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Wednesday 18 March 2026

CONTENTS

	Col.
PORTFOLIO QUESTION TIME	**1**
DEPUTY FIRST MINISTER RESPONSIBILITIES, ECONOMY AND GAELIC	**1**
Non-domestic Rates (Business Confidence and Investment)	1
High Streets and Town Centres (West Scotland)	2
Venture Capital Funding	4
Alexander Dennis Ltd (Support)	5
Energy Prices (Impact on Businesses of Middle East Conflict)	8
Dumfries Town Centre (Support)	10
Real Living Wage	11
FINANCE AND LOCAL GOVERNMENT	**13**
Vaping Shops (Licensing)	13
Demand for Local Authority Services (Budget 2026-27)	14
Roads in Lothian (Local Government Funding)	16
Third Sector Rent and Council Tax Arrears Services (Support)	18
Health and Social Care Services in South Scotland (Budget 2026-27)	19
Health and Social Care Partnerships (Budget 2026-27)	20
Child Poverty (Falkirk Council)	23
Council Tax Increases 2026-27	24
GREYHOUND RACING (OFFENCES) (SCOTLAND) BILL	**26**
Mark Ruskell (Mid Scotland and Fife) (Green)	26
The Minister for Agriculture and Connectivity (Jim Fairlie)	27
Finlay Carson (Galloway and West Dumfries) (Con)	29
Rhoda Grant (Highlands and Islands) (Lab)	30
Mark Ruskell	30
BUSINESS MOTION	**32**
CHILDREN (CARE, CARE EXPERIENCE AND SERVICES PLANNING) (SCOTLAND) BILL: STAGE 3	**34**
BUSINESS MOTION	**169**
PARLIAMENTARY BUREAU MOTION	**170**
Liam Kerr (North East Scotland) (Con)	170
The Cabinet Secretary for Justice and Home Affairs (Angela Constance)	171
POINT OF ORDER	**174**
PARLIAMENTARY BUREAU MOTIONS	**176**
Sue Webber (Lothian) (Con)	176
The Minister for Parliamentary Business and Veterans (Graeme Dey)	177
MOTION WITHOUT NOTICE	**180**
DECISION TIME	**181**

Scottish Parliament

Wednesday 18 March 2026

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

Portfolio Question Time

Deputy First Minister Responsibilities, Economy and Gaelic

Non-domestic Rates (Business Confidence and Investment)

1. **Sharon Dowey (South Scotland) (Con):** To ask the Scottish Government what assessment it has made of the impact on business confidence and investment of non-domestic rates thresholds having limited movement since 2020-21. (S6O-05648)

The Minister for Public Finance (Ivan McKee): Annual decisions on non-domestic rates are made in the context of prevailing economic conditions and Government priorities at the time. Our budget supports businesses with a decrease in all three non-domestic property rates, delivering the lowest basic property rate since 2018-19, and a reliefs package that is estimated to be worth £870 million in 2026-27.

Thriving businesses are key to Scotland's prosperity. Many factors, such as the United Kingdom Government's increase in employer national insurance contributions, have had significant impacts, which have contributed to reduced business confidence in Scotland.

Engagement with business on non-domestic rates continues through the NDR consultative group.

Sharon Dowey: The number of businesses in critical distress in Scotland is rising faster than anywhere else in the United Kingdom—it has gone up more than 80 per cent in a year. The Fraser of Allander Institute reports that each of its headline business confidence indicators has been negative for five consecutive quarters, and 15,000 fewer people are on Scottish business payrolls than was the case a year ago. When the minister stands to defend frozen rates thresholds that have barely moved in half a decade, does he not see that as part of a wider picture—a Scottish National Party Government that has squeezed businesses from every direction and is now watching them close?

Ivan McKee: As I indicated, many factors are impacting on the situation, not least the UK Government's action on employer national insurance contributions.

I remind the member that Scotland continues to outperform the rest of the UK, having attracted for 10 years in a row the most inward investment of any part of the UK outside of London. That shows the confidence that businesses have in Scotland's economy.

It is important to recognise that the amount of revenue that is raised through non-domestic rates is now 6 per cent lower than it was pre-Covid, despite the fact that there are more businesses in Scotland than there were then. That shows that we have reduced the NDR burden on businesses over recent years.

Bill Kidd (Glasgow Anniesland) (SNP): According to the Bank of Scotland and the "Business Barometer", business confidence in Scotland is continuing its upward trend as firms embrace new tech and innovation opportunities. How is the Scottish Government working to ensure that that trend continues?

Ivan McKee: Bill Kidd has raised an important point about the fact that Scotland's business confidence is continuing its upward trend on that measure. Although cost pressures remain, the fact that businesses plan to adjust shows a growing sense of confidence and a firmer footing for future investment.

Business confidence in Scotland is closely linked to firms' ability to adopt new technologies and innovate, and the Scottish Government is actively working to ensure that that positive trend continues. A key part of that is the Techscaler programme—now in its fourth year—which provides a national platform that supports the creation, development and scaling of tech start-ups across Scotland.

We have also transformed the investment landscape in Scotland to make Scotland more attractive to investment, thus creating jobs in our communities.

High Streets and Town Centres (West Scotland)

2. **Paul O'Kane (West Scotland) (Lab):** To ask the Scottish Government what action it is taking to support high streets and town centres in the West Scotland region, in light of reported issues, including high vacancy rates. (S6O-05649)

The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes): I recognise that many of our towns face challenges with vacant buildings, which is why we are continuing our long-standing commitment to regeneration, with investment of up to £52 million in the next financial year.

Since 2014, we have provided almost £169 million of capital regeneration investment for local

authorities in the West Scotland region. Some of that has supported town centre revitalisation through the transformation of empty properties and the enabling of community ownership.

There is also support for local authorities to address vacant retail spaces, through a non-domestic rates relief package. Two schemes in particular—the fresh start and business growth accelerator reliefs—support the reuse or repurposing of vacant properties.

Paul O'Kane: I thank the Deputy First Minister for that answer, and in doing so, I acknowledge that this will be her last portfolio question time. I say to her: beannachd leat—farewell.

In towns and villages in communities such as Johnstone, scores of people have raised with me their sadness about the state of their high street, whether that is due to the lack of upkeep and investment, insufficient public transport to access the high street or reduced activity. In Renfrewshire, the town centre vacancy rate was 19 per cent in 2024-25, which means that almost one in five units sat empty.

Successive SNP ministers, including one who represents a town that is affected, have failed to grip the issue and to support our streets. High streets are going to be hammered again by inaction on business rates that, in many cases, are doubling or trebling. Has the Government done any analysis of the impact of those increases on business closures and vacancy rates, and what they will do to the streets? Should the Government not look again at pausing the process?

Kate Forbes: That is definitely an issue of concern to us. We have looked at a number of different options to try to resolve the issue of empty properties, which is largely driven by a change in trading conditions and the fact that people are increasingly choosing to shop online rather than locally.

Back in 2025, we consulted on permitted development rights and compulsory purchase reform—key issues that have an impact on town centre regeneration and, more importantly, the reuse of vacant and unused buildings. We are currently analysing the responses to inform next steps, and that analysis will be published in due course.

We can learn from examples where councils have taken alternative approaches. In Aberdeen, the council and the local business improvement district have led award-winning work to bring upper-floor premises on Union Street back into use.

I mentioned in my opening answer the different reliefs that we have available—the fresh start and business growth accelerator reliefs—which specifically give non-domestic rates relief for tenants or owners who are purchasing or moving into properties that were previously unused.

Pam Gosal (West Scotland) (Con): Businesses in my West Scotland region are under immense pressure thanks to increased employer national insurance contributions from the UK Labour Government, the failure of the Scottish National Party Government to fully pass down rates relief, and ever-increasing retail crime. It is little wonder that so many small businesses are being forced to shut down, which removes jobs and livelihoods. Does the Deputy First Minister agree that more taxes and regulations will only lead to more vacancies on our high streets and in our town centres?

Kate Forbes: That is why we have the most generous rates relief anywhere in the UK, including some of the most ambitious support, through the small business bonus scheme. The member will know that a lot of the properties on our town centre high streets are beneficiaries of the small business bonus scheme.

We have other initiatives in place to provide support to businesses, but, on an issue such as this, we need to understand what the key drivers are. Predominantly, those are changes in trading conditions and in behaviour, which means that more people are choosing to shop online rather than in person.

Venture Capital Funding

3. **Murdo Fraser (Mid Scotland and Fife) (Con):** To ask the Scottish Government what action it is taking to expand the availability of venture capital funding to aid business growth. (S6O-05650)

The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes): That is an important question, because expanding access to private investment is a critical element in seeing Scotland grow. Scotland has a strong public sector investment ecosystem, with our enterprise agencies and the Scottish National Investment Bank focused on investing alongside private investment to achieve the best outcomes for Scottish businesses.

Since its launch in 2020, the SNIB has committed more than £1 billion in investment, which has, importantly, leveraged £1.7 billion in investment from the private sector. I have seen that, where there is a density of investable propositions, it attracts increasing levels of venture capital.

Murdo Fraser: I suspect that this might be our last ever exchange in the chamber, so I wish the Deputy First Minister all the best for the future. I

have enjoyed our constructive engagement over a number of years.

On that note, I wonder whether she would agree with me on what I am about to say. We see an issue with start-ups that are looking to grow and that struggle to get venture capital to move to the next stage. There is a lack of availability of venture capital in Scotland, and that is because there is a lack of venture capitalists in Scotland. We need to attract more venture capitalists to come to Scotland and invest.

Therefore, contrary to what is said by the Green Party—which I notice is boycotting this session on the economy, perhaps not surprisingly—we do not need to drive billionaires out of Scotland; we need to attract more billionaires into Scotland, with their investment, to support our economic growth. Does the Deputy First Minister agree?

Kate Forbes: I agree that attracting a varied and diverse range of investors who are able to meet the needs of companies across all projects and stages is vital. We have seen huge growth in start-ups, and now the focus needs to turn to scale-ups. A number of innovative private sector equity investors are active in Scotland, and they have sometimes been able to complete investment deals partly due to support from public bodies. We cannot completely exclude that from the equation, but the average VC fund size has increased significantly in recent years, particularly among US-based VC investors, meaning that the highest-publicity VC investors and deals are operating on a larger scale than the Scottish business investment market.

The point is that our focus is on scaling businesses. They will attract investment from a range of sources. The critical element is that they do not leave Scotland. If they cannot attract investment while being headquartered in Scotland, that becomes a risk.

As I said in my opening remarks, I have always thought that the right approach is to build up the density of investable businesses, which naturally attracts capital, rather than to focus on the capital initially in the hope that there are investment propositions as a result.

Alexander Dennis Ltd (Support)

4. **Stephen Kerr (Central Scotland) (Con):** To ask the Scottish Government what further support provisions will be available to Alexander Dennis following the expiration of the current £4 million support package this month. (S6O-05651)

The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes): We continue to work closely with Alexander Dennis Ltd following our award of a time-limited company furlough scheme that is designed to retain jobs in the firm's manufacturing capacity in Scotland. The agreed terms and conditions of the grant require the business to provide the necessary evidence to access that support.

Yesterday, we accepted in principle a formal furlough extension request from the company, and we stand ready to discuss all possible options beyond that. I spoke with the company yesterday, and I reiterated the Government's full commitment to continue to do everything that we possibly can to protect those skilled jobs and bus manufacturing in Scotland.

Stephen Kerr: I thank the Deputy First Minister for the important update that she has just given. The order paper for today's questions says that I have a registered interest in this area. I do not think that I do, so I think that it is a mistake. The registered interest that I definitely have and wish to register with everyone is in those highly skilled jobs in Larbert and Falkirk, which we should retain.

The Scottish zero emission bus challenge fund 3 programme is the real test of the Scottish Government's claims on social value, because £45 million of public funding is about to be allocated. Will the Deputy First Minister confirm that not a single pound of taxpayers' money will go towards Chinese-built buses and that that funding will support Scottish jobs and Scottish manufacturing?

Kate Forbes: It is important for me to say at the outset—because I have a declaration of interest to make—that my primary responsibility when answering these questions is to Alexander Dennis and that I have no role at all in ScotZEB 3, for very important proprietary reasons. ScotZEB 3 is led by the Cabinet Secretary for Transport, because Transport Scotland is the procuring authority, as it were. It has made the decision to extend the ScotZEB 2 programme. It will be for the transport secretary to announce the conclusions and outcomes of ScotZEB 3, which opened for applications on 5 December.

I appreciate the question, but that will be disappointing to Stephen Kerr, who wants something a bit more robust, but I hope that he appreciates that it is critical that I am kept at arm's length from the ScotZEB 3 process.

Richard Leonard (Central Scotland) (Lab): I remind members of my voluntary register of trade union interests.

Can I pay tribute to Kate Forbes, who, in my view, has been a breath of fresh air as an active and interventionist cabinet secretary for the economy.

Yesterday, another vehicle manufacturer in central Scotland, Volvo Construction Equipment,

announced plans to close its factory near Holytown. Will the Deputy First Minister respect the fact that there will now be a statutory redundancy consultation with trade unions to consider options for averting closure and avoiding redundancies altogether, and, in that spirit, will the Government urgently meet the GMB and the company to consider how these 120 highly skilled jobs can be saved?

Kate Forbes: I am very thankful for Richard Leonard's kind words; I was almost dreading that there was a "but" coming afterwards, but I am grateful for those comments.

Richard Leonard raises a very serious issue. I had a call with the GMB this morning—the intention was to discuss another issue, but we spent some time at the end of the call talking about the Volvo situation; I also had a very helpful letter from the GMB about that this morning. In that call, I committed to the GMB to engage thoroughly and quickly on this very serious issue, because I understand what the consequences will be for that community.

Paul Sweeney (Glasgow) (Lab): I wish the Deputy First Minister well in her future journey. We actually crossed paths as children, apparently—the fact that we stayed in the same street gives weight to the idea that Scotland seems to be a bit of a village at times.

I want to ask the Deputy First Minister about the 10-year zero emission bus order pipeline that the United Kingdom Government announced this week, with 23,000 buses projected, and the potential deficiencies in the ScotZEB scheme. It is a limited subsidy scheme, so it cannot be directed to UK manufacturers. It might have been worthwhile for the Scottish Government to look at a direct purchasing and leasing model, which could allow for direct awards to Scottish manufacturers.

Kate Forbes: The member makes a very interesting point, and I thank him, too, for his kind comments. It is an interesting approach, and we have looked carefully at all the approaches that we could take through procurement and grants, for example to support domestic manufacturing at Alexander Dennis. The company was clear that it could not rely only on Scottish buses to get it through these difficult times—the approach had to be UK wide, so we welcome commitments to procure buses.

There has been a challenge arising from international bus manufacturing's increased market share in those procurement processes, to which I think Stephen Kerr was alluding. We have not seen sufficient progress on some of that, as it is still putting at risk Scottish domestic manufacturing. However, we will look at all that and see whether we can learn lessons for our approach.

Energy Prices (Impact on Businesses of Middle East Conflict)

5. **Jamie Halcro Johnston (Highlands and Islands) (Con):** To ask the Scottish Government what support it is providing to businesses facing higher energy prices and other increased costs resulting from the conflict in the middle east. (S6O-05652)

The Minister for Business and Employment (Richard Lochhead): Ministers are deeply concerned about the impact of the conflict in the middle east. Both the Cabinet Secretary for Climate Action and Energy and the Cabinet Secretary for Housing have made representations to the United Kingdom Government on energy costs.

We are hopeful that any de-escalation can reverse the higher energy prices and other increased costs that businesses face. We were disappointed that the financial support that the UK Government announced on Monday did not extend to businesses. We will, however, continue to work with companies to create better certainty and stability for business where we can. That includes an investment of £326 million for enterprise agencies in the budget and our package—which was referred to earlier—of non-domestic rates reliefs, which is worth an estimated £870 million.

Jamie Halcro Johnston: While £10 million is going to support 71 businesses in Glasgow that have been impacted by the fire there, thousands of businesses across the Highlands and Islands will be seeing fuel costs double, with apparently no support coming to them. Will there be specific support for those businesses across the Highlands and Islands and across Scotland? I am thinking in particular of businesses in our rural areas, which rely on oil and already pay higher costs for it, and which are already massively impacted by the rise.

Richard Lochhead: The member raises a serious issue that is impacting on businesses in Scotland, and we share his concerns. As I indicated earlier, issues relating to energy costs are largely reserved to the UK Government. We will continue to do all that we can to help; the member may be aware that we also fund Business Energy Scotland, for instance, to give advice to businesses. That initiative has, since we launched it, identified more than £200 million-worth of savings for businesses and has saved, on average, 24 per cent in the cost of energy bills for those businesses that have taken advantage of it. I encourage members to share information about that advisory service with businesses that are affected by high energy bills.

We will, of course, continue to do all that we can to support businesses, but energy policy is largely the UK Government's responsibility. As it has given some—albeit very limited—support to households, it should extend that support to businesses.

Emma Roddick (Highlands and Islands) (SNP): Defence experts cited in a recent RenewableUK report have urged for there to be an acceleration of renewables development in order to shield against further geopolitical shocks. Does the minister agree that it is more important than ever for Scotland to develop renewables generation and storage capacity in order to enhance our energy security for businesses and households across Scotland?

Richard Lochhead: Emma Roddick raises an important issue. It is ironic that, in energy-rich Scotland, we are facing rising energy bills. As the member has said, we do not have enough measures in place to shield Scotland and to ensure that we can take advantage of the massive energy resources, particularly renewable energy resources, which are on our doorstep. I agree that we have to accelerate the development of renewables. Grid connections and other projects that are waiting for the green light are in the hands of the UK Government. We have to ensure that they are expedited as much as possible, so that we can ensure that energy is available to Scotland for our business communities in the Highlands and Islands and the rest of the country.

Willie Rennie (North East Fife) (LD): I join other members in paying tribute to Kate Forbes as she leaves this Parliament. She was cheered on by Richard Leonard and the Conservatives, but there was silence from the Scottish National Party benches. I do not know whether that tells us anything.

We are paying the price of the folly of Donald Trump's decision to bomb Iran, and that was also cheered on by the Conservative Party. My concern, which I hope that the minister will take on board, is about the fishing industry, which is facing significant increases in bills for running fishing boats. I hope that those representations are made strongly when the minister speaks to the UK Government, because the sector is already under quite a lot of strain.

Richard Lochhead: I will ensure that I convey Willie Rennie's comments to Mairi Gougeon, the Cabinet Secretary for Rural Affairs, Land Reform and Islands, who often discusses those issues with her UK counterparts. As a former fishing minister, I know very well how, over the years, the cost of fuel has fluctuated, which has caused particular challenges for Scotland's fishing fleets. We continue to pay close attention to that.

I associate myself with members' comments about my colleague the Deputy First Minister, Kate Forbes, given that this is her last question time session. I commend her contribution to public service and the Scottish Parliament. I will also be leaving the Parliament and will be joining her in post-politics life. I do not take any offence at Willie Rennie not mentioning that.

Dumfries Town Centre (Support)

6. **Oliver Mundell (Dumfriesshire) (Con):** To ask the Scottish Government what action it is taking to support Dumfries town centre. (S6O-05653)

The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes): As I outlined in a previous answer, we continue to deliver on our long-standing commitment to regeneration, with investment of up to £52 million next year. It has long been a commitment of mine to support local regeneration, which is why we have worked hard to safeguard capital investment, because it supports the revitalisation of our towns and town centres. That is one of the ways that we have supported Dumfries town centre, alongside other forms of support. Since 2014, Dumfries and Galloway Council has received nearly £21.5 million in regeneration capital funding, including £4.5 million for the award-winning Midsteeple Quarter, which has revitalised a previously vacant town centre building into a community event and enterprise space and seven homes.

Oliver Mundell: I associate myself with comments from colleagues across the chamber about the Deputy First Minister.

I am concerned that the Scottish National Party-led Dumfries and Galloway Council is undoing all that hard work by continuing with its obsession with wasting £70 million of taxpayers' money on the deeply unpopular Whitesands flood scheme, which will see vital town centre parking being removed and the setting of the River Nith diminished. Surely the money could be better spent on maintaining vital local services and improving the upkeep of the town centre?

Kate Forbes: I am aware of the Whitesands flood protection scheme. Its purpose is to combine major flood defences with significant public realm improvements. It is set to start this spring after receiving approval from Dumfries and Galloway Council. I am aware of the member's concerns. However, there are issues to do with reducing flood risk and enhancing recreation and active travel opportunities. Ultimately, as I understand it, it is a decision that the local council has made. Therefore, the member's comments should be directed to representatives of the local authority.

This is my last planned comment in the chamber before I leave my post as an MSP so, if I may, I will take a brief moment to thank, from the depths of my heart, everyone who has enabled me to serve our country and the communities of Skye, Lochaber and Badenoch over the past 10 years.

I thank the staff and officials of the Parliament and the Government, colleagues across the chamber who have become friends and everybody who has an interest in the decisions that we make.

I feel as though I have squeezed multiple lifetimes into the past 10 years—certainly, I barely recognise the young woman who was elected 10 years ago, aged 26, to represent the constituency of Skye, Lochaber and Badenoch.

Above all else, I have always enjoyed intelligent debate, good-natured disagreement and constructive engagement and, sometimes, I have even been able to make a difference. I leave with enormous respect for colleagues across the chamber, many of whom argue their case robustly but with respect and wisdom.

Our democracy relies on debate, and debate requires at least two people who disagree. Disagreement does not require bitterness, animosity or malice. I hope that the next Parliament can exemplify the joy of dispute and debate in the service of our constituents. [*Applause*.]

The Deputy Presiding Officer: Thank you, Deputy First Minister.

I could squeeze in question 7 if the question and supplementary are brief.

Real Living Wage

7. **Alexander Stewart (Mid Scotland and Fife) (Con):** To ask the Scottish Government for what reason, despite an increase in the number of businesses pledging to pay the real living wage, the percentage of people actually being paid the real living wage or more has been decreasing for three consecutive years. (S6O-05654)

The Minister for Business and Employment (Richard Lochhead): While key powers over employment law remain reserved to the United Kingdom Government, including those on the minimum wage, we have made significant progress towards our ambitious goal of becoming a leading fair work nation. Around 88.7 per cent of Scottish employees over 18 years of age are paid the real living wage or above, which is the highest proportion in the UK countries. Although the share of Scottish employees paid the real living wage or above was slightly lower in 2025 than in 2023, that has also happened in other parts of the UK and reflects a range of national and international pressures and costs in recent years.

Alexander Stewart: Nobody on the Conservative benches opposes fair pay for workers, but the minister must recognise that the gap between the number of accredited employers and the number of workers who actually receive the real living wage tells us a story. Businesses in Scotland are closing, relocating or simply not starting up because the Government has created a hostile environment for enterprise. Continually making feel-good announcements makes no difference. What action will the Scottish Government take to protect those businesses that are disappearing daily across our communities?

Richard Lochhead: As discussed in previous answers, businesses in Scotland face a number of pressures, not least rising national insurance contributions and rising energy costs, both of which are the responsibility of the UK Government, not the Scottish Government. We are continuing to do all that we can to support businesses against that tough backdrop.

At the moment, 2.45 million people are payrolled in Scotland. That might be a slight decrease on the previous year, given some of the factors that I have discussed, but, compared with historical records, it is quite high. We should not forget the fact that unemployment rates in Scotland are lower than those in the rest of the UK, or our other successes in attracting inward investment to Scotland, which have created high-value jobs in our country.

The Scottish economy is resilient, but we are not immune to those pressures. Businesses are facing tough times and we will continue to do all that we can to help them.

The Deputy Presiding Officer: Question 8 was not lodged.

That concludes portfolio questions on Deputy First Minister responsibilities, economy and Gaelic.

Finance and Local Government

Vaping Shops (Licensing)

1. **Gillian Mackay (Central Scotland) (Green):** To ask the Scottish Government whether it will introduce a licensing system for local authorities to address the growing number of vaping shops. (S6O-05656)

The Minister for Public Finance (Ivan McKee): Scotland is the only country in the United Kingdom with a tobacco and vapes retail register. All businesses, regardless of size, need to be registered in order to be able to sell such products in Scotland. The register exists to support the enforcement of regulation on age-restricted products, given the public health harms of tobacco and vaping. Individual business owners are responsible for registering any business that sells tobacco and/or vapes, and failure to do so could result in a fine of up to £20,000 and/or possible imprisonment for a term not exceeding six months. It is the responsibility of local authorities to enforce compliance with the register in their local areas.

We remain committed to considering how the register could be improved, including by imposing possible further conditions on registration, in order to support our public health aim of reducing the use of tobacco and vapes.

Gillian Mackay: I thank the minister for that answer, but the register is clearly not working. There is no mechanism to remove shops from the register, and *The Ferret* discovered that the shop that went on fire in Glasgow was not even on it. It is vital that we have a robust licensing system that is accompanied by sufficient funding for councils so that their trading standards departments have the resources to crack down on bad actors.

In the light of that, why does the minister believe that we do not need a licensing system at a national level, which would be similar to those that cover premises that sell alcohol? What funding can the Government give local authorities to ensure that the legislation has teeth?

Ivan McKee: As I indicated, there are significant sanctions for non-compliance with the requirement to register such businesses. There are fines of up to £20,000 and possible imprisonment for a period not exceeding six months. It is the responsibility of local authorities to take forward any enforcement measures in that regard.

As I indicated, we remain committed to considering how the process could be improved. I take on board the member's point about a licensing scheme but, as I said, the enforcement powers and sanctions already exist in the current registration system.

Pam Gosal (West Scotland) (Con): I declare an interest as a former trading standards officer.

We are all devastated by the fire that took place on 8 March on Union Street in Glasgow, yet it turns out that the shop where the fire began was not listed on the mandatory register, as is required for a business to sell nicotine products, and was thus selling vapes illegally.

After years of cuts, there are only about 250 full-time equivalent trading standards officers in councils across Scotland, with the number having reduced by more than half since 2002. At the same time, 22 of Scotland's 32 councils now operate with eight or fewer trading standards officers. That puts not only consumers but the general public at risk. Does the minister agree that it is impossible to have effective law on licensing if there are no trading standards officers to enforce the law?

Ivan McKee: As I indicated, it is the responsibility of local authorities to take forward enforcement measures, and it is also their responsibility to provide the resources to do that. The Scottish Government has provided a real-terms increase in funding to local government precisely to enable it to deal with its range of responsibilities, including enforcement in the area of registration that we are talking about.

Paul Sweeney (Glasgow) (Lab): In light of the fire in Glasgow, will the minister consider looking at the planning use classes in Scotland? They allowed the retail unit that went on fire to switch from being a bureau de change, after being empty for 10 years, to selling vapes, with no need for a change in planning consent. There seems to be an obvious opportunity to quickly tighten up the regulations so that consent would need to be sought for such use.

Ivan McKee: I do not know whether doing so quickly would be appropriate, because we would need to go through a proper process to understand any changes that we chose to make.

The member is right in that the class of use is fairly broad, covering as it does all retail, but to start to compartmentalise the class would potentially take us into a place where we were putting up unnecessary barriers for businesses. It would need to be considered in the round. However, the existing registration scheme requires businesses that sell such products to be registered, and a broad range of factors can be considered through that mechanism.

Demand for Local Authority Services (Budget 2026-27)

2. **Roz McCall (Mid Scotland and Fife) (Con):** To ask the Scottish Government what assessment it has made of the impact of its budget 2026-27 on the ability of local authorities, including Perth and

Kinross Council, to meet rising demand for services. (S6O-05657)

The Cabinet Secretary for Finance and Local Government (Shona Robison): Presiding Officer, before I answer the question, I hope that you will indulge me just for a moment, as this is my last portfolio question time and my last opportunity to speak in the Parliament. I take this opportunity to thank my Government officials for all their support in my Government role. I thank all the Parliament staff for looking after us so well over the years, particularly for the very late sittings of late. I also thank my staff in my local office for supporting my constituency work. Last but by no means least, I thank my constituents in Dundee City East, whom I have had the honour to serve for nearly 27 years. It has been my absolute privilege to do so. I wish my colleagues who return to the Parliament well, and I wish those who are not returning the very best for whatever comes next.

In response to Roz McCall's question, we appreciate the pressures that local authorities face. That is why we are providing record funding of £15.7 billion, including £250 million of unrestricted general revenue grant. There is also full flexibility on council tax.

The vast majority of the funding that is allocated by the Scottish Government is provided by means of a block grant. It is then for individual local authorities to allocate the total resources that are available to them on the basis of local needs and priorities.

Roz McCall: I am glad that I got to ask the question, because it means that I am the first to wish the cabinet secretary all the best in her future endeavours.

In large rural local authorities such as Perth and Kinross Council, the cost of delivering services from social care to education and community provision is already significantly higher, and councils need to make increasingly difficult decisions about the services that they can sustain. This year, the Scottish National Party administration in Perth and Kinross has imposed an 8.9 per cent council tax increase, taking the average band D bill to £1,673 a year. That rise was justified locally on the basis of rising demand and what the SNP council described as an insufficient funding settlement from the Scottish Government.

The cabinet secretary pointed to a record local government settlement in the budget. However, if the amount of funding was truly sufficient, SNP-run councils such as Perth and Kinross Council would not be forced to raise council tax by nearly 9 per cent simply to stand still.

Does the cabinet secretary accept that the so-called record funding is not keeping pace with rising costs? Does she accept that the reality of the choices that were made in the budget is that there is a gap that is now being filled by higher council tax, which is leaving my constituents paying £130 a year more for less while still facing uncertainty about front-line services?

The Deputy Presiding Officer: Thank you, Ms McCall—that question was quite lengthy.

Shona Robison: Different council tax rates have been set across the 32 local authorities by administrations with different political colours.

I acknowledge that there have been rising costs across the whole public sector. They include the rising costs of employer national insurance contributions and VAT, while the global situation at the moment will put fuel costs up for local authorities and every other part of the public sector. We are well aware of the rising costs. We have given local government a record settlement, but that is against the backdrop of those rising costs. We expect local authorities to work to manage within those budgets in the same way that the rest of the public sector does.

The distribution formula, which I think is what Roz McCall was hinting at in relation to Perth and Kinross Council being a rural local authority, is a matter for the Convention of Scottish Local Authorities to decide on.

Roads in Lothian (Local Government Funding)

3. **Sue Webber (Lothian) (Con):** To ask the Scottish Government what assessment it has made of any impact of its local government funding settlement on the condition of roads across the Lothian region, in light of the City of Edinburgh Council, for example, facing an £86 million repair backlog. (S6O-05658)

The Cabinet Secretary for Finance and Local Government (Shona Robison): The vast majority of the funding that is available to councils is provided by means of a block grant from the Scottish Government. It is then the responsibility of individual local authorities to manage their budgets and to allocate the financial resources that are available to them. That includes the maintenance of local roads on the basis of local needs and priorities, having first fulfilled statutory obligations and the jointly agreed set of national and local priorities.

Sue Webber: Road condition figures that were published this week confirm what every driver in the Lothians already knows: our roads are getting worse, not better. The reason is straightforward: this Government has squeezed council budgets so hard that roads spending has been cannibalised by statutory obligations.

Audit Scotland has said that the roads funding shortfall will nearly double to £458 million by the end of the decade. Does the cabinet secretary accept that that is a direct consequence of a funding settlement that forces councils to meet Scottish National Party priorities over basic services such as road and pavement repairs?

Shona Robison: Many of those joint priorities, whether on tackling child poverty or providing childcare, are important to the people of Scotland. Those are important priorities that local government shares with the Scottish Government.

As a consequence of the budget, Scottish local authorities have an additional £522.4 million of funding that would not have been available had the Budget (Scotland) (No 5) Bill not been agreed to by the Parliament. As I said earlier, it is for local authorities to decide how to spend that money, in addition to the council tax revenues that are raised locally. We are in discussions with the Convention of Scottish Local Authorities and are keen to work with local government to explore imaginative ways to increase investment—whether for local roads or other priorities—given the reduced capital that is available from the UK Government. Those discussions continue.

The Deputy Presiding Officer: I had requests from two members to ask supplementary questions, but now I have one. I point out to Fergus Ewing that the question relates to the impact of funding on the condition of roads across the Lothian region.

Fergus Ewing (Inverness and Nairn) (Ind): Thank you very much indeed for that advice, Presiding Officer.

Whether in Lothian, where the backlog is £69 million, in Highland, where it is £233 million, or anywhere else, particularly in rural Scotland, roads and bridges are being closed because of safety issues. In my patch, Neil Gordon is a farmer who used to use the Balnaan bridge, but, because it is closed, he now has to take a detour of up to 100 miles after a day's farming. How can it be fair that rural residents face their livelihoods ending at the same time as £226 million is being spent on building new cycle lanes in cities that no one uses?

The Deputy Presiding Officer: I ask the cabinet secretary to respond on matters relating to the question at hand.

