



OFFICIAL REPORT  
AITHISG OIFIGEIL

DRAFT

# Meeting of the Parliament (Hybrid)

Tuesday 29 September 2020

Session 5



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Pàrlamaid na h-Alba

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# Scottish Parliament

*Tuesday 29 September 2020*

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

## Time for Reflection

**The Presiding Officer (Ken Macintosh):** Good afternoon, colleagues. We start this afternoon's business with time for reflection. Our time for reflection leader is the Rev Dr Nanda Groenewald who is the Minister of Polbeth Harwood with West Kirk of Calder.

**The Rev Dr Nanda Groenewald (Polbeth Harwood with West Kirk of Calder):** Presiding Officer and members of Parliament, thank you for the opportunity to address you today.

If I have to choose one word to describe what the year 2020 has been like so far, "impossible" comes to mind. Because of Covid-19, we find ourselves in an unprecedented situation. This is something that nobody saw coming, and which nobody probably even thought possible. As a Parliament, you are leading us—the Scottish people—through it and keeping us safe. That cannot be easy.

Today, I would like to share a very simple Old Testament analogy with you, to encourage you during this complicated time. Deuteronomy, chapter 32, verse 11 reads:

"Like an eagle teaching its young to fly, catching them safely on its spreading wings, the Lord kept Israel from falling."

Although I am fortunate enough to call Scotland my home, you might have guessed by my accent that I grew up in South Africa, a place where the wonders of nature never ceased to amaze me.

Look at the eagle, for example. Did you know that eagles build their nests high up in the mountains, and that when a mother eagle wants to teach her eaglets to fly she unceremoniously kicks them out of the nest? As they start falling to ground, they learn to flap their wings. That might sound almost heartless, but it is not, because the minute she kicks the eaglets out of the nest, she flies out too. She hovers alongside them, keeps a close eye on them and ensures that they are coping. If one of them gets into trouble, she can fly in underneath it, catch it on her outstretched wings and take her young one back to the safety of the nest.

In a way, that is how I believe God takes care of us, too. If we find ourselves in a situation in which we feel as if we are falling to the ground in unfamiliar territory, feeling uncertain and scared

even, we tend to focus so much on everything that we have to cope with that we can sometimes feel completely alone. However, we never are because God is with us. He is hovering there alongside us and keeping us safe.

Our situation at the moment might be almost impossible to deal with, but please remember the words of Nelson Mandela, who said:

"It always seems impossible until it's done."

We will get through this, because we are not alone.

May God bless you all.

## Business Motions

14:04

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of business motion S5M-22871, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out a revised business programme.

*Motion moved,*

That the Parliament agrees—

(a) to the following revisions to the programme of business for—

(i) Tuesday 29 September 2020—

after

2.00 pm            Time for Reflection

insert

*followed by*        Ministerial Statement: Scottish Budget Update

and after

*followed by*        Stage 3: Social Security Administration and Tribunal Membership (Scotland) Bill

insert

*followed by*        Legislative Consent Motion: Sentencing Bill

(ii) Wednesday 30 September 2020—

after

2.00 pm            Portfolio Questions:  
Social Security and Older People;  
Finance

insert

*followed by*        Ministerial Statement: Supporting students through the global pandemic

and after

*followed by*        Labour Party Business: Recognising the Importance of Family Caregivers

insert

*followed by*        Legislative Consent Motion: Agriculture Bill

*followed by*        Legislative Consent Motion: Social Security (Up-rating of Benefits) Bill

delete

5.10 pm            Decision Time

and insert

5.45 pm            Decision Time

(iii) Thursday 1 October 2020—

delete

5.05 pm            Decision Time

and insert

5.00 pm            Decision Time

(b) that, for the purpose of consideration of the LCM on the Social Security (Up-rating of Benefits) Bill, Rules 9B3.5 and 9B3.6 of Standing Orders be suspended;

(c) that, for the purpose of consideration of the Supplementary LCM on the Agriculture Bill, Rule 9B3.6 of Standing Orders be suspended.—[*Graeme Dey.*]

*Motion agreed to.*

**The Presiding Officer:** The next item of business is consideration of business motion S5M-22841, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, on committee meeting times.

