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Tuesday 17 February 2026

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Scottish Parliament

Tuesday 17 February 2026

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

Time for Reflection

The Presiding Officer (Alison Johnstone): The first item of business is time for reflection. Our time for reflection leader today is the Rev Ruth Harvey, leader of the Iona Community.

The Rev Ruth Harvey (Iona Community): Good afternoon, friends. I join you today from the relative peace of the island of Iona. As we look around at our world, however, there can be no doubt that we live in anguished and unsettling times. Yet still there is hope, so a question that I ponder, and one I would like to explore and share with you today, is this: to what can we pin our hopes today?

In 1937, when the world was catapulting towards war, a world conference was convened by a Quaker, Rufus Jones. In preparation, he wrote:

"I sincerely hope for good results, but I have become a good deal disillusioned over 'big' conferences and large gatherings. I pin my hopes to quiet processes and small circles, in which vital and transforming events take place."

To what can we pin our hopes?

I pin my hopes to the small circles and quiet processes that are created when people of goodwill gather to pray, reflect, welcome the stranger and take action together for peace and justice. Such groups flourish across our lands and are signs of hope in the midst of storm.

I belong to the Iona Community—a global, dispersed Christian community working for justice and peace. Rooted in Scotland, our worldwide membership meets monthly in just such small circles. We share concerns, we pray together and we commit ourselves to working on actions for justice.

I also pin my hopes to quiet processes where people with varying views can find a safe place for expansive conversations. A few years ago, I was honoured to co-convene, on behalf of the Parliament, Scotland's Climate Assembly. The model of citizens assemblies offers us all a respectful process to hear diverse voices and to understand, while not necessarily agreeing with, those whose views differ from our own. As we approach local elections, my hope is pinned to the possibility that diametrically opposed views may be heard with respect and that minds and hearts may be changed for good.

Notwithstanding the need for passionate chambers and large gatherings, it may be that where two or three gather in the name of love, such vital and transforming events can take place.

Today, at the start of the season of Lent, I pin my hopes to stories of love told in sacred texts and, in that, I pin my hopes to the witness of Jesus Christ, who reminds us that even in the smallest grain, in the tiniest seed, it is there that we find the entirety of the peace, love, justice and hope of our Creator.

To what do you pin your hopes?

Business Motion

14:04

The Presiding Officer (Alison Johnstone): The next item of business is consideration of business motion S6M-20825, 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 17 February 2026—

delete

7.45 pm	Decision Time

and insert

6.45 pm	Decision Time

(b) Thursday 19 February 2026—

after

followed by	Scottish Government Debate: Scottish Income Tax Rate Resolution 2026-27

insert

followed by	Financial Resolution: Ecocide (Scotland) Bill
followed by	Reappointment of the Chair of the Scottish Fiscal Commission—[*Graeme Dey*.]

Motion agreed to.

Topical Question Time

14:04

NHS Ayrshire and Arran

1. **Brian Whittle (South Scotland) (Con):** To ask the Scottish Government whether it will provide an update on its decision to escalate NHS Ayrshire and Arran to stage 4 of the national improvement framework. (S6T-02902)

The Cabinet Secretary for Health and Social Care (Neil Gray): As notified to Parliament on Friday through a Government-initiated question, the decision was made by Government, following careful consideration of NHS Ayrshire and Arran's position, for the board to be escalated to stage 4 of the NHS Scotland support and intervention framework, for finance, specifically with regard to financial sustainability; financial management and control; and financial governance and leadership.

The move to stage 4 provides NHS Ayrshire and Arran with support to improve financial sustainability. That will include a Scottish Government-led assurance board, chaired by a Scottish Government director, which will oversee progress and report to the chief operating officer and the director general to monitor improvements against key challenges.

I have a great deal of confidence in the interim chief executive, Gordon James, and his leadership team, and we will work closely with them over the coming months to return the health board to a sustainable financial footing.

Brian Whittle: One of the things that we may not consider when something like this happens is the impact on staff with regard to their morale and how the decision impacts their day-to-day work. I know that meetings have been held, but the staff are still no further forward in their understanding of the position. What more can the Scottish Government do to ensure that the staff are reassured?

Neil Gray: I am very grateful to Mr Whittle for raising that point, which I understand; I place a lot of importance on that aspect. I recognise that, when there is the perception of negative implications of a board's position, that has a substantial impact on staff, particularly with regard to the increased frustrations that may be brought to bear on them in their front-line service delivery. Mr Whittle's recognition of that is welcome.

We have support in place for staff who are going through such processes. I have confidence that Gordon James is ensuring that he and his leadership team are visible and providing

leadership locally, and that staff are getting the requisite support that they need at this time.

Brian Whittle: We knew that the decision was coming. The Scottish Government is very keen on telling us about its record investment in the health service and the record numbers of nurses, doctors and consultants, yet the outcomes continue to slide. We have 14 health boards, 32 councils and 30 integration joint boards, which are supposed to be there to deliver healthcare, and yet we continue to see a slide in our health service in this country.

When will the Scottish Government recognise the need for a joined-up, revolutionary approach to healthcare that will include the deployment of significant healthcare and a reduction in the number of people who come to the front door of our healthcare services?

Neil Gray: Mr Whittle makes a fair point in that we have—as he said—provided record funding and record staffing levels in the national health service, but that is meeting with escalating demand. He is right, therefore, that we need to point to reform and improvement to ensure that we have a sustainable health service going forward. That is why I am pleased that he has engaged so constructively with the reform documents that we set out last year. The population health framework, the operational improvement plan and the service delivery framework are all geared towards ensuring that we optimise the resource and capacity in the system and that we reduce demand, led in particular by the population health framework, a great deal of which Mr Whittle and I agree on—for example, the opportunity to prevent ill health and its escalation, through physical activity. There are a number of aspects in train in that reform and improvement journey arising from strategies that the Government has already published and is determined to deliver on.

Carol Mochan (South Scotland) (Lab): Can the cabinet secretary explain not only how the Government will fill the massive number of carer vacancies, as is required to end delayed discharge, but how it will better support existing staff who are working flat out to provide care to those who are stuck in hospitals?

Neil Gray: I thank Carol Mochan for her question, which recognises that not everything that arrives at the door of the health service is driven by issues for which the health service has a responsibility. She points to social care as one element of the whole-system approach that needs to be taken. That is why we are working very closely with the Convention of Scottish Local Authorities and why we have made further investments in social care in the current budget. We are taking steps in relation to our investments in social care pay, as well as other elements of the budget, such as terms and conditions and the ability for social care staff to come forward with collective bargaining arrangements in order to make improvements.

I say gently to Ms Mochan that these matters could be improved if we were also able to attract social care staff here. She will be aware of the 77 per cent reduction in health and care visas that have been offered and the obliteration of the care route for international workers to come and work in this country. We could be working closer together to encourage United Kingdom colleagues to allow international workers to come and work in the social care sector in Scotland.

Palliative Care

2. **Alex Rowley (Mid Scotland and Fife) (Lab):** To ask the Scottish Government what its response is to new figures on unmet need for palliative care that were published by Marie Curie on 16 February, showing that almost one in three people in Scotland die with unmet palliative care needs. (S6T-02900)

The Minister for Public Health and Women's Health (Jenni Minto): I thank Marie Curie for that report and recognise its important work in advocating for the palliative care community.

The Scottish Government's "Palliative Care Matters for All" strategy highlights the changes that are needed to improve the experiences of people of all ages with life-shortening conditions, and their families and carers. It is focused on supporting enhanced delivery of palliative care in communities across Scotland. Marie Curie was involved in developing the strategy with the Scottish Government, and I have asked my officials to meet Marie Curie to discuss the figures that are contained in the report.

Alex Rowley: Marie Curie said that, without action, the number of people dying in Scotland with unmet palliative care needs will continue to increase. I believe that, over the recent period, in relation to the Assisted Dying for Terminally Ill Adults (Scotland) Bill, most members in the chamber have received heartbreaking emails from constituents, telling us of their experiences when loved ones died without the right support in place. Does the minister accept that every individual who is in need of palliative care should be able to access it when they are dying?

Jenni Minto: Very simply, yes, I do accept that. That is why I was very proud to introduce the "Palliative Care Matters for All" framework in September last year. In my ministerial foreword, I noted that, in Scotland, we still struggle as a society to talk openly about serious illness and death. Societal taboos around dying and stigma or fears about the withdrawal of treatment can lead to

the marginalisation of palliative care services for adults and children. That is why I am very pleased that Marie Curie has done this work and that Mr Rowley has raised it in the chamber.

Alex Rowley: I welcome the fact that the minister says that her officials are going to meet Marie Curie, because the organisation is very clear that the situation does not need to be this way and it is calling for legislation to enshrine in law a right to palliative care.

Does the minister agree that every person must have the right to dignity at the end of life and access to quality palliative care? Will the Government therefore support the introduction—at some point—of legislation that gives everyone the right in law to palliative care?

Jenni Minto: Just on Friday, I was having exactly this discussion with one of my constituents. It is really important for us to have these discussions, which is why I am very pleased that the Scottish Government has good conversations and dialogues with Marie Curie on palliative care.

I underline again that the Scottish Government and I want everyone in Scotland, regardless of age, diagnosis or location, to have access to timely, high-quality and person-centred palliative care. I was very thankful for the consultation that Marie Curie did on the right to palliative care, alongside our colleague Miles Briggs and others.

As I have said before, we have the "Palliative Care Matters for All" strategy and its five-year plan, and I want to see how that develops, alongside the discussions that we will continue to have with members in the chamber and with Marie Curie.

The Presiding Officer (Alison Johnstone): There is much interest in this question. Concise questions and responses are appreciated.

Bob Doris (Glasgow Maryhill and Springburn) (SNP): Given that I chair Scotland's cross-party group on palliative care, and in the light of our ageing demographic, the level of unmet need in palliative care is not wholly surprising to me. Marie Curie has helped to push forward our debate on resourcing palliative care. We must identify and quantify the gap in provision as part of any strategy to fill that gap, and we need a baseline. Does the minister agree that our long-term strategy to address the palliative needs gap will require a long-term approach to uplifting resource in all aspects of palliative care, as well as encouraging innovation and service reform across all sectors?

Jenni Minto: I recognise the work that Mr Doris has done in this area. Outcome 3 of our "Palliative Care Matters for All" strategy notes that national and local leaders need to have relevant data to inform the planning and delivery of services, so I agree with his points.

Miles Briggs (Lothian) (Con): The report by Marie Curie is a wake-up call for us all regarding unmet need. Does the minister recognise that, in the 2025-26 budget, there is currently a shortfall of £3.9 million in the amount that the sector asked for to be able to deliver parity in pay awards between national health service staff and hospice staff? What plans does the Government now have to make progress on a national funding framework ahead of the election?

Jenni Minto: In the stage 1 budget debate last week, it was noted that the Scottish Government has increased its funding for hospices specifically to cover the difference in pay compared with NHS staff. We have increased the budget to £9.4 million. I am pleased to have supported that increase and that it gained support from members across the Parliament.

Michael Marra (North East Scotland) (Lab): During the stage 1 debate on the Assisted Dying for Terminally Ill Adults (Scotland) Bill, Liam McArthur said:

> "Investing in improved quality of and access to palliative and hospice care… is imperative"—[*Official Report*, 13 May 2025; c 15.]

Given the stark reality that the Association for Palliative Medicine has set out, MSPs might question that rhetoric when voting at stage 3. Palliative care is not an available alternative for far too many people and, under the proposed law, an early death might be a choice that people feel compelled to make. Will the minister confirm whether any additional allocation was made in the Scottish spending review to strategically enhance the quality of and access to palliative care?

Jenni Minto: I have been clear, whenever I have answered questions about palliative care and assisted dying, that there are no either/or questions and that we need to ensure that investment is in place. As Mr Marra knows, funding is transferred from the Scottish Government to support health boards, which also provide a level of palliative care. As I have just indicated to Mr Briggs, we have increased the budget that will be available to hospices in the next financial year. I strongly feel that it is not an either/or question and that we must support people to live their best lives and to have the most dignified deaths that they can.

Edward Mountain (Highlands and Islands) (Con): The lack of palliative care is keenly felt in rural areas, especially across the Highlands. Some people need to travel hundreds of miles to get palliative care and are often separated from their family. We heard on television the other night that the lack of palliative care might give those

people no option but to opt for assisted dying. That is surely not the position that we want to be in.

Jenni Minto: I agree with Edward Mountain that that is definitely not the situation that we want to be in. I, too, represent a rural constituency, which has islands as well, so I keenly feel that point. I have just returned from Inverness, where I was pleased to see big advertising hoardings for Highland Hospice and also one of its vans driving around the city. That hospice is important. We must also remember that hospices are not simply buildings; they are also about the people who go out to communities to support families at an important time in their lives.

Liam McArthur (Orkney Islands) (LD): The minister might be aware of the stage 1 evidence that the Health, Social Care and Sport Committee heard from witnesses from Victoria and Queensland, which highlighted that improved investment in and access to palliative care followed the introduction of assisted dying laws in those states. That confirmed the conclusions of the House of Commons Health and Social Care Committee's 2024 report, which found no evidence of a deterioration in access to palliative care in any of the jurisdictions in which assisted dying laws have been introduced.

Will she reinforce that it is not a case of either/or? We need to improve both access to palliative care and the choice and compassion that we offer to terminally ill Scots who desperately need it.

Jenni Minto: As Mr McArthur will know, the Scottish Government is neutral on the issue of assisted dying, and the vote on the bill is a matter of conscience.

I absolutely agree that it is not an either/or situation. We must ensure that we are providing everyone who lives in Scotland with the appropriate level of palliative care, if that is their choice.

Roz McCall (Mid Scotland and Fife) (Con): I note the minister's comments that this is not an either/or situation. However, Marie Curie's research shows that 18,500 people die with unmet palliative care needs each year, and the Association for Palliative Medicine warns that 40 per cent of doctors might leave the speciality if assisted dying is introduced. Does the Government accept that losing those clinicians would widen the existing gap in end-of-life care? What assessment has the Government made of the impact on the workforce during the passage of the Assisted Dying for Terminally Ill Adults (Scotland) Bill through Parliament?

Jenni Minto: I am afraid that I cannot answer the second part of Roz McCall's question. However, I can be clear that the staff in our hospitals whom I met when I launched "Palliative Care Matters for All", and more widely, are absolutely focused on ensuring that they provide the best palliative care or end-of-life treatment. That is really important.

We, in this chamber, need to come together to work out the best way to support the strategy that the Scottish Government launched last year, which I am sure Ms McCall will have read, and the number of outcomes that are in it. That focuses very much on ensuring that we have the right outcomes for people and the right staff complement to support those families.

Stephen Kerr (Central Scotland) (Con): I listened very carefully to the answer that the minister gave to Alex Rowley's last question, which was a repeat of Marie Curie's request for a right to palliative care in law. Will the minister please respond to the question that Alex Rowley asked her? Does she support the right in principle and in practice? If she does, she will realise that the gap between what is described in the Marie Curie report needs to be filled pretty quickly.

Jenni Minto: In Scotland, everyone has a right to healthcare, including palliative care. The key information from the figures is that we must recognise as a society that we need to support people. That is why "Palliative Care Matters for All" is probably one of the most important documents that I have introduced in my role as Minister for Public Health and Women's Health.

Peter Murrell (Trial Date)

3. **Douglas Ross (Highlands and Islands) (Con):** To ask the Scottish Government whether anyone who works for the Scottish Government, including ministers, special advisers or civil servants, was involved in discussions concerning the postponement of the trial of Peter Murrell until after the Scottish Parliament election in May. (S6T-02896)

The Minister for Parliamentary Business and Veterans (Graeme Dey): There have been no discussions. Scheduling of trials is a matter for the independent judiciary and the Scottish Courts and Tribunals Service.

Douglas Ross: My question was worded very specifically because we have almost 20 special advisers, almost 30 Government ministers and more than 9,000 civil servants in the Scottish Government. Given Graeme Dey's categorical reassurance that none of those almost 10,000 individuals had any involvement or discussions at all, can he update Parliament on how he was able to assemble that information on almost 10,000 individuals in the past couple of days? If he has not done that, has he just come here to try to fob off

the Parliament, which is a signal of this corrupt Government from a corrupt party of government?

Graeme Dey: I utterly refute the allegations in that commentary from Douglas Ross, which is typical of his approach to many subjects.

Let me be absolutely clear: this is a live court case, so I strongly suggest that all of us should be cautious about our comments in relation to it.

I reiterate that the scheduling of trials is a matter for the independent judiciary and the Scottish Courts and Tribunals Service. It is a matter entirely for the judge to determine the date for preliminary hearings and for trials. I reiterate that there have been no discussions of the nature that Mr Ross implied in his original question.

Douglas Ross: The minister is still avoiding saying it. Has he gone round almost 10,000 people in the past couple of days to check whether they had discussions about that or not? If he has not, he cannot possibly give that categorical response.

This comes down to transparency, because it stinks—it absolutely stinks—that an accusation that was first made before the 2021 Scottish Parliament election will now not come to court until after the 2026 Scottish Parliament election. Does the minister not even realise, or does he not simply accept, how bad that looks for his party, which is the party that is in government? Because of the delay and the postponement, the reporting restrictions cannot now be lifted until after the Holyrood election. Will he at least accept that his party benefits from that?

Graeme Dey: As a Scottish Government minister, I take very seriously my responsibilities and the need to respect the processes that cover our justice system. I am not going to be dragged into a to-ing and fro-ing, particularly under the terms that Mr Ross uses so typically. I want to make it absolutely clear that an independent process is followed in all these things, which is overseen by the Lord President. There have been no discussions of the type that Mr Ross suggests.

The Presiding Officer: That concludes topical questions. I will allow a moment or two for front benches to organise themselves.

Freedom of Information Reform (Scotland) Bill: Stage 1

The Presiding Officer (Alison Johnstone): The next item of business is a debate on motion S6M-20815, in the name of Katy Clark, on the Freedom of Information Reform (Scotland) Bill at stage 1. I call Katy Clark, the member in charge, to speak to and move the motion.

14:26

Katy Clark (West Scotland) (Lab): It is almost 25 years since the passing of the Freedom of Information (Scotland) Act 2002, also known as FOISA. My bill is not a criticism of that act, which has been a great success. Indeed, the same voices who campaigned for that legislation have been campaigning for the bill, such as the Campaign for Freedom of Information in Scotland and the late Jim Wallace—a prominent freedom of information campaigner who took FOISA through the Scottish Parliament.

In May 2020, as a result of campaigning for freedom of information reform along the lines that are being proposed today, the Standards, Procedures and Public Appointments Committee produced a report with a range of recommendations and concluded that, although the 2002 act had significantly improved transparency, an urgent update of the law was needed. The provisions of the current bill were based on that committee report, the recommendations of all four Scottish Information Commissioners who have held that post since the 2002 act was passed, the consultation on the proposal for the bill and previous consultations.

The bill reflects proposals from freedom of information campaigners, FOI practitioners and the Information Commissioners. The bill would close loopholes, strengthen the power of the Information Commissioner and address the reduction in freedom of information coverage that has taken place since the 2002 act. Significant work has been carried out with the Information Commissioner, his policy and legal experts and others to ensure that the bill is workable.

I understand the concerns that have been raised about parliamentary time, but my concern is that no proposals have been brought forward by the Scottish Government since the 2020 committee report. I fear that, if the bill fails to pass stage 1 today, we will have the same debate again in five years' time, still with no proposals forthcoming from Scottish ministers.

Whether it is in local government, justice, transport or social care, private companies have increasingly become major providers of public

services, but they are not covered by current freedom of information laws. For example, when ferry services are publicly owned and funded, they are covered by freedom of information legislation, but that is not the case when they are publicly funded but run by private providers such as Serco NorthLink Ferries. Council house issues were previously subject to freedom of information but, when council houses were subject to stock transfer to bodies such as housing associations, that was no longer the case. It took 13 years of campaigning before information rights were reinstated by the current minister.

In most other areas, rights that have been lost over the past 25 years still have not been reinstated. The Public Audit and Post-legislative Scrutiny Committee in the previous session of Parliament and the Standards, Procedures and Public Appointments Committee, in its stage 1 report on the bill, were right to conclude that

"legislation is now needed to update the freedom of information regime in Scotland"

and that the Scottish Government has been slow to exercise its powers under the 2002 act.

The Scottish Government has been asked to introduce legislation over a number of sessions of Parliament, but it has failed to do so, which is why I introduced this member's bill. I was approached in 2021, when I was first elected to the Parliament, and asked whether I would proceed if the Government would not.

I welcome the Standards, Procedures and Public Appointments Committee's support for some of the bill's provisions. It supported a requirement for the Scottish Government to consider proposals from the Scottish Information Commissioner to extend the number of bodies that need to comply with freedom of information law.

Graham Simpson (Central Scotland) (Reform): Does Katy Clark agree that the Government could have taken on the bill, as it could with any member's bill? It chose not to, which shows that it has no appetite for this.

Katy Clark: I fully agree with that.

The committee backed bringing companies that are jointly owned by the Scottish Government and other bodies into the scope of freedom of information law and recognised that the First Minister's veto power is unnecessary. Of course, the First Minister has refused to rule out using the veto in relation to various current court cases. The committee recognised the benefit of other provisions in the bill, such as those on statutory freedom of information officers and greater enforcement powers for the Information Commissioner.

The bill includes provisions that were recommended by the Public Audit and Post-legislative Scrutiny Committee in the previous session of Parliament on a legal duty for proactive publication. That is in line with best international practice, was recommended by all four people who have held the post of Information Commissioner and is in accordance with codes of practice that are provided by the Information Commissioner.

The bill includes a new offence of destroying records with the intent to prevent disclosure before a freedom of information request is made. That provision mirrors existing offences that relate to the period after a freedom of information request has been made. That power is needed and is supported by the Information Commissioner, but it has a high test of criminal intent and would be used only in extreme cases.

The bill would also enable the Parliament's committee system to act when the Scottish Government fails to do so. For example, that would mean that, if the Scottish Government failed to introduce proposals to extend freedom of information law to the whole care sector or, indeed, parts of it, or even one or two organisations, a committee could make proposals on that.

I look forward to hearing members' contributions. I will address some of the other issues that are connected with the bill, such as that of costs, in my closing speech.

I move,

That the Parliament agrees to the general principles of the Freedom of Information Reform (Scotland) Bill.

14:33

Sue Webber (Lothian) (Con): Freedom of information is not an abstract constitutional principle; it is the cornerstone of public trust in Scotland's institutions, and it is how people understand what their Government is doing, how decisions are made and whether power is being exercised responsibly. However, despite clear and compelling evidence that our freedom of information framework is outdated and has been outpaced, the Scottish Government has consistently failed to modernise it.

The Standards, Procedures and Public Appointments Committee could not have been clearer: there is a need for FOI reform. The original 2002 act was designed for a totally different era—before digital comms, before arm's-length organisation service delivery and before the complex landscape of publicly funded but not publicly listed bodies. The world has moved on, and Scotland's FOI regime has not kept pace.

What we have witnessed from the Scottish Government over recent years is a refusal to

accept that reality. Ministers insist that the fundamentals are still fit for purpose, yet we heard the Information Commissioner describe the pace at which they are bringing new bodies under FOI as "glacial". Stakeholders told us that the publication scheme is outdated and ineffective. Public functions remain exempt simply because they sit outside traditional structures. None of that is fit for purpose.

Freedom of information is supposed to empower the public, not exhaust them. It should encourage transparency, not create barriers to it. I give credit to Katy Clark for taking on the work, because nobody else had any appetite to do so. She has done so because the Scottish Government has simply chosen not to. Although it is true that many elements of the bill need further refinement—that is a euphemism—the need for reform is not in dispute. It is urgent, overdue and undeniable.

We, in the Conservatives, find ourselves between a rock and a hard place today. The stage 1 report sets out the substantial and complex work that would be required to make the bill fully workable, future proofed and comprehensive, and the time that is left in this parliamentary session is extremely tight. Some might call it legislative constipation.

At the same time, constituents are watching. One wrote to me to say:

"It feels like every time FOI comes up, Parliament asks for more time while the law gets older and weaker."

The frustration is real, and it reflects a wider public concern that delay looks a lot like protecting the Government from scrutiny.

I have lodged an amendment that reflects the reality that is before us. It would mean that, if Parliament agreed to the principles of the bill, we would also recognise

"the time pressure in the current parliamentary session and the views in the stage 1 report, including that Freedom of Information reform"

might ultimately need to be addressed in the new parliamentary session. That is not backing away from reform; it is being honest about the scale of the task ahead.

Let me be clear that the Scottish Conservatives will vote for the bill at stage 1. We will do so because the principles are sound and because Scotland cannot afford more drift. However, supporting the principles does not erase our concerns, and we are deeply worried about the sheer length of time and the level of work that will be required to resolve the issues that were identified by the committee. Progress must be real and not symbolic.

The public are watching the debate more closely than some in the chamber might realise. They demand transparency, not excuses. They expect us to strengthen their right to know, not to circle the wagons and shield the Scottish Government from scrutiny. The truth is that, every time FOI reform is delayed, resisted or redirected into yet another holding pattern, it reinforces the perception that those in power are more interested in protecting themselves than in serving the public interest. People can see the Government dragging its heels. They can see the areas in which loopholes remain open and enforcement powers remain weak, and they can see when proactive publication is discussed but never delivered. They rightly ask why, if we believe in openness, we will not modernise the law that guarantees it.

Let me be clear: this Parliament has a duty not to ministers or departments but to the people of Scotland. They are entitled to a system that is modern, transparent and future proofed. They are watching what we choose to do today, and they will judge us not on our words about transparency but on whether we deliver it for once.

By supporting the bill and my amendment today, while being frank about the reality of what remains to be done, we keep the pressure on the Scottish Government. We send a clear message that FOI reform cannot be allowed to drift into irrelevance, and we reaffirm that the public's right to know must be strengthened, modernised and defended, both now and in the next parliamentary session.

I move amendment S6M-20815.1, to insert at end:

", but, in so doing, highlights the time pressure in the current parliamentary session and the views in the stage 1 report, including that Freedom of Information reform should be addressed in the next parliamentary session."

14:39

Martin Whitfield (South Scotland) (Lab): I rise as convener of the Standards, Procedures and Public Appointments Committee. I thank everyone who contributed to the committee's scrutiny of the bill at stage 1. We had the opportunity to hear from academics and public bodies, and from information requesters and those who respond to them. We heard from the Scottish Information Commissioner, the minister and Ms Clark, the sponsoring MSP for the bill. In this speech, I will set out the committee's main conclusions on the bill.

The bill proposes alternative mechanisms for designating public bodies under the Freedom of Information (Scotland) Act 2002 on the basis that the Scottish Government has been slow in using its powers in that regard. That view was shared by many stakeholders, with the commissioner

describing the pace of designation as “glacial”. The committee had no concerns about providing for the Government to consider the commissioner’s proposals on designations. However, we had reservations about the proposals for the Parliament to have the power to designate. In our view, the process for using such a power has not been sufficiently considered or laid out in the bill, so we cannot determine whether the power would deliver a faster pace of designations or lead to more designations.

Similarly, greater detail is needed on the proposal for the Parliament to scrutinise the Government’s section 5 reports on designation.

Several of the bill’s provisions are aimed at improving compliance with information requests. The bill proposes that the limit of 20 working days for compliance be paused, rather than reset, when a public body seeks a clarification. We heard that some requesters might have experienced clarifications being used as a delaying tactic, but there is a lack of data to determine the extent of such practice. Although some stakeholders thought that the proposal would improve the relationship between public bodies and information requesters, others cautioned that it could lead to poorer responses and have an impact on front-line services. We think that further detailed work is needed to assess the impact that such a change might have.

Although we saw merit in the proposals for providing the commissioner with greater powers, particularly the power to require individuals to give evidence, we thought that such matters also required more detailed consideration by the Scottish Government. However, we were not persuaded by the Government’s argument that the First Minister’s veto power should be retained, because other safeguards exist regarding the disclosure of sensitive information.

The bill intends to promote a broader cultural change in public bodies towards greater openness and transparency. Provisions such as those introducing proactive publication, requiring authorities to create a statutory FOI office role and introducing a new offence relating to the destruction of information could all be seen as part of such cultural change. However, we had concerns about whether the bill could deliver that change.

We note the arguments for the presumption in favour of disclosure in section 1, but the necessity and material effects of the change are unclear, given that stakeholders noted that there is already such a provision in FOISA.

Furthermore, although we agree that introducing a proactive publication duty would reflect the original intention of FOISA, we note the concerns of stakeholders about the potential costs and challenges of the proposal. Again, we think that further consultation is required. We found the financial memorandum to be largely speculative on the potential for the proposal to lead to savings.

We did not think that the section 18 proposal to create an offence of destroying information with intent to prevent disclosure in the absence of an information request was an appropriate or proportionate approach to delivering cultural change.

Freedom of information reform is a substantial and complex endeavour. The work that Ms Clark has done on the bill has been incredibly valuable in highlighting the need for the freedom of information regime in Scotland to be updated. However, given the need for greater development of many of the bill’s provisions, we do not think that the bill is the most effective vehicle for delivering that change. Instead, the committee considers that the Scottish Government should use its resources to take legislative action to update freedom of information law. If the Government is unwilling to do so, we suggest that a committee bill might be required in the next parliamentary session.

We agree with the need for freedom of information reform, but, for the reasons that I have set out, we do not recommend that the Parliament agrees to the general principles of the bill.

14:44

The Minister for Parliamentary Business and Veterans (Graeme Dey): In the extremely limited time that I have at my disposal, I will begin by acknowledging the significant contribution that Katy Clark has made to the debate on FOI rights and responsibilities. She is to be commended for ensuring that the Parliament has an opportunity to reflect on the successes of current FOI legislation and to debate areas in which improvements could be made.

I thank the Standards, Procedures and Public Appointments Committee for producing such a considered report. Although it found areas to support in the bill, it noted that there is not sufficient time in the current parliamentary session to carry out the substantial further work that would be required on it, as Sue Webber’s amendment acknowledges. That is why the committee recommended that the Parliament does not agree to the general principles of the bill. I accept that recommendation, just as I accept Sue Webber’s amendment, which makes the same point. As Minister for Parliamentary Business, I can testify to how busy the Parliament will be with finalising legislation in the five weeks that we have left.

I want to be clear, however, that the Scottish Government believes that the bill and the

committee's report provide solid foundations that will allow the Parliament to consider in the forthcoming session how it builds on freedom of information legislation.

Scotland has had strong—

Graham Simpson: Will the minister take an intervention?

Graeme Dey: Very briefly—if I get my time back, Presiding Officer.

Graham Simpson: Does the minister agree that the Parliament is not being asked to decide whether there is enough time to get the bill through? It is being asked to decide whether it agrees with the general principles of the bill, and that is all.

Graeme Dey: I am sure that Mr Simpson has been listening. If he listened to the points made by Sue Webber and the convener about the many issues with the bill, he would know that it would be impossible in the five weeks remaining in this session to undertake the tasks that have been laid out by the committee. That is the reality, and I am afraid that we have to deal in reality.

Scotland has had strong and internationally well-regarded laws on freedom of information for more than 21 years, and I pay tribute to Jim Wallace for his part in that. He transformed access to information about government and public services. Last year, more than 109,000 information requests were handled across the public sector, with 87.5 per cent resulting in the release of information. That shows that the legislation is delivering on its main purpose of providing information and developing a more open and transparent culture.

There are, of course, areas that can be improved on. FOI law has important strengths, but it is right that we consider areas for improvement. The extension of FOISA has been pursued far more actively in Scotland than in the rest of the UK. In 2013, coverage was extended to local authority culture and leisure trusts. In 2016, it was extended to grant-aided and independent special schools and private prisons. In 2019, it was extended to cover registered social landlords, bringing around 200 new bodies under FOISA. We are the only part of the UK to have done that. I acknowledge, as I did when Katy Clark raised the point at committee, that, much as a process is needed, it can be clunky at times. There are areas of the process that could be improved.

We are consulting on designating independent care homes and care-at-home providers, which would be the most significant extension to date and could mean that around 2,000 services that are delivered by around 1,000 different organisations would become subject to FOI law.

The committee recommended that today's debate should be used to set out plans to prioritise designations beyond the current consultation. That will be for a new Government and a new Parliament. However, for my part, I can say that we would set out a programme of work for considering extension to private and third sector organisations that deliver public services, drawing on the issues that were raised in discussions on the bill and working with stakeholders, including the commissioner.

There is, of course, no question but that FOI obligations place demands on resources, so we must take a well-considered and proportionate approach and ensure that any extension does not duplicate work but will add meaningfully to people's ability to access information without placing unreasonable burdens on organisations, particularly smaller organisations.

The Government is committed to strong FOI rights. We are consulting on the extension of the legislation and will lay a revised version of the statutory guidance for public authorities in the Parliament before the end of the current parliamentary session.

Again, I thank the committee and commend Katy Clark, who has restarted the debate on how we ensure that FOI legislation works well in Scotland.

14:48

Richard Leonard (Central Scotland) (Lab): It was the great French philosopher and civil rights campaigner Voltaire who warned:

"Don't let the perfect be the enemy of the good",

and that is the crime that we are being invited to commit in the Parliament this afternoon.

I have grown tired of members opting for inaction and mediocrity in place of action and ambition, or saying that we agree with these universal and immutable principles of democracy, of openness, transparency and accountability, but not here and not now.

We know that the provision of public services has become a mixed economy and that outsourcing is rife. It is because of that that, if we are to update our freedom of information, improve the statutory right of access to it, advance the proactive publication of how public money is used, defend public interest journalism and challenge the existing structure of power, we need to pass this reform bill today.

Bodies, including many transnational private corporations that deliver public services with public money, should be covered by freedom of information—of course they should. In fact, maybe that should be a condition of receiving public

money or being awarded public contracts in the first place. Information, including data, should be published not just reactively but proactively. It is not a burden, it is not red tape, it is not an inconvenience or a distraction—it is a democratic right.

What we should have learned down the years is that our security and our wellbeing spring not from surreptitious secrecy but from open democracy, which is why many of us see this bill as an important antidote to the corrosion of trust in public life.

I am speaking in this afternoon's debate as a Labour Party representative, but my experience as the convener of the Parliament's Public Audit Committee is that there continue to be persistent data deficits and chronic information gaps right across the public sector in Scotland. When we conducted our inquiry into the ferries order at Ferguson Marine, we found that the Scottish Government's record keeping, up to and including meetings taken by the then First Minister, left a lot to be desired. We now know as well, because of the Covid public inquiry, of the deletion on an industrial scale of communications by SNP Government ministers, up to and including the current First Minister.

The culture change that the bill will help to drive is not just out there; it is in here—and we know that publicity is the best disinfectant. To the Minister for Parliamentary Business and Veterans, who tells us that the bill is timed out, I say: what about the Government's Covid emergency legislation, which we passed in a matter of days in 2020? What about the Government's deeply flawed Building Safety Levy (Scotland) Bill? Why is the minister pressing ahead with that and finding the parliamentary time for it? Why is it that the Government can find parliamentary time to pass legislation to collect rates on empty properties in days but there is no time to modernise our freedom of information laws in weeks?

Well, this is a member's bill in the name of Katy Clark, who is to be congratulated for getting it on the Parliament's agenda and for winning the argument, but let me make it clear to the Government, which seeks to wreck this bill today, that there is a movement out there demanding these reforms. It is a movement made up of campaigners who will not go away. If Parliament does not pass this legislation tonight—if the Government kills the bill today—it will return. We will see civil rights advance. We will see the veils of secrecy torn down by the people. We will see the triumph of hope and democracy. We will see the people empowered.

14:53

Patrick Harvie (Glasgow) (Green): It would not be a Richard Leonard speech if it did not begin with a quotation from a great philosopher. If I am lucky enough to be returned in the election I will miss those kinds of comments. I hope that somebody else will take up that tradition for him.

When discussing freedom of information, we sometimes suffer from a perception that FOI is still a new system or a new regime. It is clearly of the modern age but, as Katy Clark pointed out in the opening speech, it is nearly a quarter of a century since the system was designed. It was designed for an earlier era, both in terms of how public services are delivered and in terms of how modern data collection happens. I suspect that no one designing the FOI regime at the time would have been able to conceive of the sheer volume and breadth of data that public services now collect and have to manage—data that is now open to FOI.

The case for reform is therefore not new either. As Katy Clark mentioned, there were comments at the tail end of the previous session from the Public Audit and Post-legislative Scrutiny Committee, demonstrating

"clear weaknesses with the current legislative framework."

Referring to the work of the Parliament in this session, the committee recommended

"that the next Parliament robustly pursues the Committee's recommendations to ensure that the Scottish Government makes the necessary changes."