Shona Robison: We have provided record resources to local government, whether in rural areas or urban areas, and it is up to local authorities to determine their priorities. We have struck a number of deals to ensure that the borrowing capacity of local authorities can be used alongside accelerator deals to provide additional investment in communities. We already have deals along those lines with many local authorities, and we are prepared to discuss such deals with other local authorities that are interested.

Third Sector Rent and Council Tax Arrears Services (Support)

4. **Maggie Chapman (North East Scotland) (Green):** To ask the Scottish Government, in light of Audit Scotland's recent statement that local authorities will face a budget gap of nearly £1 billion by 2027, what action it is taking to provide additional support to third sector organisations that prevent and respond to rent and council tax arrears. (S6O-05659)

The Cabinet Secretary for Finance and Local Government (Shona Robison): The Scottish Government's council tax reduction scheme ensures that nobody should have to meet a council tax liability that they cannot afford, and we continue to promote take-up, including through working with Citizens Advice Scotland. Where arrears occur, councils have powers to write off those debts.

The budget has provided councils with record funding of £15.7 billion, including £253 million of unrestricted general revenue grant. Councils have full discretion to allocate that money as they see fit, including to support for third sector organisations, where appropriate.

Maggie Chapman: I associate myself with Roz McCall's comments and wish the cabinet secretary well in whatever comes next for her.

Public sector debt pushes people into and keeps them in poverty. All local authorities in the north-east region have announced council tax increases that are well above the rate of inflation. Financial and social pressures on many constituents make it difficult for them to pay their rent, and delays in receiving social security support compound that situation.

What action can the Scottish Government take to enhance community capacity and local third sector infrastructure to respond to that potential spiral of decline? Will we see reform of local government finance in the next session of Parliament?

Shona Robison: Maggie Chapman will be aware of the joint Scottish Government and Convention of Scottish Local Authorities consultation on the future of local government finance, which has now closed. It will be for members in the next session of Parliament to consider the options. We have already set out a proposal for new council tax bands at the higher end, which will provide additional funding for local government.

I should say that council tax for an average band D property is significantly less in Scotland than in England—there is a difference of about £350. That is not to detract from some of the rises in council tax that have been mentioned, but it is an important comparison of the rates that people are paying across these islands.

The Deputy Presiding Officer: Questions 5 and 7 are grouped together. We will therefore take any supplementaries after both of them have been answered.

Health and Social Care Services in South Scotland (Budget 2026-27)

5. **Carol Mochan (South Scotland) (Lab):** To ask the Scottish Government what assessment it has made of how its budget 2026-27 delivers fair funding for health and social care services across the country, including in South Scotland. (S6O-05660)

The Cabinet Secretary for Finance and Local Government (Shona Robison): The 2026-27 budget provides almost £22.5 billion of investment in health and social care services, which exceeds the consequentials. National health service boards, including those in the south of Scotland, will see an increase in their baseline funding, which will bring total investment to more than £17.6 billion. That is a real-terms uplift of 1.8 per cent to support services, fund pay and implement agenda for change reform.

We are also providing £32.8 million for NHS Scotland resource allocation committee—NRAC—parity, ensuring fairer funding and that all boards stay within 0.6 per cent of parity. The NRAC formula reflects demographic changes and excess costs.

Carol Mochan: The underfunding of health and social care is a systemic problem across Scotland. Local authorities face cuts year on year, services are being pulled and budget shortfalls have led to local communities' care packages being cut. This year, East Ayrshire health and social care partnership, which is in my region, faced a financial overspend of more than £10 million, forcing the council to establish a health and social care emergency financial support fund, as a one-off to plug the funding gap. That is not sustainable. Does the cabinet secretary recognise the funding gaps and the direct impact that the cuts are having on communities right here, right now?

Shona Robison: I certainly recognise the demand and pressures that are on all our public services, particularly given the demographic challenges that we have, which will increase over time. That is why we made the commitment to increase funding to social care by 25 per cent in this session of Parliament. We have exceeded that by more than £500 million in 2026-27, because the budget provides more than £2.3 billion for social care. That is not to say that there are no challenges, but it is a record settlement for social care. We need to ensure that the delivery systems at local level are working to deliver services to local people. I am sure that the Parliament will return to that issue in the next session.

Health and Social Care Partnerships (Budget 2026-27)

7. **Katy Clark (West Scotland) (Lab):** To ask the Scottish Government what steps it is taking to ensure that its budget 2026-27 adequately funds health and social care partnerships to deliver services, including social care. (S6O-05662)

The Cabinet Secretary for Finance and Local Government (Shona Robison): I acknowledge the work that the health and social care partnerships have undertaken towards balancing their budgets in the difficult financial context that we collectively face and given the demographic challenges that I alluded to earlier. That is why we are providing record funding in 2026-27. The budget provides a real-terms increase in the local government settlement, taking it to more than £15.7 billion, and there is almost £22.5 billion for health and social care.

Katy Clark: Despite opposition from service users, care workers and trade unions, North Ayrshire health and social care partnership has voted to make significant cuts to social care provision, with funded care set to be restricted to those who are assessed as being at critical risk. Those cuts are being made because the health and social care partnership faces a deficit of around £9 million. Will the Scottish Government intervene to ensure that there is the necessary additional funding to prevent those devastating cuts from coming into effect next month, given the impact that they will have?

Shona Robison: We want to ensure that local services are retained, and that is of course the responsibility of local partnerships. I am sure that my colleague Neil Gray will be well aware of the issues that Katy Clark has raised.

To go back to the point that I made earlier, we have gone beyond the commitment to increase funding for social care by 25 per cent over the course of this session of Parliament—by £500 million. We must recognise the funding that is going into local services, in addition to the record funding to local government.

In my previous answer, I said that we needed to look at the local systems of delivery. I will go further than that: we perhaps need to revisit whether local health and social care partnerships

are the right model for delivery of this critical service across Scotland.

The Deputy Presiding Officer: I have a number of requests for supplementary questions. I am keen to accommodate them all, but I need succinct questions, and answers to match.

Brian Whittle (South Scotland) (Con): As we have heard, East Ayrshire faces a staggering £10 million health and social care budget gap next year. To mitigate that, the council will be forced into management actions, including reducing care home capacity and re-evaluating care packages to find £5.6 million in savings.

Although East Ayrshire currently boasts low community assessment waits, the average hospital discharge delay has doubled to 64 days. Given that NHS Ayrshire and Arran is now at stage 4 on the intervention framework, does the cabinet secretary truly believe that the budget is fair when it forces local authorities to choose between financial insolvency and cutting the very front-line care that prevents our local health boards from total collapse?

Shona Robison: I have set out that the budget provides real-terms increases, with £15.7 billion for local government and almost £22.5 billion for health and social care. If there are members in the chamber who think that that is inadequate, they need to tell us by how much and where the money would come from. I did not hear that in the course of the budget bill. It is easy to demand more money without saying where the money should come from.

There is a question whether the money in the system is working as effectively as it could. My suggestion and request to the Parliament in the next session is that it looks at whether local systems and their resources are working as intended.

Foysol Choudhury (Lothian) (Ind): With NHS Lothian and local social care services under real pressure from staff shortages and rising demands, can the cabinet secretary set out how the budget helps us to move towards properly resourced and publicly delivered care, rather than continually relying on overstretched staff and the private sector to fill the gaps?

Shona Robison: The budget provides record funding for local government and for health. In fact, we have consistently gone beyond the health resource consequentials that we get from the United Kingdom Government and have consistently provided more money to the national health service. The budget also provides more than £2.3 billion for social care, which exceeds our commitment to increase funding by 25 per cent over this parliamentary session by more than £500 million.

Record resources are going into both systems. I reiterate that the Parliament in the next session could look at whether the resources in those systems are being spent in the most effective way through the delivery systems that we have in place.

Willie Rennie (North East Fife) (LD): As the former Deputy First Minister leaves the Parliament, I wish her well for the future and thank her for her public service over a couple of decades.

Yesterday, the chamber was divided on Liam McArthur's Assisted Dying for Terminally Ill Adults (Scotland) Bill, but it was absolutely united on palliative care, and we need a step change in that area. What new information can the Cabinet Secretary for Finance and Local Government tell us today to show that the will of the Parliament is respected by this Government?

Shona Robison: First, I thank Willie Rennie for his kind remarks, although his talking about a couple of decades made me feel rather old.

Willie Rennie raises a very important point, and there is clearly a need for us to look at the funding for palliative care, because the Parliament was of one voice last night. The First Minister has already indicated that it will be looked at. Many in the palliative care sector hold very deeply and powerfully to their independence when it comes to what they provide, so we need to bear that in mind when we look at the future funding of palliative care. I suspect that the issue will no doubt find its way into manifesto developments, but it will also be a key priority for the Parliament when it reconvenes in the next session.

Emma Roddick (Highlands and Islands) (SNP): The Scottish National Party's budget provides welcome investment in Scotland's primary care service. Can the cabinet secretary say any more about how the investment in new walk-in centres will address the 8 am rush and increase access to primary care? Does she agree that Labour members should welcome that ambitious move instead of opposing it for opposition's sake?

The Deputy Presiding Officer: I ask the cabinet secretary to respond on matters within her responsibilities.

Shona Robison: I think that everyone should welcome the increased investment in primary care. We have provided general practice with a £531 million three-year funding deal to recruit more general practitioners and improve access, and, as Emma Roddick referred to, we have provided £36 million for new walk-in GP services in communities across Scotland. That can only

help to ease pressure at peak times, including during the early morning surge for appointments, so I thought that that would have been welcomed across the chamber.

Child Poverty (Falkirk Council)

6. **Michael Matheson (Falkirk West) (SNP):** To ask the Scottish Government what steps it is taking to support local authorities, including Falkirk Council, to deliver vital services, including those aimed at reducing child poverty. (S6O-05661)

The Cabinet Secretary for Finance and Local Government (Shona Robison): Local government has a key role to play in driving progress on reducing child poverty, including by delivering whole-family support that breaks the cycle of poverty. That is why the 2026-27 Scottish budget provides a further real-terms increase to the local government settlement. The measures include making £90 million available for devolved employability services next year, continuing to invest more than £1 billion in funded childcare and investing to make free school meals available to more than 350,000 pupils.

Michael Matheson: As others have done, I wish Shona Robison well as she departs the Parliament. It has been a real pleasure to serve in the Parliament with her over the past 27 years—I hope that that does not make her feel old—and she leaves with my very best wishes for the future.

Local authorities have an important role to play in supporting the Government's national work to tackle child poverty. Falkirk Council recently expanded its family inclusion teams to support its tackling child poverty strategy. That has been enabled because of the flexibilities and undirected funding that this year's budget has provided. What discussions are taking place with local government and the Convention of Scottish Local Authorities to consider how the flexibilities provided to local authorities through their budgets can support them in tackling issues such as child poverty?

Shona Robison: I wish Michael Matheson well in the future after his many years in the Parliament, including his time in the Government.

The flexibility that Michael Matheson referred to is really important. Along with the additional money that is going to local government, additional flexibility is being provided through the baselining of funds and the removal of ring fencing. It is important to provide local government with that flexibility so that we can align our shared priorities, and tackling child poverty is one of the most critical priorities that we share with local government.

I am confident that Falkirk Council, through its family inclusion teams, is setting a direction of travel that will ensure that it can tackle poverty in that area.

The Deputy Presiding Officer: I can squeeze in question 8, but I will need succinct questions and answers.

Council Tax Increases 2026-27

8. **Neil Bibby (West Scotland) (Lab):** To ask the Scottish Government what its response is to council tax increases approved by local authorities across Scotland for 2026-27. (S6O-05663)

The Cabinet Secretary for Finance and Local Government (Shona Robison): Council tax is a local tax that is set and administered by individual councils, which have had full flexibility in setting their rates for 2026-27. That was a key ask of the Convention of Scottish Local Authorities.

The Scottish Government has been clear on the importance of the record funding of almost £15.7 billion for the local government settlement. Compared with the previous budget settlement, the funding has increased by more than £650 million.

Neil Bibby: Earlier this month, the Scottish National Party-run Renfrewshire Council announced that it will increase council tax by 7.5 per cent. That comes after a record 9.5 per cent increase last year. The year before, when councils passed their budgets, the First Minister said that council tax rises of 3 per cent would be reasonable. The cabinet secretary has said that it is a local tax, but it is, of course, also the "unfair" council tax that the SNP promised to scrap in 2007. Since then, we have seen council tax bills going up, services getting cut and councils being underfunded. Does the cabinet secretary or her Government regret breaking their promise to scrap the unfair council tax in 2007?

Shona Robison: Of course, we wanted to scrap the council tax, but we did not get a majority in the Scottish Parliament to do so. To put it bluntly, what we need is to reach some political consensus on what should replace the council tax. At the moment, such a political consensus does not exist. Even modest changes, such as the introduction of additional bands at the higher end, have been opposed by Labour members such as Daniel Johnson, for whatever reason, even though the Labour Government at Westminster has done exactly the same thing. That shows that there is a need to get beyond that dispute and to try to find political consensus.

I make the point again that there is a huge difference between council tax rates in Scotland and England. As of 2025-26, the average council tax bill in Scotland is £344 lower than the average bill in England. Despite all the talk of increases, council tax payers in Scotland will continue to pay less, on average, than they would south of the border.

The Deputy Presiding Officer: That concludes portfolio questions on finance and local government. There will be a very short pause before we move on to the next item of business.

Greyhound Racing (Offences) (Scotland) Bill

The Deputy Presiding Officer (Liam McArthur): The next item of business is a debate on motion S6M-20921, in the name of Mark Ruskell, on the Greyhound Racing (Offences) (Scotland) Bill.

As members will be aware, the Presiding Officer is required, under standing orders, to decide whether, in her view, any provision of the bill relates to a protected subject matter; that is, whether it modifies the electoral system and franchise for a Scottish parliamentary election. In the Presiding Officer's view, no provision of the Greyhound Racing (Offences) (Scotland) Bill relates to a protected subject matter, so the bill does not require a supermajority to be passed at stage 3.

I invite members who wish to participate in the debate to press their request-to-speak button.

15:03

Mark Ruskell (Mid Scotland and Fife) (Green): I am grateful that, in the busy final hours of this parliamentary session, a moment has been found to consider a law to alleviate the suffering of animals.

The true mark of a society is the way in which it treats its animals. The case against greyhound racing is plain to see. The numbers speak for themselves. Since the industry started recording figures in 2017, there have been nearly 4,000 deaths and a staggering 35,000 injuries across the United Kingdom.

The reasons for that are clear. Racing greyhounds at speeds of up to 40 miles per hour on an oval track results in catastrophic injuries and deaths. The dogs slow down as they enter the first bend, bunching together and crashing as they jostle for position. Centrifugal forces pull the dogs towards the outside of the track, resulting in crashes on the fence. Dogs break their legs, break their backs and end up paralysed and with serious head trauma. I am sickened by the images from racetracks that show deaths and injuries day in, day out on social media. It is time that that stops. Today, we have the chance to ensure that in Scotland—if the bill passes.

Even at this late stage, some members will continue to argue that regulation and licensing are the best way forward, but the injuries and deaths are happening mostly under a licensed regime. The industry has had years to reform, but it has been unwilling or unable to make changes that remove the inherent risk to the dogs that are racing. Licensed greyhound racing is simply

licensed animal cruelty. As long as greyhound racing is a lawful activity, it will continue to be impossible to prevent suffering under our animal welfare laws.

Clare Haughey (Rutherglen) (SNP): I congratulate Mark Ruskell on bringing the bill to this stage in the Parliament. Should it pass, it will be groundbreaking legislation on protecting animal welfare and will improve the lives of many greyhounds. Does he agree that the ban on greyhound racing will save the lives of dogs and reduce injuries?

Mark Ruskell: Yes, absolutely. I thank Clare Haughey for her relentless support for the bill, which comes from a position of experience, because the Shawfield stadium is in her constituency, and she has listened to and seen the evidence first hand. I agree with her that the only way forward is to make racing a greyhound a stand-alone offence in law. Some argue that the last remaining racetrack in Scotland, which is unlicensed, is an exception—a harmless hobby enterprise—but Thornton racetrack in Fife is no different from any other track in the UK. The dogs face the same risks, just with less oversight. There are those who want to see a resurgence of greyhound racing in Scotland. The owner of the Thornton track has stated that, if it were not for the campaign for the bill, he would be expanding and televising races to betting shops around the UK. There would be more dogs racing in more races, more dogs injured and more dogs killed.

The public do not want to see that. More than two thirds of people in Scotland want to see an end to greyhound racing. A spectacle that was invented 100 years ago is now becoming socially unacceptable. Our values have changed; times have changed. The case against greyhound racing has never been stronger, and the international consensus to end the suffering of these dogs is now unstoppable. Just yesterday, Wales voted to ban greyhound racing. Scotland cannot be left behind.

The bill would end greyhound racing on all tracks in Scotland, licensed or unlicensed. It would protect these beautiful dogs from the inherent harms of greyhound racing. I appeal to all members in the Parliament to vote for the bill at decision time tonight. I am greatly honoured to move the motion.

I move,

That the Parliament agrees that the Greyhound Racing (Offences) (Scotland) Bill be passed.

15:07

The Minister for Agriculture and Connectivity (Jim Fairlie): As the lead minister for the bill, I thank Mark Ruskell for his constructive and collaborative approach in bringing this important bill to the Parliament. A member's bill does not reach this stage without a significant commitment and a great deal of effort. I know how much work Mr Ruskell has put into the bill throughout its stages in this parliamentary session. I commend the hard work undertaken by the Parliament's non-Government bills unit in supporting Mr Ruskell with the bill, as well as that of my officials, the policy officials and all the parliamentary staff in getting us to this stage. I also thank the Rural Affairs and Islands Committee for its role in hearing evidence and producing helpful recommendations at stage 1, which we considered carefully. That process led to the changes that were made at stage 2 and to the creation of a bill that puts in place safeguards for the benefit of all greyhounds.

I remind the Parliament that, when the bill was first introduced, the Government adopted a neutral position. At that stage, the proposal sought to prohibit all greyhound racing in Scotland. The bill that is now at stage 3 is more focused in scope, in that it seeks specifically to prohibit the racing of greyhounds on oval tracks. Having carefully considered the evidence, the Scottish Government considers that the bill addresses the inherent welfare risks associated with running dogs at speed on oval tracks—risks that, even with good practice, cannot be eliminated. Therefore, the Government supports the bill.

As I stated previously, previous studies have shown that an oval track design is a key factor in injuries and deaths, due to the combination of bends and the speeds at which racing dogs enter the bends, and that those risks cannot be fully mitigated. Similar concerns are echoed by animal welfare organisations and veterinary reviews, which point to thousands of recorded injuries and numerous fatalities each year linked to the racing conditions internationally. Taken together, the evidence demonstrates that greyhound racing, as currently practised on oval tracks, exposes dogs to significant risks that cannot be eliminated by other measures. That gives me confidence that the bill is a rational and proportionate measure and that there is a sufficient welfare justification for supporting it.

As Mark Ruskell said, the Welsh Senedd last night passed its bill, which will implement a complete ban on greyhound racing in Wales. That shows that the issue is being discussed not just in Scotland but in many areas of the world. However, I stress that there are points of difference between the two bills, including the fact that the Welsh bill prohibits racing on all types of track, whereas the bill that we are considering is focused on oval

tracks only, in response to the particular risks that are posed by such tracks.

We are very mindful of the implications for the individuals and communities that are connected with greyhound racing in Scotland—in particular, those who are involved with the Thornton track in Fife. I do not doubt the dedication and devotion of those people to their dogs, but the evidence shows the welfare case for banning racing on oval tracks. That is why we support the bill.

Deputy Presiding Officer, members' bills such as this can—as you well know—achieve a great deal in the Parliament when people work together on important matters for the benefit of Scotland's people, communities and, in this case, greyhounds.

I note that there is a lot of public support for the bill. A petition to ban greyhound racing is the most-signed petition in the Parliament's history, and the Scottish Government therefore fully supports the bill.

15:10

Finlay Carson (Galloway and West Dumfries) (Con): I recognise the commitment of any member who brings forward a member's bill, and the significant time and resources that that takes. However, without any disrespect to Mark Ruskell, with whom I have worked on many occasions over the past 10 years, it has to be recognised that it is hard to conclude anything other than that this process has been a waste of precious parliamentary time, given that it will not improve the welfare of a single greyhound in Scotland. There is no active track nor on-going racing, yet we are being asked to pass a total ban without ever exploring the very thing that has improved welfare in England and Wales, which is licensing, robust regulation and proper oversight. The evidence has been contested throughout, and the Government has produced nothing new to justify its U-turn from calling a ban "disproportionate" to now supporting it.

Meanwhile, we read reports of a possible legal challenge to similar legislation in Wales before the ink is even dry. That should alarm anyone who cares about good governance and legislative competence.

However, what worries me most is that the bill is portrayed as advancing animal welfare while delivering absolutely nothing in practice. It is gesture politics and virtue-signalling legislation that is designed to look busy rather than make a difference. All the while, genuinely needed reforms languish.

Scotland's animal welfare law is spread across numerous dated and disjointed acts. A future Government must grab the bull by the horns and develop a proper consolidation bill that brings together the patchwork of existing legislation into a coherent, modern framework that truly improves outcomes for animals and the people who are responsible for their care.

Instead, today, we debate a bill that does none of that. It contributes nothing to welfare and simply reinforces the impression that the Parliament has, to be frank, gone to the dogs, given that such a measure takes precedence over legislation that might make life better for man and beast in Scotland. For those reasons, we will vote against it.

15:13

Rhoda Grant (Highlands and Islands) (Lab): I congratulate Mark Ruskell on getting his bill to this stage. I also thank the committee staff, the legislation team and those who assisted us during the bill process, as well as those who gave evidence to the committee.

I have said more than once that we have had a fragmented approach to the welfare of dogs throughout this session of Parliament. We have had a number of members' bills, but, as Finlay Carson said, what we need is a Government bill to pull together all aspects of animal welfare and stop the confused and piecemeal approach that has been taken.

Animal welfare is a concern for us all. Many people have family pets, and we cannot allow demand for those to lead to animals being harmed.

However, the bill will do nothing to improve the welfare of any animal in Scotland. It will prevent oval greyhound racetracks from being opened, but I do not think any such track would have received planning permission had it been sought in any event.

At stage 2, I tried to see whether we could do more to enhance animal welfare through the bill, but that was not possible. Some amendments were not competent, and those that were competent did not impact on any dog.

It beggars belief that, in a Parliament that has been sitting late in the evening for weeks to pass essential legislation, we have made time for a bill that does little or nothing. I will leave my comments at that and will take up no more precious time.

15:14

Mark Ruskell: I thank the many members from all parties in the Parliament who have contributed to the passage of the bill. It is a shame that they were not all able to speak this afternoon.

I give special thanks to Clare Haughey, Rona Mackay, Christine Grahame, Karen Adam and the many other members who have been relentless in advocating for the bill.

I also thank Gill Docherty and Jax Brown, who came to my office in 2019 to educate me about the dangers of greyhound racing, and whose petition to Parliament was the inspiration behind the bill. Their work at the trackside alongside others, including Gill Donn and her team, has been critical, because they built the case for an end to greyhound racing in Scotland.

Now, the Scottish Society for the Prevention of Cruelty to Animals, Dogs Trust, OneKind, Blue Cross and many others have joined the fight, and we have been able to link to the campaigns of Grey2K to end greyhound racing globally. Over the years, thousands have joined us on that journey. Many joined us this morning outside Parliament with their dogs, and I thank them all.

In 2015, my family rehomed an ex-racing greyhound called Bert. He sadly passed over the rainbow bridge last year. He was a wonderful dog. He was kind and affectionate and so patient with kids—and even with cats. However, until I started working on this campaign, I did not fully understand the trauma that Bert had endured while racing.

The physical scars were obvious—the ear tattoos and the broken leg that constantly made him lame—but it was his mental trauma that we struggled with at the beginning. He could not sleep at night without a light on because he had been raised on a puppy farm. His separation anxiety was awful. He was scared of vans and loud noises from his days of kennelling and being shipped around the country to races.

It is only through love that these dogs heal from their years spent in an exploitative industry. Reading through the consultation responses to my bill, I learned about dozens and dozens of dogs like Bert—gentle souls who had been scarred—and the patient work of rehomers across Scotland to bring them into their lives and heal them.

For those who still ask where the evidence for a ban on greyhound racing is, I point to Bert and Bob, Sasha and Joy, Bluesy and countless other dogs who have been treated abysmally by a gambling industry that disposes of dozens of dogs every month of every year.

There is a challenge for the minister, because, although I warmly welcome his reconsideration of the evidence and his support for the bill so that it can become law, it must be only the first step. There will still be dogs who are kennelled and trained in Scotland and raced across the border when the bill becomes law.

It is for Westminster to end greyhound racing in England. There are passionate champions who will fight for that in Parliament, including the Green Party's newly elected MP, Hannah Spencer. However, the Welsh Government, which had its Prohibition of Greyhound Racing (Wales) Bill passed in the Senedd last night, has pledged to end the suffering of Welsh greyhounds that continue to be raced over its border. I call on the Scottish Government and the minister to follow that lead and ensure that no dog is left behind in Scotland.

Finally, I thank my parliamentary team, past and present, who have been outstanding, and the Parliament's non-Government bills unit for its professional and dedicated support, which has got me to this point. I also thank the minister and his officials for some constructive engagement throughout the passage of the bill.

Tonight, Scotland can ban greyhound racing for good. We will be a better, more compassionate country for that. Let us do this for the dogs. Let us pass the Greyhound Racing (Offences) (Scotland) Bill.

The Deputy Presiding Officer :That concludes consideration of the Greyhound Racing (Offences) (Scotland) Bill at stage 3.

Business Motion

15:19

The Deputy Presiding Officer (Liam McArthur): The next item of business is consideration of business motion S6M-21139, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, which sets out a timetable for stage 3 consideration of the Children (Care, Care Experience and Services Planning) (Scotland) Bill.

Motion moved,

That the Parliament agrees that, during stage 3 of the Children (Care, Care Experience and Services Planning) (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 30 minutes

Groups 4 and 5: 2 hours 20 minutes

Groups 6 to 8: 3 hours 30 minutes

Groups 9 to 11: 4 hours 30 minutes

Groups 12 to 14: 5 hours 15 minutes

Groups 15 and 16: 6 hours 20 minutes

Groups 17 to 19: 7 hours 40 minutes

Groups 20 to 23: 9 hours.—[*Graeme Dey*].

Motion agreed to.

Children (Care, Care Experience and Services Planning) (Scotland) Bill: Stage 3

15:19

The Deputy Presiding Officer (Liam McArthur): The next item of business is stage 3 proceedings on the Children (Care, Care Experience and Services Planning) (Scotland) Bill. In dealing with the amendments, members should have the bill as amended at stage 2—that is, SP bill 74A—the marshalled list and the groupings of amendments. The division bell will sound and proceedings will be suspended for around five minutes for the first division of stage 3. The voting period 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 any debate on a group of amendments should press their request-to-speak button or type RTS in the chat function as soon as possible after the group has been called.

Members should now refer to the marshalled list of amendments.

Before section A1

The Deputy Presiding Officer: Group 1 is on aftercare. Amendment 91, in the name of the minister, is grouped with amendments 6 to 8, 92, 93, 9, 96, 97, 13 to 15, 33, 209 and 88.

The Minister for Children, Young People and The Promise (Natalie Don-Innes): My amendments in group 1 all relate to the provision of aftercare and are needed to deliver quality care for young people in a transparent, organised and rights-respecting way. I listened carefully to the points raised during the stage 2 debate and have lodged amendments that I hope give assurance about our initial intention that all eligible young people who want aftercare can receive aftercare.

Amendments 91, 6, 7, 8 and 93 will ensure that the restated section 29 of the Children (Scotland) Act 1995 in relation to aftercare is as coherent as possible as a free-standing provision in the bill. The amendments provide for the expansion of aftercare to formerly looked-after children who ceased to be looked after before the age of 16 and will ensure that aftercare support is provided in an equitable way to all young people aged 16 to 18 who left care before or after their 16th birthday.

Amendment 6 makes it clear that all eligible persons must be assessed according to their needs. Aftercare support must be provided to 16 to 18-year-olds unless their welfare does not require it, and to all 19 to 25-year-olds who have eligible needs.

Amendment 93 ensures that a local authority can seek the help of another public body, including another local authority, to support its efforts to deliver aftercare and financial assistance towards expenses of education or training for eligible individuals. The phased roll-out of the provisions that are enabled by amendment 91 will support the workforce in delivering aftercare to a wider group of young people in a considered manner, giving them the time needed to adjust to increased numbers of children and young people requesting and receiving aftercare support. That will protect the quality of the support that is available.

Amendment 9 makes amendments to primary legislation that are consequential on amendments 91, 6, 7 and 8. Amendments 13 and 14 remove sections 1A and 1B of the bill to enable my amendments 91, 6, 7, 8 and 93.

Although section 2 of the bill as introduced sought to extend section 29(7) of the 1995 act to care leavers from Northern Ireland, we now understand that no legislative reciprocity currently exists in relation to care leavers who have moved elsewhere in the United Kingdom. That means that it would not be desirable to have a legislative duty on Scottish local authorities to provide aftercare to care leavers from England and Wales.

Amendment 91 no longer includes the amendment made by section 2 of the bill as introduced in relation to extending the aftercare provisions to care leavers from Northern Ireland. Amendment 15 therefore removes section 2 of the bill.

Amendments 33, 209 and 88 create relevant definitions in the new provisions and clearly articulate the procedures that apply to the various regulation-making powers.

I support Roz McCall's amendment 92, which allows local authorities to continue to provide financial support to young people who have been looked after at some point who are aged between 16 and 25 years, and to those beyond the age of 26 on the basis of their individual need.

Martin Whitfield's amendments 96 and 97 are similar to his amendments 127 and 128 at stage 2, which helped to inform the approach to my amendments 91, 6, 7 and 8. We all want to ensure that aftercare provision puts the needs and wellbeing of each individual young person at the centre of the support that they receive.

My amendments 91, 6, 7 and 8 continue to promote a rights-respecting approach, including for young people who choose not to approach local services upon turning 16 or who choose to do so at a later time. That is missing from amendments 96 and 97. Also absent are provisions that hold to the principle of minimal intervention and that protect vital resources. Under the approach that is taken in Mr Whitfield's amendments, resource for those who need it most would be used in identifying and approaching young people who do not wish to engage with the service. That is neither proportionate nor desirable.

It is important to stress that all the amendments that I have lodged in relation to the stand-alone aftercare provision have been carefully drafted to bring clarity for children, their representatives and local authorities, in so far as that is possible, while also working together with the connected provisions that remain in the 1995 act.

I hope that Mr Whitfield is assured that my amendments give effect to what he also wants to achieve while mitigating against some of the unintended consequences that his own amendments, as drafted, present. I ask that he support the Government amendments 91, 6 to 8 and 93 and not move amendments 96 and 97.

In summary, I encourage members to support my amendments 91, 6 to 8, 93, 9, 13 to 15, 33, 209 and 88 and to vote against amendments 96 and 97 if they are moved. I also ask members to support Roz McCall's amendment 92.

I move amendment 91.

Roz McCall (Mid Scotland and Fife) (Con): I put on record my thanks to the minister for the work that she has done with me and the rest of us on the amendments. I am going to speak only to my amendment in the group. I am proud to have lodged amendment 92, which would allow local authorities to provide financial support for education, training or employment to a young person aged between 16 and 25 years of age who is no longer looked after. It would also promote a person-centred approach by enabling local authorities to continue that vital support to the young person beyond the age of 26 when that is clearly needed. I think that it is an amendment that we can all get behind, and I am glad that the minister is supporting it. I ask members to support amendment 92 in my name.

Martin Whitfield (South Scotland) (Lab): I remind members in the chamber, and those who are watching, of my entry in the register of members' interests.

With regard to group 1, I echo Roz McCall's thanks to the minister and to those supporting her for what has been an unusually active engagement with regard to this complex and long-standing bill, which comes very late in the session. It is very much to the credit of the minister's leadership, particularly at stages 2 and 3.

Having got the compliments out of the way, I will speak to the amendments in the group. My two amendments 96 and 97 build on amendments that

were lodged at stage 2. There is a challenge in differentiating between children and young people on the basis of when they left care. I know that the Government's amendments go some way towards doing that, but there is still a challenge coming down the line. I therefore welcome the Government's willingness both to seek to solve the problem in its drafting and, perhaps more importantly, to acknowledge that the issue exists. That issue can create what I believe to be an unacceptable additional barrier to access to support, particularly for children who left care just before they were 16 and would have had to apply for support. That goes against the fundamental principles of fairness that are outlined in the Promise. I hope that we will find greater agreement later.

