, given that, in the past, there were many times when rates were frozen and there was no increase.

Does the minister want to make another intervention?

Siobhian Brown: I thank the member for giving way, because this is a really important debate.

One of the big issues that I have seen as a stumbling block to primary legislation being introduced in this parliamentary session is the fee structure. I acknowledge that it has been ad hoc over many years, which is why it is so vital that we have got the fee review mechanism group, which met last year, up and running. I hope that that is welcome.

Katy Clark: I understand that some key stakeholders are not willing to take part in that group. At this point in my speech, I am focused on legal aid rates and the reasons why solicitors have walked away from undertaking civil legal aid work in particular, but the issues are very similar with criminal legal aid.

The cuts in rates have been accompanied by an 18 per cent reduction in the number of firms that are registered for legal aid, and I have already spoken about the number of solicitors having reduced by 12 per cent in only three years. That is the very recent past—those are the figures that we are dealing with now, against the backdrop of historical cuts to civil legal aid, which the minister is aware of.

In a recent survey, the Law Society of Scotland found that nearly 41 per cent of respondents plan to stop offering legal aid within two years or are unsure whether they will continue.

I do not know whether I have more time, given that I have taken a couple of interventions.

The Presiding Officer: You do.

Katy Clark: There is also concern about the fact that few younger solicitors are doing legal aid work. Currently, twice the number of solicitors registered for legal aid are aged 40 and over, compared with those who are 40 and under. Historically, it was disproportionately the case that younger solicitors carried out legal aid work. Many of the solicitors who undertake legal aid work are likely to retire in the next few years.

In its report, the committee has highlighted that many stakeholders believe that it is the low rates of fees for legal aid work that have contributed to the growing shortage of solicitors. There is no sign that that trend is changing, despite the minister pointing out that there has been at least some increase in rates in recent years, as opposed to the previous freezing of rates. That is why Scottish Labour welcomes the review that the Scottish Government has undertaken. However, it believes that it is too little, too late, and that we could have avoided the recruitment and retention challenges that we currently face.

I welcome the fact that we are having this debate today. We are very disappointed that more action has not been taken in this parliamentary session. We believe that the situation is getting worse and that action is now needed urgently.

14:57

Ariane Burgess (Highlands and Islands) (Green): Access to justice is a fundamental human right. It is not a luxury, and it must never be a privilege that is reserved for those with money, confidence or proximity to power. However, as we have heard, for far too many people across Scotland—especially in rural and island communities, including in much of the Highlands and Islands—access to civil legal assistance is becoming increasingly fragile. I welcome the committee's work and report on the issue.

In my region, people are not choosing to self-represent; they are being forced to. Single migrant parents, disabled people and survivors of domestic abuse can spend months trying to find a legal aid solicitor, only to be told again and again that no one is available. The result is delay, distress and, in many cases, injustice.

It is not an abstract problem—over the past three years, there has been a sharp decline in legal aid providers in Scotland. The number of criminal and children's legal aid solicitors has fallen by more than 12 per cent, and the number of civil legal aid firms has dropped by nearly 20 per cent. Small, rural and high street practices, which deliver around 90 per cent of legal aid, are leaving the system because the stagnant fees and rising costs make the work unsustainable.

Only around 5 per cent of legal aid funding goes to rural firms, despite rural Scotland being home to almost a third of the population. In towns such as Fort William, Portree, Wick, Kirkwall, Lerwick and Lochmaddy, court duty plans often rely on a single solicitor or none at all. That is not resilience; it is a system that is clearly on the brink.

The workforce is ageing. About 60 per cent of criminal legal aid solicitors are over the age of 55, and more than a third are expected to retire within the next decade. More than 40 per cent of solicitors say that they might stop doing legal aid work within the next two years. When they go, there is often no one to replace them.

The human consequences are stark. In Shetland, Women's Aid reports that only one local civil legal aid solicitor is available for survivors of domestic abuse. That forces island residents to seek mainland representation, which increases costs, delays and trauma. In the Highlands, a survivor of domestic abuse contacted 116 firms before they finally resorted to crowdfunding for private legal support. From my casework, I know that the growing volume of issues relating to damp and mould in homes clearly shows that there is a gap in accessible legal advice long before cases reach crisis point.

Therefore, legal aid reform is not a technical exercise; it is about redressing power imbalances. Without access to legal support, people cannot challenge poor housing conditions, unlawful decisions, discrimination or environmental harm. Rights that cannot be enforced are rights only in name. That is why reform must sit in a much wider human rights agenda. Enshrining rights in law matters, but unless people can access legal help to uphold those rights, those rights remain meaningless in practice.

Justice should not depend on where someone lives. It was good to hear from the minister about how the Government intends to respond to the committee's findings in practice and about the work that is currently being undertaken. However, I would appreciate hearing a commitment from the minister to act on the report's recommendations in a way that reflects rural realities. That includes the need for flexible and fair fee structures, broader eligibility, reduced bureaucracy and targeted action to retain and attract legal aid solicitors in remote areas. Will the minister ensure that innovations such as remote hearings and community legal hubs are used to strengthen, not replace, the local legal aid provision that communities across the Highlands and Islands so urgently need?

15:02

Liam McArthur (Orkney Islands) (LD): Presiding Officer, I apologise to you and to other members for my late arrival in the chamber this afternoon. Suffice it to say that travelling down from Orkney last night and this morning proved somewhat challenging.

I add my thanks to the committee for its work in producing the report and to the organisations and individuals whose evidence informed it. The report is a very welcome contribution to a debate that is not new. The deficiencies and gaps in the provision of legal aid, which are exacerbated by a complex and often inaccessible system, are challenges that the Government has known about for many years. Indeed, an independent strategic review in 2018 made a number of recommendations for systemic changes to legal aid, but those changes have not been realised.

Various Government task forces, such as the legal aid remuneration project and research analysis group, have been designed to address the challenges, but work has clearly stagnated, which prompted the Law Society of Scotland to pull out of the group in 2024, as it had lost confidence in the task force's ability to deliver its objectives.

The committee is justified in expressing real disappointment that legislative reforms have not been pursued in this parliamentary session. The minister explained some of the rationale for that, but, given the severity of the access crisis and the long-standing nature of the problems, that is regrettable.

Legal aid deserts have been a central concern of the committee, and that concern has been echoed by the Law Society, the Scottish Human Rights Commission and the Human Rights Consortium Scotland in their evidence. Indeed, my Orkney Islands constituency is frequently cited as an example of a legal aid desert, with Scottish Legal Aid Board data suggesting that there have been no private solicitors in the islands staffing court or police duty plans in recent years, as referred to by Ariane Burgess. Other rural and island communities are similarly impacted.

Although I appreciate that mechanisms are in place to allow solicitors to travel and work across Scotland to provide legal aid, it is simply not sustainable for fewer and fewer solicitors to be covering ever-increasing areas of ground. What is more, the lack of local legal aid provision can compromise the quality of support that is received. That is not a criticism of solicitors, but it is an inevitable consequence of a lack of familiarity.

Law Society analysis from 2022 suggests that 139 of the most deprived communities in Scotland share just 29 civil legal aid firms between them and that there are no civil legal aid firms at all in 122 of those 139 areas.

SLAB research suggests that, since 2014, the most significant decreases in local authority legal aid-funded services have been in rural and island communities, with a 67 per cent decrease in Orkney and a 100 per cent decrease in Shetland. Those shortages reflect significant geographical inequalities and severely compromise access to justice for some of the most vulnerable people in our society. Access to legal aid cannot continue to represent a postcode lottery. The committee is right to identify it as an issue on which urgent action is long overdue.

Patricia Thom, the president of the Law Society of Scotland, rightly emphasised that the current fee system is making it difficult to attract younger

solicitors, and she told the committee that, unless the situation improves, we face a "retirement cliff edge" in future. The Government's commitment to recommencing fee-reviewed planning is therefore welcome and it will be important for Parliament to be kept updated as that work progresses.

Eligibility criteria, particularly financial, are also integral to improving access to legal aid, as Katy Clark and Ariane Burgess have identified. Scottish Women's Aid and other organisations have highlighted the harm of means testing for eligibility in cases of domestic abuse, where victims who might be subject to economic and financial abuse are being excluded from support. Financial eligibility thresholds will have to be key to any review of potential reforms, considering the need for exceptions in civil protection order cases. Consumer Scotland has also made it clear that embedding the user voice in any reforms needs to be an urgent priority if we are to address unmet need and ensure that vulnerable groups are being heard and represented.

The review represents a vital first step in the much-needed reform of our legal aid system, but it must be followed by urgent action. I again commend the Equalities, Human Rights and Civil Justice Committee for setting us on the road to that reform. The convener is absolutely right that, if we find ourselves in the same position at the end of the next session of Parliament, it will be unforgivable.

I thank the committee for allowing the debate to take place, and I look forward to hearing members' contributions.

15:07

Marie McNair (Clydebank and Milngavie) (SNP): Presiding Officer, I take this opportunity to wish you and everyone in the Parliament a happy and healthy new year. As we know, it will be a busy one for everyone.

As a member of the Equalities, Human Rights and Civil Justice Committee, I welcome the opportunity to speak in the debate. I thank the committee's clerks for their assistance with producing the report. I am also grateful to all the stakeholders and witnesses for taking the time to submit their views on the issue.

As has been mentioned, because of concerns about the declining number of solicitors in Scotland who offer legal aid, the committee agreed to undertake an inquiry into civil legal assistance. It is of the utmost importance that we ensure that such assistance is delivered effectively in Scotland so that there is better access to justice for all. Throughout the inquiry, it was understood that there is an urgent need for reform of civil legal assistance.

A key concern was the prevalence of so-called legal aid deserts, as described by Pat Thom, president of the Law Society of Scotland. We refer to legal aid deserts in relation to both geographical areas and particular areas of law, including those relating to asylum seekers, immigration and employment. The situation is exacerbated by the lack of quantity among practitioners.

In the context of domestic abuse the position in rural areas can also be challenging. As has already been mentioned, Dr Marsha Scott of Scottish Women's Aid highlighted that Grampian Women's Aid is making between 50 and 60 calls just to find one legal aid solicitor. That means that people cannot exercise their legal rights, which is a real problem. The committee is clear that legal aid deserts cannot be allowed to persist in Scotland.

On a second and connected point, the committee then explored what is causing the shortages in the number of legal practitioners that are, in turn, creating those legal aid deserts. The main finding was that such shortages could be attributed to low rates of fees for solicitors for legal aid work and that increasing those rates would have a significant impact on the availability of legal practitioners. The disincentives to working within the legal aid system were also seen as putting unmanageable strain on the remaining services and increasing work-life balance issues.

The committee welcomes the Scottish Government's recognition of the need to build capacity. I appreciate that the Government will continue to work on legal aid fee structures, with the aim of implementing reforms that promote fairness, sustainability and responsiveness to case complexity.

The committee has agreed that there is an urgent need for action to improve the delivery of civil legal aid assistance and, in turn, to improve access to justice. However, it recognised that it is now too late in this session of Parliament to introduce primary legislation to reform civil legal assistance.

The Scottish Government agrees with the committee's view that long-term structural reform of civil legal assistance is needed. In the short term, it would be welcome to see the Scottish Government working with the Scottish Legal Aid Board to progress reforms that do not require primary legislation, including proceeding with measures to increase the fees paid to legal practitioners. It is welcome that the Scottish Government has already announced reforms to make the legal aid system simpler for both solicitors and those who need legal assistance and that it recognises the need for further reform to ensure that Scotland has a modern and

responsive system to provide services as efficiently as possible.

No one should be left without access to justice, so it is essential that we push forward and ensure that civil legal assistance is delivered effectively in Scotland.

15:11

Pam Duncan-Glancy (Glasgow) (Lab): A happy new year to you, Presiding Officer, and to colleagues across the chamber.

I am pleased to speak in this debate on the findings and recommendations of the Equalities, Human Rights and Civil Justice Committee's inquiry into civil legal aid assistance in Scotland, and I thank all committee members and organisations involved for their work.

The committee's report is clear about a central point, which is that rights are meaningful only if people can enforce them. That matters acutely for many people, but I will talk specifically about why it matters for disabled people, whose rights to independent living, dignity and equal participation are too often undermined by gaps in support, inaccessible systems and a lack of practical assistance and support to lead an ordinary—or, indeed, extraordinary—life.

All of us here have responsibilities to create laws and policies that properly resource services, while doing so in ways that protect rights, and to ensure that there are effective routes to redress when rights are breached. That is why the report's findings on legal aid deserts are so important. The committee is explicit about the consequences of such deserts, where the absence of advice means that people ultimately cannot exercise their legal rights.

For disabled people, that is not just an abstract concern. When someone cannot access specialist advice, they cannot challenge an unlawful decision about, for example, social care, housing, discrimination or benefits. Without such challenge, poor practice becomes entrenched. For disabled people, matters are often complicated, interconnected and deep rooted. They cannot uphold their rights on their own. They need support and advice—not because they do not have the potential or the capacity to do so but because the system is complex and they need help to navigate it, as we all do.

The committee's encouragement to SLAB and the Law Society to work together to build a far stronger evidence base for demand and supply is therefore absolutely essential. I add that any serious effort to understand unmet need must actively engage disabled people's organisations and disability rights expertise, including in law centres, and the relevant capacity in universities, so that the evidence base reflects lived reality rather than only what the current system is able to record.

The report is also persuasive on how the current fee structures can distort access to justice. The evidence on block fees illustrates the risk that funding models underpay for complex work and therefore disincentivise practitioners from taking on urgent, trauma-informed or high-effort, complex cases. As I said, disabled people's cases are often complex because rights are interconnected by nature. If someone does not have adequate social care, accessible housing is sometimes not meaningful or useful to them; if they do not have accessible housing, employability and participation are constrained; and so on and so forth. If someone cannot challenge failure in one part of the system, harm cascades across the rest and complexity builds, so the system must recognise that complexity, rather than pricing it out, if it is to meaningfully deliver for disabled people and other seldom-heard groups.

Eligibility and the means test are equally important in that respect. The committee is right to be concerned that the current thresholds can create barriers to justice and can exclude people who are not, in any real sense, able to afford legal help, as colleagues have highlighted. For many, including disabled people, a fair approach must therefore also grapple with the reality of disability-related costs.

Evidence from various organisations, including Scope, suggests that additional costs in that sense are significant and range widely. The average is £550 a month, but the costs can be as much as £1,000 a month or more. If we assess disposable income without properly accounting for those unavoidable costs, we could create inequality in eligibility decisions and bake it into a system that is there to protect rights. Disability-related expenditure should therefore be excluded. The definition should be appropriately broad, and SLAB's on-going review work should explicitly address that as a discrete and substantive strand of reform to support access to justice for disabled people. The committee's discussion of waivers is also relevant here.

On public interest litigation and group proceedings, the report identifies the structural problem that civil legal assistance is generally available only to individuals, which prevents groups and third sector organisations from accessing legal aid collectively, even when injustice is plainly collective. The committee is right to highlight the individualisation of collective injustice, and I welcome the call to revisit regulation 15 more broadly to allow more

collective action and reduce the burden that is placed on the individual.

The report sets out a coherent case for reform. We must build capacity, modernise eligibility and enable collective action where injustice is collective and structural. If we are serious about rights—and I believe that we are—we should be serious about the mechanisms that make those rights enforceable, and serious about reform to deliver them.

The Presiding Officer: The final speaker in the open debate is Paul McLennan.

15:15

Paul McLennan (East Lothian) (SNP): I am speaking in this debate as a member of the Equalities, Human Rights and Civil Justice Committee, and I thank everyone who contributed to the inquiry, including the clerks.

The committee agreed to focus on two things in its inquiry—first, what is working and what is not working in the current civil legal aid system; and, secondly, what changes could be made in the short and longer terms to address access issues. I am sure that we could all have long discussions on those issues, but this is only a four-minute speech, so I will try to keep to the main points.

Let us remember that Scotland's legal aid system is still one of the leading jurisdictions in Europe in terms of scope, eligibility and cost. However, the public rightly expect that publicly funded services will be responsive, user centred and accountable and that they will work effectively. The committee heard that in the evidence that we took. The Scottish Government recognises the need for further reform to ensure that Scotland has a modern and responsive system that provides services as efficiently as possible where and when they are needed. We heard about that from the minister and other speakers in the debate.

Although the Scottish Government's launch of a legal aid discussion paper was welcome, the committee is disappointed that legislation to give effect to reform has not been introduced in the current session of Parliament. The committee recognises that, at this juncture in the session, such legislation will now not be introduced. Later in my speech, I will touch on what needs to be done before the end of the session. However, in the next session, Parliament must make legislating to reform civil legal assistance an immediate priority, and I am sure that the equalities committee will take that forward. There is a need for long-term structural reform of the current system. In the meantime, the Scottish Government should be taking all the steps that it can take, short of primary legislation, to ameliorate the situation.

The committee is concerned about access to legal aid in Scotland. As we have heard this afternoon, there are lots of issues, particularly in relation to domestic abuse. I have had such issues in my constituency, as I am sure other members have, and we need to take them up as soon as possible. In seeking to respond to the issues, it is critical that there is a better understanding of the extent of unmet need. We heard from various sectors about that, and various speakers have mentioned it today. We really need to get to the bottom of that, because any response to the issue must begin with a proper assessment of the levels of not just geographic need, but issue-related need as well. To that end, the committee encourages SLAB and the Law Society of Scotland to work together to develop a better evidence base on demand for and supply of legal aid-funded legal services.

The committee has significant concerns about the current administrative processes and the damaging effects that they are having on relationships between legal practitioners and SLAB and on the capacity to undertake trauma-informed approaches. The committee calls on the Scottish Government and SLAB to take action to address those concerns. The committee recognises that the current processes exist within a legal framework and that, in some cases, changes cannot be made immediately. However, the committee considers that removing administrative burdens could not only address some of the challenges in the system but result in financial savings for SLAB and the legal profession while also improving the experience of those who engage with the civil legal assistance system. As the committee notes at the beginning of the report, there is an urgent need for action to improve the delivery of civil legal assistance and, in turn, access to justice.

It is disappointing that legislation has not been introduced in the current session to reform the civil legal assistance system. We heard from the minister about the action that has been taken in the meantime. However, there has been an awareness of the need for reform since the current session began. It is really important that the matter is picked up and worked on immediately in the next session. The committee recognises that it is now too late to introduce such primary legislation in the current session. Although the committee recognises that some changes can be made only by way of primary legislation, we urge the Scottish Government to make whatever changes it can make in the interim to effect an improvement in access to justice.

The committee report stated:

"The Scottish Government must work with SLAB now to progress reforms not requiring primary legislation. Specifically, in the short-term, the Scottish Government

must ... Proceed with reforms to increase fees paid to legal practitioners; ... Find more opportunities for traineeships to increase capacity”—

we have heard about issues around that—and

“Consider proposals to reduce administrative burdens and bureaucracy, thereby improving relations between SLAB and legal practitioners and creating an environment in which trauma informed approaches can thrive”.

I mentioned domestic abuse.

In the longer term, the committee welcomed

“the emphasis being placed on mixed models of delivery and user voice by the Scottish Government”

and asked that

“the Scottish Government consider preventative approaches and public legal education”

as part of its discussion on longer-term measures.

The Presiding Officer: We move to the winding-up speeches.

15:20

Martin Whitfield (South Scotland) (Lab): Presiding Officer, I extend, as others have, the wishes of the new year to you and to other members in the chamber.

This has been a fascinating debate, and could perhaps have merited more time. We have heard unanimity of support for the excellent report from the Equalities, Human Rights and Civil Justice Committee and the call for change.

It cannot be acceptable that people’s capacity to exercise their legal right to realise their human rights is so severely compromised. The committee’s report is unequivocal. The shocking picture of the legal aid deserts has been mentioned by Marie McNair and by my colleague Pam Duncan-Glancy with regard to those with a disability facing a lack of access to justice because of the lack of legal aid, and there were powerful contributions from Ariane Burgess and Liam McArthur about the situation in rural and island communities. Those challenges are important.