Well, the Scottish Government did not make those changes, so I strongly commend Katy Clark for the work that she has done in introducing her member's bill to try to move things along. I will certainly vote in favour of the general principles.

I thank Katy Clark for her work, and I thank the Government for engaging with me. As a member of a party that does not have a member on the lead committee, I took the time to engage with the member in charge and the minister. I thank the committee for its work, as well.

It is regrettable that a member's bill was necessary to try to achieve progress; there was a general consensus that reform is needed, and it would have been better delivered if Government legislation had been introduced. However, the Government has been slow to act, both in bringing forward reform and in exercising the powers that it already has to extend FOI to other bodies. Of the various elements of the bill, the granting of that power to the Parliament, in addition to the Government, is one of the most important, along with the shift in focus towards proactive publication and measures to take action against the destruction of information.

As far as the amendment goes, I recognise the lead committee's concern, particularly in regard to where we are in the past six weeks or so of the parliamentary session. We all understand why we have got to where we are and—I repeat—part of that is due to the Government's slowness to act. However, I understand the Government's concern about the need to have a system that balances the potential conflict of different legal duties. We would not want to pass legislation that made organisations unable to respect confidentiality, for example, or that would create a conflict between those duties and FOI duties.

We are where we are. I think that this will be a missed opportunity. It is fairly clear that the amendment is likely to have the majority of support in the chamber. I and my fellow Greens will abstain on it, but we will vote in favour of the motion, whether or not the amendment passes. It will be a missed opportunity, as the bill could have gone forward for scrutiny, if only to save time in the next parliamentary session.

Sue Webber: Will Patrick Harvie give way?

Patrick Harvie: I am afraid that I do not have time.

My party will make clear commitments. It is incumbent on every political party, including the SNP, to make clear commitments. If the SNP, reading the polls, expects to be returned as the Government in the next session, it will be particularly important that it gives a clear manifesto commitment about supporting a cross-party effort to bring forward the FOI reform that is so long overdue.

14:57

Jamie Greene (West Scotland) (LD): When trust in politics is pretty much at an all-time low, we should all be doing everything that we can to gain back that trust. It is a really bad look for any party, Parliament or Government to vote against extending freedom of information rights.

The stage 1 report on the bill concluded by saying that, although the committee agreed on the need for such reform—reform that should have happened years ago—it did not consider the bill to be the most effective way of achieving it. It also stated, as other members have, that we just do not have the time to do so. I completely disagree.

Scottish Liberal Democrats will be voting for the bill at stage 1. Why? It would provide a long-overdue and much-needed opportunity to make Scotland's public bodies more transparent. Those bodies too often hide behind redactions and bureaucratic points about what is or is not covered under the current, out-of-date legislation. Last year, the Information Commissioner received nearly 600 appeals after members of the public were refused the information that they had asked for in FOI requests. Thirty per cent of those were because the public body chose to withhold information. A further 35 per cent were because the body failed to respond to the request at all, and 10 per cent were because the public body claimed that it did not even hold the information. That is ridiculous and disgraceful. Therefore the new criminal offence of destroying records, which would be introduced by Katy Clark's bill, is much needed and would be very welcome.

The bill would resolve many of the outstanding issues with FOI legislation, not least because it would require public bodies to appoint a freedom of information officer who could be held to account for the openness and transparency of their organisation. This all matters, because FOI legislation gives the public, journalists and even we politicians the tools that we need to scrutinise public bodies in a way that no other method can, if we are honest about it, particularly when the parliamentary questions that we submit are responded to with one-line answers.

Mr Leonard spoke about the work of the Public Audit Committee. Some of the things that FOI requests have helped us to uncover have been on the front pages of newspapers for months. Those include the improper spending at the Water Industry Commission for Scotland, the golden goodbyes at Ferguson Marine and Caledonian MacBrayne, the cost overruns at the Cairngorm Mountain Railway and the credit card spending sprees at Historic Environment Scotland. All of that was uncovered under FOI, and Katy Clark's bill will strengthen the ability of all committees and all members to properly scrutinise decisions, not least through its creation of a presumption in favour of disclosure.

I am not saying that FOI requests always give us good data. Pages 1 to 10 of the response to my latest FOI request about CalMac payoffs are all redacted. FOI is not the be-all and end-all, but underneath that black ink is information that we ought to have access to.

I am surprised by the Conservatives' reasoned amendment, because all that it has done, whether they meant it or not, is hand the Government a get-out-of-jail-free card.

Sue Webber: Will the member accept an intervention?

Jamie Greene: I just do not have time unless I can get it back, and I can see the Deputy Presiding Officer giving me a no to that.

I appreciate that Parliament will not have enough time to progress the bill during this session, but that is not Katy Clark's fault; it is a

problem with this Parliament and Government. I gently suggest that the Conservatives should withdraw their amendment or vote against it. I know that that is a bit unorthodox, but I have done it myself. It is a bit awkward, but it would be worth it on this occasion, because I want to see the bill progress.

I am going to finish where I started. It will take more than a bill to repair trust in public bodies, but killing off the bill today would send the public a message that we are simply not up to the challenge. That is not a message that the Liberal Democrats are willing to send, so we will support the bill and vote against the reasoned amendment, and I plead with all members to do the same.

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

15:01

George Adam (Paisley) (SNP): I thank Katy Clark for the way that she has gone about the business of progressing her member's bill.

Trying to sum up my thoughts on FOI in four minutes will be difficult, but I will be brutally honest. I should mention at this stage that I was the minister in post when Katy Clark originally published her bill and was at an FOI conference where I proposed my ideas about how we could move forward and she proposed hers.

My opinion, which I have shared before, is that the current FOI regime, which has been in place for 20 years, remains fundamentally sound. It provides a strong and enforceable right to know how the Government and other public services operate, while at the same time including safeguards to protect genuinely sensitive information. I have said those things numerous times before.

I say clearly at the outset that I am not against the idea of openness or the reform of FOI—some media outlets would probably have said otherwise when I was the minister, but that was a them problem and not a me problem. The question before us today, as many others have already said, is whether the bill, in its current form, is the right vehicle to deliver change and whether Parliament has enough certainty about what that would mean in practice across the public sector.

The evidence heard by the committee repeatedly returned to the central issues of cost, burden and uncertainty. The bill goes well beyond making small technical adjustments to introduce new statutory obligations across the public sector, including requirements for proactive publication—which, incidentally, I always believed that the Government should have done anyway. It also includes compliance monitoring and the appointment of FOI officers. Whatever the actual intention behind those proposals is, there would be real consequences for staffing, training, governance and digital infrastructure, and we cannot pretend that those consequences would just disappear into existing budgets.

In the material it provided to the committee, the Scottish Government set out its case that the 2002 act's section 60 code of practice provides good guidance but that the bill would introduce new statutory duties that would go beyond current practice, including creating a new legal duty of proactive publication under the enforceable publication code and the designation of FOI officers with defined responsibilities. My argument is that we are at a stage where public organisations already have people who do that. We often talk about culture change in organisations such as the Scottish Government, local authorities or other FOI-able organisations, but in order to have that culture change we must get beyond the idea that that is an addition to the job. FOI is not an addition to the job: it is part of the job, it is something that you have to do and it is a legal requirement.

At the same time, however, we have to strike the right balance, so that we do not take people away from their core duties and core jobs. I know the challenge that the Scottish Government faced during my time in post in trying to ensure that we issued the required 95 per cent of FOI responses in time. What does not help is that we live in a political environment where we have the likes of Douglas Lumsden using artificial intelligence to generate around 1,300 FOI requests over four months. There were 987 in January 2025 alone, and that cost £185,000. That is the kind of thing that we have to be very careful about.

Nobody in the chamber should be satisfied with the status quo in areas where improvement is needed. However, the question is not whether we should reform but how we reform. We must do that with the evidence in front of us and with the costs properly understood, and we must do it in a way that strengthens openness and practice, and not just on paper. That is the responsible and workable approach, and that is why I will not support the bill at stage 1.

15:05

Mercedes Villalba (North East Scotland) (Lab): I begin by thanking my friend and comrade Katy Clark for taking up the challenge of reforming our freedom of information laws to be fit for the 21st century. The Freedom of Information (Scotland) Act 2002 was significant in that it gave everyone the right to obtain information held by public authorities, yet, as Katy has rightly highlighted, that law has not kept pace with the

level of outsourcing to private companies of our public services. In effect, our right to know has been stripped back.

I will use buses as an example. In Edinburgh, the buses are owned and operated by Lothian Buses. Publicly owned Lothian Buses is the United Kingdom's largest municipal bus company and, as such, it is rightly subject to freedom of information requests. Elsewhere, however, First Bus, which is owned by FirstGroup plc, is not subject to freedom of information laws despite receiving huge sums of public money. People who live outwith the capital have no right to know about their local bus services. The Parliament has a duty to change that.

However, it is not just bus companies that have been allowed to avoid public scrutiny. In energy, we have seen the vast majority of the money from the Scottish Government's just transition fund siphoned off to the private sector. More than 40 per cent of that fund has gone to organisations that are linked to billionaire oil tycoon Sir Ian Wood, all while energy workers lose their jobs and are forced to pay out of pocket to retrain. Without this vital freedom of information bill, the public will have no right to ask questions about how that money is being spent. How can the Scottish Government justify that? What is it hiding? Who is it protecting? Is it not time that Scotland had a Government that will work in the interests of the people rather than those of big business, billionaires and barons?

The Covid pandemic exposed the hard reality of how few Government decisions across the world truly serve the people those Governments are supposed to represent. A harrowing example that brought that point home to many was the care home scandal. I highlight the tireless work of former MSP Neil Findlay, both inside and outside the chamber, on that issue. As members will remember, many people across the country spent their final days alone in care homes as part of a botched plan to free up hospital beds. Due to the outsourcing, bereaved families cannot make freedom of information requests regarding where their loved ones spent their final days, yet, if those people had remained in hospital, their families could have made such requests. That is another example of where the current FOI laws are simply not strong enough.

For victims, workers, the travelling public and many more, we need FOI reform. We need Katy Clark's member's bill. The Scottish Government clearly recognises that need, as it is now consulting on extending FOI to care homes. If it agrees that current FOI laws are inadequate and recognises the injustice that the public are facing in seeking crucial information, why on earth would it not support this timely bill today?

I commend the bill to Parliament and I thank Katy Clark for introducing it.

Sue Webber: On a point of order, Presiding Officer. In her remarks, the member stated that Lothian Buses is owned by the council in Edinburgh. She may want to correct the record and state that it is actually owned by a number of local authorities. Thank you.

The Deputy Presiding Officer: Thank you. That is not a point of order, but it is on the record.

15:09

Graham Simpson (Central Scotland) (Reform): I congratulate Katy Clark on getting the bill to this stage, but I have to say that I feel for her after what she must have thought was quite a negative report from the committee, which arrived at the conclusion that the Government should legislate in this area. As I said earlier in an intervention, the Government had the opportunity, as it does with all members' bills, to take on this bill; it chose not to. The member proceeded because the Government did not. That is perhaps not surprising, because we have a Government that is addicted to secrecy, so it has chosen not to legislate in an area that could herald a new era of transparency.

The committee convener thanked Katy Clark for her valuable contribution. It has been valuable, but if we were to follow the committee's advice and wait for the Government, and then potentially wait for the committee to do something, we could be waiting for years and years, and we could be at the end of the next session of Parliament before anything happens, so we really have to agree to the bill at this stage.

The policy memorandum sets out that

"The main aim of the Bill is to improve transparency in Scotland by strengthening existing measures in the Freedom of Information (Scotland) Act 2002".

The committee agreed that there is a need for freedom of information reform—it agreed with that point—and surely we are here today to decide whether we agree with the aims of the bill rather than the details. I always understood that to be what stage 1 is about—the details come later. I can quite comfortably say that I agree with the general principles of the bill while having concerns about elements of it—at this stage, those concerns are not the point.

I have supported Katy Clark on this throughout. I have attended events put on by her and the Campaign for Freedom of Information in Scotland. George Adam, as he said earlier, was at one of those events, and it was at one such event in Glasgow that I met the late Lord Wallace, who was

a strong supporter of what the member is trying to do.

The 2002 act came into force just over 20 years ago, so surely now is the right time to update it and improve its provisions. The bill addresses shortcomings in the current legislation that have been identified by campaigners, journalists and members of the public. We have the chance to end the years of secret Scotland and bring the country into the light of disclosure. Let us take it.

The Deputy Presiding Officer: We move to closing speeches. I call Patrick Harvie, who has up to four minutes.

15:13

Patrick Harvie: I may not use all of that time, Presiding Officer. I am not sure that I have a huge amount more to add beyond what I said in my opening speech, but I will reiterate that, if we do not progress with the bill, it will be a missed opportunity.

There is probably more consensus on the topic than some of the more extreme rhetoric might suggest. I know that there will always be those who think that the Government of the day is somehow overly secretive and corrupt and all the rest of that kind of stuff. That hyperbole is nonsense. I think that most of us know that it is nonsense. However, the current Government has been slow to act and it is regrettable that it has taken a member's bill to try to move things on.

I think that there is consensus across the chamber that we need a regime that is fit for the 21st century—I think that that was the phrase that Mercedes Villalba used—and that the system that we have at the moment is not such a regime, whether that is in relation to the changing patterns around the outsourcing of public services, as was mentioned, and the scale of the data that is collected and the nature of that information, or whether that is in relation to the issues not just to do with our current use of AI but to do with what we will encounter as AI proliferates further through our society, which, again, will change the expectations and needs of the FOI regime.

In addition, I think that our cultural expectations as a society have been changed by the Covid-19 pandemic, among other things, and the whole inquiry process that came out of that. More people have reflected on, considered and changed their views on what information should be kept, and what information should not be allowed to be kept, about us as individuals and as communities.

What is the balance between transparency and confidentiality, and how can we have an FOI regime that ensures that the powerful are held accountable for the way in which they exercise their power? All those things have changed since the system was designed, and they will continue to change. That is why we need to enable the powers to adapt and continue to develop the FOI regime to be used more flexibly—and, I say again, to be used by Parliament, not just at a time when Government is ready. There will continue to be a tension between the urgency of action and the need to take time to consider all the details and issues that members have raised.

I close by saying again that, if this opportunity is missed and we are left with the expectation that a committee bill in session 7 is the vehicle for FOI reform, it must be taken forward with momentum. It will have to be a year 1 commitment, not a year 5 commitment, in the next session of the Scottish Parliament. I hope that the minister, in closing, will be able to give a clear commitment on behalf of his party. What will it be saying in its manifesto in a few weeks' time about its commitments not only to legislate, if it is in government, but to do so on a cross-party basis across Parliament?

15:16

Daniel Johnson (Edinburgh Southern) (Lab): Patrick Harvie, in summing up, poured a bit of scorn on those who like to claim that the Scottish Government wants to be secretive or to sit on information. I gently say to him that that is almost certainly what a former minister would say, if I can be somewhat impish.

However, Patrick Harvie made a number of good remarks, and his point that, overall, there is a consensus about the need for reform and to update the legislation on freedom of information is absolutely correct. In that context, Katy Clark is to be congratulated on taking forward a bill that is not only important but very technical and not trivial in any respect. She deserves a great deal of credit for that, and I also thank the committee for its work.

At the heart of the matter is the question of what kind of Parliament, politics and Government we want, what we claim that we have and what we really have.

I think that the two most important contributions this afternoon came from Jamie Greene and Richard Leonard. Jamie Greene highlighted the reality for those who seek to gain information through freedom of information legislation. To be frank, most people find it a battle, given the constant stream of reasons why information cannot be revealed, and the swathes of paper; we are not allowed props in the chamber, but I caught a glimpse of what Jamie Greene was holding up. Huge amounts of toner are wasted on redactions for those who seek to print out documents. That is not good enough. To be frank, the FOI regime is in a state that means that people are losing trust

because of the secrecy and the reluctance to divulge information.

Richard Leonard was absolutely right that it is about principle—in my view, two very important principles. The first leads directly to democracy itself. If we seek to have democracy, we must have openness and transparency, because after all, this is the public's money: the money that they entrust to us to spend wisely. The only way in which the public can have trust and confidence is if they have clear transparency and openness on how that money is being spent.

Just as important is the question of how Government makes decisions on our behalf: how it understands those principles, the reasons and the information, and the way in which those decisions are being made. It is not just about secrecy; it is about good decision making. The ferries fiasco shines a great deal of light on that. The fact that it transpired that email chains were being used as evidence of decision making, with second-hand accounts of conversations being held with ministers, is not good enough, and we have to shine a light on poor decision making like that.

I commend the approach that has been taken in the bill—first, to follow the money, as it were, because, where public money is being spent, whether by the public or private sectors, we have to have accountability, and there has to be a presumption of disclosure. We must have frameworks that seek to proactively disclose information and remove exemptions, caveats and vetoes. That has to be the right way to proceed.

Today, it looks as though the Government may prevail in not allowing the bill to proceed, and that will be a great shame. The question for Parliament is how we want to proceed, because this work must proceed. I think that it would be an error for members to vote against the bill this afternoon. There may be a great deal of detail to be worked out, but at least it would be progress and something to be taken up by the next Parliament.

I do not believe that the Scottish Government is necessarily the best body to take the work forward. Parliament needs to think about how we could take it forward collectively on a cross-party basis. Ultimately, this is about scrutiny and accountability, and that is the business of Parliament. That is how I think that the work should be approached in the next session of Parliament, if the bill does not proceed today.

However, we have an opportunity to take this work forward and we all agree that it should be taken forward, so I urge members to vote for the bill at stage 1 this evening.

15:21

Annie Wells (Glasgow) (Con): When people submit a freedom of information request, they are not making a political statement. They are usually asking something very ordinary, such as, "Who took this decision?", "Why was this contract awarded?" or "How was this money spent?" Our responsibility in this Parliament is to ensure that the law behind such requests works, not just in theory but in practice.

It is not disputed that Scotland's FOI framework needs to keep pace with how public services now operate. The way in which information is created, stored and shared has changed dramatically since 2002. Public services are delivered through increasingly complex arrangements, which often involve arm's-length bodies, contractors and hybrid organisations. The legislation has not kept pace.

That is why I begin by recognising the work that Katy Clark has done in introducing the bill. She has forced Parliament to confront questions that have been left unanswered for far too long. That in itself is a valuable contribution that deserves acknowledgement, but recognising efforts does not remove our responsibility to scrutinise outcomes.

The evidence that was presented to the Standards, Procedures and Public Appointments Committee was clear on one central point. Although reform is needed, the bill does not yet provide a workable or reliable route to delivering it. The committee was not persuaded that legislating for a general presumption in favour of disclosure would materially change behaviour. It was unconvinced that replacing publication schemes with a broad, proactive publication duty would achieve the cultural shift that is needed. The committee also raised serious concerns about whether the proposed designation powers and enforcement mechanisms were sufficiently developed or practical.

Those are not minor technical points. They go to the heart of whether the bill would improve access to information or would simply create new uncertainty for public bodies and frustration for the public. That is why the amendment in my colleague Sue Webber's name is so important. It recognises the legitimate desire for reform, while making it clear that the bill in its current form cannot be the final answer. The amendment provides a clearer framework for how reform should be approached and sends a strong signal that the responsibility for introducing comprehensive, workable legislation ultimately rests with the Scottish Government.

Parliament is under real pressure in this debate. There is increasing public frustration about access

to information and growing criticism of institutions that appear closed or opaque. In that context, it would be easy to present this debate as involving a binary choice between being in favour of transparency and being against it, but that framing is misleading. Supporting transparency means getting the law right. It means ensuring that reform is deliverable, properly resourced and capable of being implemented consistently across the public sector.

That is why Sue Webber's amendment matters so much. It allows the Parliament to acknowledge the need for reform while being honest about the limitations of the bill. If it is agreed to, it will strengthen the message that the work must not end here.

Freedom of information underpins trust in public life. That trust is too important to be dealt with by creating uncertainty or delay. This debate should send a strong signal that change is needed, that the Parliament is ready to engage and that, in the next parliamentary session, the Government must deliver FOI legislation that truly works in practice.

To answer Jamie Greene's question, we will vote for the general principles of the bill at stage 1, regardless of whether my colleague Sue Webber's amendment is agreed to, because the conversation must continue.

Once again, I thank Katy Clark for her work.

15:25

Graeme Dey: I thank all members who have contributed to the debate this afternoon, whether I have entirely or partially agreed or disagreed with them.

Richard Leonard made a typically passionate and thoughtful speech. There is no doubt that we will miss Richard in the next parliamentary session—or, rather, the Parliament will miss him; like him, I will not be here. However, the answer to his question about why we could not progress the bill to a conclusion in this session was provided a few moments earlier by the convener, who talked about the need for further consultation on key aspects of the proposals, the speculative nature of the financial memorandum and concerns about the creation of an offence of the deliberate destruction of information.

There is simply not the time to properly work on the bill. It is easy to say that we should find the time, but finding it is a completely different matter. Are members suggesting that we should scrap other business to facilitate the bill and deal with it as a committee of the whole Parliament? What business should we scrap? Are members suggesting that the Parliament should somehow order the Standards, Procedures and Public Appointments Committee to drop everything else that it is currently doing? I suspect that the convener might have something to say about that.

We have certainly heard a change of position from two parties that are represented on the committee. In its recommendations, the committee made it clear that the bill's general principles should not be supported at stage 1 because it did not

"consider this Bill to be the most effective vehicle to deliver the necessary change"

that is desired. It also recommended that the general principles should not be supported due to the lack of time that is available for the necessary policy development to be completed.

The Government has followed the committee's recommendation not to support the bill at stage 1 based on its report. However, Sue Webber has taken the unusual step of lodging a reasoned amendment to point out the lack of time. Therefore, I am slightly confused as to what the Conservative and Labour parties—which are both represented on the committee—want to do. They now seem to want to agree to the bill at stage 1, but they acknowledge that there is insufficient time for the bill to be developed in the way that is necessary. To be clear, if we agree to the bill at stage 1, it will go forward to the next parliamentary stage.

Daniel Johnson: I note that committee members are encouraged to leave their party hats at the door. That point notwithstanding, we are, as always, being asked to consider the general principles of the bill. If the Parliament subsequently runs out of time, that is another matter. Would it not send an odd signal to vote against the bill while suggesting that our successors in the next session should take up the issue? I find that strange.

Graeme Dey: I recognise Daniel Johnson's point. However, we are five weeks out from the conclusion of the parliamentary session. One member spoke about the public looking in on the Parliament. The action that some of the parties seek to take would raise an expectation that absolutely cannot be fulfilled. I contend that it is more sensible, pragmatic and practical for all of us—as we have done today, because there is more that unites us than divides us on this issue—to come forward and say, "We recognise that there is insufficient time to use this vehicle, which the committee has agreed is not the appropriate vehicle."

Jamie Greene: Will the minister take an intervention?

Sue Webber: Will the minister give way?

Graeme Dey: I offer my genuine apologies, but I have very little time.

We should come together to acknowledge that there is an opportunity in the next session of Parliament—whether the process is led by the Government or, as Mr Whitfield has innovatively suggested, a committee of the whole Parliament—to point the way forward. We can recognise the shortcomings of the bill as well as its positives; there is some good stuff in the bill, as the Government acknowledged in its response to the committee.

I am very conscious of time. Freedom of information is only one part of how we can build a more participative democracy in Scotland. The values of openness and participation certainly require the wide provision of official information. Those values also entail Government and public services being approachable, responsive and accountable to the people they serve. Throughout this session of Parliament, the Scottish Government has sought to progress those wider values through its open government agenda. As someone who started the session as a minister, took 14 months out and then returned to Government, I can attest to the progress that has been made on that.

In the light of the committee's recommendation, the Scottish Government will still be opposing the bill today. However, that does not detract from our commitment to robust FOI law in Scotland or from our openness to engagement on a cross-party basis on its further development.

The Deputy Presiding Officer: I call Katy Clark, the member in charge of the bill, to wind up the debate.

15:30

Katy Clark: This Parliament was founded on the principles of accountability, openness and transparency, and the bill gives us the opportunity to build on those principles today. I have outlined the process that led to the provisions that are in the bill that we are considering, which I believe is the correct starting point.

I thank the committee for the scrutiny that it undertook in preparing its stage 1 report, all the stakeholders who engaged with the process, Carole Ewart from the Campaign for Freedom of Information in Scotland and those in my office for their work on the bill. I also thank the Scottish Information Commissioner, his team and all the former information commissioners who engaged with the process.

The only issue that is before us today is whether we agree with the general principles of the bill at stage 1. I have listened carefully to members' speeches, and there seems to be a consensus that the public's right to information is important, and that there must be accountability on public service delivery and transparency on the use of public money.

However, we must recognise that our current freedom of information regime has been in place for more than two decades and that the public, campaigners, organisations and Government have all experienced how it works, where it works well and what needs to change. That is why the current Information Commissioner and his predecessors support the bill. That is why the bill enjoys the support of so many organisations, and it is why so much of the evidence that was submitted, including from trade unions, care home relative campaigners and the third sector, supported the bill.

I will respond to some of the points that were made about specific provisions. On new designations, I agree with Daniel Johnson that this debate is also about the kind of Parliament that we want to have. It would not have been appropriate to put more detail on the process for designation in the bill, as that would be a matter for Parliament's standing orders, but we must say that the role of this Parliament is to hold the Scottish Government to account. Given that the Scottish Government has failed for more than two decades to keep freedom of information where it should be, it is appropriate that more power is given to the Parliament and its committees.

The idea of creating a freedom of information officer role came from freedom of information officers. I know that, like his predecessor, the minister attends the annual events that many freedom of information officers go to, so he will have heard them explain their belief that the creation of such a role would give them the power to enforce freedom of information in their own organisations. Many of them are data protection officers, and they believe that the bill, which mirrors the provision of the data protection regime, would enable them to get their organisations to comply with the law.

Section 18, which would create a new criminal offence, is designed to deal with serious situations. The Information Commissioner has said that it would enable them to do their job better, where information is deliberately destroyed with the intent to avoid the law.

The vast majority of the public support the key principles of the bill, which is why we must agree to its general principles today. The way in which public services are delivered has changed significantly since the 2002 act. Multinationals such as Serco, G4S and Mitie are now providing public services and in receipt of public funding, and we no longer have the information rights that we had in relation to those services in 2002. If those services were still being provided by Government,

they would be subject to freedom of information laws.

The Scottish ministers have consistently failed to come forward with legislative proposals in this area. When I met the minister on Thursday, he said, yet again, that, in his view, legislative change was not needed.

As I outlined in my opening speech, the committee has indicated its support for many of the provisions in the bill. I am disappointed by the amendment to the motion that has been lodged. I believe that the Parliament should send a very clear message that we will vote—

Sue Webber: Will the member take an intervention?

Katy Clark: I am not sure whether I can, because I am over time.

The Deputy Presiding Officer: You can, provided that it is very brief.

Sue Webber: The amendment will not prevent the bill proceeding, as many members across the chamber have remarked. It simply makes it clear that we have a very challenging timeline. It is practical and commonsense—that is Sue Webber all over, but never mind.

Katy Clark: The decision that is before the Parliament today is on the general principles of the bill. [*Interruption*.] The Parliament should send a clear message—the strongest message—that it supports legislative reform of the freedom of information regime. That means clearly supporting the general principles of the bill today.

The Deputy Presiding Officer: That concludes the debate on the Freedom of Information Reform (Scotland) Bill at stage 1. There will be a brief pause before we move on to the next item of business to allow for a changeover of front-bench teams.

Jamie Greene: On a point of order, Presiding Officer. I will not take up much time as there is a lot to get through this afternoon. It has become clear over the course of the debate that there is confusion about what will happen to the bill at the next stage. If the general principles are agreed to, as seems to have been suggested by members, and the reasoned amendment is also agreed to, which calls for it to be considered in the next session of Parliament rather than this session, will the bill progress to stage 2—yes or no? It is entirely unclear. I wonder whether the chair could offer some advice on that.

The Deputy Presiding Officer: I can confirm that the bill would go forward in the event of the amendment being passed. The only decision that Parliament can take at stage 1 is to vote against the general principles of the bill or to allow the bill to proceed. It is then a matter for the committee and Parliament what happens thereafter.

Business Motion

15:37

The Deputy Presiding Officer (Liam McArthur): The next item of business is consideration of business motion S6M-20818, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out a timetable for the stage 3 consideration of the Children (Withdrawal from Religious Education and Amendment of UNCRC Compatibility Duty) (Scotland) Bill. I ask members who wish to speak against the motion to press their request-to-speak button. I call Martin Whitfield to move the motion.

Sorry—I call Graeme Dey to move the motion. That instruction to allow front benches to change did not extend to you, minister

Motion moved,

That the Parliament agrees that, during stage 3 of the Children (Withdrawal from Religious Education and Amendment of UNCRC Compatibility Duty) (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limits indicated, those time limits being calculated from when the stage begins and excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended or otherwise not in progress:

Groups 1 to 3: 1 hour 10 minutes

Groups 4 to 6: 2 hours 5 minutes.—*[Graeme Dey]*

Motion agreed to.

Children (Withdrawal from Religious Education and Amendment of UNCRC Compatibility Duty) (Scotland) Bill: Stage 3

15:39

The Deputy Presiding Officer (Liam McArthur): The next item of business is stage 3 proceedings of the Children (Withdrawal from Religious Education and Amendment of UNCRC Compatibility Duty) (Scotland) Bill.

In dealing with the amendments, members should have the bill as amended at stage 2—that is, SP bill 66A—the marshalled list and the groupings of amendments. The division bill will sound and proceedings will be suspended for around five minutes for the first division. The period of voting for the first division will be 30 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate.

Members who wish to speak in the debate on any group of amendments should press their request-to-speak button or enter RTS in the chat function as soon as possible after I call the group. Members should now refer to the marshalled list of amendments.

Section 1—Pupil's involvement in decision about withdrawal from religious instruction or religious observance

The Deputy Presiding Officer: Group 1 is on the meaning and character of religious education and observance. Amendment 6, in the name of Maggie Chapman, is grouped with amendments 21, 11, 22, 22A and 24.

Maggie Chapman (North East Scotland) (Green): I begin these stage 3 proceedings by thanking the Cabinet Secretary for Education and Skills and her team for the many conversations that we have had about the bill over a very short period of time. I am grateful for that. We will come on to some of the areas of disagreement and agreement, but I want to put that on record. I am also grateful to my colleagues on the Equalities, Human Rights and Civil Justice Committee and to all the organisations that have contributed so much to the development of amendments and by giving their views on the bill.

I turn to the first group. In giving children and young people the right to withdraw, it is important that we are absolutely clear about the meaning and character of religious education. As a result of stage 2 amendments that I lodged and that were supported, children and young people will have

additional rights around withdrawal from religious observance but not religious education. We should not force children and young people into religious observance, which is also understood as worship, but it is equally important that they cannot withdraw from religious education, which is a core part of the curriculum.

As a society that respects those of all faiths or of no faith, and those who are not sure, it is important that children and young people receive education in different faith and non-faith beliefs. It is also important that they receive education to understand the diverse society in which we all live. However, in the bill, the remaining references to religious education use the original terminology of the Education (Scotland) Act 1980 of "religious instruction", which is an ambiguous phrase that could blur the important distinction between religious education and religious observance. My amendments 6 and 11 are tidying up exercises to avoid that confusion.

Amendment 22 is aimed at facilitating the exercise of the rights in the bill. Parents and pupils cannot meaningfully exercise those rights unless they know when religious observance is happening and what form it will take. Therefore, amendment 22 would require all grant-funded schools, except denominational schools, to inform parents and pupils at least 14 days before any planned religious observance in the school about the format and content of that observance and any alternative learning provision for pupils who are withdrawn. The amendment would also require an assessment of whether the information that is conveyed in any planned religious observance in the school is

"sufficiently objective, critical and pluralistic".

Amendment 22A would apply that provision to denominational schools as well.

A court judgment recently ruled that the parental right to withdraw from religious observance is a necessary but insufficient mechanism for protecting parents' and children's human rights and that the observance must be objective, critical and pluralistic. Amendment 22 would support best practice and ensure that all pupils can take part without compromise to their personal beliefs. In cases in which elements of an RO activity might not meet the criteria that the court specified—that is, if it involves asking pupils to pray, worship, sing hymns or affirm their belief in God—parents and pupils will be empowered to act in line with their conscience.

Turning to the other amendments in the group, amendment 21, which was lodged by Elena Whitham, is in the same vein and would require ministers to clarify what constitutes religious observance. I support that, in the belief that clarity is important.

I am unsure about the need for Paul O'Kane's amendment 24, and I have a question as to whether it could confuse or potentially prevent certain things later on. If we wished to amend the Education (Scotland) Act 1980 later, how would his amendment interact with that? I would be grateful if the member could address those points now or in his contribution.

Paul O'Kane (West Scotland) (Lab): I will, of course, refer to much of what Maggie Chapman described in my contribution in this group, so I do not intend to detain the chamber in that regard.

However, Maggie Chapman has made a number of assertions in her speech thus far, and I want to point out to her that, as we referred to at stage 2, there is a clear difference between denominational and non-denominational schools, in terms of religious education and religious observance.

As I said to Maggie Chapman at stage 2, I can understand where she is coming from on decoupling religious education and religious observance in a non-denominational setting, but does she understand and respect that RE and RO in a denominational setting are intrinsically linked, which would mean that some of what she is trying to do would actually be very difficult to implement in a faith school?

15:45

Maggie Chapman: I disagree. RE and RO do not have to be intrinsically linked, even in a denominational school. They might be, but they might not be.

Paul O'Kane: Tomorrow is Ash Wednesday, which is a good example. In Catholic schools across the country, children will learn about Lent. They will learn about it in an academic sense, probably write down what they will do for Lent and likely write a prayer to help them do that. They do all that in an RE class, but it is also RO. Does Maggie Chapman recognise that that is what I am talking about?

Maggie Chapman: In his contribution, Paul O'Kane separated the two things out. Learning about one thing is not the same as practising it, which is what we need to be clear about. It is what young people and their parents have told us that they want clarity about.

My amendments in the group, along with Elena Whitham's, would provide clarity by defining what constitutes religious observance, which helps us as legislators to understand the definition and ensures that parents, young people, children and

schools are clear about the different elements and know how to treat them. As Paul O'Kane might accept, those lines might be fuzzy or blurry, but there is a distinction between observance and education.

The Scottish Greens whole-heartedly support the role that religious education plays in any curriculum, but particularly in helping children to understand the diversity of the society in which we live. I ask members to support my amendments.

I move amendment 6.

Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP): I will restrict my comments to my amendment 21. I also declare an interest as a member of the Humanist Society Scotland.

Amendment 21 would place a duty on Scottish ministers to issue statutory guidance that sets out the "meaning of religious observance" for the purposes of the bill. It would also require the statutory guidance to be published within 12 months of the commencement of the new guidance provision. The amendment reflects calls for clarity on the meaning of religious observance after stage 2, when religious observance and religious and moral education were separated in the bill and the parental right to withdraw was limited to apply only to religious observance.

Amendment 21 also responds to the concerns that were raised about instances of non-inclusive religious observance in non-denominational settings, most notably by Humanist Society Scotland in its "Preaching is not Teaching" report. Ministers preparing the guidance would therefore be required to consider the

"importance of inclusiveness in the content and delivery of religious observance".

That would support schools in ensuring that all pupils can participate in a way that respects their personal beliefs, while promoting a time-for-reflection approach.

Recognising the distinct context of religious observance in denominational schools, the amendment specifically includes representatives of denominational schools, alongside "operators of schools" and those who represent the interests of parents, pupils and teachers, as mandatory consultees. That would help to ensure that the guidance is workable and appropriate across all school types.

The requirement for ministers to publish the guidance within 12 months of the section's commencement reflects the importance of the guidance in providing clarity for schools, pupils and parents on how the changes in the bill should be implemented. I encourage members to support amendment 21.

Paul O'Kane: I add my thanks to all those who have been involved in the bill process. Scotland has a long tradition of providing parents and families with the option to send their children to denominational education in a setting that they choose. Much of that stems from a long history—it is more than 100 years since the Education (Scotland) Act 1918 brought Catholic schools into the state sector, which created a fairly unique social contract in Scotland. Colleagues will be glad to know that I will not re-rehearse all the reasons for that this afternoon, but the difference in provision stems from a time when there were certain prejudices about the Catholic community—particularly the working-class Irish Catholic community—in Scotland. It is important that, at the outset of our debate this afternoon, we recall that heritage, that history and the importance of the place of those schools in our public life.

That was followed by denominational schooling in the Episcopalian church and the establishment of our Jewish school, Calderwood Lodge primary school, in East Renfrewshire, which I know very well. Therefore, it is fair to say that, for at least 100 years, there has been denominational education in the state sector, which is provided by our local authorities in conjunction with religious bodies.