*Motion moved,*

That the Parliament agrees that, under Rule 12.3.3B of Standing Orders, the Finance and Constitution Committee can meet, if necessary, at the same time as a meeting of the Parliament from 3.30 pm on Tuesday 29 September 2020 to take evidence on the UK Internal Market Bill.—[*Graeme Dey.*]

*Motion agreed to.*

## Scottish Budget Update

14:05

**The Presiding Officer (Ken Macintosh):** We would usually turn to topical questions at this point, but we have a different order of business today to accommodate members of the Finance and Constitution Committee. We will move to a statement by Kate Forbes on the Scottish budget update. The cabinet secretary will take questions after her statement and I encourage all members who wish to ask questions to press their request-to-speak buttons.

**The Cabinet Secretary for Finance (Kate Forbes):** This is a welcome opportunity to provide an update linked to the publication of the autumn budget revision, which was laid on Thursday 24 September, and on related budget matters. The statement continues my commitment to engage with the Parliament on the budget process and on the funding provided to support the Covid-19 response.

I also take the opportunity to offer some thoughts in response to the chancellor's statement last week, and to his decision to scrap this autumn's planned United Kingdom budget.

The autumn budget revision is the second of three formal in-year amendments planned to the Scottish budget for 2020-21, reflecting the Scottish Government's financial response to Covid-19. It remains a snapshot of a dynamic funding position, but brings the total Scottish Government financial response to Covid-19 to over £6.5 billion—around £4 billion at the summer budget revision and £2.5 billion here—with final allocations planned to be set out in February in the spring budget revision.

The ABR allocates £2.55 billion of Covid-19 and other funding changes. It is being funded through deploying £2.4 billion of Barnett consequentials, £142 million of re-prioritisation of existing expenditure and £30 million of Scotland reserve drawdowns for capital expenditure.

The largest element, £1.84 billion of Barnett consequentials, is allocated to health and social care. That brings total health funding on Covid-19 to over £2.4 billion and reflects that the crisis is, first and foremost, a health crisis.

We have allocated £222 million of resource consequentials to transport. There is £190 million for business, employment and cultural support and £119 million for education and skills.

The ABR also allocates the majority of capital expenditure from the £230 million economic stimulus package announced in June. That leaves just over £500 million of Covid-19 resource consequentials still formally unallocated, but I

remind opposition members who appear to be confused about the nature of a budget revision that that funding is fully committed to the Covid response. It will be formally allocated through the spring budget revision: a budget revision is a retrospective budget process.

The residual Scotland reserve position is currently £220 million in total.

Although they are not formally allocated here, the remaining consequentials are already being redeployed against existing, high-priority commitments and there is no available headroom. For example, we have made a commitment to provide funding for those on lower incomes who are required to self-isolate and we also know that essential support is required to sustain our transport networks.

We all want to do more and I face calls from all parties to fund additional measures. In the absence of any further UK consequential funding, the only way of supporting additional commitments is through further re-prioritisation of existing funding—funding that we know is required to support vital public services. That is why, in my discussions with the UK Government, I continue to press the case for additional borrowing powers and other fiscal flexibilities. Those powers are essential in enabling the Scottish Government to do more to maintain a Scottish approach to supporting the Covid-19 response and to assist in the management of the overall budget position.

We are not waiting for the UK Government to act. Instead, we have got on with the business of investing in the economy, with a view to providing clarity to businesses and supporting economic recovery. Last week, we published the draft infrastructure investment plan as well as the capital spending review framework document. Together, those publications provide detail of future capital spending plans that will aid our response to the economic fallout from the Covid-19 pandemic and give much-needed confidence to key sectors of the Scottish economy.

The draft infrastructure investment plan sets out a clear vision to support and enable an inclusive net zero emissions economy. It includes the details of around £24 billion of major projects and national programmes that we can confirm now, with more to be added in future years. Infrastructure has a vital role to play in supporting jobs and helping businesses and communities to adapt and recover from the impact of Covid-19. Moreover, the package of investments set out in the draft plan responds to Scotland's economic, social and environmental needs, and supports sustainable and inclusive growth for all.

The capital spending review framework gives the basis for publishing a full capital spending

review later this year, which will provide multiyear capital budget allocations for the Scottish Government and other public sector bodies. We have done that despite continuing uncertainty about the UK Government's own forward spending plans.