The report calls for immediate action on the uplifting of fees, a reduction in bureaucracy and the widening of the eligibility thresholds. What has the Government delivered but promises, consultations and deferrals?

Regulations were laid in December 2025 to simplify the judicare model, but that simplification will not solve the crisis of capacity. Three of the four areas that are dealt with in the draft regulations relate to children and the children’s hearings system, which is undergoing massive change; we are unsure what it will look like in the end.

Other issues that could have been dealt with include having easier access to legal aid for homeless people and women who face domestic violence. The rates could also have been dealt with. However, the Government has chosen not to do so, describing that issue as needing primary legislation, when, with the greatest respect, it does not.

After years during which the SNP Government has been in power, legal aid has constantly been pushed further and further down the line, and we are now, as we have heard, at the point of absolute crisis, given that an expert group such as Grampian Women’s Aid is required to make 50 or 60 phone calls to find a legal aid solicitor. It is not randomly choosing people out of the old “Yellow Pages”. It knows the law firms that deal in legal aid and is going specifically to those, in ever wider areas, to try to find support for—as others have, rightly, pointed out—some of the most vulnerable individuals in society.

Solicitors are leaving legal aid work because the fees remain unsustainable. The Government’s response is a fee review mechanism group, yet there is no commitment to increasing the fees, despite the fact that every day of delay deepens that access gap.

The committee has urged the reform of eligibility thresholds, which have been unchanged since 2011. The Government admits that those thresholds are outdated but offers only “future” consideration. Survivors of domestic abuse cannot wait for another session, and homeless families cannot wait for another consultation, because justice delayed is justice denied.

The minister has talked about the rising expenditure on legal aid, and I welcome that, but here is another reality: in 2014-15, there were 1,067 civil legal aid solicitors; in 2023-24, there were just 791. More money spent does not mean better access when the system is broken in the way that it is.

On public interest litigation—which, again, was raised by my colleague Pam Duncan-Glancy—at the end of the day, regulation 15 can be reformed. The Government agrees in principle, but defers it to “longer-term ... reform”. Meanwhile, systematic injustices remain unchallenged.

Liam McArthur: I thank Martin Whitfield for taking an intervention, and I agree whole-heartedly with the points that he is making. Does he accept that the longer that the patterns of delivery remain in place and the further that reform is pushed down the road, the more difficult it will be to turn the situation around, whether in terms of geographic deserts or among particular groups such as women’s aid, which are finding such problems at the moment?

Martin Whitfield: I am very grateful for the intervention, because that is absolutely right—it is at the heart of this. We can bandy statistics and numbers around, but the reality is that there are individuals in our communities who cannot get justice because they cannot afford it and they cannot get civil legal aid. They are looking at society and asking what the point is for them. That is where this fundamental question will become a crisis because, if people continue to lose confidence in the justice system, they will lose confidence in civil society. The step to prevent that is to do what this Government should have done over the past two decades: improve access to justice. The way to do that is through civil legal aid.

The Presiding Officer: I call Siobhian Brown.

Siobhian Brown: Presiding Officer, this debate has shown—

The Presiding Officer: My apologies, minister. I call Sharon Dowey.

15:25

Sharon Dowey (South Scotland) (Con): We now know from this committee report and from speeches by members from around the chamber that the system for legal aid in Scotland is in deep crisis. That should not be news to any of us. It is what we have been told over many years by legal teams that are in charge of implementing the system and by the many people across Scotland who face significant struggles in accessing legal aid, despite being entitled to it.

It should not be news to the Scottish Government, either, which, knowing the problems across the legal system, undertook a review of legal aid in 2018. The review produced clear results and a number of recommendations. Indeed, in the Government's 2021 programme for government, ministers promised action on this very topic. They said:

> "We will engage with both legal professionals and victim support organisations to review the Legal Aid system".

However, here we are, almost eight years on from the original review publication, debating the same issues.

Understandably, there is huge frustration in both legal and political circles that, irrespective of what the committee's report recommends, nothing is likely to change any time soon. The clock has run out, and all that the committee can do is hope that whoever makes up the next Scottish Government will revisit the issue and decide to implement the suggestions.

None of this is to say that we do not recognise that this is a highly complex matter. Civil legal aid costs significant sums of money, with spending on the rise, and the types of cases in which it is involved are sensitive and complicated. All the same, it is hard to see how the Scottish Government can ignore the warnings for much longer. Fewer and fewer lawyers are willing to put themselves forward to provide legal aid services, because it simply does not make any business sense. When I asked the Minister for Victims and Community Safety in October 2024 about the chaos engulfing legal aid, she told me:

> "the Scottish Government cannot compel private solicitors to undertake work."—[*Official Report*, 9 October 2024; c 18.]

That is obvious, but it should then be obvious to the Government that lawyers have no duty to work in legal aid to their own deficit. Therefore, it falls squarely on the Government to fund the service adequately to ensure that legal aid becomes work worth doing.

It should also ring alarm bells for ministers that many of the lawyers who still sign up for legal aid work, often out of a sense of duty rather than for reward, are due to retire. They are unlikely to be replaced, as younger lawyers coming through the system can pursue far more lucrative disciplines. In short, it is a failure of management and planning on the Scottish Government's behalf.

As it stands, nobody is happy with how the system operates. The legal firms are under stress and cannot manage the workload, the courts are in crisis of their own and struggling to process demand, and the people who need access to civil legal aid for some of the most desperate situations that they will ever face are being failed. Despite that, those who are in charge have simply not done enough to sort the situation out.

In response to the Government's 2025 legal aid discussion paper, the co-convener of the Law Society of Scotland's legal aid committee, Ian Moir, said:

> "at a time when legal aid is burning to the ground, the Scottish Government has put in an order for a bucket rather than calling the fire brigade. The measures outlined are nowhere near good enough, in either scale or timeline. Additional financial support is needed now".

We need an urgent review of the whole legal aid system, and that needs to be matched by definitive action. It is time to listen to the experts and those worst affected. There may not be time in this parliamentary window, but it should be a major priority for the next Scottish Government, or the system risks collapsing altogether.

The Deputy Presiding Officer (Liam McArthur): I now call the Minister for Victims and Community Safety.

Siobhian Brown: I am sorry, but I am wondering whether there is someone else still to speak before I do.

The Deputy Presiding Officer: This is a committee debate, so—

Siobhian Brown: I am sorry, Presiding Officer—that was my fault.

The Deputy Presiding Officer: We will come to the committee's deputy convener later.

15:30

Siobhian Brown: The debate has shown that we all want to ensure that Scotland's legal aid system delivers fairness, equality and access to justice for all. As members have said, the Equalities, Human Rights and Civil Justice Committee's report does not shy away from the challenges: a declining number of civil legal aid providers, complexity in processes and gaps in provision. The report also recognises the strength of Scotland's system and our opportunity to make it stronger. That is the spirit in which the Government approaches reform.

Our discussion paper sets out a clear direction to design a system that can adapt to changing needs and that can remain sustainable for decades to come. That means considering how legal assistance is delivered, funded and structured, working with providers, advice agencies and service users to ensure that reforms reflect lived experience. We want to build flexibility into the legal aid system, so that it can respond to new challenges without losing sight of fairness and accessibility.

I wish to acknowledge a few specific points that have been made today—and I have a lot to get through. First, on remuneration and viability, I hear the concerns about fees and the pressures on firms. The independent fee review mechanism group is a key part of addressing that, and I will ensure that the points that have been made today, such as those on early resolution and on rural travel, are fed into that work. We are continuing negotiations with the legal aid profession about an uplift in fees across criminal, civil and children's law.

I acknowledge the challenges around rural and island provision, which are often raised with me in the chamber. Members have highlighted gaps in coverage, and we are exploring targeted solutions, including the legal aid traineeship fund and new models under the Regulation of Legal Services (Scotland) Act 2025, which will allow charities and law centres to employ solicitors directly.

On user experience, several members spoke about complexity and delay. The regulations that we laid in December 2025 are a first step in simplifying processes, and further changes will follow.

In her opening speech, Tess White raised a point regarding operational issues involving legal firms and SLAB. Those concerned will be meeting the Law Society of Scotland this year, which will be the first time since Covid, to discuss operational issues.

The committee convener highlighted her wish to hear more about public legal education. The Scottish Government values stakeholder input and supports preventative approaches, and we will continue to collaborate to improve access and develop preventative tools. Public legal education is part of our longer-term reforms.

I note the committee's concerns and what members have repeatedly said about legal aid deserts, and the Scottish Government acknowledges the challenges here. We are working with SLAB and the Law Society to build an evidence base and to develop targeted interventions. That includes grant funding and a traineeship fund. As I have said, the Regulation of Legal Services (Scotland) Act 2025 will remove restrictions preventing charities, law centres and citizens advice bodies from directly employing solicitors to provide certain legal services to vulnerable people.

I also highlight civil legal assistance officers. SLAB has continued to employ solicitors to provide advice and represent people with particular types of civil legal problems. It has a network of three officers covering the Highlands and Islands, Argyll and Bute, Aberdeen and Aberdeenshire, and Edinburgh and the Lothians. Members of the public can check whether they are eligible for the service by contacting SLAB for details through its website.

On means testing for legal aid domestic abuse cases, the Scottish Legal Aid Board has updated its guidance to say:

> "We understand that it can be difficult for applicants who have had to flee an abusive or controlling relationship to be able to provide the relevant financial verification to support their civil legal aid applications."

SLAB goes on to say:

> "we can use our discretion to either disregard income or capital where we consider it reasonable to do so."

That update does not represent a change in policy—it is just a means to raise awareness of SLAB's approach. Legal aid is available to victims of domestic and gender-based violence who are seeking protection through civil actions where they meet the statutory eligibility criteria.

I turn to regulation 15, which Pam Duncan-Glancy touched on. The legal aid system is designed for individual applicants and not groups or organisations, reflecting the legal context at the time that the framework was created. However,

regulation 15 should not be a major barrier to public interest litigation, and legal aid has been granted in civil cases despite joint interests being identified. Nevertheless, I take on board the committee's concerns in that regard.

I am conscious of time; I agree with Mr Whitfield that we could have had more time for this debate, as we have a lot of complex issues to cover regarding legal aid. Nevertheless, my door is always open to members who want to raise with me any issues regarding further legal aid reform.

Legal aid reform is not a single act—it is a process that requires collaboration, evidence and trust. We will continue to engage with the profession, the third sector and those who rely on legal aid and, together, we can deliver a legal aid system that reflects Scotland's values and meets the challenges of the future.

15:36

Maggie Chapman (North East Scotland) (Green): This debate has been valuable, as it has emphasised just how critical it is that reforms are made—urgently—to civil legal assistance in Scotland. It is not tenable for us to carry on as we are.

We must translate the positive narrative from the Scottish Government, and its recognition of the need for reform in its response to the committee's report, into real, tangible action, because warm words and working groups alone will not result in the change that we need. That tangible action must be driven by working closely with key stakeholders.

Perhaps the first tangible action that we have seen since the publication of the committee's report was the bringing forward of regulations on adults with incapacity. Ultimately, however, those regulations were never laid, as stakeholders were concerned that they might further restrict the availability of civil legal assistance to some of the most vulnerable people in society.

On the one hand, therefore, it is good to see that the Scottish Government has listened to stakeholder concerns. On the other hand, it is disappointing that it was only at that juncture that the Government recognised that the impact of the proposed regulations would be to further restrict access to justice.

Before I turn to some of the themes that have emerged from the debate this afternoon, I will highlight one of the recommendations that the convener was unable to cover in the time available. Specifically, the committee looked at public interest litigation and group proceedings and the barriers to those being pursued. I know that the minister has just addressed that, but I think that it is worth setting the situation out clearly on the record.

Regulation 15 of the Civil Legal Aid (Scotland) Regulations 2002 was seen as the key barrier. The regulation applies where several people have a "joint interest" in legal action. In those circumstances, SLAB cannot grant civil legal aid where the applicant

"would not be seriously prejudiced"

—in other words, if their rights were not significantly impacted—by the situation or where another person "with ... the same interest" could be expected to take the matter forward.

We welcome the fact that the minister and SLAB are revisiting regulation 15 in so far as environmental cases are concerned. However, we remain strongly of the view that there would be significant benefits and efficiencies as a result of revisiting regulation 15 more broadly. Although SLAB has pointed to cases in which civil legal assistance has been granted, those remain isolated cases. We welcome the improved guidance that SLAB has issued, but we ask SLAB and the Scottish Government to look again at regulation 15 with a view to allowing more collective action, reducing the burden on the individual and broadening the côterie of people who benefit from proceedings in a more efficient way.

Turning to themes arising from today's debate, I am heartened that Ariane Burgess, Pam Duncan-Glancy and Liam McArthur, in their contributions, have grounded us in first principles. Civil legal assistance is not an add-on to our justice system; it is fundamental to ensuring that people can realise their human rights in practice. When someone cannot challenge an unlawful eviction, secure safety for themselves or their children or enforce their rights at work, justice feels not simply distant but unreachable. Our inquiry heard clearly and consistently that this is now the lived reality for far too many people in Scotland.

Katy Clark, Marie McNair and Tess White laid bare the scale of the problem, as did our inquiry. Years of underresourcing and delay have hollowed out provision, creating legal aid deserts across the country and across whole areas of law. These are not abstract gaps on a map; they are structural barriers that fall hardest on those who are already marginalised by poverty, disability, racism, gender-based violence, insecure immigration status, homelessness, rural isolation and other factors. People's access to justice should not depend on their postcode. Rural and island representatives know that only too well. It should also not depend on whether their income is just above an arbitrary threshold or on whether

there happens to be a solicitor nearby who is still able to keep their doors open.

There is also a direct link between unsustainable fee rates and the collapse in the availability of civil legal aid, as Marie McNair and Sharon Dowey outlined. Dedicated practitioners are leaving not because the work does not matter, but because the system no longer allows them to do it with dignity or financial viability. At the same time, excessive bureaucracy, inconsistent abatements and complex application processes actively undermine trauma-informed, person-centred practice.

A justice system that exhausts both those who seek help and those who provide it is not one that is working. Therefore, we need urgent, tangible reform—as Martin Whitfield stated—a significant increase in fees, a fair and transparent mechanism for regular review, and meaningful simplification of administrative processes. We must rebuild capacity for the future through sustained investment in training and through a system that young lawyers want to enter, as Paul McLennan and Pam Duncan-Glancy stressed. We also need innovation to ensure that Scotland's geography is not an excuse for a lack of provision.

Those improvements are not optional; they are the minimum required to prevent further erosion of people's ability to enforce their rights. If we want Scotland to be a country where human rights are real, enforceable and equal, civil legal assistance must be treated as core public infrastructure. Delay has consequences, and those consequences are already being borne by the people with the least power.

The committee's message to the Government is clear: the evidence is overwhelming, the consensus is broad and the need for action is urgent.

As deputy convener of the committee, I thank everyone for their contributions this afternoon, and I thank all those who supported or contributed to the committee's inquiry.

Now we need action. We have cross-party recognition of the need for change, and we have cross-party awareness that change is long overdue. The Scottish Government must deliver that reform. As a Parliament, we must hold the Government's feet to the fire, because justice delayed is justice denied.

The Presiding Officer: That concludes the debate on civil legal assistance in Scotland, on behalf of the Equalities, Human Rights and Civil Justice Committee.

Ministerial Statement

The Presiding Officer (Alison Johnstone): The next item of business is a statement by Angela Constance, the Cabinet Secretary for Justice and Home Affairs. The cabinet secretary will take questions at the end of her statement, so there should be no interventions or interruptions.

15:43

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): Thank you for the opportunity to make this statement today.

On 16 September last year, during stage 3 of the Victims, Witnesses, and Justice Reform (Scotland) Bill, I made remarks that referenced the position of Professor Alexis Jay. What I said during that debate has been the subject of significant scrutiny, and the First Minister's independent advisers on the ministerial code made it known on 22 December that they would independently investigate this matter. They have now delivered their conclusions to the First Minister. Their report has been published, but I will outline briefly the conclusions, which are that I made two breaches of the ministerial code, which were unintentional and

"inadvertence without any deliberation or intention to mislead".

The advisers also said:

"That is at the lower end of the spectrum provided for in the Code and therefore does not call for anything beyond a reprove which should be formal and in writing accompanied by a statement to Parliament by Ms Constance to clarify the words used and thereby add to the Official Record."

I fully accept the independent advisers' report and sanctions. I received the reproval from the First Minister, which I of course accept, and I apologise to him. In addition, I am providing this statement as quickly as possible—I thank the Parliamentary Bureau for agreeing to that—to inform the Parliament and to carry out the advisers' recommendation that I clarify the words that I used and ensure that that clarification is therefore in the *Official Report*.

During stage 3 of the Victims, Witnesses, and Justice Reform (Scotland) Bill, Liam Kerr lodged amendments that sought to add research on child sexual abuse and exploitation to the remit of the victims and witnesses commissioner for Scotland and to require the commissioner to provide a report to the Parliament within three years.

During the debate on those amendments, I intervened in relation to the discussion on data. As is now well known, I made the following remarks:

"It is important that we get the right type of data, and that work is of course under way.

Is Mr Kerr aware of the work led by Professor Alexis Jay, who was the chair of an independent inquiry into child sexual abuse in England and Wales and who currently sits on our national strategic group? She shares my view and has put on the record and stated to the media that she does not support further inquiries into child sexual abuse and exploitation, given the significant time and resource already spent in the review that she led, the Casey audit and other reviews. She says that it is now time that

'people should just get on with it'.

I contend that that is what the Scottish Government is doing right here, right now—we are getting on with the work that we need to do to protect children."—[*Official Report*, 16 September 2025; c 31.]

Professor Jay wrote to me on 26 September noting that I "correctly quoted" her but that her comments were in the context of a public inquiry in England and Wales, not Liam Kerr's amendment. She also said that

"the Scottish Government should urgently take steps to establish reliable data"

and that she had already begun discussions with officials about how that might be achieved. She also asked for her position to be clarified.

Officials contacted Professor Jay on 3 October proposing to take that clarification forward at the meeting of the national child sexual abuse and exploitation strategic group that was scheduled for 8 October. Professor Jay agreed to that route for clarification. The clarification was made at the meeting and the minutes were published on 18 November.

The independent advisers noted that my statement on 16 September

"was factually accurate in two respects".

First, the quotations that I used were made by Professor Jay. Secondly, the quotations had been put on the record by Professor Jay during a Radio 4 broadcast in January 2025. In subsequent correspondence with officials that is in the public domain, Professor Jay agreed with the accuracy of the words that were used. However, the independent advisers reached the view that the context, content and detail of the debate were significant and that listeners might understand different things from the words used.

The independent advisers concluded that the phrase that I used when I said that Professor Jay "shares my views" had the potential to mislead Parliament and that the record of Parliament

"should have been corrected in the same terms used in the National Strategic Group minutes as soon as possible after Professor Jay communicated her views on 26 September."

I therefore make clear that, during the debate on the Victims, Witnesses, and Justice Reform (Scotland) Bill in the Parliament on 16 September, I quoted the views of Professor Alexis Jay on calls for further inquiries into child sexual abuse. I clarify that Professor Jay shared those views in January 2025 in a radio interview in the context of her work on the independent inquiry in England and Wales and that they were not related to the debate on the victims bill or the position in Scotland.

The matter has been considered at length by the Parliament, including most recently in an evidence session of the Education, Children and Young People Committee on 17 December, at which Professor Jay and I both appeared.

Although those opportunities have resulted in Parliament being widely informed of the full context of Professor Jay's remarks, to remove any suggestion of those being misrepresented and Parliament misled, I accept the conclusion of the independent advisers that I should have sought to make a statement. Presiding Officer, I apologise to you and to Parliament for not seeking to do so sooner.