Amendment 24 seeks to reiterate the Parliament's commitment to the story of faith education and denominational schooling in Scotland. It also responds to the serious concerns that have been raised about the lack of direction that the bill sets. Amendment 24 would set out in the bill the Parliament's continued support for the role, place and function of denominational schools—most notably, Catholic schools, which account for the overwhelming majority of denominational school settings in Scotland. It would put beyond doubt that any provisions in part 1 of the bill would not infringe on or negatively impact section 16 or 21 of the Education (Scotland) Act 1980 or section 18 of the Education (Scotland) Act 1918, which established the right for denominational provision to exist and set out the powers, functions and responsibilities relating to the operation of such schools.

Amendment 24 responds clearly to concerns that the bill, or other amendments that we are considering today, would put into question the long-accepted settlement on denominational education in Scotland. In particular, I note the concerns that the Scottish Catholic Education Service has raised about amendments 6 and 11, which would change the terminology in statute from "religious instruction" to "religious education".

When I intervened on Maggie Chapman, we had a brief exchange about how complicated the issue is in many ways, and there is perhaps a lack of wider understanding of how these things operate

in practice. I note that concerns have been raised that that change in nomenclature would weaken the protections that are in place that recognise that religious observance and religious education are inherently linked in a faith school. I simply put the point to Maggie Chapman that it is very difficult to separate those two things, particularly in a faith school. In a religious education class, there will be moments when the lesson goes into religious observance, so it is not simple to separate the two.

John Mason (Glasgow Shettleston) (Ind): I take Paul O'Kane's point that the two are interlinked just now. Is he arguing that the two have to be interlinked, or could they be separated?

Paul O'Kane: Mr Mason makes a fair point. I am arguing that the two should be interlinked. My understanding from my own education is that the two things are interlinked for a very strong purpose, which is about the unique ethos of a Catholic school being about both practice of someone's faith and learning about faith in an academic sense.

Going down the road of trying to separate religious observance from religious education in a denominational setting would be extremely problematic. It would also be hard to do, particularly in a Catholic school, although, from what I understand of Calderwood Lodge, having been there, I think that that would also be true of Jewish schools. The two things are interlinked. The link is probably more acute in the primary sector. In Catholic schools, children are taught how to prepare for their sacraments in an RE lesson, but that will involve an element of practice, as Mr Mason will understand. I do not think that the two things should be decoupled in such settings, and it would be very difficult for them to be decoupled in practice, if the Government chose to go down that road.

As I have said, narrowing the definition of RE in a faith school to, extensively, interpretations in the academic curriculum could lead to more problems than are being anticipated. As I said to Maggie Chapman at stage 2, I understand the desire to separate the two elements in a non-denominational setting, because I understand the academic value of religious, moral and philosophical studies compared with what religious observance looks like in a non-denominational school. However, I do not think that we can compare the two settings, because they work in different ways. For those reasons, we will not support Maggie Chapman's amendments.

We have concerns about amendment 21, in the name of Elena Whitham, because, although guidance on RO would be welcome, some of the text of the amendment suggests that it might lead to the deletion of ethos and nature within denominational settings, which I have referred to already. There would need to be strong assurances that it would not be used as a pretext to constrain or interfere with the ethos of faith schools.

I am conscious of time so early on in the debate, but I might just reflect on some of the information that was provided by the Bishops Conference of Scotland, which said:

"The inclusion of denominational schools in the state system in Scotland continues to be an example of a diverse, pluralistic, democratic education system in action."

The statement also pointed out:

"Religious Education gives knowledge of faith, while Religious Observance is the living expression."

That points to how those two things are interlinked in the denominational sector.

It is for those reasons that I urge members to support amendment 24, to make a clear statement about the value of faith schools in society and to affirm our commitment to their long-standing place and their future.

Stephen Kerr (Central Scotland) (Con): I will limit my remarks to amendments 22 and 22A, on requiring schools to provide parents and children with detailed information about planned religious observance at least 14 days in advance. That information must include not only the format and content but the assessment of whether the observance is

"sufficiently objective, critical and pluralistic".

I begin by saying that transparency is not the problem. It is right that parents should understand what is happening in their child's school, and it is right that observance should be inclusive and respectful. I do not think that anyone disputes that, but amendment 22 would go much further than transparency. It would introduce into primary legislation a formalised statutory test that misunderstands what religious observance is. Observance is not a classroom lesson in comparative religion. It is not an academic seminar. It might be reflective or devotional. In denominational settings, it is part of the faith character that parents have consciously chosen. To require schools to certify in advance that observance is sufficiently objective, critical and pluralistic is to apply a secular analytical framework to something that is not designed to function in that way. That is not a small drafting point—it is a conceptual mistake.

There is also a question of proportionality. We do not require 14-day statutory reports for assemblies, commemorations, themed events or visiting speakers. We do not require advanced legal assessments of whether those events meet

an abstract standard. Why, then, single out religious observance for that level of prescription?

Amendment 22A would extend that requirement to denominational schools. That raises an even more serious issue. Parents who enrol their children in a denominational school do so in the full knowledge of its ethos. To subject those schools to a statutory objectivity test risks eroding the distinctive character that the Parliament has long recognised and protected. There is a difference between accountability and control. There is a difference between guidance and rigid statutory prescription. If further clarity is needed about the meaning of observance, guidance is the proper vehicle. Schools need flexibility; they do not need another layer of bureaucratic reporting embedded in statute.

The bill already seeks to narrow the parental conscience clause by removing the right to withdraw from religious and moral education. I happen to agree with that. It already seeks to introduce a new formal process around observance. In that context, we should be cautious about layering on additional statutory burdens that risk confusion, inconsistency and unnecessary administrative strain.

Matters of conscience and faith require careful handling. We should legislate with balance. That means respecting children's voices but also respecting parental choice and the integrity of different school types in our system. For those reasons, although I understand the intention behind them, I cannot support amendments 22 and 22A.

Pauline McNeill (Glasgow) (Lab): I will make a short contribution in support of amendment 24, in the name of Paul O'Kane. We are debating legislation on the right of a child to withdraw from religious education, but it is important that that does not undermine the ethos of denominational schools. If we ask any headteacher what is successful about those schools, they will say that their entire ethos is about the discipline and character of that school and that, without that, they would not be as successful.

The 1918 act is a key piece of law for Catholic education, which is enshrined in our education system. The 1918 act corrected historical inequalities, and it is important to note that that is one of the things that it does.

We have a highly successful Catholic education system. It is part of a modern system that reflects the minority character of the Catholic community while giving choice to all parents regardless of their religious background. I think that that is right for a modern Scotland.

16:00

This is what I want to say to the Government—although I have obviously not yet heard the Government's argument. The Government must recognise that there have been periodic attempts to eradicate or remove Catholic schools from the education system. I have had many letters over 20 years, and that point has been argued by the Humanist Society and others. Everyone has their view. I do not have any criticism of the Government in this regard but, if the Government recognises that that has happened, then, for the avoidance of doubt, we must ensure that the right of the child that we are dealing with today does not undermine that ethos in any way. It is imperative that nothing in the bill does that.

I would like to hear what the Government has to say about that. I do not see why the Government would be opposed to amendment 24. As I have said, the 1918 act is a very relevant piece of legislation. I would be interested to hear what the Government has to say. I will strongly support amendment 24 for the reasons that I have set out.

The Cabinet Secretary for Education and Skills (Jenny Gilruth): As we have heard this afternoon, Maggie Chapman's amendments 6 and 11 would replace references to "religious instruction" with the term "religious education" in section 8 of the Education (Scotland) Act 1980.

I understand that concerns have been expressed at use of the word "instruction"—a point that I recently discussed with the Humanist Society. National guidance has long been clear that religious and moral education is expected to cover learning from a range of faiths and world-views, including beliefs independent of religion, in an objective manner.

I discussed the amendments in this area with the Scottish Catholic Education Service last week and, as we have heard this afternoon, it expressed concern regarding the perceived impact on denominational schools in particular, including on learning outwith the classroom. In practice, the term "instruction" in the 1980 act has long been understood to mean teaching or education, and it appears throughout the 1980 act, including in contexts entirely unrelated to religion.

There are currently 27 uses of the term "instruction" in the 1980 act as it would stand after the passing of the bill. The amendments would update only a fraction of the references in the act, and they would leave references to "religious instruction" in other sections unchanged—including in sections dealing with the management of denominational schools, for example.

While it might be fair to say that the terminology is somewhat outdated, especially given modern curriculum practice, the amendments risk creating

inconsistency and uncertainty in how the legislation should be interpreted. They might create an argument that "religious education" and "religious instruction" are two substantially different things under the 1980 act, which of course is not the case.

Graham Simpson (Central Scotland) (Reform): I genuinely want the cabinet secretary's help here, because my decision hinges on what she understands by the word "instruction", as opposed to what she understands by the word "education". Is she arguing that, legally, the two are the same? I genuinely still have to decide how I am voting on this point. We could easily think that the word "instruction" means religious observance. We could equally think that it means education. I genuinely want some advice—a steer—from the cabinet secretary.

Jenny Gilruth: I accept Mr Simpson's question and I recognise some of his concern. There is dubiety on that point from some stakeholders, as I have set out, and I have also made the point that the term appears in the legislation—in the 1980 act—a total of 27 times, I think. There would be incoherence in amending the 1980 act at this stage, although I recognise some of the concerns that have been voiced to that end.

There is a great degree of complexity contained in the 1980 act, with the long-standing meaning attached to its terminology, which Mr Simpson rightly raises, but changes of this nature would require much more thorough consideration across the 1980 act to avoid unintended consequences.

For those reasons, I cannot support amendments 6 and 11.

Amendment 21, in the name of Elena Whitham, would require ministers to provide statutory guidance on the meaning of religious observance. I am very glad that we have worked with Ms Whitham on her amendment, which responds to concerns raised following stage 2 changes that separated religious observance and religious and moral education so that the parental right to withdraw would apply only to religious observance.

As members might know, and as we have heard from Mr O'Kane and other members this afternoon, there is a close relationship in denominational schools between religious education and religious observance. By providing a duty for ministers to issue guidance on the meaning of religious observance in schools, amendment 21 will ensure that clarity will be provided for schools, pupils and parents regarding where the right to withdraw continues to apply and where it does not.

Amendment 21 will require that ministers consider the importance of inclusiveness in the content and delivery of religious observance when preparing the statutory national guidance. That will support schools in ensuring that all pupils can participate in religious observance without contravening their personal beliefs. Recognising the particular context of religious observance in denominational schools, amendment 21 explicitly includes as mandatory consultees those who represent the interests of denominational schools, alongside education authorities and managers of grant-aided schools, to ensure that the guidance works for both denominational and non-denominational settings.

Amendment 21 will also require that the guidance be published within 12 months of the section being commenced, reflecting the importance of the guidance in providing clarity for schools, parents and pupils regarding the implementation of the changes. For all those reasons, I invite members to support amendment 21.

Maggie Chapman's amendment 22 would require non-denominational schools to provide pupils and parents with details of the "format and content" of religious observance at least 14 days in advance—as we have heard from members today—alongside an assessment of whether religious observance activities are

"sufficiently objective, critical and pluralistic".

Amendment 22A would apply those requirements to all public and grant-aided schools, instead of only non-denominational ones. Schools are already required by the school handbook regulations to provide information on the form and content of religious observance and on the arrangements for withdrawing a pupil. The introduction of a duty to provide an assessment of whether those activities are sufficiently objective, critical and pluralistic would place a significant administrative burden on schools, which I think is the point that Stephen Kerr made earlier.

We already expect schools to provide only activities that they believe to be sufficient in that regard, in line with the existing guidance. The new statutory guidance to accompany the implementation of the bill will highlight the expectation that religious observance is inclusive, as well as how that might look in practice. In developing the guidance, we will engage with schools and other interested parties to determine what further support might be appropriate to ensure that religious observance is consistently and sufficiently inclusive of those of all faiths and no faith.

Martin Whitfield (South Scotland) (Lab): The cabinet secretary is talking about the guidance. What thought has been given to the depth of the guidance? As former teachers, she and I will both

have received guidance in the past, so we know that, sometimes, it goes to the nth degree on how something is delivered, whereas other guidance contains just top-line phrases that, in times past, during in-service training days in particular, we might have struggled to implement.

Jenny Gilruth: I am sure that Mr Whitfield and I both have fond memories of the many in-service training days that we spent as teachers. I draw his attention to amendment 21, in which, under the requirement in proposed new section 9C(5)(a) of the 1980 act,

"Ministers must publish guidance issued under subsection (1) … within … 12 months".

That speaks to the broader point of the requirement to consult the mandatory consultees who are also stipulated in Elena Whitham's amendment 21. I hope that that gives him some degree of comfort.

For the reasons that I have set out, I cannot support amendments 22 and 22A. I would, however, be happy to consider looking at how the school handbook regulations might be updated alongside the development of the accompanying guidance, to ensure that parents and pupils get that important information in relation to religious observance and their associated rights that sit alongside that, so that they can make informed decisions accordingly.

Paul O'Kane's amendment 24, which we have heard commentary about from members this afternoon, provides that the changes that will be made to the 1980 act by part 1 of the bill would have no effect on

"section 16 or 21 of the Education (Scotland) Act 1980"

or on

"section 18 of the Education (Scotland) Act 1918."

The amendment therefore includes reference to a provision that has not been law for more than half a century. It might create a level of confusion by giving the false impression that the modifications will, in some way, affect those or other unreferenced provisions in legislation, which they will not.

However, I appreciate that amendment 24 likely aims—as we have already heard this afternoon—to give reassurance in response to concerns from the denominational sector that the bill will undermine the existing protections for denominational schools. To reassure Pauline McNeill and other members, I again put on the record the fact that the Government remains unequivocal in its support for denominational schools. We very much recognise the vital role that those schools play, in relation to religious observance and religious education in those settings. That will be evident in the Government's position on a number of amendments that will provide clarity, and it will also have been evident from my consistent engagement with the Scottish Catholic Education Service throughout the passage of the bill. I again say that SCES will, of course, be part of the mandatory consultation that is set out in Elena Whitham's amendment 21.

Paul O'Kane: Notwithstanding the cabinet secretary's technical point about amendment 24, she seems to want to accept it in spirit. Will the Government support that amendment today and will it put clearly on the record, for the avoidance of doubt, that those two pieces of legislation are supported? This is the moment for Parliament to do that in our modern context by using an avoidance of doubt amendment, which I think is important.

Jenny Gilruth: I very much appreciate the sentiment behind amendment 24. I make Mr O'Kane aware that I discussed the content of that amendment with the Scottish Catholic Education Service only last week and that I raised some of our concerns about the anomalies that might arise as a result of the way in which the amendment has been drafted.

The Government's preference is for members to, instead, support amendment 21, which allows for guidance to be issued and puts into statute the requirement for denominational schools, including those belonging to the Scottish Catholic Education Service, to be consulted on that guidance. The guidance that currently exists is not statutory in nature, which means that amendment 21 would arguably give further clarity and protection through legislation.

Paul O'Kane: The cabinet secretary supports amendment 21. Does she also recognise that the Scottish Catholic Education Service has suggested that the proposals that RO should be

"sufficiently objective, critical and pluralistic"

have the potential to create ambiguity and to be open to interpretation or to potential challenges about the denominational nature of education in Catholic schools?

Jenny Gilruth: I am not sure I would go as far as to recognise all of that critique, but I have discussed some of the challenges with SCES and directly with Barbara Coupar in relation to how the bill will operate in Catholic schools. Mr O'Kane will recall that my former employment, before I became an MSP, was in a Catholic school and I very much recognise that the division between RO and RME is inherent to the culture and faith within Catholic schools. Any work will need to be undertaken in a sensitive manner and done directly with SCES, which is included under the

mandatory consultees that are set out Elena Whitham's amendment 21.

That is how the system currently operates and that is provided for in national guidance, so there has been no change in that respect. I encourage members to support amendment 21, which allows guidance to be issued.

Pauline McNeill: I did not understand what you meant, cabinet secretary, when you spoke about the 1918 act. It is a century old, but it is still the law. It does not really matter how old that act is, and we have laws that are much older than that. The 1918 act is really important for denominational education, so can you clarify whether that is the source of your technical problem with the amendment? Do you accept that it is still the law?

The Deputy Presiding Officer: Always through the chair.

Jenny Gilruth: The point that I was making is one that I have discussed with SCES. There is an issue in relation to drafting. I would have preferred it if Mr O'Kane and I had been able to work together on an amendment on the issue, but, although he and I met and discussed the point, that was not the case in the end.

There is a risk here of creating confusion or of creating a false impression that modifications in the bill will, in some way, affect legislative provisions that they do not actually affect. The bill will not affect denominational education in the way that the member suggests. However, I appreciate Mr O'Kane's point about the concern expressed by the sector, which is why I have spent a great deal of time engaging directly with the Catholic Education Service. We will come to this in a later group of amendments, but that is also why my officials have been engaging directly with SCES and with schools in relation to how the statutory guidance will be adopted and taken forward. All of that will be undertaken in conjunction with SCES and with the Catholic church more broadly, which is stipulated as a mandatory consultee.

I ask members to vote against all the other amendments in group 1, because although they are, as we have heard, well intentioned, they are unnecessary and likely to create confusion in our legislation.

16:15

Maggie Chapman: My amendments 6 and 11 seek to clarify the terminology and help to modernise the language in the 1980 act. Religious instruction is often considered to be the same as religious observance. My amendments would clarify that by replacing "instruction" with the term "education", helping to avoid that confusion or conflation.

Amendment 11 would clarify the language on the removal of the parental opt-out from RME as a classroom subject, which we agreed to at stage 2. To address the cabinet secretary's concern about unintended consequences, I note that the amendment refers only to section 8 of the 1980 act, but I appreciate that that may not be enough to sway the Government.

Amendment 22 would require non-denominational schools to provide pupils and parents with information about RO, including its format and content. That is not a mistake, as Stephen Kerr seemed to suggest. It is intentional.

Stephen Kerr: To be clear, I did not say that it is a mistake. I said that it was a technical issue. I hope that Maggie Chapman accepts that.

Maggie Chapman: I think that I heard the word "mistake", but I accept what Stephen Kerr has now said in his intervention.

Amendment 22 would support children's rights under articles 12 and 13 of the UNCRC—article 12 contains the right to be heard and article 13 contains the right to information—by ensuring that children have the information that they need to make informed and clear decisions. Obviously, schools should ensure that the information is provided in formats that are accessible to children and young people and their families.

Amendment 22A would go further, clarifying that all public and grant-aided schools should be subject to the duty to provide information.

I appreciate the cabinet secretary's comments about the guidance for schools on the matter, but we heard in committee that the guidance is not always clear and that, when it is clear, it is followed with very variable degrees of felicity across the country. However, I am grateful for her comments about her preparedness to look at the handbook in future to see whether we can get a little more clarity.

I press amendment 6.

The Deputy Presiding Officer (Annabelle Ewing): The question is, that amendment 6 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division. As this is the first division at stage 3, I will suspend the meeting for about five minutes to allow members to access the digital voting system.

16:16

Meeting suspended.

16:22

On resuming—

The Deputy Presiding Officer: We will now proceed with the division on amendment 6. Members should cast their votes now.

Jenny Gilruth: On a point of order, Presiding Officer, my app would not connect. I would have voted no.

The Deputy Presiding Officer: Thank you, Ms Gilruth. Your vote will be recorded.

For

Burgess, Ariane (Highlands and Islands) (Green)
Chapman, Maggie (North East Scotland) (Green)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Greene, Jamie (West Scotland) (LD)
Greer, Ross (West Scotland) (Green)
Harvie, Patrick (Glasgow) (Green)
Mackay, Gillian (Central Scotland) (Green)
Mason, John (Glasgow Shettleston) (Ind)
McArthur, Liam (Orkney Islands) (LD)
Rennie, Willie (North East Fife) (LD)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Slater, Lorna (Lothian) (Green)
Thomson, Michelle (Falkirk East) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Baker, Claire (Mid Scotland and Fife) (Lab)
Balfour, Jeremy (Lothian) (Ind)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dowey, Sharon (South Scotland) (Con)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Duncan-Glancy, Pam (Glasgow) (Ind)
Eagle, Tim (Highlands and Islands) (Con)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Neil (Airdrie and Shotts) (SNP)
Griffin, Mark (Central Scotland) (Lab)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Harper, Emma (South Scotland) (SNP)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hoy, Craig (South Scotland) (Con)
Hyslop, Fiona (Linlithgow) (SNP)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Lochhead, Richard (Moray) (SNP)
Lumsden, Douglas (North East Scotland) (Con)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Marra, Michael (North East Scotland) (Lab)
Martin, Gillian (Aberdeenshire East) (SNP)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
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)
Mochan, Carol (South Scotland) (Lab)
Mundell, Oliver (Dumfriesshire) (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)
Ross, Douglas (Highlands and Islands) (Con)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Simpson, Graham (Central Scotland) (Reform)
Smith, Liz (Mid Scotland and Fife) (Con)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Sweeney, Paul (Glasgow) (Lab)
Swinney, John (Perthshire North) (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)
White, Tess (North East Scotland) (Con)
Whitfield, Martin (South Scotland) (Lab)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Whittle, Brian (South Scotland) (Con)
Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division on amendment 6 is: For 14, Against 102, Abstentions 0.

Amendment 6 disagreed to.

The Deputy Presiding Officer: Group 2 is on process following receipt of parental withdrawal request. Amendment 1, in the name of Stephen Kerr, is grouped with amendments 2 to 5 and 19. I point out that, if amendment 19 is agreed to, I cannot call amendment 20, which is to be debated in the group on a pupil's right to withdraw from religious observance, due to pre-emption.

Stephen Kerr: For clarification, what I said to Maggie Chapman in the context of my remarks was that applying a secular analytical framework to something that is not designed to function in that way is not a small drafting point; it is a conceptual mistake, which is my polite way of saying that I do not think that it is understood.

Group 2 is at the heart of how the legislation will operate in practice. The new section 9A that the bill proposes to insert into the 1980 act establishes a formal process once a parent requests withdrawal from religious observance. That framework is now set out clearly in the bill as amended at stage 2. It requires operators to inform the pupil and invite their views and, if the pupil objects, to refuse the parental request. That is a significant constitutional and educational shift—it alters the balance between parental authority, institutional responsibility and the child's developing autonomy.

My amendments in this group seek not to undo that framework, but to ensure that it is workable, legally coherent and fair in its consequences. Amendment 1 addresses an issue that should concern every member of the Parliament: what actually happens to the child once withdrawal takes place? If we are going to formalise a process by which some pupils are withdrawn from religious observance, the statute must guarantee that those pupils are not educationally sidelined.

The bill currently protects against disadvantage in terms of secular instruction, but it does not explicitly guarantee purposeful alternative activity during the period of withdrawal. Amendment 1, therefore, would place a clear statutory duty on the authority or managers to provide

"suitable and purposeful educational activity".

Amendments 2 to 4 turn to the question of maturity and capacity. Proposed new section 9A, as drafted, states that a

"pupil is to be presumed to be capable of forming a view unless the contrary is shown."

In abstract terms, that sounds child centred; in practical terms, it places schools in a difficult and potentially adversarial position. The bill now creates a process by which, if a pupil objects, the parental request must not be given effect. That is not simply consultation; it is determinative.

In such circumstances, Parliament must be precise about thresholds. Amendment 2 clarifies that it is a

"pupil 16 years of age or older"

whose position carries that determinative weight.

John Mason: Will the member give way?

Maggie Chapman: Will the member give way?

Stephen Kerr: I give way to John Mason.

John Mason: Speaking—it is interesting to note—as one religious member to another, does the member not think that 16 is a bit on the high side? I would have accepted it if he had said that the threshold should be at secondary 1 stage or maybe somewhere in between, but 16? We allow young people at 16 to do a lot of things. Surely, below 16 they should be able to opt out of religious observance.

Stephen Kerr: Actually, John Mason makes my point for me—16 is not an arbitrary number. In Scots law, it marks a recognised threshold of legal capacity—

Alex Cole-Hamilton (Edinburgh Western) (LD): Will the member take an intervention?

Maggie Chapman: Will the member give way?

Stephen Kerr: It is the age at which young people acquire significant rights and responsibilities.

I give way to Alex Cole-Hamilton.

Alex Cole-Hamilton: I am grateful to Stephen Kerr for giving way; I have pressed my button to speak in this group on this particular issue. We have a range of ages of majority, as laid out by this Parliament. At the age of 12, a person's medical consent is sought and they are deemed to have capacity in medical decisions made about their body. The age of criminal responsibility is much lower than 16—in fact, the Scottish Conservatives have resisted an increase in that regard. I therefore ask him to explain those inconsistencies to the Parliament and say why he is bringing this one forward.

Stephen Kerr: Alex Cole-Hamilton is asking me to explain the inconsistencies of legislation for which the Parliament is responsible. I would like there to be less inconsistency in these areas; unfortunately, we live with these inconsistencies, and that is why I have lodged amendment 2 to set 16 as the age. I recognise what Alex Cole-Hamilton says, and I sympathise with his point of view about the confusion that exists around these matters. I wish that there was some clarity.

Maggie Chapman: I wonder whether Stephen Kerr is able to tell members whether he thinks that children under the age of 16 can make any

decisions for themselves and therefore would be considered to have capacity in this regard. The UNCRC—which his party has agreed to incorporate in Scots law—is quite clear that children and young people should be assumed to have capacity unless it is proven otherwise. The bill as it stands is consistent with that. His amendments would put the bill at odds with that principle.

16:30

Stephen Kerr: Maggie Chapman is asking me whether I believe that children under the age of 16 can make their own decisions. As the father of four children, I assure members that children do have the capacity, in many instances, to make decisions for themselves. This issue happens to fall under an area that is covered by the 1980 act and deserves our careful scrutiny. In Scots law, the age of 16 is a recognised legal threshold for capacity. It is an age at which young people acquire, as I said a moment ago, significant rights and responsibilities under law. That is not the same as the issue that Maggie Chapman raised in her question. Aligning the bill with existing legal architecture is not restrictive—it is coherent.

I turn to amendment 3, which would replace the phrase "be capable of forming" with

"have the maturity to form".

That shift is deliberate. Capability suggests a minimum cognitive ability. Maturity recognises emotional development, contextual understanding and the capacity to appreciate consequences. It is not semantic refinement. It is a more accurate articulation of what Parliament must mean if the child's view is to override their parents' statutory right.

Martin Whitfield: With a move from "capable of forming" to "have the maturity", is Mr Kerr not shifting from an objective assessment to a subjective assessment? He is seeking to shift the judge—to shift who decides that.

Stephen Kerr: Any decision on the maturity and emotional development of a child is an on-going subjective decision that is reviewed continually in the light of their development, which is highly individual, as I know and Martin Whitfield knows only too well.

It is important that we have clarity around the articulation of what Parliament means. I repeat this point, because it is important. The bill would mean that a child's view would override a parent's statutory right. That is why we require careful scrutiny of amendment 3 at this stage in the bill's progress.

Amendment 4 would establish a presumption that a pupil under the age of 16 is not to be treated as having the maturity to form such a view

"unless the contrary is shown".

That is not a blanket exclusion—it preserves flexibility. Where a younger child demonstrably possesses unusual maturity, the presumption can be rebutted, but the amendment would prevent the default position from becoming automatic opposition to their parent's request. That is the whole point of the bill.

Throughout our scrutiny of the bill, I have emphasised that the UNCRC speaks of "evolving capacities". It does not erase parental responsibility. Article 5 recognises

"the responsibilities, rights and duties of parents … to provide … appropriate direction and guidance".

If the bill is to claim UNCRC alignment, it must respect that dual principle. My amendments restore balance without denying the child's voice.

Amendment 5 is equally fundamental. It requires that operators "act impartially" and do not "seek to influence" the pupil's views. If the school is required to inform the pupil of the request and of the right to object, that communication must be neutral. It must not be framed in a way that steers the pupil towards objection, nor should it minimise the seriousness of the parental decision. Schools are trusted institutions. Parents must have confidence that they are not entering a process in which their child will be subtly encouraged to contradict them. Without explicit statutory impartiality, we risk creating a dynamic in which the school becomes an active participant in a dispute rather than an honest broker. That would be unfair to families and to teachers.

Against that background, I have serious reservations about amendment 19. A statutory duty to issue guidance on the withdrawal process may appear sensible, but we are being asked to endorse guidance that we have not seen, in an area that already places teachers in a sensitive and potentially invidious position.

Guidance can provide clarification, expand expectations and reshape practice. If the bill will already formalise a process that many people believe goes further than is necessary, layering additional statutory guidance without clear parameters risks compounding that shift. Teachers are educators; they should not be routinely drawn into adjudicating family disagreement on matters of conscience. Before granting ministers further influence over how this delicate process is conducted, the Parliament should be confident that such guidance will reinforce restraint, not extend intervention.

My amendments are principled and carefully framed. They would respect children's voices while preserving parental responsibility, provide schools with clearer statutory guidance and reduce the risk of an inconsistent application of practice across Scotland. If we are to legislate in this sensitive space of conscience, family life and education, we must do so with seriousness and balance. My amendments would help us to do exactly that, and I commend them to the Parliament.

I move amendment 1.

Elena Whitham: Amendment 19 addresses calls from several stakeholders for clear guidance on the implementation of the changes that are proposed in part 1 of the bill.

The amendment would change the existing ministerial power to issue statutory guidance to a duty to do so. It would also introduce further requirements relating to the content of the guidance, the consultation process that must underpin its development and the arrangements for its publication.

Amendment 19 sets out the core areas that the statutory guidance would have to cover. Those areas reflect many of the issues that were raised during stage 2, including:

"(a) the process for considering a request for withdrawal from religious observance,

(b) support available to pupils and parents about the process,

(c) assessing whether a pupil is capable of forming a view about a request,

(d) handling of discussion between pupils and parents about a request."

The amendment would also establish a list of mandatory consultees with whom ministers must engage when preparing the guidance.

Amendment 19 sets out a clear timescale within which the Scottish ministers would have to issue the guidance, stipulating that it must be published within a year of the commencement of the relevant provisions. That is intended to prevent delays in providing much-needed clarity for schools, pupils and parents.

Paul O'Kane: I will speak briefly about the amendments in this group, particularly amendment 19 in the name of Elena Whitham. Given the significant changes that the bill would bring and the new position in which it would put schools, of effectively needing to arbitrate between parents and children on issues of faith or conscience—things that are often deeply personal and private—it is important that schools are given clear guidance on how the processes envisaged in the bill would operate, and that must be done in a timely manner. Therefore, the detail underlying the amendment and the commitment to the production of guidance in short order are key points; it is worth putting that on the record. The whole Parliament would welcome seeing a final version of the guidance.

Pam Gosal (West Scotland) (Con): I have raised several concerns regarding the Children (Withdrawal from Religious Education and Amendment of UNCRC Compatibility Duty) (Scotland) Bill in committee, in the stage 1 debate, in the debate on stage 2 amendments and while meeting the Cabinet Secretary for Education and Skills.

I put on the record that my issues of concern are the possibility of parents being overruled, increased pressure being placed on teachers, and the danger of a precedent being set. For example, controversial organisations such as LGBT Youth Scotland are already entering schools, including primary schools, to deliver material that many parents believe advances a political agenda.

That being said, I welcomed meeting the Cabinet Secretary for Education and Skills last month. Although that meeting did not lessen any of my concerns, I was pleased to hear that the guidance will cover issues such as the age of legal capacity and how conflict between parents and pupils will be managed. However, as we know all too well, the devil will be in the detail. As we have not yet seen the guidance, I cannot support the bill. Instead, I welcome the amendments from my colleague Stephen Kerr, which include vital safeguards and recognise that pupils under 16 may lack the maturity to form an informed view.

Ross Greer (West Scotland) (Green): Will Ms Gosal take an intervention?

The Deputy Presiding Officer: Ms Gosal has finished her contribution.

Alex Cole-Hamilton: As I hinted to Stephen Kerr in my earlier intervention, I now rise primarily to speak to amendment 2 and his attempt to introduce 16 as the age of presumed maturity in making decisions in this matter.

Stephen Kerr freely admits that we, as a Parliament and a country, are inconsistent about the age at which we recognise maturity and offer autonomy to our children and young people. That has come from a very considered space in some regards. I raised the example of health matters, in which 12 is the age at which consent will be sought for medical processes and procedures.

The age of criminal responsibility in this country was raised to 12 by legislation in the previous session of Parliament. I lodged amendments that sought to raise it higher—to 14 and to 16 for various purposes—but it was, in large part, down

to Mr Kerr's party that the Parliament rejected both my amendments and left us with an age of responsibility that is lower than those in Russia and China.

In relation to that piece of legislation and the age of criminal responsibility, the Conservatives attested that it was about understanding right from wrong. Surely the assessment of—

Stephen Kerr: Will the member give way?

Alex Cole-Hamilton: I will give way in a minute, but I want to make the point that understanding right and wrong and what sits well with people's conscience is absolutely at the heart of the debate today. We cannot, on the one hand, recognise young people's maturity in knowing the difference between right and wrong, or what sits well with their conscience in relation to criminal acts, but, on the other, deny them the same recognition when it comes to matters of faith. That is a fundamental inconsistency, and, for that reason, I believe that Stephen Kerr's amendment is fundamentally flawed.

Stephen Kerr: I respect Alex Cole-Hamilton's point about the inconsistencies—after all, we have to deal with a variety of ages in this regard. However, does he not accept that the issue here is a matter of family life and the rights and responsibilities of parents? Surely that places a different shade on the matter than the approach that he is taking.

Alex Cole-Hamilton: I welcome that important intervention, which gets to the very heart of this debate. Yes, there will always be tensions between the rights of groups in our societies. In this case, we are talking about the tensions between rights as a parent and the rights of the child. However, the Parliament has unanimously agreed to our commitment to incorporate the United Nations Convention on the Rights of the Child into Scots law. Stephen Kerr's party voted unanimously in favour of that.

Stephen Kerr: I think that I made it clear in my remarks that the UNCRC recognises the roles and responsibilities of parents and the evolving nature of the autonomy of a child.

Alex Cole-Hamilton: The UNCRC offers us a blueprint as to how to navigate the tensions between those rights. Everything in the bill strengthens our compatibility with the UNCRC, so I do not accept that raising to 16 the age at which children are afforded the agency to make decisions on the matter will somehow ameliorate the tensions between those rights.

This comes back to what sits right with people's conscience. I wish it were otherwise on the age of criminal responsibility, but if we, as a Parliament, recognise that children have the maturity, and afford them the opportunity, at the age of 12, to make decisions on what is right and wrong when it comes to criminal acts, I do not see why we should suggest that they lack the ability to say what sits right with their conscience in matters of faith.

Graham Simpson: I hate to say this to Stephen Kerr, but he has got some of this wrong. On the issue of age, and particularly the age at which children are able to form a view, it is just not right to put a hard and fast figure on that—certainly not the age of 16.

I can remember that, when I was at school—I am sure that Mr Kerr experienced this, too—there were pupils aged under 16 who were perfectly capable of forming a view on such an issue.

16:45

Stephen Kerr: Does Graham Simpson accept and understand that, in the context of the bill, we are also talking about the rights and responsibilities of parents? Surely, as a Parliament, we understand and accept that parents have an important role in the lives of their children until they reach the legal threshold. To set them aside, as the proposed legislation would, is a very bold thing to do. That is why I am testing the Parliament's view on the matter and, indeed, Graham Simpson's view.

Graham Simpson: Stephen Kerr does not need to test my view. I am looking at the amendments that are in front of us, which do not mention parents. I accept that parents are part of the debate that we will have. [*Interruption.*] Stephen Kerr is chuntering from a sedentary position, but we need to look at the amendments that are in front of us.

Stephen Kerr: The whole point of these amendments is to underscore the importance of the roles and responsibilities that parents have in relation to their children. I could not be clearer about why I have lodged the amendments and what the intention behind them is: it is to reinforce family life and the roles and responsibilities of parents.

Graham Simpson: Unfortunately for Stephen Kerr, the wording in amendment 3 is

"be capable of forming"

and

"have the maturity to form".

Amendment 4 says:

"A pupil under 16 years of age is presumed not to have the maturity to form a view unless the contrary is shown."

That is just wrong, because many children under the age of 16 are perfectly capable of forming a view.

Where I have good news for Stephen Kerr—although he might not be bothered one way or the other—is that I find amendment 1 extremely sensible in that it says:

"Where a pupil is withdrawn from religious observance,"

we must ensure that there is some kind of

"purposeful education activity during that period."

I can support his amendment 1 but not his other amendments. I will also support Elena Whitham's amendment 19.