The chancellor's decision to scrap this autumn's UK budget is extremely concerning news. The Scottish budget envelope still depends heavily on the block grant set by the UK budget and on UK tax policy. Without that tax policy and the other announcements of a UK budget, the Scottish budget for next year, on which vital public services depend, will be based on provisional and partial figures and therefore subject to unnecessary uncertainty and risk. That is no way to set a multibillion pound budget on which the communities and businesses of this country rely.

We faced a similar situation this year when the UK budget was not set until March. Members across the chamber, no matter how much they might defend the UK Government today, know full well that last year's delay was deeply problematic for our budget setting and scrutiny processes. However, the situation that we now face is far, far worse as it is compounded by the financial challenges of Covid-19, the potential for the UK Government to make substantial changes to tax and spending, and the uncertainty surrounding Brexit.

It is completely unacceptable that Scotland and the other devolved Governments are being put in this position again. Together with the finance ministers of Wales and Northern Ireland, I have written to the chancellor to register our concerns about the delay and the prolonged uncertainty about the scope and content of the UK comprehensive spending review. The situation again underlines the real need for us to have full financial powers to ensure that we are not adversely affected by UK budgetary decisions or, indeed, non-decisions. Whether it is Brexit uncertainty, lack of clarity on Covid funding or scrapping the autumn UK budget, our whole budget process is at the mercy of the dysfunction of Westminster.

The chancellor's winter economy statement provided helpful clarity on his next steps, and I welcome the extension of support for some individuals and businesses. However, it was clear weeks ago to nearly everybody else—business leaders, manufacturers, trade unions and political parties across the chamber—that either extension of the existing measures or successor arrangements were essential to prevent unnecessary economic damage and protect livelihoods. While the chancellor has dithered, many businesses have already issued redundancy notices.

The job support scheme is a poor and narrow substitute for the job retention scheme. The Treasury's own illustration makes it clear that the scale of its contribution to supporting individuals has plummeted, with the burden falling on hard-pressed employers to provide the majority of the support. The Institute of Fiscal Studies has stated that the job support scheme is significantly "less generous" than the furlough scheme and that a lot of those workers who are not working at all are likely now to lose their jobs. The Scottish Tourism Alliance has stated that

"employers cannot afford to pay staff when there is no work so we can still expect to see mass redundancies."

I am under no illusions; despite those announcements, jobs will be lost, the economy will be more fragile and the recovery will be challenging.

I will continue to seek to engage Parliament at every step of our fiscal response to Covid-19. The autumn budget revision and the draft infrastructure investment plan are part of that transparent process. However, I believe that the chancellor's statement on Thursday was a missed opportunity and that we need the clarity that an autumn budget would provide. The measures so far do not allow us to tailor our response to Covid's impact on the economy. The UK Government's continued failure to provide proportionate fiscal flexibility, such as borrowing powers, prevents the Scottish Government and the Parliament from acting to deliver the support that we all believe is necessary.

Our ambition remains to eliminate COVID-19 in Scotland and for the Scottish economy to return to delivering prosperity and growth. Unfortunately, under the current arrangements imposed on our budget approach and timetable, our response to the crisis is overly dependent on that of the UK Government.

The lack of an autumn UK budget increases the funding uncertainty for our decision making at a time when taxpayers, communities and our public services most need clarity.

Like all Governments, we are facing pressures to act now, to go further and to provide additional support, but we do not have the tools that allow us to do that. We do not have the clarity that we need on UK tax and spending to support our budget planning into next year. It does not seem credible to me, given these exceptional times, that the UK Government refuses to accept the case for our getting these routine, basic fiscal powers—powers that the Scottish Parliament has overwhelmingly supported in the past.

**Murdo Fraser (Mid Scotland and Fife) (Con):** I thank the cabinet secretary for the advance copy of her statement, although it is disappointing that



she has now fully adopted the grievance agenda of all her Cabinet colleagues.

The finance secretary complains that the UK budget is being delayed, seemingly oblivious to the fact that we have a global health emergency wreaking havoc with economies and public finances across the world. Of course, the Scottish Government was able to set a budget in similar circumstances earlier this year, so is there any reason to believe that the current finance secretary will prove less capable in that regard than her predecessor in office?