The independent advisers also considered my phone call to Professor Jay on 1 December last year, in which I apologised to her. Although I took a note of that discussion, the independent advisers acknowledged that that was

"an error of judgement in the moment and not deliberate and in that sense inadvertent."

They concluded that, in line with paragraph 8.13 of the ministerial code, the call

"should have been attended by an official".

I accept that conclusion unreservedly.

Having made the statement to clarify matters, and making it clear that I accept the conclusions of the independent advisers on the ministerial code, I hope that we can now turn our focus to the work that we must do together.

I will finish by again saying that I fully accept the report of the independent advisers. I have always stated that I did not intend to mislead Parliament in any way in what was a long stage 3 debate on an important bill, in which we dealt with more than 170 amendments. I am pleased that the advisers have made it clear that my quoting of Professor Jay's views was

"without any deliberation or intention to mislead."

I hope that that addresses the matter in full and that we are all able to focus on how to effectively address and prevent the horrific and insidious criminality that is involved in the exploitation of children, and support victims.

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

Russell Findlay (West Scotland) (Con): I thank the cabinet secretary for advance sight of her statement.

On 18 December, John Swinney told me that he was

"content that there has been no breach of the ministerial code."—[*Official Report*, 18 December 2025; c 11.]

Over many weeks, he repeatedly suggested that there was nothing to see here. John Swinney was wrong, because his discredited justice secretary, Angela Constance, breached the ministerial code—not just once but twice. I have been telling him that for weeks, but he put his Scottish National Party friend above the truth and above respect for Parliament and for grooming gang victims. We have those official findings today only because of the sustained efforts of many Scottish Conservative MSPs.

The first breach was that, having misrepresented the views of a leading expert on child sexual abuse, Angela Constance failed to correct the record. The independent advisers described that as a "significant error".

The second breach was the failure to have officials present during an official Government phone call with Professor Jay. The saga has all the hallmarks of John Swinney's Government: cover-up over candour and self-preservation over integrity.

Will Angela Constance tell Parliament whether she has offered her resignation to John Swinney? If he will not do the right thing and sack her, why will she not do the right thing and quit?

Angela Constance: I am grateful to Mr Findlay for his questions and scrutiny. The strength of having independent advisers is that they undertake an independent process and have the freedom and right to come to their own conclusions. I repeat what I said in my statement: I accept the independent report by the independent advisers in its entirety, including their commentary and conclusions, and, today, I have sought to address the matters that they recommended that I take on board.

I have had time to reflect. As I have said before, the record could have and should have been corrected earlier and a statement to Parliament should have been made earlier. I am now making that statement to Parliament so that matters are now fully on the official record.

My final remark to Mr Findlay is that, for some people, walking away is always easier than being held to account. I would much rather take the harder road of being held to account and making amends and getting on with the job.

Anas Sarwar (Glasgow) (Lab): This has dragged on for 102 days because of the inability of Angela Constance and John Swinney to do the right thing and at the right time. Had Angela Constance put her hands up and said ,"I made a mistake," this issue would have been done. Instead, John Swinney and Angela Constance put party before country and, even more shamefully, put party before victims of grooming gangs.

Independent advisers have now confirmed that Angela Constance breached the ministerial code not once, but twice. That investigation should have been triggered by John Swinney, but instead he followed the culture that he has created from the top—one of secrecy and cover-up and putting his party before country every single time. This is the man who tried to withhold evidence from the Salmond inquiry. He defended Michael Matheson over the matter of the iPad bill, and he did the same now with Angela Constance.

Does the justice secretary agree that the most important people in this are the victims and survivors of grooming gangs and child sexual exploitation? She has the confidence of John Swinney and of her party, but she has lost the confidence of the victims and survivors of grooming gangs. On that basis, should she not resign?

Angela Constance: The facts of the matter are now fully on the record, and they have been independently scrutinised. I appeared at the Education, Children and Young People Committee before Christmas and made an extensive statement there. I am here today before Parliament to account for the position and to accept in full the requirements of the independent report.

What I have always accepted is that there is no monopoly on wisdom, on endeavour or on commitment to victims of sexual abuse, whether they are adults or children.

Looking at my record in the round, which has included taking through one of the largest and most transformational victims bills in the history of devolution, I think that I can say with some confidence that I have made a contribution. It is a contribution that has made history, for example, through the abolition of the not proven verdict. It is a contribution that will make a difference, through the establishment of a sexual offences court. What we all need to do now, and I think that there is unanimity on this across Parliament, is to focus on our children and how best to protect them in an ever-changing world where the threat to our children, their wellbeing and their safety is ever evolving. I have never demurred or diverted my attention from that priority, and I never will.

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): I note that the report of the independent advisers on the ministerial code said that the two breaches of the ministerial code were unintentional and were

"inadvertence without any deliberation or intention to mislead."

The sanction is a formal reprove and a statement "to clarify the words" for the official record. Does the cabinet secretary believe that her statement fulfils what is required of her now in relation to the advisers' report on the issue?

Angela Constance: Yes, I do. The report is very clear that the issue was "inadvertent error". As I said before, it was never my intention to mislead Parliament in any way. The comment was one that I made during an intervention on one amendment out of 174 amendments that were under consideration that evening.

Nonetheless, I will not for a minute walk away from the importance of candour and openness with Parliament in these matters. I have always striven to demonstrate that in all aspects of my work. Have I had to make amends? Yes—that is what I hope that I am doing here today, and I will continue to do so through the work that I will lead in collaboration with other colleagues across Government.

Liam Kerr (North East Scotland) (Con): I choose to believe that the cabinet secretary did not intend to mislead when she intervened on me in September. However, the failure to correct the record in the face of many colleagues and voices in civic Scotland highlighting the error was, I think she would acknowledge, a monumental error of judgment. It was disrespectful to Parliament and, worst of all, it was a shocking abdication of responsibility to the victims of this most abhorrent of crimes.

A straight, closed question begs a straight answer. Between 3 October and her appearance at the Education, Children and Young People Committee in December, was the cabinet secretary advised by anyone in her private office, by her special advisers and/or by the First Minister's office to correct the parliamentary record?

Angela Constance: I can say to Mr Kerr that I have had much to reflect on and, when it comes to regrets, I certainly have a few. My on-going commitment to Parliament is that I do not and will not abdicate any of my responsibilities. I will not repeat the evidence that I gave to the Education, Children and Young People Committee, as we now have the judgment of the independent advisers and their conclusions and recommendations.

Was I given advice? The answer is no. However, I do not want that to be misinterpreted. I am answering a straight question, because that is the challenge that has been put to me. What I do not demur from for one minute is what rests with me. I ain't for a minute pointing the finger at spads, officials or anybody else. This may be of little interest or consolation to members of the Opposition but, at the end of the day, the biggest critic of me is me. This rests with me. Where action has to be taken and where there has to be accountability, that rests with me as a minister. That is what comes with being a minister. As I said to your colleague earlier, walking away is always the easy option, but standing up and being accountable for your actions is the harder road, and I will take the harder road each and every time.

The Presiding Officer: Always speak through the chair, please.

Rona Mackay (Strathkelvin and Bearsden) (SNP): The cabinet secretary breached the code in not having an official with her during the telephone call that she held with Alexis Jay on 1 December. Can she explain her intention behind that call?

Angela Constance: As I said, the intention behind my call to Professor Jay was to apologise to her when the focus was on remarks that I had made in the chamber, as opposed to the substance of the very grave issues that we are all contending with. I was apologetic for any inconvenience or intrusion that she had had as a result of my actions, inactions or comments.

As a politician and a minister of some years' standing, I have always valued independent experts and the role that they play, particularly experts such as Alexis Jay, who is a leader in her field and who has spent a career and a lifetime working to protect our children and improve measures to ensure that more of our children are safe. There is nothing more important to me and, I suspect, to the Parliament, than the protection of our children in this ever-changing world, where the harms are ever evolving.

What I regret, among many things, is any inconvenience to Professor Jay in any way. I very much regret the fact that she had to write to me in the first place to clarify her position. In the context of our society, where experts are often debased, I regret very much that my actions have brought an expert into the spotlight, when the spotlight should always be on politicians.

Pauline McNeill (Glasgow) (Lab): The justice secretary's own words today are:

"the independent advisers have reached the view that the context, content and detail of the debate were

significant and that listeners might understand different things from the words used."

The words used misled MSPs and the public, but it is much worse than that, because they also serve to undermine confidence among victims. I ask the cabinet secretary how she will regain the victims' confidence.

Taylor, a known victim, was on a list of 46 children that Police Scotland were worried were being sexually exploited. I still do not have answers about what has happened to the other 45 children. I ask the cabinet secretary what has happened to those children who we think might have been sexually exploited, and will the matter be a priority for response?

Angela Constance: I repeat to Ms McNeill what I have said. I accept the independent report and all its conclusions and commentary in its entirety. Along with colleagues in education, those elsewhere in Government and Opposition members, I seek to play my part—a leading part—in addressing the concerns of victims across the length and breadth of Scotland. I have a track record in providing results to victims, having introduced one of the most significant landmark pieces of legislation that this Parliament has passed. I note that the bill that passed was not unanimously supported, and I accept that we will all see the mountain from different sides. However, my commitment to Ms McNeill and others is that I will continue to work collegiately across the Parliament in the best interests of Taylor and other victims.

Fulton MacGregor (Coatbridge and Chryston) (SNP): Cabinet secretary, you have taken three major bills through the Parliament in the past year or so, including the landmark one that you have just referenced. Given that, combined with the numerous statements that you have given in Parliament, it is fair for us all to assume that you are familiar with the processes and have corrected the record. How are you normally made aware if there is a need to correct the parliamentary record, and were you advised to do so in this case?

The Presiding Officer: I remind members of the requirement to speak through the chair.

Angela Constance: In hindsight, I should have sought to correct the record earlier. At the time, I thought that the matter was dealt with. Yes, I have spoken a lot in committee and the Parliament in the past year. As I said, my remarks were used in an intervention as part of a two-day debate on what I and many victims consider to be a transformative bill.

There are a number of ways that matters can be drawn to members' attention, depending on the issue. It can be done via officials or stakeholders. To be fair, it was a stakeholder in this instance, because it was Alexis Jay who first wrote to me on 26 September, and officials then corresponded with her and then advised me of the approach to clarification, which was agreed with Professor Jay at the time.

Maggie Chapman (North East Scotland) (Green): In the cabinet secretary's statement, she expressed hope that we can now focus on how to address and prevent the horrific and insidious criminality that is involved in the exploitation of children and on supporting victims. Can the cabinet secretary tell us more about the Police Scotland review of historic child sexual abuse cases? What is it intended to achieve? Is it about how investigations were handled? Is it about identifying patterns? Is it about exploring other avenues of inquiry? How will that work integrate with that of the National Crime Agency?

The Presiding Officer: I remind members of the issues that are raised in the statement. Cabinet secretary, can you respond with that in mind?

Angela Constance: I will be delighted to follow up with Ms Chapman with more detail in writing. Police Scotland has a pivotal role in detecting and disrupting criminality. It has always been the case that Police Scotland co-operates with other police forces across the United Kingdom, particularly the National Crime Agency, which is a UK-wide organisation. When it is in Scotland, the National Crime Agency always makes the effort to engage directly with me.

The important point is about multi-agency collaboration, because Police Scotland will work on the national review collaboratively, whether that is with the Care Inspectorate, His Majesty's Inspectorate of Constabulary in Scotland, the Inspectorate of Education or Health Improvement Scotland. I have to stress that the issue requires a cross-Government, cross-society response.

Jamie Greene (West Scotland) (LD): This is the first day back after recess, and the Parliament is now notably distracted by two debates about the conduct of its members. The cabinet secretary knows fine well that it is what we say and the words that we use that matter, particularly to victims. In the vote of no confidence debate, we came to a very considered conclusion that the justice secretary's position was untenable, and I am afraid to say that our position has not changed.

In the light of this now three-month-long saga, and in the cold light of day, following today's report, does the cabinet secretary honestly—and I mean honestly—still believe that she commands the full confidence of the entirety of Scotland's justice sector, including every victim of crime in this country?

Angela Constance: Mr Greene is quite correct to say that what we say matters. However, what we do also matters. Along with support from Mr Greene, I passed the Victims, Witnesses, and Justice Reform (Scotland) Bill, which was not without its controversy. I know the views of many victims. Of course, victims have different views about different politicians. Many victims have views about those who did not support the bill and those who did not vote to abolish the not proven verdict, despite their commitment to that. It is what we do that matters.

I accept that we will all come to this with different perspectives, as will victims, but I am confident that most people will look at my contribution, first and foremost, as a grafter—somebody who is prepared to wrestle with difficult issues and have difficult discussions. I think that most people will look at me in the round; I am perhaps imperfect but, first and foremost, they will take a balanced view of me and of what I contribute, as well as my failings.

Jackie Dunbar (Aberdeen Donside) (SNP): I note that the independent advisers on the ministerial code said:

> "The issue here is not about honesty or truthfulness. There is no evidence that Ms Constance knowingly misled Parliament nor was the statement inaccurate or untruthful."

Professor Alexis Jay also said that the quote was accurate. Does it remain the case that the cabinet secretary had no intention of misleading Parliament when she made that statement during an intervention on Liam Kerr in relation to his amendment?

Angela Constance: I emphasise to the Parliament that I take my responsibilities in this place extremely seriously, in the same way as I do in relation to the people I serve as Cabinet Secretary for Justice and Home Affairs. I had absolutely no intention of giving the impression that Professor Jay was commenting on Liam Kerr's amendment or of risking that impression forming. I do not want to repeat the evidence that I gave earlier, because what is important now is the view of the independent advisers. I accept their findings in relation to the significance of the debate and the substance, I accept that more could have been done explicitly earlier, and I accept the recourse that they have recommended that I take.

Sharon Dowey (South Scotland) (Con): The cabinet secretary has acknowledged that this episode became about her conduct rather than the victims and survivors of grooming gangs. Given the damage that that has caused to trust in her Government, will she now apologise directly to those victims for allowing her actions to distract from their need for justice and protection?

Angela Constance: I am sure that I am on record as saying—if I am not, let me say again today—that the last thing that I would ever want to do would be to add to the distress that victims and survivors have already experienced in their lives. I go back to the point that Mr Greene made, which all politicians should reflect on, which is that what we say matters. However, what also matters is what we do.

Katy Clark (West Scotland) (Lab): A great deal of distress has been caused to victims, and, as the cabinet secretary said, what we say matters. She now says that she accepts that she should have corrected the record. Does she accept that she should have come to the chamber with a simple apology a number of months ago, rather than going through these weeks of prevarication? Did she consider making such a statement to Parliament following the discussions with Professor Jay on 3 October about what clarification should be made?

Angela Constance: I accept that victims and survivors live with a great deal of distress. I will not repeat in full my earlier remarks, but I reiterate that I accept that I could have come to the chamber earlier.

Douglas Ross (Highlands and Islands) (Con): The cabinet secretary has been asked a couple of times today about correcting the *Official Report*. In response to Liam Kerr, she said that she had received no advice about correcting the *Official Report*. However, paragraph 13 of the independent advisers' report says that

> "some Officials had canvassed an opinion that Parliament may not have been misinformed."

They were clearly wrong, but who were those officials? Were they independent civil servants or were they Scottish National Party special advisers? What did they do with the information that they canvassed?

Secondly, was the cabinet secretary personally interviewed or spoken to by the independent advisers? If she was not, how can they have come to the conclusion that the second breach was an error of judgment in the moment and not deliberate? If she was interviewed, what was her explanation for the fact that it was not an error of judgment in the moment but that, in fact, four days had elapsed between her requesting a private call and having the call on 1 December?

Angela Constance: I cannot provide the information that Mr Ross seeks, because I do not know who the officials were directly. I gave extensive evidence to Mr Ross and the committee that he chairs about the fact that I had received Professor Jay's letter. What I am now saying to Parliament is that I should have acted on that

letter at the time. The matter was left in the hands of officials.

Who did what? I know that there is a lot of information out there that is publicly available as a result of freedom of information requests and so on, but I cannot stand here and provide the detail of the information that Mr Ross is requesting in the here and now.

Emma Harper (South Scotland) (SNP): Does the cabinet secretary believe that, with the publication of the independent advisers' report, there should now be an end to the matter so that the cabinet secretary and Parliament can move on and concentrate on implementing the Victims, Witnesses, and Justice Reform (Scotland) Act 2025?

Angela Constance: I very much hope that. In response to Ms Harper's question, I stress to Parliament, that, even among all of this, I have never for a minute been distracted from the day-to-day job or the work that needs to be done to implement the Victims, Witnesses, and Justice Reform (Scotland) Act 2025.

Meghan Gallacher (Central Scotland) (Con): The cabinet secretary said that she would rather be held to account, and take the harder road. However, every time an urgent question was brought to the chamber, the cabinet secretary was nowhere to be seen, or if she was in the chamber, the questions were answered by a junior minister rather than by her. In my view, that is dodging accountability and responsibility for her portfolio.

It has been mentioned by colleagues that the cabinet secretary has become a distraction. I agree with them—I believe that she has become a distraction not just from the review but from providing the much-needed confidence that victims need to have in the Government. Will the cabinet secretary now do the right thing and step down from her position to ensure that we have a clean slate and that we can move forward with a review on grooming gangs to get the answers for victims who have been impacted?

Angela Constance: When I attended the Education, Children and Young People Committee before Christmas, I acknowledged that the urgent question that would rightfully have been for me to answer was the urgent question lodged by Mr Kerr on 19 November, when I was travelling on Government business. I should certainly have written to Mr Kerr at that time to offer to engage on the matter in any way that he saw fit.

I have answered urgent questions in this place. An urgent question from Ash Regan on a similar, related matter was very much focused on Police Scotland's activity to deter and disrupt grooming gang-type activity. Other questions, because of the way that they were drafted, have indeed been for education colleagues to answer.

I stress that this work must be not only a cross-Government endeavour but a cross-Parliament endeavour, because the issue of how we best protect our children is a cross-societal endeavour.

The Presiding Officer: That concludes the ministerial statement.

Douglas Ross: On a point of order, Presiding Officer. Earlier today, sources told a newspaper that Angela Constance would not be resigning or sacked as justice secretary. Those sources made those comments to the newspaper before any members in this chamber—certainly, any Opposition MSPs—had seen the report from the independent advisers, which gives their view that the cabinet secretary had breached the code twice but would not have to resign or be sacked as a result of that. That suggests that party-political sources within the nationalist governing party had access to the independent advisers' report before others, and that they briefed it out.

Given your respect for this Parliament and for its being informed first, will you request of the First Minister that he launches an inquiry as to how that information was leaked into the public domain when, at that point, it should have been with only the First Minister and perhaps a few in his inner circle? The findings were clearly leaked to a newspaper before they were given to Parliament.

The Presiding Officer: Thank you. I have been in the chamber all afternoon, so I am not aware of the points that Mr Ross raises, but Parliament will be only too well aware of my view that all important announcements should be made to Parliament in the first instance and that that must always be the case.

We will conclude that item of business there, because I am aware of the need to protect time for our next item of business. I will allow a momentary pause for members on the front benches to organise themselves.

Swimming Pools

The Deputy Presiding Officer (Liam McArthur): The next item of business is a debate on motion S6M-20185, in the name of Jackson Carlaw, and lodged on behalf of the Citizen Participation and Public Petitions Committee, on petition PE2018, to recognise the value of swimming pools and provide financial relief to help keep pools open. Members who wish to participate in the debate should press their request-to-speak buttons.

I call Jackson Carlaw to speak to and move the motion on behalf of the Citizen Participation and Public Petitions Committee.

16:23

Jackson Carlaw (Eastwood) (Con): How exciting it is, on the first day back, to be able to bring this debate to the chamber. I begin by introducing petition PE2018, which was lodged by Helen Plank, on behalf of Scottish Swimming, and by saying that the committee was absolutely unanimous and united in the focus that we brought to bear on the petition and in bringing it before Parliament today.