The Deputy Presiding Officer: I advise members—and they will probably have noted—that we will shortly reach the next time limit, and we still have a further group to debate. As a consequence, I am minded to accept a motion without notice, under rule 9.8.5A of standing orders, to extend the debate by 30 minutes. I ask the Cabinet Secretary for Education and Skills to move such a motion formally.

Motion moved,

That, under Rule 9.8.5A, the debate be extended by up to 30 minutes.—[*Jenny Gilruth*]

Motion agreed to.

The Deputy Presiding Officer: I now call the cabinet secretary.

Jenny Gilruth: As we have heard, Stephen Kerr's amendment 1 would require schools to ensure that

"suitable and purposeful educational activity"

is provided for any pupil who is withdrawn from religious observance. The amendment is consistent with the Government's existing guidance on religious observance, which outlines that schools should provide worthwhile alternative activities for pupils who are withdrawn from such observance. For those reasons, like Mr Simpson, I am able to support amendment 1, and I encourage other members to do so.

However, amendments 2, 3 and 4, also in the name of Mr Kerr, would significantly alter the bill's approach to how pupils are involved in decisions about withdrawal from religious observance. Taken together, those amendments would remove the presumption that pupils under 16 should have their views considered in relation to a withdrawal request. They would be

"presumed not to have the maturity to form a view on their withdrawal unless the contrary is shown."

That would effectively introduce an age-based threshold of 16 for the new pupil rights in the bill, which would go against existing legislation on children's rights, as we have already heard this afternoon.

Amendment 3 would specifically shift the test for whether a pupil can express a view from one that is based on capacity to one that is based on maturity. In doing so, the amendment does not align with the requirements of article 12 of the UNCRC and it conflicts with the wording in section 9A(3) of the bill, which refers to a pupil's capability to form a view. That creates a level of confusion about the judgment that is required from the operator, without providing any clear benefit.

As it stands, the bill includes a presumption that a child is capable of forming a view unless the contrary is shown. That reflects the concept of "evolving capacities" under the UNCRC and also aligns with established legislative precedents, including the UNCRC (Incorporation) (Scotland) Act 2024. That capacity-based approach was supported by a majority of the committee's members in its stage 1 report. For those reasons, I am unable to support amendments 2, 3 and 4.

Stephen Kerr's amendment 5 would require school operators to act impartially and not seek to influence a pupil's views in relation to parental withdrawal requests. Mr Kerr lodged a similar amendment on that issue at stage 2, but it was phrased in such a way that it implied a lack of professionalism in schools. I welcome the more careful framing of amendment 5, which provides reassurance without undermining trust in teachers, and I am therefore happy to support it.

Amendment 19, in the name of Elena Whitham, would replace the existing ministerial power to issue statutory guidance with a duty to do so. It would also set out additional requirements regarding the content of that guidance, as we have heard, as well as the consultation that would have to take place during its development and the arrangements for its publication.

Martin Whitfield: In amendment 19, subsection (2)(a) refers to

"the process for considering a request"

and subsection (2)(d) refers to

"handling of discussion between pupils and parents".

Does the cabinet secretary envisage that the guidance would be sensitive to what happens in cases involving a balancing of two different rights being arbitrated by another person? Will the guidance give advice on how to best handle that balance?

Jenny Gilruth: I envisage that those discussions would very much be sensitive to that difference of opinion—I give the member an assurance on that point. We have heard a range of views on the development of the guidance, but it is important to say that, assuming that the bill is passed, the 12-month period will begin with consultation with the mandatory consultees. That

is imperative. We have heard arguments from the member's colleagues about why that is important if we are to recognise the difference that exists in our schools and reflect that in the statutory guidance.

I mentioned school operators. Education authorities and the managers of grant-aided schools, as well as bodies that represent teachers, parents, and children and young people, would be among the mandatory consultees that I spoke about in response to Mr Whitfield. As with amendment 21 in the previous group, amendment 19 includes representatives of denominational schools. That is a recognition of their distinct interests and the importance of consulting the denominational sector.

Finally, amendment 19 would place a requirement on ministers to publish the guidance within a certain time. That responds constructively to the committee's discussion at stage 2 and offers a helpful and proportionate set of requirements for the statutory guidance. For those reasons, I support it.

The Government is happy to support amendments 1, 5 and 19. I ask Stephen Kerr not to move amendments 2, 3 and 4.

The Deputy Presiding Officer: I call Stephen Kerr to wind up and to press or withdraw amendment 1.

Stephen Kerr: I am grateful to the cabinet secretary for accepting amendments 1 and 5—that is a most pleasant surprise on this Tuesday afternoon. I am grateful for the spirit in which the cabinet secretary has approached the intent and detail of the amendments.

I remain concerned about the rights of parents, as indeed do all of us in the Conservatives. Martin Whitfield's intervention on the cabinet secretary captured the point well that there is a tension between the rights of children and the rights of parents. Above all, our concern is for family life. I believe that the measure has the potential to create difficulties in that area, by forcing schools as well as teachers and school leaders into an unenviable position in which they cannot win.

I am grateful for the acceptance of amendments 1 and 5. I understand the intent of amendment 19, but I am concerned that we do not have any idea of the drafting. I understand the degree to which there will be consultation, but, before that consultation, there would have to be something to consult on. I would like to have seen thoughts on what that guidance would be. I think that Pam Gosal put the point well. I am concerned about exactly what the guidance will entail, given the power that it could have in shaping practice in our schools.

On that basis, I will press amendment 1.

The Deputy Presiding Officer: The question is, that amendment 1 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

David Torrance (Kirkcaldy) (SNP): On a point of order, Presiding Officer. I could not connect to the app. I would have voted yes.

The Deputy Presiding Officer: Thank you, Mr Torrance. Your vote will be recorded.

For

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Balfour, Jeremy (Lothian) (Ind)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
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)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dowey, Sharon (South Scotland) (Con)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Fergus (Inverness and Nairn) (Ind)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Gray, Neil (Airdrie and Shotts) (SNP)
Greene, Jamie (West Scotland) (LD)
Greer, Ross (West Scotland) (Green)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hoy, Craig (South Scotland) (Con)
Hyslop, Fiona (Linlithgow) (SNP)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Kidd, Bill (Glasgow Anniesland) (SNP)

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)
Mason, John (Glasgow Shettleston) (Ind)
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)
Minto, Jenni (Argyll and Bute) (SNP)
Mundell, Oliver (Dumfriesshire) (Con)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
Rennie, Willie (North East Fife) (LD)
Robertson, Angus (Edinburgh Central) (SNP)
Robison, Shona (Dundee City East) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Ross, Douglas (Highlands and Islands) (Con)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Simpson, Graham (Central Scotland) (Reform)
Slater, Lorna (Lothian) (Green)
Smith, Liz (Mid Scotland and Fife) (Con)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Swinney, John (Perthshire North) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
White, Tess (North East Scotland) (Con)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Whittle, Brian (South Scotland) (Con)
Wishart, Beatrice (Shetland Islands) (LD)
Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Baker, Claire (Mid Scotland and Fife) (Lab)
Boyack, Sarah (Lothian) (Lab)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Duncan-Glancy, Pam (Glasgow) (Ind)
Grant, Rhoda (Highlands and Islands) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Johnson, Daniel (Edinburgh Southern) (Lab)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Marra, Michael (North East Scotland) (Lab)
McNeill, Pauline (Glasgow) (Lab)
Mochan, Carol (South Scotland) (Lab)
O'Kane, Paul (West Scotland) (Lab)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Sweeney, Paul (Glasgow) (Lab)
Villalba, Mercedes (North East Scotland) (Lab)
Whitfield, Martin (South Scotland) (Lab)

The Deputy Presiding Officer: The result of the division is: For 99, Against 0, Abstentions 19.

Amendment 1 agreed to.

Amendment 2 moved—[Stephen Kerr].

The Deputy Presiding Officer: The question is, that amendment 2 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

David Torrance: On a point of order, Presiding Officer. I still could not connect to the app. I would have voted no.

The Deputy Presiding Officer: Thank you, Mr Torrance. Your vote will be recorded.

For

Balfour, Jeremy (Lothian) (Ind)
Briggs, Miles (Lothian) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Dowey, Sharon (South Scotland) (Con)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Fergus (Inverness and Nairn) (Ind)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hoy, Craig (South Scotland) (Con)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Lumsden, Douglas (North East Scotland) (Con)
McCall, Roz (Mid Scotland and Fife) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
Ross, Douglas (Highlands and Islands) (Con)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
White, Tess (North East Scotland) (Con)
Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Baker, Claire (Mid Scotland and Fife) (Lab)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Boyack, Sarah (Lothian) (Lab)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Chapman, Maggie (North East Scotland) (Green)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)

Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Duncan-Glancy, Pam (Glasgow) (Ind)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Neil (Airdrie and Shotts) (SNP)
Greer, Ross (West Scotland) (Green)
Griffin, Mark (Central Scotland) (Lab)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Lochhead, Richard (Moray) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Marra, Michael (North East Scotland) (Lab)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
McArthur, Liam (Orkney Islands) (LD)
McKee, Ivan (Glasgow Provan) (SNP)
McLennan, Paul (East Lothian) (SNP)
McMillan, Stuart (Greenock and Inverclyde) (SNP)
McNair, Marie (Clydebank and Milngavie) (SNP)
McNeill, Pauline (Glasgow) (Lab)
Minto, Jenni (Argyll and Bute) (SNP)
Mochan, Carol (South Scotland) (Lab)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
O'Kane, Paul (West Scotland) (Lab)
Rennie, Willie (North East Fife) (LD)
Robertson, Angus (Edinburgh Central) (SNP)
Robison, Shona (Dundee City East) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Simpson, Graham (Central Scotland) (Reform)
Slater, Lorna (Lothian) (Green)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Sweeney, Paul (Glasgow) (Lab)
Swinney, John (Perthshire North) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Whitfield, Martin (South Scotland) (Lab)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)
Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 26, Against 91, Abstentions 0.

Amendment 2 disagreed to.

Amendment 3 moved—[Stephen Kerr].

The Deputy Presiding Officer: The question is, that amendment 3 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

Angus Robertson (Edinburgh Central) (SNP): On a point of order, Presiding Officer. I apologise—I could not connect. I would have voted no.

The Deputy Presiding Officer: Thank you, Mr Robertson. Your vote will be recorded.

David Torrance: On a point of order, Presiding Officer. I would have voted no.

The Deputy Presiding Officer: Thank you, Mr Torrance. Your vote will be recorded.

For

Balfour, Jeremy (Lothian) (Ind)
Briggs, Miles (Lothian) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Dowey, Sharon (South Scotland) (Con)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Fergus (Inverness and Nairn) (Ind)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hoy, Craig (South Scotland) (Con)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Lumsden, Douglas (North East Scotland) (Con)
McCall, Roz (Mid Scotland and Fife) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
Ross, Douglas (Highlands and Islands) (Con)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
White, Tess (North East Scotland) (Con)
Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)

Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Chapman, Maggie (North East Scotland) (Green)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Gray, Neil (Airdrie and Shotts) (SNP)
Greene, Jamie (West Scotland) (LD)
Greer, Ross (West Scotland) (Green)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lochhead, Richard (Moray) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
McArthur, Liam (Orkney Islands) (LD)
McKee, Ivan (Glasgow Provan) (SNP)
McLennan, Paul (East Lothian) (SNP)
McMillan, Stuart (Greenock and Inverclyde) (SNP)
McNair, Marie (Clydebank and Milngavie) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
Rennie, Willie (North East Fife) (LD)
Robertson, Angus (Edinburgh Central) (SNP)
Robison, Shona (Dundee City East) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Simpson, Graham (Central Scotland) (Reform)
Slater, Lorna (Lothian) (Green)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Swinney, John (Perthshire North) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)
Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Baker, Claire (Mid Scotland and Fife) (Lab)
Boyack, Sarah (Lothian) (Lab)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Duncan-Glancy, Pam (Glasgow) (Ind)
Grant, Rhoda (Highlands and Islands) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Johnson, Daniel (Edinburgh Southern) (Lab)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Marra, Michael (North East Scotland) (Lab)
McNeill, Pauline (Glasgow) (Lab)
Mochan, Carol (South Scotland) (Lab)
O'Kane, Paul (West Scotland) (Lab)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Sweeney, Paul (Glasgow) (Lab)
Villalba, Mercedes (North East Scotland) (Lab)
Whitfield, Martin (South Scotland) (Lab)

The Deputy Presiding Officer: The result of the division is: For 26, Against 72, Abstentions 19.

Amendment 3 disagreed to.

Amendment 4 moved—[Stephen Kerr].

The Deputy Presiding Officer: The question is, that amendment 4 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

David Torrance: On a point of order, Presiding Officer. I would have voted no.

The Deputy Presiding Officer: Thank you, Mr Torrance. Your vote will be recorded.

For

Balfour, Jeremy (Lothian) (Ind)
Briggs, Miles (Lothian) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Dowey, Sharon (South Scotland) (Con)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Fergus (Inverness and Nairn) (Ind)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hoy, Craig (South Scotland) (Con)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Lumsden, Douglas (North East Scotland) (Con)
McCall, Roz (Mid Scotland and Fife) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
Ross, Douglas (Highlands and Islands) (Con)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
White, Tess (North East Scotland) (Con)
Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Baker, Claire (Mid Scotland and Fife) (Lab)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Boyack, Sarah (Lothian) (Lab)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Chapman, Maggie (North East Scotland) (Green)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Duncan-Glancy, Pam (Glasgow) (Ind)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Grant, Rhoda (Highlands and Islands) (Lab)
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)
Hyslop, Fiona (Linlithgow) (SNP)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Lochhead, Richard (Moray) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Marra, Michael (North East Scotland) (Lab)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
McArthur, Liam (Orkney Islands) (LD)
McKee, Ivan (Glasgow Provan) (SNP)
McLennan, Paul (East Lothian) (SNP)
McMillan, Stuart (Greenock and Inverclyde) (SNP)
McNair, Marie (Clydebank and Milngavie) (SNP)
McNeill, Pauline (Glasgow) (Lab)
Minto, Jenni (Argyll and Bute) (SNP)
Mochan, Carol (South Scotland) (Lab)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
O'Kane, Paul (West Scotland) (Lab)
Rennie, Willie (North East Fife) (LD)
Robertson, Angus (Edinburgh Central) (SNP)
Robison, Shona (Dundee City East) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Simpson, Graham (Central Scotland) (Reform)
Slater, Lorna (Lothian) (Green)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Sweeney, Paul (Glasgow) (Lab)
Swinney, John (Perthshire North) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Whitfield, Martin (South Scotland) (Lab)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)
Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 25, Against 92, Abstentions 0.

Amendment 4 disagreed to.

Amendment 5 moved—[Stephen Kerr]—and agreed to.

17:00

Alex Cole-Hamilton: On a point of order, Presiding Officer. At the start of my remarks, I should have declared an interest in that my wife is a teacher in a Roman Catholic primary school.

The Deputy Presiding Officer: Thank you, Mr Cole-Hamilton. That will be noted on the record.

Group 3 is on a pupil's right to withdraw from religious observance. Amendment 16, in the name of Maggie Chapman, is grouped with amendments 17, 18, 20, 7, 7A and 9. I point out that, if amendment 19, which was previously debated in the group on the process following receipt of a parental withdrawal request, is agreed to, I cannot call amendment 20 due to a pre-emption.

Maggie Chapman: The child-facing version of the United Nations Convention on the Rights of the Child says:

"I have the right to be listened to and taken seriously".

However, the 1980 act allows children to be withdrawn from religious activities in schools without their consent and without their views even being taken into account. That is clearly contrary to the convention, and I welcome the opportunity to correct that through the bill.

As it stands, the bill will allow a young person who has previously been opted out of religious activities by their parents or guardians to opt back in, but not to opt out themselves. That directly contradicts the Scottish Government's draft

children's rights scheme, which states that children should be given

"the knowledge and confidence to use their rights".

That rightly suggests that children should be able to use their rights proactively, not only after an adult has acted on their behalf.

The bill goes against the advice of the Children and Young People's Commissioner Scotland, who, in her letter to the committee, explicitly said:

"Part 1 in its current form does not achieve compliance with the UNCRC."

Her view is shared by others. The committee's stage 1 report noted that a majority

"supported amending the Bill to provide children with an independent right to withdraw from"

religious observance. That majority includes not only two parties on the committee but the Scottish Human Rights Commission and Together (Scottish Alliance for Children's Rights).

Professor Angela O'Hagan of the Scottish Human Rights Commission told the committee that, without such a right, the bill will fail to meet its basic aim of achieving compliance with the UNCRC. In the 2023 concluding observations from the Committee on the Rights of the Child in the UK, the United Nations called for withdrawal requests by children and young people not to be subject to parental consent.

If all of that was not enough, a Survation poll that was commissioned by the Humanist Society Scotland shows that 66 per cent of Scots believe that pupils should be able to decide for themselves whether to take part in religious observance. Colleagues across the chamber might be interested to know that the majority of supporters of every political party agree with that, too.

It is central to the whole notion of the rights of children and young people that those rights should not be subsidiary to the actions of adults. Children should be empowered to exercise their rights independently. By allowing young people to override their parents' wishes but not allowing them to proactively exercise their rights, the bill undermines its central purpose, which is to strengthen the fundamental rights of children to be heard, to be taken seriously and to be listened to.

My amendments in this group allow us to correct that. Amendments 17 and 7 would do that in different ways. Amendments 17 and consequential amendments 16, 18 and 20 would put an independent right to withdraw directly into the bill, with the understanding that children should have that right. As a weaker alternative, amendment 7 and consequential amendment 9 would empower the Scottish Government to do that via regulations, while amendment 7A would require such regulations to be developed.

I understand that the Scottish Government is minded to support amendment 7, but I do not think that that is enough. If it cannot also support amendment 7A, I ask the cabinet secretary to address the point in her speech, or to intervene on me now to say that the Government will commit to consulting on the regulations if the Scottish National Party leads the next Government. The cabinet secretary knows how important an independent right to withdraw from religious observance is to the Scottish Greens' ability to support the bill.

The amendments in this group are fundamentally about giving children the powers to exercise their rights. The Scottish Human Rights Commission says that we should do that, the Children and Young People's Commissioner Scotland says that we should do that, and the United Nations says that we should do that. Let us do that.

I move amendment 16.

Jeremy Balfour (Lothian) (Ind): I wish to speak against amendments 16, 17 and 7, because, taken as a whole, they represent a serious shift in the balance of authority between parent, child and the state. At the heart of that is the question of responsibility—who decides when it comes to a child's religious upbringing and who carries the authority to see that decision through?

Amendment 16 might look technical, but it is far from minor. By inserting reference to the proposed new section 9AA of the 1980 act, it lays the groundwork for a stand-alone statutory right for pupils to withdraw from religious observance. That is not a small drafting change—it is a structural shift that separates the pupil's position from the long-established parental right.

Amendment 17 would then give the new structure real force. It would create a direct enforceable right for any pupil to request withdrawal and oblige schools to give effect to that request. Although it mentions parental direction, the ultimate and final decision would rest with the pupil, with capacity presumed, unless shown otherwise. That is more than consultation. It is a transfer of authority from the parent, who carries legal responsibility for the child, to the pupil and, by extension, to the school to enforce it.

No one here disputes that children's views matter. We all want children to be heard, particularly as they grow and mature, but there is a difference between listening to a child and giving them a parallel independent right to override the decisions of the people who are legally responsible for their welfare and upbringing.

Responsibility without authority is not a balance—it is a contradiction.

Amendment 7 would compound the problem by giving ministers the power to introduce an independent pupil right of withdrawal through regulations. That would allow a fundamental change to the parent-child relationship to be made by secondary legislation rather than after proper scrutiny by the Parliament. It would place schools in the difficult position of having to mediate family disputes where a parent's lawful decision could be overridden by a headteacher.

What is at stake is more than a procedural detail; it is a principle that parents who carry responsibility for their children must also retain the authority to make decisions about their moral and religious formation. The amendments would erode that principle and risk creating unnecessary conflict within families.

Ross Greer: This is an entirely legitimate debate on the balance of rights between parents and children, but I will come to a different conclusion from the member. What I am confused about is that, like me, he and every other member in the previous parliamentary session voted for the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill. The specifics in the bill that we are debating will simply put into practice the principles that we have all already voted for. Will Mr Balfour explain to me why he voted for putting the UNCRC into Scots law but now disagrees with the logical conclusion of putting it into practice?

Jeremy Balfour: We implemented that piece of law, but, as we did so, we recognised that there is a balance between children's rights and parental rights. I think that the amendments in this group go beyond the scope—they go too far. For that reason, I do not think that there is a contradiction. It is absolutely possible to support the legislation that we passed previously while recognising that the amendments before us erode parental responsibility too far. For that reason, I ask the Parliament to reject them.

Paul O'Kane: My comments on the amendments in this group are in a similar vein to what I said at stage 2. For the benefit of members who did not participate in the stage 2 proceedings, I will reiterate some of the arguments that I brought up at that point.

I understand why the arguments made from a child's rights perspective are being advanced, but they perhaps address only one particular paragraph of the UN Convention on the Rights of the Child and one interpretation of what the convention says, in article 14 and in its broader totality. Article 14(2), on the rights of the child to freedom of belief and religion, states:

> "States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child."

The UNCRC maintains a place for parents to direct their children. That language perhaps sounds harsh, but it is reflected in legislation in Scotland—in the 1980 act and in the rights that parents have. The amendments that seek to introduce an independent opt-out on the part of the child, whether in the bill or by secondary legislation, do not appear to contain any reference to the rights of parents to be involved in that process.

Maggie Chapman: Does Paul O'Kane accept that, although we are talking about balancing rights, nothing in any of the amendments restricts parents in seeking to educate their children or take them to religious observance practices that do not happen in the educational setting? This is about what happens in schools. Surely the child in that environment should have the right to exercise the rights that they are given under the UNCRC.

Paul O'Kane: The point that am making, which I think that I made to Maggie Chapman during stage 2 proceedings, is that, if we are going to have a wider discussion about an independent opt-out, due regard must be given to the parental rights that are set out in article 14 of the UNCRC and to the law in Scotland as it stands on the rights of parents to direct their children.

If we are trying to do that at this point in our scrutiny of the bill, it strikes me—as I also said at stage 2—that this is a rather rushed process that does not allow us to give that due regard to the role of parents, either in the bill or in the proposed guidance.

Lorna Slater (Lothian) (Green): I have a question for the member on the rights of a parent who is an atheist, for example, to direct their child's education. Are you arguing that the child should have a right to opt in to that religious education but not to opt out? What about the rights of atheist parents? Do they not have the same rights as parents of faith?

The Deputy Presiding Officer: Always speak through the chair.

Paul O'Kane: I am a wee bit confused by Ms Slater's intervention. Parents would have the right to opt their children out if they were atheists and chose to remove their children from religious education.

The problem is that, if an atheist were to send their child to a Catholic school, under the proposals in the amendments from the Scottish Greens, they would not be able to opt their children out of religious education, which would include

religious observance. I go back to the debate that we just had on that.

I am simply making the point that, if we are going to have a broader discussion about children's rights to opt out, we have to give due regard to parents. That has not happened so far in the bill, and I do not think that it is happening through the amendments in this group.

I have said already that we must give due regard to the long-established position in Scots law on the right to direct children, as recognised in the Children (Scotland) Act 1995 and in the Scottish Schools (Parental Involvement) Act 2006. That has been reaffirmed in other acts throughout the 25 years of the Scottish Parliament and devolution.

These amendments would bring the bill into conflict with fundamental principles that have been established. We need a much wider conversation if we seek to change those fundamental principles and give due regard to the UNCRC in its totality.

17:15

Previously, we had a debate on maturity and capacity, and that started to unpick a lot of very complicated questions. Today's debate is now running over time, because I am not sure that people quite fully appreciated how complicated the issue can be and how much detail needs to be gone through to take on board the variety of views that exist in this space. I do not believe that scoping work has been done on how widely any new rights for children would be used, and how that might affect schools in terms of practice and delivery of education.

Graham Simpson: What would Paul O'Kane suggest that we do when a pupil is adamantly an atheist but their parents are not atheists? What would he do in that situation?

Paul O'Kane: I presume that Mr Simpson is pointing to a desire for that young person to be able to unilaterally opt out of religious observance or religious education. The point was made at stage 2 that there is a broader discussion to be had about how to ensure that both parents and their children can be included in the discussion about opting out of processes.

Stephen Kerr: Will Paul O'Kane take an intervention?

Paul O'Kane: I will take Mr Kerr's intervention if he will just allow me to respond to Mr Simpson's point.

Due to the fundamental complexity in how laws interact and how the UNCRC might interact, there must be a space in which parents and children can be brought together, and, crucially, the school must be involved in that conversation. However, that is a more detailed process than what we are being offered here.

Stephen Kerr: The answer to the question in Graham Simpson's intervention is that you would tell the child to speak to their parents—ultimately, that is what this comes down to. We have to be pragmatic about what respecting family life means. We encourage children and parents to speak to one another.

Paul O'Kane: I am always happy to be a conduit for members to have a wider debate, and Mr Kerr has put his view on the record. He makes a fair point, and that is what I was trying to allude to in response to Mr Simpson: we have to have a system in which the views of children and young people are taken into account under the UNCRC, having due regard to parents and to the school.

Additionally, we have to be cognisant of unintended consequences in how things might work in practice, particularly in the denominational sector, where, as I have already said, there are not clear distinctions between observance and education. Therefore, children choosing to opt out of religious observance and education without any discussion or parental involvement might, in effect, be opting out of the whole school setting, which was chosen by their parents for the very reason that it is a faith school. It might be impossible for those young people to remain in that school without the wider conversation and discussion that I have spoken about.

Going to the heart of the issue, we would all accept that, in many ways, the whole bill will introduce fundamental change. It would be wrong for an independent opt-out to be introduced by ministerial power without further significant and lengthy debate in the Parliament. The fact that we are still considering the issue at stage 3, without any debate on pre-legislation or the myriad practical and ethical challenges that might come up, shows that it is perhaps wrong for the bill to be taken forward in this way, with so little time for debate and discussion on these amendments.

I will leave my remarks there.

Stephen Kerr: I do not think that those of us who are speaking against Maggie Chapman's amendments would contradict the statement that she led her remarks with: children have a right to be listened to and taken seriously. That is not a contentious point of view, and I do not think that anyone would disagree with it.

However, I found a number of things that Maggie Chapman said strange. I look forward to hearing from the cabinet secretary in due course, because Maggie Chapman seemed to suggest that the cabinet secretary was minded to accept amendment 7A. I do not see how you can accept

amendment 7A without accepting amendment 7—the cabinet secretary is shaking her head, so I get the message on that.

Paul O'Kane is right when he focuses on the rights of parents. That has been my concern with the bill from the very beginning. In one way or another, we need to respect the rights of parents, and the bill fundamentally fails to do that.

This group of amendments asks who ultimately decides on matters of conscience regarding a child's education. Amendments 16 and 17 would create a free-standing statutory right for a pupil to withdraw from religious observance, independent of their parents, and amendments 7 and 7A would empower ministers to introduce and expand that right by regulation.

I will begin with what is not in dispute. I say again that children must and should be heard. The principle of evolving capacity is well understood and no one here believes that young people are incapable of forming serious views. However, that is not the issue that is before us. The issue is responsibility, and the UN convention recognises not only the voice of the child but the responsibilities, rights and duties of parents to provide direction and guidance. Section 9 of the 1980 act has long reflected that principle and locates the right of withdrawal in the parent, recognising that parents are not advisory participants in their child's upbringing but are responsible for their child's upbringing.

The bill has already altered that balance by requiring schools to involve pupils formally in the process and, in certain circumstances, to refuse a parental request if a pupil objects. That is a significant shift, and amendments 16 and 17 go even further, not refining the process but changing who decides. Creating that independent statutory right for the child means that the school becomes the mediator, and potentially the arbiter, between parent and child on matters of conscience. That is why I intervened on Paul O'Kane in response to Graham Simpson's intervention. Ultimately, we must be careful of the sacrosanct nature of family life. We are not talking about a minor adjustment today—hence the intricate nature of the debate. This is a structural rebalancing of authority between the family and the state and we should not make that shift lightly.

There is also the question of maturity, which we have already addressed previously. Amendment 17 assumes capacity unless the contrary is shown, but, in Scots law, as I have already said in the debate on previous groups of amendments, 16 is the age that is recognised as the threshold for legal capacity and the age at which young people acquire significant rights and responsibilities. Amendments 16 and 17 are not anchored to that established framework but instead create a broad and uncertain standard that schools will be required to interpret case by case. That is not clarity; it creates ambiguity.

Martin Whitfield: The agreement to Mr Kerr's amendment 5, which requires operators to "act impartially", will make a difficult situation even more difficult if amendment 17 passes.

Stephen Kerr: Mr Whitfield highlights something that I had not even thought of. He is exactly right: accepting amendment 5 increases the complexity of the amendments that we are now discussing.

Amendments 7 and 7A raise a further constitutional concern, because they would permit ministers to introduce or extend that independent right by regulation. That is a major policy choice that goes to the heart of the relationship between parent, pupil and the state, and it should not be delegated to secondary legislation, as I think has already been said. If we are to consider that particular change, it must be a matter of primary legislation and Parliament must be fully involved in any recalibration of that balance, with full scrutiny by and full responsibility resting on members.

We must be clear that respecting children's voices does not require diminishing parental responsibility, that balance does not mean displacement and that reform does not require the state to insert itself more deeply in the internal life of the family unless there is a compelling reason to do so. Goodness knows that Parliament has already been through all those issues with other legislation. We can rehearse that, but it is already a matter of fact in law that family life should be a primary consideration for us as lawmakers when we create new legislation.

For that reason and all the others that have been made by me and by other speakers, I acknowledge the intention behind amendments 16, 17, 7 and 7A but cannot support them.

Jenny Gilruth: As we have heard, introducing a new independent right for pupils to withdraw from religious observance would be a significant change both in relation to legislation and the purpose of the bill and operationally for schools. The matter was discussed during stage 1, and the Equalities, Human Rights and Civil Justice Committee made it clear that a majority of its members considered it more appropriate to proceed with the approach that is set out in the bill—that is, giving pupils the right to object to parental withdrawal, while maintaining the balance between children's evolving capacities and parental rights and responsibilities. The bill will do just that: it will ensure that pupils' views are properly taken into account while preserving the rights and responsibilities of parents.

However, I am able to support Ms Chapman's amendments 7 and 9, which seek to provide the Scottish ministers with an affirmative regulation-making power to create a right for pupils to request withdrawal from religious observance.

I have listened carefully to the strong views that many members in the chamber have expressed on a pupil right to withdraw, as well as to the views of stakeholders such as the Children and Young People's Commissioner Scotland, UNICEF UK, Together and the Humanist Society Scotland. I have also reflected on the views of the Equalities, Human Rights and Civil Justice Committee more broadly.

Amendments 7 and 9 are consistent with the majority invitation in the committee's stage 1 report that ministers

"give further consideration to providing children with an independent right to withdrawal in future legislation."

The amendments will require appropriate consultation in advance of the laying of regulations, which would be subject to the affirmative procedure.

Stephen Kerr: I think that it is important to check that I and others have heard correctly the phrasing that the cabinet secretary has just used. Does she interpret amendment 7 as providing a basis for future primary legislation or a basis for secondary legislation that would create an independent right of withdrawal?

Jenny Gilruth: I will come on to that exact point now.

On that basis, I can agree to amendments 7 and 9, which, as we have heard, seek to grant ministers the power to make regulations to create a right for pupils to request to withdraw from religious observance. That means that future Governments will have the power to use the provisions in the bill to introduce such changes and could also do so through future primary legislation. Crucially, though, that will be for a new Government and a new Parliament to consider. In the light of the committee's advice, it should be considered very seriously by any incoming Government.

Stephen Kerr: The cabinet secretary will recognise that she is taking us in a major policy direction, because that is not what amendment 7 says. I understand that she is putting an interpretation on its wording and saying that it could lead to primary legislation, but the wording is:

"The Scottish Ministers may by regulations provide for pupils to have a right to request withdrawal".

What is her interpretation of those words? To me, they mean that ministers may introduce an independent right by secondary legislation, as opposed to introducing legislation after consideration.

Jenny Gilruth: It is important to note that I am unable to agree to amendment 7A, which relates to the timescales associated with the implementation of the provision in amendment 7. Amendment 7A would require ministers to lay the regulations

"as soon as reasonably practicable".

As I mentioned, this will be for a new Government to decide after appropriate consultation, but the bill represents important progress, to my mind, in strengthening children's rights. This will continue to be an incremental journey, more broadly.

Stephen Kerr: I am still not clear about whether amendment 7 will lead to secondary legislation or primary legislation. I think that it was Paul O'Kane—or maybe it was all of us—who said that, if we are going to go down this route, it needs to be considered with the full force of parliamentary scrutiny, and not as a stage 3 amendment to the bill.

Jenny Gilruth: That is exactly why, as I set out, the Government does not support amendment 7A. We need wider consultation on the proposed changes that amendment 7 could bind future Governments to. That is exactly why amendment 23 contains a requirement for ministers to review the implementation of part 1 within three years. That review will include explicit consideration of whether any future action should be taken on enabling pupils to withdraw from religious observance.

Graham Simpson: I agree with Stephen Kerr. I hope that the cabinet secretary will agree that it is clear that amendments 7 and 9 are about introducing regulations and not primary legislation. That is what both amendments say. If Stephen Kerr is uncomfortable with that, he should vote against the amendments. However, they will not introduce a power to bring in primary legislation. They are about regulations. Some of us may be okay with that. If Stephen Kerr is not, he should clearly vote against them.

Jenny Gilruth: I thank Mr Simpson for providing Mr Kerr with some views on his view on this amendment. Of course, my own view is that primary legislation would be more appropriate in this regard. However, the member is correct to say that amendment 7 gives future Governments flexibility by way of a regulation-making power, should future Governments deem that appropriate.

17:30

It is worth putting on the record that any changes that are made by the bill, if it passes today, will

have been in place for two to three years on completion of the review that I mentioned and we will have had much more evidence and data surrounding withdrawals from religious observance. The current lack of data on withdrawals was a key feature of some of the debates that I had with the committee at stage 2. It is imperative that we have that data to inform potential future legislative changes so that future ministers, as I have alluded to, will be able to make a much more informed decision. That would be an appropriate time for changes arising from that review to be brought forward through a subsequent bill—for example, as part of any wider reforms of the 1980 act that might come forward. That would ensure that we have that full debate and parliamentary oversight, which would be—to respond to Mr Kerr's point—my clear preference.

Pauline McNeill: I am trying to follow this debate, and I may not have understood it, but if it is the Government's position that, instead of amendment 7, there should be primary legislation, I agree with that, because I think that, at this late stage, it is wrong to bind a future Government. However, if the Government's clear position is that it should be done through primary legislation, I do not understand why it would accept amendment 7, because it does the opposite. Amendment 7 says:

"Scottish Ministers may by regulations provide for pupils to have a right to request withdrawal".

It also mentions consultation. That is no different from what happens with any other secondary piece of legislation in the Parliament—we consult.

There is a bit of a contradiction in what the Government is saying. Surely you should stick to your guns. If you think that it should be primary legislation, you should not vote for amendment 7, because it does the opposite: it gives us secondary legislation and it binds a future Government. I do not really understand what the Government's argument is. Are you just trying to put out an olive branch? That is the only way in which it would make any sense to me.

The Deputy Presiding Officer: Always speak through the chair, thank you.

Jenny Gilruth: Any regulations would, of course, be subject to the affirmative procedure, and I have set out my preference for primary legislation. However, it is also worth reflecting the views of the Equalities, Human Rights and Civil Justice Committee on the matter. The committee said at stage 1 that ministers should

"give further consideration to providing children with an independent right to withdrawal in future legislation."

The Government has listened and responded to that point. I have also mentioned the work that is already under way in relation to the proposed wider review that could provide the evidence base for future legislation in this space. I do not agree with the suggestion that this would bind future Governments, because the review will allow ministers in future Governments to consider whether legislation or regulations are more appropriate. This does not shut down that avenue. I stress again—

Stephen Kerr: Will the cabinet secretary give way?

Jenny Gilruth: I would like to make some progress; I am conscious of the time.

Any regulations for a pupil's right to withdraw from religious observance would require significant consultation and engagement, as we have heard. In using that power, it will be important for any Government to ensure that it meets the balance between strengthening children's rights, which is what the bill is about, and upholding parental rights. I encourage Parliament to agree to amendments 7 and 9 and reject all other amendments in the group.