I will ask two questions of the cabinet secretary in relation to the detail of her statement. She referred to the unprecedented £6.5 billion guarantee of additional spending from the UK Government. She said that £500 million of that was “formally unallocated”. First, how much of that is currently unspent in the Scottish Government budget? Is the entire amount unspent? If all that money is fully committed, where is it committed to? When will we be given all the detail? Secondly, how much has already been reprioritised in the existing Scottish Government budget to address the Covid-19 situation?

**Kate Forbes:** On the substance of the questions, it is precisely because of the global pandemic that I am appealing to the UK Government for clarity, so that we can provide clarity to our taxpayers, communities and public services. This is not about the Scottish Government feeling as though it has not got advance notice from the UK Government; this about the need to set a multibillion-pound budget on which our national health service relies and not having the certain figures that we require this autumn.

I am in conversation with the Treasury in the hope that it will provide some accurate figures in the autumn, because I cannot set a budget on the basis of estimates. Our taxpayers rely on precise figures, not on estimates.

Let us take the basic example of non-domestic rates. The Tories will know that our interventions on NDR this year to provide support to businesses was reliant on the consequentials that came. Setting a budget before we know what the UK Government will do on tax would make it difficult for us to go further, because we are not allowed to overspend our budget. That is not a point of grievance; that is a point of fact, which I would hope that all members recognise.

On the two specific questions about the £500 million, I can say with complete certainty that all of that money is deployed. The full raft of details will be confirmed in the spring budget revision, which should be published next February. The examples that I will give are the continued support for the

transport systems and the continued support for self-isolation payments. Every single penny of that money has been committed and will be formally allocated in the spring budget revision. In the same way as we did not formally allocate everything in the summer budget revision—on which I have now provided an update—the same will apply to the spring budget revision.

On reprioritisation, we have reprioritised £142 million.

**Jackie Baillie (Dumbarton) (Lab):** I thank the cabinet secretary for the advance copy of her statement. I start on a note of consensus, because I recognise the significant difficulty that the Scottish Government faces as a result of the chancellor’s decision to delay the UK autumn budget statement and, in turn, the difficulty that the Scottish Parliament faces in doing its job of scrutiny.

I turn to the autumn budget revision and the £537 million in Barnett consequentials for Covid-19 that has not been, to use the cabinet secretary’s words, “formally allocated”. If she is telling us that there is no headroom, that all the money is deployed and that all of it has been allocated, she should be telling us now where that money is going to. Specifically, will she tell me how much will be given to local government? It reported only last week a budget gap of some £350 million, much of which is Covid-related.

**Kate Forbes:** I thank the member for starting on that point of consensus, which I hope we can continue throughout the budget process.

On the sum of more than £500 million, I remind members of how the most recent consequentials—£800 million—were allocated to us, which was as a guarantee on the understanding that our transport costs, in continued subsidies to rail and bus, will continue.

The member also talked about local government. That is another good example of where funding has not been formally allocated, but we have entered into agreements with the Convention of Scottish Local Authorities to ensure that local government gets additional money. She will know that we have already committed £382.2 million of direct funding, £257.6 million of which was approved by Parliament on 27 June, with the remaining £124.6 million to be allocated following agreement with COSLA on the distribution methodology.

We are currently engaging with COSLA to finalise the details of the lost income scheme, which is estimated to be worth up to £90 million. That sits alongside £49 million that it has been agreed will be passed on to local authorities. That is part of the lost income scheme.

The member will know that I have written to the UK Government, seeking clearance on a package of fiscal flexibilities in order to provide further assistance to local authorities. The leader of my own local council, who is not a Scottish National Party member, said that that would be a game changer for council finances.

**The Presiding Officer:** Patrick Harvie is joining us remotely.

**Patrick Harvie (Glasgow) (Green):** I, too, thank the cabinet secretary for advance sight of her statement, which mentions the replacement by the job support scheme of the job retention scheme and the likelihood that that will lead to increased unemployment. It is also likely to lead to increased poverty, because those at the bottom end of the wage scale will lose income that they can ill afford to lose.

What impact will that have on the Scottish finances, either through the devolved tax take or through uptake of and demand for devolved social security and other services? Is it possible to project the impact on the Scottish finances of those changes in time to allocate what is, so far, formally unallocated but will be included in the spring budget revision?

**Kate Forbes:** Patrick Harvie makes a good point about the impact on our tax receipts, as well as about the increased need for welfare support. He will know that, when it comes to setting a budget, one of the reasons that the timetable is so important is that the Scottish Fiscal Commission needs enough time to provide its own forecast, which will include the likely impacts on tax and welfare support.