I thank the clerks for all the hard work that they have done, and particularly for their assistance with my speaking notes. I apologise now for the fact that the speech sounds a little bit like the play what Ernie Wise wrote, in that it contains just about every possible hidden reference to water and to swimming. If anyone has a gong that they want to bang, they can count up and see whether they can earn some cash during the course of my contribution—I challenge them to come up with the appropriate figure.

Let me dive right in and speak to the motion in my name.

> "There is a real ethos of swimming in Scotland, and we are starting to take over the British Swimming team."

Those are the words of swimmer Duncan Scott OBE, who was Scotland's most decorated athlete at the Paris Olympics in 2024 and is a remarkably impressive ambassador for his sport. Had he decided to give up swimming, he could crawl into a career in politics, I think, and make the argument for swimming still more effective. However, the following are also his words:

> "when I look back on my career as an athlete and at some of the pools that have been part of that journey, I know that Alloa Leisure Bowl and Bo'ness swimming pool have both now closed ... I wonder where the next athletes are going to come from."—[*Official Report*, *Citizen Participation and Public Petitions Committee*, 23 April 2025; c 6, 5.]

Duncan spoke to the committee during our round-table discussions on 25 April 2025, which focused on the petition that was lodged by Helen Plank. The petition calls on the Scottish Parliament to urge the Scottish Government to help to keep our swimming pools and leisure centres open by providing financial investment for pools. I know that we are always calling for financial investment in this, that and the next thing. However, the more evidence the committee heard in respect of this being an island nation and, as I will touch on later, Scotland having the highest rate of deaths from drowning of any component of the United Kingdom, the more we felt that the importance of swimming cannot be overstated.

I acknowledge everyone else who provided evidence in the round tables—John Lunn, chief executive of Scottish Swimming; Derek McGown, a coach at the East Kilbride amateur swimming club; Abi Thomson, a young volunteer programme champion at Scottish Swimming; Dianne Breen, coached programmes manager at Sport Aberdeen; Kirsty Doig, director of the Darcey Sunshine Project; Jillian Gibson, policy manager for sport and physical activity at the Convention of Scottish Local Authorities; and Ben Lamb, chief executive of West Lothian Leisure, which is also known as Xcite. I thank them all.

I also commend the petitioner for the passion and determination with which she has pursued the aims of her petition for the past three years, with the support of members of this Parliament such as Liz Smith and others, and for the precise and matter-of-fact evidence that she provided to the committee on behalf of Scottish Swimming. Alongside all the evidence that we heard during the round tables, that persuaded the committee of the need to make—here it comes—a bigger splash and bring the matter to the attention of the whole Parliament. It was at that point in preparing my speech that I got echoes of the Morecambe and Wise "play what I wrote".

The issue at the core of the petition is that increased operating costs, squeezed budgets and ageing venues are putting pools across Scotland at risk of closure. In a period of less than a year after the petition was lodged, five swimming pools were closed with no prospect of them reopening. The committee heard about a swimming pool whose operating costs rose by 107 per cent in three years, but costs are rising—at varying degrees—across the board. The high operating costs of swimming pools prompt pool operators to pass the costs on to consumers, which makes swimming less affordable.

In many cases, nearly 90 per cent of the income that is generated and used to run swimming pools and sports facilities comes from the customers, with the other 10 per cent or so coming from the local authority. We heard that, historically, the level of local authority funding was a lot higher but

it has inevitably been forced down due to pressures on funding over the years.

In the Government's responses to petitions, it often indicates that such-and-such action that has been requested is a matter for the relevant authorities. However, those authorities do not operate in a funding vacuum, nor do they operate in a policy vacuum. In writing to the committee, COSLA highlighted that there have been real-terms cuts to core revenue and capital funding for councils, as well as increasingly ring-fenced Scottish Government funding. Because of that, cuts have fallen disproportionately on non-statutory services including swimming pools and wider culture and leisure services. We all know that from our local constituency experience. COSLA suggests that

"Councils require fair and flexible funding in order to protect these vital community services and facilities."

The Cabinet Secretary for Health and Social Care (Neil Gray): While I acknowledge the point that Mr Carlaw narrates on behalf of COSLA, does he accept that last year's budget gave a real-terms increase to local government funding? I recognise that pressures remain within local government, but does he agree that it would not be fair to say anything other than that increase has been provided?

Jackson Carlaw: The point that COSLA and others made to us is that, with so many different areas being—appropriately—ring fenced, the capacity for discretionary action by councils is limited, and the cuts are falling on swimming pools and other such facilities.

The core of the petition may appear to be just another matter of public finance. However, the waters run much deeper than that. The committee heard that pools are closing despite the on-going and continually growing demand for swimming. The 2023 Scottish household survey shows swimming to be the highest participation sport for women and for people with disabilities.

We also heard—this is shocking in many ways—that 40 per cent of children in Scotland leave primary school unable to swim. We heard that 75 per cent of P4 pupils who learn to swim are total beginners, with the figure reaching a staggering 90 to 100 per cent for pupils from deprived areas. Those statistics become striking given that, as I have said, the committee also heard that Scotland's accidental drowning rate is the highest of the United Kingdom nations. Pool closures therefore have a significant impact on people in Scotland and on their chances to not just thrive but, literally, survive.

Keith Brown (Clackmannanshire and Dunblane) (SNP): Jackson Carlaw mentioned pool closures. I am sure that he will be encouraged to learn that the Alloa Leisure Bowl—if he ever saw it, he would realise how inappropriate it was as a swimming venue in the first place—is to be replaced next year by a new wellbeing centre in Alloa, which will include a swimming pool.

On local government finance, will Jackson Carlaw acknowledge that the pressure that private finance initiative payments put on councils—especially on their education and sport budgets—is a bigger factor than any other when it comes to what they can afford to do on swimming?

Jackson Carlaw: I have to say to Mr Brown that that was not part of the extensive evidence that the committee heard. All who gave evidence talked of the pressures on funding and, as I said, the ring fencing of funding and the fact that that impacts directly on their discretionary funding—and that swimming pools and sports facilities are affected as a result. Obviously, I am delighted if there is a swallow, but it is not a summer.

Unfortunately, that is the issue that we have, and it ought to be of concern to all members, because we are talking about the lives of people who will be unable to swim, in an island nation in which, disgracefully, we have the highest accidental drowning rate.

Paul Sweeney (Glasgow) (Lab): The committee convener makes a powerful point about life saving, particularly in an educational context—teaching children the confidence to swim not just in a pool but in open water, and the appropriate safeguards to have in place for dealing with challenging conditions in open-water swimming.

Jackson Carlaw: That was very much the view that the committee took and is taken by some councils—albeit increasingly fewer, because of the pressures and considerations that I have detailed.

Both the committee and our witnesses acknowledge the role of local authorities and the importance of local democracy. However, we have heard that the current approach is piecemeal and demonstrably inadequate. Our witnesses advocated for the establishment of a national task force to explore how swimming pools can be kept open, how access can be maintained for people and what sustainable models can be developed for the future. Such a task force would be made up of local authorities, trusts, sportscotland and Scottish Swimming—and, of course, would be under the leadership of the Scottish Government. The committee has asked the Scottish Government what consideration it has given to potentially establishing such a task force. However, in my view at least, the Government is yet to answer that substantive question.

Our witnesses whole-heartedly supported the introduction of a statutory duty to ensure that

every child in Scotland has the opportunity to learn to swim. I think that that was what Paul Sweeney was alluding to. Scottish Swimming has lobbied hard to get swimming back on to school curricula, and we understand that there is cross-party support for that.

The Government's position is that education authorities and individual schools are best placed to decide the content of their lessons, and that there may be specific challenges for schools when it comes to distance from or access to swimming pools. To the committee, that argument does not hold much water, given that maintaining wide access to swimming pools is precisely what the petition is trying to achieve. I therefore hope to hear the minister providing more substantive responses on both the potential establishment of a task force and the introduction of a statutory duty to have swimming as part of school curricula, as advocated by our witnesses.

The committee is persuaded that the amplitude and seriousness of the situation demand much more than business-as-usual "engagement" between stakeholders and a treading-water "commitment" to working together.

The Deputy Presiding Officer: You need to conclude.

Jackson Carlaw: They demand a clear plan for the whole of Scotland and action to implement such a plan.

In the absence of support, swimming pools across the country will find themselves in deeper water. If they do, keeping their heads above it may well become impossible. That is the challenge that we all have to rise to, face and meet.

I move,

That the Parliament notes public petition PE2018 on helping to keep swimming pools and leisure centres open by providing financial investment for pools.

The Deputy Presiding Officer: I advise members that we are already running a little behind schedule, so I will have to keep members to their speaking time allocations.

16:35

The Cabinet Secretary for Health and Social Care (Neil Gray): I acknowledge the motion that has been lodged, and I thank Jackson Carlaw, the committee convener, for setting out his case with his usual rhetorical flourishes. Whether today's flourishes are by his hand or someone else's, I recognise the good humour with which he set out the case; I also recognise that beneath the humour is a serious issue that we agree needs to be contended with. I also thank Helen Plank, Duncan Scott and all those who contributed to the committee's work on the petition.

As the Cabinet Secretary for Health and Social Care, I firmly believe that sport and physical activity should be accessible to everyone. Every individual deserves the opportunity to participate and have access to facilities that make that possible. Swimming pools are far more than buildings filled with water; they are important community spaces and places that promote health, safety, social connection and personal growth.

Although all forms of physical activity contribute to mental and physical wellbeing, swimming offers unique benefits. It provides low-impact exercise that engages almost every muscle group, making it suitable for people of all ages and abilities. Swimming improves cardiovascular health, flexibility and lung capacity.

Pools provide essential support for recovery and rehabilitation through hydrotherapy, which is particularly effective for conditions such as osteoarthritis, chronic fatigue and fibromyalgia, thereby helping to reduce pain, improve circulation and ease stiffness.

Beyond physical benefits, swimming pools offer a calming environment that supports mental health. The rhythm of movement in the water, the focus on breathing and the feeling of weightlessness can create a calming and supportive environment. Swimming has been shown to reduce stress, anxiety and symptoms of depression.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): The cabinet secretary has said that swimming saves health and social care money and promotes wellbeing. However, Jedburgh and Selkirk pools are being shut and those communities are being called on. Will the cabinet secretary look at the percentage of the Barnett consequentials of the £63 million that is being provided in England to support pools and bring that to Scotland?

Neil Gray: We have passed over significant Barnett consequentials, as I set out in my intervention on Mr Carlaw, in an increase to local government funding, which I will come to in more detail. Those particular decisions need to be taken locally; I am more than happy to consider any approaches on individual cases, but they are for local decision makers to take forward.

Public leisure facilities play a crucial role in tackling loneliness. Activities such as aquatic exercise classes for older adults not only improve balance and strength but foster social connections, which often extend past the pool to the cafe and the wider community.

For children and young people, swimming pools offer more than just exercise. They offer the chance to learn a life-saving skill, as Mr Carlaw

and Mr Sweeney have set out. Pools build confidence and a sense of achievement. We believe that every child should have the opportunity to learn to swim. It can save lives and lead to a lifetime of enjoyment through swimming, as Mr Scott highlighted in his evidence. However, we know that there are significant inequalities in access to swimming lessons, which is why we funded swimming pilots in partnership with sportscotland and Scottish Swimming. The pilots demonstrated that the school swimming framework is the most effective model for enabling children to learn to swim, particularly in addressing poverty-related barriers to access.

Scottish Swimming and Scottish Water recently marked 10 years of the learn to swim programme, which is a joint initiative delivered by 38 local aquatic partners. Progress has been remarkable: participation has grown from 53,000 people in 2017 to more than 83,000 in 2024. Even more encouraging is the increase in participation by children from Scotland's more deprived communities, which has grown from 10 per cent in 2018 to 16 per cent today. That is a real and measurable impact, widening access and delivering social value. The success of the programme is a testament to the dedication of Scottish Swimming, Scottish Water and local partners. Their collective efforts deserve recognition, especially given the setbacks during the pandemic that affected water safety attainment and swimming instruction.

We also acknowledge the challenges faced by operators of sports and leisure facilities, first during the pandemic and then through the energy crisis, which created significant financial pressures. Rising operational, energy, building and transport costs have placed real strain on resources, making it harder to heat pools and buildings and maintain infrastructure. Although the funding of local sports and leisure facilities, including pools, is the responsibility of local authorities, we recognise the importance of support. Our policy on local authority spending is to allow authorities the financial freedom to operate independently. As such, the vast majority of funding is provided by means of a block grant.

As I set out to Mr Carlaw, the 2025-26 budget recognises the importance of local government and provides local authorities with a record funding package of more than £15.1 billion in 2025-26, which is a real-terms increase of 5.5 per cent. The Government has made a significant commitment to Scotland's sporting future. Since April 2007, sportscotland has invested more than £211 million to help sports clubs, community groups, local authorities, sports governing bodies and other organisations in delivering new and upgraded sporting facilities across the country. That investment has helped to create spaces where people can come together, be active and thrive.

However, we understand that significant challenges remain. That is why we commissioned sportscotland to undertake a comprehensive review of the condition and long-term investment needs of Scotland's sporting infrastructure. The report will be published shortly and will sit alongside the 2023 swimming pool review, providing vital information to help us make informed decisions collectively. The 2023 review highlighted the ageing pool estate and the significant energy improvements that will be required if we are to ensure that facilities remain sustainable. The review's findings underscore the need for a collaborative approach that brings together Government, local authorities, other partners and communities to secure the future of our sporting infrastructure.

I hope that today's debate will spark ideas and inspire collaborative solutions that can support both the operators who keep facilities running and, critically, the users who depend on them.

16:41

Liz Smith (Mid Scotland and Fife) (Con): Colleagues across the chamber are well aware that I have been a very strong advocate for the aims outlined in the petition for a very long time. I very much welcome the work that has been undertaken by the convener, Jackson Carlaw, and his colleagues on the Citizen Participation and Public Petitions Committee.

When the Scottish Government comes to sum up at the end of this afternoon's debate, I hope that it will make specific reference to the committee's call for a task force to combine all the relevant stakeholders that the cabinet secretary mentioned earlier. Implementing such a recommendation could be immensely helpful.

My colleagues in the Scottish Conservatives fully support this debate, and here is why. There are 295 public swimming pools in Scotland. Of those, 122 are more than 38 years old, which is the average lifespan of a pool. On current trends, that means the potential loss of more than 150 pools by 2040; we would have to replace them at the rate of four pools per year to maintain the current level of provision. It is very clear from that evidence that the future of community pools is in jeopardy, and that is why the public is desperate for parliamentarians to do something about it. It really matters to families and local communities.

Throughout the lifetime of the petition, in my role as convener of the cross-party group on sport, I have consulted extensively with Scottish Swimming. I have co-hosted two fringe events at party conferences, alongside former Olympic

swimmer Hannah Miley MBE, on the issue of access to pools. In October 2025, I was invited to attend the excellent national learn to swim 10-year celebration event with Scottish Swimming, Scottish Water and the Olympian Duncan Scott OBE. Both those Olympians were in no doubt whatever about the challenge that we face. In September 2023, I held a members' business debate on the save our pools campaign and, in March 2024, I formally submitted my support for the petition to the convener of the Citizen Participation and Public Petitions Committee.

Swimming remains incredibly popular: 13 per cent of adults swim regularly, making it the sport with highest participation levels after multigym and weight training—although I have to say to the cabinet secretary that pickleball is fast catching up, I think—and, most importantly, swimming is the most popular participation sport for those with disabilities, due to its suitability for those with reduced mobility. That is why nine out of 10 Scots believe that the closure of swimming pools is very bad for their local communities.

There is also the safety aspect, which other members have spoken about. Learning to swim is a key life skill, but it is in decline. There were 33 accidental drownings in 2024, which is a stark reminder of why those skills are so important. In a country with such an abundance of lochs, rivers, reservoirs and beaches, we must be ever more vigilant to the dangers of water and ensure that all children have the basic ability to swim. At this point, I issue a warning to some of the influencers on platforms such as Instagram and TikTok who are irresponsibly advertising some of those dangerous locations as beauty spots, at the same time as withholding key information about safety. That is unacceptable in this age of mass social media.

It is the issue of school swimming that concerns me most, because it is still a key target for some local authority cuts. Eight of our local authorities do not offer school swimming at all, and a further 10 have only a partial school swimming offer. That brings me to the point about the postcode lottery that exists with regard to who is able to access learn to swim programmes. Disadvantaged children in deprived communities are far less likely to be able to access swimming, given both the rising costs of lessons and the lack of provision at school.

My primary driver for introducing legislation on residential outdoor education was to address the inherent unfairness, in that so many children were not being offered the opportunity because of their circumstances. Studies have shown that, just as there are benefits from outdoor education, that is also true of swimming. If all young people are to learn to swim—as I believe they should—there must be adequate provision of pools around the country within reasonable distances.

There are also the health and wellbeing elements. Pools are social hubs and promote a healthy lifestyle for body and mind. They provide a centre for families and communities and, in many cases, for competitions at both elite and grass-roots levels. Many people have childhood memories of swimming, sharing fun experiences with friends, parents and grandparents, but that can happen only if pools are easily and readily accessible.

In my region, there are currently plans to replace the immensely popular Perth pool, with its fun elements including flumes, rapids and an outdoor area, with a new pool in Thimblerow, but that proposal will downgrade the existing pool to one that is much smaller and far more basic. It would not even include on-site parking in the middle of Perth, which suggests either a total absence from reality on the part of the planners involved or that they simply do not care whether the facility is actually used.

In order to keep the current level of swimming provision available, a sizeable financial effort and reallocation of resources will be required, but I believe that that will be an investment well made. I urge the Scottish Government to consider the potential preventative spend that facilities such as swimming pools provide, and to look at its own strategy on health, with which the current rate of pool closures is not compatible. The Scottish Government was persuaded to have a change of heart on outdoor education, and I hope that it will be persuaded in the same way on swimming.

Most importantly, the public overwhelmingly want pools to remain open, and we are all in the chamber today to represent their views. I continue whole-heartedly to support petition PE2018 and I call on the Scottish Government to act on Scottish Swimming's calls for sustainable financial investment.

The Deputy Presiding Officer: I call Neil Bibby—up to five minutes, please.

16:48

Neil Bibby (West Scotland) (Lab): A happy new year to you, Deputy Presiding Officer, and to everyone across the chamber.

Scottish Labour very much welcomes the debate, and I thank Jackson Carlaw and the Parliament's Citizen Participation and Public Petitions Committee for securing it, given how precious parliamentary time is. This issue matters, and I commend the excellent work of Scottish Swimming's staff and athletes in strongly

advocating and campaigning for swimming to be accessible to all.

That is needed because, as we have heard, swimming is a life-saving skill. Swimming can boost the health and wellbeing of people of all ages, and it can ensure that our children and young people have the skills that they need to stay safe in the water. However, we should listen when Duncan Scott, Scotland's most decorated Olympian, warns the Parliament that the number of drownings will only increase as a result of pool closures.

It is harder for our kids to learn to swim if the doors to the pools are locked; when swimming pools in Scotland close or community pools cut their opening hours; and when the cost of a swimming session rises. The cost of a swimming lesson has doubled since 2018, and, as we know, it is the poorest kids who are priced out. It is also harder because the pandemic resulted in growing waiting lists for kids' swimming lessons. Everything right now seems to be making it harder, and it is our job to make it easier.

The petition before us urges the Scottish Government to keep our leisure facilities open. It also calls for urgent financial investment, and we know why that is needed. Years of Scottish National Party Government underfunding of Scotland's local councils has resulted in local authority budgets being decimated, so that councils have less money to spend on leisure services and have to make difficult decisions.

Neil Gray: Will the member give way?