The Deputy Presiding Officer: I take this opportunity to advise members that we have in fact passed the agreed time limit for the debate on this group to finish. I have exercised my power under rule 9.8.4A(c) to allow debate on the group to continue beyond the limit in order to avoid the debate being unreasonably curtailed.

I call Maggie Chapman to wind up and to press or withdraw amendment 16.

Maggie Chapman: The Scottish Greens are very clear: we believe that children and young people have rights. We also believe that having rights without the power to exercise them is meaningless, so we believe that children and young people should have the power to exercise their rights. Logically, therefore, we believe that there should be an independent statutory right for children and young people to decide whether or not to participate in religious observance.

As we have heard, the bill currently gives young people the right to object when a parent seeks to withdraw them. For example, as my colleague Lorna Slater mentioned, an atheist parent could withdraw a child but the child could override that parental wish and opt back in. However, the bill does not give young people a reciprocal independent right to withdraw themselves in the first place. In not doing so, it affords stronger protection to children who wish to participate in religious observance than it does to those who do not. That embeds discrimination in law, creating an imbalance in the protection of children's article 14 UNCRC rights to freedom of thought, conscience and religion.

Children of faith can opt into RO, but children of no faith cannot opt out. My amendment 17 would introduce a right to request withdrawal from RO, strengthening alignment with articles 12 and 14 of the UNCRC as well as with repeated recommendations from the UN Committee on the Rights of the Child, and with Scotland's commitment to child-centred decision making. My amendment would incorporate the presumption of capacity and a clear process for schools, ensuring proportionality and legal clarity.

Amendments 7, 7A and 9 are weaker. They would give ministers the power to introduce regulations giving pupils a right to request withdrawal from RO, but that provision would be weaker, because it would postpone meaningful change to a future point and leave the right dependent on subsequent regulations being brought forward. My preferred amendment 17 would place that right directly in primary legislation right now, providing clarity and certainty now rather than at some unspecified date in the future.

Amendment 7A would require the Scottish Government to

"lay … a draft … statutory instrument containing the first regulations"

as soon as possible after the relevant provision comes into force. Amendment 9 would specify that those

"regulations are subject to the affirmative procedure."

I come back to the fundamental point. If we pass the bill this evening with no independent right for a young person to withdraw themselves from RO, we are embedding discrimination in law. That might be where we get to, but I hope that we do not, and I urge members to support my amendments in this group. With that, I press amendment 16.

The Deputy Presiding Officer (Liam McArthur): The question is, that amendment 16 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Chapman, Maggie (North East Scotland) (Green)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Greene, Jamie (West Scotland) (LD)
Greer, Ross (West Scotland) (Green)
Harvie, Patrick (Glasgow) (Green)
Mackay, Gillian (Central Scotland) (Green)
Rennie, Willie (North East Fife) (LD)
Roddick, Emma (Highlands and Islands) (SNP)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Slater, Lorna (Lothian) (Green)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Baker, Claire (Mid Scotland and Fife) (Lab)
Balfour, Jeremy (Lothian) (Ind)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dowey, Sharon (South Scotland) (Con)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Duncan-Glancy, Pam (Glasgow) (Ind)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Annabelle (Cowdenbeath) (SNP)
Ewing, Fergus (Inverness and Nairn) (Ind)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Neil (Airdrie and Shotts) (SNP)
Griffin, Mark (Central Scotland) (Lab)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Harper, Emma (South Scotland) (SNP)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hoy, Craig (South Scotland) (Con)
Hyslop, Fiona (Linlithgow) (SNP)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Lochhead, Richard (Moray) (SNP)
Lumsden, Douglas (North East Scotland) (Con)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Marra, Michael (North East Scotland) (Lab)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
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)
Mochan, Carol (South Scotland) (Lab)
Mundell, Oliver (Dumfriesshire) (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)
Ross, Douglas (Highlands and Islands) (Con)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Simpson, Graham (Central Scotland) (Reform)
Smith, Liz (Mid Scotland and Fife) (Con)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Sweeney, Paul (Glasgow) (Lab)
Swinney, John (Perthshire North) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
White, Tess (North East Scotland) (Con)
Whitfield, Martin (South Scotland) (Lab)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Whittle, Brian (South Scotland) (Con)
Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 12, Against 106, Abstentions 0.

Amendment 16 disagreed to.

Amendment 17 moved—[Maggie Chapman].

The Deputy Presiding Officer: The question is, that amendment 17 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Chapman, Maggie (North East Scotland) (Green)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Greene, Jamie (West Scotland) (LD)
Greer, Ross (West Scotland) (Green)
Harvie, Patrick (Glasgow) (Green)
Mackay, Gillian (Central Scotland) (Green)
Rennie, Willie (North East Fife) (LD)
Roddick, Emma (Highlands and Islands) (SNP)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Simpson, Graham (Central Scotland) (Reform)
Slater, Lorna (Lothian) (Green)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Baker, Claire (Mid Scotland and Fife) (Lab)
Balfour, Jeremy (Lothian) (Ind)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dowey, Sharon (South Scotland) (Con)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Duncan-Glancy, Pam (Glasgow) (Ind)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Annabelle (Cowdenbeath) (SNP)
Ewing, Fergus (Inverness and Nairn) (Ind)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Neil (Airdrie and Shotts) (SNP)
Griffin, Mark (Central Scotland) (Lab)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Harper, Emma (South Scotland) (SNP)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hoy, Craig (South Scotland) (Con)
Hyslop, Fiona (Linlithgow) (SNP)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Lochhead, Richard (Moray) (SNP)
Lumsden, Douglas (North East Scotland) (Con)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Marra, Michael (North East Scotland) (Lab)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
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)
Mochan, Carol (South Scotland) (Lab)
Mundell, Oliver (Dumfriesshire) (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)
Ross, Douglas (Highlands and Islands) (Con)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Smith, Liz (Mid Scotland and Fife) (Con)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Sweeney, Paul (Glasgow) (Lab)
Swinney, John (Perthshire North) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
White, Tess (North East Scotland) (Con)
Whitfield, Martin (South Scotland) (Lab)
Whittle, Brian (South Scotland) (Con)
Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 13, Against 103, Abstentions 0.

Amendment 17 disagreed to.

Amendment 18 not moved.

The Deputy Presiding Officer: I remind members that, if amendment 19 is agreed to, I cannot call amendment 20, due to pre-emption.

Amendment 19 moved—[Elena Whitham].

The Deputy Presiding Officer: The question is, that amendment 19 be agreed to. Are we agreed?

Members: No.

The Deputy 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)
Baker, Claire (Mid Scotland and Fife) (Lab)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Boyack, Sarah (Lothian) (Lab)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Chapman, Maggie (North East Scotland) (Green)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Duncan-Glancy, Pam (Glasgow) (Ind)
Ewing, Annabelle (Cowdenbeath) (SNP)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (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)
Hyslop, Fiona (Linlithgow) (SNP)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Lochhead, Richard (Moray) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Marra, Michael (North East Scotland) (Lab)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
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)
Mochan, Carol (South Scotland) (Lab)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
O'Kane, Paul (West Scotland) (Lab)
Rennie, Willie (North East Fife) (LD)
Robertson, Angus (Edinburgh Central) (SNP)
Robison, Shona (Dundee City East) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Simpson, Graham (Central Scotland) (Reform)
Slater, Lorna (Lothian) (Green)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Sweeney, Paul (Glasgow) (Lab)
Swinney, John (Perthshire North) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)

Tweed, Evelyn (Stirling) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Whitfield, Martin (South Scotland) (Lab)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)
Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Adamson, Clare (Motherwell and Wishaw) (SNP)
Balfour, Jeremy (Lothian) (Ind)
Briggs, Miles (Lothian) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Dowey, Sharon (South Scotland) (Con)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Fergus (Inverness and Nairn) (Ind)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hoy, Craig (South Scotland) (Con)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Lumsden, Douglas (North East Scotland) (Con)
McCall, Roz (Mid Scotland and Fife) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
Ross, Douglas (Highlands and Islands) (Con)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Torrance, David (Kirkcaldy) (SNP)
Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
White, Tess (North East Scotland) (Con)
Whittle, Brian (South Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 89, Against 29, Abstentions 0.

Amendment 19 agreed to.

Amendments 7 and 7A moved—[Maggie Chapman].

The Deputy Presiding Officer: The question is, that amendment 7A be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Chapman, Maggie (North East Scotland) (Green)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Greene, Jamie (West Scotland) (LD)
Greer, Ross (West Scotland) (Green)
Harvie, Patrick (Glasgow) (Green)
Mackay, Gillian (Central Scotland) (Green)
Rennie, Willie (North East Fife) (LD)
Roddick, Emma (Highlands and Islands) (SNP)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Slater, Lorna (Lothian) (Green)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Baker, Claire (Mid Scotland and Fife) (Lab)
Balfour, Jeremy (Lothian) (Ind)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dowey, Sharon (South Scotland) (Con)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Duncan-Glancy, Pam (Glasgow) (Ind)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Annabelle (Cowdenbeath) (SNP)
Ewing, Fergus (Inverness and Nairn) (Ind)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Neil (Airdrie and Shotts) (SNP)
Griffin, Mark (Central Scotland) (Lab)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Harper, Emma (South Scotland) (SNP)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hoy, Craig (South Scotland) (Con)
Hyslop, Fiona (Linlithgow) (SNP)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Lochhead, Richard (Moray) (SNP)
Lumsden, Douglas (North East Scotland) (Con)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Marra, Michael (North East Scotland) (Lab)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
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)
Mochan, Carol (South Scotland) (Lab)
Mundell, Oliver (Dumfriesshire) (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)
Ross, Douglas (Highlands and Islands) (Con)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Simpson, Graham (Central Scotland) (Reform)
Smith, Liz (Mid Scotland and Fife) (Con)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Sweeney, Paul (Glasgow) (Lab)
Swinney, John (Perthshire North) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
White, Tess (North East Scotland) (Con)
Whitfield, Martin (South Scotland) (Lab)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Whittle, Brian (South Scotland) (Con)
Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 12, Against 106, Abstentions 0.

Amendment 7A disagreed to.

The Deputy Presiding Officer: I call Maggie Chapman to press or withdraw amendment 7.

Maggie Chapman: I press amendment 7.

The Deputy Presiding Officer: The question is, that amendment 7 be agreed to. Are we agreed?

Members: No.

The Deputy 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)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Chapman, Maggie (North East Scotland) (Green)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Gray, Neil (Airdrie and Shotts) (SNP)
Greene, Jamie (West Scotland) (LD)
Greer, Ross (West Scotland) (Green)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lochhead, Richard (Moray) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
McKee, Ivan (Glasgow Provan) (SNP)
McLennan, Paul (East Lothian) (SNP)
McMillan, Stuart (Greenock and Inverclyde) (SNP)
McNair, Marie (Clydebank and Milngavie) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
Rennie, Willie (North East Fife) (LD)
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)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Swinney, John (Perthshire North) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)
Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Adamson, Clare (Motherwell and Wishaw) (SNP)
Baker, Claire (Mid Scotland and Fife) (Lab)
Balfour, Jeremy (Lothian) (Ind)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Clark, Katy (West Scotland) (Lab)
Dowey, Sharon (South Scotland) (Con)
Duncan-Glancy, Pam (Glasgow) (Ind)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Fergus (Inverness and Nairn) (Ind)

Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hoy, Craig (South Scotland) (Con)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Lumsden, Douglas (North East Scotland) (Con)
Marra, Michael (North East Scotland) (Lab)
McCall, Roz (Mid Scotland and Fife) (Con)
McNeill, Pauline (Glasgow) (Lab)
Mochan, Carol (South Scotland) (Lab)
Mundell, Oliver (Dumfriesshire) (Con)
O'Kane, Paul (West Scotland) (Lab)
Ross, Douglas (Highlands and Islands) (Con)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Simpson, Graham (Central Scotland) (Reform)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Sweeney, Paul (Glasgow) (Lab)
Villalba, Mercedes (North East Scotland) (Lab)
Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
White, Tess (North East Scotland) (Con)
Whitfield, Martin (South Scotland) (Lab)
Whittle, Brian (South Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 70, Against 47, Abstentions 0.

Amendment 7 agreed to.

Amendment 21 moved—[Elena Whitham].

The Deputy Presiding Officer: The question is, that amendment 21 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Chapman, Maggie (North East Scotland) (Green)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Gray, Neil (Airdrie and Shotts) (SNP)
Greene, Jamie (West Scotland) (LD)
Greer, Ross (West Scotland) (Green)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lochhead, Richard (Moray) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
McKee, Ivan (Glasgow Provan) (SNP)
McLennan, Paul (East Lothian) (SNP)
McMillan, Stuart (Greenock and Inverclyde) (SNP)
McNair, Marie (Clydebank and Milngavie) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
Rennie, Willie (North East Fife) (LD)
Robertson, Angus (Edinburgh Central) (SNP)
Robison, Shona (Dundee City East) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Simpson, Graham (Central Scotland) (Reform)
Slater, Lorna (Lothian) (Green)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Swinney, John (Perthshire North) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)
Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baker, Claire (Mid Scotland and Fife) (Lab)
Balfour, Jeremy (Lothian) (Ind)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Dowey, Sharon (South Scotland) (Con)
Duncan-Glancy, Pam (Glasgow) (Ind)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Fergus (Inverness and Nairn) (Ind)
Fraser, Murdo (Mid Scotland and Fife) (Con)

Gallacher, Meghan (Central Scotland) (Con)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hoy, Craig (South Scotland) (Con)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Marra, Michael (North East Scotland) (Lab)
McCall, Roz (Mid Scotland and Fife) (Con)
McNeill, Pauline (Glasgow) (Lab)
Mochan, Carol (South Scotland) (Lab)
Mundell, Oliver (Dumfriesshire) (Con)
O'Kane, Paul (West Scotland) (Lab)
Ross, Douglas (Highlands and Islands) (Con)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Sweeney, Paul (Glasgow) (Lab)
Villalba, Mercedes (North East Scotland) (Lab)
Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
White, Tess (North East Scotland) (Con)
Whitfield, Martin (South Scotland) (Lab)
Whittle, Brian (South Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 73, Against 44, Abstentions 0.

Amendment 21 agreed to.

The Deputy Presiding Officer: Group 4 is on reporting on religious observance and withdrawal from it. Amendment 8, in the name of Maggie Chapman, is grouped with amendments 12 and 23.

17:45

Maggie Chapman: Because we are creating new rights, it is important that we monitor how those rights will be used, so that we can know whether young people are made properly aware of them and supported to exercise them.

Amendment 8 would ensure that that happens, and I am grateful to the cabinet secretary for working with me to get the amendment to stage 3. It would require the Scottish ministers to publish an annual report that details

"the number of pupils who have been withdrawn from religious observance".

The amendment addresses the widespread calls that have been made by stakeholders and the Equalities, Human Rights and Civil Justice Committee for more evidence to be provided about religious observance in schools. Amendment 8 aims to ensure that information on withdrawals from RO is collected in a way that is proportionate and manageable and that does not impose an unnecessary or additional workload on schools.

The intention is that the figures that would be required for the report would be gathered using existing powers and processes. An annual return would allow for further understanding of the number of withdrawals from religious observance, as well as supporting the monitoring of any trends over time. Although the proposed annual data gathering requirement is fairly narrow, my hope is that the Scottish Government will not limit itself to gathering that data alone, but that it will be used as a starting point for more in-depth evidence gathering.

Amendment 12 would allow us to get regular updates on the use of RO more generally. Some schools have followed Scottish Government guidance and have adopted a time for reflection model of religious observance. That more inclusive approach is focused less on prayers and religious worship and more on reflecting on a moral issue without being led in a particular way of thinking.

Schools tend to invite a range of speakers from different faith and non-faith backgrounds, in much the same way as our Parliament does. However, research by the Humanist Society Scotland shows that, in some non-denominational schools, RO is still largely or wholly delivered in a Christian manner. Assemblies are often held in churches and involve religious worship, prayers and hymns. Such non-inclusive practices can isolate and discriminate against pupils, parents, guardians and teachers who do not hold Christian beliefs. That is why it is important to monitor how RO is taking place in our state schools, which is addressed by subsection (2)(a) of the new section that amendment 12 seeks to insert after section 1.

When students withdraw from RO, it is crucial that high-quality alternative provision is put in place, so that those young people are not disadvantaged. Subsection (2)(c) of the new section that amendment 12 seeks to insert covers that point, and it is in line with Stephen Kerr's earlier amendment.

I hope that the Parliament will support my amendments, so that we can ensure that the rights that we create in law are respected in practice and that religious observance in our schools is delivered in a way that is appropriate for our multifaith society.

Elena Whitham's amendment 23 is similar to my amendments in the group, and I support it as well.

I move amendment 8.

Elena Whitham: Amendment 23 proposes the introduction of a statutory review of the implementation of the changes to the withdrawal process, which would be published three years

after the provisions come into force. That represents a proportionate and workable approach. By allowing a reasonable period of time to pass before the review is undertaken, the amendment would ensure that sufficient evidence and practical experience were available to assess whether the legislation was operating as intended.

Under amendment 23, the review would also consider how religious observance had been delivered during the period in question and assess how inclusive that provision had been. That provision aims to respond to the concerns that were raised during the parliamentary process regarding the dearth of evidence about the current form and delivery of religious observance by growing the existing evidence base. That is especially important given the freedom of information responses that were published last week by the Humanist Society Scotland.

Importantly, amendment 23 would require the Scottish ministers to set out what actions they intended to take in response to the review's findings, or to explain clearly if no further action was proposed. That would extend in particular to any actions taken to enable children to independently withdraw from religious observance.

Finally, ministers would have to lay a copy of the report before the Scottish Parliament.

I encourage members to support amendment 23.

Paul O'Kane: Given the concerns that were expressed at stages 1 and 2 about the lack of evidence and data on religious observance and withdrawals, it is right that we work to address that deficit. However, it remains odd that we are making changes to withdrawals without having the data and without that work having been done before the bill was introduced. That clear oversight must be addressed. I welcome the conversations that I had with the cabinet secretary on the matter, and the fact that work that can now be undertaken to address the issue.

Scottish Labour will support amendments 8 and 12, which are balanced, reasonable and clear. However, we cannot support Elena Whitham's amendment 23. Most of what that amendment seeks to do would be achieved through Maggie Chapman's amendment 12. I refer back to the arguments that were made on an independent opt-out earlier this afternoon. The specific reference to that in amendment 23 means that we cannot support it.

Jenny Gilruth: As we have heard, Maggie Chapman's amendment 8 would limit the reporting requirement to the number of withdrawals alone, rather than seeking more detailed data that would be burdensome for schools to collect. Mr O'Kane is correct to highlight the data deficit that there has been in relation to the issue. As we know, annual collection would give a much better understanding at a national level of the number of withdrawals to be established and trends in withdrawals to be monitored over time. For those reasons, the Government will support amendment 8.

Amendment 12, which is also in the name of Maggie Chapman, would require the Scottish ministers to commission, publish and lay before Parliament an independent report on religious observance in public and grant-aided schools. The first report would be produced within two years of royal assent and reports would be produced every five years thereafter. The amendment sets out an extensive list of required content: the form and content of religious observance; how withdrawal rights are operating; the availability of alternative activities; UNCRC compliance in relation to the content of religious observance and the withdrawal process; and any further matters that the appointed independent person considers important.

Although all those matters are relevant, the amendment would bring several challenges. Commissioning an independent report of that nature is likely to be significantly more costly than conducting a review internally, and it is not clear that the additional expense would be justified by added benefit.

In addition, amendment 12 would require the first report to be produced within two years of royal assent, which might prove premature, particularly as the provisions might not yet have been fully embedded before data gathering must commence. The amendment also mandates the on-going production of reports every five years in perpetuity. Given the relatively small number of pupils who are expected to be affected by withdrawal rights, that appears disproportionate. Furthermore, the amendment would not place any duty on operators of schools to provide the reporter with any information, which might mean that the information gathering would need to go through the Scottish Government in any case, which would potentially compromise the perceived independence of the reports.

Taken together, those issues suggest that amendment 12 would impose a high-cost on-going reporting structure that might not provide commensurate benefit. For those reasons, I do not support amendment 12. However, I recognise the intention behind it, which, as has been discussed, is to improve the evidence base. To that end, I encourage members to support amendment 23 as an alternative.

Elena Whitham's amendment 23 would introduce a one-off statutory review of the implementation of the bill's provisions, to be published three years after commencement. That approach is more proportionate than that which is outlined in amendment 12. It would allow for meaningful evidence to be gathered over a reasonable period, which would support ministers in assessing how the provisions were working in practice and whether further changes or guidance might be required. It would also avoid the need to request significant recurring data from schools and local authorities.

The review would be required to include information on how religious observance had been delivered during the period, as well as an assessment of the inclusiveness of its content and delivery. That speaks directly to the concerns raised by the Humanist Society and others regarding non-inclusive practices, which Ms Chapman has alluded to. The proposed provision would help to determine whether those concerns persisted following updated guidance.

Amendment 23 would also require the Scottish ministers to set out any actions that they intended to take in the light of the review, or to give reasons if they did not propose to take action, in particular in relation to enabling children to withdraw from religious observance. That would ensure transparency and accountability in responding to the findings.

The one-off nature of the review strikes an appropriate balance: it would provide sufficient depth of information at an appropriate time, while minimising the on-going administrative burden and cost to the teaching profession. For those reasons, I support amendment 23.

In summary, the Government will support amendments 8 and 23 as proportionate and practical measures. However, as I have said, amendment 12 would impose disproportionate on-going reporting requirements, and I ask Maggie Chapman not to move it.

The Deputy Presiding Officer: I call Maggie Chapman to wind up and to press or withdraw amendment 8.

Maggie Chapman: As we have heard, my amendment 8 would require the Scottish Government to report on the number of pupils who had been withdrawn from RO during the school year as soon after the end of that school year as possible. The amendment is needed because of the significant evidence gap that was identified during earlier stages of the bill's consideration and because it would support greater transparency and accountability.

The cabinet secretary indicated that it is likely that the numbers will be very small. Well, we just do not know that—that is part of the issue—which is why we need amendment 12. We also continue to support on-going qualitative as well as quantitative reporting, so I encourage the Scottish Government to report on the form and content of RO, reasons for withdrawal and other information beyond the number of withdrawals.

My amendment 12 is stronger than amendment 23 because of its independent nature and the independence of the periodic reporting that it would require. I appreciate what the cabinet secretary said about the cost and the burden of that requirement, but, because we simply do not know the state of play at the moment and because of the very varied behaviours across Scotland, we need that information.

I will close with a note from Together. Although it understands that the amendments could improve our understanding of RO across Scotland and help to ensure consistency in rights-respecting practices, there have also been calls for making RO a thematic inspection by His Majesty's Inspectorate of Education in Scotland as a better way of achieving those things. I thought about lodging an amendment to that effect today, but I did not. However, we need to consider what more we can do to ensure that we have across-the-board information and not just the numbers.

I press amendment 8.

The Deputy Presiding Officer: The question is, that amendment 8 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

The Cabinet Secretary for Health and Social Care (Neil Gray): On a point of order, Presiding Officer. I could not connect on my phone. I would have voted yes.

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

Alasdair Allan (Na h-Eileanan an Iar) (SNP): On a point of order, Presiding Officer. Likewise, I could not connect. I would have voted yes.

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

Pauline McNeill: On a point of order, Presiding Officer. I would have voted yes.

The Deputy Presiding Officer: Thank you, Ms McNeill. I will ensure that that is recorded.

David Torrance: On a point of order, Presiding Officer. I would have voted yes.

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

Sharon Dowey (South Scotland) (Con): On a point of order, Presiding Officer. I would have voted no.

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

For

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Baker, Claire (Mid Scotland and Fife) (Lab)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Boyack, Sarah (Lothian) (Lab)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Chapman, Maggie (North East Scotland) (Green)
Choudhury, Foysol (Lothian) (Ind)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Duncan-Glancy, Pam (Glasgow) (Ind)
Ewing, Annabelle (Cowdenbeath) (SNP)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
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)
Hyslop, Fiona (Linlithgow) (SNP)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Lochhead, Richard (Moray) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Marra, Michael (North East Scotland) (Lab)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
McAllan, Màiri (Clydesdale) (SNP)
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)
Mochan, Carol (South Scotland) (Lab)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
O'Kane, Paul (West Scotland) (Lab)
Rennie, Willie (North East Fife) (LD)
Robertson, Angus (Edinburgh Central) (SNP)
Robison, Shona (Dundee City East) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Simpson, Graham (Central Scotland) (Reform)
Slater, Lorna (Lothian) (Green)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Sweeney, Paul (Glasgow) (Lab)
Swinney, John (Perthshire North) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Whitfield, Martin (South Scotland) (Lab)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)
Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Ind)
Briggs, Miles (Lothian) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Dowey, Sharon (South Scotland) (Con)
Eagle, Tim (Highlands and Islands) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hoy, Craig (South Scotland) (Con)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Lumsden, Douglas (North East Scotland) (Con)
McCall, Roz (Mid Scotland and Fife) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
Ross, Douglas (Highlands and Islands) (Con)
Smith, Liz (Mid Scotland and Fife) (Con)
Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
White, Tess (North East Scotland) (Con)
Whittle, Brian (South Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 89, Against 24, Abstentions 0.

Amendment 8 agreed to.

Amendment 9 moved—[Maggie Chapman].

The Deputy Presiding Officer: The question is, that amendment 9 be agreed to. Are we agreed?

Members: No.

18:00

The Deputy Presiding Officer: There will be a division.

The vote is closed.

David Torrance: On a point of order, Presiding Officer. I would have voted yes.

The Deputy Presiding Officer: I will ensure that that is recorded.

The Minister for Drugs and Alcohol Policy and Sport (Maree Todd): On a point of order, Presiding Officer. I, too, would have voted yes.

The Deputy Presiding Officer: Thank you, Ms Todd. I will ensure that that is recorded.

For

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Baker, Claire (Mid Scotland and Fife) (Lab)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Boyack, Sarah (Lothian) (Lab)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Chapman, Maggie (North East Scotland) (Green)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Duncan-Glancy, Pam (Glasgow) (Ind)
Ewing, Annabelle (Cowdenbeath) (SNP)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
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Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Gougeon, Mairi (Angus North and Mearns) (SNP)
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Greene, Jamie (West Scotland) (LD)
Greer, Ross (West Scotland) (Green)
Griffin, Mark (Central Scotland) (Lab)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Lochhead, Richard (Moray) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Marra, Michael (North East Scotland) (Lab)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
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)
Mochan, Carol (South Scotland) (Lab)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
O'Kane, Paul (West Scotland) (Lab)
Rennie, Willie (North East Fife) (LD)
Robertson, Angus (Edinburgh Central) (SNP)
Robison, Shona (Dundee City East) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Simpson, Graham (Central Scotland) (Reform)
Slater, Lorna (Lothian) (Green)
Somerville, Shirley-Anne (Dunfermline) (SNP)
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Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Sweeney, Paul (Glasgow) (Lab)
Swinney, John (Perthshire North) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
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Whitfield, Martin (South Scotland) (Lab)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)
Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Ind)
Briggs, Miles (Lothian) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Dowey, Sharon (South Scotland) (Con)
Eagle, Tim (Highlands and Islands) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hoy, Craig (South Scotland) (Con)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Lumsden, Douglas (North East Scotland) (Con)
McCall, Roz (Mid Scotland and Fife) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
Ross, Douglas (Highlands and Islands) (Con)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
White, Tess (North East Scotland) (Con)
Whittle, Brian (South Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 91, Against 24, Abstentions 0.

Amendment 9 agreed to.

The Deputy Presiding Officer: That takes us to group 5, on making free-standing provision for pupil involvement in withdrawal requests. Amendment 10, in the name of Maggie Chapman, is the only amendment in the group.

Maggie Chapman: Amendment 10 has the same aim as my other amendments and the bill in terms of the rights of children and young people. It would ensure that young people can be heard in any decision that their parents make to withdraw them from RO. However, the key difference with amendment 10 is that the provisions would be enacted as a stand-alone provision, rather than as amendments to the 1980 legislation, which, Together has argued, places the bill outwith the scope of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 and would mean that children would have no direct route to challenge breaches or to seek remedy if their rights in relation to the new provisions are not upheld. As well as the separation of RE and RO and the independent right to withdraw, the amendment is one of the key changes that Together requested in its letter to the committee last October—changes that are designed to ensure that part 1 of the bill fully aligns with the UNCRC. I welcome Together's support and the support of the Children and Young People's Commissioner Scotland for amendment 10.

I understand that there might be some technical issues with the amendment as drafted, and I will listen to the cabinet secretary's comments before I decide whether I will press it.

I move amendment 10.

Jeremy Balfour: Amendment 10 seeks to fundamentally alter the long-established balance between parental responsibility and the role of the state. Although it is framed as giving children a voice, it goes much further than that. It would give a pupil an effective veto over a lawful parental decision to withdraw them from religious observance. That is not simply consultation; it is the removal of the parent's final say in an area—religious and moral upbringing—that sits at the heart of family life.

Maggie Chapman: Jeremy Balfour said that the amendment would allow a child to override their parents' wishes and not be involved in RO, but the bill already allows a child to override a parent's wishes and opt back into RO. Why the discrepancy?

Jeremy Balfour: Amendment 10 would fundamentally undermine the parental role with regard to what they should be doing in their family. As I was just about to point out, parents ultimately carry the legal responsibility for their children's welfare and education. We would not lodge amendments to say that children could opt out of maths, English or physical education, because, as with this subject, it should be up to the parent to make decisions on those subjects. With responsibility must come the authority to make decisions, particularly on matters of belief and conscience.

Amendment 10 could also place schools in the middle of family disputes and transfer decision-making power away from parents. It represents a significant shift in the relationship between parent and child and, for that reason, I cannot support it.

The Deputy Presiding Officer: I call Stephen Kerr. [*Interruption*.] Paul O'Kane no longer wants to contribute.

Stephen Kerr: I should have known better than to second guess you, Presiding Officer. I thought that you had perhaps missed out Paul O'Kane.

I concur with what Jeremy Balfour said. Amendment 10 would replace section 1 of the bill with a free-standing statutory framework that governs pupil involvement in withdrawal from religious observance, and we should be clear about what that means. I reiterate that it would not only be a technical adjustment in law; it would be a rewriting of the architecture. The stated intention is to ensure that children are heard, which is legitimate—no one in the chamber disputes that young people can and do form thoughtful views—but this is not simply about listening. Amendment 10 would create a formalised statutory mechanism under which a parental request can be blocked if a pupil objects. It would require schools not merely to consult but to intervene. It would require them to inform, invite objection, seek discussion and, ultimately, adjudicate, which would be a significant shift in law.

Parents are not incidental participants in the upbringing of their children. They carry legal and moral responsibility for their child's welfare, moral formation and development. The conscience clause in section 9 of the Education (Scotland) Act 1980 recognised that settlement clearly. It located the right of withdrawal with the parent because matters of observance engage conscience and upbringing. Amendment 10 would recalibrate that balance. Once the school becomes the referee between a parent and a child on a question of conscience, the state is inserted more deeply into family life. Although that might be necessary in some circumstances, it should be avoided whenever possible and never be routine. The principle that parents carry the ultimate responsibility for their children is a fundamental right that must be maintained. Amendment 10 would undermine that principle.

We should also consider proportionality. The bill has already removed the parental right to withdraw their child from religious and moral education. It introduces a structured process by amending the 1980 act with its proposed section 9A. Amendment 10 would not simplify that framework; it would replace it with something more elaborate and prescriptive. At some point, incremental procedural additions become cumulatively transformational—we are close to that point.

There is also a practical reality. Schools are already under pressure, and amendment 10 would create a detailed case-by-case decision-making structure. That would require training, generate uncertainty and risk creating inconsistency across authorities. It would not reduce the likelihood of dispute but increase it.

The Scottish Conservatives' argument is not about silencing children; it is about setting out who decides. The principle of evolving capacities must sit alongside the principle of parental responsibility—one does not erase the other. Respecting a child's voice does not require us to diminish the role of the parent or formalise the school as an arbiter in every disagreement. When the Parliament legislates in matters that touch on conscience and faith, restraint is a virtue, and clarity and proportionality are essential. Trust in families matters. Although I am sure that it is well intentioned, amendment 10 would move the balance too far. It would amend a statutory adjudication model when careful involvement would suffice. For those reasons, I cannot support amendment 10.

Jenny Gilruth: Group 5 consists of amendment 10, in the name of Maggie Chapman, which would create a stand-alone provision in the bill, rather than amending the 1980 act. Although the intention is commendable, the amendment would have significant consequences for the structure and effect of part 1 of the bill. If amendment 10 were agreed to, none of the changes that section 1 of the bill makes to the 1980 act, including those that were agreed to as a result of our stage 2 amendments, would take effect. I do not think that that is Ms Chapman's intent.

Furthermore, amendment 10 would only deal with withdrawal from religious observance. It would not make provision for pupil involvement in decisions about withdrawal from religious and moral education. The current law on withdrawal from religious and moral education would remain unchanged, and pupils would have no right to be involved in those decisions. Additionally, any stage 3 amendments to section 1 that were agreed to before amendment 10 would fall away entirely.

Amendment 10 also raises several other concerns. By creating a stand-alone provision, it would remove the withdrawal process from the wider legislative framework of the 1980 act. Key terms such as "pupil", "parent" and "school" are not defined in the amendment, and the 1980 act definitions would not apply automatically. Without those definitions, ordinary meanings would apply, which could exclude legal guardians, carers and others with parental rights and responsibilities. I do not think that that was Ms Chapman's intention, but that would sit uneasily with the rest of the statutory framework and could create uncertainty for schools and families.

The Government's view remains that the correct and pragmatic approach is to amend the 1980 act directly. It is a complex and long-standing piece of legislation, as we have heard this afternoon, and all the other provisions concerning religious observance and RME are in that act. The bill therefore makes focused amendments to the act to address specific concerns, rather than attempting to replicate or replace entire sections of the existing statute.

As I think we debated during stage 2, re-enacting only parts of that framework within a new act would risk producing fragmented and incoherent legislation. The consequences of amendment 10 demonstrate why I resisted such proposals at stage 2, as I have alluded to. Although the proposals are well intentioned, stand-alone provision would risk creating legal uncertainty here.

I am mindful of the time. For the reasons that I have set out, I cannot support amendment 10 and I ask Maggie Chapman not to press it.

Maggie Chapman: I will just make a couple of points in winding up. It is utterly nonsensical to say that a child must be listened to when they want to opt into RO but that a child must not be listened to when they want to opt out of RO. That makes no sense.

To address another point that Jeremy Balfour made, we separated RO and RE at stage 2. RO is not a matter of education; it is a matter of faith. That point really needs to be made. There is nothing in my amendment 10 that would leave the possibility of withdrawal from maths or any other education subject.

Having said that, I reiterate my disappointment that the way in which the bill has been drafted takes it out of the scope of the UNCRC. I accept the points that the cabinet secretary has made, however, and I will therefore not press amendment 10.

Amendment 10, by agreement, withdrawn.

After section 1

Amendment 11 moved—[Maggie Chapman].

The Deputy Presiding Officer: The question is, that amendment 11 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

Jeremy Balfour: On a point of order, Presiding Officer. [*Interruption*.] Apologies—my vote has come through now.

For

Burgess, Ariane (Highlands and Islands) (Green)
Chapman, Maggie (North East Scotland) (Green)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Greene, Jamie (West Scotland) (LD)
Greer, Ross (West Scotland) (Green)
Harvie, Patrick (Glasgow) (Green)
Mackay, Gillian (Central Scotland) (Green)
Mason, John (Glasgow Shettleston) (Ind)
Rennie, Willie (North East Fife) (LD)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Slater, Lorna (Lothian) (Green)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Baker, Claire (Mid Scotland and Fife) (Lab)
Balfour, Jeremy (Lothian) (Ind)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dowey, Sharon (South Scotland) (Con)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Duncan-Glancy, Pam (Glasgow) (Ind)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Annabelle (Cowdenbeath) (SNP)
Ewing, Fergus (Inverness and Nairn) (Ind)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Neil (Airdrie and Shotts) (SNP)
Griffin, Mark (Central Scotland) (Lab)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Harper, Emma (South Scotland) (SNP)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hoy, Craig (South Scotland) (Con)
Hyslop, Fiona (Linlithgow) (SNP)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Lochhead, Richard (Moray) (SNP)
Lumsden, Douglas (North East Scotland) (Con)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Marra, Michael (North East Scotland) (Lab)
Martin, Gillian (Aberdeenshire East) (SNP)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
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)
Mochan, Carol (South Scotland) (Lab)
Mundell, Oliver (Dumfriesshire) (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)
Ross, Douglas (Highlands and Islands) (Con)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Simpson, Graham (Central Scotland) (Reform)
Smith, Liz (Mid Scotland and Fife) (Con)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Sweeney, Paul (Glasgow) (Lab)
Swinney, John (Perthshire North) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
White, Tess (North East Scotland) (Con)
Whitfield, Martin (South Scotland) (Lab)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Whittle, Brian (South Scotland) (Con)
Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 12, Against 104, Abstentions 0.