I can confirm that Scottish Labour will support Roz McCall's excellent amendment 92 with regard to accommodation and maintenance.

I will leave it at that.

Ross Greer (West Scotland) (Green): I will make just a brief contribution on this group. At stage 2, I lodged a series of amendments to include estranged young people in various provisions of the bill, including, to some extent, in relation to aftercare. I raise the issue now because, at that point, the minister kindly agreed to take those proposals away and consider how, either through the bill or by other means in the provisions relating to the bill and some of the powers that will be afforded to the Government as a result of it, the experience of estranged young people can be better taken into account.

I ask the minister to address that in her closing speech on this group. I am acutely aware—as, I think, we all should be—that care-experienced young people have built an incredibly powerful political movement in this country over the past 10 to 15 years. That is why we have got to this point with the bill, and they should be incredibly proud of that.

The estranged community in Scotland no longer has a single representative organisation. There was one charity that stood up for its interests, but it folded a few years ago. It is my view that it is the Parliament's responsibility to ensure that estranged young people are not forgotten in the conversation. Some, but not all, estranged young people are care experienced. For the proposals in group 1 that relate to aftercare, I would be keen to hear from the minister how she intends to ensure that estranged young people are not forgotten as we take the provisions forward.

15:30

Natalie Don-Innes: I thank all members for their contributions to the debate on group 1, and I thank Ross Greer for raising the important issue of estrangement, which we discussed at length at stage 2.

The stage 2 amendments provided an important opportunity to further consider estranged young people during the scrutiny of the bill. At stage 3, I will provide some assurances on the record. I understand that young people who are estranged from their families can face additional challenges. Although they do not have formal care experience status, they do not have the same family support network as their peers. That is particularly important for those who are aged 16 to 25 years who are navigating the transition into adulthood without support and life guidance. At stage 2, I advised that further reflection was needed. I thank Scottish Green members for their engagement ahead of stage 3, and I am grateful for the constructive discussions on how we can give proper consideration to estranged young people in our work to keep the Promise.

Following the commitments that I outlined in my recent letter to Mr Greer, I am happy to put on record that further work will be progressed to raise awareness and build a better understanding of estranged young people, the challenges that they face and how we can ensure that they are properly supported. Through the development of guidance or regulations, depending on the outcome of group 8, on guidance related to care experience that will be published under section 5 of the bill, there will be a good opportunity to reflect further on estranged young people and inform public authorities' understanding of the issues that they face and how to properly support them. The guidance will be co-produced and developed closely with young people with lived experience. I will ensure that estrangement forms a key part of that work. To complement that, wider work will be undertaken, including the mapping of existing local support for estranged young people in order to further develop our understanding of how that works in practice. Careful consideration is also being given to how estranged young people can be referenced in children's service plans, further promoting consistency and understanding across Scotland.

I hope that those clear commitments provide reassurance to Ross Greer and others that the Government understands the importance of ensuring that there is proper awareness and understanding of, and support for, estranged young people.

I press amendment 91.

The Deputy Presiding Officer: The question is, that amendment 91 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

As this is the first division of stage 3, I will suspend the meeting for around five minutes, to allow members to access the digital voting system.

15:32

Meeting suspended.

15:38

On resuming—

The Deputy Presiding Officer : We come to the vote on amendment 91, in the name of the minister. Members should cast their votes now.

The vote is closed.

Claire Baker (Mid Scotland and Fife) (Lab): On a point of order, Presiding Officer. I had trouble connecting. I would have voted no.

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

Stephanie Callaghan (Uddingston and Bellshill) (SNP): On a point of order, Presiding Officer. I would have voted yes.

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

For

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
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)
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)
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)
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)
Greer, Ross (West Scotland) (Green)
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)
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)
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)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
Regan, Ash (Edinburgh Eastern) (Ind)
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)
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)
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)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Whittle, Brian (South Scotland) (Con)
Wishart, Beatrice (Shetland Islands) (LD)
Yousaf, Humza (Glasgow Pollok) (SNP)

Against

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)
Marra, Michael (North East Scotland) (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)
Whitfield, Martin (South Scotland) (Lab)

The Deputy Presiding Officer: The result of the division is: For 92, Against 15, Abstentions 0.

Amendment 91 agreed to.

Amendments 6 to 8 moved—[Natalie Don-Innes]—and agreed to.

Amendment 92 moved—[Roz McCall]—and agreed to.

Amendments 93 and 9 moved—[Natalie Don-Innes]—and agreed to.

The Deputy Presiding Officer: Group 2 is on provision of accommodation and continuing care. Amendment 99, in the name of Martin Whitfield, is grouped with amendments 100 to 102, 98, 103 to 108 and 144.

Martin Whitfield: I have the privilege of having lodged all the amendments in the group, so I look forward to hearing comments from members around the chamber.

There are essentially two elements to the amendments that sit in group 2. The first relates to amendments 98 to 107 and 144. I drafted amendments 99 to 102—the other amendments are simply consequential—to highlight the importance of the bill's provisions as they relate to the scope of the United Nations Convention on the Rights of the Child. Members will be aware of the many efforts that have been made since the passing of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 to ensure—and there have been assurances in this regard from the Scottish Government on many occasions—that our legislation will take into account pre-devolution matters, so that our young people can enforce their rights in a simple and straightforward way. The purpose behind these amendments is to address that. The amendments would provide a legal landscape around children in care. The situation urgently needs simplification, which is a key ask of the Promise that the legislation has failed to deliver on.

The bill is anything but simple, and members in the next session of the Parliament, which might look drastically different in terms of who comes here, will urgently have to look again at the situation. The purpose behind my amendments is to bring to the fore the importance of the UNCRC, which this Parliament and this Scottish Government absolutely agree on, and to start to see some evidence of that in legislation.

Amendment 108 takes a different approach. I am fully aware that there is a dichotomy and a challenge between amendment 108 and the other amendments in this group, and I look forward to hearing from the minister and perhaps others on whether we can resolve the challenge. Amendment 108 would build on the provisions that were introduced by Nicola Sturgeon at stage 2. It seeks to introduce a clear and unambiguous right for young people who have left a care setting to return. If the Parliament is serious about acting as a parent to children in care, that is one of the bare minimum standards that we should look to achieve.

For many parents, the idea that their own children would be unable to return to home is unthinkable, but that is the reality that care-experienced young people face, and amendment 108, alongside the provisions previously introduced by Nicola Sturgeon, would represent a transformational step towards ensuring that every care-experienced young person can grow up safe, respected and loved—a word that was first introduced as a concept in legislation when it was embodied in the Promise.

I move amendment 99.

Nicola Sturgeon (Glasgow Southside) (SNP): Amendments in this group relate to sections 2A, 2B, 2C and 2D of the bill, and, as Martin Whitfield has said, those sections reflect amendments in my name that were agreed to at stage 2. I am very grateful to the minister for accepting those amendments at stage 2—despite, I know, some reservations—and for not seeking to reverse them at stage 3. I am also very grateful to The Promise Scotland for all its hard work in this area.

15:45

Those sections represent significant improvements in care for vulnerable young people as they start to move on from care. They ensure that any person under the age of 18 who is homeless or in accommodation that is unsuitable for their welfare will be accommodated by a local authority as a child, not routed through adult homelessness services or, worse, given no help at all, which is what happens to many 16 and 17-year-olds right now.

The sections place a mandatory duty on local authorities, in place of the current discretionary power, to accommodate care-experienced young people who are aged 18 to 21 if their welfare requires it. That again ensures that any vulnerable young person whose move out of care does not go to plan will not end up in adult homelessness services.

The sections ensure that young people who leave and then return to care remain eligible for

continuing care on the same basis as those who never left. They also give local authorities a discretionary power to provide continuing care up to the age of 25 if they consider that to be necessary for a young person's welfare. I strongly support amendment 106, in the name of Martin Whitfield, which would raise that age to 26. That amendment would better align the section with the aftercare provisions that are in the Children and Young People (Scotland) Act 2014.

Martin Whitfield's amendments to replace sections 2A, 2B, 2C and 2D with rewritten provisions that are within the scope of the 2024 act are well meaning and, at first glance, I was minded to support them. However, as he has acknowledged, they risk unintended consequences and, more fundamentally, they are inconsistent with amendment 108, in his name, which is vitally important.

Amendment 108 would put it beyond doubt that a care-experienced young person can return to continuing care during any period that the right applies to. It would mean that a young person who was eligible for continuing care but who left to live independently of their own accord could return to care if things went wrong, in the same way as non-care-experienced young people can go home to their parents if they hit bumps in life's road. That goes to the very essence of the Promise, which is to ensure that, as far as humanly possible, care-experienced young people get the same support from the state as the rest of us get from our families.

The transition to adulthood is tricky for all of us. For most of us, even in adulthood, we have the option of going home to our parents when life gets tough. The amendments in my name that were agreed to at stage 2, coupled with amendments 106 and 108 in Martin Whitfield's name at stage 3, would take us much closer to that option being the reality for care-experienced young people, too.

I urge the Parliament to support amendments 106 and 108 and to reject the other amendments in the group if they are pressed, for the reasons that I have outlined.

Natalie Don-Innes: I am grateful to Ms Sturgeon and Mr Whitfield for their engagement ahead of stage 3 on these sections of the bill.

Every member wishes to protect children's rights in Scotland, and I fully support the intention of bringing legislation within the scope of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024. However, that must be done in a careful way that does not further add to a confusing and disjointed legislative landscape or give rise to unintended consequences. The level of engagement on the bill between stakeholders and the Education, Children and Young People Committee has highlighted what I hear from families across the country, which is that keeping the Promise includes ensuring effective implementation of the laws that we pass in the Parliament.

As Martin Whitfield has acknowledged, his amendments 99 to 102 would give rise to an unintended consequence, which is that looked-after status would be removed from children who are accommodated under the new restated section 25 of the 1995 act. Those vulnerable children would therefore no longer be entitled to vital supports, which I think that we would all agree would have a negative impact on children and young people. If agreed to, those amendments would necessitate consequential amendments by future subordinate or primary legislation ahead of implementation to address that specific unintended consequence.

As I have said before, I am satisfied that the provisions in the bill and the relevant provisions of the 1995 act are compatible with the UN Convention on the Rights of the Child. Under existing legislation, children in Scotland currently have routes by which they can appeal and challenge the support that they have been offered. That includes the right to reviews and appeals, access to local authority children's rights officers, advocacy support and routes to complain to the Scottish Public Services Ombudsman.

I therefore cannot support amendments 99 to 102, but I am happy to support Martin Whitfield's amendment 106, which would allow local authorities to continue providing continuing care for young people until their 26th birthday. I also support Martin Whitfield's amendment 108, which would offer a right to return for those in continuing care when that is the right thing for their welfare.

I ask members to support amendments 106 and 108 and to vote against all other amendments in the group if they are pressed.

Martin Whitfield: I am very grateful for members' contributions on the group and, indeed, for Nicola Sturgeon's articulate description of not only the situation but the challenge that young people who are on the cusp of adulthood face without the ability to return to care. I thank the minister for her very positive approach to amendments 106 and 108.

With nothing further to add—I do not want to waste time, given how little of it we have—I seek to withdraw amendment 99.

Amendment 99, by agreement, withdrawn.

Amendments 100 to 102 not moved.

The Deputy Presiding Officer: Group 3 is on family group decision making. Amendment 10, in

the name of the minister, is grouped with amendments 94, 95, 79 to 83, 203 and 84.

Natalie Don-Innes: I welcome the opportunity to speak to amendment 10. I thank Children First, whose advocacy for children in respect of family group decision making has brought us to this point. In particular, discussions with Miles Briggs, Willie Rennie, Roz McCall and Martin Whitfield have enabled a coherent package of amendments to be lodged.

Throughout the passage of the bill, members have emphasised the importance of ensuring that families are supported to play a meaningful role in decisions that affect children and that the child's voice is heard in this process. The amendments in this group reflect that shared ambition. They also build on Scotland's approach through getting it right for every child and the ambition of the Promise that children should be supported to stay within their families when and wherever it is safe to do so, and that families should play a meaningful role in shaping the support that surrounds them.

By bringing families together to identify their strengths, family group decision making helps to make that possible. I hope that members will support the amendments and extend the statutory framework around the provision of family group decision making in Scotland.

The amendments that are before Parliament today will strengthen the visibility, accessibility, consistency and national understanding of those services in four ways.

First, amendment 10 will introduce a right for children and families to request that a family group decision-making service be provided. Any person who considers themselves to fall within the definitions that are referred to in proposed new section 69A(1) of the Children and Young People (Scotland) Act 2014 will be able to make the request. A local authority will need to consider and respond to a request unless it considers that there are good reasons not to do so.

Secondly, amendment 94, in the name of Willie Rennie, will bolster amendment 10 by making sure that local authorities promote awareness of that right to request FGDM and publish information about the service more broadly.

Thirdly, amendment 95, which is also from Willie Rennie, will require the publication of national guidance on family group decision making, supporting a clearer and more consistent understanding of how to use it.

Finally, amendment 84, which is from Miles Briggs, will strengthen national reporting with a duty on local authorities to provide information on the operation of services to the Scottish ministers, who will collate that information in a report to Parliament within three years of royal assent.

Other amendments in this group seek to make technical changes to ensure consistency of language when referring to family group decision-making services.

Taken together, the amendments will strengthen family group decision making in a practical and proportionate way, while maintaining the flexibility that is needed to respond to the circumstances of each child and each family.

I move amendment 10 in my name, and I invite members to support all the amendments in the group.

Willie Rennie: I thank the minister for her collaborative approach on this important issue. I also thank Children First for its very strong support in making sure that we get this right.

Family group decision making is at the heart of the delivery of the Promise. It is clear that it strengthens family networks, gives children a voice in decisions that affect them and can help to prevent situations from escalating into crisis—and I am sure that we are all supportive of that.

My amendments form part of a cross-party package in this group. I endorse amendment 10, in the name of the minister, on the right to request family group decision-making services. My amendment 94 will require local authorities to promote that right and to publish broader information about FGDM services in their area, so that what those services are and how to access them is widely understood.

The collaborative approach to this group reflects the strong interest across Parliament in ensuring that families are better supported and that children's voices are heard in decisions that affect their lives.

Martin Whitfield: Will the member give way?

Willie Rennie: Certainly.

Martin Whitfield: I am grateful to the member for taking an intervention. I merely want to articulate my thanks for the cross-party work with regard to this group, and to confirm that my party will support all the amendments in it.

Willie Rennie: On that point, I will conclude. I urge members to support the amendments.

Miles Briggs (Lothian) (Con): I am pleased to speak to amendment 79 and the other amendments in my name in this group, which relates to family group decision making. As the minister and Willie Rennie have pointed out, family group decision making is a well-established approach that has been used by some local authorities in Scotland—including my own here in

Edinburgh—over a number of years to bring families together to make plans for children where there are serious concerns about their wellbeing.

My amendments in this group focus on strengthening transparency and accountability in how family group decision making is used, and on ensuring that we all tie in to the same definition of the service. My amendment 84 would require the Scottish ministers to publish and lay before Parliament information on the use of FGDM nationally within three years of royal assent. That would help Parliament and the public to better understand how this important service is being provided across Scotland and where it could be strengthened. My amendments would also make technical changes to reflect the definition of family group decision-making services that the minister's amendment 10 will add to the Children and Young People (Scotland) Act 2014.

Importantly, my amendments form part of a cross-party package of proposals in the group, and I believe that the overall package of measures now strikes the right balance. It will improve visibility and understanding of family group decision making while continuing to respect the professional judgment of those who work with our children and families.

I welcome the constructive discussions that have taken place across the parties, and I especially thank the minister for moving the agenda forward. I also put on record my thanks to organisations that support children and families, particularly Children First, which has long advocated for the wider use of family group decision making. I look forward to supporting the wider package in the group.

Amendment 10 agreed to.

Amendments 94 and 95 moved—[Willie Rennie]—and agreed to.

Section A1—Kinship care needs assessment

The Deputy Presiding Officer: Group 4 is on kinship care. Amendment 11, in the name of Jeremy Balfour, is grouped with amendment 12.

Jeremy Balfour (Lothian) (Ind): I, too, thank the minister for her proactive engagement. Although we will not agree on everything this afternoon and evening, I appreciate the way in which she and her officials have reached out. I also thank all the charities and organisations that have helped to shape my thinking and decision making on the bill. With regard to my amendment 11, which is on kinship care, I especially thank Children First, Scotland's national children's charity, for its guidance on the amendment to ensure that it is child centred and appropriately measured.

It has become clear to me during this session of Parliament that kinship care is a wee bit of a Cinderella service in Scotland. Those of us who sit on the Social Justice and Social Security Committee had a number of sessions with people who are involved with kinship care. There are many issues that still need to be addressed, and the support that they require still needs to be provided by the Government and local authorities.

Amendment 11 would reframe the wording in section A1 of the bill regarding kinship care assessment needs to ensure that we remove any barriers that carers and children in kinship care arrangements might face. The premise of amendment 11 is simple: rather than the local authority having to offer to assess a person's kinship care assistance needs, there would instead be a guarantee that an assessment will take place. That would take the potential postcode lottery out of the process and ensure that the needs of the carer and the child are assessed appropriately and without question.

16:00

In its submission to the Scottish Government's consultation on the draft vision for kinship care, Children First stated that

"asking carers to apply for an assessment may become a hurdle, especially for those who are unaware of the option or find it difficult to ask for help."

Kinship carers are the backbone of our care community: grandparents and other relatives who, at a time in their lives when they should be enjoying retirement and relaxation, are instead stepping up to support and raise grandchildren, keeping families together during difficult times. Those people deserve the full backing and support of our local councils to ensure that a full, trauma-informed assessment of a person's care needs is performed and that pathways to assist and support them are identified. Kinship carers should not have to ask for an assessment or wait for a council to offer one; an assessment should be given without hesitation or demand.

Amendment 12 follows on from that and would ensure that the kinship assessment is carried out within three months of the application being received. That would ensure that the assessment is timely and that families are not left waiting and struggling. It would ensure that appropriate support—whether financial, practical or professional, such as social work support—is put in place at the earliest opportunity, and it might prevent the kinship care arrangement from breaking down.

For so long, kinship care has been misunderstood, mismanaged and undersupported. My amendments 11 and 12

would go some way to ensuring that kinship carers are recognised, listened to and given the appropriate assessment of support to ensure that they can care for children to the best of their ability.

I move amendment 11.

Natalie Don-Innes: I understand the intention behind Mr Balfour's amendments in this group, which seek to strengthen access to assessments for kinship carers. Like others, I have been very keen to improve and strengthen support for kinship carers throughout the bill process.

Section A1 provides kinship carers with the right to request an assessment or review of their support needs. It also creates enabling powers for the Scottish ministers to make provision about when or how a local authority must assess, or review an assessment of, a person's kinship care needs.

Amendment 11 would change the provision that requires local authorities to offer an assessment to one that requires them to guarantee that an assessment will take place in all circumstances. However, the bill's current wording allows local authorities to respond proportionately in cases in which needs have already been assessed or in cases in which a further assessment might not be necessary, which reflects the wider principle of proportionate and minimum intervention that underpins Scotland's approach to children's services. Changing the provision would mean resources being tied up in conducting assessments whether they are needed or not, which does not feel appropriate. Through section A1, we already have the ability to provide more detail on the assessment process, through secondary legislation, if it is necessary to do so. I hope that Jeremy Balfour is assured by that and that he will not press amendment 11.

Amendment 12 would introduce a statutory requirement for an assessment or review to be completed within three months of a request being made. I recognise the importance of ensuring that kinship carers receive timely consideration of their support needs and, on that basis, I am content to support amendment 12, because it would create a window within which assessments should be conducted. Local authorities will continue to prioritise assessments according to risk and need, and the statutory guidance that is referred to in the bill's provisions will support authorities to implement the requirements in a way that reflects local circumstances and the needs of children and families.

I therefore encourage Jeremy Balfour not to press amendment 11. If he does, I urge members to vote against it, but to vote for his amendment 12.

The Presiding Officer (Alison Johnstone): I call Jeremy Balfour to wind up the debate and press or withdraw amendment 11.

Jeremy Balfour: I have nothing to add. I press amendment 11.

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

Members: No.

The Presiding Officer: There will be a division.

For

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)
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)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central 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)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
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)
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)
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)

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)

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)
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)
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)

The Presiding Officer: The result of the division is: For 43, Against 70, Abstentions 0.

Amendment 11 disagreed to.

Amendment 12 moved—[Jeremy Balfour]—and agreed to.

Section 1A—Aftercare

Amendments 96 to 98 not moved.

Amendment 13 moved—[Natalie Don-Innes]—and agreed to.

Section 1B—Financial assistance towards expenses of education or training and removal of power to guarantee indentures etc

Amendment 14 moved—[Natalie Don-Innes]—and agreed to.

Section 2—Aftercare for persons looked after in Northern Ireland

Amendment 15 moved—[Natalie Don-Innes]—and agreed to.

Section 2A—Duty to provide accommodation for children in need

Amendment 103 not moved.

Section 2B—Provision of accommodation for care-experienced people

Amendment 104 not moved.

Section 2C—Extension of continuing care to children returning to care

Amendment 105 not moved.

Section 2D—Extension of continuing care to age 25

Amendment 106 moved—[Martin Whitfield]—and agreed to.

Amendment 107 not moved.

After section 2D

Amendment 108 moved—[Martin Whitfield]—and agreed to.

Section 3—Corporate parenting duties in relation to persons looked after before age 16

The Presiding Officer: Group 5 is entitled "Corporate parenting: duties and guidance". Amendment 16, in the name of the minister, is grouped with amendments 17, 109, 18, 19, 19A, 19B, 110 and 20.

Natalie Don-Innes: I will first speak to my amendments 16 to 20. Amendment 16 will reinstate the position that corporate parenting duties and responsibilities apply up to the age of 26. The amendment relates to amendment 19, which will place a duty on the Scottish ministers to issue guidance about corporate parenting. The guidance may include advice and information on when and how it might be desirable for corporate parents, in so far as they are acting within their powers, to continue their corporate responsibilities towards people aged 26 and over who were formerly looked after.

Amendments 18 and 19 will remove and reinsert amendments that were agreed to at stage 2, with minor technical and consequential fixes.

Amendments 17 and 20 will remove provisions that were inserted at stage 2, which would most commonly affect unaccompanied asylum-seeking children and young people. Those provisions related to corporate parenting responsibilities in relation to age and identity. There has been some confusion on that, so, to be clear, all unaccompanied asylum-seeking children are looked after and should receive the support that they need as looked-after children. Although the issues of age and identity are complex, I am firmly of the view that they would be better addressed for that particularly vulnerable group through strengthened responsibilities and a wider regard being given to corporate parenting responsibilities in respect of the UNCRC. I hope that members will agree with that view. That is also why I support Martin Whitfield's amendments 19A and 19B, which cover similar ground.

I thank Willie Rennie for lodging amendment 109. Corporate parents are key to keeping the Promise and ensuring that looked-after children and young people get the best possible chances in life. Their role goes far beyond just adhering to statutory duties. They shape opportunities, nurture aspirations and help to create the foundations for children and young people to grow up loved, safe and respected. Requiring corporate parents to be explicit in corporate parenting plans about how they propose to exercise their responsibilities in a way that delivers on the Promise recommendations will make it easier to track progress, identify gaps and ensure that the needs of all looked-after children and young people can be met. I am therefore happy to support amendment 109.

I recognise the intent behind Martin Whitfield's amendment 110, but it is neither necessary nor desirable. The Government's no one left behind approach has established an employability system that is delivered through local employability partnerships and is supported by nationally consistent priorities and expectations. That approach already funds key workers to provide employability support that is tailored to the circumstances and needs of participants and includes consideration of work, education or training. That is important, because amendment 110 assumes that work is the best option for care-experienced young people, when further or higher education, an apprenticeship or other training might be more in their interests. Care-experienced people are a priority group for employability support. Since April 2019, almost 7,500 care-experienced people have accessed support through no one left behind. That figure has increased since the same amendment was lodged at stage 2, with 381 new care-experienced individuals accessing employability services in the past quarter. Amendment 110 would therefore result in unhelpful duplication of funding and provision that I believe are already working well. I hope that that reassures Martin Whitfield and that he will not move his amendment.

In summary, I encourage members to support my amendments 16 to 20 and amendments 19A, 19B and 109. I ask members to vote against amendment 110, if it is moved.

I move amendment 16.

Willie Rennie: I am grateful for the minister's support of my amendment 109, which was developed at the suggestion of Who Cares? Scotland. To reiterate, the amendment will require corporate parenting plans to include information on how corporate parenting responsibilities will be exercised in a way that delivers on the recommendations of the Promise. That is intended to increase accountability. Who Cares? Scotland has set out the need for stronger accountability in primary legislation for keeping the Promise, and that has been backed up by the Audit Scotland report of 2025, which evidenced confusion five years on from the Promise being made and the difficulty in distributing accountability. Together with my amendment 204 in a later grouping, amendment 109 will help to ensure policy coherence across corporate parenting, children's services, planning and the Promise.

Martin Whitfield: Amendment 19A seeks to require specific consideration to be given to unaccompanied asylum-seeking children in the guidance on corporate parenting that is to be produced under amendment 19. I thank the minister for her positive approach to this amendment; unaccompanied asylum seeker children have been overlooked on too many occasions, so it is right that a clear corporate parent owes a duty of care to those individuals and that they fall under the looked-after category.

16:15

Amendment 19B would require that the guidance for corporate parents refers them to the guidance issued under section 13(1) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 about the UNCRC requirements. This is an important protection, and I welcome the Government's co-operation on this amendment. Like my amendment in group 1, it speaks to the importance of the UNCRC in these matters. I also welcome the support for amendment 109, in the name of Willie Rennie, with regard to the fundamental role that corporate parenting will play in this situation and

the understanding that is needed. In particular, it is in the actions of the corporate parent that we will most successfully see the fulfilling of the Promise.

Amendment 110 builds on discussions at stage 2, when very powerful testimony was heard from Duncan Dunlop about the golden opportunity that the bill provides to create proper pathways to employment and training for our care-experienced young people, because, for a variety of reasons, those young people cannot or do not access the networks and support that families would normally provide. We should be bold in our ambition to support those young people and in arguing that representatives from our care-experienced communities, some of whom are in the public gallery today, are worthy of that support. They are worthy of the very same opportunities that everybody else has.

I recognise the concerns that we have heard recently from organisations such as the Convention of Scottish Local Authorities and Social Work Scotland. We are not in an environment in which policies such as those proposed in amendment 110 are feasible, and there is an overlap with existing work. I am very grateful that the minister was able to provide the current quarter figures, which show the success of that work. However, I urge the Government to continue to build on that, and I seek confirmation from the minister that that will be the case, so that: we can identify successes; challenges can be easily and quickly picked up; and, through the corporate parenting responsibilities under the UNCRC, work on those challenges can be supported. On the basis of the minister's response, I will consider whether to move amendment 110.

The Presiding Officer: I call the minister to wind up.

Natalie Don-Innes: I will respond directly to Mr Whitfield's comments. That aspect will absolutely have to be followed up. I have been clear that the provision exists and that children and young people are benefiting from it. However, we must absolutely ensure that we are making a tangible difference as a result of where we are making efforts and putting funding. In my earlier comments, I referred to ensuring that we provide the right route for children and young people, and employability is just one part of that. We need to look at the wider picture and ensure that all access routes and pathways for children and young people are progressing in the way that we intended. I reassure Mr Whitfield that I absolutely feel that further work must be delivered, but I do not necessarily believe that amendment 110 is the way forward.

Amendment 16 agreed to.

Amendment 17 moved—[Natalie Don-Innes]—and agreed to.

Amendment 109 moved—[Willie Rennie]—and agreed to.

Amendment 18 moved—[Natalie Don-Innes]—and agreed to.

After section 3

Amendment 19 moved—[Natalie Don-Innes].

Amendments 19A and 19B moved—[Martin Whitfield]—and agreed to.

Amendment 19, as amended, agreed to.

Amendment 110 not moved.

Section 3A—Duty of corporate parents in relation to the United Nations Convention on the Rights of the Child

Amendment 20 moved—[Natalie Don-Innes]—and agreed to.

Section 4—Advocacy services for care-experienced persons

The Presiding Officer: Group 6 is on advocacy services for care-experienced persons. Amendment 21, in the name of the minister, is grouped with amendments 22, 111, 23, 112 to 116, 24, 117, 25 to 27, 29, 29A and 86. If amendment 23 is agreed to, I cannot call amendments 112 to 115, due to pre-emption.

Natalie Don-Innes: The Promise tells us of the importance of independent advocacy services and the role that those can play in supporting and upholding the rights of children who are currently in care and people who have experience of care. That is why we put into the bill a lifelong right for people to access advocacy services.

At stage 2, the Education, Children and Young People Committee agreed to a definition of independent advocacy, introduced by Ross Greer, that was directly taken from the Mental Health (Care and Treatment) (Scotland) Act 2003. I raised concerns about directly lifting a definition from other legislation that was designed for a specific purpose within a mental health context and that had the potential to exclude some advocacy providers from being considered independent. I have, therefore, lodged a package of amendments that directly addresses those concerns and seeks to provide a definition that is both workable and desirable in meeting the needs of children and adults with care experience.

Amendment 29 will insert a new section to set out that local authorities and health boards cannot be regarded as providing independent care experience advocacy services and that members of those bodies are not independent advocates in relation to care services that are provided by the body of which they are a member. It will also set

out that those who operate under contractual or other arrangements with a local authority or health board are not to be automatically treated as a service of the local authority or health board. That will mean that Barnardo's and similar providers could continue to provide independent advocacy where they deliver other support services under contractual arrangements with local authorities; however, importantly, it will prevent any overlap between individuals who provide advocacy services and those who provide or make decisions about the care services to which a care-experienced person's use of the advocacy services relates. That is an important boundary to put in place.

Amendments 21 to 23, 26, 27 and 86 are consequential to amendment 29.

I recognise that Nicola Sturgeon, through amendments 114 and 29A, and Martin Whitfield, through amendment 115, seek to protect against conflicts of interest by ensuring that care providers in a local authority area do not also act as independent advocates in that area. That is a legitimate concern.

Amendments 114 and 115 would amend the stage 2 definition of independence in section 4(2)(a) by adding that exclusion criterion. However, we already intend to insert a comprehensive revised definition of independence through amendment 29. Amendment 29A would simply add the same exclusion criterion to that definition, and supporting it would therefore achieve more comprehensively what amendments 114 and 115 seek to achieve.

I have reflected very carefully on amendment 29A. On balance, I consider that it reflects a principled approach that would protect against conflicts of interest. It would ensure that organisations that provide care services in an area under contract with a local authority are not regarded as providing independent advocacy for care-experienced people who are, or were, placed in residential or secure care in that area. That would create a clear structural boundary, preventing any overlap between those who make decisions about care and those who provide independent advocacy in such circumstances. I thank Nicola Sturgeon for lodging amendment 29A and allowing us to consider these important issues.

I also recognise that amendment 29A would affect third sector providers such as Barnardo's and Aberlour, which currently provide both independent advocacy and wider support services under contract with local authorities. If amendment 29A is agreed to, they will not be able to provide independent advocacy for care-experienced people in residential or secure care in areas in which they provide contracted care services. However, amendment 29A reflects a clear choice to prioritise absolute clarity about the independence of advocacy services from care provision by creating structural separation. By ensuring that organisations do not provide relevant care services and advocacy in the same area, we will remove any possibility of perceived or actual conflicts of interest. On balance, that feels right, and I support amendment 29A.

Amendment 25 seeks to protect choice. It states that giving a person the statutory right of access to care experience advocacy does not prevent them from choosing someone else to support and represent them—for example, a children's rights officer or a trusted adult—when they are accessing services or making their views known to decision makers. That includes a child choosing a family member, care worker or someone else who is employed in the provision of care services as their advocate, albeit that they would not be an independent advocacy support worker.

Amendment 25, therefore, protects against care-experienced people feeling pressured into taking up advocacy support if it is not wanted or if it prevents them from accessing support from a person of their choosing. Without choice, we lose the benefit and strength of relationships from the service. Care-experienced people tell us that that matters hugely to them.

I hope that I have reassured Martin Whitfield on those key points, and that he will prefer my amendments to his own.

Finally, I welcome Mr Balfour's amendments 24, 116 and 117, which bring refinements to amendments that he lodged at stage 2. I encourage members to support them.

I ask members to support amendments 21 to 23, 26, 27, 29, 29A and 86, and to reject amendments 111 to 115, if moved.

I move amendment 21.

The Presiding Officer: I call Martin Whitfield to speak to amendment 111 and other amendments in the group.

Martin Whitfield: I thank the minister for explaining the reasoning behind amendments 21 and 22. It is right that we needed confirmation of the requirement for separation so that there is independence.