Neil Bibby: The cabinet secretary can point to the last financial year, but his Government had £5 billion extra from the Labour UK Government, so he could hardly have cut the budget for local councils yet again.

Neil Gray: Will the member give way?

Neil Bibby: I am limited for time, cabinet secretary.

It is not just about that £5 billion extra. As I told the petitions committee last year, when the Scottish Government, in this parliamentary session, received £6 million of Barnett consequentials from the previous UK Conservative Government's swimming pool support fund, it resisted passing that money directly to local councils, despite colleagues across the chamber urging it to do so.

Neil Gray: Will the member give way?

Neil Bibby: I will give way if it is brief. I am limited for time.

The Deputy Presiding Officer: Briefly, cabinet secretary.

Neil Gray: We just heard from Mr Carlaw about evidence from COSLA on the need to ensure that we do not have restrictive ring fencing of funding. I have just set out the increased funding that has been given to local government through a 5.5 per cent real-terms funding increase. Of course there are pressures, but that gives local government the choice to invest in those facilities.

Neil Bibby: I do not know whether the cabinet secretary was listening before I took his intervention. I just said that, last year, you had £5 billion extra from the Labour Government, so you could hardly have cut the local councils budget.

The Deputy Presiding Officer: Please speak through the chair.

Neil Bibby: It is harder for people to access swimming pools and lessons just now because, for years, the Scottish Government has made it harder for councils to fund them.

It is important to recognise that swimming pools are expensive to run, and it would be remiss of me not to acknowledge that energy costs are a significant part of the reason for that. Soaring energy bills over the past few years have resulted in opening hours being cut and temperatures dropping in our pools. Stabilising and reducing energy bills and investing more in clean energy through GB Energy, as the UK Labour Government is doing, therefore needs to be a priority and could help our swimming pools and other sporting facilities.

We should remember that these facilities have survived crises in the past, including energy crises, and they can do so again. Yet, in recent years, they have faced a double whammy from cuts to council budgets and rising energy costs. As a result, in Scotland, the ticking time bomb is louder than ever. As Liz Smith said, we have 295 public pools, and Scottish Swimming estimates that 122 of them are more than 38 years old and coming to the end of their lifespan. Some pools will, inevitably, need to close, but we should be saying that community pools generally need greater protection from closure.

Therefore, we must come together and establish, as has been suggested, a cross-party working group and task force, along with Scottish Swimming and our local councils and leisure trusts, to develop a plan for a sustainable future for swimming in Scotland.

This petition is about more than just bricks and mortar. Swimming pools are a means to an end—boosting physical strength, supporting mental wellbeing and saving lives. Yet, on this Government's watch, 40 per cent of our children are leaving primary school unable to swim. We are robbing them of their safety in a country where the drowning rate is double the UK average.

My party, Scottish Labour, is fully committed to changing that. We will ensure that every child in primary 5 has a chance to swim and learns the basics of water safety. We will work to fully implement Scottish Swimming's national primary school swimming framework, which I was pleased to see at first hand at Gracemount leisure centre in December. We will also conduct a national audit of school swimming provision to identify the pupils who are most at risk. Most importantly, we will provide that £6 million investment to make national implementation of school swimming a reality.

After two decades of decline, there is no doubt that public assets such as our swimming pools have never been more under threat, and time is running out to do something about it. I hope that we can agree that we need to work together across the chamber, before and after the election, to secure the future of our swimming pools and give every child the chance to swim.

The Deputy Presiding Officer: Before I call the next speaker, I advise members that we already have a later decision time. We are quite far behind the allocated time for this debate, so members will have to stick to their speaking time allocations and any interventions will need to be brief and accommodated within those time allocations. I call Patrick Harvie to speak for up to four minutes.

16:54

Patrick Harvie (Glasgow) (Green): I thank the committee for the work that it has done and, of course, the petitioners for raising the issue.

I will mention two particular pools and two particular communities in order to illustrate two specific points in the limited time that I have available. Those pools are in Govanhill, which is in the south side of Glasgow, and in Whitehill, Dennistoun, which is in the east end of Glasgow. Both pools have closed already—those are both communities that have lost their pools. In Govanhill's case, 25 or so years ago, the council decided to close the pool despite the community's valiant efforts to save it. Since then, the community, driven by its passion for what could be brought back to life, has, in the voluntary and non-profit sector, independently attempted to bring not just the building but all the services that it brought together back to life.

The community understands that, as other members have said, swimming pools are more than just swimming pools; they are community hubs and they can unite people across different demographics, foster a local identity, improve life skills and encourage young people to adopt healthy lifestyles. They can contribute to the local economy, too, by attracting and retaining people in the local community, as well as by attracting events. However, the community recognises that it does not have the resources that a local council has available to invest in the way that is required. If we are going to see any such assets brought back to life by communities, they, as well as local authorities, need to have the resources to invest.

Paul Sweeney: *rose*—

Patrick Harvie: I am afraid that I do not have time to take an intervention.

I hear the call for more local authority investment, but investment needs to go beyond local authorities and into organisations that have taken on community ownership and the responsibility to bring lost assets back to life.

In the case of Whitehill, the facility was lost much more recently. As late as 2018-19, there was significant investment to bring the ageing building up to date. There had been investment throughout the 2010s, but, as a result of a range of issues—not just the age of the building, but the discovery of reinforced autoclaved aerated concrete, asbestos and other issues—the facility has been lost. Again, the community has been working hard to persuade the local authority to take it on and develop a business case to bring it back to life.

The Whitehill facility illustrates the scale of what we are talking about and the scale of the investment that is required. Even the deep retrofit that would be required to bring Whitehill pool back to life and allow it to provide the service that it previously provided to the Dennistoun community would cost more than £30 million. A new build, which some are saying would be the preferable option, would cost only slightly more than that, at £32.5 million.

That is for one swimming pool. As other members have mentioned, the number of pools around the country that are of an age is a reminder to us that previous generations of politicians did raise the money and made investments on a large scale. If we take seriously the value that swimming and the pools and facilities that we are talking about have for our communities, we need to be willing to do the same. I would like to say with confidence—I hope that Mr Carlaw agrees—that nobody will come to the Parliament today to ask for that investment and then return tomorrow to ask for £1 billion in tax cuts.

16:58

Beatrice Wishart (Shetland Islands) (LD): I wish you, Presiding Officer, and colleagues across the chamber a happy new year from a snowy Shetland.

I thank the Citizen Participation and Public Petitions Committee for its work on this petition. I am pleased to speak in this debate to recognise the value of swimming pools and the call that financial relief is necessary to help to keep pools open.

I also thank Scottish Swimming for providing its briefing and for the work that it does all year round to promote swimming for everyone, which has physical and mental health benefits as well as being a good all-round sporting activity. Those were some of the positive benefits that were highlighted in the 2023 Scottish Liberal Democrat conference debate on swimming and the primary school curriculum.

Swimming provision and equal access to learning to swim is also important for reasons of safety in and around waters. It will come as no surprise that an islander like me is keen to ensure that every child is given the opportunity to learn to swim. It is a lifelong skill that is best learned as a child and one that is not just for people who live in and around island and coastal communities. With rivers and lochs across Scotland that are attractive and accessible from cities and towns, the dangers of water to the inexperienced are not always obvious.

Swimming and other water-related activities mean that more people are making their way to waters for fun, health and wellbeing reasons. As an aside, quite why swimming is referred to as "wild swimming" is a mystery to me. Like others of my generation in Shetland, I learned to swim in the cold North Sea, and it was and still is simply called swimming. I have close friends who are lifelong sea swimmers all year round, though I have not been tempted to join them.

This debate, however, is about the value of swimming pools. In an era of cuts to public services, it might seem to some that funding swimming pools is a luxury that we can live without. I do not share that view, for some of the reasons that I have already mentioned.

I also have a personal reason for ensuring that people have access to public swimming pools. I know at first hand what can happen if you cannot swim. As a child, I accidentally fell into the harbour at Lerwick. Thankfully, I was spotted by a quick-thinking fisherman, who hauled me out. It could have been a different story—I could have been a drowning statistic. To this day, I am not a confident swimmer.

Scottish Swimming indicates that the number of public swimming pools in Scotland is reducing. Of the 295 pools, 122 are more than 38 years old and are therefore nearing the end of their lifespan. According to Swim England, the average lifespan of a pool is 38 years. Based on that age model, Scotland could have a net loss of more than 150 pools by 2040. The estimated investment that is needed for four new pools a year is around £40 million.

In my constituency, swimming pools are run by the Shetland Recreational Trust, which has a network of eight pools across the islands. The two most northerly in the network and, indeed, in the United Kingdom, were both opened in 1988, which takes them to the 38-year lifespan this year.

Increased running costs, as other members have said, are affecting the sustainability of swimming pools across the country, and the biggest impact on those running costs is the cost of energy. It is suggested that an estimated £68 million a year is needed to power Scotland's pools, though with energy efficiencies and retrofitting with sustainable technologies, around £5 million a year could be saved.

To conclude, supporting our public swimming pools is a lifelong investment in people's wellbeing and life-saving skills.

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

17:02

Karen Adam (Banffshire and Buchan Coast) (SNP): I am pleased to speak in this debate because, for a coastal constituency such as mine, swimming pools are vital for safety and health.

Water is part of our everyday life. It is beside our homes, and it underpins jobs in fishing, aquaculture, offshore energy and the wider supply chain. It is where families spend time together when they can. When we talk about swimming pools, I do not start from a sporting perspective; I start from the simple reality that learning to swim is a life skill. In coastal Scotland, that can be the difference between a frightening moment and a tragedy.

There is a rural reality that it is easy to miss sometimes. When a pool closes, people are told, "There's another one over there.". However, "over there" can be completely out of reach. In rural Scotland, distance does not just inconvenience people; it absolutely excludes them. That is why pools matter far beyond leisure. They are where children build confidence in the water, where older folk keep moving when other exercise options are too hard on their joints, where someone who is living with severe pain or disability can access low-impact activity that simply is not available elsewhere, and where we see the quieter mental health benefit of routine and self-care.

This is also where the idea of a wellbeing economy becomes practical, not theoretical. If we are really serious about prevention, we must

protect local services that reduce harm and keep people well because, if we strip them out, the costs do not disappear—they just land later in poorer health, greater inequality and higher pressure on other services.

Local authorities have to make difficult decisions, but they also have choices about what they prioritise and whether they fully weigh up the long-term impact when a community facility is lost. I do not shy away from saying that all spheres of government are operating within tight fiscal constraints, but if we consider the high-level overview of budget decisions and the consequences of them, surely it is good business, too.

I will ground this point in a local example—the pool at Bracoden primary school in Gamrie by Gardenstown. It is a village that sits right on the cliffs on the coastline. The pool was first built as an open-air facility in the late 1950s, and it was paid for by the local community. That history matters, because it tells us what communities valued enough to build and what families expected would be there for the next generation. The reality is that the pool has now been closed for a few years and it would require additional work to reopen. We all know that, once something shuts, it can be far harder to get it back, and that is why engagement matters. When facilities such as that one are at risk, communities need time to work with councils and partners on practical solutions. If decisions arrive abruptly, people lose not just the facility but the chance to organise, to shape alternatives and to build something sustainable while there is still momentum and good will.

We also need to be straight about what is driving so many closures. Pools are energy-hungry buildings. When electricity and heating costs spike, that does not just tighten budgets—it can take a facility from a difficult situation to a completely unsustainable one almost overnight. That pressure is often felt the hardest in rural areas.

We should also be honest about where the main levers on energy pricing and regulation sit, because it is not at Holyrood. When local public services are being squeezed by bills that feel completely out of proportion, the frustration is real and it should be directed at the system that sets those costs. Why, in an energy-rich Scotland, are bills so high?

I am glad to see that strong practical work is under way on the condition of Scotland's pool estate and on what a sustainable future looks like, including energy efficiency measures that reduce operational costs and emissions. That is the direction—

The Deputy Presiding Officer: You need to conclude, please.

Karen Adam: Therefore, I support the desire for Parliament to recognise swimming pools for what they are—essential community infrastructure. Keeping pools open protects lives, improves health and reduces inequalities—

The Deputy Presiding Officer: You do need to conclude.

Karen Adam: —but we must also acknowledge that funding requires creative thinking.

17:06

Brian Whittle (South Scotland) (Con): I remember all too well going along with my friends to the open-air pool in Troon. When I say "open", I mean that in every sense of the word, given that the water was pumped directly into the pool from the sea, sand and all. Apparently, it was heated, but I am pretty sure that I caught a glimpse of the Titanic at the bottom of the deep end, because I remember constantly chittering away as we jumped off the diving boards and ran back up the stairs for another go.

Then came the luxury of Ayr swimming pool, which was indoors, no less, with proper diving boards. My friends and I, who were probably aged around 10 or 11, would jump on to the bus in Troon on a Saturday and head for Ayr pool. Then there were the swimming lessons at Troon primary school, which meant the adventure of jumping on the coach with my classmates and heading into Ayr—those were good days at school. Then there was going to the Magnum leisure centre in Irvine with my friends and hurtling down the waterslides. We were included, rather than excluded.

Being able to participate is incredibly important. Swimming is not like most activities or sports in that you can participate in most sports no matter your level—you can give it a go. With swimming, you either can or you cannot. If you cannot, water becomes a danger and you are excluded.

My dad taught me to swim. On Thursdays after school, mum, dad and my brother were off to the baths. There was fish and chips on the way home. It was family time that I remember fondly more than five decades later.

That is what we are talking about. Swimming might be an essential life skill, but it is also a fantastic physical activity. It is great fun, as is water aerobics for an older person—keeping fit in a non-weight-bearing environment. Children should be confident enough to fling themselves down waterslides at water parks. I did all that with my daughters. I still have an excuse to participate because I have grandsons, and I am still a big kid at heart.

I am forever extolling the virtues of giving our children access to physical activity, and I lament the consistent decline in those opportunities for our children, despite what the Scottish Government might claim. School sport is a shadow of what it once was. Physical literacy has no priority for this Government, despite many studies showing the positive influence that physical literacy plays in all aspects of education. The Government needs to tackle the resulting poor physical and mental health.

A poster on my office wall says that food is the most abused anxiety drug and exercise is the most underutilised antidepressant. At a time when we are increasingly concerned about the physical and mental wellbeing of our communities, one of the main ways to positively tackle those issues is being squeezed by the Scottish Government. The cost of those cuts will be borne in the need to increase the health and education portfolio budgets. The SNP might talk about prevention, but the cuts demonstrate that it understands little of what prevention actually means.

It is about inclusion and the opportunity to be physically active in a fun environment. That is why I was so passionate about supporting Liz Smith's Schools (Residential Outdoor Education) (Scotland) Bill and was delighted that we forced it through. From the open-air pool in Troon, Ayr baths and the Time Capsule in Coatbridge to every water park on holidays, show me a child who does not love the water. The Government says that it is committed to tackling inequality, yet the chances of being able to swim and to go with friends to the swimming pool is dictated by whether someone lives in a council area that is fully committed to free school swimming lessons or in a more deprived area. It is a classic postcode lottery.

Swimming is a lifelong skill, and we should not even have to debate its importance. Give our children universal access to free swimming lessons, give our communities that access to continue the positive relationship with the water, and let us make sure that no one is excluded just because they were never given the opportunity.

17:10

Fulton MacGregor (Coatbridge and Chryston) (SNP): I am pleased to speak in support of the petition, which recognises the value of swimming pools and calls for financial relief to help to keep them open across Scotland. I have long advocated on the issue in the Parliament. Indeed, in this parliamentary session, I have lodged two motions on the topic, both of which achieved cross-party support. Back in March 2023, I held what I felt to be a successful garden lobby event entitled "Everyone Can Swim—Save Our Pools". The issue is something that I am quite invested in.

As others have said, swimming pools are vital community assets. They play a central role in reducing the risk of drowning and improving physical and mental health, and they support wellbeing across all age groups. They provide structured and safe environments in which people can build confidence, learn life-saving skills and maintain active lifestyles. Scottish Swimming has estimated the social value of swimming in the UK to be almost £2.5 billion, which illustrates that modest investment now can deliver significant long-term benefits for society.

As Karen Adam said, we must challenge the perception of swimming as simply another leisure activity. Swimming is a life-saving skill. For many of us when growing up, swimming lessons were embedded in the school curriculum, ensuring that every child, regardless of background, had the chance to learn. That sense of universality has weakened. Today, access to swimming lessons can depend on whether families can afford them, whether a local pool still exists and whether it can accommodate the lessons.

That matters profoundly at a time when more people are accessing open water for leisure and health reasons. Scotland's lochs, rivers and coastline offer incredible opportunities, but they also bring risks. If fewer people have basic swimming skills while participating in outdoor swimming, the consequences could be serious. Swimming pools are therefore as much about safety as they are about recreation.

Pools also play a key role in tackling inequality. Growing up in Coatbridge, visits to the local municipal baths were built into the school curriculum, from primary right through to secondary school. Everyone took part. As I referenced earlier, from an early age, we were taught that swimming was a basic life skill. However, when facilities close, it is often those in lower-income communities who lose out most. Travel distances increase, costs rise and participation drops. If we are serious about addressing health and economic inequalities, we must ensure that swimming pools remain accessible and affordable across the country.

I recognise the financial pressures that local authorities face. Rising energy costs throughout the UK, which are particularly steep in the context of swimming pools, as well as ageing infrastructure and stretched budgets, have created a difficult environment. Although decisions about local facilities sit with councils, it is clear that the challenge cannot be met by local government alone. A collaborative approach is needed, involving local authorities, leisure trusts, national agencies and all levels of government.

In my constituency, North Lanarkshire Council has recently invested millions in the well-known Time Capsule in Coatbridge, which has already been referred to and which includes a 25m pool as well as the more renowned water park. That has been very welcome, but it has partly come about because the public have always shown, at every turn, a strength of feeling towards the facility. My point is that swimming pools carry vast public support. In contrast, the nearby John Smith pool in the cabinet secretary's constituency has been closed for some time due to the cost of on-going repairs. Given that my constituents also use that facility, I have supported him and local councillors in efforts to have the pool reopened. I am pleased that his campaign has been successful, with plans to open again soon. I commend him for that.

There should be more pools across our communities, not fewer. I must acknowledge that the Scottish Government has recognised the pressures at a national level and increased funding for local government in the most recent budget. That is important, but it does not remove the need for targeted support where pools are at risk. Exploring options such as energy cost relief, capital investment, efficiency upgrades and longer-term sustainability could make a real difference.

There is also more to do on swimming education, as others have mentioned. Although I recognise the flexibility afforded by the curriculum for excellence and the practical challenges that some schools face, we should continue to explore how every child can be given a genuine opportunity to learn to swim.

The Deputy Presiding Officer: You need to conclude.

Fulton MacGregor: I fully support swimming lessons being part of the school curriculum.

17:15

Alex Rowley (Mid Scotland and Fife) (Lab): There is a consensus here that more needs to happen around swimming. However, from the public's point of view, the real challenge is not what we talk about in debates, but what happens outside them. That is a question that the public increasingly ask, not only about swimming, across much of Scotland.

The figure that was given by Jackson Carlaw and Neil Bibby—40 per cent of children leave primary school without being able to swim—should be of real concern. We should absolutely look at the curriculum and how we ensure that, as part of it, children can access swimming. This morning the *Daily Record* said that a study found that 16 per cent of children in the most disadvantaged areas have to learn to swim outside school, which means that masses of children in the most disadvantaged areas are not able to learn to swim. For many children, it is about whether their parents have the resources to take them and get them booked into swimming lessons so that they learn how to swim. If the parents are not interested or simply do not have the resources, the children are clearly disadvantaged, and something needs to be done about that.