Amendment 11 disagreed to.

Amendments 22 and 22A moved—[Maggie Chapman].

The Deputy Presiding Officer: The question is, that amendment 22A be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Chapman, Maggie (North East Scotland) (Green)
Greer, Ross (West Scotland) (Green)
Harvie, Patrick (Glasgow) (Green)
Mackay, Gillian (Central Scotland) (Green)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Slater, Lorna (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Baker, Claire (Mid Scotland and Fife) (Lab)
Balfour, Jeremy (Lothian) (Ind)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-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) (Ind)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Annabelle (Cowdenbeath) (SNP)
Ewing, Fergus (Inverness and Nairn) (Ind)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Neil (Airdrie and Shotts) (SNP)
Greene, Jamie (West Scotland) (LD)
Griffin, Mark (Central Scotland) (Lab)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Harper, Emma (South Scotland) (SNP)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hoy, Craig (South Scotland) (Con)
Hyslop, Fiona (Linlithgow) (SNP)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Lochhead, Richard (Moray) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Marra, Michael (North East Scotland) (Lab)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
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)
Mochan, Carol (South Scotland) (Lab)
Mundell, Oliver (Dumfriesshire) (Con)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
O'Kane, Paul (West Scotland) (Lab)
Rennie, Willie (North East Fife) (LD)
Robertson, Angus (Edinburgh Central) (SNP)
Robison, Shona (Dundee City East) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Ross, Douglas (Highlands and Islands) (Con)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Simpson, Graham (Central Scotland) (Reform)
Smith, Liz (Mid Scotland and Fife) (Con)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Sweeney, Paul (Glasgow) (Lab)
Swinney, John (Perthshire North) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
White, Tess (North East Scotland) (Con)
Whitfield, Martin (South Scotland) (Lab)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Whittle, Brian (South Scotland) (Con)
Wishart, Beatrice (Shetland Islands) (LD)
Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 7, Against 109, Abstentions 0.

Amendment 22A disagreed to.

18:15

The Deputy Presiding Officer: I call Maggie Chapman to press or withdraw amendment 22.

Maggie Chapman: I press amendment 22.

The Deputy Presiding Officer: The question is, that amendment 22 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Chapman, Maggie (North East Scotland) (Green)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Greene, Jamie (West Scotland) (LD)
Greer, Ross (West Scotland) (Green)
Harvie, Patrick (Glasgow) (Green)
Mackay, Gillian (Central Scotland) (Green)
Rennie, Willie (North East Fife) (LD)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Slater, Lorna (Lothian) (Green)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Balfour, Jeremy (Lothian) (Ind)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Briggs, Miles (Lothian) (Con)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burnett, Alexander (Aberdeenshire West) (Con)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dowey, Sharon (South Scotland) (Con)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Annabelle (Cowdenbeath) (SNP)
Ewing, Fergus (Inverness and Nairn) (Ind)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Gray, Neil (Airdrie and Shotts) (SNP)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Harper, Emma (South Scotland) (SNP)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hoy, Craig (South Scotland) (Con)
Hyslop, Fiona (Linlithgow) (SNP)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lochhead, Richard (Moray) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
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)
Minto, Jenni (Argyll and Bute) (SNP)
Mundell, Oliver (Dumfriesshire) (Con)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
Robertson, Angus (Edinburgh Central) (SNP)
Robison, Shona (Dundee City East) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Ross, Douglas (Highlands and Islands) (Con)
Simpson, Graham (Central Scotland) (Reform)
Smith, Liz (Mid Scotland and Fife) (Con)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Swinney, John (Perthshire North) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
White, Tess (North East Scotland) (Con)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Whittle, Brian (South Scotland) (Con)
Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Baker, Claire (Mid Scotland and Fife) (Lab)
Boyack, Sarah (Lothian) (Lab)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Duncan-Glancy, Pam (Glasgow) (Ind)
Grant, Rhoda (Highlands and Islands) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Johnson, Daniel (Edinburgh Southern) (Lab)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Marra, Michael (North East Scotland) (Lab)
McNeill, Pauline (Glasgow) (Lab)
Mochan, Carol (South Scotland) (Lab)
O'Kane, Paul (West Scotland) (Lab)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Sweeney, Paul (Glasgow) (Lab)
Villalba, Mercedes (North East Scotland) (Lab)
Whitfield, Martin (South Scotland) (Lab)

The Deputy Presiding Officer: The result of the division is: For 11, Against 87, Abstentions 19.

Amendment 22 disagreed to.

Amendment 12 moved—[Maggie Chapman].

The Deputy Presiding Officer: The question is, that amendment 12 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
Boyack, Sarah (Lothian) (Lab)
Burgess, Ariane (Highlands and Islands) (Green)
Chapman, Maggie (North East Scotland) (Green)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Duncan-Glancy, Pam (Glasgow) (Ind)
Grant, Rhoda (Highlands and Islands) (Lab)
Greer, Ross (West Scotland) (Green)
Griffin, Mark (Central Scotland) (Lab)
Harvie, Patrick (Glasgow) (Green)
Johnson, Daniel (Edinburgh Southern) (Lab)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Mackay, Gillian (Central Scotland) (Green)
Marra, Michael (North East Scotland) (Lab)
McNeill, Pauline (Glasgow) (Lab)
Mochan, Carol (South Scotland) (Lab)
O'Kane, Paul (West Scotland) (Lab)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Slater, Lorna (Lothian) (Green)
Sweeney, Paul (Glasgow) (Lab)
Villalba, Mercedes (North East Scotland) (Lab)
Whitfield, Martin (South Scotland) (Lab)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Balfour, Jeremy (Lothian) (Ind)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Briggs, Miles (Lothian) (Con)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burnett, Alexander (Aberdeenshire West) (Con)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dowey, Sharon (South Scotland) (Con)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Annabelle (Cowdenbeath) (SNP)
Ewing, Fergus (Inverness and Nairn) (Ind)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Gray, Neil (Airdrie and Shotts) (SNP)
Greene, Jamie (West Scotland) (LD)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Harper, Emma (South Scotland) (SNP)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hoy, Craig (South Scotland) (Con)
Hyslop, Fiona (Linlithgow) (SNP)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lochhead, Richard (Moray) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
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)
Minto, Jenni (Argyll and Bute) (SNP)
Mundell, Oliver (Dumfriesshire) (Con)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
Rennie, Willie (North East Fife) (LD)
Robertson, Angus (Edinburgh Central) (SNP)
Robison, Shona (Dundee City East) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Ross, Douglas (Highlands and Islands) (Con)
Simpson, Graham (Central Scotland) (Reform)
Smith, Liz (Mid Scotland and Fife) (Con)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Swinney, John (Perthshire North) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
White, Tess (North East Scotland) (Con)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Whittle, Brian (South Scotland) (Con)
Wishart, Beatrice (Shetland Islands) (LD)
Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 26, Against 91, Abstentions 0.

Amendment 12 disagreed to.

Amendment 23 moved—[Elena Whitham].

The Deputy Presiding Officer: The question is, that amendment 23 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

Craig Hoy (South Scotland) (Con): On a point of order, Presiding Officer. My app froze, but I would have voted no.

The Deputy Presiding Officer: Thank you, Mr Hoy. I will ensure that that is recorded.

For

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Chapman, Maggie (North East Scotland) (Green)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Gray, Neil (Airdrie and Shotts) (SNP)
Greene, Jamie (West Scotland) (LD)
Greer, Ross (West Scotland) (Green)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lochhead, Richard (Moray) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
McKee, Ivan (Glasgow Provan) (SNP)
McLennan, Paul (East Lothian) (SNP)
McMillan, Stuart (Greenock and Inverclyde) (SNP)
McNair, Marie (Clydebank and Milngavie) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
Rennie, Willie (North East Fife) (LD)
Robertson, Angus (Edinburgh Central) (SNP)
Robison, Shona (Dundee City East) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Simpson, Graham (Central Scotland) (Reform)
Slater, Lorna (Lothian) (Green)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Swinney, John (Perthshire North) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)
Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baker, Claire (Mid Scotland and Fife) (Lab)
Balfour, Jeremy (Lothian) (Ind)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Burnett, Alexander (Aberdeenshire West) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Dowey, Sharon (South Scotland) (Con)
Duncan-Glancy, Pam (Glasgow) (Ind)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Fergus (Inverness and Nairn) (Ind)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hoy, Craig (South Scotland) (Con)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Marra, Michael (North East Scotland) (Lab)
McCall, Roz (Mid Scotland and Fife) (Con)
McNeill, Pauline (Glasgow) (Lab)
Mochan, Carol (South Scotland) (Lab)
Mundell, Oliver (Dumfriesshire) (Con)
O'Kane, Paul (West Scotland) (Lab)
Ross, Douglas (Highlands and Islands) (Con)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Sweeney, Paul (Glasgow) (Lab)
Villalba, Mercedes (North East Scotland) (Lab)
Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
White, Tess (North East Scotland) (Con)
Whitfield, Martin (South Scotland) (Lab)
Whittle, Brian (South Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 73, Against 45, Abstentions 0.

Amendment 23 agreed to.

Amendment 24 moved—[Paul O'Kane].

The Deputy Presiding Officer: The question is, that amendment 24 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
Balfour, Jeremy (Lothian) (Ind)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Burnett, Alexander (Aberdeenshire West) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Dowey, Sharon (South Scotland) (Con)
Duncan-Glancy, Pam (Glasgow) (Ind)
Eagle, Tim (Highlands and Islands) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Greene, Jamie (West Scotland) (LD)
Griffin, Mark (Central Scotland) (Lab)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hoy, Craig (South Scotland) (Con)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Lumsden, Douglas (North East Scotland) (Con)
Marra, Michael (North East Scotland) (Lab)
Mason, John (Glasgow Shettleston) (Ind)
McCall, Roz (Mid Scotland and Fife) (Con)
McNair, Marie (Clydebank and Milngavie) (SNP)
McNeill, Pauline (Glasgow) (Lab)
Mochan, Carol (South Scotland) (Lab)
Mundell, Oliver (Dumfriesshire) (Con)
O'Kane, Paul (West Scotland) (Lab)
Rennie, Willie (North East Fife) (LD)
Ross, Douglas (Highlands and Islands) (Con)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Sweeney, Paul (Glasgow) (Lab)
Villalba, Mercedes (North East Scotland) (Lab)
Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
White, Tess (North East Scotland) (Con)
Whitfield, Martin (South Scotland) (Lab)
Whittle, Brian (South Scotland) (Con)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Chapman, Maggie (North East Scotland) (Green)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Ewing, Fergus (Inverness and Nairn) (Ind)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Gray, Neil (Airdrie and Shotts) (SNP)
Greer, Ross (West Scotland) (Green)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lochhead, Richard (Moray) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
McKee, Ivan (Glasgow Provan) (SNP)
McLennan, Paul (East Lothian) (SNP)
McMillan, Stuart (Greenock and Inverclyde) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
Robertson, Angus (Edinburgh Central) (SNP)
Robison, Shona (Dundee City East) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Simpson, Graham (Central Scotland) (Reform)
Slater, Lorna (Lothian) (Green)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Swinney, John (Perthshire North) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 50, Against 68, Abstentions 0.

Amendment 24 disagreed to.

Section 2—United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024: circumstances where incompatible action or failure to act is not unlawful

The Deputy Presiding Officer: Group 6 is on scrutiny of use of exemptions. Amendment 25, in the name of the cabinet secretary, is grouped with amendments 13, 13A, 14 and 15.

Jenny Gilruth: This group covers a number of technical and legally complex issues, so I hope that members will bear with me.

I recognise the calls for greater transparency in relation to the use of the exemption in the new section 6B that the bill will insert into the UNCRC act. During stage 2 proceedings, I committed to lodging a Government amendment to introduce a reporting requirement on the Scottish ministers. That commitment was in direct response to amendments from Maggie Chapman and Stephen Kerr and it has been a key ask from children's rights stakeholders.

Amendment 25 delivers on that commitment. It will require the Scottish ministers to report on the use of the section 6B exemption annually to the Parliament through the existing framework of the children's rights scheme. Specifically, ministers must report on notifications that are received under the court-based processes that were introduced at stage 2, by which the Lord Advocate, the Children and Young People's Commissioner Scotland and the Scottish Human Rights Commission will be notified when the section 6B exemption is raised in legal proceedings.

Subject to amendment 13 being agreed to—I will speak to that shortly—ministers will also report on notifications that are received from certain public authorities that are named in the UNCRC act. Importantly, amendment 25 will also require ministers to report on any actions that they intend to take in response, which will support both transparency and accountability.

Amendment 15, in the name of Maggie Chapman, would require ministers to undertake an audit of legislation and report on the findings. Although I welcome the intent behind amendment 15, I believe that my amendment 25 provides for a more proportionate and coherent approach. That is because amendment 25 ties directly into the notification and intimation framework that the bill seeks to add to the UNCRC act and the reporting obligations for the children's rights scheme. In any event, amendment 15 would operate in a similar way to my amendment 25, but I believe that amendment 25 is clearer, more proportionate and better integrated with our existing framework. I therefore ask Maggie Chapman not to move amendment 15 and instead to support amendment 25.

Turning to amendments 13 and 13A, I welcome the fact that the Equalities, Human Rights and Civil Justice Committee supported the Government's stage 2 amendment that created a duty to notify when the section 6B exemption is raised in legal proceedings. However, I have listened to the concerns that MSPs and stakeholders have raised that that duty might apply too late in the process, because the issue will already have reached court.

In response, I committed to cross-party engagement on the issue. I am grateful for the constructive conversations that I have had with members from across the chamber and for the similarly constructive conversations that stakeholders have had with officials. As part of that engagement, the Government worked with Maggie Chapman to develop amendment 13, which would place a duty on public authorities listed in the UNCRC act to notify the Government, the children's commissioner and the Scottish Human Rights Commission when those listed authorities are of the view that they cannot read and give effect to relevant legislation in a way that is compatible with the UNCRC requirements, and that the exemption in section 6B therefore applies to the way in which they have acted or proposed to act. In effect, that will ensure that concerns are flagged to the Government at an earlier point.

Applying that duty only to listed authorities under section 19 of the UNCRC act will ensure that the duty is placed on those whose services most directly affect children and young people and those who have the appropriate expertise to support them in assessing whether that notification is required.

At stage 2, I said that any duty of that kind must be clear, proportionate and workable. By linking the duty to public authorities' existing obligation to read and give effect to legislation in a way that is compatible with the UNCRC requirements, it meets those tests.

The Government has engaged directly with listed authorities on the proposal. Several welcomed the link to existing duties under the act and felt that it was proportionate and addressed their concerns relating to previous approaches at stage 2. I have also continued our positive engagement with children's rights stakeholders, who are broadly supportive of the approach.

Nonetheless, I note that Maggie Chapman also lodged amendment 13A, which would slightly modify the trigger for notification. Instead of referring to how a listed authority "has acted" or "is proposing to act", it refers to the "exercise, or potential exercise" of a relevant function. The original wording was chosen because the section 6B exemption centres on a public authority's actions, as does the underlying duty to act in

accordance with the UNCRC requirements under section 6 of the 2024 act. In the Government's view, amendment 13 is slightly clearer and more tightly aligned with the underlying legal test. That said, I do not believe that amendment 13A would significantly alter how the duty operates in practice. On that basis, and in the interests of consensus, if Maggie Chapman chooses to move amendment 13A, we will support it.

I turn to amendment 14. I understand that the intention behind the proposal is to give the Children and Young People's Commissioner Scotland and the Scottish Human Rights Commission an additional power to bring proceedings to determine the compatibility of legislation with the UNCRC requirements in cases where the section 6B exemption might apply.

I begin by affirming that we are committed to a system in which legislation can be challenged in the courts. The UNCRC act already gives the commissioner and the SHRC the powers to do so. The Government therefore does not believe that amendment 14 is either necessary or appropriate. This is a key strength of the act: it provides a clear and effective route to test legislation in the courts when concerns arise. The UNCRC act was deliberately designed so that the Lord Advocate would be notified of any proceedings to challenge legislation; that is the Lord Advocate's constitutional role as guardian of the statute books. The amendment would therefore duplicate the route that already exists under the UNCRC act, and it would give to the commissioners powers that should rest with the Lord Advocate.

In addition, any significant new statutory power for commissioners of the kind that amendment 14 seeks would require careful scrutiny. Stage 3 of the bill is therefore not the appropriate place to introduce it. Neither the Government nor the Parliament has had sufficient time to fully consider any financial implications or potential unintended consequences, and in particular the constitutional implications of a new power. As far as I am aware, there has been no consultation with the Scottish Courts and Tribunals Service on the new power.

I am mindful of the broader context, including the findings of the Finance and Public Administration Committee's recent report on Scotland's commissioner landscape and the Government's response to that report. There is a clear expectation that any expansion of parliamentary bodies' powers should be discussed early with the Scottish Parliamentary Corporate Body, but, as the amendment was lodged only at stage 3, we have not had the opportunity to do so. I must also note that the proposal was not explored as part of the Equalities, Human Rights and Civil Justice Committee's scrutiny of the bill. By contrast, the Government has taken action to introduce two key safeguards: the new notification duty on listed public authorities and the new reporting requirements on the Scottish ministers.

For all those reasons, I cannot support amendment 14 and I encourage Maggie Chapman not to move it. If she does, I ask members to resist amendment 14, as well as amendment 15. I urge members to support amendment 25, which is in my name, along with Maggie Chapman's amendments 13 and 13A.

I move amendment 25.

The Presiding Officer (Alison Johnstone): Members will note that we have passed the agreed time limit for the debate on this group of amendments to finish. I exercise my power under rule 9.8.4A(c) of standing orders to allow the debate on the group to continue beyond the limit, to avoid the debate being unreasonably curtailed.

I call Maggie Chapman to speak to amendment 13 and other amendments in the group.

Maggie Chapman: During the committee's scrutiny of the bill, we consistently heard that a key safeguard to the exemption in section 6B would be a statutory duty to notify the Scottish Government, the children's commissioner and the Scottish Human Rights Commission when the exemption might be relied on.

I supported the Government's stage 2 amendment that introduced a notification duty that will apply when the exemption is raised in legal proceedings. However, I remained concerned that that will provide transparency only at a very late stage, when proceedings are already under way. That is why I lodged an amendment at stage 2 to introduce an alternative notification duty. Although that was not agreed to, I welcomed the cabinet secretary's commitment to work with me ahead of stage 3 to develop a proportionate and workable alternative. Amendment 13 reflects that joint work. I am grateful to the cabinet secretary for the time that she has put into the amendment.

18:30

Amendment 13 would introduce a duty on the public authorities listed in section 19 of the UNCRC act to notify the Scottish Government, the Children and Young People's Commissioner Scotland and the Scottish Commission for Human Rights if and when they are of the view that they cannot read and give effect to relevant legislation in a way that is compatible with UNCRC requirements and therefore take the view that the exemption might apply. That duty would mean that, where a listed authority identifies an issue with the legislation while fulfilling its obligations under the act, it must notify those bodies. That

would create a mechanism to identify and scrutinise potential issues at an earlier stage.

If we do not agree to amendment 13, then, because many instances will not reach court and be subject to legal proceedings, we will simply be living in ignorance about how often the rights of children and young people, which we have incorporated into law, are not being fully upheld.

I understand that that revised approach has been supported in engagement with children's rights stakeholders and listed public authorities. It also directly addresses one of the key calls made during the committee's evidence taking.

Amendment 13A might be a little cheeky, because it would amend amendment 13 to widen the scope of that notification duty. It would ensure that public authorities are obliged to notify the Government, the commissioner and the commission not only when they are proposing to act but when they are contemplating such an act—for example, when engaged in service planning or in other high-level discussions in which such issues might be expected to arise. Amendment 13A would simply ensure that public authorities provide the Scottish Government with notification of potential incompatibilities at the appropriate point, thereby triggering the Government's duty to assess and to report to Parliament any action that it has taken in response.

Amendment 14 is necessary in order to make part 2 of the bill operate effectively to deliver the policy intention underlying it. It is supported by the Children and Young People's Commissioner Scotland, SHRC, Together Scotland, UNICEF, Clan Childlaw and Social Work Scotland. It would provide the children's commissioner and the Scottish Human Rights Commission with a means of responding to a notification from a public authority about potentially incompatible legislation in a way that reflects their respective statutory roles. It is therefore a consequence of the Scottish Government's stage 2 amendment—now section 34A—and of my amendments 13 and 13A.

Amendment 14 would allow the commission and the children's commissioner directly to refer legislation to the court for a decision on compatibility, thereby promoting legal clarity and certainty to the benefit of children and public authorities, and would support the Scottish Government's goal of clarifying the law and clearing up the statute book.

I have made a positive case, but I also encourage members to consider the consequences of not agreeing to amendment 14. The children's commissioner and the SHRC have been advised that assessment by the Government is likely to be extremely time consuming, that the Government cannot position itself as a source of legal advice to public authorities and that it will report to Parliament only when it receives a notification from a listed authority and proposes to take action. Children cannot be left to bear the responsibility of clearing up the statute book, particularly when part 2 of the bill would actively disincentivise them from raising actions from which they cannot benefit. Instead, we should enable the commissioner and SHRC to fulfil their statutory duties. When organisations want to challenge legislation, in the absence of amendment 14 being given effect the only route available to them would be to identify an unlawful act by a public authority, bring proceedings, let the defence be raised and then seek a determination from the court. That would be adversarial, time consuming and costly for all parties, but amendment 14 would offer an alternative to that process.

Amendment 15 would require a regular audit of legislation that is likely to require the UNCRC to be set aside, and it would require the Scottish Government to state what it intends to do on finding any such legislation. The amendment would promote greater transparency and accountability by introducing a focused and systematic mechanism for identifying and addressing legislation that requires public authorities to act incompatibly with the UNCRC requirements. I note that the Scottish Human Rights Commission suggested that at stage 1 and that the amendment also has the support of the Together alliance.

I urge members to support my amendments in this group.

Paul O'Kane: Scottish Labour will support all the amendments in this group. However, I place it on record that we remain concerned that the Government has still provided no coherent justification of why it felt the need to introduce the section 6B exemption with such urgency and, indeed, what prompted that introduction. It is clear that something has changed between the reconsideration of the bill on UNCRC incorporation that we had considered earlier in the session, which was finally enacted, and now. If nothing has changed, why these changes were not in the original bill, and why they are needed now, is even more inexplicable.

Given that lack of clarity, it is important that we have transparency and accountability over the use of the proposed section 6B exemption. I believe that all the amendments in the group would strengthen that accountability and transparency, so they will have Scottish Labour's support.

Jenny Gilruth: I know that MSPs and children's rights stakeholders have called for safeguards in

relation to the use of the proposed section 6B exemption.

Subject to amendments 13 and 25 being agreed to, and with the existing powers available under the UNCRC act, there will be a robust framework in place. First, there is a notification duty so that the Scottish Government, the Children and Young People's Commissioner Scotland, and the Scottish Human Rights Commission are made aware when the exemption may be relied upon. Secondly, there is a requirement for the Scottish Government to consider and respond to those notifications. Thirdly, there is an existing route to test legislation to which the exemption may apply in the courts.

We can add to that our existing commitment, through the children's rights scheme, to ask public authorities annually whether they are aware of any legislation that might be incompatible. These measures create a robust framework to identify potential incompatibilities early and enable the Government to consider whether action is needed.

For those reasons, I ask members to support amendment 25 and confirm that the Government supports amendments 13 and 13A. I ask members to resist amendments 14 and 15.

The Presiding Officer: The question is, that amendment 25 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is closed.

Shirley-Anne Somerville (Dunfermline) (SNP): On a point of order, Presiding Officer. Apologies—my app would not connect. I would have voted yes.

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

Keith Brown (Clackmannanshire and Dunblane) (SNP): On a point of order, Presiding Officer. Similarly, I would have voted yes.

The Presiding Officer: Thank you, Mr Brown.

For

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Baker, Claire (Mid Scotland and Fife) (Lab)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Bibby, Neil (West Scotland) (Lab)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Burnett, Alexander (Aberdeenshire West) (Con)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Chapman, Maggie (North East Scotland) (Green)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-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) (Ind)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Annabelle (Cowdenbeath) (SNP)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (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)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hoy, Craig (South Scotland) (Con)
Hyslop, Fiona (Linlithgow) (SNP)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kerr, Stephen (Central Scotland) (Con)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Lochhead, Richard (Moray) (SNP)
Lumsden, Douglas (North East Scotland) (Con)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Marra, Michael (North East Scotland) (Lab)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
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)
Mochan, Carol (South Scotland) (Lab)
Mundell, Oliver (Dumfriesshire) (Con)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
O'Kane, Paul (West Scotland) (Lab)
Rennie, Willie (North East Fife) (LD)
Robertson, Angus (Edinburgh Central) (SNP)
Robison, Shona (Dundee City East) (SNP)

Roddick, Emma (Highlands and Islands) (SNP)
Ross, Douglas (Highlands and Islands) (Con)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Simpson, Graham (Central Scotland) (Reform)
Slater, Lorna (Lothian) (Green)
Smith, Liz (Mid Scotland and Fife) (Con)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Sweeney, Paul (Glasgow) (Lab)
Swinney, John (Perthshire North) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
White, Tess (North East Scotland) (Con)
Whitfield, Martin (South Scotland) (Lab)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Whittle, Brian (South Scotland) (Con)
Wishart, Beatrice (Shetland Islands) (LD)
Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Ind)

The Presiding Officer: The result of the division is: For 115, Against 1, Abstentions 0.

Amendment 25 agreed to.

Amendments 13 and 13A moved—[Maggie Chapman].

The Presiding Officer: The question is, that amendment 13A be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Baker, Claire (Mid Scotland and Fife) (Lab)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Bibby, Neil (West Scotland) (Lab)
Boyack, Sarah (Lothian) (Lab)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Chapman, Maggie (North East Scotland) (Green)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Duncan-Glancy, Pam (Glasgow) (Ind)
Ewing, Annabelle (Cowdenbeath) (SNP)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (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)
Hyslop, Fiona (Linlithgow) (SNP)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Lochhead, Richard (Moray) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Marra, Michael (North East Scotland) (Lab)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
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)
Mochan, Carol (South Scotland) (Lab)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
O'Kane, Paul (West Scotland) (Lab)
Rennie, Willie (North East Fife) (LD)
Robertson, Angus (Edinburgh Central) (SNP)
Robison, Shona (Dundee City East) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Simpson, Graham (Central Scotland) (Reform)
Slater, Lorna (Lothian) (Green)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Sweeney, Paul (Glasgow) (Lab)
Swinney, John (Perthshire North) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Whitfield, Martin (South Scotland) (Lab)

Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)
Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Ind)
Briggs, Miles (Lothian) (Con)
Burnett, Alexander (Aberdeenshire West) (Con)
Carlaw, Jackson (Eastwood) (Con)
Dowey, Sharon (South Scotland) (Con)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Fergus (Inverness and Nairn) (Ind)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hoy, Craig (South Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Lumsden, Douglas (North East Scotland) (Con)
McCall, Roz (Mid Scotland and Fife) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
Ross, Douglas (Highlands and Islands) (Con)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
White, Tess (North East Scotland) (Con)
Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 93, Against 25, Abstentions 0.

Amendment 13A agreed to.

The Presiding Officer: I invite Maggie Chapman to press or withdraw amendment 13, as amended.

Maggie Chapman: I press the amendment.

The Presiding Officer: The question is, that amendment 13, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Baker, Claire (Mid Scotland and Fife) (Lab)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Bibby, Neil (West Scotland) (Lab)
Boyack, Sarah (Lothian) (Lab)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Chapman, Maggie (North East Scotland) (Green)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Duncan-Glancy, Pam (Glasgow) (Ind)
Ewing, Annabelle (Cowdenbeath) (SNP)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (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)
Hyslop, Fiona (Linlithgow) (SNP)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Lochhead, Richard (Moray) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Marra, Michael (North East Scotland) (Lab)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
McArthur, Liam (Orkney Islands) (LD)
McKee, Ivan (Glasgow Provan) (SNP)
McLennan, Paul (East Lothian) (SNP)
McMillan, Stuart (Greenock and Inverclyde) (SNP)
McNair, Marie (Clydebank and Milngavie) (SNP)
McNeill, Pauline (Glasgow) (Lab)
Minto, Jenni (Argyll and Bute) (SNP)
Mochan, Carol (South Scotland) (Lab)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
O'Kane, Paul (West Scotland) (Lab)
Rennie, Willie (North East Fife) (LD)
Robertson, Angus (Edinburgh Central) (SNP)
Robison, Shona (Dundee City East) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Simpson, Graham (Central Scotland) (Reform)
Slater, Lorna (Lothian) (Green)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Sweeney, Paul (Glasgow) (Lab)
Swinney, John (Perthshire North) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)

Whitfield, Martin (South Scotland) (Lab)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)
Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Ind)
Briggs, Miles (Lothian) (Con)
Burnett, Alexander (Aberdeenshire West) (Con)
Carlaw, Jackson (Eastwood) (Con)
Dowey, Sharon (South Scotland) (Con)
Ewing, Fergus (Inverness and Nairn) (Ind)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hoy, Craig (South Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Lumsden, Douglas (North East Scotland) (Con)
McCall, Roz (Mid Scotland and Fife) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
Ross, Douglas (Highlands and Islands) (Con)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Thomson, Michelle (Falkirk East) (SNP)
Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
White, Tess (North East Scotland) (Con)
Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 93, Against 25, Abstentions 0.

Amendment 13, as amended, agreed to.

Amendment 14 moved—[Maggie Chapman].

The Presiding Officer: The question is, that amendment 14 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
Bibby, Neil (West Scotland) (Lab)
Boyack, Sarah (Lothian) (Lab)
Burgess, Ariane (Highlands and Islands) (Green)
Chapman, Maggie (North East Scotland) (Green)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Duncan-Glancy, Pam (Glasgow) (Ind)
Grant, Rhoda (Highlands and Islands) (Lab)
Greene, Jamie (West Scotland) (LD)
Greer, Ross (West Scotland) (Green)
Griffin, Mark (Central Scotland) (Lab)
Harvie, Patrick (Glasgow) (Green)
Johnson, Daniel (Edinburgh Southern) (Lab)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Mackay, Gillian (Central Scotland) (Green)
Marra, Michael (North East Scotland) (Lab)
McArthur, Liam (Orkney Islands) (LD)
McNeill, Pauline (Glasgow) (Lab)
Mochan, Carol (South Scotland) (Lab)
O'Kane, Paul (West Scotland) (Lab)
Rennie, Willie (North East Fife) (LD)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Simpson, Graham (Central Scotland) (Reform)
Slater, Lorna (Lothian) (Green)
Sweeney, Paul (Glasgow) (Lab)
Villalba, Mercedes (North East Scotland) (Lab)
Whitfield, Martin (South Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Balfour, Jeremy (Lothian) (Ind)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Briggs, Miles (Lothian) (Con)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burnett, Alexander (Aberdeenshire West) (Con)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dowey, Sharon (South Scotland) (Con)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Annabelle (Cowdenbeath) (SNP)
Ewing, Fergus (Inverness and Nairn) (Ind)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Gray, Neil (Airdrie and Shotts) (SNP)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Harper, Emma (South Scotland) (SNP)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hoy, Craig (South Scotland) (Con)
Hyslop, Fiona (Linlithgow) (SNP)
Kerr, Stephen (Central Scotland) (Con)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lochhead, Richard (Moray) (SNP)
Lumsden, Douglas (North East Scotland) (Con)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
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)
Minto, Jenni (Argyll and Bute) (SNP)
Mundell, Oliver (Dumfriesshire) (Con)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
Robertson, Angus (Edinburgh Central) (SNP)
Robison, Shona (Dundee City East) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Ross, Douglas (Highlands and Islands) (Con)
Smith, Liz (Mid Scotland and Fife) (Con)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Swinney, John (Perthshire North) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
White, Tess (North East Scotland) (Con)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Whittle, Brian (South Scotland) (Con)
Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 33, Against 87, Abstentions 0.

Amendment 14 disagreed to.

After section 2

Amendment 15 moved—[Maggie Chapman].

The Presiding Officer: The question is, that amendment 15 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is closed.

Bill Kidd (Glasgow Anniesland) (SNP): Thank you very much. A wee bit of Elvis there. [*Laughter.*] Sorry about that.

On a point of order, Presiding Officer. I was unable to connect. I would have voted no.

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

For

Burgess, Ariane (Highlands and Islands) (Green)
Chapman, Maggie (North East Scotland) (Green)
Greer, Ross (West Scotland) (Green)
Harvie, Patrick (Glasgow) (Green)
Mackay, Gillian (Central Scotland) (Green)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Simpson, Graham (Central Scotland) (Reform)
Slater, Lorna (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Balfour, Jeremy (Lothian) (Ind)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Briggs, Miles (Lothian) (Con)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burnett, Alexander (Aberdeenshire West) (Con)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dowey, Sharon (South Scotland) (Con)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Annabelle (Cowdenbeath) (SNP)
Ewing, Fergus (Inverness and Nairn) (Ind)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Gray, Neil (Airdrie and Shotts) (SNP)
Greene, Jamie (West Scotland) (LD)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Harper, Emma (South Scotland) (SNP)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hoy, Craig (South Scotland) (Con)
Hyslop, Fiona (Linlithgow) (SNP)
Kerr, Stephen (Central Scotland) (Con)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lochhead, Richard (Moray) (SNP)
Lumsden, Douglas (North East Scotland) (Con)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
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)
Minto, Jenni (Argyll and Bute) (SNP)
Mundell, Oliver (Dumfriesshire) (Con)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
Rennie, Willie (North East Fife) (LD)
Robertson, Angus (Edinburgh Central) (SNP)
Robison, Shona (Dundee City East) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Ross, Douglas (Highlands and Islands) (Con)

Smith, Liz (Mid Scotland and Fife) (Con)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Swinney, John (Perthshire North) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
White, Tess (North East Scotland) (Con)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Whittle, Brian (South Scotland) (Con)
Wishart, Beatrice (Shetland Islands) (LD)
Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Baker, Claire (Mid Scotland and Fife) (Lab)
Bibby, Neil (West Scotland) (Lab)
Boyack, Sarah (Lothian) (Lab)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Duncan-Glancy, Pam (Glasgow) (Ind)
Grant, Rhoda (Highlands and Islands) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Johnson, Daniel (Edinburgh Southern) (Lab)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Marra, Michael (North East Scotland) (Lab)
McNeill, Pauline (Glasgow) (Lab)
Mochan, Carol (South Scotland) (Lab)
O'Kane, Paul (West Scotland) (Lab)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Sweeney, Paul (Glasgow) (Lab)
Villalba, Mercedes (North East Scotland) (Lab)
Whitfield, Martin (South Scotland) (Lab)

The Presiding Officer: The result of the division is: For 8, Against 91, Abstentions 20.

Amendment 15 disagreed to.

The Presiding Officer: That ends consideration of amendments.

18:45

Meeting suspended.

19:00

On resuming—

The Presiding Officer (Alison Johnstone): As members will be aware, I am required under standing orders to decide whether, in my view, any provision of the bill relates to a protected subject matter—that is, whether it modifies the electoral system and franchise for Scottish parliamentary elections. In the case of the Children (Withdrawal from Religious Education and Amendment of UNCRC Compatibility Duty) (Scotland) Bill, in my view, no provision relates to a protected subject matter. Therefore, the bill does not require a supermajority to be passed at stage 3.

Martin Whitfield (South Scotland) (Lab): On a point of order, Presiding Officer.

I seek your advice. Rule 9.8.6 of standing orders would allow, at this stage, a bill that has been amended to be referred back to the committee to look at amendments amounting to not more than half of those passed. In respect of changes to part 1 of the bill—which does not exceed 50 per cent of the bill—has the member in charge of the bill approached you with a view to lodging a motion to refer it back to the committee, so that the amendments could be seen and how they would play out in the proposed bill could be considered?

The Presiding Officer: Thank you, Mr Whitfield. I have not been approached. It is for the Cabinet Secretary for Education and Skills to provide her views on the matter that you raise. As you are aware, rule 9.8.6 states:

"At the beginning of the debate on the motion that the Bill be passed, the member in charge of the Bill may by motion propose that such part of the Bill as may be specified in the motion … be referred back to committee for further Stage 2 consideration."