My amendment 111 seeks to make allowances for advocacy services that do not meet the strict definition of independence. For example, arrangements where contractors might work with local authorities in the provision of some services or provide other services alongside advocacy should not mean that the invaluable expertise of

those organisations is lost to care-experienced children and young people. Amendment 112 is consequential to that amendment. The minister picked up on and highlighted one of the organisations to which that would apply.

Notwithstanding that, I believe that we should have a definition.

Jeremy Balfour: I thank the member for taking an intervention, and I apologise if he is about to come on to his point, but his amendment uses the words "reasonably practical". What does that mean? He will remember from his legal days that the definitions will be looked at by lawyers and courts in due course. Does that mean financial reasonability? Can he give a clearer definition, or does he think that it is clear enough, if the bill is passed?

Martin Whitfield: I am grateful for Mr Balfour's intervention. I will not attempt to stray into a long-forgotten land of lawyers' definitions of reasonableness and practicability. However, the member was right to bring up one of the challenges with the bill, which is that, when we talk about keeping the Promise—and we talked about corporate parenting earlier—we need to consider the extent to which the definitions in the legislation will achieve what we want them to.

Section 4 seeks to define independence and challenges us to define what organisations have to be independent from. In essence, we mean independence from corporate parenting. That is a challenge, and it will continue to push against the Promise.

When we look around the United Kingdom and at other areas, we see the challenge with independence and have to consider what independence means if there is only a small pool of independent people to choose from. We need to go back to the principle of what the Promise is about and who it is speaking to. It is speaking to our care-experienced young people and their lives. The need for independence in certain circumstances is easy to legislate for but very hard to enforce. One of the challenges that we have had across the chamber, and it arose before stage 2, is defining independence.

I have gone a long way round to avoid answering the member's question, but I will send him a very large invoice for my services in helping him to understand the point.

Amendment 115 seeks to provide a definition, but we have several options before us on that issue and I look forward to hearing members' contributions.

16:30

Nicola Sturgeon (Glasgow Southside) (SNP): All the stage 3 amendments in my name, which are in this group and in groups 8 and 17, have been lodged in consultation with Who Cares? Scotland. Before I turn to my amendments 113, 114 and 29A in this group, I want to take a quick moment to pay tribute to Who Cares? Scotland. Bluntly, without its campaigning passion, skill and perseverance, we would not be here debating the bill today. It was the Who Cares? 1,000 voices campaign that persuaded me to establish the independent care review, which led to the Promise.

Some of the young people who came to Bute house around a decade ago as small children to persuade me to try to make life better for those who spend some or all of their childhood in care are here with us in the gallery. Back then, I had to crouch down to speak to them, but most of them tower over me today.

I am so grateful to them and to everyone in the care-experienced community, who have certainly burrowed their way into my heart, and, much more importantly, have ensured that life will be better for those who come after them. They deserve the gratitude and the respect of all of us in the chamber. [*Applause*.]

One of the massive achievements of Who Cares? Scotland in the context of the bill has been securing the right to independent advocacy for care-experienced people. I believe that that is important in its own right, but I believe that it is more fundamental than that. I believe that independent advocacy will become a catalyst to help young people to realise their rights overall and to help us to keep the Promise.

That takes me to my amendments in the group that relate to the definition of independent advocacy. Amendment 113 would remove language imported from the definition in mental health legislation that is not appropriate in this context. Amendment 114 would add more specification to the definition. It stipulates that, to be classed as independent as an advocate, in addition to not being a member of a local authority or health board in the same area that the advocacy service is to be provided, they must not provide care services under contract to a local authority in the same area. In simpler terms, a worker in a care home or a secure unit cannot be deemed to be an independent advocate for a child living in that care home or secure setting.

To be clear, and in response to those who say that that will unduly restrict the availability of good advocates, that would not remove choice from a young person opting to have the care home worker as their advocate if that is an arrangement that they are happy with and have confidence in.

However, if they do not wish that—if perhaps the young person has issues or conflict in the care home or with their care provider more generally—it means that they will have the option of an advocate who is genuinely independent. That is essential to avoid conflicts of interest and to give proper protection for the rights of young people.

That also aligns with the definition of independence that is supported by the Scottish Independent Advocacy Alliance, which is advocacy that is

"structurally, financially and psychologically separate"

from services.

As the minister has highlighted, my amendment 29A would achieve the same provisions as amendment 114, but it is an addition to the minister's amendment 29, which rewrites those provisions and, in my view, makes them better. I am grateful to the minister for indicating her support for amendment 29A. In light of that, I will not move amendments 113 and 114, but I urge members to support amendment 29A.

Jeremy Balfour: Advocacy plays a vital role in enabling people to express their views and make informed decisions. It supports children and young people, and adults, to navigate complex systems and have their voices heard.

At stage 2, I lodged an amendment to ensure that care-experienced people are offered advocacy at the earliest appropriate opportunity. The committee agreed to the amendment, and I am grateful for members' support for constructive engagement with the Minister for Children and Young People and The Promise since then.

Today, thanks to the help of the minister and her officials, I introduce amendment 116, which preserves the intent of the amendment at stage 2 but sets out further detail to strengthen how the provisions will work in practice. That requires regulations under section 4(1) to specify how care-experienced people will be made aware of the right to access advocacy. It also places a duty on the Scottish ministers to have regard to the desirability of a person being able to exercise their right at the earliest appropriate opportunity.

The principle of earliest appropriate access is important, but effective delivery depends on the practical details: deciding who informs the care-experienced individual, and when and through which channels, of their right to advocacy support; putting awareness-raising arrangements into regulations; and placing a duty on ministers to consider the desirability of early exercise of the right.

I recognise the diverse routes by which people enter, experience and leave care, and seek to support a flexible framework that can adapt as practice evolves.

Amendment 117 is consequential to amendment 116.

Care-experienced children and young people and adults must know about their right to access advocacy support at the right time. Ensuring early information and clear routes to early advocacy support is key to securing the right support up front. I believe that amendments 116 and 117 build on the amendment in my name that was agreed to at stage 2, and is an important step in our journey to keep the Promise in relation to the care community having the right to have their voices heard. I welcome the minister's support, and I ask members to support the amendments.

On amendment 24, I lodged a similar amendment at stage 2 and received support from both the minister and many of my colleagues at the committee. However, through the vagaries of whip-controlled voting, the amendment was voted down by the committee—a mistake that needs to be rectified in the chamber at stage 3.

At stage 2, there was a great deal of discussion about the pros and cons of an opt-in model versus an opt-out model for advocacy services. Indeed, even those in the third sector, who have been instrumental in helping us to shape our views on this matter, have been split in their views. However, it is my belief, which I think is shared by the Government, that advocacy services should be offered on an opt-in basis for children in relation to care experience. I will briefly outline the reasons why, in my view, children should always be made fully aware of their rights and options but advocacy should never be forced upon them.

If we go for an opt-out model, children might feel pressured to have to share their story with yet another individual—a stranger whom they do not know and have no connection with. I have heard repeatedly in meetings with charities that work in the sector that children do not like having to tell their story multiple times, as that can cause upset, confusion and fatigue. It should, therefore, be a right—a choice—for a child to decide if they wish to use the services of an independent advocate, but they should never have to do so against their wishes.

Advocacy helps people to express their views and make informed decisions. Advocates help children and their families to navigate the complex landscape, and support them to make their own choices. To force advocacy on a person goes against what advocacy sets out to achieve, and it would be viewed with suspicion and not entered into fully or willingly. Making advocacy an opt-out would change the power dynamic, taking the power and choice away from the child, and many

children might feel unable or uncomfortable when it comes to saying no to the advocacy that is offered.

Another reason for opt-in being the preferred model of service delivery is that opt-out could create a forced demand for the service of advocates. Aberlour, a national organisation that has been supporting fostering families since 2004, says that insisting on advocacy will add more professionals to a cluttered landscape—something that would be detrimental and would have negative rather than positive effects.

I say again that I am grateful to the minister for her meetings and for helping me with this, and I ask members to support my amendments.

Willie Rennie: I will speak against four amendments in the group: amendments 113 to 115 and, in particular, amendment 29A, which I note that the minister is supporting. The amendments would add to the definition of independent advocacy for care-experienced people and would limit the number of organisations that could provide independent advocacy. They would rule out charities, including Barnardo's, in many circumstances. Although I recognise that the intent behind the amendments is to ensure that advocacy services are adequately independent, I believe that we should listen carefully to the organisations that have raised concerns.

Members will have noted the briefing that we received from Children First, which says:

"We are concerned that these amendments would prevent high-quality advocacy services, already working in line with The Promise and the National Advocacy Framework, from continuing. In our view, this Bill should increase advocacy support options, not reduce them. However, amendments 114, 115 and 29A would remove advocacy support options for children and young people by restricting who can provide these services. Organisations that deliver both residential support and advocacy can do so with independence and integrity, and we are not aware of any evidence suggesting otherwise. These amendments could have immediate and long-term consequences, reducing the flexibility of local areas to fund services that suit their needs best."

Barnardo's has also raised concerns. It says:

"We are concerned that the effect of these amendments could have both immediate and long-term consequences leading to significant disruption, increased confusion and added complexity to the commissioning and provision of advocacy support for children and young people. We believe these amendments could reduce flexibility and choice available to commissioners of independent advocacy and children's care services, and could directly lead to … disruption to the structure and delivery of the National Advocacy Service for the Children's Hearing System which has benefited from the creation of a strong network of advocacy providers focused on the delivery of high-quality independent advocacy since 2020."

We all want the bill to work in practice, especially now that we have reached stage 3. However, I am worried that, if the change is introduced now, we would be at risk of seriously disrupting the good work that is being done and of restricting the choice that would be available in setting up the new advocacy service. I know that I am in conflict with Nicola Sturgeon on that and I recognise the work that she has done in the area, but I would urge her not to move amendment 29A and to follow the advice of Children First and Barnardo's, which have a tremendous record and a good reputation. We do not want to disrupt what is already in place. Therefore, we should reject amendments 29A and 113 to 115.

The Presiding Officer: I call the minister to wind up.

Natalie Don-Innes: The time that we have spent debating the issue, both today and at stage 2, demonstrates its importance. The provision of a right to lifelong advocacy services for children and people with care experience is entirely new and is a real signal of progression towards keeping the Promise. There has been a lot of discussion on the balance that is required around the question of independence. My focus for stage 3 has been to ensure that potential conflict of interest is avoided. However, I absolutely recognise the challenges that Mr Rennie has outlined. I made many of the same points in my comments at stage 2.

The amendments that I have lodged in this group would provide a regulation-making power for ministers to specify additional independence criteria for the purpose of section 4(1). The power would be subject to a consultation requirement and the affirmative procedure, which would ensure that there is appropriate parliamentary scrutiny and input from the care community and stakeholders if the power is used.

Some of the challenges that Mr Rennie presented could be considered and scrutinised again in a new session of Parliament. Today's debate demonstrates that we, as a Parliament—

16:45

Martin Whitfield: Building on the request that Willie Rennie put forward, and listening to the minister's language, is the issue not one that those regulations could specifically look at, rather than something that may or may not be considered? How that would be triggered would be open to both parliamentary and other procedures. Does the minister envisage that, at the first sign of any challenges, there would be a way of adding to the list through those regulations, which would allow the matter to be resolved?

Natalie Don-Innes: It is something that has to be addressed now. There have been conflicting opinions from a range of organisations on a whole range of different issues in the bill. I will be the first

to admit that it has been hard to navigate that and to ensure that we are doing the right thing. However, I have summed up the evidence, the discussions and the considerations at stage 2 and now at stage 3, and I believe that my approach at this point, in making further safeguards for children and young people, is the appropriate way to respond.

Willie Rennie: We know that we are finding it difficult to deliver the Promise on time; the interim reports have shown that we are behind. However, independent advocacy is one of the areas where progress has been made, and I do not understand why we are restricting it further, potentially undermining bits of the Promise on which we are making a bit of progress. I urge the minister to reconsider her approach. We do not have an opportunity to revise the provisions; we are at the end of the bill process. To introduce the approach at such a late stage, and in such a fashion, is a retrograde step. I urge the minister to reconsider her support for amendment 29A.

Natalie Don-Innes: I have considered the matter very carefully. I do not believe that the approach will undermine efforts that have already been made or delivery in relation to the Promise. In fact, I think that it will help to bolster the right support for children and young people by ensuring that there is absolutely no potential for or possibilities of conflicts of interest.

Mr Rennie referred to the delivery of the Promise. We have provisions in the bill, and we are about to debate amendments in relation to reviews. If some of the unintended consequences that Mr Rennie refers to were to be considered, we could use the powers that we will have through the regulations to address them.

Ross Greer: On the point that Willie Rennie has raised, and on behalf of organisations that provide a lot of excellent service in this area, I ask whether the minister could provide some reassurance on the issue of immediate disruption. Whether through how we commence the provisions of the bill or the steps that are taken in the immediate aftermath, is it the Government's intention to ensure that, during the transition period, there will be no scenario in which any individual young person has an advocacy service that is currently working well for them taken away? Are we considering a transition towards a model of the most effective kind of independent advocacy, and not a sudden switch from one system to another that would see some people's advocacy disrupted?

Natalie Don-Innes: Yes. That would absolutely be my intention. The amendments in relation to choice for young people also speak to that. Of course we would not want to see something ended abruptly where young people are being supported. I would expect that support to continue as we move to the new system on a transitional basis.

Nicola Sturgeon: I have sympathy with the points that Willie Rennie has raised, and I have great respect for the work done by organisations such as Barnardo's. It is important that we establish in the bill a clear principle that conflicts of interest are an issue. They have been raised with me as an issue several times over the years by care-experienced young people in residential care homes and in secure settings. That is what I am trying to address. However, I welcome the minister's comment about consideration of transition in her last contribution. That is important, and I am the last person who would want to see immediate disruption.

Finally, I will underline the minister's point, and perhaps ask her to underline it again, about choice, which exists thanks to one of her amendments. This is not about imposing something on young people. Young people will continue to have the choice of having an advocate if they wish one, but amendment 29A recognises that, to be genuinely independent, there cannot be conflicts of interest.

I recognise the concerns that have been raised, but I think that, with patience and sense, the practical challenges of implementation can be worked through without compromising the principle that is at stake.

Natalie Don-Innes: That sums it up perfectly. I have been very clear that I have decided where to lend my support based on having the best interests of children and young people at the heart of the provisions. I have been very clear that the element of choice is extremely important and will remain.

Members' amendments have allowed us to debate the issues fully. I ask Martin Whitfield not to move his amendments and to instead support my amendments, Jeremy Balfour's amendments and Nicola Sturgeon's amendment 29A.

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

Members: No.

The Presiding Officer: There will be a division. Members should cast their votes now.

The vote is closed.

Kenneth Gibson (Cunninghame North) (SNP): On a point of order, Presiding Officer. I could not connect. I would have voted yes.

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

The Cabinet Secretary for Finance and Local Government (Shona Robison): On a point of order, Presiding Officer. I would have voted yes.

The Presiding Officer: Thank you, Ms Robison.

Mark Ruskell (Mid Scotland and Fife) (Green): On a point of order, Presiding Officer. I would have voted yes.

The Presiding Officer: Thank you, Mr Ruskell.

The Minister for Agriculture and Connectivity (Jim Fairlie): On a point of order, Presiding Officer. I would have voted yes.

The Presiding Officer: Thank you, Mr Fairlie.

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)
Burnett, Alexander (Aberdeenshire West) (Con)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Chapman, Maggie (North East Scotland) (Green)
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)
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)
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)
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)
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)
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)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
Regan, Ash (Edinburgh Eastern) (Ind)
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)
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)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Webber, Sue (Lothian) (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)

Against

Rowley, Alex (Mid Scotland and Fife) (Lab)

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)
Leonard, Richard (Central Scotland) (Lab)
Marra, Michael (North East Scotland) (Lab)
Mochan, Carol (South Scotland) (Lab)
O'Kane, Paul (West Scotland) (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 94, Against 1, Abstentions 15.

Amendment 21 agreed to.

Amendment 22 moved—[Natalie Don-Innes].

The Presiding Officer: The question is, that amendment 22 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)
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)
Burnett, Alexander (Aberdeenshire West) (Con)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Chapman, Maggie (North East Scotland) (Green)
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)
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)
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)
Greer, Ross (West Scotland) (Green)
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)
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, 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)
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)
Regan, Ash (Edinburgh Eastern) (Ind)
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)
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)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Webber, Sue (Lothian) (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)

Against

Rowley, Alex (Mid Scotland and Fife) (Lab)

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)
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)
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 92, Against 1, Abstentions 16.

Amendment 22 agreed to.

Amendment 111 moved—[Martin Whitfield].

The Presiding Officer: The question is, that amendment 111 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
Boyack, Sarah (Lothian) (Lab)
Clark, Katy (West Scotland) (Lab)

Duncan-Glancy, Pam (Glasgow) (Ind)
Grant, Rhoda (Highlands and Islands) (Lab)
Griffin, Mark (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)

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)
Burgess, Ariane (Highlands and Islands) (Green)
Burnett, Alexander (Aberdeenshire West) (Con)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Chapman, Maggie (North East Scotland) (Green)
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)
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)
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)
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)
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)
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)
Regan, Ash (Edinburgh Eastern) (Ind)
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)
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)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Webber, Sue (Lothian) (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 Presiding Officer: The result of the division is: For 16, Against 94, Abstentions 0.

Amendment 111 disagreed to.

The Presiding Officer: I remind members that, if amendment 23 is agreed to, I cannot call amendments 112 to 115 due to pre-emption.

Amendment 23 moved—[Natalie Don-Innes]—and agreed to.

Amendments 116, 24 and 117 moved—[Jeremy Balfour]—and agreed to.

Amendments 25 to 27 moved—[Natalie Don-Innes]—and agreed to.

The Presiding Officer: Group 7 is entitled "Structure of Act". Amendment 28, in the name of the minister, is grouped with amendments 30 to 32, 34, 42, 43, 87, 89 and 90.

Natalie Don-Innes: All amendments in this group are technical in nature and will not change the policy intent of any of the bill's provisions. Amendments 28, 30, 31 and 34 will reorder the sections of the bill so that its free-standing

sections, including a local interpretation section, are placed together in chapter 1 of part 1.

Amendment 32 will make it clear that section 7 is a local interpretation section for the purposes of chapter 1, in which it is placed. The definitions in that section will apply only in respect of the provisions in that chapter.

Amendment 89 will create an interpretation section that is applicable to the whole bill, which will make it clear that the definition of "child" applies to the whole bill.

17:00

Amendments 42 and 87 will ensure that all the regulation-making powers sit together under section 24, with amendment 43 being consequential to amendment 42.

Amendment 90 will ensure that, where a provision in the act refers to a day on which a section comes into force, ministers may specify the date.

All the amendments seek to maximise accessibility and enhance clarity and coherence across the bill as a whole.

I move amendment 28.

The Deputy Presiding Officer (Annabelle Ewing): As no member wishes to comment, I call the minister to wind up.

Natalie Don-Innes: I have nothing further to add. I press amendment 28.

Amendment 28 agreed to.

After section 4

Amendment 29 moved—[Natalie Don-Innes].

Amendment 29A moved—[Nicola Sturgeon].

The Deputy Presiding Officer: The question is, that amendment 29A be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division. Members should cast their votes now.

The vote is closed.

Shona Robison: 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, Ms Robison. 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)
Baker, Claire (Mid Scotland and Fife) (Lab)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Burnett, Alexander (Aberdeenshire West) (Con)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Chapman, Maggie (North East Scotland) (Green)
Choudhury, Foysol (Lothian) (Ind)
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)
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)
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)
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)
Hyslop, Fiona (Linlithgow) (SNP)
Kerr, Stephen (Central Scotland) (Con)
Kidd, Bill (Glasgow Anniesland) (SNP)
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)
Minto, Jenni (Argyll and Bute) (SNP)
Mochan, Carol (South Scotland) (Lab)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
O'Kane, Paul (West Scotland) (Lab)
Regan, Ash (Edinburgh Eastern) (Ind)
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)
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)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Webber, Sue (Lothian) (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)

Against

Balfour, Jeremy (Lothian) (Ind)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
McArthur, Liam (Orkney Islands) (LD)
Rennie, Willie (North East Fife) (LD)

The Deputy Presiding Officer: The result of the division is: For 103, Against 4, Abstentions 0.

Amendment 29A agreed to.

The Deputy Presiding Officer: I call the minister to press or withdraw amendment 29, as amended.

Natalie Don-Innes: I press amendment 29, as amended.

Amendment 29, as amended, agreed to.

Section 5—Guidance in relation to care experience

The Deputy Presiding Officer: Group 8 is on guidance in relation to care experience. Amendment 118, in the name of Nicola Sturgeon, is grouped with amendments 119 to 133.

Nicola Sturgeon: My amendments in this group relate to sections 5 and 6 and the duty on ministers to issue guidance to public authorities about care-experienced people and their lived realities, and the duty on public authorities to have "due regard to" such guidance.

The amendments will replace references to "guidance" with "regulations" throughout the sections. Let me be candid: I realise that this might seem a bit esoteric, but it goes to the heart of one of the biggest issues that I have heard time and again from care-experienced people over the years—namely, a lack of trust among care-experienced young people that public authorities will always do what they are supposed to do.

We can argue about whether that criticism is justified, but it is very real in the minds of many care-experienced people, past and present, across the country. There are concerns about variation and postcode lotteries of care, and there are concerns that what is meant to happen in theory does not always translate into practice. Those are perennial problems and concerns. They operate to undermine trust and confidence, and, on occasion, they have a real impact on the day-to-day experience of care-experienced people.

I will take a moment to address the concerns that have been raised about the amendments, which I am sure will be raised during the debate. The first is that regulations take longer to prepare, conclude and issue than guidance does. I recognise that, although I would say, from some experience in Government, that there is no hard and fast reason why regulations cannot be passed at pace. Also, with parliamentary engagement, what emerges from that process will be stronger and more likely to stand the test of time.

The other concern that I anticipate being expressed is that regulations are more difficult to change in future than guidance is. However, if the Parliament gets the regulations right in the first place and if they command confidence, they will not need to be regularly changed. The challenge

is to get the regulations right so that they have the confidence of the care-experienced community.

Crucially, as regulations, they will be binding and not optional. They will have to be complied with consistently and in all parts of Scotland. That is important for building trust and confidence and for ensuring that we do not have the kinds of variations in care that we have seen all too often. However esoteric the proposal might seem, I think that it will help us with the overall delivery of the Promise and help to build confidence in that delivery as we go on.

Martin Whitfield: In other areas where guidance is relied on, we have seen the postcode lottery that Nicola Sturgeon has spoken about. To go back to an earlier intervention from Jeremy Balfour, with regulation, the interpretation is far better understood and everyone follows it.

Nicola Sturgeon: Martin Whitfield puts it perfectly. That sums up the reasons for my amendments. Regulations are binding in a way that guidance—even guidance with a due regard provision in legislation—is simply not. One of the important objectives in the delivery of the Promise is to ensure that it is delivered consistently right across Scotland. Only if that happens will the process have the confidence of the care-experienced community.

I move amendment 118.

The Deputy Presiding Officer: I call Roz McCall to speak to amendment 121 and other amendments in the group.

Roz McCall: My amendment 121 builds on an amendment that I lodged at stage 2 and which was agreed to by the committee. Amendment 121 would allow for the care-experience guidance to promote best practice for public authorities in respecting the rights of those with care experience and taking a trauma-informed approach when delivering services. I consider that that would strengthen the position that was agreed to at stage 2.

The guidance will be key to shaping day-to-day practice, ensuring a shared and consistent understanding of care experience across services and settling on a national and consistent direction for the language that is used in and around the care system. It is therefore essential that the rights of those with care experience are respected; that the guidance allows for interactions to take into account the effects of any trauma; and that it seeks to avoid further trauma or the reoccurrence of past trauma.

I urge members to support amendment 121. We support all the other amendments in the group.

Willie Rennie: This is not getting personal, but I object to Nicola Sturgeon's amendments in this group as well. She has already anticipated my objections, but I want to reiterate my concerns. Her amendments relate to defining care experience in regulations instead of guidance. I understand that the amendments have been lodged with the intention of strengthening the definition, making it more binding on public authorities and better influencing future policy. However, I am concerned that, in practice, the amendments could have the opposite effect.

Even with regulations, guidance would still need to be issued. Given the complexities of the legal definition of care experience, there would be a risk of splitting different aspects between regulation and guidance, which could leave a definition that is less clear, not more. It also appears that including the definition in regulations rather than guidance would not bind public authorities any more than sticking with guidance would. Therefore, it is not clear what real benefit the amendments would bring, and they must be weighed against the potential for delays to implementation.

Nicola Sturgeon: I have great respect for Willie Rennie on these issues. Does he recognise that there was a considerable degree of disappointment in the care-experienced community that a definition of "care experienced" did not appear in the bill? For some care-experienced people, regulations are themselves a compromise, but they are better than guidance. I say from experience in Government that there is a difference between guidance, even with a "due regard" duty, and regulations in the way that public authorities perceive that they are required to abide by them.

Willie Rennie: I fully understand the perception in this area and the disappointment in the sector, but we have a responsibility in the Parliament to implement law that will be most effective and will help care-experienced people in the way that they would like. We need to understand that introducing such regulations could make the process more complicated and create division and greater complexity as a result, which is why I am cautious about doing it in that way.

It would be far better if there was a definition in the bill, but there is not, so we need to ensure that we put in place the most effective way to implement what the care-experienced community is desperately looking for.

Natalie Don-Innes: Amendments 118 to 120 and 122 to 133 seek to update sections 5 and 6 to require Scottish ministers to lay regulations, instead of statutory guidance, in relation to care experience. I thank Nicola Sturgeon for setting out

the rationale behind the amendments. I understand the strength of feeling on the idea that placing requirements in regulations will provide a greater degree of compliance and consistency in public authorities adhering to those requirements. I agree that there is a difference in perception between regulations and guidance.

I understand many of the concerns that Mr Rennie raised. However, in response to the point about confusion and complexity, I note that it will be up to the Government to ensure that the regulations are as clear and coherent as possible.

I will therefore support amendments 118 to 120 and 122 to 133, and I ask members to vote for them. I also support amendment 121, in the name of Roz McCall, which is the only other amendment in the group, and I encourage members to vote for it.

The Deputy Presiding Officer: I call Nicola Sturgeon to wind up the debate and press or withdraw amendment 118.

Nicola Sturgeon: I recognise Willie Rennie's concerns, but they are not insurmountable, particularly those around consistency. The minister is absolutely right: it will be incumbent on the Government and the Parliament to ensure that inconsistencies do not occur. Through the introduction of regulations, the duties will be given a power and import that guidance does not have, which will go some way to allay the concerns of many in the care-experienced community that guidance often results in a postcode lottery. That is what we are trying to get away from through the Promise.

I thank the minister for her support for my amendments and I ask members to support them. I press amendment 118.

Amendment 118 agreed to.

Amendments 119 and 120 moved—[Nicola Sturgeon]—and agreed to.

Amendment 121 moved—[Roz McCall]—and agreed to.

Amendments 122 to 126 moved—[Nicola Sturgeon]—and agreed to.

Amendment 30 moved—[Natalie Don-Innes]—and agreed to.

Section 6—Guidance under section 5: further provision

17:15

Amendments 127 to 133 moved—[Nicola Sturgeon]—and agreed to.

Amendment 31 moved—[Natalie Don-Innes]—and agreed to.

After section 6

The Deputy Presiding Officer: Group 9 is on permanence. Amendment 134, in the name of Fulton MacGregor, is grouped with amendment 135.

Fulton MacGregor (Coatbridge and Chryston) (SNP): Amendments in group 9 relate to permanence for children who are or have been looked after by a local authority.

I note at the outset that amendment 134 is a probing amendment and I do not intend to press it to a vote. Instead, I am inclined to support Martin Whitfield's amendment 135. I thank the minister and Mr Whitfield for their engagement on the issue.

At its core, permanence is about a simple but fundamental principle: every child has the right to grow up in a safe, stable and loving home without unnecessary delay. Permanence cannot be considered as a solely technical or procedural matter; it must be regarded as central to a child's wellbeing, development and sense of security and belonging.

When it is not possible for a child to stay with their birth family, permanence can be achieved through kinship care, foster care or adoption. Whichever route is taken, what matters most is that timely decisions are made so that children are not left in prolonged uncertainty.

Research compiled by the NSPCC, which helped me when drafting amendment 134, has consistently shown that children wait far too long for decisions to be made about their permanent home. On average, it can take more than two years for a permanence recommendation to be made. Many children then wait many months and, in some cases, years before they are living in a stable and permanent placement.

That level of delay would be unacceptable in any context, but it is particularly harmful for babies and very young children. The first few months and years of life are critical for attachment and development. During that time, children are especially dependent on consistent and secure care-giving relationships. Instability, uncertainty and repeated moves can have profound and long-lasting impacts.

We all know that delays affect outcomes. The longer a child remains in the system without permanence, the greater is the risk to their wellbeing, their relationships and their future stability. In the context of adoption, international evidence is clear that factors such as age at placement, early adversity and the number of moves all have a direct bearing on the likelihood of adoption breakdown at a later stage.

Despite a range of welcome policy initiatives, guidance and improvement programmes over many years, the issue of delay remains persistent, and it has remained persistent for a long time. That should give us all pause for thought. It suggests that the current approach might not be sufficient and that further, more focused consideration is required.

That is the purpose of my amendment 134. It would require the Scottish ministers to undertake a comprehensive and time-bound review of permanence in Scotland. It would ensure that ministers consider the substantial body of Scottish research, examine practice from across the world and assess whether different approaches, such as the use of statutory timescales, might help to reduce delays and improve outcomes. Importantly, the amendment would also ensure that the review was informed by those with lived experience, as well as by practitioners, local authorities and organisations working across adoption, fostering and kinship care.

I welcome the minister's strong indication at stage 2 and during my discussions with her that a review of permanence is intended to take place early in the next parliamentary session. The purpose of my lodging and speaking to amendment 134 is to seek reassurance that the proposed review will be comprehensive in its scope, that it will be undertaken within a clear and timely framework and that it will lead to meaningful and measurable change for children. I would be grateful if the minister could set out how the Government intends to ensure that babies and very young children, who are often the most affected by delay, will be properly considered in that work and how progress will be monitored and reported to the Parliament.

I move amendment 134.

Martin Whitfield: In this group, the chamber has a fine choice of amendments, which all flow from the very important work, and challenges, of ensuring permanence. I thank Fulton MacGregor for this report and for the work that we did at stage 2 to find a consensus on that important matter. His contribution so finely articulated the real need to look at permanence to ensure stability, love and the creation of a seated connection as early and as swiftly as possible for children and, in particular, babies who go into care.

The drift and delay that children, particularly young children and babies, face in reaching a permanent setting through the children's hearings system is hugely important. For far too many children in Scotland, the time taken to reach a permanent setting is too long. That has been outlined extensively in work such as the research of the permanence and care excellence programme, which has already been commented on, and the beST? services trial. It can be particularly damaging for children in their early stages, as has been articulated. As is set out in Fulton MacGregor's amendment, it is very important that any review references evidence from the rest of the UK, because any further work on permanence must account for that. Permanent decisions are made with significantly less delay in England and Wales than they are in Scotland, so we need to learn why that is and how we can improve the system. I welcome the minister's engagement at stage 2 and beyond with regard to that very important matter.

I note that Fulton MacGregor intends not to press his amendment, which I would have supported, so we have a situation where, as I say, there is a relative choice. I hope that the Government can indicate its position on the matter. My amendment sets out that that most important review should be undertaken no later than two years after the section comes into force.

Natalie Don-Innes: I thank Fulton MacGregor and Martin Whitfield for their amendments and for their continued focus on improving permanence outcomes for children.

Although I recognise and empathise with the purpose behind Fulton MacGregor's amendment 134, I do not consider that legislating for it is the right approach at this time. The amendment would place a very detailed and prescriptive statutory duty on ministers and would create a statutory definition of permanence, but there has not been an opportunity for those to be designed and developed in collaboration with partners, stakeholders and, importantly, children and families. Furthermore, the proposed definition does not align with current policy and practice on permanence. That, in itself, would create challenges in terms of implementation. However, as I said, I understand and I am sympathetic to the concerns that Fulton MacGregor has raised. I hope that what I am about to set out will go some way towards reassuring him that permanence is a Government priority and is a priority within the work that is being delivered on the Promise.

Regarding amendment 135, in the name of Martin Whitfield, I recognise the Parliament's

strong interest in improving understanding of how delays in decision making in relation to permanence affect children, particularly younger children and infants. The amendment would provide a more focused way to support that aim by requiring that a review of the impact of delay be carried out within two years of the section coming into force. Ministers would then be required to publish the findings of that review, strengthening transparency in an area where members and stakeholders have highlighted the need for much clearer evidence.