Before Christmas, a primary school class from Fife visited the Parliament. When we had a chat, I asked them whether they had received swimming lessons at primary school, and they had not. Some of them said that their parents had taken them to learn how to swim, and some of them just had not learned to swim at all. I reflected and said to them that, when I was at primary school, in a certain week of the term in a certain year, a bus would come, we would all get on it, we would go down to the Bowhill swimming pool and we were all taught how to swim. If you think about it, that was more than 50 years ago—primary school kids were able to access swimming and learn to swim, so we seem to have gone backwards with a lot of provision. On a more positive note, before Christmas, I visited the newly refurbished Cowdenbeath leisure centre, and I give all credit to Fife Council for the investment that it has made there. We need to see more of that happening.

For children, we need to look at the curriculum as a key component. Local authorities would not be able to say that they do not provide English as part of the curriculum, but they are able to say that they do not provide swimming. That is one area that we should look at.

What else can we do? I am quite interested in the idea of a national task force that Jackson Carlaw and the Citizen Participation and Public Petitions Committee have floated, because a lot of the issues have not happened overnight. Rising energy costs and transport costs for schools are immediate pressures, but we have had decades of failed austerity. I had the privilege of leading Scotland's third largest local authority, and local authorities were disproportionately cut in that period of failed austerity. At the same time, councils had to protect education and social work, so leisure and recreation, including swimming, were disproportionately cut.

The decline has not happened overnight, and solutions will not be found overnight, but the idea of putting together a task force would be interesting, and I would like to hear what the cabinet secretary has to say about that. Rather than just having hot air in the debates, which is what people see, we have to start to turn our words into action and make something happen.

The Deputy Presiding Officer: We move to wind-up speeches.

17:19

Maggie Chapman (North East Scotland) (Green): I thank Helen Plank and all who gave life to PE2018, as well as members of the Citizen Participation and Public Petitions Committee for the serious and thoughtful work that they have done on it.

The petition speaks to something deeply human: our shared need for spaces that support health, dignity, safety and connection. As we have heard, swimming pools are not luxuries but essential public services. They are places where children learn a life-saving skill, where older people maintain mobility and independence, where disabled people can move freely and without pain, and where communities come together across generations and backgrounds. When we talk about valuing swimming pools, in many ways, we are talking about valuing people.

The evidence that the committee heard was clear: pools are under severe financial pressure due to rising energy costs, ageing buildings and chronic underinvestment. Local authorities are being forced into impossible choices and, too often, the result is closure. However, the cost of closing swimming pools is simply pushed elsewhere—into our national health service, into social care and into the deepening health inequalities that the Parliament has repeatedly committed to tackle. Movement is fundamental to physical and mental wellbeing, and swimming is uniquely accessible. It is low impact, adaptable and inclusive of people who might not be able to participate in other forms of exercise. For many, the local pool is the only affordable and safe place to be active. Removing that option does not save money in the long run; it stores up harm.

As we have heard from many members, swimming is also about safety. In a country with so much coastline and so many rivers and lochs, the ability to swim can be the difference between life and death. Closing pools undermines our collective responsibility to keep people safe.

We see the real-world impact of such decisions very clearly in the north-east of Scotland. In Dundee, current proposals to close swimming pools have caused deep concern among parents and communities, who understand that, once such facilities are lost, they are unlikely to return. The closure of the Gardyne campus swimming pool has already removed a vital resource that was used not just by students but by local residents, older people and disability groups.

However, we see what is possible when communities are listened to and supported. In Aberdeen, Bucksburn pool was saved from closure because local people refused to accept that losing their pool was inevitable. They organised and made the case for the pool's social value, and they were right. That pool is now recognised not just as a building but as a cornerstone of community wellbeing.

Such stories tell us something important. Decisions about pools should not be made on narrow financial spreadsheets alone. They must account for social value, preventative health benefits and the voices of the people who rely on pools most.

Scottish Greens believe in strong, universal public services that are delivered as locally as possible and funded fairly. We believe that public infrastructure should serve the common good and not be quietly dismantled when budgets tighten. Recognising the value of swimming pools means backing that belief with practical support, targeted financial relief, national leadership and long-term planning that treats pools as part of our health and wellbeing infrastructure.

The petition gives us the opportunity to do exactly that—to say clearly that keeping pools open matters, that accessibility matters, that community matters and that prevention, dignity and wellbeing are worth investing in. I urge the Scottish Government to take the petition seriously, to act on the committee's findings and to work with communities and local authorities to ensure that swimming pools everywhere remain open, accessible and valued for generations to come.

17:23

Paul Sweeney (Glasgow) (Lab): Happy new year to you, Deputy Presiding Officer, and to colleagues across the chamber.

I commend the Citizen Participation and Public Petitions Committee for lodging the motion for debate, which I was pleased to sign. I extend my thanks and congratulations to the petitioners, led by Helen Plank, on behalf of Scottish Swimming, and to all those who have signed and supported the petition to highlight the critical value of public swimming pools across Scotland.

The debate provides a timely opportunity to focus on the urgent need for continued investment in these municipal facilities. Many such examples have been cited by members. I join my colleague from Glasgow, Patrick Harvie, in recognising Whitehill pool in Dennistoun, which is a vital asset for the communities of Glasgow's east end. I urge the Scottish Government to work with Glasgow City Council and Glasgow Life to secure its future.

That pool is one of the older ones. As mentioned, the average age of pools in Scotland is significantly higher than those across the rest of the UK usually are. The Whitehill pool opened in 1978, so it is approaching half a century old. It has

served as an essential community asset in one of Glasgow's most deprived areas, providing affordable access to swimming lessons, fitness classes and recreational activities that are crucial for tackling health inequalities, promoting physical activity and supporting mental wellbeing in a district of Glasgow where obesity rates remain stubbornly high and life expectancy lags behind the national average. Such facilities are not mere amenities—they are public health interventions and should be calculated as such. Generations of local families have used that pool to learn to swim and as a hub for fostering social cohesion in Dennistoun and beyond.

I have been involved in the campaign for many years. As the previous member of Parliament for Glasgow North East, I joined local residents in opposing proposed council cuts that threatened the pool's closure, finally getting a commitment from the council to reinvest. Since my election to the Scottish Parliament in 2021, I have continued with cross-party working, supporting local councillors Elaine McDougall and Anthony Carroll, and standing alongside the save Whitehill pool campaign, which is led tirelessly by dedicated champions such as Bill Stark, the chair of the Whitehill swimming club, and Alwyn Poulter, who pressed Glasgow Life for new investment.

We have had hard-won victories, including a commitment to refurbishment works, but, unfortunately, the discovery of RAAC in the building in December 2023 has forced its indefinite closure—a devastating blow to the community. We know that it was not foreseen, but the presence of RAAC has been compounded by other structural issues, and repair costs are indicated to be £20 million. Although Glasgow Life has at times recommended the demolition or mothballing of the building, it recently retracted that position following continued community pressure.

The setback is now well into its third year, but it cannot become permanent. The closure of the pool has displaced swimmers to distant alternatives, disrupted learn-to-swim programmes and left a void in local leisure provision at a time when Glasgow Life is investing in and upgrading other facilities in the city ahead of the Commonwealth games. For example, in the summer, Tollcross international swimming centre received significant investment, as did Springburn leisure centre, where I first learned to swim at primary school. Whitehill should not be left as the outlier and the only major pool that is not benefiting from that wave of investment.

We need to commit to innovative thinking about municipal pools. We often focus on their running costs, but we are not thinking about the way in which they could be integrated with district heating systems, for example. We could certify Whitehill to Passivhaus standards, as we have seen being done with the recent investment in Blairgowrie leisure centre, which is Scotland's first Passivhaus swimming pool, cutting energy costs by up to 80 per cent. That is a huge opportunity.

In an area such as Dennistoun, which has a dense tenement grid right next to Tennent's brewery, which is a major heat generator, and the Hovis bakery, where the famous Mothers Pride loaves are made, there is already a heat generation network that could be integrated with local housing and could reduce energy costs for the whole community, as well as providing a good public facility.

We need to recognise that it is not just about investment in another leisure facility but about a potential massive investment in the public health of Glasgow and many other examples across the country. We need to let people swim again and build that national resilience.

17:28

Maurice Golden (North East Scotland) (Con): I thank the petitioner, the committee clerks and witnesses, and my colleagues on the Citizen Participation and Public Petitions Committee for assisting in bringing the debate to Parliament this afternoon.

During today's debate, much has rightly been made of the vital role that swimming pools play in our communities, from keeping people active and reducing future pressures on the NHS, to ensuring that children can learn to swim, to supporting those who swim competitively. A further key theme has been the budgetary pressures on councils that threaten that vital infrastructure. I will not repeat the arguments that we have heard today and will instead focus my time on the current situation in Dundee.

Dundee recently lost the Dundee and Angus College pool at Gardyne Road, and the city council is now proposing the closure of swimming pools at Harris academy, St John's high school and Baldragon academy as a cost-saving measure. The argument that is being made is that swimming provision in the city can be delivered by the remaining pools. However, those closures will have a detrimental impact, first and foremost, on the immediate local communities that they serve.

The idea that people can simply swim elsewhere is a flawed one, particularly for low-income households and for those who rely on public transport. Beyond that, such closures will create significant knock-on pressures across neighbouring facilities. In Menzieshill, where I grew up, Dundee City Aquatics and Whitehall swimming club have both highlighted the devastating impact that that would have on their

clubs. More swimming lessons will be squeezed into the remaining pools, clubs will compete for increasingly scarce pool time and other users will be crowded out. Public and recreational swimming, especially in the evenings, will be heavily impacted. As those slots disappear, people will be pushed towards expensive private gym memberships or excluded from regular swimming altogether. Swimming should not become a privilege only for those who can afford private facilities.

At the heart of proposed closures are the high energy costs associated with heated swimming pools. Rather than closing facilities, the starting point must be to reduce those energy costs in the first place. As we have heard, many pools were built at a time when energy efficiency was not a design priority, so there is clear scope for savings. From the simplest measures, such as staff energy awareness programmes and modest temperature reductions, where appropriate, through to capital investment in pool covers, building insulation and solar heating, there are practical steps that can, and should, be explored. There are also more innovative approaches and I was particularly interested to learn about the Move Urmston leisure centre in Greater Manchester, where swimming pools are heated using excess heat from data centres. Such projects save tens of thousands of pounds in running costs while cutting carbon emissions.

There has been clear recognition throughout this debate of the financial pressures that are faced by local authorities. I echo the calls made today to ensure that we provide Scottish people with sustainable funding and long-term solutions.

The Deputy Presiding Officer: I call the cabinet secretary.

17:32

Neil Gray: I again thank the petitions committee for lodging a motion on what is, without question, an important issue. Today's debate has demonstrated the vital role that swimming pools play in our communities and the wide range of benefits that they bring, not least in their positive impact on children and young people, which Mr Whittle and others alluded to.

However, our discussion has also highlighted the significant challenges that exist. As I said earlier, I firmly believe that everyone should have the opportunity to participate in sport and physical activity, which requires access to the facilities that make that possible. In that regard, I absolutely agree with the sentiment set out by Liz Smith about the impact of pool closures on local communities. Mr MacGregor may have been seeking to make me blush by talking about the work that has been done in collaboration with community groups in Airdrie and Coatbridge in order to get investment from North Lanarkshire Council for the John Smith pool in my constituency.

When the report "The Future of Swimming Facilities in Scotland" was published, it identified 396 swimming pools across Scotland but also confirmed that that estate is ageing. More than half of those facilities are more than 36 years old and, although a pool can remain open and operational for around 60 years with proper maintenance and refurbishment, the number of facilities will decline without sustained investment. That point was made by Mr Harvie.

The recent Audit Scotland report on culture and leisure services confirmed that spending has reduced by 3 per cent in real terms since 2018-19, emphasising the importance of local decision making.

Energy efficiency is another critical issue, because rising energy costs are placing enormous pressure on budgets, affecting the availability and affordability of community programmes, threatening their continuation or forcing higher costs that make them less accessible, particularly for those who rely on them the most.

Patrick Harvie: Will the cabinet secretary accept an intervention?

Neil Gray: I will come to Mr Harvie shortly.

As Karen Adam said, the UK Government has a role to play in addressing energy prices and we have repeatedly called on it to address the issue rather than providing ad hoc funding, which serves only as a temporary fix.

I will give way to Mr Harvie.

Patrick Harvie: Will the cabinet secretary make sure that discussions are happening across portfolios on the question of energy? As reliable, predictable consumers of energy, publicly owned pools could help to make publicly owned heat networks more economically viable—and, vice versa, those heat networks could make pools more economically viable as well.

Neil Gray: Yes. I know that, in my colleague Ms Minto's constituency, some of that work is already happening with local distillers, but there are undoubtedly opportunities in that regard, as Mr Sweeney and Mr Harvie have set out.

The next decade will be essential in tackling the climate emergency, and we recently published our draft climate change plan, which maps out our route towards net zero. Energy efficiency improvements are not only vital for meeting our climate goals but essential for the economic sustainability of the facilities that we are

discussing. Some of this thinking has already started, and the report "A Sustainable Future: Enhancing Energy Efficiency in Scotland's Swimming Pools" sets out strategies, technologies and recommendations to create a greener, more economically viable and sustainable future for Scotland's swimming facilities.

I mentioned earlier the facilities estate review that sportscotland has undertaken, which will be published shortly. It will help us to have a better understanding of the current condition of the wider estate.

Jackson Carlaw: Will the cabinet secretary give way?

Neil Gray: If Mr Carlaw's intervention is about the task force point, I am happy to give way to him.

Jackson Carlaw: I ask the cabinet secretary to address that point, because a number of colleagues from across the chamber have supported the calls from many organisations that are involved for the Government to show leadership by establishing a task force, which could perhaps assist in the development of this narrative.

Neil Gray: I was just about to turn to the question that was posed to me directly by Mr Carlaw, Ms Smith, Mr Rowley and others. A significant amount of work has already taken place and is already under way to better understand the swimming pool estate, and I have referenced some of that. Sportscotland regularly engages with local authorities and leisure trusts on the sporting facilities estate and it will continue to work with Scottish Swimming to explore the options that are available to strengthen the role that it and other organisations can play in the planning for places for sport. Within that, consideration will be given to how best to support and protect swimming pools.

Liz Smith: Will the cabinet secretary take an intervention?

Neil Gray: I am really sorry, but I am nearly out of time.

I am happy to give that further consideration, and either I or Ms Todd will respond to the committee and Ms Smith in due course.

The solutions that we are looking for are not just about building for the future and maintaining what we have. They must also be about making difficult decisions so that communities have the right facilities to support their needs. That will require innovation, collaboration and a shared commitment across all levels of government and also the Parliament as it engages with the budget process.

Swimming pools are more than just places to swim. They are community assets that support health, wellbeing and social inclusion. Let us commit to working collectively to safeguard these facilities for future generations.

The Deputy Presiding Officer: I call David Torrance to wind up the debate on behalf of the Citizen Participation and Public Petitions Committee.

17:37

David Torrance (Kirkcaldy) (SNP): On behalf of the Citizen Participation and Public Petitions Committee, I thank colleagues across the chamber for their thoughtful contributions to the debate. I also thank the committee clerks and the Scottish Parliament information centre for their assistance throughout our consideration of the petition.

This is not the first time that the Parliament has discussed swimming pools, but I trust that today's debate can take us a few steps closer to some much-needed changes in the national approach to the issue. I put on the record my thanks to the petitioner and Scottish Swimming. They have been passionate and very clear about why we must do everything that we can to help to keep swimming pools open. We can all agree that although not everyone can be the next Olympic swimmer, everyone can learn to swim as long as pools are affordable, accessible and available to all.

I whole-heartedly agree with the view of the convener, Liz Smith, Beatrice Wishart, Fulton MacGregor and many other speakers that the impact of pool closures is felt across communities in Scotland and that it affects many people's chances to survive and thrive.

First, the issue at the core of the petition affects Scotland's young people and their chances to learn life-saving skills as well as to develop a lifelong habit of being active. Secondly, it is about Scotland's sportspeople and their chance to become decorated Olympic athletes, whether in swimming or in sports such as water polo, kayaking and diving. Last but not least, it is about swimming being the only chance for some Scots to stay active and healthy. Swimming is a low-impact type of exercise, and it can be the only sustainable physical activity for many people, due to reasons of age, health or ability.

The availability of swimming pools in communities can have an impact on various sectors of public life. It could even be argued that ensuring their continued availability and accessibility is a matter of public health. I will focus on the benefits of swimming for people over the age of 65 and why that matters in Scotland.

Swimming is one of the safest and most effective forms of exercise for older adults. Because the water supports the body, there is very little strain on joints and bones, which makes swimming ideal for those who live with arthritis, joint pain or reduced mobility. That gentle resistance builds muscle strength and improves flexibility without the risk of falling, which is a key advantage for maintaining independence as we age. We know that physical activity matters, yet only 55 per cent of adults in Scotland aged 65 to 74 currently meet the recommended activity levels, and that number drops further after the age of 75, especially among women.

Beyond the physical benefits, swimming boosts mental wellbeing. The water's calming effect reduces stress and can improve mood and sleep quality. For many older adults who are at risk of loneliness, regular swimming sessions also provide valuable opportunities for social interaction. In short, swimming is not just an exercise; it is a powerful tool for health, happiness and quality of life as we grow older. That area was well covered by Liz Smith and Brian Whittle.

In addition, the petitioner has presented us with evidence that regular swimming plays a major role in the prevention and management of a multitude of health conditions, including obesity, diabetes, dementia, depression, cancer, strokes and heart disease. The petitioner has argued that swimming can contribute to important public health savings in cost and resource.

However, swimming pools are not a priority only for Scottish Swimming. We also heard evidence that demonstrates undeniable national support for our swimming pools. A survey by JL Partners showed that 95 per cent of Scottish people believe that swimming pools are important for safety; 88 per cent see them as community assets; 87 per cent believe that they are important for Scotland as a sporting nation; 86 per cent said that they are important for health benefits; and 69 per cent believe that they are important for social interaction. It is the committee's strong hope that the Scottish Government now also sees swimming pools as a priority and does all that it can to help to keep them open.

A whole list of speakers, including Liz Smith, Beatrice Wishart, Fulton MacGregor, Alex Rowley and Paul Sweeney, spoke about primary school swimming lessons, the curriculum for excellence and how important learning to swim is for safety, and I hope that the Government takes that point on board, as it is a really valuable one.

To speak from my own experience, as Brian Whittle did, as a youngster I learned to swim in Bowhill swimming pool, close to Alex Rowley. The best bit about it was the chips, going home, from my mum and dad. Those swimming lessons were much needed in the area that I lived in, which was surrounded by water. It was very important that we learned to swim at primary school.

Liz Smith, Maggie Chapman and Patrick Harvie mentioned the value of swimming pools and their importance to communities, and Paul Sweeney and others made comments about building national resilience by investing in swimming pools—sustainably, which is important when it comes to things such as energy costs—and I hope that the Government will take that point on board, because there are many new technologies out there that we can take on board to reduce costs.

As witnesses to the committee have shown, and as many members have pointed out, spending in that area must be seen as an investment and not a cost. In the words of Ben Lamb:

> "It is not just about asking for money; it is about asking for smarter investment and a different way of doing things because, frankly, without that, further closures are inevitable."—[*Official Report*, *Citizen Participation and Public Petitions Committee*, 23 April 2025; c 36.]

The petitioner and Scottish Swimming have pursued the action that is called for in the petition for almost three years, in a thorough and determined manner. Our committee's role is to give a voice to petitioners, and there are many ways in which we can do that. By bringing the debate to the chamber today, we are hopeful that we can prompt the Government to take action to support Scotland's swimming pools to ensure their survival in the long term.

I will conclude with the petitioner's words:

> "Saving swimming pools is critical. They are lifelines for communities, clubs, individuals and families who rely on them for physical and mental health and general wellbeing. Swimming is more than a sport. It is an opportunity to create a safer, healthier and active Scotland."

The Presiding Officer (Alison Johnstone): That concludes the debate on the motion lodged on behalf of the Citizen Participation and Public Petitions Committee, on petition PE2018, to recognise the value of swimming pools and provide financial relief to help keep pools open.