We know that there will be a substantial impact on all the devolved taxes this year, which is something that we are monitoring very carefully. Patrick Harvie will know that the income tax impact will materialise only in the coming years.

The impact on welfare support is one of the reasons that, very quickly, in March, we provided additional support to local authorities, so that further support could be provided through things such as welfare payments. In the autumn budget revision—I am sure that we will get into the detail of it in committee next week—there are transfers that relate to the Scottish welfare fund.

**Alex Cole-Hamilton (Edinburgh Western) (LD):** My question is in two parts. First, I press the cabinet secretary on whether an estimate has been made for the amount that has been given directly to HM Treasury—or rather, from the Treasury—to people and businesses in Scotland under furlough and business support. That estimate was requested on 23 June.

Secondly, the Scottish Fiscal Commission's estimates for Scottish tax receipts have led to hundreds of millions of pounds of negative reconciliations. The £309 million shortfall next year is really hard—that money is out of the budget. Have the processes been improved in order to get better estimates, and what other estimates will the cabinet secretary use to inform the budget?

**Kate Forbes:** I did not quite follow the first question.

**Alex Cole-Hamilton:** I may have fluffed it slightly. I was asking whether an estimate has been made by the Scottish Government for the total amount that has been given by the Treasury to support Scottish people and businesses through furlough and business grants.

**Kate Forbes:** I understand that the Treasury provides those figures and that they are publicly available. We know that 217,000 people in Scotland—about 15 per cent of the workforce—are still on furlough, so a number of people are still dependent on that furlough support, which will run out at the end of October. Clearly, the replacement scheme does not incentivise the resumption of those jobs if there is no work.

On the negative reconciliations, at the early stages of the devolution of income tax, all parties were improving the process of forecasting and estimates—that is widely accepted. It is worrying that, next year, those negative reconciliations will have a significant impact on the Scottish budget. That impact could be relieved, in part, if the borrowing powers reflected the need to cover the reconciliations.

I am relieved that the £309 million figure is significantly lower than previous estimates, and £300 million of that could be covered by the borrowing powers. Those powers were provided for the express purpose of covering negative reconciliations, which are to be expected in the early years of a new, devolved tax.

**Bruce Crawford (Stirling) (SNP):** First, I am glad that the cabinet secretary has explained the reality of and the facts about the autumn budget revisions. Opposition members either have a fundamental misunderstanding of the financial arrangements that are in place or they have deliberately been seeking cheap, baseless headlines.

Can the cabinet secretary please expand on what the chancellor's scrapping of the budget could mean for the Scottish budget and for vital public services, particularly when we are in the middle of a pandemic and look likely to crash out of the European Union, against the wishes of the Scottish people? This is unacceptable.

**Kate Forbes:** I am grateful to Bruce Crawford for that point. Budget revisions are predominantly retrospective in nature. I am aware that he knows that full well, as I have come before the Finance and Constitution Committee regularly to explain the details in the budget revisions. I look forward—that may be too strong; I look forward, in part, to further scrutiny at his committee next week.

Bruce Crawford is right to point out the huge problems that a delay to the UK budget causes, not only to the Parliament but to every public sector body in Scotland. We faced the same situation earlier this year when the UK budget was not set until March. We had to go in advance, which was deeply problematic for our budget setting and which, as all members know, no matter what side of the chamber they sit on, made scrutiny difficult.

However, the situation that we now face is further compounded by the financial challenges that Murdo Fraser alluded to. There are the challenges of Covid and the uncertainty surrounding Brexit, with the threat of a potential no deal at the end of the year. Ultimately, we need tax policy and we need an understanding of UK spending decisions in order to know what our budget will be based on. I cannot base a budget on provisional figures when the people of this country, the public services in this country and our taxpayers require certainty.

**Maurice Golden (West Scotland) (Con):** The cabinet secretary has asked to be given full financial powers. In such a scenario, which public services would be cut?

**Kate Forbes:** If we were given full financial powers, we would extend the job retention scheme to avoid the cliff edge at the end of next month and to ensure that 217,000 people would no longer be facing redundancy. That is how I would use those full financial powers.