As I set out at stage 2—I also say this to reassure Mr MacGregor—in the next session of Parliament, it would be this Government's intention to consult urgently and gather evidence early on, in order to build a whole-system picture of where delay arises and why. Amendment 135 would align directly with that work and would allow us to understand, in particular, the impact that delays on decisions in relation to permanence have on children. The amendment would ensure that future approaches to tackling drift and delay were shaped by the right evidence; informed by learning from other nations, including the rest of the UK; and developed collaboratively with partners. The statutory review that would be introduced by amendment 205 would give the Parliament a clear update on the implementation of the act within two years of royal assent, and the findings from the review under amendment 135 would help to inform that reporting, ensuring that the Parliament received both the focused analysis on the impact of delay and the broader picture emerging from consultation. I am satisfied that the work that is required by amendment 135 can be factored directly into that wider programme, complementing the co-design approach that stakeholders expect us to take.

Mr MacGregor will be aware that there is a dedicated workstream for infants and babies in the children's hearings system working group, so not only do we have the consultation and the work that I have set out today, but there are other on-going workstreams to ensure and improve support for our youngest children.

For those reasons, I will oppose amendment 134 and support amendment 135, and I encourage members to do likewise.

The Deputy Presiding Officer: I call Fulton MacGregor to wind up and to press or withdraw amendment 134.

Fulton MacGregor: I accept the views that the minister just set out, and I strongly welcome her commitment to, and focus of energy on, this area. There is certainly something to take forward in this area for whoever is returned in the next session of Parliament, for which I thank the minister. On that basis, I seek the Parliament's permission to withdraw my amendment 134, and I ask members to support amendment 135, in the name of Martin Whitfield.

Amendment 134, by agreement, withdrawn.

Amendment 135 moved—[Martin Whitfield]—and agreed to.

Section 7—Interpretation

Amendments 32 to 34 moved—[Natalie Don-Innes]—and agreed to.

Section 8—Children's residential care services: profit limitation

The Deputy Presiding Officer: Group 10 is entitled "Children's residential care services: profit limitation". Amendment 35, in the name of the minister, is grouped with amendments 36, 136, 137, 37, 138, 139, 38, 140, 39, 40, 2, 141, 3, 142, 41 and 143.

Natalie Don-Innes: Amendment 35 will improve the effectiveness of the financial transparency measures in section 8. It will ensure that the Scottish Government is able to obtain a fuller picture of residential service providers' finances, including from parent—

Ariane Burgess (Highlands and Islands) (Green): [*Made a request to intervene*.]

Natalie Don-Innes: Oh, I will take an intervention.

Ariane Burgess: My apologies—I pressed a button by accident.

Natalie Don-Innes: I was wondering a little bit—I thought, "What have I said?"

Amendment 35 will ensure that the Scottish Government is able to obtain a fuller picture of residential service providers' finances, including from parent or subsidiary undertakings, when that is relevant to the assessment of a service provider's profit levels, for the purposes of considering whether to impose a profit limitation requirement in accordance with the criteria that are set out in the bill.

I apologise—I must correct myself. I referred to amendment 35, but I was speaking to amendment 36. I will come to amendment 35 later.

Amendments 37 to 41 are consequential on amendment 36. Amendment 35 makes a technical adjustment to the placement of the new sections of the Public Services Reform (Scotland) Act 2010 that will be inserted by section 8 of the bill. I hope that the Parliament will join me in supporting my amendments.

I thank Mr Rennie for his amendments 136, 137, 139 and 142, which would exempt charities from

the profit limitation requirements but not from the financial transparency provisions. Mr Rennie's amendment 2 takes an alternative approach to that. Having discussed the matter with him, I believe that his amendments 136, 137, 139 and 142 would more effectively meet his aims. Among other things, they would cover charities that are registered in other parts of the UK rather than only Scottish charities. I believe that those amendments strike an appropriate balance for charities and the wider children's residential care sector and I therefore support amendments 136, 137, 139 and 142 in the name of Willie Rennie. I ask him not to move his amendment 2.

I thank Mr Rennie for raising the point about ensuring that the wellbeing of looked-after children is the priority in decision making. His amendment 3 covers the same ground as amendment 141, but I believe that the latter is stronger in promoting and safeguarding the wellbeing of children and young people. Therefore, I will support amendment 141, and I ask him not to move amendment 3.

Section 8 was amended by a stage 2 amendment that Martin Whitfield lodged to ensure that other types of service providers could be included in financial transparency and profit limitation measures. I thank him for his amendments 138, 140 and 143, which would update the wording of those provisions, and I support those amendments.

In summary, I encourage members to support all amendments in the group, other than amendments 2 and 3, where Mr Rennie's alternative amendments are preferred. I again thank my colleagues for their willingness to work together on these issues.

I move amendment 35.

17:30

Willie Rennie: Members will have noticed that I have two sets of amendments in the group. Amendments 2 and 3 were drafted at the suggestion of Aberlour, with the intention, first, of exempting charities from profit limitation requirements if they can demonstrate that any surplus is reinvested in the delivery of children's services, and, secondly, of creating a statutory duty that decisions on profit limitation must be made with the wellbeing of children and young people as the primary consideration.

I am grateful to the Government for working with me to bring forward alternatives to those amendments that would achieve those aims more effectively. Amendments 136 and 137 would exempt charities from the profit limitation requirement provisions. That exemption is appropriate and proportionate, because charities are already legally bound and required to ensure that any surpluses that they generate are used for charitable purposes. As is already defined in section 9, the provisions would include service providers in Scotland that are registered as charities in other parts of the UK.

Amendments 139 and 142 are consequential and would ensure that the rest of the provisions continued to operate as they should, given that the charities will still be subject to information requirements.

I am grateful to the minister for assisting in relation to amendment 141.

I thank the minister for her confirmation of support and I ask other members to support those amendments, which would ensure that charities were not subject to unnecessary burdens, while the bill's provisions on information gathering were enabled to operate as intended. I confirm that I will not move amendments 2 and 3, which sought to achieve the same effect as the other amendments.

Martin Whitfield: Amendments 138, 140 and 143 would provide scope for the Scottish ministers to add other persons to the list of entries of those who are subject to a profit limitation requirement. I thank the minister and Government officials for their co-operation and assistance in developing those amendments, which, as the minister said, build on stage 2 amendments.

Given the dynamic and evolving nature of the care sector, it is important that the bill provides flexibility to ensure the effectiveness of the profit limitation requirements that are set out in section 8. Profiting on the backs of children in care has no place in Scotland. In order to fulfil the Promise, we must ensure that we can address new challenges that will be thrown up for the Parliament and the Government to deal with.

Roz McCall: Although we totally accept that profit should play no part in residential care, we have some concerns about the group of amendments, in that we need to make sure that there is no reduction of provision in Scotland. There is a real concern that looking into parent organisations could have unintended consequences in the sector and lead to a reduction in that provision. As a result, we do not support amendments 36, 37, 140 and 41.

Natalie Don-Innes: I will respond briefly to Roz McCall's points, because we have actively considered that challenge. The Government has taken a gradual and incremental approach, to try to ensure that that does not happen. I assure members that that has been a key consideration.

Miles Briggs: The evidence that we took at committee demonstrated some of the concerns about the Welsh model. Although the Scottish Government has not directly taken that forward,

the approach may present a loss of capacity if we are not careful. That is the last thing that any of us wants.

What safeguards will ministers have in place? If the bill causes organisations to move away from Scotland, who will pick up the need for that additional capacity?

Natalie Don-Innes: I think that Mr Briggs has answered that question himself. We have seen the challenges that are faced by the Welsh model, so the Scottish Government has taken a different approach to try to ensure that we do not see a mass exit from the market.

The situation will be monitored to ensure that there is balance and that we do not see a mass reduction in providers, so that we can ensure that children and young people are supported as they should be.

I will make no further comments.

Amendment 35 agreed to.

Amendment 36 moved—[Natalie Don-Innes].

The Deputy Presiding Officer : The question is, that amendment 36 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer : There will be a division.

The vote is closed.

Jamie Hepburn (Cumbernauld and Kilsyth) (SNP): On a point of order, Deputy Presiding Officer. I would have voted yes.

The Deputy Presiding Officer: I had been hoping that all members were back in the chamber for the vote. The vote that has just taken place should have been one minute long, but it was closed after 30 seconds, and I can see that a number of members want to make a point of order. We will rerun the vote, but it will be a 30-second vote.

To be clear, the question is, that amendment 36 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)
Baker, Claire (Mid Scotland and Fife) (Lab)
Balfour, Jeremy (Lothian) (Ind)
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)
Leonard, Richard (Central Scotland) (Lab)
Lochhead, Richard (Moray) (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)
Regan, Ash (Edinburgh Eastern) (Ind)
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)
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)
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

Briggs, Miles (Lothian) (Con)
Burnett, Alexander (Aberdeenshire West) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Dowey, Sharon (South Scotland) (Con)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Lumsden, Douglas (North East Scotland) (Con)
McCall, Roz (Mid Scotland and Fife) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
Ross, Douglas (Highlands and Islands) (Con)
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 86, Against 23, Abstentions 0.

Amendment 36 agreed to.

Amendments 136 and 137 moved—[Willie Rennie]—and agreed to.

Amendment 37 moved—[Natalie Don-Innes].

The Deputy Presiding Officer: The question is, that amendment 37 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)
Baker, Claire (Mid Scotland and Fife) (Lab)
Balfour, Jeremy (Lothian) (Ind)
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)
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)
Regan, Ash (Edinburgh Eastern) (Ind)
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)
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)
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

Briggs, Miles (Lothian) (Con)
Burnett, Alexander (Aberdeenshire West) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Dowey, Sharon (South Scotland) (Con)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Lumsden, Douglas (North East Scotland) (Con)
McCall, Roz (Mid Scotland and Fife) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
Ross, Douglas (Highlands and Islands) (Con)
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 87, Against 23, Abstentions 0.

Amendment 37 agreed to.

Amendment 138 moved—[Martin Whitfield]—and agreed to.

Amendment 139 moved—[Willie Rennie]—and agreed to.

Amendment 38 moved—[Natalie Don-Innes]—and agreed to.

Amendment 140 moved—[Martin Whitfield].

The Deputy Presiding Officer: The question is, that amendment 140 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): On a point of order, Presiding Officer. I would have voted yes.

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

For

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Baker, Claire (Mid Scotland and Fife) (Lab)
Balfour, Jeremy (Lothian) (Ind)
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)
Kidd, Bill (Glasgow Anniesland) (SNP)
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)
Regan, Ash (Edinburgh Eastern) (Ind)
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)
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)

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)

Against

Briggs, Miles (Lothian) (Con)
Burnett, Alexander (Aberdeenshire West) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Dowey, Sharon (South Scotland) (Con)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
McCall, Roz (Mid Scotland and Fife) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
Ross, Douglas (Highlands and Islands) (Con)
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)
Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 84, Against 23, Abstentions 0.

Amendment 140 agreed to.

Amendments 39 and 40 moved—[Natalie Don-Innes]—and agreed to.

Amendment 2 not moved.

Amendment 141 moved—[Willie Rennie]—and agreed to.

Amendment 3 not moved.

Amendment 142 moved—[Willie Rennie]—and agreed to.

Amendment 41 moved—[Natalie Don-Innes].

The Deputy Presiding Officer: The question is, that amendment 41 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)
Baker, Claire (Mid Scotland and Fife) (Lab)
Balfour, Jeremy (Lothian) (Ind)
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)
Kidd, Bill (Glasgow Anniesland) (SNP)
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)
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)
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)
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

Briggs, Miles (Lothian) (Con)
Burnett, Alexander (Aberdeenshire West) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Dowey, Sharon (South Scotland) (Con)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
McCall, Roz (Mid Scotland and Fife) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
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 85, Against 24, Abstentions 0.

Amendment 41 agreed to.

17:45

Amendment 143 moved—[Martin Whitfield]—and agreed to.

Section 10F—Register of foster carers: procedure for regulations

Amendment 42 moved—[Natalie Don-Innes]—and agreed to.

Section 10G—Register of foster carers: interpretation

Amendment 43 moved—[Natalie Don-Innes]—and agreed to.

Amendment 144 not moved.

Section 10H—Allowances and other payments

The Deputy Presiding Officer: Group 11 is on allowances and other payments. Amendment 145, in the name of Martin Whitfield, is grouped with amendments 146 to 152 and 210.

Martin Whitfield: This is the second exciting grouping in which members have to listen to my dulcet tones, as I have lodged all the amendments in this group.

Amendments 145 to 152 and 210 seek to address concerns that the fostering community has in relation to fees and other payments. Amendment 145 would require the minister to make regulations about payments for foster carers. Amendments 146 and 147 seek to include payments to independent fostering agencies—IFAs—in the regulations, and amendment 150 provides a definition of "fostering service", which would include such organisations.

Amendment 148 would ensure that local authorities' reporting duties in relation to rates and payments paid by them to foster carers are broken down by type of payment, because that would ensure that there is full transparency. Amendment 149 would require regulations on payments and fees to make provision for Social Care and Social Work Improvement Scotland's duty to monitor and report on payments made by local authorities and IFAs.

Amendment 152 would require the Scottish ministers to ensure, either by regulations or otherwise, that Social Care and Social Work Improvement Scotland includes gathering information on fees and other payments as part of its inspections. Amendment 151 would include payments made to kinship carers in uprating requirements.

I lodged these amendments because fostering, while hugely challenging, is incredibly valuable and is too frequently the forgotten profession that underpins care for care-experienced young people. The bill has provided an opportunity, for the first time in a long time, to acknowledge the contribution that foster carers make, and we must ensure that, whatever the outcome of these amendments, there is further work following the bill to appropriately recognise and support foster carers and to appropriately protect them in certain situations.

I look forward to hearing, and I will welcome, any commitments that the minister can make before I consider whether to move and press these amendments, but, in order to start the ball rolling, I will move the lead amendment in my name.

I move amendment 145.

Natalie Don-Innes: I am happy to support Martin Whitfield's amendment 148, which helpfully separates allowances, fees and other payments. However, I cannot support the other amendments in the group.

I start by saying that I echo Mr Whitfield's comments: I absolutely acknowledge the immense contribution that foster carers make, and have made, in supporting our children and young people. However, amendment 145 is unnecessary. Ministers have already made regulations—the Looked After Children (Scotland) Regulations 2009—which make provision in relation to payments to carers, and they can utilise that power should policy development, informed by consultation, support a national fee framework.

Amendments 146, 147 and 150 would enable ministers to make regulations about payments made by a fostering service to foster carers and would place a publication requirement on such services. I feel that that would be inappropriate and unnecessary. Fostering services carry out functions towards looked-after children on behalf of local authorities; they are contracted under arrangements with local authorities for that purpose.

Where ministers specify rates under the Adoption and Children (Scotland) Act 2007 in respect of payments made by local authorities to carers, those rates will apply to all fostering services. Therefore, it would not be appropriate for ministers to interfere with the arrangements that local authorities make for fostering services. The written agreements, which are provided for under the Looked After Children (Scotland) Regulations 2009, are the appropriate place for fee rates for fostering services to be dealt with.

Amendment 151 would extend the new uprating mechanism in the 2007 act beyond allowances to include foster carer fees. Ministers already hold broadened powers under the bill to regulate payments to foster carers, should policy work indicate that that is the right direction. Additionally, no amendment has been lodged to make a corresponding change to the uprating provision in the Children and Young People (Scotland) Act 2014, which relates to payments that are paid to kinship carers. If amendment 151 were to be passed, it could create an inequity in treatment of the financial support that is provided to foster carers and the support that is provided to kinship carers.

That said, I know that it is important that we continue to consider how financial support for carers evolves over time. I am committed to engaging with stakeholders and those with lived experience to monitor implementation to ensure that the system remains fair, sustainable and centred on children's needs.

As I indicated, ministers already have the necessary powers to bring forward further provision on payments if that is shown to be required, and we will keep that under active review as part of wider reform. We also need to look at the bill as a whole, and remember that, under the provisions, all independent agencies would become charities, which will be subject to scrutiny by the Office of the Scottish Charity Regulator, including financial behaviours and information.

Finally, amendments 149, 152 and 210 would significantly extend the Care Inspectorate's remit and statutory role by asking it to monitor fee and allowance levels. It is not clear why that would be appropriate for the Care Inspectorate to undertake, nor what purpose that would serve. None of those amendments have been subject to the consultation or scoping that would be needed in order to assess workload, capacity or cost.

Crucially, for independent fostering agencies, which will be required to be charities under the bill, financial oversight is already the statutory responsibility of OSCR. Placing parallel duties on the Care Inspectorate would duplicate responsibilities and risk confusing accountability.

For those reasons, I would encourage Mr Whitfield not to press amendment 145 or to move amendments 167, 147, 149 to 152, and 210. If he does, I invite members not to support them. I encourage members to vote for amendment 148.

The Deputy Presiding Officer: I call Martin Whitfield to wind up and to press or withdraw amendment 145.

Martin Whitfield: It was my misunderstanding, but there is absolutely no intention for individual fostering families to be required to register as charities in order to be covered by the bill. I am sure that that is correct: charitable status relates to the IFAs.

I thank the minister for her discussions at stage 2 and before stage 3, and I believe that she recognises the importance of fostering. Whoever is in the Scottish Government and has responsibility for keeping the Promise by 2030, more work will need to be done to support our fostering communities in the widest sense of the word. I welcome all the commitments that the minister has made on that.

Natalie Don-Innes: Although Mr Whitfield might be getting on to it, I want to point to the on-going work that is being done in a non-legislative space on the future of foster care.

Martin Whitfield: I welcome the confirmation. I know that the fostering community is looking at

that work as an opportunity to engage so that their voice is heard on a plethora of matters. It is about supporting an essential element of Scotland's ability to keep the Promise.

I am conscious of time, Deputy Presiding Officer. I seek the chamber's permission to withdraw amendment 145.

Amendment 145, by agreement, withdrawn.

Amendments 146 and 147 not moved.

Amendment 148 moved—[Martin Whitfield]—and agreed to.

Amendments 149 and 150 not moved.

Section 10I—Uprating of allowances

Amendment 151 not moved.

After section 10I

Amendment 152 not moved.

The Deputy Presiding Officer : At this point, I give members the glad tidings that we will have a comfort break of 20 minutes. Therefore, we will see you back here at 18:15 after the suspension.

17:55

Meeting suspended.

18:19

On resuming—

The Deputy Presiding Officer (Liam McArthur): Group 12 is on guidance on use of restraint and seclusion in relevant care services. Amendment 44 is the only amendment in the group.

Natalie Don-Innes: I just need to put my card in.

The Deputy Presiding Officer: It has been a long week, minister.

Natalie Don-Innes: Thank you for your patience, Presiding Officer.

Amendment 44 will require the Scottish ministers to consult on and issue statutory guidance on restraint and seclusion and to keep that guidance under review. Managers of children's residential care home services, of secure accommodation services and of school care accommodation services that are provided in the same facility as a secure accommodation service will all be required to "have regard" to the guidance. Tomorrow, the Parliament will consider stage 3 amendments to Daniel Johnson's Restraint and Seclusion in Schools (Scotland) Bill. My amendment is separate from the provisions in that bill but takes it into account, particularly in ensuring that the guidance for schools and care services will cover the same issues.

It will be important for members in the next Parliament to ensure that guidance for education and care settings and for mental health settings is as closely aligned and consistent as possible, while taking account of the different considerations that might be relevant in different settings. My amendment 44—

Martin Whitfield: Will the minister give way?

Natalie Don-Innes: Yes.

Martin Whitfield: I am very grateful to the minister for taking an intervention just before launching into her explanation, but I think that it is right that we note the Government's welcome movement on this issue, particularly when it comes to this bill and Daniel Johnson's bill. I thank all the stakeholders, some of whom are in the gallery, for their contribution in moving us to the point that we are at today.

Natalie Don-Innes: I am grateful for Martin Whitfield's intervention, and I absolutely agree with him about those who have been driving the bill forward. The issue came up during the passage of the Children (Care and Justice) (Scotland) Act 2024, and also at stage 2 of this bill. I am glad that we could come to a position that I hope is supported by members from across the chamber.

My amendment 44 is a start to further work on this important issue. Taken together, the two bills will benefit children and those working with them by creating a statutory basis for guidance on the use of restraint and seclusion. They will bring Scotland closer to achieving the ambition that is set out in the Promise of being

"a nation that does not restrain its children unless in exceptional circumstances".

I move amendment 44.

The Deputy Presiding Officer: Thank you, minister. No other members have sought to speak. Is there anything that you wish to add by way of winding up?

Natalie Don-Innes: I have nothing further to add.

Amendment 44 agreed to.

The Deputy Presiding Officer: Group 13 is on reports on deaths of care-experienced persons. Amendment 153, in the name of Willie Rennie, is the only amendment in the group.

Willie Rennie: I have lodged amendment 153 in partnership with Duncan Dunlop, who gave incredibly forceful and informed evidence to the committee throughout proceedings.

Amendment 153 will place new duties on Scottish ministers to lay before the Parliament an annual report on the deaths of looked-after children and those up to the age of 26 who are in receipt of a continuing care service or an aftercare service. As a result of amendment 153, there will be a new, focused and proportionate reporting duty, which will strengthen existing statutory notification processes and improve transparency and learning so that we can reduce the number of preventable deaths in Scotland and better inform policy design and service delivery for our care-experienced community.

Duncan Dunlop wanted a much more expansive provision for those of all ages, but this is a start, and it is a start that he has welcomed. I ask members to support amendment 153 in my name.

I move amendment 153.

Natalie Don-Innes: I welcome Willie Rennie's amendment 153 and his willingness to work with me after stage 2 to find a suitable way to address this very important issue in the bill. There is clearly more to do to reduce the number of premature deaths among care-experienced people of all ages, and I hope that our work to keep the Promise will help to make that happen.

Although statutory notification processes are in place, improving transparency of the overall picture will help us to know whether what we are doing is making a difference, and it will also signal what more we might need to do to reduce the risk of premature death. That is what amendment 153 aims to do in a sensitive way that respects the right to privacy of the family who have experienced the death of a care-experienced child or young person.

I encourage members to support amendment 153.

The Deputy Presiding Officer: I call Willie Rennie to wind up and to press or withdraw amendment 153.

Willie Rennie: I have nothing else to say. I press amendment 153.

Amendment 153 agreed to.

The Deputy Presiding Officer: Group 14 is on support for adoption. Amendment 154, in the name of Fulton MacGregor, is grouped with amendments 155 to 159.

Fulton MacGregor: I am pleased to open this group and to speak to amendment 154. Peer support is one of the issues that is most consistently raised with me and others by adoptive parents and prospective adopters. Families tell us that connecting with someone who has lived experience of the adoption journey provides reassurance, practical insight and a sense of community at key moments.

Across Scotland, peer support is typically delivered by specialist third sector organisations. Given that provision and practice differ between areas, the amendment will place a duty on local authorities to take reasonable steps to promote awareness and uptake of peer support services where they exist. Promotion of awareness and update will be targeted to those who are provided with adoption services under the Adoption and Children (Scotland) Act 2007.

This is a refined amendment, and it continues to reflect my original aim at stage 2 of ensuring that adoptive families can access meaningful, structured peer support throughout their journey. I place on record my thanks to the minister and her team for working with me on the amendment.

Like my previous amendment in group 9, my other amendments in this group are intended to be probing amendments. I am grateful for the opportunity to speak to the amendments, which focus on strengthening adoption support in Scotland and preventing adoption breakdown. I also raised these issues at stage 2, and I am keen to hear from the minister about what commitments the Scottish Government can make in dealing with what I am seeking to achieve through the amendments.

Again, I thank the minister and the Scottish Government for their constructive engagement, as well as the cross-party group on social work, whose work with practitioners, adopters and care-experienced people has shaped the proposals. Their voices are at the heart of the amendments.

Taken together, the amendments aim to ensure that adoption support is recognised as a sustained and essential part of the system.

Amendment 155 seeks to strengthen support by ensuring access to specialist post-adoption social work. Too often, families describe a cliff edge, where support falls away once an adoption order is granted, despite increasingly complex needs.

Amendment 156 highlights the importance of sustainable funding to prevent adoption breakdown, which is both traumatic and costly. Early support is more effective than crisis response.

Amendment 157 would ensure that adopted children's care-experienced status is properly recognised, particularly in accessing mental health services, including child and adolescent mental health services, in line with the Promise. Through the work of the cross-party group, we found that accessing CAMHS for adopted children is a particular difficulty and very different from the experience of other care-experienced children. I

know that CAMHS and the health service officers do not fall under the minister's portfolio, but I appreciate her acknowledgement of the work in that area.

Amendment 158 would introduce a definition of "adoption breakdown" and improve data collection, enabling better understanding, prevention and learning.

Amendment 159 calls for a report on funding for therapeutic support, including the potential for a national fund to improve consistency and access across Scotland.

The amendments are grounded in lived experience and professional expertise, with a clear message: adoption support must be sustained, specialist and preventative.

Although I said that most of the amendments would be probing amendments, I consider amendment 154 to be a positive and practical step, and I encourage members to support it.

I move amendment 154.

Jeremy Balfour: I thank Fulton MacGregor for lodging these amendments. I will be interested to hear what the Scottish Government has to say about them, particularly on amendment 158, which concerns the collection of data on adoption breakdown.

As I have said previously in the chamber, my wife and I sought to adopt a number of years ago, but, sadly, the adoption broke down for different reasons. Having spoken to many other individuals and parents who have been in a similar situation, I know that there are multiple reasons why that can happen. However, if we dig down deep enough, we see that there are two or three core reasons why adoptions do not work out, whether that is to do with placement or lack of support. It would be really helpful—not only for the Scottish Government but for the agencies that are involved and for parents—to learn the lessons and to understand whether there are national trends or whether issues arise more in some areas than in others.

I will be interested to hear what the minister has to say on amendment 158, but I encourage Mr MacGregor to move it, even if the Government is not in favour of it.

Natalie Don-Innes: I place on record my thanks to Fulton MacGregor for his continued focus on this very important policy area and for bringing it to our attention through his amendments to the bill.

I share Fulton MacGregor's desire to strengthen adoption support. Peer support is highly valued by adoptive families, and amendment 154 provides a proportionate way of strengthening expectations around promotion. I invite members to support it.

Amendments 155 to 159 address matters relating to specialist post-adoption social work support, sustainable funding arrangements, recognition of adopted people's experiences, improving national consistency in understanding and responding to adoption breakdown, and access to therapeutic support.

18:30

As I stated at stage 2, although those matters are extremely important, placing new statutory duties in the bill at this point would risk creating expectations that are not yet fully scoped or deliverable across Scotland. However, I want to clearly restate two commitments that I have made to Fulton MacGregor. First, I will make clear to an incoming Government and minister that they should take forward work early in the next parliamentary session to develop a shared definition of "adoption breakdown" and to consider improvements to the collection and sharing of data. There will be a need to work with local authorities, the Care Inspectorate, adoptive families and the third sector in taking that forward, and there will be a clear benefit from doing so.

Secondly, I will make clear to the incoming Government and minister the need to review, early in the next session, the adoption support sections of the 2011 adoption and looked-after children guidance, and to consider issuing new statutory guidance on adoption support services under existing powers in the Adoption and Children (Scotland) Act 2007.

Although I would like to try to bind my successors to such a commitment, I of course cannot, but I will make clear my strong view that this work should be prioritised—and I have absolutely no doubt that Mr MacGregor and others will press a new minister on that.

Amendment 157 seeks to ensure that adopted people are recognised as care experienced when they are accessing services. I am aware that this issue is particularly important to Mr MacGregor, and I wish to reassure him that the guidance and regulations to be published will include a broad and inclusive universal definition of "care experience" that explicitly encompasses adopted children and young people. The guidance will also set out best practice for public authorities on how to engage with and support people with care experience, including by facilitating access to public services. It will be co-produced and supported by a programme of engagement, which will include the adoption community.

I hope that those commitments reassure Mr MacGregor that the needs and interests of people who have been adopted, and of adoptive families, will be addressed. I encourage him not to

move amendments 155 to 159, while I encourage members to support amendment 154.

Fulton MacGregor: I welcome the minister's remarks. I am convinced by her stance that most of my amendments in this group do not need to come under statutory requirements. I also note her strong commitment regarding a future Government, and I really appreciate that.

Despite Jeremy Balfour's best attempts to tempt me to move amendment 158, I will not do that, but I am pressing amendment 154.

Amendment 154 agreed to.

Amendments 155 to 157 not moved.

The Deputy Presiding Officer: I call amendment 158, in the name of Fulton MacGregor, already debated with amendment 154.

Fulton MacGregor: Not moved.

Amendment 158 moved—[Jeremy Balfour].

The Deputy Presiding Officer: The question is, that amendment 158 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)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Dowey, Sharon (South Scotland) (Con)
Duncan-Glancy, Pam (Glasgow) (Ind)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central 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)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
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)
Mountain, Edward (Highlands and Islands) (Con)
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)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Sweeney, Paul (Glasgow) (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)

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)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Constance, Angela (Almond Valley) (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)
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)

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)

The Deputy Presiding Officer: The result of the division is: For 41, Against 66, Abstentions 0.

Amendment 158 disagreed to.

Amendment 159 not moved.

Section 11—Single member children's hearings and pre-hearing panels

The Deputy Presiding Officer: Group 15 is on children's hearings: composition, functions and location of members. Amendment 160, in the name of Martin Whitfield, is grouped with amendments 161, 45, 46, 162, 47, 163, 164, 49 to 51, 165, 166, 52, 167 and 168. If amendment 161 is agreed to, I cannot call amendment 45 due to pre-emption. I call Martin Whitfield to move amendment 160 and to speak to other amendments in the group.

Martin Whitfield: I rise with a level of enthusiasm and welcome the opportunity to speak to these amendments. The message from children and young people is very clear. They think that it is enormously beneficial to be able to see the same faces, hear the same voices and, probably most importantly, not to have to tell their stories at each and every hearing. I am pleased that the minister and other colleagues share my desire to enhance the continuity of panel members in children's hearings. I note that the national convener of Children's Hearings Scotland is similarly supportive of that approach, which I welcome. I thank the minister for her on-going consideration of these matters and welcome the introduction of new provisions that will ensure that on this issue, which will be a key part of the hearings process, decisions on continuity are taken in the child's best interests.

My amendments 160 to 164 have, alongside the Government's amendments, given the group an interesting dynamic—I apologise to members for that. There are certain areas in which I would like to cautiously push the Government to go further. In doing so, I will explore the other amendments in my name and in others' names in this group.

To understand how the issue has arisen, we have to look at the test that is placed on the national convener, which is to

"have regard to the desirability"

of continuity. Earlier, we discussed the meaning of words and the challenges that we have had with their interpretation, not only in this bill but in others. There remains a challenge around how effective that approach will be. I absolutely understand that the Government, the national convener and those who deal with this issue have the desire to respond to what children and young people tell us—that they want to see the same faces and hear the same voices. The question is the extent to which having regard to the desirability of that fulfils that aim.

My amendment 167 would address that by introducing a test of reasonable practicability. We have a choice—I reassure the minister that a choice will be made thanks to the amendments that I have proffered—because I am cognisant of the concerns that the minister raised at committee that the test of reasonable practicability can prove problematic. Shall we try "logistical matters"? When there are logistical challenges, there could be changes, but otherwise it should stay the same.

There is an alternative approach. Amendment 168 would tie the chairing members to hearings in a certain local authority area. I welcomed Roz McCall's amendments at stage 2, which addressed the geographic nature of the challenge that has arisen—that the people who are required to make decisions about young people, to be honest, have no idea what their day-to-day life is like because they come from one environment and make decisions about young people who come from another. A way around that would be to tie the chairing members to specific local authorities. It would resolve the geographic problem, which has been the case due to questions of legislative competence, and because amendment 168 would attach the process to a specific building and hearing area, by the very nature of the young people who go through that system, the vast majority would come before the same faces and voices who understand the environment in which they live.

Amendment 165 relates to concerns that I raised at stage 2 about the role of the chair. It would require the Scottish ministers to produce regulations on the criteria that the national convener must consider when deciding whether to appoint someone as chair. I am satisfied that utilising regulations, rather than putting the requirements in the bill, is a more appropriate way to address the valid concerns that were raised about the stage 2 amendment.

The criteria draw directly from the "Hearings for Children" report. Ensuring that chairing members meet those criteria should be a vital component of introducing remuneration for chairs. If we are to have paid chairs, they must possess the necessary competence to fulfil the expanded role that is envisaged in the "Hearings for Children" report.

Amendment 166 would make the regulations subject to the affirmative procedure.

I am interested in hearing the position of colleagues and of the Government on Jeremy Balfour's amendment 45, which seeks to introduce similar regulations but perhaps in a less prescriptive way.