Complaint

The Presiding Officer (Alison Johnstone): The next item of business is a debate on motion S6M-20269, in the name of Martin Whitfield, on the Standards, Procedures and Public Appointments Committee's ninth report in 2025, in session 6. I invite members who wish to speak in the debate to press their request-to-speak buttons.

17:45

Martin Whitfield (South Scotland) (Lab): As convener of the Standards, Procedures and Public Appointments Committee, I have the responsibility of lodging and speaking to motions seeking the Parliament's agreement to the committee's recommendation of a sanction when the committee has concluded that a breach of the code of conduct has occurred and that a sanction for that breach would be appropriate. The code of conduct sets out the rules that the Parliament has agreed should apply to all MSPs in carrying out their parliamentary duties. It also sets out the processes for enforcing the code in the event that a complaint is made about our compliance with the rules.

Over three meetings in December 2025, the committee considered a report submitted to it by the Commissioner for Ethical Standards in Public Life in Scotland following an investigation of a complaint about Ash Regan MSP. The complaint was that Ash Regan had breached section 9.1 of the code by disclosing details of her complaint or intention to complain about Maggie Chapman MSP prior to lodging a complaint with the commissioner. That was on the basis of a social media post in respect of a letter that Ash Regan sent to you, Presiding Officer, on 22 April 2025.

The committee considered carefully the commissioner's report, representations by and on behalf of Ash Regan and the terms of the code of conduct. Full details of our consideration are set out in our report to the Parliament, which is referenced in the motion.

The committee was unanimous in its decisions and conclusions. In reaching its decision, the committee considered the terms of Ash Regan's letter to the Presiding Officer, Ash Regan's subsequent social media post, the commissioner's report and representations made to both the commissioner and the committee by Ash Regan.

The committee was not persuaded by the proposition set forth by Ash Regan that she did not intend to make a complaint. The letter to the Presiding Officer includes statements such as "formally raising concerns" and

> "respectfully request that this matter be considered by the relevant parliamentary authorities".

The committee further noted that email correspondence to the Presiding Officer and to the clerks of the committee referenced a "formal complaint". The committee considered that any objective reading of the letter, covering emails and social media post would be that there was, at the very least, an intention to make a complaint about the conduct of Maggie Chapman. For those reasons, the committee agreed with the commissioner's conclusion that Ash Regan's conduct in posting her letter to the Presiding Officer on social media constitutes a breach of section 9.1 of the code of conduct.

The purpose of the provision at section 9.1 of the code is to protect the integrity of the system for investigation and consideration of complaints about MSP conduct, which is a matter to which the effective conduct of the commissioner's investigations and the position of all those involved in the complaints process are relevant.

Graham Simpson (Central Scotland) (Reform): Can the convener tell us whether Ash Regan ended up making a complaint?

Martin Whitfield: I am unable to answer that question, because no complaint has come via the independent commissioner to my committee that I am aware of. However, section 9.1 is very specific, in that it is about not only the act of making a complaint, but the intention to do so. We see the reason for that if we go back to a previous parliamentary session and an earlier iteration of the committee that I have the pleasure to convene. It wrote:

> "The Committee condemns, in particular, any breaches which risk causing reputational damage to another member in advance of a proper investigation."

That is why the code of conduct makes reference to intending to make a complaint, because damage could be done without any complaint being taken forward.

In so far as section 9.1 of the code of conduct imposes a restriction on members' conduct, it goes no further than is necessary for that purpose, and it would not prevent a member from expressing their opinion in relation to matters of public debate or indeed other elected representatives.

The committee concluded that, in this instance, the breach was sufficiently serious to merit the recommendation of a sanction and, on the basis of the facts and circumstances of this case, it determined that the most appropriate sanction available to it was exclusion from meetings of the Parliament and its committees for two sitting days, those days being a Wednesday and a Thursday. The committee considers that period of exclusion to be proportionate, in that the recommendation of any sanction is an extremely serious matter. The

committee also considers that the period of exclusion would not be detrimental to the Parliament's opportunity to consider the general principles of a member's bill of which Ash Regan is the member in charge.

Members may wish to note that the recommended sanction does not entail withdrawal of the member's right of access to the parliamentary complex or to any parliamentary services or facilities, which includes the right to lodge both motions and questions over that period.

With that, I will move the motion in my name.

Liam Kerr (North East Scotland) (Con): Will the member take an intervention?

Martin Whitfield: I will do if he is very quick.

Liam Kerr: I am genuinely listening to what Mr Whitfield is saying, and I am trying to work out what is best to do. I wonder whether the committee convener can help me understand something. People who are watching these proceedings will see a sanction being applied for a breach of the rules, which is to be a two-day suspension. People will have been watching the Parliament earlier on and will have seen that a cabinet secretary has been found, on two counts, to be in breach of the ministerial code, and has come before the Parliament to give a statement and carry out the remedy that was advised in that case. I worry that people will be looking at these proceedings and asking whether the sanction that has been handed out by the committee is proportionate. Can the convener help me understand?

Martin Whitfield: I can certainly endeavour to do so—but I have no intention of stepping across the First Minister's responsibility for the Scottish Government and the ministerial code of conduct.

Noting the way that I have articulated the proposal in the motion today, along with what is in the committee's very full report, I draw attention to the fact that, as a committee, we do not follow precedent in a strict form, but we do of course look at previous incursions. We also look at the circumstances of the very specific case that is before us because, under natural justice, that is not only what we are expected to do, but what we should do.

I draw the member's attention to paragraph 26 of our report, which says:

> "The Committee considered a number of factors in what it considered to be the appropriate period of exclusion"—

which appears in the motion. The report continues:

> "This included whether there were any mitigations that could be taken into account."

The report and the sanctions that are proposed in today's motion were unanimously decided by the committee. I hope that that assists the member in his thinking.

With that, I move,

> That the Parliament notes the Standards, Procedures and Public Appointments Committee's 9th Report, 2025 (Session 6), Complaint against Ash Regan MSP (SP Paper 945), and agrees to impose the sanction recommended in the report that Ash Regan MSP be excluded from all meetings of the Parliament and its committees for two sitting days, with those sitting days being the next Wednesday and the next Thursday following the agreement of this motion.

17:53

Ash Regan (Edinburgh Eastern) (Ind): Over these past decades, public trust in this Parliament has declined significantly, and that is every member's joint responsibility. Confidence in this institution is now at its lowest point since devolution began, dropping 20 points in just 10 years. I think that Scots expect their Parliament to act to their values and in their interests. Today, many people are, unfortunately, questioning whether we still do that. Transparency is central to building and sustaining trust, and more than 90 per cent of Scots value openness in public decision making. Honesty, clarity and accountability are values that should guide how we all operate.

I sought and gratefully received advice from the Presiding Officer and the Standards, Procedures and Public Appointments Committee in response to overwhelming concern from the public, the Law Society of Scotland and the Faculty of Advocates, where there was widespread condemnation of an attack on the judiciary from a member of this Parliament with a privileged position of deputy convener. That committee has human rights and civil justice responsibilities, which—I believe—compounded the gravity of the incendiary public comments accusing the Supreme Court of "bigotry, prejudice and hatred".

What followed was widely regarded as farcical, with the member allowed to dial in to vote to save herself from a motion to remove her that had been lodged by a committee member, Tess White. Meanwhile, the Ethical Standards Commissioner pursued a complaint about me making a complaint that the commissioner never actually received, as I never made the complaint.

Upholding our duty to defend the judiciary, however, is specified in section 1 of the Judiciary and Courts (Scotland) Act 2008, which obligates us, as members of the Parliament, to do so. Other members who similarly publicised their grave concerns have received no proposed sanctions.

My legal advice, from Roddy Dunlop KC, highlights both the commissioner's misrepresentation of human rights legislation and

a confused interpretation of the code. The logic—which the convener has repeated here today—appears to be that publicising anything that is loosely interpreted as an intention to complain would impact a potential ESC investigation, despite such an investigation clearly never commencing because there was no ethical standards complaint in order to trigger one.

After six sessions of this Parliament, there remains no convener code for committees that I or other members could have used, despite unanimous agreement on the critical importance of committees to an effective legislature. I also make Parliament aware that this is not the first complaint against me to the Ethical Standards Commissioner since I launched the consultation on my unbuyable bill. The process has been on-going for more than seven months and concludes with a proposed sanction just as I prepare for a critical stage 1 debate and vote, which were supposed to take place next week.

Advancing a bill of that nature against the roots of male violence against women has been extraordinarily challenging, despite the issue supposedly being a priority in this Parliament for women and girls across Scotland and those around the world who are trafficked here and groomed and coerced in our own towns and cities.

Despite the barriers that I have faced, which have included having no non-Government bills unit resource such as other members have enjoyed for their members' bills, I am working to make—I hope—meaningful legislative change that the Parliament and the country can be proud of.

Holyrood was designed at the outset to be more transparent, more participatory and more accountable than Westminster, and every single member in here has a duty to protect those principles and not to undermine them.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): Will the member give way?

Ash Regan: If I will get the time back, Presiding Officer.

The Presiding Officer: I call Rachael Hamilton.

Rachael Hamilton: Miss Regan's letter to the Presiding Officer and the Standards, Procedures and Public Appointments Committee expressed concerns about Maggie Chapman's attack on the Supreme Court and requested advice, not action.

With regard to what Mr Whitfield said, I would be interested to know the answer to this question. Can Miss Regan say whether there was no intent to complain but an intent to seek advice, which would mean that the code of conduct was not broken in that instance?

Ash Regan: I confirm to the member that I did not send a complaint to the Ethical Standards Commissioner and that both the Standards, Procedures and Public Appointments Committee and the Presiding Officer—I believe—read my letters as an attempt to seek guidance. I hope that that clarifies the matter for the member.

I believe that, as members of this Parliament, we should not fear communicating freely with the public on important matters—matters that they think are important—about what is going on in here. The motion before members this evening is not just about sanctions for a social media post; it is about whether we are consistently upholding accountability and maintaining public trust in this institution.

I move amendment S6M-20269.1, to leave out from "to impose" to end and insert:

"that no further action should be taken."

The Presiding Officer: I call John Mason.

17:59

John Mason (Glasgow Shettleston) (Ind): I will be very brief, Presiding Officer. I have to say that I find this an extremely strange scenario. We have one MSP over there who is seeking to undermine the judicial system of this country, and we have another MSP over here who has made a minor technical breach of the code of conduct.

The convener made a couple of interesting comments that jumped out at me. First, he said that "damage could be done". I suggest to him that such damage could be done by the MSP over there, not by the MSP over here. He also talked about natural justice. Natural justice would do something with the MSP over there, not the MSP over here.

So what do we do? We ignore the substantive issue and we jump on a minor breach. That seems to me very much a case of forgetting the spirit of the law and focusing far too much on the letter of the law. To put it another way, we need to get things into perspective. Overall, I suggest that we accept that Ash Regan did breach the code. I do not know whether she did so consciously or not, but I suggest that we admonish or reprove her, and do not suspend her.

The Presiding Officer: I call Martin Whitfield to wind up the debate.

18:00

Martin Whitfield: I thank those who have contributed to this debate.

Section 9.1 of the code of conduct, on the enforcement of the rules, states:

"Members must not disclose, communicate or discuss any complaint or intention to make a complaint to or with members of the press or other media prior to the lodging of the complaint or during Stages 1, 2 and 3 of the procedure for dealing with complaints".

The reason for the reference to the intention to make a complaint is that, as I read out from the session 5 committee's report, if a member is protected in saying that there is an intention to make a complaint about another member, damage can be done to that member, and they have no ability to answer that without that being in the public domain.

Members may have concerns about the actions of other members of this Parliament, and procedures are available and open to them if they wish to pursue those. We received from the complainer a specific complaint about the breach of publicising an intention to make a complaint. The committee concluded that

"any objective reading of the letter, covering emails and social media post would be that there was, at the very least, an intention to make a complaint about the conduct of Maggie Chapman".

In our discussion of what the sanction should be, we considered a number of factors with regard to the appropriate period for the exclusion, taking into account the fact that the member was sponsoring a bill. The discussion included consideration of whether there were any mitigations that could be taken into account, and we found none. Therefore, unanimously, we proposed the sanction that appears in the motion today.

I urge members to reject the amendment and support the committee's motion.

The Presiding Officer: That concludes the debate on the Standards, Procedures and Public Appointments Committee's ninth report in 2025.

Decision Time

18:02

The Presiding Officer (Alison Johnstone): There are four questions to be put as a result of today's business. The first question is, that motion S6M-20208, in the name of Karen Adam, on behalf of the Equalities, Human Rights and Civil Justice Committee, on civil legal assistance in Scotland, be agreed to.

Motion agreed to,

That the Parliament notes the findings and recommendations in the Equalities, Human Rights and Civil Justice Committee's 3rd Report, 2025 (Session 6), *Report on the Equalities, Human Rights and Civil Justice Committee inquiry into Civil Legal Assistance in Scotland* (SP Paper 858).

The Presiding Officer: The second question is, that motion S6M-20185, in the name of Jackson Carlaw, on behalf of the Citizen Participation and Public Petitions Committee, on petition PE2018, on recognising the value of swimming pools and providing financial relief to help keep pools open, be agreed to.

Motion agreed to,

That the Parliament notes public petition PE2018 on helping to keep swimming pools and leisure centres open by providing financial investment for pools.

The Presiding Officer: The next question is, that amendment S6M-20269.1, in the name of Ash Regan, which seeks to amend motion S6M-20269, in the name of Martin Whitfield, on the Standards, Procedures and Public Appointments Committee's ninth report in 2025, in session 6, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

There will be a short suspension to allow members to access the digital voting system.

18:04

Meeting suspended.

18:06

On resuming—

The Presiding Officer: We come to the vote on amendment S6M-20269.1, in the name of Ash Regan, which seeks to amend motion S6M-20269, in the name of Martin Whitfield, on the Standards, Procedures and Public Appointments Committee's ninth report in 2025, in session 6. Members should cast their votes now.

For

Balfour, Jeremy (Lothian) (Ind)
Ewing, Annabelle (Cowdenbeath) (SNP)
Ewing, Fergus (Inverness and Nairn) (Ind)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gosal, Pam (West Scotland) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Hoy, Craig (South Scotland) (Con)
Johnson, Daniel (Edinburgh Southern) (Lab)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Marra, Michael (North East Scotland) (Lab)
Mason, John (Glasgow Shettleston) (Ind)
Regan, Ash (Edinburgh Eastern) (Ind)
Ross, Douglas (Highlands and Islands) (Con)
Simpson, Graham (Central Scotland) (Reform)
Smith, Liz (Mid Scotland and Fife) (Con)
White, Tess (North East Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Chapman, Maggie (North East Scotland) (Green)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
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)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Gallacher, Meghan (Central Scotland) (Con)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
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)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
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)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
McArthur, Liam (Orkney Islands) (LD)
McCall, Roz (Mid Scotland and Fife) (Con)
McKee, Ivan (Glasgow Provan) (SNP)
McLennan, Paul (East Lothian) (SNP)
McMillan, Stuart (Greenock and Inverclyde) (SNP)
McNair, Marie (Clydebank and Milngavie) (SNP)
McNeill, Pauline (Glasgow) (Lab)
Minto, Jenni (Argyll and Bute) (SNP)
Mountain, Edward (Highlands and Islands) (Con)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
O'Kane, Paul (West Scotland) (Lab)
Robertson, Angus (Edinburgh Central) (SNP)
Robison, Shona (Dundee City East) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Slater, Lorna (Lothian) (Green)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP) [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)
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)
Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
Whitfield, Martin (South Scotland) (Lab)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP) [Proxy vote cast by Jackie Dunbar]
Wishart, Beatrice (Shetland Islands) (LD)
Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Golden, Maurice (North East Scotland) (Con)
Gulhane, Sandesh (Glasgow) (Con)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Sweeney, Paul (Glasgow) (Lab)
Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division on amendment S6M-20269.1, in the name of Ash Regan, is: For 19, Against 88, Abstentions 6.

Amendment disagreed to.

The Presiding Officer: The final question is, that motion S6M-20269, in the name of Martin Whitfield, on the Standards, Procedures and Public Appointments Committee's ninth report in 2025, in session 6, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Baillie, Jackie (Dumbarton) (Lab)
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)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Chapman, Maggie (North East Scotland) (Green)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
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)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
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)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Johnson, Daniel (Edinburgh Southern) (Lab)
Halcro Johnston, Jamie (Highlands and Islands) (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)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
McArthur, Liam (Orkney Islands) (LD)
McCall, Roz (Mid Scotland and Fife) (Con)
McKee, Ivan (Glasgow Provan) (SNP)
McLennan, Paul (East Lothian) (SNP)
McMillan, Stuart (Greenock and Inverclyde) (SNP)
McNair, Marie (Clydebank and Milngavie) (SNP)
McNeill, Pauline (Glasgow) (Lab)
Minto, Jenni (Argyll and Bute) (SNP)
Mountain, Edward (Highlands and Islands) (Con)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
O'Kane, Paul (West Scotland) (Lab)
Robertson, Angus (Edinburgh Central) (SNP)
Robison, Shona (Dundee City East) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Slater, Lorna (Lothian) (Green)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP) [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)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
Whitfield, Martin (South Scotland) (Lab)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP) [Proxy vote cast by Jackie Dunbar]
Wishart, Beatrice (Shetland Islands) (LD)
Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Ind)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Annabelle (Cowdenbeath) (SNP)
Ewing, Fergus (Inverness and Nairn) (Ind)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gosal, Pam (West Scotland) (Con)
Gulhane, Sandesh (Glasgow) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Hoy, Craig (South Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Marra, Michael (North East Scotland) (Lab)
Mason, John (Glasgow Shettleston) (Ind)
Regan, Ash (Edinburgh Eastern) (Ind)
Ross, Douglas (Highlands and Islands) (Con)
Simpson, Graham (Central Scotland) (Reform)
Smith, Liz (Mid Scotland and Fife) (Con)
White, Tess (North East Scotland) (Con)

Abstentions

Baker, Claire (Mid Scotland and Fife) (Lab)
Gallacher, Meghan (Central Scotland) (Con)
Golden, Maurice (North East Scotland) (Con)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Sweeney, Paul (Glasgow) (Lab)
Thomson, Michelle (Falkirk East) (SNP)
Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division on motion S6M-20269, in the name of Martin Whitfield, is: For 84, Against 18, Abstentions 8.

Motion agreed to,

That the Parliament notes the Standards, Procedures and Public Appointments Committee's 9th Report, 2025 (Session 6), Complaint against Ash Regan MSP (SP Paper 945), and agrees to impose the sanction recommended in the report that Ash Regan MSP be excluded from all meetings of the Parliament and its committees for two sitting days, with those sitting days being the next Wednesday and the next Thursday following the agreement of this motion.

The Presiding Officer: That concludes decision time.

Anaerobic Digestion (Transition to Net Zero)

The Deputy Presiding Officer (Liam McArthur): The final item of business is a members' business debate on motion S6M-19318, in the name of Emma Harper, on fuelling the future—recognising anaerobic digestion's role in Scotland's net zero transition. The debate will be concluded without any question being put.

Motion debated,

That the Parliament recognises what it sees as the significant contribution of anaerobic digestion (AD) and biogas to Scotland's transition to net zero; welcomes the work of the Anaerobic Digestion and Bioresources Association (ADBA) to research, develop and promote the AD industry across Scotland, including the economically prominent dairy farming sector in the south west of Scotland; notes that AD technology supports the circular economy by converting organic and residue wastes and by-products into renewable energy and non-synthetic nutrient-rich digestate fertiliser; highlights what it sees as the role of biogas in diversifying energy sources and enhancing energy security, including the potential for widening delivery for non-gas grid rural communities; understands that the AD sector provides direct support to farmers and rural communities through sustainable waste management, value for cover and break crops, additional income streams and skilled job creation; believes that further investment and policy support for AD and biogas will play a key role in meeting Scotland's climate targets, boosting the rural economy and reducing reliance on fossil fuels, and notes the calls on the Scottish Government to consider creating a biogas champion position to oversee interdepartmental and cross-portfolio collaboration to ensure the success of the AD sector for the future.