**Tom Arthur (Renfrewshire South) (SNP):** The financial resources at our disposal determine, to a large extent, our ability to respond to the public health crisis of Covid—a public health response that will determine whether people stay safe and healthy and whether they live. What impact will the delayed UK budget have on the Scottish Government's ability to mount an effective public health response to Covid through the winter?

**Kate Forbes:** Last year, ironically, we were continually referred to the Conservative Party manifesto by Treasury officials when we asked for any certainty about our budget figures. We do not even have the luxury of a December election as we face this year's budget.

We are resorting to guesswork not only for our total funding envelope, but, critically, in relation to how much funding we can allocate to health

services as they continue to respond to the pandemic. As I have said, that is no way to set a multibillion-pound budget.

We have committed to passing on every penny of consequential funding that we receive and, as the autumn budget revision demonstrates, we will continue to do that. However, it is difficult to provide the certainty that everybody needs.

**Alex Rowley (Mid Scotland and Fife) (Lab):** Does the cabinet secretary agree that, as well as a fiscal response to tackle the economic crisis that results from Covid, we need a policy response? Scottish Labour continues to support the Government in making the case to the UK Government for additional borrowing powers and fiscal flexibility, but what is the purpose of getting new resources? Where will the jobs come from? What jobs are at risk? Where are the skills gaps? Is the Scottish Government looking at a joined-up regional approach that involves the public and private sectors coming together to form a strategy in every region that creates, invests in and protects jobs?

**Kate Forbes:** That is a good question. Alex Rowley is right to talk about the policy response that needs to sit alongside other approaches. I will refer to three things—some of this is captured in the autumn budget revision. The first issue is how we navigate the next few months, when localised lockdowns might increase, and how we support businesses that cannot open. The public health response should not be hampered by the lack of economic levers.

Secondly, we must provide support for employment and retraining, which was notably absent from the chancellor's winter update last week. The autumn budget revision includes £90 million of resource funding for employment support and training costs that are associated with Covid-19, for the very purpose of helping people back into work.

Alex Rowley will be aware of the third element—the jobs guarantee for young people—which involves the private and public sectors working together collaboratively. That ensures that every young person has access to education, training or a job. Given how hard hit the lives and employment prospects of our young people have been because of Covid, that aspect is particularly important.

**John Mason (Glasgow Shettleston) (SNP):** The cabinet secretary mentioned the new job support scheme, which is quite a blunt instrument. If a geographical area was locked down, would she have the powers to help it? If a sector was not allowed to reopen, would she have the powers to help it? If not, what powers would she like to have to be able to help?

**Kate Forbes:** The issue is very much about having the powers to fund interventions. Having a fixed budget means that, if additional support is to be provided in one area, support must be cut from another. In an emergency, I cannot in good faith see cuts to any part of our budget.

The best way to protect jobs is by extending the furlough scheme. I take the point that the best way to do that is on a partial basis that allows us to tailor the scheme to particular sectors or areas. Certainly, the job support scheme that the chancellor has announced is a poor substitute, because it disincentivises employers to bring people back and it does not remove the risk of redundancy. During the localised lockdowns of the past few months, because furlough was in place, businesses could access support or refurlough staff. That will not be available going forward and, unless we have the powers to raise revenue, we are unable to fund our own interventions.

**Bill Bowman (North East Scotland) (Con):** Does the cabinet secretary agree with Scottish National Party hopeful Osama Bhutta—Alex Salmond’s former aide—when he says:

“The state literally creates money; it does not need our money.”

Is that a change to the SNP’s economic thinking?

**Kate Forbes:** I have not read those particular comments, but I can connect the question to the statement, although it seems quite removed from it, by saying very simply that, in extraordinary times, we need extraordinary powers to ensure that we support every business and every employee who is currently facing an uncertain future. What we are asking for is mind-numbingly basic: fiscal powers and fiscal flexibilities in order to do that.

**Stuart McMillan (Greenock and Inverclyde) (SNP):** Will the cabinet secretary provide an update on the Scottish Government’s latest engagement with the UK Government regarding requests for fiscal flexibilities to be devolved?

**Kate Forbes:** I had a meeting with the Chief Secretary to the Treasury last week. No progress has been made on my request for fiscal flexibilities since my previous meeting with him in July, and I do not think that I have had a response to the letter in which I set out the detail of the flexibilities that I have requested. However, I am committed to continuing to have engagement with the Treasury, alongside my devolved Government counterparts. We are all united in pressing the UK Government for those flexibilities, most of which do not cost the Treasury a penny.