I have lodged a range of amendments in this group, so there are options that are open to members. I go back to the point that I started with: the clear message from children and young people is that they benefit when they see the same faces, hear the same voices and do not have to keep telling their story at each and every hearing.

I move amendment 160.

Jeremy Balfour: I thank Martin Whitfield for lodging his amendments and for going through the various amendments in the group. We have a choice tonight, and it is important that we agree to at least one of the amendments so that such provision, ultimately, appears in the act.

I will speak to my amendment 45 in a moment, but I am interested in Roz McCall's amendment 47. I am concerned that, in some circumstances, it simply might not be possible to find somebody who lives in the local authority area. I am sure that she will address this point in her comments, but does she feel that the amendment is too restrictive? I absolutely understand and agree with her intention, but I am slightly concerned that the amendment would tie our hands too much.

Amendment 45 seeks to ensure that the role of the chair in children's hearings panels is clearly defined and set out in secondary legislation to ensure consistency across local authorities and to ensure that the role achieves our aims and objectives. I think that we can all agree that the role of the chair in children's hearings will be vital in the future, as it is at the moment.

For 20-plus years, I had the privilege of being a member of the tribunal that looked first at disability living allowance and then at personal independence payments. I know from experience that the role of the chair in bringing together the tribunal—or, in this case, the hearing—is important. He or she has far greater influence than other members, whether that is deliberate or just based on having that role.

When the bill was introduced, it proposed remuneration for the roles of chairs and panel members. Up until now, those roles have been voluntary and unpaid. In meetings that I held in advance of the stage 2 proceedings, the Scottish Children's Reporter Administration was clear that remuneration for chairs is not about enhancing or expanding the role but about improving the quality of the candidates who are selected to the position. By paying chairs, we will, I hope, be able to recruit people with the necessary skills, experience and qualifications for the important and demanding position.

Given the importance of the role and the influence that chairs will have, following their remuneration, amendment 45 sets out that the chair's roles and responsibilities should be clearly worked out and documented through consultation and, subsequently, through the laying of regulations.

That would ensure that current best practice from across the country can be shared, so that we do not end up with a postcode lottery, and that future appointed chairs will be fully aware of the position that they are taking on, so that they can work out what their role is. Amendment 45 would provide consistency by making sure that the 32 local authorities do not have different systems.

18:45

Martin Whitfield: Although this point does not, strictly speaking, sit with this group of amendments, does Jeremy Balfour share the concerns that have been expressed about the appealable nature of some of the decisions that have been made by single chairs, and does he feel that it is worth putting those concerns on the record? I accept that that is not what amendment 45 is about, but there are provisions that could be considered in the guidance that he is talking about to ensure that, when hearings are redesigned, they would have a proper structure whereby decisions that are made erroneously—however well meant they might be—can be put right.

Jeremy Balfour: I agree with Martin Whitfield—I think that I raised my concern about giving too much power and authority to the chairs at stage 2. Chairs will often get it right, but we are all human and we all make mistakes.

Consulting on the functions of the role of the chair will also ensure that existing chairs can feed into the process and not be excluded from moving on to the paid role, which would cause us to lose their valuable experience, talent and service. Any regulations that are laid would be subject to the affirmative procedure in order to allow for proper scrutiny by the Parliament before coming into force.

Amendment 45 is a way forward that would protect the chair and make sure that tribunals and hearings across the country are carried out in a similar way. I ask members to consider and vote for the amendment.

Natalie Don-Innes: Amendment 46, in my name, is a minor technical amendment that

amends the proposed new section 6B, and I encourage members to support it.

I will not move amendment 49 and the consequential amendments 50 and 51. Those amendments sought to provide scope for a single chairing member to discharge a referral in certain circumstances. Following additional engagement and feedback on those provisions from operational partners in the SCRA, I have concluded that the focus of decision making by a single-member panel should be on whether grounds are established rather than assessing evidence as to whether compulsory measures may or may not be required.

Not moving those amendments will not affect the wider scheme; instead, it will ensure that the scheme remains as effective as possible. In all cases, following the establishment of grounds by a single-member panel or a full three-member panel, it will be for a three-member panel to consider whether a compulsory supervision order is required.

I turn to amendment 45. As I advised Mr Balfour at stage 2 when he lodged a similar amendment, section 177 of the Children's Hearings (Scotland) Act 2011 already gives the Scottish ministers powers to make rules for children's hearings, including the functions of the chairing member. Rather than in the bill, procedural rules would be the more appropriate place for that level of detail while still providing proportionate parliamentary oversight. I hope that Mr Balfour will agree and will not move amendment 45. If he does, I urge members to vote against it.

Amendment 47, in the name of Roz McCall, and amendment 168, in the name of Martin Whitfield, would potentially limit the ability of the national convener to hold hearings in every area of Scotland. We have previously legislated to create a national framework to support children's hearings and panel members, an approach that operates around panel members' local living and working connections. Those arrangements work well and every effort is made to ensure that panel members are from the same area as the child at the centre of the hearing. If there are issues with availability, neighbouring local authorities will be the first port of call. It is also not uncommon for conflicts of interest to emerge, thereby creating a need for an urgent replacement from a neighbouring authority.

To illustrate the issues that could be caused by amendment 47, a panel member could live within a mile of a hearing centre but be ruled out because they reside in a neighbouring local authority. Conversely, a panel member could live in the same local authority as the hearing centre but be over 100 miles away—in particular, that could be the case in large rural areas.

For those reasons, amendments 47 and 168 are not desirable. They would limit the flexibility that is needed for panels to operate, which is managed by the national convener as a key part of his independent role. I hope that Roz McCall and Martin Whitfield will be persuaded not to move their respective amendments. If they do, I urge members to vote against them.

It is also for the national convener to recruit and train panel members, including chairing members. I am satisfied that plans are in hand for a robust recruitment programme that is based on the qualities, competences and skills that the national convener deems appropriate for the role of remunerated chair. The detail of that has been shared with members of the Education, Children and Young People Committee. Once finalised, that will form the basis of open recruitment to those roles. I hope that Martin Whitfield will agree that his amendments 165 and 166 are unnecessary and will not move them.

I am sympathetic to the intentions behind Roz McCall's amendment 52 and Martin Whitfield's amendment 167. We have shared ambitions and are in broad agreement on the issue, recognising that children and young people have repeatedly told us that enhanced continuity would be a significant improvement to the children's hearings system. The key issue is whether the test that is being introduced is the right one. I remain of the view that the practicalities of delivering continuity must be balanced with the best interests of the child. Ms McCall's amendment would significantly complicate the test for national convener.

Martin Whitfield: I am right to say that that is one of the things that will be monitored by the data that is captured down the line. If it becomes apparent that continuity is not matching the expectations of our young people, it will be noted.

Natalie Don-Innes: I thank Mr Whitfield for that point, which reaffirms many of the things that have been discussed today. We are four years away from when the Promise is to be delivered, and we will have to ensure that the policy and non-legislative changes that we are making are having the intended effect.

Similarly, Martin Whitfield's amendment 167 would create unworkable tension with his amendments 160 to 164, which I support. Those amendments set appropriate parameters while preserving the necessary limited flexibility. They ensure that the national convener applies the necessary tests in accordance with his role, but they can take into consideration recommendations from the chairing member. I believe that they deliver an appropriate balance, with decision-

making power in the right place, and I am grateful to Mr Whitfield for bringing them forward.

I ask Roz McCall not to move amendment 52 and Martin Whitfield not to move amendment 167. I ask all members to support Martin Whitfield's amendments 160 to 164.

The Deputy Presiding Officer: I call Roz McCall to speak to amendment 47 and the other amendments in the group.

Roz McCall: My amendment 47 seeks to strengthen the role of local knowledge in children's hearings. At present, the requirement for a panel member to come from the child's residential locality is qualified by the words "so far as practicable", which is the point that has been made by basically everybody so far. Local knowledge should not be optional; it is so important when we are looking at single-member panels. As I mentioned at stage 2, the geography and the locality are of utmost importance. After I mentioned that at stage 2, I spoke to a panel member who lived in Glasgow but had had to go to Inverness. Although I understand that that is acceptable when the process involves a three-member panel—because it would mean that only one person on the panel lived outwith the locality—in the case of single-member panels, we do not have that option. It is essential that local knowledge is part of the process. Children's hearings were designed to reflect the communities that they serve. A panel member from the child's area is far more likely to understand the local service availability, the environment that the child is growing up in and the practical realities of any decisions made. Amendment 47 would ensure that decisions are better informed and more grounded in the locality. That is why it is essential that we ensure that panel members are from the local area.

My amendment 52 focuses on continuity for children in the hearings system. As we have heard, attending a hearing can be an anxious and unsettling experience for many children. Children have told us time and again that they want continuity. Too often, they are faced with different panel members, who require them to repeat their story over and over. That is not acceptable. Amendment 52 seeks to promote continuity in the chairing of hearings, so that, wherever possible, the same individual is involved in a child's journey. The importance of that has been recognised. I note the minister's points on the matter, and I will reflect on them. However, we need consistency that builds trust, reduces the need for children to relive difficult experiences and allows for a deeper understanding of the circumstances over time.

The Deputy Presiding Officer: I call Martin Whitfield to wind up and to press or withdraw amendment 160.

Martin Whitfield: Although this has been only a short debate, it highlights some of the complexities of the developing children's hearings system, including in relation to the role of the national convener and the chairs. Worrying and sadly, it is possibly an issue to which we will need to return.

With that, I have nothing further to add. I press amendment 160.

Amendment 160 agreed to.

The Deputy Presiding Officer: Amendment 161, in the name of Martin Whitfield, has already been debated with amendment 160. I remind members that, if amendment 161 is agreed to, I cannot call amendment 45, as a result of pre-emption.

Amendment 161 moved—[Martin Whitfield]—and agreed to.

Amendment 46 moved—[Natalie Don-Innes].

The Deputy Presiding Officer: The question is, that amendment 46 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)
Baker, Claire (Mid Scotland and Fife) (Lab)
Balfour, Jeremy (Lothian) (Ind)
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)
Kidd, Bill (Glasgow Anniesland) (SNP)
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)
Regan, Ash (Edinburgh Eastern) (Ind)
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)
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)
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

Briggs, Miles (Lothian) (Con)
Burnett, Alexander (Aberdeenshire West) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Dowey, Sharon (South Scotland) (Con)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central 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)
Mountain, Edward (Highlands and Islands) (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)
White, Tess (North East Scotland) (Con)
Whittle, Brian (South Scotland) (Con)

The Deputy Presiding Officer : The result of the division is: For 89, Against 23, Abstentions 0.

Amendment 46 agreed to.

Amendment 162 moved—[Martin Whitfield].

The Deputy Presiding Officer: The question is, that amendment 162 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)
Balfour, Jeremy (Lothian) (Ind)
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)
Kidd, Bill (Glasgow Anniesland) (SNP)
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)
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)
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

Briggs, Miles (Lothian) (Con)
Burnett, Alexander (Aberdeenshire West) (Con)
Carlaw, Jackson (Eastwood) (Con)
Dowey, Sharon (South Scotland) (Con)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
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)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
Regan, Ash (Edinburgh Eastern) (Ind)
Ross, Douglas (Highlands and Islands) (Con)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Webber, Sue (Lothian) (Con)
White, Tess (North East Scotland) (Con)
Whittle, Brian (South Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 87, Against 24, Abstentions 0.

Amendment 162 agreed to.

19:00

Amendment 47 moved—[Roz McCall].

The Deputy Presiding Officer: The question is, that amendment 47 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)
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)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
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)
Mountain, Edward (Highlands and Islands) (Con)
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)
White, Tess (North East Scotland) (Con)
Whitfield, Martin (South Scotland) (Lab)
Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Balfour, Jeremy (Lothian) (Ind)
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)
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)
Regan, Ash (Edinburgh Eastern) (Ind)
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)
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)

The Deputy Presiding Officer: The result of the division is: For 39, Against 71, Abstentions 0.

Amendment 47 disagreed to.

Amendments 163 and 164 moved—[Martin Whitfield]—and agreed to.

The Deputy Presiding Officer: Group 16 is entitled "children's hearings: general". Amendment 48, in the name of the minister, is grouped with amendments 53 to 62, 175 to 177, 63 to 73, 73A, 178 to 180 and 76.

Natalie Don-Innes: My amendments in this group are mainly technical in nature. Many of them were developed after close engagement with the Scottish Children's Reporter Administration to identify where refinements might assist in ensuring that the bill will operate as intended.

Amendment 56 will add the "undeeming" of relevant persons to the matters that may be considered by a pre-hearing panel where the reporter makes a direct application for proof. That will ensure that, in the rare cases where that is needed, it can be done at an early stage to appropriately safeguard a child's rights.

Amendments 58, 59 and 61 will make essential technical changes to clarify how a grounds hearing considers a child's understanding of the grounds and ensure that the hearing can proceed appropriately and proportionately. Amendments 48, 57, 62 and 71 are consequential to those amendments.

Amendments 60 and 63 to 70 will ensure that a children's hearing can proceed in the absence of a relevant person who does not attend the hearing, where that is appropriate. That will help to minimise drift and delay and ensure that children are not subject to unnecessary additional hearings or court proceedings.

Amendments 175, 176 and 177 will make minor changes to the bill to ensure the correct operation of the provisions that apply where the child is not in attendance and a grounds hearing is not satisfied as to the child's acceptance of a ground.

Amendment 72 will make a minor drafting correction.

Amendments 73 and 73A will enable the Scottish ministers to make rules under section 177 of the Children's Hearings (Scotland) Act 2011 specifying the circumstances in which the procedures that are set out in sections 69B to 69E of the act may appropriately be disapplied, or applied in a modified form, in relation to a referral by the principal reporter to a grounds hearing. That could, for example, take account of urgent referrals to a grounds hearing, such as where a child may be the subject of a child protection order or be in a place of safety, or where a relevant person in relation to the child is not likely to be in attendance at the grounds hearing. Such rules would be subject to Parliament's approval under the affirmative procedure.

I thank Sheriff David Mackie for all his work in support of the Promise, not least in leading the

work on the "Hearings for Children" report and his subsequent engagement with me and Government officials on key issues. I know that getting the right culture in the hearings system matters hugely to Sheriff Mackie and indeed to us all, because that means that it will operate with the best interests of children at its heart throughout its approach.

We are already making significant strides in embedding inquisitorial principles by changing the culture of all the key actors in and around children's hearings, and we intend to continue to work closely with Sheriff Mackie in that regard. I am grateful for his input, honesty and detailed contributions. I am aware that he has some reservations about amendment 76, so I will not move it. I am incredibly sorry that, despite efforts and good intentions, we have not been able to find a way to give effect in the bill to one of the key aims of his work with the "Hearings for Children" report. If we are going to put something into law, it needs to be right and to have the support of all who believe in our hearings system.

I share Sheriff Mackie's desire to have an inquisitorial approach at the heart of the system so that the way in which it operates reflects the best interests of children at its core and in its key processes. Although it would be positive, a single statutory provision is not necessary for us to fulfil our objectives and create meaningful change in the system. Even without a statutory provision, I assure Sheriff Mackie and members that inquisitorialism will be a cornerstone of the modernised system. The substance of the changes that will be made in this area will be done through regulations and guidance that supports the enhanced chair and through the vital work of the redesign board.

I understand the intent behind Roz McCall's amendment 53. However, it would not be appropriate for ministers to direct children's hearings, which are independent tribunals. It is for the national convener of Children's Hearings Scotland to provide guidance on attendance. Moreover, the national convener already provides comprehensive guidance for panel members, which will be updated as part of the implementation of the bill.

Similarly, Jeremy Balfour's amendments 54 and 55 would inappropriately cut across the independence of the principal reporter. It is not for ministers to direct the principal reporter or his staff, particularly as it is essential for them to be able to take an individualised and child-centred approach in each case. However, I assure Mr Balfour that the principal reporter will issue detailed practical guidance for his staff as part of the bill's implementation.

I welcome Martin Whitfield's amendments 178 to 180 and I am happy to support them. I hope that members will support them, too.

In summary, I encourage members to support my amendments in the group, which are largely technical, and Martin Whitfield's amendments 178 to 180. I ask Roz McCall not to move amendment 53 and Jeremy Balfour not to move amendments 54 and 55. Should they move those amendments, I encourage members to vote against them.

I move amendment 48.

Roz McCall: My amendment 53 would introduce guidance on a child's attendance at hearings. Every child is different, and although some may wish to attend and participate, others may find the experience overwhelming and distressing. My amendment would ensure that decisions about attendance take into account the child's age, maturity and emotional wellbeing. It is about moving away from having a one-size-fits-all approach and ensuring that participation is appropriate, supportive and in the best interests of the child. Importantly, my amendment suggests meaningful participation and it would allow the child to be enabled to engage in a way that they feel is right for them.

I urge members to support amendment 53.

Jeremy Balfour: My amendments 54 and 55 deal with pre-hearing meetings with the principal reporter. Pre-hearing meetings between the principal reporter, the cared-for child and their family do not currently take place in the children's hearings system but will be a new procedure as set out in proposed new section 69A of the Children's Hearings (Scotland) Act 2011. They have caused concern and confusion in the children's hearings sector, and those concerns were raised at stages 1 and 2. However, I am not sure that the Scottish Government has answered those concerns from those who are at the coalface of the work.

Pre-hearing meetings are a good idea. They will allow the principal reporter to meet the child and their family outside the hearing room in a more relaxed and informal setting. The principal reporter will be able to explain the format of the hearing as well as who will be in the room and what support will be available to the child, such as advocacy or legal aid. The reporter will also be able to help to calm nerves and reassure families about what will happen during what can be a stressful time.

Although well intentioned, however, the meetings could create unforeseen problems. What if a child or a family member starts asking questions that would be better heard in a grounds hearing? What if the principal reporter accidentally strays from the brief and starts discussing details

of the case or how it might proceed? There is also no clear indication of how such a meeting will be documented, recorded or used in any future hearing.

Although I and others see the benefits of such meetings, it is our duty as parliamentarians not to leave it to others but to ensure that there are clear standards and rules about the meetings in order to safeguard children and families and ensure that reporters clearly understand what can—and, more important, what cannot—be discussed outside the grounds hearing.

The bill refers to

"such other matters in relation to the children's hearing or, as the case may be, the hearing before the sheriff as the Principal Reporter considers appropriate".

I am concerned by the wording "considers appropriate", which is too vague, open to interpretation and thus confusing. It is possibly overspill. I therefore brought back what is now amendment 54, as I believe that it would provide a safeguard for children, their families and the principal reporter and ensure that pre-hearing meetings are dealt with in the right way.

My amendment 55 simply proposes that the new regulations regarding pre-hearing meetings be subject to the affirmative procedure. That would allow Parliament to scrutinise and vote on them, ensuring that, when they come into force, members have had their say.

I intend to move both amendment 54 and amendment 55.

Martin Whitfield: I thank the minister and the Government for working after stage 2 on what now appear before us as amendments 178 and 180. They address the concerns that I raised at stage 2 about the UNCRC not being sufficiently integrated into the bill. They will require consideration of a child's UNCRC article 16 right to privacy to be considered alongside their European convention on human rights article 8 rights, when it is being determined whether to remove relevant person status.

Amendment 180 provides clarity on what the sheriff appeal court must satisfy itself of in order to quash an appeal on a determination by a sheriff about relevant person status.

The Deputy Presiding Officer: I call the minister to wind up on the group.

Natalie Don-Innes: I have nothing further to add, Presiding Officer.

Amendment 48 agreed to.

Amendments 49 to 51, 165 and 166 not moved.

After section 11

Amendments 52, 167 and 168 not moved.

Section 13—Child's attendance at children's hearings and hearings before sheriff

Amendment 53 moved—[Roz McCall].

The Presiding Officer (Alison Johnstone): The question is, that amendment 53 be agreed to. Are we agreed?

Members: No.

The 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)
Dowey, Sharon (South Scotland) (Con)
Duncan-Glancy, Pam (Glasgow) (Ind)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hoy, Craig (South Scotland) (Con)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
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)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
O'Kane, Paul (West Scotland) (Lab)
Regan, Ash (Edinburgh Eastern) (Ind)
Ross, Douglas (Highlands and Islands) (Con)
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)
White, Tess (North East Scotland) (Con)
Whitfield, Martin (South Scotland) (Lab)
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)

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Constance, Angela (Almond Valley) (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)
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)
Rowley, Alex (Mid Scotland and Fife) (Lab)
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)
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)

The Presiding Officer: The result of the division is: For 41, Against 72, Abstentions 0.

Amendment 53 disagreed to.

Section 14—Role of Principal Reporter and grounds hearing

Amendment 54 moved—[Jeremy Balfour].

19:15

The Presiding Officer: The question is, that amendment 54 be agreed to. Are we agreed?

Members: No.

The 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)
Clark, Katy (West Scotland) (Lab)
Dowey, Sharon (South Scotland) (Con)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central 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)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
O'Kane, Paul (West Scotland) (Lab)
Ross, Douglas (Highlands and Islands) (Con)
Rowley, Alex (Mid Scotland and Fife) (Lab)
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)
Whitfield, Martin (South Scotland) (Lab)
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)
Choudhury, Foysol (Lothian) (Ind)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Constance, Angela (Almond Valley) (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)
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)
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)
Regan, Ash (Edinburgh Eastern) (Ind)
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)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
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)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)
Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 31, Against 82, Abstentions 0.

Amendment 54 disagreed to.

The Presiding Officer: Group 17 is on children's hearings: advocacy. Amendment 169, in the name of Nicola Sturgeon, is grouped with amendments 170, 185 to 188, 190, 191, 193, 194, 196, 197, 78 and 198 to 200.

Nicola Sturgeon: I think that it was Jeremy Balfour who said earlier that the basis on which independent advocacy services should be provided has been hotly contested during the passage of the bill. Should a young person have to opt in, or should there be a presumption of advocacy that a young person has to opt out of? I have always tended to the latter view, not because I think that advocacy should be imposed on young people—the right to opt out, of course, ensures that that is not the case—but because I have a concern that putting the onus on a young person to opt in will inevitably mean that many fall through the cracks, either because they are not aware of, or do not have the confidence to ask for, the advocacy that they are entitled to.

However, rather than push a general opt-out approach through amendments to the bill—because I do not think that there is consensus around that—my amendments are an attempt at a principled compromise. They seek to provide for an opt-out approach in cases where a hearing is considering an order or a variation of an order that would place a child in secure accommodation or that would otherwise restrict the liberty of a child, or where the child is suspected of a criminal offence.

To me, it seems important that in those circumstances, there should be a presumption that a child has independent advocacy unless, of course, the child himself or herself opts not to have it. However, all that said, I recognise that these issues are extremely complex. I also recognise and accept—I have had this conservation with the minister—that there are concerns about creating a two-tier approach to advocacy whereby some young people receive it on an opt-in basis and others on an opt-out basis.

On that basis, and taking account of the minister's comments—while acknowledging that she cannot bind her successor—if she were able to give a commitment today, on behalf of the Government, that it intends to consider the overall effectiveness of advocacy, which would encompass some of the amendments that were passed earlier, and, in particular, to examine the opt-in versus opt-out question as part of the wider review of the act, I would be minded not to press this amendment or to move my other amendments in the group.

I will listen carefully to the minister's comments and to the wider debate. Having said all that, I will move amendment 169, because I understand that it is required to allow the debate to proceed.

I move amendment 169.

Martin Whitfield: I am very grateful to the member for moving her amendment so that we can discuss this group.

We recognise the challenge of having an opt-in and opt-out approach, and it is clear that we have not reached a consensus on that. I agree with the previous speaker that the resulting two-tier system could end up being the worst of all worlds. My amendments 185, 187, 190, 193 and 196 to 198 seek to introduce an opt-out system for advocacy. That was a key ask for children's hearings, and voices across the care sector, including 93 per cent of care-experienced people, have called for such a system for a long time.

Independent advocacy is a vital tool that allows care-experienced children and young people—who, for far too long, have been left voiceless and marginalised—to have their views heard. We know that advocacy makes a practical difference in young people's lives.

Social Work Scotland and the British Association of Social Workers have raised concerns about the dangers of introducing uncosted measures into an already struggling system, and those concerns are relevant for advocacy provision. However, we must ensure that whatever measures are included in the bill, or introduced subsequently, are properly funded.

With all respect, I do not believe that the arguments about the cost of the opt-out model advanced by the Government hold water. The Scottish Independent Advocacy Alliance estimates that, for every £1 invested in advocacy services, £12 is saved in other areas. I understand the discussions that have been taking place and the assurances that have been indicated.

Of all the amendments and sections, this is the issue on which the minister is most challenged. As we saw at stage 2, the voting indicated a desire to add provisions to the bill that could subsequently be changed. We do not have that privilege at stage 3. I fully accept what the minister has said and take her at her word. She cannot—rightly—bind future Governments, but a commitment to resolve this is essential. That commitment must be plain and simple, and the work on it should begin as soon as the next session of Parliament starts, in line with the provisions in the bill that allow for the review.

We will not solve the issue this afternoon, but I believe that the Government can still show a way forward that allows the matter to be settled and brings together people on both sides of the argument. We can find common ground where it exists, however it is articulated. Most important, we can ensure that those marginalised and forgotten voices do not suffer any longer than they need to. I look forward with interest to hearing what the minister has to say.

Roz McCall: I think that we are of one voice. The intention of my amendment 78 is to move towards an opt-out model for the reasons that have been so eloquently put. I understand the surrounding issues. However, that highlights that all members are aware of the issue and that children must have the voice that they so desperately need.

I will not add much more. I am interested in hearing what the minister will come back with. We are all in agreement that more needs to be done in this sphere, so I await with bated breath what the minister will say.

Ross Greer: Amendment 200 would change section 122 of the Children's Hearings (Scotland) Act 2011, which is the section that makes provision for advocacy services to assist a child in relation to their involvement in a children's hearing. Amendment 200 would amend the definition of "children's advocacy services" in subsection 122(7) to clarify that those services could still be provided if a child was unable, due to age or capacity, to instruct that such services be provided to them.

At stage 2, in agreement with the minister, I did not move my amendment on non-instructed advocacy—as it is known—so that we could work on an agreed solution ahead of stage 3.

There has been strong cross-party interest in strengthening children's independent advocacy provision and representation. Amendment 200 clarifies that the provision of children's advocacy services in relation to those hearings could include non-instructed advocacy. That would ensure that all children's rights were upheld in children's hearings, especially for those who are unable to indicate for themselves that they wish to be provided with advocacy.

I will touch briefly on Nicola Sturgeon's amendments on opt-out referral to advocacy, which I have supported, and on the equivalent amendments from colleagues. As other members have acknowledged, balancing rights in that area, particularly rights on privacy, is tricky, but I am worried about those who fall through the cracks for the reasons that Nicola Sturgeon outlined a moment ago. My amendment 200, on non-instructed advocacy in relation to hearings, is a very specific safeguard against that, but I still believe that an opt-out system, rather than an opt-in system, is the closest that we can get to ensuring that no child or young person falls through those cracks while preserving their right to make the choice for themselves where they have the capacity to do so.

I therefore echo that ask of the minister—that the Government consider the effectiveness of advocacy and that specific question. A further bill on this area will be needed in the next session of

the Parliament, and that bill could—I believe that it must—be an opportunity for us to revisit the question once the Government has conducted further work to explore what our options are.

At this point, I incline very much towards an opt-out system rather than an opt-in system, but I recognise that the Parliament cannot proceed with that at this stage.

Natalie Don-Innes: I thank members for explaining the intent of their respective amendments in the group.

I welcome Ross Greer's amendment 200, which would clarify non-instructed advocacy provision for children's hearings, and I encourage members to vote for it. I also support Martin Whitfield's amendment 197, which would strengthen the obligation of the chairing panel member to connect children with advocacy services.

However, issues with the framing and drafting mean that I cannot support the remaining amendments in the group. At a basic level, in different ways and at different points, the amendments seek to change the model of advocacy for children in the hearings system from being opt in and demand led to being opt out. I have listened, I understand and I respect the competing perspectives on the issue. I maintain that, at the moment, to legislate for an opt-out model would not be right, due to some of the challenges that have been touched on by members. I will further explore those in my comments.

The current approach, which has been operating well for more than five years, is not just opt in but opt in and demand led. We have repeatedly uprated and have now nearly doubled the levels of provision since the scheme's introduction in 2020. I want more children and young people to benefit from advocacy through the bill and related activity. We have already expanded provision to meet the growing demand, and we should continue to do so. Other changes in the bill will help us to increase awareness and take-up by ensuring earlier and broader signposting by statutory bodies, engaging with children and making referrals to the children's reporter.

I know that members want an assurance that those measures are proving effective in boosting uptake and in connecting more children with advocacy opportunities. The post-implementation review and reporting arrangements should track and monitor whether opt-out needs to be revisited. That should happen in good time to allow any further or required changes to be implemented within the Promise-keeping timeline. We can do that work with justified confidence.

The existing national practice model was co-designed with advocacy providers and children's organisations. It empowers children to make informed choices. Repeated offers of advocacy are already made, and children can change their mind at any time. In all local authority areas, children are offered a choice of two fully funded advocacy organisations, the aim of which is to manage conflict of interest and promote choice and continuity in pre-existing relationships.

19:30

Making an automatic referral to one state-selected provider would remove some of that choice and control from children, which are two issues that continue to matter to them. As I reported at stage 2, children have told researchers that they want to be the boss, and opt-out takes that empowerment away from them. Choice is key. It means that children can ask for advocacy support at any point in their engagement with the children's hearings system. Unfortunately, amendments 169 and 170 would create a fixed point at which children would have to receive advocacy.

Willie Rennie: I have been persuaded by the minister of the benefits of an opt-in system, but surely the test is what the minister has referred to, which is the take-up in the longer term. We need to measure that at every stage. If we are not sharing the information and encouraging young people to take up the service, we will need to come back and look at the issue again. For now, however, I am a supporter of the opt-in service, for the reasons that the minister has set out.

Natalie Don-Innes: I thank Mr Rennie for setting that out.

I was just getting to my summary. Absolutely, the issue needs to be monitored and considered again in a future session of Parliament to understand whether the service is working appropriately for our children and young people. I would look to come back to that.

Ross Greer: To follow up on Willie Rennie's points about monitoring uptake, I emphasise to the minister—I hope that she agrees—that it is not just about overall uptake rates. We know that, when advocacy is offered to young people, 98 per cent of them take it up, but we should be focusing on the 2 per cent who do not take it up and the reasons for that. In some cases, that might be a perfectly legitimate choice that they have made. In other cases, it is the most marginalised young people in the system, and those are the cases in which we need to consider whether an opt-out model is necessary.

Natalie Don-Innes: Mr Greer makes an excellent point. For that small minority of young

people who are not taking up the advocacy offer, we absolutely need to understand why.

I recognise the intention behind amendments 186, 188, 191, 194 and 198, but the founding Kilbrandon principles of our children's hearings system recognise that there is often a blend of issues in a child's life, across justice and welfare grounds. The entire ethos of the system is founded on the recognition that an integrated approach remains the right one. Scotland deals with deeds by addressing needs.

The amendments assume a clear distinction between the advocacy needs of children being referred on justice grounds and the needs of those who are dealt with on welfare grounds, but that distinction often does not exist. Ms Sturgeon highlighted that point. Essentially, we would end up with a two-tier system. It would not be right to split children into different entitlement groups based only on the legal ground of referral.

I acknowledge that the upcoming Children (Care and Justice) (Scotland) Act 2024 reforms will bring more older children into the hearings system. Taking more children's offences out of our courts will be challenging. The modernised hearings system needs to be able to respond credibly and effectively to older children's deeds, some of which will be serious. I expect the new remunerated chairing panel member to bring more profile to those issues.

I am aware that the consistent application of children's advocacy entitlement needs to be better. I look to all agencies and system leaders to ensure that that happens and to assist us when we look again at opt-out questions. The reforms mean that advocacy and rights and voice support, especially for older children, should be broadened and strengthened. As I indicated, we will meet that need as it emerges.

Advocacy is not a replacement for legal representation. Both need to be available and complement each other where required and appropriate. That is why legal representation is already available for many of the cases that are addressed by the amendments. We are also strengthening the legal offer to children who are involved with offence referrals elsewhere in the bill.

I welcome the opportunity to debate the best way to take forward support for the children who will be served by the redesigned hearings system. However, for the reasons that I have set out, I cannot support amendments 78, 185, 187, 190, 193, 196, 199, 169, 170, 186, 188, 191, 194 and 198. If they are moved, regretfully, I ask members to vote against them. However, I support Ross Greer's amendment 200 and Martin Whitfield's amendment 197, and I encourage members to vote for them.

The Presiding Officer: I call Nicola Sturgeon to wind up and say whether she wishes to press or withdraw amendment 169.

Nicola Sturgeon: This has been a really helpful debate. I certainly recognise the points that the minister has made, and I readily accept that there are technical issues with my amendments; she set those out very well.