Children (Withdrawal from Religious Education and Amendment of UNCRC Compatibility Duty) (Scotland) Bill

The Presiding Officer (Alison Johnstone): The next item of business is a debate on motion S6M-20813, in the name of Jenny Gilruth, on the Children (Withdrawal from Religious Education and Amendment of UNCRC Compatibility Duty) (Scotland) Bill at stage 3. I would be grateful if those members who wish to speak in the debate would press their request-to-speak button now.

19:02

The Cabinet Secretary for Education and Skills (Jenny Gilruth): The legislation that comes before Parliament today does not sit in isolation; rather, as we have heard from some members this afternoon, it is part of the wider story of Scotland's journey to strengthen children's rights.

The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 was a key milestone on that path. As the chair of the UN Committee on the Rights of the Child has commented, it is

"one of the finest examples of domestic children's-rights legislation anywhere in the world."

Just three months ago, on world children's day, we laid Scotland's first children's rights scheme before Parliament. The passing of the bill before Parliament this evening will build on that progress to date. The bill offers Parliament a clear opportunity in this parliamentary session to make meaningful progress on enhancing the rights of Scotland's children and young people.

The right to withdraw from religious observance in Scotland's schools dates back to the 1800s. Consequently, perhaps, there is no legal requirement currently to consult children about being withdrawn from religious observance in Scotland's schools. Thankfully, things have moved on since then.

Given the wide range of views on the issue, the Government's approach throughout has been to chart a middle course, to strengthen children's rights while balancing three other key considerations—namely, parental rights, stakeholder views and the practical implications for schools.

Part 1 of the legislation proposes a new legal requirement to consider pupils' views as part of the withdrawal process. Without those changes, pupils might be denied their rights under the UNCRC. The withdrawal process can be initiated only by a parent; the bill does not seek to change that. However, the changes will provide certainty in law that children's and young people's views must be considered when parents are exercising their withdrawal right.

As members will also be aware, at stage 2, the bill was amended to separate religious observance and religious and moral education so that the right of parental withdrawal applies only to religious observance. The Government was supportive of the bill being amended in that way, given the clear consensus on the importance of religious and moral education as a curriculum area and its benefits for community cohesion.

The consensus was echoed by stakeholders, including the Scottish Teachers Association of Religious and Moral Education, the Humanist Society Scotland, the United Nations Children's Fund UK and the Scottish Human Rights Commission.

However, as we heard this afternoon, some concerns have been expressed about how the change could affect denominational schools, where religious observance and religious education are often closely interwoven. Again, I put on the record the importance of protecting our denominational schools, which are rightly afforded legal protection in Scotland.

Although I was married to my wife by a humanist celebrant, my last teaching post before I became an MSP was in a Catholic school, so I know and recognise the significant importance of faith schools to communities the length and breadth of Scotland.

The Scottish Catholic Education Service will be a key stakeholder in the development of the new statutory guidance, in recognition of the importance of supporting the changes in denominational schools, particularly when religious observance is often part of their wider ethos. To that end, I have been pleased to lead significant engagement with the Scottish Catholic Education Service. In addition, my officials recently visited Sacred Heart primary school in Glasgow and Calderwood Lodge primary school in East Renfrewshire to meet headteachers and listen to pupils. The close engagement with SCES will continue as the Government develops the statutory guidance to accompany the bill.

I have also heard concerns from stakeholders, including the Humanist Society Scotland and the Children and Young People's Commissioner Scotland, about non-inclusive religious observance in non-denominational schools. Scottish Government guidance is already clear that religious observance should be inclusive of pupils of all faiths and none. However, the updated

statutory guidance will reiterate the necessity of inclusivity, which is exactly why the Government supported Elena Whitham's amendments on the issue. The Government recognises and agrees that inclusivity will look different in a denominational setting. As such, we supported the provisions in amendment 23, which listed denominational schools as a mandatory consultee prior to the issuing of the guidance.

On part 2 of the bill, I want to be clear about why the section 6B exemption is necessary. The exemption will apply only in very narrow circumstances when a public authority cannot read provisions in an act of the Scottish Parliament in a way that is compatible with the UNCRC requirements. Subsequently, the public authority might be required to act in a way that is incompatible with the requirements of the UNCRC act. In that situation, public authorities need clarity on their duties to deliver services, which is why the exemption is necessary.

Our approach, which reflects a similar and long-standing provision in the Human Rights Act 1998, recognises that, if the exemption applies, it is not the public authority but the legislation that is at fault. We recognise that, in some cases, the legislation might need to be changed and that such changes should be the responsibility of the Government and the Parliament, not of individual public bodies.

That approach has been welcomed by children's rights stakeholders and by children and young people. For example, Together has described the exemption as a way of addressing systemic children's rights issues at a primary legislation level. The children and young people it consulted said that they would rather see the root causes of rights violations being addressed, which is exactly what the exemption is designed to do.

The Government cannot predict every future case or scenario, but we can ensure that we have a clear and robust legal framework that is capable of responding to our collective understanding of children's rights, which the Parliament has previously recognised. That understanding will continue to evolve, particularly as new cases come before the courts.

Through the bill and the wider framework of the UNCRC act, we are seeking to provide a clear and joined-up approach. I pay tribute to the Children and Young People's Commissioner, the Scottish Human Rights Commission and Together for their constructive engagement on those pertinent issues.

The bill offers the Parliament a real opportunity to strengthen children's rights in Scotland—in our schools, in our legislation and in how the Government is held to account. The bill is a mark of progress in improving the rights of children and young people in Scotland, but it is not an end point. The Government's approach has involved working with members on as broad a basis as possible, and I thank members, the Equalities, Human Rights and Civil Justice Committee and stakeholders for their thoughtful contributions throughout the bill's development. Together, I believe that we have improved the bill. In that spirit, I hope that members will vote at decision time to support greater rights for Scotland's children.

I move,

That the Parliament agrees that the Children (Withdrawal from Religious Education and Amendment of UNCRC Compatibility Duty) (Scotland) Bill be passed.

19:09

Miles Briggs (Lothian) (Con): I thank the Equalities, Human Rights and Civil Justice Committee for its work on the bill, those who have given evidence and the organisations that provided briefings ahead of the various stages of the bill.

From the outset, Scottish Conservatives have stated that we believe that it is important that children have a say in their education, but any change must also respect the crucial role that parents play in shaping their upbringing. As we have seen with the recent passage of the Children (Care, Care Experience and Services Planning) (Scotland) Bill, the ability of ministers to incorporate the UNCRC into law is becoming more and more problematic. That is also quite clear from what we have seen in the passage of this bill.

Scottish Conservatives have consistently expressed concern that the bill risks creating confusion and conflict within families, with unclear safeguards around how parental rights and children's views would be balanced in practice, while also placing significant burdens on schools and teaching staff at the very time that they are telling us that they are facing so many other challenges. As I stated at stage 1, we support the principle of children being informed about and involved in decisions that affect them and their education, but we already have a system in place that makes sure that that happens at an age-appropriate stage in young people's lives. Although data is not always available—it is estimated that 4,000 pupils in Scotland are currently withdrawn from RME and RO—ministers must now be concerned that the legislation is likely to be challenged in the courts. The fact that the bill has reached stage 3 in such a position is regrettable.

As For Women Scotland has stated in its briefing ahead of today's debate:

"The Scottish Government must exercise its powers in a

manner which is compatible with the requirements of Article 2 of Protocol No 1 to the European Convention on Human Rights, particularly the second sentence which has been incorporated into Schedule 1 of the Human Rights Act 1998, which states:

'In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.'

Consequently, parents have a fundamental right, which the State must respect and protect, to raise their children in accordance with their own views and beliefs".

Jenny Gilruth: We have heard a variety of views on the matter during the discussions on amendments this afternoon, and I am sure that we will hear more in the debate. However, the provisions that the Government has proposed do not seek to alter a parent's right to withdraw their child from religious observance. I would welcome some reflection on that from Mr Briggs.

Miles Briggs: The courts will have to judge whether the Government has overstepped the mark in the legislation, given the contradictory UNCRC and European human rights protocols that will now be in place. We will see who brings that forward.

It is important that we look at what this means for teaching professionals. The debate has seemed very bureaucratic as we have gone through the amendments this afternoon, but we have heard about the bureaucratic burden that teachers and schools already face and the concerns that that will raise in the wider school community.

I was lucky enough to attend Auchtergaven primary school in Bankfoot in Perthshire, which is in the First Minister's constituency. At that school, we saw a valuable relationship with the Church of Scotland minister and his wife, who contributed so much to the school, from school Christmas plays to the work in the school halls. Fundamentally, the Church of Scotland was making a positive contribution to our school life. This bill now sits uneasily around where religious organisations can make contributions to education, and whether it would be much easier to remove that completely in case there are future challenges. I do not know whether that is what the Government necessarily wanted the bill to point to, but local authorities will probably want to start providing guidance from the Government, which we have not had an opportunity to see. Those are real concerns.

The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes): I wonder what the member thinks of a story that a constituent shared with me. She runs a Christian kids' club in her local primary school. A little child was coming along and enjoying it. The parent phoned the school up and said that they did not want the child going anywhere near a Christian religious group. The headteacher said that it is the child's free choice whether or not to go. How does the member feel about that scenario?

Miles Briggs: That is an individual case. Looking at how this will play out in the different scenarios that bureaucratic systems will look towards is very different.

Martin Whitfield: Will the member take an intervention?

The Presiding Officer: This will have to be very brief.

Martin Whitfield: I am very grateful, Presiding Officer.

The debate that we are having is about religious education and religious observance in a school setting, not about clubs that meet in a school.

Miles Briggs: The Deputy First Minister has pointed towards that club being held in a school, and I imagine that that is likely to be discouraged, given that scenario.

I am concerned about what a religious service, or a service in general, will look like. What will a Christmas service fundamentally have to become to incorporate everybody? For many rural village schools, the minister has always been connected to the school. I worry that the bill will start to unpick that.

To conclude, Presiding Officer—you have been very generous with the time—I think that the cabinet secretary now realises in hindsight that ministers tried to sell the bill as being a minor technical reform, but that is not the case. It has the potential to negatively impact our school environment and, indeed, Scottish family life. The bill is a fundamental change in the relationship between parents, pupils and the state. It risks confusion for families, inconsistency across Scotland and unnecessary strain on overpressed schools and teachers.

For those reasons, and because the balance struck in the final version of the bill does not adequately respect parental responsibility, the Scottish Conservatives will not support the bill at decision time.

19:16

Paul O'Kane (West Scotland) (Lab): As we have concluded the amendment stages of the bill, I join others in thanking the legislation team for their ever-present support with drafting amendments, all those who have taken an interest in the bill and who have engaged with me and colleagues on it, those who have prepared

briefings and, of course, committee colleagues for their work at stages 1 and 2.

At the start of the bill's passage, the cabinet secretary sought to reassure Parliament and the wider public that it would be a short technical bill and that she was seeking consensus across the Parliament. Instead, she has managed to unite some unlikely bedfellows in opposition to the bill. What has been created is a halfway house that appears to please nobody.

Coming to today's proceedings, we were faced with a range of amendments that could shift, change or reset whole parts of the bill and amendments that could result in fundamental shifts in the position of parents' rights, as we have heard, and in the position of denominational schools and how they deliver RE and RO in Scotland. That cannot be the outcome that the Government was looking for at the start of the process, and it speaks to much of what I referenced in the proceedings on amendments.

The heart of the matter is that the Government has introduced a bill without a clear answer to the fundamental questions that we should all ask ourselves when considering legislation, which are, "What is it for?" and, "Why are we doing it now?" As a consequence, the bill has had a chaotic, short journey and has caused a level of uncertainty. Due to that, I want to put on record that I cannot support the bill at decision time.

The detail of part 1 of the bill is, I think, confused, and was further confused by the amendments that were lodged at stage 2. Fundamentally, I regret that the Government did not support my amendment, which would have sought to offer a degree of reassurance to those in the denominational sector. I do not believe that it was too much to ask that the Education (Scotland) Act 1918 and the Education (Scotland) Act 1980 be put into the bill for the avoidance of doubt.

I say that because those pieces of legislation are totemic for those in the faith sector in Scotland and, in particular, for those in the Catholic education sector. I referenced in my contribution on my amendment the reason why those pieces of legislation came into being and the opportunities that they have afforded generations of young people and their families in this country. As I said at the weekend in reference to that amendment, if people do not have a problem with faith schools in Scotland or with the continuation of Catholic education, they should have had no problem in backing that amendment. That is why I am disappointed that the amendment was not agreed to by the Parliament tonight, because it was an opportunity for the first time in the history of devolution to put those acts into and on the face of an act of the Scottish Parliament.

Substantial changes to practices in Scottish schools that have existed for decades—particularly those changes that affect denominational settings—should not have been rushed through by way of amendments in the last months of a parliamentary session. This policy required a much more considered approach and a fuller discussion. In my opinion, there has been a lack of understanding throughout the consideration of the bill about how denominational schools operate. We have seen that in the varied amendments that were considered earlier, which have resulted in the confused bill that we have ended up with.

It was remarkable to see some of the interventions that were made in the intervening period. The Bishops Conference of Scotland gave a stark warning about its concerns at the conclusion of stage 2.

Labour members are supportive of the long-standing position in Scots law on the protection of faith education, but we also understand that, if we are going to have a wider debate about the UNCRC and children's rights, we cannot rush that through our consideration of the bill. I referred to that in relation to many of the amendments that were offered by Green colleagues today.

There is a fundamental and complex relationship between the rights that are advanced for children and young people and the rights of their parents. That will take a longer debate and a longer time to understand, and it cannot be rushed at this point in parliamentary proceedings.

Of course we cannot disregard the concerns that have been outlined. We cannot simply walk by and pass a piece of legislation because we believe that it has to be done by the end of the session. I outlined that more widely in relation to the question of what has changed between the reconsideration of the UNCRC incorporation legislation and now to make the bill before us so urgent and so necessary—particularly in its latter parts, in relation to the UNCRC. I do not think that we received an answer on that point. Perhaps the cabinet secretary will be able to say, when she sums up, what has changed and what her concerns are that have led us to where the bill is now.

Finally, and looking more widely, with mere weeks of this parliamentary session left to run, and at a time when resources for schools are already limited, I remain unclear as to why the Government felt the need to introduce the bill in the manner it did, and to allow it to be amended in such a way as to leave a bill that I think is confused and may do more harm than good.

For those reasons, I and Scottish Labour colleagues will vote against the bill tonight.

19:22

Maggie Chapman (North East Scotland) (Green): I begin by thanking a number of people who have helped us get to this point today. As ever, the legislation team are unsung heroes, expertly drafting amendments, often at very short notice. Without their work, we would not be here. I also thank the clerking and Scottish Parliament information centre teams of the Equalities, Human Rights and Civil Justice Committee for guiding us through stages 1 and 2.

The Parliament has been on a journey towards better recognising and protecting the rights of children and young people. In 2024, we enshrined the UN Convention on the Rights of the Child into Scots law. Before that, my Green colleague John Finnie ensured that all children are protected from physical assault.

We believe that UNCRC incorporation is the start, not the end, of ensuring that everything that we do upholds the rights of children and young people. Despite the convention's incorporation, our age of criminal responsibility is still just 12, which is lower than the age of 16 as recommended by the UN Committee on the Rights of the Child, and even lower than its supposed absolute minimum of 14.

The Education (Scotland) Act 1980 allows children to be withdrawn from religious activities in schools without their consent and without even asking for their views to be taken into account. That is clearly contrary to the convention, and I welcome the opportunity to correct that, but a major problem remains. As we have heard, the bill as now drafted allows a young person to opt back into those activities if they have been opted out of them, but not to opt out themselves. The Scottish Human Rights Commission, Together—the Scottish Alliance for Children's Rights, the Humanist Society Scotland and the Children and Young People's Commissioner Scotland are totally united in saying that the bill must include that extra provision.

I appreciate that the Scottish Government listened to those experts and supported my amendment to create a power to introduce an independent right to withdraw via regulations. However, because my amendment 7A was not accepted today, there remains no requirement to introduce or even consult on those regulations, and there is no timeline either. It is possible that that power could sit on the books for years and not be used. Many other powers have so languished. That would be completely unacceptable.

I am not an expert in children's rights. With respect, neither is the cabinet secretary—nor is Stephen Kerr, and nor is Paul O'Kane. However, the Children and Young People's Commissioner is, as are Professor Angela O'Hagan and the Scottish Human Rights Commission. Children in Scotland and the Children's Parliament are experts, too, as are Kibble, Save the Children, UNICEF, the Scottish Child Law Centre and many more organisations besides.

Without exception, they are all saying that, without the independent right, to quote the Scottish Human Rights Commission,

"Part 1 in its current form does not achieve compliance with the UNCRC."

Without such compliance, the Scottish Government runs the risk of legal challenge. Given the successful legal challenge that took place in Northern Ireland, the cabinet secretary will know that there are concerns that a challenge could also succeed here.

The cabinet secretary received a letter from Together and the Humanist Society Scotland saying that an independent right to withdraw

"is the only approach that is compatible with children's human rights, and it is the only approach that will provide a clear, equitable, and legally resilient settlement."

I will deal with part 2 of the bill in my closing speech. For now, I will end my opening speech by saying that we must listen to the experts. The Scottish Government must give a clear commitment today that it will consult on an independent right to withdraw should it be re-elected after May. The cabinet secretary still has time to make that commitment, and I urge her to do so later this evening.

19:26

Alex Cole-Hamilton (Edinburgh Western) (LD): I remind members of my entry in the register of members' interests. I am married to a Roman Catholic primary school teacher, and I was formerly the convener of Together (Scottish Alliance for Children's Rights).

I am pleased to speak for the Scottish Liberal Democrats at stage 3 of this important bill. Before entering politics, I was a youth worker. Fighting for the rights and wellbeing of children is in my DNA; it is why I am in politics. That is why legislation such as this bill matters to me, and it also matters to my party.

At stage 1, I said that the bill asked a fundamental question: do we believe that children have rights, and should those rights be taken seriously in the day-to-day decisions that shape their world view? In my party's view, the answer remains yes.

Part 1 of the bill will strengthen the requirement for schools to involve children where decisions are taken about their participation in aspects of school

life that affect their values. It will require that children be informed and given the space to express their views, and, where disagreement arises, it will require there to be engagement and ensure that children's views are considered in line with their "age and maturity".

Make no mistake: we are talking about a vanishingly small number of cases in which such a disagreement will take place. However, that provision reflects article 12 of the UN Convention on the Rights of the Child, which is the right of the child to express a view on matters that affect them and for that view to be "given due weight" according to their "age and maturity". We all signed up to that principle in the Parliament by unanimously agreeing to the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024. That principle is not radical; it is foundational.

We have heard legitimate concerns about clarity, the distinction between different elements of school provision, how capacity is assessed and how we ensure that family relationships are protected. I recognise that there are tensions. The concerns were raised in serious contributions, and they deserve serious consideration.

I and my party support the denominational school sector. I am married to a Roman Catholic primary school teacher and I led the defence of Roman Catholic schools and other denominational schools when they were challenged at my party conference some years ago. Religious education has been disaggregated from religious observation in the bill, and I believe that the bill is now in a space in which it will not disrupt religious education or threaten the existence of denominational schools.

Stage 2 improved the bill. Clarifications have been made and safeguards have been strengthened. Because of that, the balance between recognising children's voices and respecting the central role of parents has been made clearer. There is always room for improvement in legislation, but part 1 of the bill now represents a proportionate and thoughtful step forward in embedding children's rights in practice. The test for us at stage 3 is whether the bill as a whole strengthens or weakens children's rights in Scotland. That is a balanced decision to make, but our judgment is that the bill, taken in the round, strengthens children's rights.

Scotland has rightly been recognised for its ambition in incorporating the UNCRC into Scots law. That architecture must remain strong and we must take it seriously. It must remain enforceable and meaningful in day-to-day practice. The bill does not abandon that ambition; it builds on it—cautiously, yes, but constructively.

We, in this Parliament, have a duty not only to speak about children's rights but to embed them—to consider them in the systems that shape children's daily lives. The bill that we have debated today moves us forward in that regard. Liberal Democrats will vote for the bill at stage 3 not because it is flawless, but because it represents measured progress and because children's rights are too important to be left standing still. Let us ensure that Scotland's approach to children's rights remains not only ambitious but careful, balanced and worthy of the young people whom it serves.

The Presiding Officer: We move to the open debate.

19:30

Karen Adam (Banffshire and Buchan Coast) (SNP): The bill is about children's rights showing up in the real world—in the school day and in the decisions that adults make that can change how a young person experiences their education.

Parents have had a long-standing right to withdraw a child from religious observance. The bill will bring children's rights into that reality in a way that schools can operate with. When a withdrawal request is received, the pupil must be told that the request has been made. The pupil has the right to object, and the school must take account of the pupil's views with regard to their age and maturity.

I convened the lead committee that took evidence on the bill. To be clear, I am not speaking as convener today; however, I want to say that hearing the evidence made it clear how easy it is for children's voices to be missed, although nobody intends harm. We also heard genuine concerns about family conflict and the position that teachers can possibly be put in.

For me, the answer is not to pretend that those concerns do not exist, and it is not to push the child to the side, either. The answer is to provide a clear process that puts the child's views into the decision and then backs schools with guidance and consistency, so that nobody is left guessing.

I am genuinely pleased that, with the bill, we will have a clear separation between religious observance and religious and moral education, and that we will have removed the right to withdraw from RME, which is a measure that I advocated for. RME is education. It is one of the eight core curriculum areas, and it is delivered in an objective, critical and pluralistic manner. It helps pupils to learn about and from different religions and belief groups, and it helps them to explore ethical questions and values, which I think we can all agree is needed in our education systems now more than ever.

For the avoidance of doubt, nothing in the bill stops religious observance—it simply makes the decision making around it fairer. In the world that our young people are growing up in, with division being fed online every day and misinformation travelling faster than facts, it is more important than ever that we have the broad grounding provided by RME—not so that all young people think the same, but so that they can understand difference without fear and can disagree without dehumanising.

I welcome the stage 3 changes that have been agreed today that strengthen how that will work in practice, including provisions on guidance for schools, annual reporting on withdrawals from religious observance and a review after three years. That matters, because we should come back to the legislation with evidence and not just assumptions.

If the Parliament has agreed a consultative route to consider an independent right for a child or young person to request withdrawal from religious observance in future, I welcome that approach, because it allows proper consultation and scrutiny before any further change is made.

Part 2 of the bill, which is technical but important, amends the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 to place a duty on public authorities not to act incompatibly with UNCRC requirements when carrying out functions under acts of the Scottish Parliament. The bill limits that amendment so that, where a public authority is compelled to act in such a way by another act, it is not forced into an impossible choice that risks the continuity of an essential public service. There are also safeguards should such a question of exemption arise in legal proceedings, including notification to the Lord Advocate, the Children and Young People's Commissioner Scotland and the Scottish Human Rights Commission.

The bill is not about taking away faith from anyone, and it is not about dismissing parents. It is about being honest that children have rights, too, and that schools should be a place where learning builds understanding, not barriers. The bill strengthens children's rights, protects RME as education and gives schools a clearer footing. I will be pleased to vote for it.

19:34

Stephen Kerr (Central Scotland) (Con): Well, I think that the bill is a mess. It has struggled its way through the different stages in this Parliament, and today's stage 3 amendments were evidence of that. I found it particularly dismaying that the Government caved in to the Scottish Greens—for the simple reason, I am sure, that it realised that, without the Scottish Greens, the bill would not become law. Ministers have sold their shirts, frankly, and I am not sure what for, to be honest, because the bill is totally unnecessary. There is no need for it.

Miles Briggs is right. We have ended up in a situation where no one is very happy about what the bill contains, and I predict, in support of my colleague, that it will be the subject of litigation. I do not think that there is any doubt that it will be in the courts. I am not sure that the cabinet secretary is at all convinced about the necessity for the bill, either.

What we had until the bill arrived was some clarity on the legal position on religious observance. Parents had the right of withdrawal and schools implemented that parental wish. The lines of responsibility were well understood. The bill replaces that clarity with a statutory mess that formalises disagreement and inserts the school into the space between parent and child on matters of conscience. Teachers and school leaders will now be required to assess maturity, interpret capacity and, potentially, refuse parental requests. They will be drawn into adjudicating on questions that go into belief and upbringing.

The bill is not a simplification but a complication, and it will place teachers in an invidious situation. They are educators. They are not arbiters of conscience within families. Absent safeguarding concerns, they should not—

Jenny Gilruth: Will the member take an intervention?

Stephen Kerr: Yes, of course.

Jenny Gilruth: The issues around conflict were discussed at length in the evidence sessions that were led by the Equalities, Human Rights and Civil Justice Committee, and it is the case that conflict exists at the current time. Does the member accept that conflict exists under the current arrangements? Does he accept that the way to ameliorate that conflict is for the Government to work with mandatory stakeholders and provide statutory guidance to help to support those conversations as and when they arise?

Stephen Kerr: I do not doubt that conflict exists currently, but it exists within a very clear framework of law. The bill is not a clear framework of law.

Jenny Gilruth: We will have to disagree on that.

Stephen Kerr: I think that we will—the cabinet secretary is correct.

Of course children must be respected and they must be heard, but the Conservatives also recognise the foundational truth that children are children. Capacity and responsibility develop, and that is precisely why parental responsibility exists

in law. Parents carry duties because children do not yet carry full legal responsibility. That settlement is not outdated. It reflects human reality.

What concerns me more broadly is the direction of travel that is reflected in the bill, because there are voices in our politics who are increasingly uneasy about the idea that the family is the primary unit of moral and social formation. There is an instinct that the state should stand above the family as the final arbiter of disputes even where no harm is alleged. I reject that instinct. The family is the foundational institution of our society. Families come in all forms, but they share a common function. They are the place where children are loved, nurtured, guided and formed. The state can support that, but it cannot replicate it and it should not casually displace it. In recent years, we have seen attempts to extend the reach of the state into areas that were once clearly understood as parental responsibilities. The Supreme Court has reminded this Parliament that constitutional boundaries exist.

I think that I have gone over my time, so I will conclude. Scotland has long been served well by strong families and strong schools, each respecting the proper boundaries of the other, and I do not believe that a case has been made for unsettling that balance. For those reasons, I and we, on the Conservatives' side of the chamber, will not support the bill in its final form.

19:39

Graham Simpson (Central Scotland) (Reform): I will be brief. I agree with Stephen Kerr that the bill is a bit of a dog's breakfast. I approach the bill from the point of view of asking whether it will work legally, not from a religious point of view, and see two problems.

The bill creates a situation where a pupil can opt in to religious observance against their parents' wishes but cannot opt out. That is a conflict. If we are serious about children's rights, we must recognise that it is wrong to have that conflict in the bill. We also heard the argument, which is a valid one, that parents have rights, too, but the bill does not address those either.

The problem that I see, and the place where I agree with human rights campaigners, is that the bill will lead to legal challenges. I think that that will happen. If we end up with legal challenges, the Government might lose, which means that the bill is a bad one and we really ought to be doing better.

I will vote against the bill, basically because I do not think that it works. It is neither one thing nor the other. I think that Stephen Kerr is right. I do not see the point of the bill, because it seems to have got so much wrong. I will leave it there.

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

19:41

Maggie Chapman: As I indicated earlier, my closing remarks will focus on part 2 of the bill. I remain uncomfortable with that part of the bill. What is happening is that, just after we have incorporated the UNCRC into Scots law, the bill will give public bodies that are meant to uphold children's rights a blanket opt-out, should there be any conflict between the convention and other legislation. That sends out entirely the wrong message. Angela O'Hagan of the Scottish Human Rights Commission said at stage 1:

> "For the bill to propose in part 2 a much more significant carve-out for all subsequent legislation, rather than addressing the problem at the core, is a problem."—[*Official Report, Equalities, Human Rights and Civil Justice Committee*, 30 September 2025; c 48.]

We must ensure that acts of the Scottish Parliament are compliant with UNCRC in the first place, so that we can build a human rights culture in our public authorities, and that culture should respect the rights of children and young people as absolute.

The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes): I understand the member's point. There has been quite a move in recent years to remove religious observance from school or to assume that to be secular is to be neutral. Does the member agree that there should be genuinely free decision making, so that children can opt in or opt out and that religious observance enriches the lives of our young people?

Maggie Chapman: I am talking about part 2 of the bill, which is not about religious observance. However, on that point, we believe that there should be separation of church and state. There is nothing in the bill to prevent religious observance by children and young people who wish to take part in the home or in other settings. I am addressing part 2 of the bill and we must ensure that all acts of the Scottish Parliament are compliant with UNCRC in the first instance, so that we build a human rights culture across our public bodies.

That culture must respect the rights of children and young people as being absolutely prime and must ensure that the duties of public bodies are discharged in a way that respects those rights. The bill does not do that. Amendments made to the bill by me and by the cabinet secretary have addressed that problem in part. There will now be clear reporting mechanisms and public bodies will have to inform the relevant authorities when they are considering an action that is required by law

but that might be contrary to UNCRC. However, I remain disappointed that there will be no proactive auditing process to allow us to identify clashes before they happen and I still do not understand why the Scottish Government would not give the children's commissioner the ability to refer legislation directly to the court for a decision on compatibility.

Nelson Mandela told us:

"To deny people their human rights is to challenge their very humanity".

That is why Greens have worked so hard to ensure that the rights in the bill are meaningful, are expanded and can be enforced by children and young people and by the organisations that represent them. Scottish Greens have worked hard with those children's rights experts to make this well-meaning but flawed bill better. As a result, it now protects the vital role of religious education in promoting religious understanding and tolerance in our plural society. I am also pleased that we will know more, and earlier, about potential clashes between existing legislation and the UNCRC.

However, for the reasons that I mentioned earlier, and primarily because of the issues with part 1 of the bill, the balance is still, in our view, not quite right. At decision time this evening, we will not support the bill but will abstain. Had the bill been drafted through working more closely with children's rights organisations from the start, it might have been a different story.

I remain committed to supporting the introduction of a Scottish human rights bill in the next session of the Parliament and am hopeful that that can be done. That will be landmark legislation and will provide a once-in-a-generation opportunity to ensure that existing human rights and, I hope, many new rights will be at the heart of every public policy decision that is made.

However, before we start on that bill, we must learn the lessons of this bill. We must use the new human rights bill to build a human rights culture in our public bodies; we must involve human rights experts more and earlier; and we must ensure that we have clear mechanisms, so that all the actions that we take and every piece of legislation that we pass are compatible with our human rights objectives. Only then will we be sure that the essence of our humanity that Mandela talked about—the fact that everyone, everywhere, in all aspects of our lives, has rights that must be respected—is truly at the heart of the laws and policies that we make.

19:45

Martin Whitfield (South Scotland) (Lab): I refer members to my entry in the register of members' interests.

I apologise to Karen Adam for having to step out during her speech. I will look it up, I assure her.

Today, the Parliament was asked to consider a bill that, at its heart, addresses two of the most sensitive areas in our education system: religious observance and religious education, and the rights and responsibilities of parents, schools and children. Throughout the process, Scottish Labour has approached the bill with seriousness, respect for Scotland's diverse communities and a deep awareness of the decades-old settlement that underpins both non-denominational and denominational schooling.

However, it is now abundantly clear that the Scottish Government did not do the preparatory work that was necessary for a bill of such importance. The stage 1 lead committee concluded that ministers had failed to gather the evidence that was required, leaving the Parliament to legislate without sufficient clarity and in the face of a significant danger of unintended consequences for schools, families and children. That failure has shaped every stage of the scrutiny.

The Government has also shown a striking lack of understanding of denominational settings, the legal status and religious character of which are not only long established but protected in statute. So serious have those concerns been that the Bishops Conference of Scotland felt compelled to intervene publicly, warning that several of the amendments risked eroding the distinctive ethos of Catholic education. That is unprecedented and should have given ministers pause.

At the same time, the Government has failed to provide the evidence, the impact assessments and the policy coherence that would be required to reassure parents, whose rights are expressly recognised in Scots law and in the UN convention, about the consequences of the changes that are being proposed. In its current form, the bill has created confusion rather than clarity, and division rather than consensus.

We have also heard deep concern from teachers and local authorities about workload and resources. Schools are already stretched, yet the Government has brought forward significant administrative duties and new decision-making responsibilities without providing the resources to implement them. That is not respectful or realistic, and it is not responsible law making.

Scottish Labour supports our faith schools; we support parents' rights to make decisions about

their children's education; and we support the principle that children should be consulted in ways that are appropriate, balanced and rooted in the relationships of trust that exist between families and schools. However, the bill that is before us does not achieve that balance.

Scottish Labour engaged constructively at stage 2. We also lodged amendment 24 at stage 3, which would have protected the statutory framework of denominational schools and ensured that nothing in part 1 would undermine the long-standing rights and duties in the 1918 and 1980 acts.

We must also note the contribution of the Children and Young People's Commissioner Scotland, who has been explicit that, even with the proposed amendments, part 1 will not deliver a rights-respecting framework and that the Government still has not addressed the fundamental drafting flaws that place the legislation outside the scope of the UNCRC. When both children's rights bodies and denominational representatives sound the alarm, the Parliament really ought to listen.

Without the Government's acceptance of Scottish Labour's consistent requests for substantial, concrete safeguards in the bill, we cannot support the legislation. The Government has not provided those safeguards; it has not provided clarity; and it has not brought forward a bill that commands confidence across Scotland's schools, families or faith communities. For those reasons, Scottish Labour will not be able to support the bill at decision time.

19:49

Roz McCall (Mid Scotland and Fife) (Con): The debate has been thoughtful, and I thank members from all parties for their contributions. Everyone who spoke did so out of a genuine concern for children and young people in Scotland's schools.

The cabinet secretary has tried to get a balance in the bill, but how do we balance article 12 of the UNCRC, which states that a child who is capable of forming views has the right to express them, against article 5, which states:

"States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom"?

It is a difficult road to travel. The Deputy First Minister's intervention on my colleague Miles Briggs highlighted the issue. She described a situation in which somebody requested to go to a playgroup because they wanted to but the parents did not want the child to be in a religious playgroup. That highlights the issue that we have been talking about regarding which side we would possibly choose. If the parents then forced the issue, the playgroup would be forced to become the mediator between the family and the child.

I highlight the points that Miles Briggs, Stephen Kerr and Graham Simpson made about the conflict between the Human Rights Act 1998 and the UNCRC. Because those two forms of legislation are not compatible in this respect—there are contradictions—I think that all those members are right that there could be a legal challenge.

My last comment on members' speeches is about the point that Paul O'Kane made in his speech about what the bill is for and why we are doing it now. That was a very interesting point. I, too, look forward to the cabinet secretary giving us an answer to that question in her response. The points that he and the Labour Party have raised on denominational schools are valid.

Now that I have commented on the debate, I want to add a few lines. Children should have their say in decisions about their education. The UNCRC recognises that. As I said, article 12 states that a child who is capable of forming a view has the right to express it and that that view should be

"given due weight in accordance with … age and maturity".

We accept that. However, the convention also recognises that parents have the main responsibility to guide their children in using those rights as they grow and mature. For decades, Scottish educational law has kept that balance by listening to children and respecting the role of parents. It values independence and family responsibility. The central issue with the bill is that it alters that balance.

After stage 2 changes, parents will no longer have the final say in withdrawing their child from religious and moral education. Instead, schools will need to notify the pupil, tell them that they can object, check their understanding—with no set minimum age—and, in some cases, let the child's objection overrule the parent's request. That represents a significant legal and cultural shift in how educational decisions are made.

Major stakeholders have raised concerns about whether the bill is needed, how practical it is and what resources it would require. The Church of Scotland has asked whether there is any evidence that a new law is needed. The Educational Institute of Scotland has warned that the resource demands may be underestimated and that the bill could affect workloads and relationships in schools. The Association of Directors of Education in Scotland has said that it is hard to see how the bill could be put in place without adding burdens for schools, parents and pupils. Those are not

minor voices; they are the people who will have to put the legislation into practice.

I question whether the bill properly addresses the issue. It risks creating new disputes between parents and children for schools to manage. The bill also changes the UNCRC compatibility duty by increasing the number of situations in which public authorities can act against the convention because of primary legislation. That is a technical but important legal change. Amendments that were made at stage 2 already expect legal disputes and set out ways for senior legal officers to get involved, but we should not pass legislation and resolve its consequences after the fact.

Religious and moral education in schools is meant to help pupils to explore beliefs, values and ethical questions; it is not about indoctrination. Current guidance already asks schools to consider the child's view when a withdrawal is requested, allowing for fair, age-appropriate discussion without forcing schools to act as the arbitrator in family disputes. The bill will replace a flexible approach with a legal process that assumes that children of any age have capacity and that asks schools to decide between parent and child. That is not a minor adjustment; it fundamentally redefines roles and responsibilities.