**Sarah Boyack (Lothian) (Lab):** I draw members’ attention to my entry in the register of

interests in relation to my former employment with the Scottish Federation of Housing Associations.

How can the cabinet secretary justify the fact that the capital spending review includes a 30 per cent real-terms reduction in spending on the affordable housing supply programme? Given that we have a huge waiting list for appropriate affordable housing and a high level of homelessness, do we not need to protect jobs in the construction industry and support the Scottish economy to get through the pandemic?

**Kate Forbes:** Of course, the infrastructure investment plan consultation was published last week, and I am sure that Sarah Boyack is welcome to respond to it.

What we have at the moment as regards capital spending is a framework. My sincere hope is that we will have the promised UK Government comprehensive spending review, which will provide additional clarity on precisely what our capital allocations will be for the next five years. Alongside the budget, whenever that it is—I hope that it will be soon—that will allow us to publish a more fulsome capital spending review, with exact figures.

## Topical Question Time

14:36

**The Presiding Officer (Ken Macintosh):** Our first topical question comes from Sandra White, who joins us remotely.

### Covid-19 (Students)

1. **Sandra White (Glasgow Kelvin) (SNP):** To ask the Scottish Government what discussions it is having with the university sector regarding students isolating because of Covid-19. (S5T-02420)

**The Minister for Further Education, Higher Education and Science (Richard Lochhead):** This is a challenging time for many of Scotland's students, and we are in frequent direct conversation with the university sector around support for students who are self-isolating because of Covid-19, to underscore the importance of supporting students, practically and emotionally. We have been assured that practical and welfare support is in place, but we are actively pressing universities to ensure that that is the case. Institutions and providers are making arrangements for self-isolating students to be able to access food and essential supplies.

Students can also access local authority services that provide support for self-isolating individuals who are otherwise unable to access food and other essentials. That can be arranged through the national assistance helpline on 0800 111 4000. The national assistance helpline is a service for those who cannot leave their home and cannot get the help that they need in any other way.

Universities will have accessible wellbeing services, with details on their websites, and the student information Scotland website has the student support pages of every institution, so it can signpost students to support that is available.

**Sandra White:** I have spoken to the universities in my constituency and I have not had an answer from them, so will the minister please tell me whether the Scottish Government has had any discussions with the universities about students who have already returned home or who wish to return home, but who want to resume their university hall tenancies once it is deemed safe for them to do so? Will those students face financial penalties?

**Richard Lochhead:** I thank Sandra White for asking those pertinent questions that are relevant to many students in Scotland.

Our advice to all students in Scotland is that they should please remain living in their current

student household in their current university accommodation, because that is the best way to prevent the spread of the virus in Scotland. We are giving similar advice to all sectors of society across the whole of the nation.

However, we recognise that this is a very difficult time for many students, particularly those who might be self-isolating and those first years who might be away from home for the first time. That is why we issued guidance at the weekend, after speaking to student bodies and the universities, to outline under what conditions students can return home under the current restrictions in Scotland. The ability is there for students to return home if they are unable to continue in the current circumstances at university, but if they are able to do so, we are asking them to remain in their student households in their current student accommodation.

When it comes to leases for student accommodation at university, we know that the University of St Andrews and the University of Glasgow have introduced a lot more flexibility to ensure that they do not penalise students who want to resign their leases even within their 28 days' notice period. I have written to all of Scotland's principals asking for all universities to be very sympathetic to all students at this time.

**Sandra White:** A number of students reside not in halls but in the private accommodation sector, including houses in multiple occupation. Has the minister had any discussions with private student accommodation providers regarding guidance on their duty of care to their residents and what should happen if residents wish to leave? Has he had any correspondence with those providers regarding the Government's guidelines? In my Glasgow Kelvin constituency, I have a huge amount of private student accommodation.

**Richard Lochhead:** That is a good point. On purpose-built private student accommodation, I note that the Covid regulations that we passed allow students to give 28 days' notice to resign their leases, and that applies to those situations as well. We have had regular conversations with the operators of those buildings, and they are also obliged to have a duty of care for their residents and ensure that they are able to access necessary supplies if they are self-isolating.