I am, in principle, in favour of an opt-out approach, but I recognise that we are not, in general, in a position to move to that today. I also concede the point—which was made by Willie Rennie and Ross Greer, and by the minister—that, if the take-up rates under an opt-in approach are sufficiently high, it may be possible to persuade me and others that that is the right approach and an opt-out alternative is not necessary. That remains to be seen, however, and monitoring of that will be extremely important.

I also accept that my amendments, in seeking in good faith a compromise, might actually raise more issues than they would solve. I say to the minister that a reference to the Kilbrandon report will always be highly influential with me, so that was well targeted.

In the light of the minister's comments and the assurances that she has given, and the wider debate, I will not press amendment 169, and I give notice that I do not intend to move the other amendments in my name in the group.

Amendment 169, by agreement, withdrawn.

Amendments 170 and 55 not moved.

The Presiding Officer: Group 18 is on children's hearings: timescales. Amendment 171, in the name of Martin Whitfield, is grouped with amendments 181 and 182.

Martin Whitfield: As has already been outlined extensively in relation to the amendments on permanence, drift and delay in decision making in the children's hearing system can be extremely harmful to the development of young children in particular. The three-month timeframe that is proposed in amendment 171, which was argued for by Hearings for Children, is based on evidence, because after that point, instability in the lives of young people becomes increasingly harmful.

The evidence from England and Wales, where there is a 26-week time limit for care proceedings, tells us that a blanket ideological opposition to time limits is not based in reality. We know that the measures that exist south of the border are working, that children in Scotland are forced to wait longer and that change must happen. Amendment 171 would provide scope to extend the time limit in exceptional circumstances, but it would help to

embed a culture that does not tolerate drift or delay, and it seeks to achieve that.

I turn to the other amendments in the group: amendment 181, in the name of Bill Kidd, and amendment 182, in the name of Roz McCall. I look forward to hearing from those members on their amendments, because we are all dealing with the same challenging problem. One of the most pernicious challenges is where delay happens in a young person's life, and when it happens in the life of a baby or an infant—we will get on to that—the damage can be, and only too frequently is, catastrophic.

I look forward to hearing from the minister on the Government's position with regard to timescales. I know that we batted that between us during stage 2, and it will be interesting to see where that has got to. For the purposes of debate, therefore, I will move the amendment in my name.

I move amendment 171.

Bill Kidd (Glasgow Anniesland) (SNP): I am pleased to have the opportunity to make a contribution to this seminal bill, which is the last piece of Government legislation that I will have the privilege of seeing this Parliament pass into law before I retire as an MSP.

Amendment 181 would place timescales on the establishment of grounds before a sheriff, as was just mentioned. Currently, a court must hold a hearing within 28 days of the application for proof of grounds. This amendment would put in place an additional timescale of 90 days for a decision to then be made on the establishment of those grounds.

The 90-day period would be from the point at which the application for proof is made by the principal reporter to the court. Sheriff Mackie, in his "Hearings for Children" report, specifically stated that the benefits of such an approach should be explored, and I thank colleagues, specifically Martin Whitfield, for lodging amendments on the topic at stage 2.

However, in lodging this amendment, I am mindful of the need to ensure that any provision in this space is properly directed and addresses the root of any issue. We must also recognise that the role of managing any case before the court is a matter for the sheriff, and I thank the office of the Lord President and the sheriffs principal for their engagement with the Government on this topic since stage 2.

Establishing grounds in a timely fashion is key to an effective and efficient system that operates as best it can for children and their families. Cases that are prolonged are often done so for good reason, but amendment 181 will ensure appropriate and effective judicial oversight and that cases will go beyond the timescale only where it is appropriate and necessary to do so, having regard to the best interests of the child who is the subject of the referral.

We are all keen to ensure that cases are dealt with effectively and efficiently, minimising delay and ensuring that no child or family is unnecessarily waiting for decisions to be taken or actions to be implemented. I therefore urge members to support amendment 181.

Roz McCall: I am pleased to speak to amendment 182. Members will recall that, at stage 2, we discussed the need for measured timeliness in the children's hearings system, and we agreed that that should happen in a refined, future-proof fashion. I initially lodged amendment 198, on waiting times, at stage 2, but I agreed not to move it so that I could work on the strengthened provision that is before Parliament today.

I thank the minister for her engagement on this amendment. She advised committee colleagues at stage 2 of existing work on setting out standards and reporting expectations with regard to timescales for the relevant steps in the current children's hearings system. Amendment 182 aims to build on, extend and update that good work.

The policy intention and legal effects of amendment 182 are that the reporting obligation would be given to ministers, given the cross-system, multi-agency scope. It would require ministers to prepare and publish an annual report, which would also be laid before Parliament.

We all share a desire for enhanced future transparency when it comes to the performance of the modernised children's hearings system in responding in a timely way to support the children who are referred. The core system partners recognise the need to address delay and have established an effective, but partial, mechanism in the current system. An updated, extended and sustainable scheme will enable Scotland to measure performance in order to pick out areas for improvement.

Amendment 182 would put timeliness reporting on a statutory footing and future proof it, and I hope that it will attract the support of members across the chamber.

Natalie Don-Innes: Martin Whitfield's amendment 171 speaks to our continuing interest in efficient and timely decision making in the children's hearings system. We all want grounds to be established in a timely manner without unnecessary delay.

Since stage 2, there have been further discussions with key agencies and representatives, including the office of the Lord President, the Scottish Courts and Tribunals

Service and sheriffs principal. Those discussions have made plain a shared desire to continue to work to address drift and delay, where it occurs, but have also highlighted that the creation of statutory timescales would be unhelpful in achieving improvements and risk compromising the ability to treat the most complex and sensitive cases with the scrutiny and consideration that they deserve.

Bill Kidd's amendment 181 achieves Mr Whitfield's objective and, I think, better reflects the outputs of those intervening discussions. The amendment will reinforce or set out appropriate timescales for hearings in relation to the grounds, while allowing appropriate discretion for the sheriff. There are some circumstances in which timescales will necessarily require to be extended; that can happen for a variety of reasons, but the discretion inherent in the provision will ensure that it will happen only where the sheriff has had regard to whether that would be in the child's best interests. Applications will be dealt with in as timely a manner as is practicable.

If I may, Presiding Officer, I want to thank Bill Kidd for agreeing to lodge this amendment and for his long commitment to issues of fairness and justice over his parliamentary career. Bill has always championed the interests of those with the greatest need in his constituency and in Scotland, and this small, but important, amendment is entirely in keeping with his values and feels like a good way for him to sign off on his contribution to legislation in this Parliament. [*Applause*.]

I hope that Martin Whitfield will agree that Bill Kidd's amendment 181 achieves a similar objective and will not press amendment 171 so as to keep the good favour going.

I thank Roz McCall for lodging amendment 182, which concerns future national and local reporting on timely decision making. The amendment reflects positive joint work with the Government on our shared objectives on the topic, so I support it.

Therefore, I encourage members to support amendments 181 and 182 and to resist amendment 171 if it is pressed.

19:45

The Presiding Officer: I call Martin Whitfield to wind up the debate and to press or withdraw amendment 171.

Martin Whitfield: Perhaps by chance, this allows me to add to the minister's kind comments about Bill Kidd. He may or may not remember this, but he was the first colleague in the chamber to say hello to me when I came into the Parliament in those heady days all those years ago.

Members: Aw!

Martin Whitfield: Bill Kidd has continued every day to ensure that, at the very least, my health is in good keeping. For that, I will forever thank him. I also echo the minister's comments about him. When he contributes in committees and in the chamber, he always ensures that the smaller and quieter voices are heard. I think that people outside the Parliament will be forever grateful to him for that. [*Applause*.]

The minister invited me to show courtesy on the back of her compliment about the excellent amendment that Bill Kidd has lodged. It is perhaps easiest if I say that I have no challenge in supporting his brilliantly drafted amendment. On the basis that, through Bill Kidd's amendment 181 and Roz McCall's amendment 182, we will start to address a very significant problem, I seek to withdraw amendment 171.

Amendment 171, by agreement, withdrawn.

The Presiding Officer: Group 19 is entitled "Children's hearings: infants". Amendment 172, in the name of Martin Whitfield, is grouped with amendments 173, 174, 183 and 184.

Martin Whitfield: My simple revenge is that I get to rise to return the compliment to the minister, who will, I hope, fully support my brilliantly drafted amendments 172 to 174.

On a serious note—although I am sure that the Government will accept my amendments—the question of young children in care-experienced communities is very important. Let us be honest in our language: we are talking about babies. I have spoken to a number of people who, subjectively and objectively, find a challenge in all our young people being labelled in the same way. By doing so, we do a great discourtesy to our babies, who cannot express their own voice and rely on others to do that for them, and to our young children, who are developing and are often confronted with incredibly complex questions, with their long-term understanding of the decisions that are being made about them being, at the very least, patchy. The reality is that, as most of us can testify, when we get to a certain age, we remember nothing about what we did before the age of five, other than what is perhaps shown to us in photographs.

Amendments 172 to 174 indicate the need for a different approach to babies and infants. There should be a practical approach to avoid any unnecessary delays to proceedings before hearings. As I have already detailed, it is vital for the developmental integrity of young children, babies and infants to be preserved.

My amendments in the group seek to place an age limit in relation to decisions and circumstances. I know that it will be challenging for

the Government to find favour with my amendments, and I am not expecting miracles. However, it is important to those who represent the voice of babies and infants and, indeed, to the babies and infants themselves—who at this stage are tiny, but who will grow up and come to understand the decisions that have affected them—that they are recognised by the Parliament, the Scottish Government and, most of all, the Promise and those in the care system as a very special case in a group of very special people.

With that, I look forward to hearing from the minister and others who have amendments in the group.

I move amendment 172.

Roz McCall: The position of infants in the children's hearings system is very important to me and to many people in the chamber. They are among the most vulnerable members of our society and—Mr Whitfield has alluded to this—due to their developmental stage, the impact of going through the care process on their development is most profound. They cannot speak for themselves, but every decision that we make affects them greatly. Amendment 183 would introduce the role of infant safeguarder—a dedicated advocate who would ensure that even the youngest children have someone who understands their needs, speaks up for them and ensures that their voices are not lost in the process.

An infant safeguarder's remit would be standardised. They would represent the infant's lived experience within the caregiving relationship throughout their engagement with the hearings system. It would involve gathering information from the important people in the child's life. An infant safeguarder would be automatically appointed for all infants aged under five upon referral to the reporter.

An infant safeguarder's role would be to represent the infant's best interests, as I have already said, throughout the process. They would attend hearings and monitor whether services were being provided as planned. It is a monumental shift, but I hope that we can agree on it.

Amendment 184 builds on amendment 183, but goes further by requiring that infants in the children's hearings system have specialist representation. The earliest years of life are critical. Attachment, development and emotional security all hang in the balance. Too often, the needs and experiences of infants are overlooked simply because they cannot articulate them to us in words. By ensuring that infants have formal representation, we guarantee that their unique needs are not forgotten and that their best interests are always placed at the centre of our decisions.

Article 12 of the United Nations Convention on the Rights of the Child makes it clear that there is no lower age limit for the obligation to consider children's views in decisions that affect them. Those views include not only what is spoken but also non-verbal cues and behaviours. Amendment 184 would ensure that specialist arrangements are made to understand and communicate infants' views and experiences.

I urge the chamber to support my amendments in the group.

Natalie Don-Innes: We all agree on the importance of ensuring that the interests of babies and infants are properly represented, that their needs are fully met and that they are supported through the children's hearings system. However, we might disagree on how best to achieve that, and I do not consider the amendments in the group the appropriate way to do so. I note that The Promise Scotland was not supportive of similar amendments that were lodged at stage 2.

If we are trying to take forward a rights-based approach that is centred on children's individual needs, that makes the idea of creating distinctions that are based solely on age challenging. I understand the intent behind Martin Whitfield's amendments 172 to 174, and I thank him for lodging them and allowing us to debate the matter. However, in line with the UNCRC, recent reforms made by the Parliament, such as the Children (Scotland) Act 2020, have moved away from arbitrary presumptions or distinctions about a child's capacity that are based purely on age.

There is a risk that introducing an age-based approach might lead to unlawful discrimination, contrary to article 14 of the European convention on human rights. I consider the current approach, which takes into account the individual needs of each child, to be the better way to approach matters. I hope that Martin Whitfield agrees and will not press amendment 172 or move amendments 173 and 174.

I thank Roz McCall for explaining the rationale behind her amendment 183. However, there are technical flaws in it. The national convener has no role in safeguarder appointments; ministers appoint safeguarders. The operation of the national safeguarders panel and the allocation of safeguarders to cases is currently organised, under contract, by Children First.

The panel was established under the 2011 act and is a fully demand-led and specialist service that is available for any child where there is an identified need. Safeguarders are often already appointed for younger children, including babies

and infants, and the system works well. I therefore do not see the need for a bespoke service or type of safeguarder for infants.

However, I acknowledge that there is always more that we can do to ensure that the rights, needs and interests of very young children are met in the children's hearings system. The Scottish Government will therefore work with Children First to further strengthen the training that is available on working with very young children. That will be directly informed by the support and expertise that will be offered to panel members through upskilling work that will be led by the NSPCC in partnership with Children's Hearings Scotland.

I also do not see the need for an infant advocacy service for under fives, as proposed in Roz McCall's amendment 184, and I note that that was not an improvement that was recommended by the "Hearings for Children" report.

This is an extremely emotive subject and I recognise that we must do all that we can to promote and protect the particular interests and needs of babies and infants in the children's hearings system. That is why the children's hearings redesign board is establishing a dedicated infants and babies workstream, as I alluded to earlier.

I hope that members will agree that the approach that I have outlined is the right one for this issue. I ask Martin Whitfield not to press amendment 172 or move amendments 173 and 174, and Roz McCall not to move amendments 183 and 184. If they do, I encourage members to vote against the amendments.

Martin Whitfield: We find ourselves in the same position that we did at the end of stage 2. I understand the Government's arguments and its reliance on the dedicated infants and babies workstream. This is a challenging area because, at the moment, the system will require additional reassurance for infants and babies to come from an interpretation of what is being said.

Notwithstanding that point, I have confidence that the dedicated infants and babies workstream will bring about changes, given who is involved in it—although I fear that those changes might not be dissimilar to what is being articulated in the amendments. Given the opt-in, opt-out situation and the fact that the dedicated infants and babies workstream is working well, I will, on this occasion, take confidence from what the minister has said and be assured that this Scottish Government, and whoever sits in that position after the election, will have feedback coming in from the workstream.

I seek to withdraw amendment 172.

Amendment 172, by agreement, withdrawn.

Amendment 56 moved—[Natalie Don-Innes]—and agreed to.

Amendment 173 not moved.

Amendments 57 and 58 moved—[Natalie Don-Innes]—and agreed to.

Amendment 174 not moved.

Amendments 59 to 62, 175 to 177 and 63 to 72 moved—[Natalie Don-Innes]—and agreed to.

20:00

Amendment 73 moved—[Natalie Don-Innes].

Amendment 73A moved—[Natalie Don-Innes].

The Presiding Officer: The question is, that amendment 73A 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)
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)
Burnett, Alexander (Aberdeenshire West) (Con)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Chapman, Maggie (North East Scotland) (Green)
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)
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)
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)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)

Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hoy, Craig (South Scotland) (Con)
Hyslop, Fiona (Linlithgow) (SNP)
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, 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)
Mountain, Edward (Highlands and Islands) (Con)
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)
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)
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)

Against

Baker, Claire (Mid Scotland and Fife) (Lab)
Balfour, Jeremy (Lothian) (Ind)
Boyack, Sarah (Lothian) (Lab)
Choudhury, Foysol (Lothian) (Ind)
Duncan-Glancy, Pam (Glasgow) (Ind)
Grant, Rhoda (Highlands and Islands) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Marra, Michael (North East Scotland) (Lab)
McNeill, Pauline (Glasgow) (Lab)
Mochan, Carol (South Scotland) (Lab)
Regan, Ash (Edinburgh Eastern) (Ind)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Sweeney, Paul (Glasgow) (Lab)
Thomson, Michelle (Falkirk East) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Whitfield, Martin (South Scotland) (Lab)

The Presiding Officer: The result of the division is: For 97, Against 16, Abstentions 0.

Amendment 73A agreed to.

The Presiding Officer: The question is, that amendment 73, 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)
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)
Burnett, Alexander (Aberdeenshire West) (Con)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Chapman, Maggie (North East Scotland) (Green)
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)
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)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
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)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hoy, Craig (South Scotland) (Con)
Hyslop, Fiona (Linlithgow) (SNP)
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)
Mountain, Edward (Highlands and Islands) (Con)
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)
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)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Webber, Sue (Lothian) (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)

Against

Baker, Claire (Mid Scotland and Fife) (Lab)
Balfour, Jeremy (Lothian) (Ind)
Bibby, Neil (West Scotland) (Lab)
Boyack, Sarah (Lothian) (Lab)
Choudhury, Foysol (Lothian) (Ind)
Duncan-Glancy, Pam (Glasgow) (Ind)
Grant, Rhoda (Highlands and Islands) (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)
Regan, Ash (Edinburgh Eastern) (Ind)
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 96, Against 18, Abstentions 0.

Amendment 73, as amended, agreed to.

Section 16—Removal of relevant person status

Amendments 178 to 180 moved—[Martin Whitfield]—and agreed to.

After section 16

The Presiding Officer: Group 20 is on children's hearings: legal advice and representation and legal aid. Amendment 74, in the name of Jeremy Balfour, is grouped with amendments 75, 77, 189, 192, 195 and 201.

Jeremy Balfour: The good news for the chamber is that these are the last amendments that I will be speaking to tonight and, hopefully, in this session.

Amendment 74, in my name, and amendment 75, in the name of Roz McCall, look to do similar things and I hope that the Government might be willing to consider agreeing to one of them.

Amendment 74 follows the report of the children's hearings review, which recommended that there should be

"consideration of the development of rights of audience so that lawyers should demonstrate certain skills and attributes before being able to appear"

on behalf of children and relevant people at a hearing. The amendment therefore states that solicitors have a right of audience at a children's hearing only if a solicitor meets certain requirements, such as

"an approved course of training on child-centred trauma-informed practice."

The amendment also states that

"The Council of the Law Society of Scotland must keep, and make publicly available, a record of the solicitors who have a right of audience in children's hearings".

That will allow training to be given that will ensure that lawyers, and solicitors in particular, act in a way that is accessible, understandable and not overtly adversarial. There is already a precedent for that type of training being required for specific hearings—for example, the rights of audience that were introduced for sexual offences courts.

I understand that the Law Society of Scotland is not supportive of the amendment. It points out that there is no training for advocates, but that is simply because it is so rare for advocates ever to appear at such hearings. Secondly, it says that it will take time for what is proposed to come about. I accept that, but, as we go forward with the hearings, it is important that families, children and panel members are addressed by those with the appropriate training. I think that it is possible to do that, and that having a child-centred and trauma-informed manner is important. I therefore urge

members to accept my amendment or to accept Roz McCall's amendment 75.

Amendment 77 defines child-centred legal advice and representation. The amendment was brought to my attention by the leading children's charity, Clan Childlaw, and I put on record my thanks to it not only for its assistance with the amendment but for helping me to understand the bill better. Rightly, there is a lot of talk about the need for a child-centred approach in the bill, which is welcome and has to be the right direction for legislation that is being taken forward. However, I suspect that, if I went around all the other 128 members and asked them to define "child-centred", they would all come up with slightly different definitions. There is no consensus on the term, which means that there is some difficulty with legislation that contains it.

The amendment relates specifically to section 18, which says that local authorities must provide the child in question with information on the children's hearings process, the availability of child advocacy services and child-centred legal advice and representation. Following discussions with Clan Childlaw, I felt that the phrase

"child-centred legal advice and representation"

should be defined in secondary legislation brought by the Scottish ministers to ensure that it is understood and complies with the good intentions of the bill. Those regulations would then be subject to the affirmative procedure to ensure that Parliament is happy with the definition, and I ask that members consider the amendment carefully.

Amendments 189, 192 and 195 would make additions and clarifications as a result of Parliament agreeing at stage 2 to my amendment 115, which involved ensuring that children are aware of their rights to legal representation.

At stage 2, amendment 115 was drafted with regard to what happens when the local authority has given the principal reporter information about the child with regard to children's hearings. The local authority must, at that time, inform the child about what will happen in relation to the referral, about the children's hearings process in general and about the availability of children's advocacy services in particular. The amendment added a further paragraph to ensure, at the same time, children were also given information about

"the availability of child-centred legal advice and representation."

That was agreed to unanimously by the committee at stage 2, with the minister's backing.

However, it has come to my attention that that additional paragraph needs to be expanded so that it applies not only when a local authority refers a child to a principal reporter but in other referral situations. Amendments 189, 192 and 195 would ensure that children are made aware of the availability of child-centred legal representation and advice, however they are referred. Amendment 189 would ensure that that happens if a constable makes a referral; amendment 192 would ensure that it happens if a health board makes a referral; and amendment 195 would ensure that it happens when the principal reporter informs the child that they need to make a determination in relation to that child.

I understand from the minister's correspondence with me that she does not believe that those amendments are necessary. I have to say that both the Law Society of Scotland and Clan Childlaw disagree. With due respect, Deputy Presiding Officer, you will appreciate that, if you have four lawyers in a room, you will get 12 different answers. The minister says that the amendments are not necessary but, obviously, other legal opinion disagrees with her. The minister also concedes that the amendments would not do any harm, so I would still ask the Government to accept them, because they would clarify the situation and leave things in no doubt at all.

Finally—the Deputy Presiding Officer will be glad to hear—I will speak to amendment 201. I thank the minister and her team with regard to it. It aims to enhance existing automatic legal aid provision for children who are involved in the children's hearings system. It would, importantly, guarantee the availability of automatic legal aid in cases in which a child is referred to the children's reporter in respect of an offence that would likely have been prosecuted on indictment had the procurator fiscal decided to pursue a conviction. It is a helpful move forward, and I again thank the minister for her help in drafting amendment 201.

I look forward to members agreeing to all of the amendments in my name.

I move amendment 74

The Deputy Presiding Officer: I call Roz McCall to speak to amendment 75 and other amendments in the group.

Roz McCall: The Deputy Presiding Officer will also be glad to know that this is the last time that I will speak this evening. I align myself with the comments made by Jeremy Balfour, especially regarding his amendment 74.

My amendment 75 seeks to ensure that children are supported by appropriately skilled legal representatives. They are put in a unique environment and a unique situation, and representing a child in that environment requires more than just general legal knowledge. My amendment would introduce an accreditation

requirement for solicitors, ensuring that those who represent children have the necessary skills, experience and understanding of what is asked of them. It is about raising standards and ensuring that children receive representation that is effective, informed and tailored to their needs. For a child, having the right support in that setting can make a significant difference to their experience and to the outcomes. I do not want to overegg the pudding, so I simply urge members to support the amendment.

Willie Rennie: I will talk to amendments 74 and 75. I understand that the minister has concerns about how they would be implemented. We have also already heard about the Law Society's concerns. It is a sensitive area in which the Government needs to act cautiously. However, we should not forget what was said in the Promise: it said that everyone involved in the children's hearings system must be properly trained in the impact of trauma, childhood development, neurodiversity and children's rights. That was echoed in the recommendations of the "Hearings for Children" report, which included this statement:

> "There must be consideration of the development of rights of audience so that lawyers should demonstrate certain skills and attributes before being able to appear on behalf of children and relevant people at a Hearing."

Those recommendations were wholly or partially accepted by the Government at the time, so I want to hear clearly from the minister, in her remarks, an answer to this question. If amendments 174 and 175 are not workable, what other work is the Government taking forward to meet that aspect of the Promise and the recommendations from the "Hearings for Children" report? If I can be given that confidence, I will not support those amendments.

20:15

Natalie Don-Innes: Jeremy Balfour's amendments 74 and 77, and Roz McCall's amendment 75 are based on similar amendments that were lodged at stage 2. At that time, I undertook to engage further with stakeholders and consider them further.

As we know, in Scotland, the regulation of solicitors is for the Law Society of Scotland, overseen by the Lord President. At stage 2, I highlighted that minister-driven accreditation would represent a significant departure from that long-standing position and risk impinging on professional independence, which is a concern that I raise again today. That concern is shared by the Lord President and by other legal stakeholders. While I fully endorse trauma-informed practice, placing approval for solicitors outwith the independent regulatory framework would be inappropriate. I therefore cannot support amendment 74.

Although amendment 75 includes consultation and would be subject to the affirmative procedure, it would still move accreditation into a ministerial responsibility, and I cannot support that, either.

Jeremy Balfour: I accept that that is unusual, but we have done it in other pieces of legislation. Why was it okay to do it when lawyers had to appear in regard to sexual offences but it is not right to protect vulnerable children in that way?

Natalie Don-Innes: It is not about whether it is not right to protect vulnerable children in that way. I have laid out the advice, comments and opinions that I have received from the Lord President and the Law Society of Scotland. I cannot speak for other decisions that have been made, but I believe that this approach is the best way forward. I am going to speak to some assurances—I hope—that Mr Rennie is looking for, which I hope will also provide Mr Balfour with assurance on how Government will take the matter forward.

The phrase "legal advice" that is used in amendment 77 is not routinely defined in statute. However, its meaning is well established through practice, and a statutory definition would risk limiting its meaning. Moreover, creating a statutory definition without a requirement to consult relevant bodies would risk cutting across the existing regulatory framework, in which the Law Society and the Lord President set and oversee standards of competence and professional duties.

I also assure members that there are already safeguards in place. The Scottish Legal Aid Board already requires solicitors working in the area of children's legal assistance to meet five defined standards that demonstrate their knowledge and experience in child law and development. Solicitors can also choose to be specially accredited in child law through the Law Society of Scotland, and many do.

Our response to the "Hearings for Children" review noted that it was a matter for the Law Society of Scotland and the Scottish Legal Aid Board to ensure the highest of standards for those providing advice and representation to children.

However, I will commit to writing to the Lord President, the Law Society, the Scottish Legal Aid Board and the national convener of Children's Hearings Scotland to ask them to consider what further training may be required to be made available for solicitors appearing at children's hearings, in addition to meeting the high standards that are already set out by the Scottish Legal Aid Board. I therefore encourage Jeremy Balfour and Roz McCall not to move their respective amendments.

I welcome Jeremy Balfour's amendments 189, 192 and 195, but I can assure him they are unnecessary, largely because the duties that they seek to create are already provided for. Rule 23(a) of the Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Rules 2013 requires the principal reporter to give every child and relevant person information about the availability of legal advice whenever a hearing is convened. That obligation is clear and mandatory, and it is already in force. Extending that duty to other referring agencies is unnecessary, because legal advice becomes relevant only once the reporter decides that a hearing should proceed.

Section 18(2) distinguishes local authorities because, unlike most other referring bodies, they will usually have on-going involvement with the child and the family once a referral has been made. They are therefore well placed to raise awareness of legal aid and advocacy services in the period leading up to and following the reporter's decision.

In addition, anyone who is in police custody or attends a police station either voluntarily or for police interview has a right to legal advice and to have a solicitor present in an interview. The right to have a solicitor present at interview cannot be waived by a person aged under 16, by a person 16 or over who appears unable to understand what is happening or communicate effectively, or by a person of 16 or 17 who is subject to a compulsory supervision order or an interim such order. A person of 16 or 17 not subject to either of those restrictions can waive that right only if a relevant person, as defined in section 33(5) of the Criminal Justice (Scotland) Act 2016, agrees. The Scottish Government produces a letter of rights that is provided by Police Scotland to inform arrested persons of those and other rights, and an easy-read version is also produced.

I hope that that reassures Jeremy Balfour and that he will now not move those amendments. I welcome Jeremy Balfour's amendment 201, which seeks to bolster existing automatically laid provision for children involved in the hearings system and ensure that there is no gap in provision in cases where the child has been reported on offence grounds following a decision not to prosecute by the procurator fiscal.

Amendment 201 would guarantee the availability of automatic legal aid in cases where a child is referred to the children's reporter in respect of an offence that would likely have been prosecuted on indictment had the procurator fiscal decided to pursue a conviction. The Scottish Government is committed to strengthening children's access to justice, and that measure will ensure that no child in those very serious circumstances is left without effective access to a solicitor, so I am happy to support amendment 201.

The Deputy Presiding Officer: I call Jeremy Balfour to wind up and to press or withdraw amendment 74.

Jeremy Balfour: I accept the reassurances that have been given in regard to amendments 189 and 192 and I will not move those amendments. I am again thankful to the minister for her help on amendment 201.

I will go back to amendments 74 and 77. I am still slightly concerned, to be honest, with the reply that the minister has given, because I do not see anything changing. A letter to the Law Society of Scotland and the Scottish Legal Aid Board will bring no fundamental change.

As it stands, any solicitor can appear at a children's hearing without having had any training at all. That is the wrong way forward for children's hearings. We recognise that we are dealing with some of the most vulnerable children in our society, so for somebody who has never had any of that training to simply appear does a disservice to the hearing.

Natalie Don-Innes: I highlighted in my comments that the Scottish Legal Aid Board already requires solicitors working in the area of children's legal assistance to meet five defined standards that demonstrate their knowledge and experience in child law. I appreciate that Mr Balfour is not assured by my comments and my commitment to writing to the Lord President and various others, but I think that that is a good next step in understanding where there are any gaps.

Jeremy Balfour: I will not hold members back. I do not agree with the minister's comments. Trauma training is vital, but I do not see it as part of what we have, so, with your permission, Deputy Presiding Officer, I will press amendment 74.

The Deputy Presiding Officer: The question is, that amendment 74 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

Mark Ruskell: On a point of order, Presiding Officer. I would have voted no.

The Deputy Presiding Officer: Your vote will be recorded.

For

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)
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)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
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)
Mountain, Edward (Highlands and Islands) (Con)
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)

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)
Carlaw, Jackson (Eastwood) (Con)
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)
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)
Regan, Ash (Edinburgh Eastern) (Ind)
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)
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)

The Deputy Presiding Officer: The result of the division is: For 42, Against 71, Abstentions 0.

Amendment 74 disagreed to.

The Deputy Presiding Officer: I call amendment 75, in the name of Roz McCall.

Roz McCall: On the basis of what has been said, I will not move amendment 75, but I am slightly disappointed.

Amendment 75 not moved.

The Deputy Presiding Officer: I call amendment 181, in the name of Bill Kidd.

Bill Kidd: Genuinely moved.

Amendment 181 moved—[Bill Kidd]—and agreed to.

Amendment 182 moved—[Roz McCall]—and agreed to.

The Deputy Presiding Officer: I call amendment 183, in the name of Roz McCall.

Roz McCall: On the basis of the assurances that were given by the minister, I will not move amendment 183.

Amendments 183 and 184 not moved.

Before section 17

Amendment 76 not moved.

Section 18—Information about referral, availability of children's advocacy services etc.

Amendments 185 and 186 not moved.

Amendment 77 moved—[Jeremy Balfour].

The Deputy Presiding Officer: The question is, that amendment 77 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

Kenneth Gibson: On a point of order, Presiding Officer. I could not access the system. I would have voted no.

The Deputy Presiding Officer: Your vote will be recorded.

For

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)
Carson, Finlay (Galloway and West Dumfries) (Con)
Chapman, Maggie (North East Scotland) (Green)
Choudhury, Foysol (Lothian) (Ind)
Dowey, Sharon (South Scotland) (Con)
Duncan-Glancy, Pam (Glasgow) (Ind)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Greer, Ross (West Scotland) (Green)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Harvie, Patrick (Glasgow) (Green)
Hoy, Craig (South Scotland) (Con)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Leonard, Richard (Central Scotland) (Lab)
Lumsden, Douglas (North East Scotland) (Con)
Mackay, Gillian (Central Scotland) (Green)
McCall, Roz (Mid Scotland and Fife) (Con)
McNeill, Pauline (Glasgow) (Lab)
Mochan, Carol (South Scotland) (Lab)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
Ross, Douglas (Highlands and Islands) (Con)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Slater, Lorna (Lothian) (Green)
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)
White, Tess (North East Scotland) (Con)
Whitfield, Martin (South Scotland) (Lab)
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)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Carlaw, Jackson (Eastwood) (Con)
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)
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)
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)
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)
Minto, Jenni (Argyll and Bute) (SNP)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
O'Kane, Paul (West Scotland) (Lab)
Regan, Ash (Edinburgh Eastern) (Ind)
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)
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)
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)

The Deputy Presiding Officer: The result of the division is: For 45, Against 69, Abstentions 0.

Amendment 77 disagreed to.

Amendments 187 to 196 not moved.

Amendment 197 moved—[Martin Whitfield]—and agreed to.

After section 18

20:30

Amendments 78, 198 and 199 not moved.