18:11

Emma Harper (South Scotland) (SNP): Deputy Presiding Officer, I wish you and other members a happy new year, and I welcome everyone back following recess. I thank the Anaerobic Digestion and Bioresources Association for its briefing and for its work with me on many occasions ahead of the debate; its expertise has been invaluable.

I am pleased to lead this members' business debate, which recognises the significant contribution that anaerobic digestion and biogas can make to Scotland's transition to net zero. Agriculture plays a huge role in my South Scotland region, as 48 per cent of Scotland's dairy herd is in the south-west, so there is potential for AD to make a big difference in communities across the south and throughout rural Scotland—it could be transformational for those communities.

It is interesting that not a single Conservative member—including Conservative members who represent people in rural areas—has supported my completely apolitical motion.

Anaerobic digestion is a proven technology. It takes organic material such as food waste, agricultural residues such as slurry and distillery by-products and breaks that down in the absence of oxygen—that is the only time that I will talk slurry in the debate this evening. The process of anaerobic digestion produces biogas and biomethane—a direct substitute for fossil gas—and a nutrient-rich digestate that can be used as sustainable fertiliser. Heat is also a co-product. In short, anaerobic digestion supports a circular economy by turning waste into energy and valuable resources.

The technology has been there for decades, but it is only now that it has advanced to the point at which the large-scale deployment of small-scale AD plants is economically and technically feasible. Scotland is already one of the world's leaders in rolling out AD, but we have the potential to go much further.

More than 90 AD plants are already in operation across the country, delivering 60MW of fully renewable electricity and processing more than 5 million tonnes of organic waste. That is 5 million tonnes that is saved from landfill and used for good rather than generating harmful methane emissions. The potential to increase that figure substantially through AD investment is huge and could help to transform our communities in many different ways.

Every council is already obligated to collect and treat food waste from households, which provides a ready and sustainable supply of material for AD in urban areas, but it is the potential for AD in rural areas that is really a game changer. Harnessing the potential of Scotland's dairy herd by building small-scale AD facilities on or near farms could reduce methane emissions by the equivalent of 500,000 tonnes of carbon dioxide a year, which would be another step in making Scotland a carbon-neutral nation.

In my region, Crofthead farm near Crocketford provides a prime example of what can be done. I know that the Cabinet Secretary for Climate Action and Energy has visited Crofthead—in the past couple of years, I think—and that the First Minister visited at this time last year. The farm is working hard with the industry-leading Carbon Removers to install a facility that is capable of processing up to 100,000 tonnes of waste a year, producing 8MW of electricity and returning fertiliser as the primary by-product. Maybe we should rename those by-products "co-products", because they are not just by-products.

By locating such facilities in the heart of farming communities, we can improve local resilience and help our agricultural businesses, as well as reducing demand on the main gas grid. A widespread roll-out of AD could mean rural

Scotland getting access to local gas networks, which would mean that, for the first time, communities could move from bottled gas or heating oil to long-term grid connections. That would be a win-win for rural Scotland.

Rolling out anaerobic digestion technology is a perfect example of a just transition. If we took full advantage of the opportunities that are open to us, more than 60,000 jobs could be created across these isles in the decades to come. If Scotland continues to lead the way, we can claim more than our share of those jobs of the future.

That headline figure belies the fact that those jobs will be concentrated in more rural areas, where the technology is deployed and where the fuel sources are. Five or 10 jobs created to maintain and install the tech might be a drop in the ocean in the central belt, but for fragile rural economies, those skilled jobs could help to turbocharge demand and provide a long-term sustainable basis for future jobs in other sectors.

To unlock that potential, we need targeted policy support, planning reform, grid access, low-cost finance and pragmatic regulation. I support the calls for the Scottish Government to consider creating a biogas champion to ensure cross-portfolio collaboration. I am not wedded to the title of biogas champion, but the Anaerobic Digestion and Bioresources Association has referred to the AD industry as naebody's child, so I think that it would be worth exploring what we can do to improve knowledge of and access to AD across the whole of Scotland.

I thank the cabinet secretary for being present to respond to the debate and for her recent response to my correspondence on the issue. I am extremely keen to hear her summing up on behalf of the Government. As the First Minister has said in the past, net zero should not be seen as being purely about energy policy—it crosses portfolios and responsibilities across the spectrum of our society.

Embedding AD technology and installation into agribusiness is a win not just for our energy policy ambitions but for small businesses, employment in rural areas and economic development; for tackling rural depopulation and demographic challenges; and for the future of public services in those communities—in short, across the board in public policy.

If I sound like an evangelist on the issue, it is because I see the huge potential at our fingertips to build a fairer and greener Scotland, embedded in our rural communities and securing a better future for the people there. I am, therefore, keen to hear from the Government what more can be done to incentivise the expansion of these facilities in order to help Scotland lead the way on anaerobic digestion and biogas.

Anaerobic digestion and biogas are ready now, and they deliver meaningful carbon savings, renewable energy and circular economy benefits immediately. Investing in AD is one of the lowest-cost greenhouse gas removal pathways available to us, so let us seize the opportunity to meet our climate targets, boost our rural economy and reduce reliance on fossil fuels.

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

18:18

Maurice Golden (North East Scotland) (Con): I thank Emma Harper for securing the debate on anaerobic digestion. I confirm Conservative support for the motion, and my personal support should be published shortly.

The debate is a timely and welcome opportunity for us to discuss a technology that can make a real contribution to tackling climate change while delivering economic value for Scotland. I am pleased that the motion recognises that potential and, in particular, the role that anaerobic digestion can play in building a circular economy. That concept is fundamental, because a strong circular economy underpins our efforts to cut emissions, deliver a just transition for workers and create genuine, sustainable prosperity in communities across the country.

I echo the motion's recognition of the work of the Anaerobic Digestion and Bioresources Association. I have met ADBA regularly during my time in Parliament, and I have spoken at one of its conferences, so I have first-hand knowledge of the depth of expertise that it brings and the commitment that it shows to ensuring that Scotland gains the maximum environmental and economic benefit from anaerobic digestion, especially in rural areas.

When an organisation with that level of experience raises concerns, we should listen. ADBA has set out a number of policy asks to support the sector. I do not have time to cover them all today, but I will highlight a few points that I hope will encourage the Scottish Government to engage more closely.

I will start with the specific but high-impact concern about the Scottish Environment Protection Agency's proposals to change the regulatory status of feedstocks. There is a risk that non-waste anaerobic digestion could be regulated using the European Union's best-available-technology standards that are designed for waste water treatment. At the same time, co-products such as pot ale could be reclassified as waste

when sent to AD plants. That would mean that materials that are currently used productively—for example, as animal feed—would instead require waste transfer notes and waste handling certification. In short, those proposals would significantly increase costs and could affect as many as 20 major AD plants across Scotland. I urge the Scottish Government to bring together SEPA and ADBA to find a more proportionate and pragmatic approach.

That links to the broader point that the sector needs a clear public commitment from the Scottish Government to the future role of biogas and biomethane. Such technologies can play an important part in the decarbonisation of heat, and policy certainty would send a strong and positive signal to investors. The Government could go further still by creating sustainable market incentives—for example, around the use of bio-CO_2.

Alongside that, we must reduce unnecessary red tape. I agree with ADBA that planning guidance should presume consent for AD plants that meet best-practice standards under the anaerobic digestion certification scheme. At a strategic level, there is also a need to address the fragmentation of responsibility for biogas and biomethane across Government.

Let us be clear about what is at stake. Scotland already has around 90 AD plants, which process 5.6 million tonnes of organic waste each year, produce 60MW of renewable electricity and account for around a quarter of the United Kingdom's biomethane injection capacity. With the right policies, the sector could go much further. However, that opportunity will not realise itself. I therefore urge the Scottish Government to listen to the experts and turn that potential into reality.

18:23

Sarah Boyack (Lothian) (Lab): I congratulate Emma Harper on securing this debate. We should be debating anaerobic digestion and biogas, which are really important as they can help us to meet our net zero ambitions and they can also strengthen our rural economy. I also thank the Anaerobic Digestion and Bioresources Association.

The fact that there are now more than 90 AD plants in Scotland tells us something. We can see the success of AD in the Lothians. Facilities such as the Millerhill plant are taking food waste from households and businesses and turning it into renewable gas and nutrient-rich digestate, cutting emissions and supporting local agriculture. The plant will heat more than 3,000 homes in Shawfair through a local heat network. It will save about 2,500 tonnes of CO_2, which is the equivalent of taking 1,200 cars off our roads. That represents a solution to some of the issues that we face. We also have the Bangley Quarry Biogas AD plant near Haddington, which my colleagues Martin Whitfield and Douglas Alexander recently visited.

We should not miss the opportunities for the creation of jobs and environmental benefits. Instead of allowing methane to escape from manure, slurry and food waste, AD captures it and turns it into a clean, usable energy source. It transforms a climate liability into a climate solution. We should be doing more of that. It provides a kind of dual benefit.

Emma Harper: Will the member take an intervention?

Sarah Boyack: I will not, because I am hosting an event that is supposed to start in about three minutes, and I would like to dash off after my speech. I apologise for that, Presiding Officer, and acknowledge that, of course, the event will not start until we have finished this debate.

We need to do more to champion this tech. Looking ahead, I note that biogas and upgraded biomethane could play a growing role in transport, particularly for heavy vehicles and agricultural machinery. If we were to produce sustainable aviation fuel at Grangemouth, captured bio CO_2 could support SAF production in Scotland. That would be a big step forward.

As Emma Harper mentioned, AD offers tangible benefits for farmers. At a time when fertiliser prices have been volatile and environmental standards are rightly rising, digestate gives farmers a stable home-grown alternative. In relation to energy security and rural resilience, biomethane can be used for heat, transport, industry and dispatchable power.

As we focus on tackling our climate emissions, we need to focus more on anaerobic digestion. That means that we need to think about separating and collecting different types of waste, so that food waste, for example, can be utilised effectively.

The United Kingdom methane action plan stresses that methane reduction must go hand in hand with profitable farming and strong rural economies, and AD is one of the few technologies that can deliver on all fronts at once. That is why the creation of a champion in the Scottish Government, as Emma Harper's motion calls for, would provide a really good way forward. The UK Government is a global methane pledge champion. In Scotland, a dedicated biogas champion would help to align agriculture, waste, heat, energy and environmental policies and to tackle the challenges that Maurice Golden raised.

We need to unlock the sector's full potential. We have the natural resources, the rural expertise and the climate ambition to lead the way on anaerobic digestion and biogas. That is exactly the kind of practical and scalable solution that we should be championing in Scotland.

I apologise to colleagues who will be speaking after me, but I look forward to reading the *Official Report* after the debate. I thank everyone for taking part in this key debate.

18:27

Jamie Hepburn (Cumbernauld and Kilsyth) (SNP): I will try to stick to time, so as not to delay Ms Boyack's event too much. I join her in thanking Emma Harper for securing the debate. I commend the terms of Ms Harper's motion, which rightly set out the significant contribution that anaerobic digestion and biogas can make to Scotland's journey to net zero and to strengthening local economies.

I was keen to speak in the debate from my constituency perspective. In Cumbernauld, there are two anaerobic digestion facilities—one at the Wardpark industrial estate and one at Deerdykes. Emma Harper rightly described Scotland as a world leader in anaerobic digestion, and I am pleased to say that my area has been a leader in Scotland. Cumbernauld and Kilsyth have been at the forefront of developing the technology in Scotland.

Deerdykes was the first large-scale biogas plant in Scotland, opening in 2010. In its first decade of operation, it processed more than 150,000 tonnes of food waste. In 2022, it passed another milestone, having generated 50 gigawatt hours of energy since its opening, which equates to the annual energy use of some 13,500 homes. The facility was built by Scottish Water Horizons, which is a subsidiary of Scottish Water that operates on a commercial basis. Nonetheless, the fact that it is a subsidiary of a public sector agency is a reminder that the public sector can be involved in such processes.

Recently, the facility has been sold to new owners, and it will operate as Deerdykes Bioenergy Ltd, which is looking to significantly expand the operation to provide 100 gigawatt hours of energy each year and provide the annual gas supply for 8,000 homes—10 per cent of the biomethane that is currently used in Scotland. The expansion would result in new operations commencing in 2027, with cuts to greenhouse gas emissions and improvements to the circularity of industry in Scotland.

I very much welcome its plans, which will make a positive contribution to our climate ambitions and to the economy in my area. The sale of the facility from public to private hands raises some questions about the on-going role of the public sector in investing in facilities of this nature, so it would be useful to hear from the cabinet secretary, in closing, the Government's perspective on having a mixture of private sector and public sector investment in this area and whether the Government sees that as a worthwhile approach.

The other site in my area is Energen Biogas, which is adjacent to my constituency office in Wardpark. It began receiving food waste in 2011 and now supplies 100 Scottish farms, covering more than 100,000 hectares of land, with biofertiliser, and it also produces renewable gas and electricity. Again, it is welcome that there has been such a facility locally, as it provides employment opportunities and contributes positively to our net zero challenges.

In the site's early days—this speaks to some of the challenges that will occasionally be faced as the sector grows—there were some teething problems. For some time, nearby residents complained of being impacted by noxious odour release, which understandably generated a significant number of complaints and necessitated the involvement of SEPA. To the company's credit, it took the necessary step to make improvements. That seems to have resolved the issue, but it raises questions about where such facilities should be located. The case of the farm that Emma Harper mentioned pointed to a different context, of locating new facilities near to the source of the material being used, but perhaps there is a wider question about where the facilities should be located.

In planning for an increased number of anaerobic digestion facilities, to add to the 90-odd existing sites in Scotland—which I believe should happen and is necessary—how might the question of where they should be located be factored in, so that there is reduced impact on nearby residents?

I echo the calls for further investment in the sector and for support for the sector. With the right support, it can help to deliver net zero, energy security and a just transition for communities in Scotland. It can also help to generate job opportunities and stimulate the local economy.

18:32

The Cabinet Secretary for Climate Action and Energy (Gillian Martin): I thank my colleague Emma Harper for raising the issue. It links to a number of Scottish Government priorities, but I also know how passionate she is about anaerobic digestion. She was right to say that I visited her region when I was only a few months into being the energy minister. The on-farm anaerobic digestion system was really

inspiring. I remember that it also produced carbon dioxide for the drinks industry, which is a compelling business opportunity, given that a lot of carbon dioxide comes from mainland Europe and there is obviously a cost associated with that.

As has been pointed out by everyone who has spoken in the debate, anaerobic digestion has the potential to create new opportunities for rural communities to achieve greater energy independence and to reduce their reliance on the burning of fossil fuels, to deliver a more circular economy and to diversify their business at a time when farmers are finding that they are squeezed in relation to a lot of the prices associated with the produce that they are traditionally involved in. They have to look to other areas to diversify their business, and what is better than using the waste associated with livestock or any kind of food production and turning it into money?

We need to embrace the opportunities that embedding a circular economy can bring. We talk about waste, but it is a resource that can be used to expand business opportunities and create jobs.

In 2024, the Scottish Government published our ambitious "Scotland's Circular Economy and Waste Route Map to 2030", which set out our plan to progress into a circular economy, to ensure that we maximise the positive impact of the new Circular Economy (Scotland) Act 2024 for communities across the whole of Scotland and to realise the economic opportunities that exist in that area, as well as doing the heavy lifting associated with reducing our carbon footprint.

Food waste is one of the more stubborn areas of waste. Of course, food waste is also a feedstock for anaerobic digestion. As I said, waste materials from agriculture are a significant source of emissions, but if some of those materials can be processed into providing heat and electricity, they will add to the abundant mix of natural energy resources that are already displacing the burning of fossil fuels.

Sarah Boyack has left the chamber, but I liked her phrase about turning "a climate liability"—that is, methane—into "a climate solution". She can find that comment in the *Official Report* when she reads it later.

Emma Harper: I want to highlight that even the effluent from abattoirs can be used and processed through anaerobic digesters. That is another way that we can maximise or capitalise on the benefits of anaerobic digestion.

Gillian Martin: Absolutely. We are talking about organic material, and there is a cost to producers in dealing with any effluent that is associated with food production, so it is better for it to perhaps be used as a feedstock. I absolutely take that point.

There are barriers to anaerobic digestion schemes, some of which have been mentioned. The UK Government's green gas support scheme has incentivised larger-scale anaerobic digestion plants, which is a positive step. Those larger anaerobic digestion plants will have access to feed into the gas grid, which is hugely welcome. In Scotland, there are a lot of resources that could be suitable for processing in plants that operate on a smaller scale and that are located in rural locations, on farms and at distilleries. However, we know that it is difficult for farms to justify the investment in the required plants. We have to look beyond large-scale anaerobic digestion plants and see how we can get a little more movement on smaller ones.

I recently met representatives of ADBA in my constituency, although in a ministerial capacity, when it invited me to the headquarters of BrewDog, which I know very well, as it is in Ellon in my constituency. BrewDog has an anaerobic digestion plant that uses a lot of the water, effluent and waste from the brewing production there. I also met local farmers who came along to talk to me about how they want more of their colleagues to take on the mantle and use small anaerobic digesters. They wanted to spread the message that it is a good idea for farmers to do that, and they highlighted some of the barriers.

Maurice Golden mentioned a barrier relating to the categorisation of waste. I am open to looking at that, as the regulations have been in place for quite a while and we do not want them to stand in the way of innovation or to have unintended consequences. I am therefore happy to talk to the regulator about whether we can do any recalibration or recategorisation of waste to ensure that unnecessary red tape is not having a negative impact.

Douglas Lumsden (North East Scotland) (Con): Will anaerobic digestion form part of the energy strategy? If so, when will we see that strategy?

Gillian Martin: Douglas Lumsden's greatest hits for 2026 are the same as for 2025.

I talked to ADBA about the climate change plan. At that point, the plan had not been published, and ADBA was very keen for anaerobic digestion to be mentioned in it. I hope that ADBA will have read the plan by now. I made sure that AD was mentioned in it, because, as Sarah Boyack said, we have an opportunity to reduce the emissions associated with waste from food production and animal waste, but we also have an economic development opportunity. I was pleased to meet ADBA representatives and my colleagues at BrewDog, and some of the farming colleagues who were there.

Anyone who is considering investing in an anaerobic digestion plant should not be put off by some of the issues that Maurice Golden mentioned. I encourage such people to engage with SEPA and Zero Waste Scotland at the earliest opportunity, because their expert advice can help to shape the most resource-efficient and successful projects. The Scottish Government also provides interest-free loans through Business Energy Scotland. Farms can apply for up to £100,000 towards an AD system with combined heat and power, and Business Energy Scotland can also provide advice to deliver more energy-efficient low-carbon solutions.

I am glad that the issue has been raised in the chamber. I was pleased to hear about the plants in Cumbernauld and Kilsyth that Jamie Hepburn mentioned. Biogas for 8,000 homes is not to be sniffed at, and I look forward to perhaps coming to Mr Hepburn's constituency to see how that is rolled out. The numbers that Jamie Hepburn quoted on tackling food waste are important. As I said, that is a stubborn type of waste on which we are maybe not meeting the targets. In fact, there is no maybe about it—we are not meeting our targets for food waste. Of course, food waste is also a feedstock that we should be using.

To answer a question that I think Jamie Hepburn asked, the public sector should be decarbonising more. Perhaps we will see more local authorities seizing the opportunity of anaerobic digestion plants as part of the circular economy work that they are doing. That might be unlocked by the producer levy funding that is coming to them.

In conclusion, I thank Emma Harper. She is already a champion for anaerobic digestion, and I will reflect on her asks of the Government.

Meeting closed at 18:41.

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