The Scottish Conservatives support children's rights and believe that young people's voices matter. However, rights exist within relationships, and parents retain primary responsibility for guiding their children. Because of that, we will not vote for the bill at stage 3.

19:55

Jenny Gilruth: Before responding to points that have been made in the debate by colleagues from across the chamber, I will begin with a thank you. Throughout the passage of the bill, the commitment to strengthening children's rights in Scotland has been shared across most, if not all, political parties. Reflecting that we draw near to the dissolution of the Parliament, regardless of who forms the next Scottish Government, I sincerely hope that the commitment to protecting and enhancing children's rights will continue. I recognise that the bill might not go as far as some members had hoped, but it is a meaningful and measured step forward, and it will make a real difference in how children's rights are understood and protected.

I pay tribute to my bill team, who are sat at the back of the chamber. They are the civil servants and lawyers who expertly advise ministers on legislation, and I am grateful for their diligence and support throughout the passage of the bill.

A number of points have been raised by members in the debate. I will start by addressing why the legislation is required. As has been rehearsed throughout stages 1 and 2 and again in the debate on amendments today, part 1 is necessary to address questions that have been raised about UNCRC obligations in relation to existing legislation. Part 2 of the bill is necessary to bring clarity to the law in relation to preventing public authorities from being caught by conflicting duties.

It is important to restate that the bill is short and technical in nature. It is the case that we have been able to chart a middle ground through the bill and to find consensus on a number of different issues.

Paul O'Kane: On the part 2 provisions, will the cabinet secretary point to an example of where she thinks a public authority might require that exemption? I do not believe that she has been able to do so thus far, and it would be useful for the record.

Jenny Gilruth: Mr O'Kane and I discussed that at stage 2. I am not currently able to give him an example, because that is a future-proofing power to protect our public authorities. That has been the purpose of provisions throughout the bill. The power is reflected in the Human Rights Act 1998, so the approach that the Government has taken is not unusual, but it is much more focused.

Mr Kerr raised a number of points, not least in relation to the role of parents. I again put on the record the fact that parents have a clear role in the withdrawal process, which can be initiated only by parents or carers—that is protected and provided for in the bill. They solely retain the power to initiate a request, and they must be involved in the discussions. That will be set out in the statutory guidance that we will publish in due course.

Stephen Kerr: We have discussed ad nauseum the moral and legal responsibilities of parents, but my point is that the parents' wish can be set aside, can it not? That is what the bill will do. Many people—at least those on one side of the matter—point to that as a fundamental change in the architecture around parents' rights.

Jenny Gilruth: I do not agree with Mr Kerr's assertion in that regard, because a withdrawal request can be initiated only by a parent or carer—that is not changing. What is changing is that we are putting into statute the requirement to engage with children and young people on their views, as we would expect in relation to UNCRC requirements.

I am mindful of the time, Presiding Officer. Mr Cole-Hamilton has spoken this evening of the improvements to the bill at stages 2 and 3, and I am grateful to his party for its support in that regard. For example, there is the separation of RME and religious observance, which is a position

that is also supported by the Equalities, Human Rights and Civil Justice Committee. The bill is a step forward, building on our framework to support children's rights. Karen Adam spoke about her experiences as committee convener, and I again pay tribute to committee members for their careful consideration of the issues more broadly.

Throughout the passage of the bill, I have tried to listen carefully to members; to public authorities; and to education, faith and belief and children's rights stakeholders. The Government has responded to those asks, and we have tried to chart a middle route accordingly. I am pleased that we have been able to support a range of amendments from colleagues that I believe have strengthened the bill. We have listened, and at stage 3 the Government lodged a range of new amendments to reflect the issues that were raised at stage 2.

With regard to part 1 of the bill, the Government worked with members to lodge amendments in relation to the statutory guidance and the reporting and monitoring of withdrawal requests—a point that was raised in this afternoon's debate. There is currently a challenge in relation to the evidence base, which is exactly why amendments that were lodged, and agreed to this evening, will seek to build that evidence base—a point that Karen Adam made very successfully. Without that evidence base, we will not be able to move forward, so it is imperative that that work is undertaken so that the guidance can be supported by the evidence that is gathered.

The bill is not an end point, but it is progress. It is a chance to make children's voices stronger in our schools and to improve how we uphold children's rights in law. Today, we have the opportunity to take the next step on our children's rights journey. Children's rights are not abstract things that sit on a shelf; they are the real, lived experiences of the young people in our schools.

Improving children's rights must be a shared endeavour for all political parties in a Parliament of minorities. This is a journey, ultimately, but it is also a responsibility that rests on us all to strengthen, uphold and realise the rights of every child in Scotland. I ask members across the chamber to support the bill.

The Presiding Officer: That concludes the debate on the Children (Withdrawal from Religious Education and Amendment of UNCRC Compatibility Duty) (Scotland) Bill at stage 3.

Decision Time

20:01

The Presiding Officer (Alison Johnstone): There are three questions to be put as a result of today's business.

The first question is, that amendment S6M-20815.1, in the name of Sue Webber, which seeks to amend motion S6M-20815, in the name of Katy Clark, on the Freedom of Information Reform (Scotland) Bill at stage 1, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

There will be a very short suspension to allow members to access the digital voting system. I ask members who have been voting for the past while to please refresh their screens.

20:02

Meeting suspended.

20:03

On resuming—

The Presiding Officer: We come to the vote on amendment S6M-20815.1, in the name of Sue Webber. Members should cast their votes now.

For

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Briggs, Miles (Lothian) (Con)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burnett, Alexander (Aberdeenshire West) (Con)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dowey, Sharon (South Scotland) (Con)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Annabelle (Cowdenbeath) (SNP)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Findlay, Russell (West Scotland) (Con)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gibson, Kenneth (Cunninghame North) (SNP)

Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Gray, Neil (Airdrie and Shotts) (SNP)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Harper, Emma (South Scotland) (SNP)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hoy, Craig (South Scotland) (Con)
Hyslop, Fiona (Linlithgow) (SNP)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lochhead, Richard (Moray) (SNP)
Lumsden, Douglas (North East Scotland) (Con)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
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)
Minto, Jenni (Argyll and Bute) (SNP)
Mundell, Oliver (Dumfriesshire) (Con)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
Robertson, Angus (Edinburgh Central) (SNP)
Robison, Shona (Dundee City East) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Ross, Douglas (Highlands and Islands) (Con)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Swinney, John (Perthshire North) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
White, Tess (North East Scotland) (Con)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Whittle, Brian (South Scotland) (Con)
Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Bibby, Neil (West Scotland) (Lab)
Boyack, Sarah (Lothian) (Lab)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Duncan-Glancy, Pam (Glasgow) (Ind)
Ewing, Fergus (Inverness and Nairn) (Ind)
Grant, Rhoda (Highlands and Islands) (Lab)
Greene, Jamie (West Scotland) (LD)
Griffin, Mark (Central Scotland) (Lab)
Johnson, Daniel (Edinburgh Southern) (Lab)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Marra, Michael (North East Scotland) (Lab)
McArthur, Liam (Orkney Islands) (LD)
McNeill, Pauline (Glasgow) (Lab)
Mochan, Carol (South Scotland) (Lab)
O'Kane, Paul (West Scotland) (Lab)
Regan, Ash (Edinburgh Eastern) (Ind)
Rennie, Willie (North East Fife) (LD)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Sarwar, Anas (Glasgow) (Lab)
Simpson, Graham (Central Scotland) (Reform)
Sweeney, Paul (Glasgow) (Lab)
Villalba, Mercedes (North East Scotland) (Lab)
Whitfield, Martin (South Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Abstentions

Balfour, Jeremy (Lothian) (Ind)
Burgess, Ariane (Highlands and Islands) (Green)
Chapman, Maggie (North East Scotland) (Green)
Greer, Ross (West Scotland) (Green)
Harvie, Patrick (Glasgow) (Green)
Mackay, Gillian (Central Scotland) (Green)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Slater, Lorna (Lothian) (Green)

The Presiding Officer: The result of the division on amendment S6M-20815.1, in the name of Sue Webber, is: For 85, Against 30, Abstentions 8.

Amendment agreed to.

The Presiding Officer: The next question is, that motion S6M-20815, in the name of Katy Clark, on the Freedom of Information Reform (Scotland) Bill at stage 1, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is closed.

Sandesh Gulhane (Glasgow) (Con): On a point of order, Presiding Officer. I was unable to vote, but I would have voted yes.

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

For

Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Balfour, Jeremy (Lothian) (Ind)
Bibby, Neil (West Scotland) (Lab)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Burgess, Ariane (Highlands and Islands) (Green)
Burnett, Alexander (Aberdeenshire West) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Chapman, Maggie (North East Scotland) (Green)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Dowey, Sharon (South Scotland) (Con)
Duncan-Glancy, Pam (Glasgow) (Ind)

Eagle, Tim (Highlands and Islands) (Con)
Ewing, Fergus (Inverness and Nairn) (Ind)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Greene, Jamie (West Scotland) (LD)
Greer, Ross (West Scotland) (Green)
Griffin, Mark (Central Scotland) (Lab)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Harvie, Patrick (Glasgow) (Green)
Hoy, Craig (South Scotland) (Con)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Mackay, Gillian (Central Scotland) (Green)
Marra, Michael (North East Scotland) (Lab)
Mason, John (Glasgow Shettleston) (Ind)
McArthur, Liam (Orkney Islands) (LD)
McCall, Roz (Mid Scotland and Fife) (Con)
McNeill, Pauline (Glasgow) (Lab)
Mochan, Carol (South Scotland) (Lab)
Mundell, Oliver (Dumfriesshire) (Con)
O'Kane, Paul (West Scotland) (Lab)
Regan, Ash (Edinburgh Eastern) (Ind)
Rennie, Willie (North East Fife) (LD)
Ross, Douglas (Highlands and Islands) (Con)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Sarwar, Anas (Glasgow) (Lab)
Simpson, Graham (Central Scotland) (Reform)
Slater, Lorna (Lothian) (Green)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Sweeney, Paul (Glasgow) (Lab)
Villalba, Mercedes (North East Scotland) (Lab)
Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
White, Tess (North East Scotland) (Con)
Whitfield, Martin (South Scotland) (Lab)
Whittle, Brian (South Scotland) (Con)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Gray, Neil (Airdrie and Shotts) (SNP)
Harper, Emma (South Scotland) (SNP)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lochhead, Richard (Moray) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
McKee, Ivan (Glasgow Provan) (SNP)
McLennan, Paul (East Lothian) (SNP)
McMillan, Stuart (Greenock and Inverclyde) (SNP)
McNair, Marie (Clydebank and Milngavie) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
Robertson, Angus (Edinburgh Central) (SNP)
Robison, Shona (Dundee City East) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Swinney, John (Perthshire North) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division on motion S6M-20815, in the name of Katy Clark, on the Freedom of Information Reform (Scotland) Bill at stage 1, as amended, is: For 63, Against 59, Abstentions 0.

Motion, as amended, agreed to,

That the Parliament agrees to the general principles of the Freedom of Information Reform (Scotland) Bill, but, in so doing, highlights the time pressure in the current parliamentary session and the views in the stage 1 report, including that Freedom of Information reform should be addressed in the next parliamentary session.

The Presiding Officer: The final question is, that motion S6M-20813, in the name of Jenny Gilruth, on the Children (Withdrawal from Religious Education and Amendment of UNCRC Compatibility Duty) (Scotland) Bill at stage 3, be agreed to. As this is a motion to pass the bill, the question must be decided by division.

For

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)

Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Gray, Neil (Airdrie and Shotts) (SNP)
Greene, Jamie (West Scotland) (LD)
Harper, Emma (South Scotland) (SNP)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lochhead, Richard (Moray) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
McArthur, Liam (Orkney Islands) (LD)
McKee, Ivan (Glasgow Provan) (SNP)
McLennan, Paul (East Lothian) (SNP)
McMillan, Stuart (Greenock and Inverclyde) (SNP)
McNair, Marie (Clydebank and Milngavie) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
Rennie, Willie (North East Fife) (LD)
Robertson, Angus (Edinburgh Central) (SNP)
Robison, Shona (Dundee City East) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Swinney, John (Perthshire North) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)
Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Balfour, Jeremy (Lothian) (Ind)
Bibby, Neil (West Scotland) (Lab)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Burnett, Alexander (Aberdeenshire West) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Dowey, Sharon (South Scotland) (Con)
Duncan-Glancy, Pam (Glasgow) (Ind)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Fergus (Inverness and Nairn) (Ind)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hoy, Craig (South Scotland) (Con)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Marra, Michael (North East Scotland) (Lab)
McCall, Roz (Mid Scotland and Fife) (Con)
McNeill, Pauline (Glasgow) (Lab)
Mochan, Carol (South Scotland) (Lab)
Mundell, Oliver (Dumfriesshire) (Con)
O'Kane, Paul (West Scotland) (Lab)
Regan, Ash (Edinburgh Eastern) (Ind)
Ross, Douglas (Highlands and Islands) (Con)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Sarwar, Anas (Glasgow) (Lab)
Simpson, Graham (Central Scotland) (Reform)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Sweeney, Paul (Glasgow) (Lab)
Villalba, Mercedes (North East Scotland) (Lab)
Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
White, Tess (North East Scotland) (Con)
Whitfield, Martin (South Scotland) (Lab)
Whittle, Brian (South Scotland) (Con)

Abstentions

Burgess, Ariane (Highlands and Islands) (Green)
Chapman, Maggie (North East Scotland) (Green)
Greer, Ross (West Scotland) (Green)
Harvie, Patrick (Glasgow) (Green)
Mackay, Gillian (Central Scotland) (Green)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Slater, Lorna (Lothian) (Green)

The Presiding Officer: The result of the division on motion S6M-20813, in the name of Jenny Gilruth, on the Children (Withdrawal from Religious Education and Amendment of UNCRC Compatibility Duty) (Scotland) Bill at stage 3, is: For 66, Against 51, Abstentions 7.

Motion agreed to,

That the Parliament agrees that the Children (Withdrawal from Religious Education and Amendment of UNCRC Compatibility Duty) (Scotland) Bill be passed.

The Presiding Officer: The Children (Withdrawal from Religious Education and

Amendment of UNCRC Compatibility Duty) (Scotland) Bill is passed.

That concludes decision time.

Eating Disorders Awareness Week 2026

The Deputy Presiding Officer (Annabelle Ewing): The final item of business is a members' business debate on motion S6M-20319, in the name of Elena Whitham, on eating disorders awareness week 2026. The debate will be concluded without any question being put.

Motion debated,

That the Parliament recognises Eating Disorders Awareness Week 2026, which runs from 23 February to 1 March; understands that the theme for the week is "Community", to highlight that, while eating disorders can be isolating for those experiencing them and the people supporting them, there is value in connecting with others who have shared experiences; notes that the eating disorder charity, Beat, estimates that 1.25 million people across the UK, and 100,000 people in Scotland, have an eating disorder; recognises that data suggests that the prevalence of eating disorders has increased since the COVID-19 pandemic in 2020; acknowledges the comprehensive recommendations set out in the 2021 National Review of Eating Disorder Services, and notes the view that, while work is being carried out by organisations such as Beat to increase peer support and training services, further measures are required to address this growing issue.

20:11

Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP): I am pleased to bring to the chamber this debate recognising eating disorders awareness week 2026, which runs from 23 February to 1 March. I thank members from across the chamber for adding their voices to mine on the issue, and I thank the eating disorders charity Beat for providing briefings. I welcome to the public gallery representatives from Beat and SupportED, as well as David, a father who lost his beloved daughter just last year. I pay tribute to them for bearing with us as our decision time this evening crept ever later.

This year's theme is community, and it could not be more important. Eating disorders are profoundly isolating illnesses. They isolate the person who is struggling; the parents and carers, who are frightened and unsure where to turn; and the families, who often feel that they are navigating a complex and fragmented system alone. However, community, connection, shared understanding and peer support can be an absolute lifeline.

We know that eating disorders affect at least 1.25 million people across the United Kingdom, including around 100,000 people in Scotland. We also know that the prevalence and complexity of such disorders appear to have increased since the Covid-19 pandemic. Behind those numbers are real lives: people who are living with anorexia,

bulimia, binge-eating disorder or avoidant restrictive food intake disorder—ARFID.

It is ARFID that I want to speak about personally today. In my own family, we have experienced the reality of ARFID, and I want to be honest about what that has meant. I have spoken about it before, but it bears repeating. It did not look like what many people imagine an eating disorder to be. There was no discussion about body image and no desire to lose weight. Instead, there was overwhelming anxiety around food: the texture, the smell and the appearance—fears that others might dismiss as fussiness. Meals became battlegrounds and social occasions became stressful or non-existent because they were just too traumatic. Nutrition became an urgent daily concern for us all.

When we sought help, we encountered what so many families tell us they experience: uncertainty. There was uncertainty about who was responsible for treatment; uncertainty about whether the case was "serious enough"; and uncertainty about what pathways even existed. We met dedicated professionals who wanted to help—I acknowledge that—but we also encountered gaps, a lack of consistent understanding, long waits and no clear, agreed pathway. That experience is not unique.

We continue to hear, through helplines and community organisations, that services can be hard to access and late to intervene, and that they are too often driven by crisis management rather than early support. Some people receive excellent care from general practitioners and primary care teams, but there remains significant geographical variation, with support sometimes being dependent on where people live.

Families describe struggling to get recognition for binge-eating disorder, young people with ARFID being told that they do not fit traditional criteria, and people waiting months and sometimes years for specialist input. Meanwhile, presentations are becoming ever more complex. People are navigating eating disorders alongside neurodivergence, trauma, substance use, depression and anxiety. Social media shapes how young people are thinking about food and body image. The increasing availability of glucagon-like peptide-1—GLP-1—weight-loss injections adds another layer to a fast-changing landscape. This is not a static challenge—it is ever evolving.

It is important to recognise however, that Scotland has much to be proud of in terms of its policy direction. The 2021 national review of eating disorder services set out comprehensive, thoughtful recommendations in its "Scottish Eating Disorder Services Review—Full Report".

The 2024 "National Specification for the Care and Treatment of Eating Disorders in Scotland" provides a clear framework for improvement. Through the national eating disorders network, work is being done to improve training via the Turas online learning platform, NHS Inform and NHS 24. Health boards have been asked to audit themselves and plan implementation. That is all good work and it deserves recognition.

However, the reality that we continue to hear about from people with lived experience is that the ambition has not yet translated into consistent change on the ground everywhere. A strategy is only as strong as its delivery, and we must, collectively, strive harder, as I know we all want to do. Clinical teams are being asked to implement significant transformation within existing structures and ever-tightening budgets. Waiting time targets and expectations around self-referral require capacity, and the national network itself operates with very limited staffing. We cannot assume that publishing a review means that the problem is solved or that, because structures exist, the experience of families has improved everywhere.

That brings me back to the theme of community. Community means peer support, which amazing organisations such as Beat are expanding across the country. It means training teachers so that schools can identify concerns early; equipping GPs with the confidence to recognise ARFID and binge-eating disorder; and supporting carers, who often shoulder enormous emotional and practical burdens. I cannot put a number on the amount of time that I have spent in tears over the years.

However, community also means political will. The national specification was designed as a 10-year transformation, yet current structures are secured only until the end of the current session of Parliament. Eating disorders transcend political timeframes—they are serious mental illnesses, with among the highest mortality rates of any psychiatric condition. Sustained change requires sustained commitment beyond electoral cycles.

If we are serious about early intervention, we must invest in it. If we are serious about parity between mental and physical health, we must demonstrate it. If we are serious about reducing geographical inequality, we must measure and address it. If we are serious about community, we must listen to lived experience.

When families say that they feel dismissed, we must respond. When young people say that they are waiting too long, we need to act. When clinicians say that they need clearer pathways, we must provide them. No parent should sit at a kitchen table in tears wondering how to get help for their child; no young person should feel their illness is not the right kind to qualify for support; and no family should feel alone, as we did. Certainly no family should lose their child, as

David, who is sitting in the public gallery this evening, did.

Eating disorders awareness week gives us an opportunity to talk openly, reduce stigma, share stories and build connection, but awareness must be matched by action. This week, we should not only recognise the scale of the challenge but renew our commitment to addressing it fully, consistently and compassionately. I know that the Minister for Social Care and Mental Wellbeing will set that out, because I recognise the work that the Government is doing in this space. For the 100,000 people in Scotland who are living with an eating disorder, for their families and for the communities that surround them, we need to come together on this issue.

20:18

Emma Harper (South Scotland) (SNP): I welcome the opportunity to speak in recognition of eating disorders awareness week 2026, and I thank Elena Whitham for leading this important debate. I have led the debate myself in the past, and, as an MSP, I have spoken on the issue almost every year for the past 10 years.

Because I am a nurse and someone with a family member who is living with what I suspect is undiagnosed ARFID, these issues are not abstract to me; they are lived, felt and witnessed every day. I pay tribute to our former colleague Dennis Robertson whose daughter Caroline tragically died from an eating disorder. Dennis's courage in sharing that loss transformed how the Parliament understands these conditions, and we honour that legacy today.

Eating disorders affect at least 100,000 people in Scotland, and many thousands more are impacted as carers, friends and families. The briefing from the eating disorder charity Beat makes it clear that, although prevalence has increased, recovery is possible, especially when people receive early and sustained support. I, too, welcome Alex Jones from Beat, and David, to the public gallery this evening. I have worked with Alex quite a lot in the past few years.

This year's theme is community, and it could not be more fitting. Eating disorders thrive on isolation—they pull people away from routines, relationships and support networks. Carers, too, can feel overwhelmed or unsure of how best to help. Connection can break through that isolation and encourage people to seek help sooner.

I thank Beat and Alex Jones, who is the national lead for all the organisation's work in Scotland. Beat's compassionate advisors and clear information provide hope for so many. Its website could be—and for many, it already is—the first place that people turn to when they are frightened or unsure, as it helps folks to understand what is happening before symptoms escalate into crisis. It is free and accessible for people in crisis, and it is available 24/7. The presence of Beat in Scotland is stronger thanks to previous Scottish Government investment, including an additional £500,000 that was provided in 2021. That funding is effectively reaching more people.

Beat's briefing outlines several clear and constructive asks—important next steps on a journey to which Scotland is committed. Continued implementation of the 2021 national review and the 2024 national specification remains essential. Those frameworks, which were developed with clinicians, people with lived experience and the Scottish Government, set out a strong foundation. Scotland leads the UK in this work, but momentum must be sustained to ensure that ambition becomes consistent practice and that progress continues into the next session of Parliament.

Equitable access to community and day treatment options across all health boards is crucial. Those approaches can match in-patient outcomes while keeping people close to home and reducing pressure on hospital beds. However, provision varies widely. Beat calls for targeted investment so that every area, including rural regions such as Dumfries and Galloway and the Borders, can access effective, person-centred services. A renewed approach to mental health investment is vital. Demand has risen sharply since the pandemic, and Beat highlights the need for long-term funding to reflect that. Early intervention is where outcomes are strongest, but that requires stable, sustained resources.

We must protect people from the unintended harm that is caused by mandatory calorie labelling. Research shows that calorie counts can be distressing for many people in recovery. Future policy decisions should ensure that calorie information is available in ways that safeguard those at risk—for example, through opt-in rather than automatic display.

Beat also raises valid concerns about online harms, which is important. Those include pro-eating disorder content and the risks that are associated and linked with artificial intelligence. The organisation calls for stronger protections and robust signposting to support. Those points deserve consideration as part of our wider digital safety agenda.

I am conscious of the time, Deputy Presiding Officer, and I know that colleagues have been in the chamber for a long time already. To anyone who is listening today who is struggling, I say that you are not alone—Beat is here, your community is here and recovery is possible.

20:22

Maurice Golden (North East Scotland) (Con): I am pleased to speak in support of the motion recognising eating disorders awareness week 2026, as I have done in previous years, and I thank Elena Whitham for securing the debate.

I also associate myself with the powerful contributions from both Elena Whitham and Emma Harper, which are an important reminder of why these debates matter so much. This year's theme of community is particularly important. Eating disorders can be profoundly isolating for those experiencing them and for their families and carers. Building supportive connections—with peers, professionals and community groups—can make a huge difference to recovery.

The scale of the challenge that we face in Scotland is sobering. Recent data from the 2024 Scottish health survey reveal that around 26 per cent of people aged 16 to 24 reported eating behaviours and feelings related to food that could be indicative of a possible eating disorder—the proportion was far higher than in older age groups. That mirrors reporting that more than a quarter of young Scots may have symptoms suggesting an eating disorder, with significant impacts on work, education and social life. Those findings echo concerns about rising prevalence since the pandemic and underline the urgent need for awareness raising and early intervention.

I put on record my thanks for the extraordinary work of the eating disorders charity Beat. Beat's helplines, peer support groups and campaigns continue to provide essential help for people who are suffering from eating disorders, not least by giving people the opportunity to connect and share their experiences.

Those services are only part of the picture. The national review of eating disorder services set out comprehensive recommendations to improve access and quality of care, and the Scottish Government has rightly accepted those recommendations and has established a national network to co-ordinate delivery. However, we need investment in, and accountability for, delivering the recommendations to be sustained over the long term, because we know that this is not a problem that will disappear any time soon. Large numbers of young people continue to be referred to child and adolescent mental health services, and the waiting times that they face illustrate the scale of demand that is put on the system. In NHS Tayside, there is only one facility: Dudhope young people's unit, which admits an average of 20 young people per year. Also, no data are held for adult patients. Those aspects desperately need to be addressed.

Community matters, because it is about not just clinical care, but creating supportive environments where people feel understood, where early signs do not go unnoticed or unspoken, and where friends and families know where and how to seek help. Awareness campaigns have an important place, but we must back them up with action: investment in treatment services, workforce development, research and evidence-led public education. We must ensure that no young person in Scotland feels alone in their struggle and that their communities in schools, workplaces and families are empowered to support them.

I urge ministers to listen carefully to the debate and to outline how the Scottish Government will strengthen both specialist services and community support, so that we can turn the promise of this awareness week into lasting progress for everyone who is affected by eating disorders.

20:27

Carol Mochan (South Scotland) (Lab): I, too, thank Elena Whitham for bringing this important debate to the chamber, and I welcome the guests to the public gallery. I thank parents such as David for pushing us, as politicians, to do more.

Like other parties, Scottish Labour supports the aims and objectives of eating disorders awareness week 2026, which this year—as we heard from other members—has a particular focus on the theme of community. That is such an important point to make.

As we have heard from other members, at least 100,000 people in Scotland are living with an eating disorder, and hundreds of thousands more are impacted as relatives, friends and colleagues. However, despite the number of people who are affected, we know that many people—both those who are personally living with an eating disorder and family members and friends who are trying to support a loved one with an eating disorder—will feel like they are facing the illness alone.

As has been said, eating disorders can be deeply isolating, and it can be frightening and difficult to reach out for support. We hear that repeatedly from those who are recovering and from their families. Some of the hardest times come before one realises that there are other people who have had similar experiences and other people to reach out to who care and have the skills to help. It often feels lonely, so we need that community approach at many different points on the journey.

In researching for the debate, I was pleased to see that Beat's online page talks about

"celebrating the power of community"

and the real, important role that

"family, friends, and other support networks play in helping

someone feel supported, understood, and never alone on their journey from seeking help, undergoing treatment and beyond."

A community in that sense can and will extend throughout the journey.

Before coming to this place, I worked for some time in this particular field, and I feel that the importance of wider family, friends and community in supporting people cannot be overplayed. Recovery is always best when we have others around us, and often the ability to be part of a team together is not valued enough. When I talk about a team, I mean being together wherever that is, whether it is with our close family or close friends, with an official care team or with people who may not know much but reach out to us, such as those who are part of a local charity or community group. Sometimes, even the kindness of strangers can make a difference.

Therefore, I find the focus this year on community to be very important, and I want to amplify what Elena Whitham, the member who brought this debate to the chamber, said. We, as politicians, should be part of that community, too, and we must do our bit as legislators and policy makers to provide support. In fact, when I was looking through some information on this matter, I noted that Beat has talked about having the widest community possible and mentions the role that online communities can play. We need to highlight the importance to people of having that sense of community.

Like others, I acknowledge the comprehensive recommendations set out in the 2021 national review of eating disorder services, and I accept that a lot of work on this issue has been undertaken by Government and by organisations such as Beat. However, I agree that we must continue to advance, and at some pace. In that respect, I would like to raise the issue of community and local services that people can access. When I met representatives of Beat in my office, they explained to me how its report "There's no place like home: The case for intensive community and day treatments for eating disorders" shows an urgent need to expand access to intensive community and day treatments and to ensure that such services are available to people of all ages across the UK, so that they can be seen frequently. That is perhaps a different approach from the models that we have at the moment, whereby people might be seen only weekly. Beat also commented on the importance of recovery within the community and noted that things such as eating out are done better through those kinds of networks and services.

Given the pressure of time, I will stop there. I look forward to hearing the minister's response to this evening's debate, which I have really enjoyed.

20:32

Kevin Stewart (Aberdeen Central) (SNP): I pay tribute to my friend Elena Whitham for securing tonight's debate. It has become an annual event in this Parliament to have a debate during eating disorders week, and in that respect we must recognise Dennis Robertson, who started this off and educated many of us on eating disorders after the death of his greatly loved daughter Caroline. It seems that many of the same voices are taking part in this evening's proceedings.

As the minister moved to the front of the chamber, I said to him, "I look forward to hearing your contribution," and he said, "I'm surprised that you have any more questions to ask." As Alex Jones from Beat will know, one of the things that I am doing as I depart this place is trying to deal with what I feel is unfinished business that needs to be continued. I make no apology—and I know that the minister would not want one—for submitting as many questions as I have in recent weeks about eating disorders, and I thank him for his answers. I will concentrate some of my speech tonight on some of the questions that I asked, some of the answers that I got and where we need to go from there.

Let me say, first of all, that I, like everyone else, believe that eating disorders are isolating illnesses: they thrive in secrecy and often separate individuals from their support networks. Over the years, a huge amount of emphasis has been on eating disorders among women, but I think that the isolation for men, particularly young men, is often greater. We cannot lose sight of the fact that eating disorders can affect anyone in our society.

As we have heard today, 100,000 people in Scotland are currently living with an eating disorder. For every one of those individuals, finding a community, whether through peer support or accessible clinical pathways, is often a vital step towards recovery. Building a supportive community means removing the barriers that keep people isolated, and a critical part of that is ensuring that those who need help can reach out for it directly. The national specification for the care and treatment of eating disorders in Scotland sets out a clear expectation that pathways and processes must be developed in partnership with people with lived experience to ensure that care is accessible. However, as we have also heard, different services are available in different parts of the country, and some people can access them quite easily while others cannot. We must learn from best practice and the voices of people with lived experience in order to get all of this right and ensure that no one is excluded.

Good work is going on out there, but sometimes we still do not collect the right data to ensure that

we are providing the right services. With that in mind, we need a clearer picture of service provision across the country. Currently, specific data on CAMHS self-referrals and the implementation of PEACE—the pathway for eating disorders and autism developed from clinical experience—is not routinely collected. I welcome the fact that the Scottish Government is taking steps to change that, but collecting the data must be just the first step. It must then be used to identify national health service boards that are falling below best practice and to focus support on getting them up to standard for the good of all the people of this country.

By listening to people with lived experience and ensuring that services are accessible to all, we can break the cycle of isolation. I support the motion and the vital work that is being done to ensure that no one in Scotland has to face an eating disorder alone.

20:37

The Minister for Social Care and Mental Wellbeing (Tom Arthur): I am extremely grateful to Elena Whitham for lodging the motion and securing this debate to mark eating disorder awareness week. I also put on record my gratitude for the contributions from Emma Harper, Maurice Golden, Carol Mochan and Kevin Stewart. I pay particular tribute to Mr Stewart for his outstanding work in this area and for his leadership and drive when he held the portfolio that I am currently honoured to hold. I recognise his on-going commitment, which he touched on in his speech. For many years, we have been hearing the same voices, and I want to assure the chamber that those voices are being heard.

As we have heard today, the theme of this year's eating disorders week is community. We welcome the opportunity to celebrate the strength of community and the important role that families, friends and wider support networks play in helping someone to feel supported through their journey, from seeking help to undergoing treatment and beyond. I also express my sincere thanks to those across Scotland who work each day to support the recovery of those with eating disorders and their families, and I extend those thanks to those in the gallery who are attending this evening's debate.

I assure Elena Whitham and members across the chamber this evening that this Government remains committed to improving eating disorder services in Scotland. We are working closely with NHS boards and third sector organisations such as Beat, the UK's largest eating disorders charity, to ensure that those who require support for an eating disorder have access to the right care and treatment.

Over the past five years, we have made meaningful progress to ensure timely and appropriate treatment for those impacted by an eating disorder. There is support across Scotland for children, young people, adults, families and carers, and we continue to provide funding to NHS services and the third sector, as well as working with people with lived experience, which, as Mr Stewart highlighted, is so important.

Since the Covid-19 pandemic, we have funded Beat to deliver a wide range of services, including direct support, carer programmes, professional training, advocacy and digital learning platforms. This financial year alone, we have provided the organisation with more than £600,000, which includes funding for its lived experience panel. That vital platform helps to ensure that eating disorder policy and services are truly fit for purpose, and it has played a crucial role in driving forward the recommendations from the national review of eating disorder services.

Since the publication of the review, we have made real progress in delivering the short-term recommendations, and significant work is under way to deliver the remaining medium-term and long-term recommendations. The national specification for the care and treatment of eating disorder services was published, as we have heard, in November 2024. It provides a clear framework to support the NHS and community services in delivering high-quality, person-centred, safe and effective care for children, young people and adults. Recent self-assessment tools completed by health boards highlight encouraging progress and innovative approaches and give us a clearer picture of how implementation of the specification is developing across Scotland.

We continue to support NHS boards to implement the specification through the national eating disorders network. The network was established in 2024 to progress medium-term and long-term recommendations from the national review. Through Scottish Government funding, the network has also supported the development of public-facing resources, including content pages and videos that feature people with lived experience, clinicians, parents and carers. The majority of those resources are now available on NHS Inform, and work is on-going to finalise a digital page to support positive body image and a self-help guide for binge-eating behaviours. Over the past few months, the eating disorders pages have collectively been viewed more than 23,000 times.

By enhancing access to high-quality information, we are enabling individuals and communities to make informed choices on their path to recovery.

Kevin Stewart: I pay tribute to the work that has gone on to develop some of the online resources, but sometimes we do not get the messages out there. I wonder whether, during the course of this week, the minister could send all those links to every single member in this place and try to ensure that those links are also circulated more widely in the community, so that we can up the number of folk who access those pages, which I agree are valuable.

Tom Arthur: Mr Stewart makes a constructive and helpful suggestion, and I am happy to commit to take it forward. Implicit in his point is the recognition that, although it is one thing to have excellent resources and to acknowledge that they are being utilised, it is another to ensure that we are maximising their use, so that everyone who can benefit from them truly has the opportunity to do so.

Strengthening eating disorder training for health and social care professionals is also a priority, to ensure that they can recognise early signs of eating disorders and understand the complexity of those conditions. The Scottish Government has been working with NHS Education for Scotland to enhance and expand the eating disorder guidance, training and evidence-based resources that are available on Turas.

Work is progressing to produce primary care training videos that focus on recognising and communicating physical risk. We have sought input from Beat's lived experience panel, to ensure that the content is realistic and sensitive. Scottish Government funding for Beat also supports training to further build the understanding of eating disorders among clinicians, educators, healthcare professionals, academics and people who are out in the community providing support.

I will highlight some of our wider efforts to improve support. Over the past two years, we have provided just over £4.5 million across the west, east and north of Scotland to support the development of regional elements of the CAMHS service specification. That work is helping to strengthen pathways, workforce capacity and alternatives to in-patient care. In the north of Scotland, that includes the progression of intensive home treatment programmes. That work focuses on strengthening home-based alternatives to hospital admissions, improving co-ordination across boards and ensuring that young people who can be safely supported at home are able to access timely specialist care in their own communities. Those will be vital additions to Scotland's children and young people's mental health services, and they sit alongside the vital work that third sector organisations such as Beat do to support those with eating disorders—work that we are proud to support.

I take this opportunity to encourage anyone who might need support for an eating disorder to speak with their GP and to make use of the resources that I have highlighted today. I will endeavour to circulate those to all members of the Parliament, to ensure that as many people as possible can access the right support as soon as possible.

I again thank Elena Whitham for lodging the motion for debate, and I thank all members for their contributions. Of course, I very much recognise that we still have work to do to deliver on the recommendations from the national review. However, I assure all those in the chamber and those listening that improving support for those with an eating disorder is a top priority for me and for this Government.

Meeting closed at 20:45.

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