Amendment 200 moved—[Ross Greer].

The Deputy Presiding Officer: The question is, that amendment 200 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)
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)
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)
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)
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)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hoy, Craig (South Scotland) (Con)
Hyslop, Fiona (Linlithgow) (SNP)
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)
Mountain, Edward (Highlands and Islands) (Con)
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)
Slater, Lorna (Lothian) (Green)
Smith, Liz (Mid Scotland and Fife) (Con)
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)
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)

Against

Baker, Claire (Mid Scotland and Fife) (Lab)
Balfour, Jeremy (Lothian) (Ind)
Bibby, Neil (West Scotland) (Lab)
Boyack, Sarah (Lothian) (Lab)
Choudhury, Foysol (Lothian) (Ind)
Duncan-Glancy, Pam (Glasgow) (Ind)
Grant, Rhoda (Highlands and Islands) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Marra, Michael (North East Scotland) (Lab)
McNeill, Pauline (Glasgow) (Lab)
Mochan, Carol (South Scotland) (Lab)
Regan, Ash (Edinburgh Eastern) (Ind)
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 97, Against 16, Abstentions 0.

Amendment 200 agreed to.

Section 21A—Family group decision making: information to be provided to the Principal Reporter

Amendments 79 to 82 moved—[Miles Briggs]—and agreed to.

After section 21A

Amendment 201 moved—[Jeremy Balfour]—and agreed to.

The Deputy Presiding Officer: Group 21 is on places of safety for arrested children. Amendment 202, in the name of Willie Rennie, is grouped with amendment 211.

Willie Rennie: Eagle-eyed members will have noticed that we are more than three hours ahead of the timetable that was agreed to by the Parliament. There is probably a special place in heaven for the education team. However, the remaining amendments are all my amendments, and I can talk for ever.

The Deputy Presiding Officer: Mr Rennie, I assure you that you cannot. [*Laughter.*]

Willie Rennie: There is a growing consensus that police stations are generally not an appropriate environment for children and that the number of children who are held there must be reduced. I share that view, which is why I lodged amendments 202 and 211.

In my discussions with the minister, we both recognised the need to ensure that, in the future, the default position should not be that an arrested child is taken to a police station. However, we also recognised that any reforms in this area must be safe and sustainable, and they must allow police officers to carry out their duties effectively. As was highlighted during stage 2 proceedings, it is essential that we identify suitable alternatives to police stations before any legislative changes are made. We must also resolve outstanding matters, such as how assessments will be made about where a child should be taken on arrest, who will make those assessments and how the rights and protections that are currently afforded to children in police stations can be fully upheld elsewhere.

Amendments 202 and 211 will allow ministers to make regulations, subject to the affirmative procedure, to modify the Criminal Justice (Scotland) Act 2016 so that an arrested child can be taken to a place other than a police station, and so that the 2016 act can operate to allow children who voluntarily attend an alternative place to remain there if they are arrested.

It is of course important to ensure that children's rights can be fully upheld in an alternative setting to a police station, and the proposed power will allow for the protections in part 1 of the 2016 act to apply in the alternative setting in the same way as they apply in police stations. Those protections include the right to be given certain information on arrest and the right to have a consultation with a solicitor.

I recognise that, in future, there will be exceptional circumstances in which it will be appropriate for an arrested child to be taken to a police station. However, there will also be circumstances where an alternative would be more suitable. Under current legislation, there is no flexibility to allow that. My amendment 202 will allow ministers to make regulations that provide that flexibility.

Ministers will be able to exercise the power only to allow arrested children to be taken to places that they consider more suitable for children than police stations. Those places will be specified only by reference to either an enactment or a document. Where a document is to be used, it must be made publicly available. If it is created or updated after regulations have been laid, consultation will be required with the Police Service of Scotland, local authorities and any other persons that the Scottish ministers consider appropriate before finalising its content.

The power for ministers to make different provision for different areas will allow for a gradual test-of-change approach in different parts of Scotland to be piloted. That, coupled with the ability for ministers to impose recording and reporting obligations in the regulations, will allow for consideration of how test approaches are operating before wider implementation of reform across Scotland.

I move amendment 202, and I invite members to support amendments 202 and 211.

Natalie Don-Innes: I thank Mr Rennie for lodging the two amendments in this group, and for his interest and constructive engagement on this important issue for some of our most vulnerable children. I fully support the amendments, which will mean that ministers can bring forward changes to reduce the number of children who are taken to a police station on arrest, and that they can pilot approaches, as necessary, before wider implementation.

I urge members to support amendments 202 and 211.

The Deputy Presiding Officer: I call on Willie Rennie to wind up.

Willie Rennie: I have nothing more to add, other than to press amendment 202.

The Deputy Presiding Officer: Thank you, Mr Rennie. My gentle advice has obviously worked.

The question is, that amendment 202 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division. Members should cast their votes now.

The vote is closed.

Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP): On a point of order, Presiding Officer. My app would not connect. I would have voted yes.

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

Marie McNair (Clydebank and Milngavie) (SNP): On a point of order, Presiding Officer. My app would not connect. I would have voted yes.

The Deputy Presiding Officer: Thank you, Ms McNair. 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)
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)
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)
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)
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)
O'Kane, Paul (West Scotland) (Lab)
Regan, Ash (Edinburgh Eastern) (Ind)
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)
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)
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

Briggs, Miles (Lothian) (Con)
Burnett, Alexander (Aberdeenshire West) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Dowey, Sharon (South Scotland) (Con)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (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)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Webber, Sue (Lothian) (Con)
White, Tess (North East Scotland) (Con)
Whittle, Brian (South Scotland) (Con)

Abstentions

Baker, Claire (Mid Scotland and Fife) (Lab)
Bibby, Neil (West Scotland) (Lab)
Boyack, Sarah (Lothian) (Lab)
Choudhury, Foysol (Lothian) (Ind)
Duncan-Glancy, Pam (Glasgow) (Ind)
Grant, Rhoda (Highlands and Islands) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Marra, Michael (North East Scotland) (Lab)
McNeill, Pauline (Glasgow) (Lab)
Mochan, Carol (South Scotland) (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 74, Against 22, Abstentions 14.

Amendment 202 agreed to.

Section 21B—Report on family group decision making

Amendment 83 moved—[Miles Briggs]—and agreed to.

Section 21C—Guidance on family group decision making

Amendment 203 moved—[Willie Rennie]—and agreed to.

Section 22A—Outcomes of Children's Services Plans

The Deputy Presiding Officer: Group 22 is on children's services planning. Amendment 204, in the name of Willie Rennie, is the only amendment in the group.

Willie Rennie: Amendment 204 follows on from amendment 109 in group 5 and was also developed at the suggestion of Who Cares? Scotland.

Amendment 204 seeks to add to section 22A on the outcomes of the children's services plan—a section that was inserted by an amendment from Nicola Sturgeon at stage 2—a requirement for children's services plans to include how services will be planned and delivered to support delivery of the Promise. As with amendment 109, it is intended to introduce greater accountability for keeping the Promise and to ensure policy coherence across children's services planning and the Promise.

Members will note that Children First, which supports the amendment, has said that children's services planning is an important tool for planning accountability and transparency, and that the amendment would be a helpful aid in supporting that work.

I move amendment 204.

Natalie Don-Innes: I thank Willie Rennie for lodging amendment 204. Improved children's services planning is central to keeping the Promise, and I am therefore very happy to support the amendment.

Amendments at stage 2 already significantly strengthened the children's services planning legal framework. What Mr Rennie is proposing goes further, as it would ensure that lead children's services planning bodies explicitly set out in their plans how services would contribute to delivering the Promise. That would improve accountability and policy coherence and strengthen the collective responsibility of local planning partners to deliver better outcomes for children and families.

I encourage members to support amendment 204.

The Deputy Presiding Officer: I call Willie Rennie to wind up and to press or withdraw amendment 204.

Willie Rennie: I have nothing more to add. I press amendment 204.

Amendment 204 agreed to.

After section 22C

Amendment 84 moved—[Miles Briggs]—and agreed to.

The Deputy Presiding Officer: Group 23 is on reviews and reporting in relation to the act and the Promise. Amendment 205, in the name of Willie Rennie, is grouped with amendments 206 to 208.

Willie Rennie: At stage 2, the committee agreed two somewhat overlapping review duties, reflecting a strong desire to have robust scrutiny of the implementation of the legislation and to be kept abreast of developments in keeping the Promise by the deadline of 2030. My amendments seek to tidy up those review duties and to avoid duplicating the extensive reporting already provided through existing Promise monitoring and oversight.

Amendment 205 seeks to introduce a statutory requirement for ministers to review and report on implementation of the act within two years of royal assent, ensuring that Parliament will be kept updated on implementation of the bill that we are considering today. Amendment 206 would then require ministers to publish within six months of 2030, which is the deadline for keeping the

Promise, a report on how all of its recommendations have been fulfilled.

Amendments 207 and 208 would simply remove sections 22D and 22E, which set out the review duties that were inserted at stage 2 and which would be superseded by amendments 205 and 206.

I move amendment 205.

Natalie Don-Innes: I am once again very grateful to Willie Rennie for his constructive approach to amendments 205 to 208. They reflect a proportionate and workable approach to meeting the Parliament's desire for clear review points and assurance on progress towards keeping the Promise. I encourage members to support all of the amendments in this group.

As I mentioned in my remarks on group 17, I consider it imperative that any such review also looks at the effectiveness of opt-in and demand-led advocacy in the children's hearings system and recommends any changes that need to be made.

As I have said, I encourage members to support these amendments.

20:45

The Deputy Presiding Officer: I call Willie Rennie to wind up and press or withdraw amendment 205.

Willie Rennie: I have nothing more to add. I press amendment 205.

Amendment 205 agreed to.

Amendment 206 moved—[Willie Rennie]—and agreed to.

Section 22D—Review of operation of the Act

Amendment 207 moved—[Willie Rennie]—and agreed to.

Section 22E—Review of operation of the Act

Amendment 208 moved—[Willie Rennie]—and agreed to.

Section 24—Regulation-making powers

Amendments 209, 86 and 87 moved—[Natalie Don-Innes]—and agreed to.

Amendment 210 not moved.

Amendment 211 moved—[Willie Rennie]—and agreed to.

The Deputy Presiding Officer: Does any member object to a single question being put on amendments 88 to 90?

Members: Yes.

The Deputy Presiding Officer: Therefore, we will decide on the amendments separately.

Amendment 88 moved—[Natalie Don-Innes].

The Deputy Presiding Officer: The question is, that amendment 88 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)
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)
Burnett, Alexander (Aberdeenshire West) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Chapman, Maggie (North East Scotland) (Green)
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)
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)
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)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hoy, Craig (South Scotland) (Con)
Hyslop, Fiona (Linlithgow) (SNP)
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)
Mountain, Edward (Highlands and Islands) (Con)
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)
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)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Webber, Sue (Lothian) (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)

Against

Baker, Claire (Mid Scotland and Fife) (Lab)
Bibby, Neil (West Scotland) (Lab)
Boyack, Sarah (Lothian) (Lab)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Choudhury, Foysol (Lothian) (Ind)
Duncan-Glancy, Pam (Glasgow) (Ind)
Grant, Rhoda (Highlands and Islands) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Marra, Michael (North East Scotland) (Lab)
McNeill, Pauline (Glasgow) (Lab)
Mochan, Carol (South Scotland) (Lab)
Regan, Ash (Edinburgh Eastern) (Ind)
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 17, Abstentions 0.

Amendment 88 agreed to.

After section 24

Amendment 89 moved—[Natalie Don-Innes]—and agreed to.

Section 25—Commencement

Amendment 90 moved—[Natalie Don-Innes]—and agreed to.

The Deputy Presiding Officer: That ends consideration of amendments. There will be a short pause before the next item of business.

The Presiding Officer (Alison Johnstone): Members will be aware that I am required, under standing orders, to decide whether, in my view, any provision of a bill relates to a protected subject matter—that is, whether it modifies the electoral system and franchise for Scottish parliamentary elections. In my view, no provision of the Children (Care, Care Experience and Services Planning) (Scotland) Bill relates to a protected subject matter. Therefore, the bill does not require a supermajority to be passed at stage 3.

Business Motion

20:49

The Presiding Officer (Alison Johnstone): The next item of business is consideration of business motion S6M-21125, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, on changes to business.

Motion moved,

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

(a) Thursday 19 March 2026

delete

followed by Scottish Parliamentary Corporate Body Motion: Amendments to the Scottish Parliament Salaries Scheme

and insert

followed by Scottish Parliamentary Corporate Body Motion: Reimbursement of Members' Expenses Scheme Resolution

followed by Scottish Parliamentary Corporate Body Motion: Party Leaders' Expenses Scheme Resolution

(b) Tuesday 24 March 2026

after

followed by Standards, Procedures and Public Appointments Committee Debate: Standards, Procedures and Public Appointments Committee's 10th Report, 2026 (Session 6)

insert

followed by Standards, Procedures and Public Appointments Committee Motion on the Lobbying (Scotland) Act 2016 (Modifications) Resolution 2026

delete

6.00 pm Decision Time

and insert

6.05 pm Decision Time

(c) Wednesday 25 March 2026

delete

11.40 am General Questions

and insert

11.40 am Parliamentary Bureau Motions

11.40 am General Questions.—[*Graeme Dey*]

Motion agreed to.

Parliamentary Bureau Motion

The Presiding Officer (Alison Johnstone): The next item of business is consideration of Parliamentary Bureau motion S6M-21126, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, on approval of a Scottish statutory instrument.

Motion moved,

That the Parliament agrees that the Prisoners (Early Release) (Miscellaneous Amendment and Transitional Provisions) (Scotland) Regulations 2026 [draft] be approved.—[*Graeme Dey*]

20:50

Liam Kerr (North East Scotland) (Con): I rise to speak against this SSI, which, if passed tonight, will mean that any prisoner who is sentenced to four years or less will automatically be released after serving just 30 per cent of their sentence. No ifs, no buts, and no governor's veto—no matter how dangerous a prisoner may appear, there is no power to prevent their release.

Let us examine which criminals we are talking about. As of February this year, there were more than 1,500 eligible short-term prisoners, of whom 43 per cent were in prison for non-sexual crimes of violence and about a third were in prison for crimes against society or crimes of dishonesty. They will be automatically back on our streets and automatically back in our communities.

The cabinet secretary's justification at the Criminal Justice Committee was that automatic release at 30 per cent of sentences is necessary to keep prisons "safe and effective" and that it could reduce the population by up to 312 individuals. However, members will remember that, in November 2024, the Parliament was asked to change the automatic release point from 50 per cent of sentences to 40 per cent. In committee, the question was put plainly to the cabinet secretary: did that change ease the prison population?

Despite that reduction and the repeated so-called emergency releases, the prison population rose from 8,350 in February 2025 to a record 8,430 in October 2025. In fact, the success—or otherwise—of the move to 40 per cent is not even due for statutory review until next year. The reduction to 40 per cent has not even been assessed yet, and here we are being asked to reduce the figure further, to 30 per cent.

Presiding Officer, I will tell you what is not reducing: crime. Since 2021, recorded crime is up by 6 per cent, sexual crime is up by 10 per cent, shoplifting is up by 137 per cent and violent crime is up by 13 per cent—all of which stands to reason, since the reoffending rate is at about 44 per cent.

Pauline McNeill (Glasgow) (Lab): As the member said, it was only a year ago that such prisoners were serving 50 per cent of their sentence, and we are being asked to agree tonight that that should decrease to 30 per cent. Does the member agree that sentencing is already controversial for the general public? It is very hard for the public to understand what our sentencing system is now. With this proposal, it will be even more confusing. Does he further agree that making this permanent change is not the way to manage prisoners?

Liam Kerr: I do agree. I think that Pauline McNeill made that exact point in committee very eloquently. The public will not understand this. They will also not understand why the cabinet secretary comes to the Criminal Justice Committee and to this chamber saying, "Remember, short sentences don't work," and is now asking us to bring in a measure that makes short sentences even shorter, further reducing the time for rehabilitation.

We must not forget that there are alternatives to letting criminals go free, such as proper rehabilitation programmes, completing construction of the overdue Highland and Glasgow prisons and having in place a serious strategy to reduce reoffending. We must be clear that it is not the case that we must vote for the SSI or bad things will happen—it is a case of voting for the SSI and bad things will happen.

In one of the final acts of this Parliament, I urge colleagues to stand with victims, to stand with communities and to stand with justice and vote against the SSI.

20:54

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): It is important to remember that Scotland is not alone in wrestling with a very high prison population. Between October 2023 and September 2025, the previous and current United Kingdom Governments released more than 62,000 prisoners early. I say that not for a minute to demur from my responsibilities, but merely to make the point that any suggestion that others, if they were in my place, would be making radically different decisions in the current circumstances is, quite simply, not credible.

The rise in the prison population is driven by an increase in long-term prisoners who are serving long-term sentences. There is, of course, a long-term shift away from very short-term sentences. The reality is that there is no single or quick solution to address the rise in the prison population, and we must continue to pursue a range of measures across our justice system. In response to the immediate need for further action, the regulations will change from 40 to 30 per cent the proportion of the custodial sentences that some short-term prisoners are required to serve before they are automatically released.

The change is necessary to alleviate the persistent pressure on our dedicated prison staff, whom I remain grateful to for the vital work that they carry out each and every day. I have not reached this decision lightly. However, I believe that the change is proportionate to the risks that we face. The proposed exclusions for those who are serving sexual and domestic abuse offences strike the right balance between recognising the concerns of victims while supporting a sustained—not temporary—reduction in the rise in the short-term prisoner population against persistent increases overall. The change could deliver a sustained reduction of between 239 and 312 individuals.

The governor's veto does not exist in the normal release process, and it never has. What the regulations will do, if approved, is to alter the standard point of release for some short-term prisoners.

The action that the Government has taken has had a positive impact. Our modelling indicates that the prison population today would be around 260 to 390 prisoners higher without the Prisoners (Early Release) (Scotland) Act 2025, and a further 130 to 230 prisoners higher without the most recent emergency release. That would mean a population of between nearly 8,800 or in excess of 9,000 if we had not taken the difficult decisions to alleviate pressure on the prison system.

This action has to complement other steps that we have taken. We have optimised the existing capacity in the estate by 400 additional spaces compared with 2024; we have provided the Scottish Prison Service with capital funding to construct two new prisons; and we are, of course, increasing investment in community justice, which is far more effective than short-term sentences.

I will endeavour to stick to my time, so that I do not incur your wrath, Presiding Officer. I will briefly say that we must move forward together and consider the sentencing and penal policy commission recommendations while recognising that prison will always be for those who pose the greatest harm.

We can all critique the past and debate the future—we can and must do that—but the decision for Parliament tonight is about what we do now to protect the health, safety and wellbeing of those who live and work in our prisons. Right now, doing nothing is not an option; we must act tonight.

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

Point of Order

20:59

Brian Whittle (South Scotland) (Con): On a point of order, Presiding Officer. I apologise to members for raising this point at this late hour. During finance and local government portfolio question time today, the Cabinet Secretary for Finance and Local Government stated:

"If there are members in the chamber who think that that is inadequate"—

that is, the funding of social care—

"they need to tell us by how much and where the money would come from. I did not hear that in the course of the budget bill."

However, a review of the *Official Report* shows that the subject was raised at all three stages of that bill, including a suggestion from the convener of the Health, Social Care and Sport Committee about exploring multiyear funding during a debate on the 2026-27 budget, as well as in contributions from MSPs including Craig Hoy, Liz Smith and Jackie Baillie at all stages. I also note that the Auditor General and the Institute for Fiscal Studies, among others, provided commentary on the budget that explored social care in some detail.

What was said has become the monotonous response from the Scottish Government to just about any question that the Opposition asks. It is a lazy response, which is designed to ensure that the Scottish Government avoids any kind of thought that may be required to answer questions that we raise on behalf of our constituents.

I have raised this point of order out of a real frustration that it seems that the Government has given up altogether on the idea of accountability. That is not what we should expect for our Parliament. As we work towards the next session, I hope that the next Government will do better and that we will get back to what this place is supposed to be.

Presiding Officer, as it is clear that the Scottish Government was offered numerous options to address the crisis in social care but opted simply to reject those, it is important that the cabinet secretary has the opportunity to correct the record at her earliest convenience. I seek your confirmation that you will grant her the opportunity, when she requests it, to address that misrepresentation of the facts.

The Presiding Officer (Alison Johnstone): Thank you, Mr Whittle. As members will have heard on several occasions, the content of members' contributions is not a matter for the chair. At this point in the session, members will

also be very well aware of the mechanism that exists for corrections that are required.

Parliamentary Bureau Motions

21:01

The Presiding Officer (Alison Johnstone): The next item of business is consideration of Parliamentary Bureau motion S6M-21127, on approval of a Scottish statutory instrument. I ask Graeme Dey, on behalf of the Parliamentary Bureau, to move the motion.

Motion moved,

That the Parliament agrees that the Representation of the People Act 1983 Remedial (Scotland) Order 2025 (SSI 2025/353) be approved.—[*Graeme Dey*]

21:01

Sue Webber (Lothian) (Con): When the Scottish National Party Government first allowed some prisoners to vote in Scottish Parliament and local elections in 2020, we warned that that would set a dangerous precedent, with an increasing number of offenders being allowed to vote over time. Sure enough, in the dying days of this parliamentary session, the Scottish Government is trying to sneak through a policy that would allow convicted criminals who are detained on mental health grounds to vote in the election in May.

The Scottish Government is incorrect in claiming that we need to expand prisoner voting in order to be compliant with the European convention on human rights. As I said when the Standards, Procedures and Public Appointments Committee met to debate the instrument a few weeks ago, the rest of the United Kingdom has not expanded prisoner voting to the same extent that the SNP has done in Scotland.

I want to make absolutely crystal clear what we are debating. We are considering enfranchising criminals who are considered to be so dangerous that they must be detained in a hospital for their own good rather than serve their sentence in prison. In some circumstances, they will have committed serious offences and, rightly, will be detained due to the risk that they present to society, yet the Scottish Government thinks that it is appropriate to give them the right to vote.

John Mason (Glasgow Shettleston) (Ind): Is the answer not to consider compulsory voting, so that prisoners would have to vote along with the rest of the population?

Sue Webber: No, Mr Mason, the Scottish Conservatives could not condone or endorse that—as I think you knew before you put it to me—because it is totally mad, to be frank. [*Interruption*.]

The Presiding Officer: Let us hear one another.

Sue Webber: I cannot possibly comment on why the minister is so keen to give mentally ill criminals the right to vote before the elections in May, but I will say—I am trying not to smile—that everyone outside the Holyrood bubble will think that it is ridiculous.

The SNP and Labour both supported the instrument at committee, and I dare say that other parts of the Holyrood consensus will support it again today. That just goes to show how woefully we can be out of touch with the priorities of people across Scotland. [*Interruption*.]

The Presiding Officer: Let us hear one another.

Sue Webber: Criminals forfeit their right to vote when they break the law. The SNP Government needs to focus on punishing criminals, not trying to win their support at the ballot box. I urge the Parliament not to approve the instrument.

21:04

The Minister for Parliamentary Business and Veterans (Graeme Dey): The order responds to a European convention on human rights compliance issue that was identified in relation to voting rights for Scottish Parliament elections and which requires to be remedied ahead of the 2026 election.

Section 3A(3) of the Representation of the People Act 1983 includes a blanket ban, similar to the one that used to be in place for prisoners, to prohibit some people detained on mental health grounds relating to criminal justice from voting in elections in the UK. The order makes minor changes to legislation to maintain consistency with exceptions made to prisoner voting in the Scottish Elections (Franchise and Representation) Act 2020, which extended the right to vote in Scottish Parliament and Scottish local elections to prisoners serving sentences of 12 months or less. That bill remains the only bill of this Parliament to have required a two-thirds supermajority in order to be passed and to have obtained that.

I gently point out to Sue Webber and the rest of the Tories, who are forever on about the accuracy of contributions that are made in the chamber, that it was this Parliament, not the SNP, that facilitated prisoner voting.

Willie Rennie (North East Fife) (LD): Yes, all of that is fine, but what about compulsory voting? [*Laughter*.]

Graeme Dey: Out of respect for my good friend John Mason, I will let that one slide.

On a serious point, the order will mean that, if a person who has been detained on a mental health ground has been sentenced to 12 months or less or has received a mental health detention rather than a prison sentence, they will be able to vote if the maximum sentence or sentences possible would have amounted to 12 months or less. That is in line with the law that is in place for prisoners, and we envisage that about 20 people—20 people—might be impacted.

One aspect relating to consistency with prisoner voting concerns people who are subject to temporary compulsion orders. They are in a similar position to a remand prisoner. They have been detained but not convicted, sentenced or found to have committed a criminal offence following an examination of the facts. Remand prisoners across the UK are able to vote, so the order provides for the voting rights for those who are subject to temporary compulsion orders to be the same as those for remand prisoners.

The order is also temporary. It applies only to elections between 7 May 2026 and 28 February 2030. That will allow the arrangements to be consulted on by the next Government and revisited by the next Parliament.

In the light of some recent ill-informed commentary, I must also stress that people are not excluded from participating in elections on the basis of mental capacity.

I invite members to approve the order.

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

The next item of business is consideration of seven Parliamentary Bureau motions. I ask the minister, on behalf of the Parliamentary Bureau, to move motions S6M-21128 to S6M-21131, on approval of SSIs, and motions S6M-21132, S6M-21134 and S6M-21135, on committee meeting times.

Motions moved,

That the Parliament agrees that the Scottish Landfill Tax (Standard Rate and Lower Rate) Order 2026 (SSI 2026/97) be approved.

That the Parliament agrees that the Scottish Aggregates Tax (Miscellaneous Amendment) Regulations 2026 [draft] be approved.

That the Parliament agrees that the Investigation and Commencement of Repair (Scotland) Regulations 2026 [draft] be approved.

That the Parliament agrees that the Scottish Elections (Representation and Reform) Act 2025 (Consequential Provision) Regulations 2026 [draft] be approved.

That the Parliament agrees that, under Rule 12.3.3B of Standing Orders, the Delegated Powers and Law Reform Committee can meet, if necessary, at the same time as a meeting of the Parliament between 9.00 am and 1.00 pm on Tuesday 24 March 2026.

That the Parliament agrees that, under Rule 12.3.3B of Standing Orders, the Local Government, Housing and

Planning Committee can meet, if necessary, at the same time as a meeting of the Parliament between 9.30 am and 1.00 pm on Tuesday 24 March 2026.

That the Parliament agrees that, under Rule 12.3.3B of Standing Orders, the Net Zero, Energy and Transport Committee can meet, if necessary, at the same time as a meeting of the Parliament between 9.00 am and 12 noon on Tuesday 24 March 2026.—[*Graeme Dey*]

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

Motion without Notice

21:08

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

Motion moved,

That, under Rule 11.2.4, Decision Time be brought forward to 9.08 pm.—[*Graeme Dey*]

Motion agreed to.

Decision Time

21:08

The Presiding Officer (Alison Johnstone): There are four questions to be put as a result of today's business. The first question is, that motion S6M-20921, in the name of Mark Ruskell, on the Greyhound Racing (Offences) (Scotland) Bill at stage 3, be agreed to. As this is a motion to pass the bill, the question must be decided by a division.

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

21:08

Meeting suspended.

21:09

On resuming—

The Presiding Officer: We move to the division on motion S6M-20921, in the name of Mark Ruskell, on the Greyhound Racing (Offences) (Scotland) Bill at stage 3. 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)
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)
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)
Leonard, Richard (Central Scotland) (Lab)
Lochhead, Richard (Moray) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (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)
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)
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)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

Against

Briggs, Miles (Lothian) (Con)
Burnett, Alexander (Aberdeenshire West) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Dowey, Sharon (South Scotland) (Con)
Ewing, Fergus (Inverness and Nairn) (Ind)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Hoy, Craig (South Scotland) (Con)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Lumsden, Douglas (North East Scotland) (Con)
McArthur, Liam (Orkney Islands) (LD)
McCall, Roz (Mid Scotland and Fife) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
Rennie, Willie (North East Fife) (LD)
Ross, Douglas (Highlands and Islands) (Con)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Webber, Sue (Lothian) (Con)
Whittle, Brian (South Scotland) (Con)

Abstentions

Baker, Claire (Mid Scotland and Fife) (Lab)
Balfour, Jeremy (Lothian) (Ind)
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)
Lennon, Monica (Central Scotland) (Lab)
Marra, Michael (North East Scotland) (Lab)
McNeill, Pauline (Glasgow) (Lab)
Mochan, Carol (South Scotland) (Lab)
O'Kane, Paul (West Scotland) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Sarwar, Anas (Glasgow) (Lab)
Sweeney, Paul (Glasgow) (Lab)
Whitfield, Martin (South Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Presiding Officer: The result of the division on motion S6M-20921, in the name of Mark Ruskell, on the Greyhound Racing (Offences) (Scotland) Bill at stage 3, is: For 70, Against 27, Abstentions 19.

Motion agreed to,

That the Parliament agrees that the Greyhound Racing (Offences) (Scotland) Bill be passed.

The Presiding Officer: The next question is, that motion S6M-21126, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, on approval of a Scottish statutory instrument, be agreed to.

Motion agreed to,

That the Parliament agrees that the Prisoners (Early Release) (Miscellaneous Amendment and Transitional Provisions) (Scotland) Regulations 2026 [draft] be approved.

The Presiding Officer: The next question is, that motion S6M-21127, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, on approval of an SSI, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is closed.

Paul Sweeney (Glasgow) (Lab): On a point of order, Presiding Officer. I would have voted yes.

The Presiding Officer: Thank you, Mr Sweeney.

Joe FitzPatrick (Dundee City West) (SNP): On a point of order, Presiding Officer. I am not sure whether my vote went through. I would have voted yes.

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

For

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Baker, Claire (Mid Scotland and Fife) (Lab)
Balfour, Jeremy (Lothian) (Ind)
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)
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)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lennon, Monica (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)
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)
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)
Sarwar, Anas (Glasgow) (Lab)
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)
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)

Against

Briggs, Miles (Lothian) (Con)
Burnett, Alexander (Aberdeenshire West) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Dowey, Sharon (South Scotland) (Con)
Ewing, Fergus (Inverness and Nairn) (Ind)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (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)
McNeill, Pauline (Glasgow) (Lab)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
Rennie, Willie (North East Fife) (LD)
Ross, Douglas (Highlands and Islands) (Con)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Webber, Sue (Lothian) (Con)
White, Tess (North East Scotland) (Con)
Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division on motion S6M-21127, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, on approval of an SSI, is: For 86, Against 28, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Representation of the People Act 1983 Remedial (Scotland) Order 2025 (SSI 2025/353) be approved.

The Presiding Officer: I propose to ask a single question on seven Parliamentary Bureau motions unless any member objects.

As no member objects, the question is, that motions S6M-21128 to S6M-21131, on approval of SSIs, and S6M-21132, S6M-21134 and S6M-21135, on committee meeting times, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, be agreed to.

Motions agreed to,

That the Parliament agrees that the Scottish Landfill Tax (Standard Rate and Lower Rate) Order 2026 (SSI 2026/97) be approved.

That the Parliament agrees that the Scottish Aggregates Tax (Miscellaneous Amendment) Regulations 2026 [draft] be approved.

That the Parliament agrees that the Investigation and Commencement of Repair (Scotland) Regulations 2026 [draft] be approved.

That the Parliament agrees that the Scottish Elections (Representation and Reform) Act 2025 (Consequential Provision) Regulations 2026 [draft] be approved.

That the Parliament agrees that, under Rule 12.3.3B of Standing Orders, the Delegated Powers and Law Reform Committee can meet, if necessary, at the same time as a meeting of the Parliament between 9.00 am and 1.00 pm on Tuesday 24 March 2026.

That the Parliament agrees that, under Rule 12.3.3B of Standing Orders, the Local Government, Housing and Planning Committee can meet, if necessary, at the same time as a meeting of the Parliament between 9.30 am and 1.00 pm on Tuesday 24 March 2026.

That the Parliament agrees that, under Rule 12.3.3B of Standing Orders, the Net Zero, Energy and Transport Committee can meet, if necessary, at the same time as a meeting of the Parliament between 9.00 am and 12 noon on Tuesday 24 March 2026.

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

The Presiding Officer: I would be grateful if we could hear Mr Kerr.

Liam Kerr: I had indicated that the Conservatives were going to oppose motion S6M-21126, and my party and I spoke against that particular SSI, but it did not go to a vote. It is clear that the Presiding Officer did not hear anyone shout no, which I respect. [*Interruption*.]

The Presiding Officer: Your points are on the record, Mr Kerr. It was the case that I did not hear anyone dissent. It is just a case of making sure that we can all hear one another and that the chair is clear, too.

That concludes decision time.

Meeting closed at 21:15.

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