**The Presiding Officer:** There is a lot of interest in the subject. We will see how many members we can get through.

**Jamie Halcro Johnston (Highlands and Islands) (Con):** What consultation did the minister hold with NUS Scotland about the restrictions on students and their potential impact ahead of their publication early on Friday evening?

**Richard Lochhead:** We have had regular conversations with NUS Scotland throughout the pandemic. Indeed, I spoke to it again today. On the guidance for students returning home, we were in conversations with NUS Scotland, and it helped to input to that guidance.

If the member is referring to the guidance on socialising over the weekend, we offered our support to Universities Scotland, because that was the advice that it gave to Scotland's students. It said that, just for the previous weekend, they should not socialise outside their households in order to help us to break the chain in transmission, given where we are with the outbreaks in universities at this time. That was a matter for Universities Scotland to take forward.

**Iain Gray (East Lothian) (Lab):** Yesterday, the First Minister was at pains to explain that the advice on household mixing for students was not really different from the advice for everybody else. Given that that is the case, why did the minister, before the universities returned, remove from the guidance that where work could be done from home, that should be the norm?

**Richard Lochhead:** Over the summer, we worked with Scotland's further and higher education sector on guidance for the safe return of our colleges and universities, and we consulted closely all the stakeholders including the trade unions, student bodies, the universities and, in the case of further education, the colleges.

It has always been the case, even in the draft guidance that was circulated for comments and consultation, that there was the proposal for blended learning. In many cases, students will be learning online, but there are cases where face-to-face teaching is very important. That should, of course, be limited and happen only where it is necessary, and that has been reflected in every version of the draft guidance that was circulated for consultation in the run-up to its publication on 1 September.

That blended approach to student-centred education is incredibly important at present. Many courses cannot be taught wholly online. Interaction with lecturers and tutors is an important part of the education experience as well, and it has to take place where necessary.

**Ross Greer (West Scotland) (Green):** In the past few days, a number of students have raised disturbing examples of universities informing them that, if they were to terminate their lease for their university accommodation, their place on their course would be terminated as well. I do not believe that that is legally enforceable or morally right. I ask the minister to take this opportunity to state categorically that no student should lose their place at university because they have decided to

terminate their accommodation lease and return home.

**Richard Lochhead:** It is absolutely the case that no student at any Scottish university should have their place on their course jeopardised by their terminating the lease for their student accommodation. I have discussed that point with the principals, who tell me that that is not the case. I know that there have been such reports, however.

We will reiterate, time and again, that our universities have a duty of care to their students at this very challenging time—particularly to those students who are going into their first year at university, as I said before, as it is perhaps their first time away from home and already an anxious time for them. They deserve the absolute maximum support from all Scotland's universities. There should be no obstacles to putting their wellbeing and education first.

**Mike Rumbles (North East Scotland) (LD):** Police Scotland says that there are no travel restrictions in law, and there never have been, so why were students being told that they could not travel home, which gave them the impression that if they did so, they would be breaking the law?

**Richard Lochhead:** The Scottish Government issued guidance at the weekend on students travelling home to put the recent restrictions in the context of student households. It is only a week or so since we had new restrictions on meeting other households indoors and social gatherings. It was very important, particularly given what has been happening in some of our universities, where students are self-isolating, and perhaps are anxious and want to go home, that the restrictions are put into the context of student households.

There are no extra laws that apply to students that do not apply to the rest of society. We must not stigmatise or target students. What is happening at the moment is not their fault, or anyone's fault—we are in the middle of a global pandemic.

If students wish to go home, they are perfectly able to do that within the law, in certain circumstances, as outlined in the guidance that was published at the weekend. However, our strong advice to the student population in Scotland is that if you are able to, please remain in your current household in your student accommodation.

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** With colleagues, I had a constructive meeting with Professor Muscatelli yesterday, where I raised various matters, including restrictions put in place by Glasgow university at Murano Street student village regarding the use of common laundry facilities and the suspension of cleaning services for communal

areas. I know that the university is working hard on both counts. There is a temporary workaround and it is trying to secure a permanent solution.

Is the minister aware of similar issues elsewhere in Scotland? Can I request that the Scottish Government works with universities to ensure that they meet their responsibilities and that such matters are resolved speedily?

**Richard Lochhead:** The guidance on a safe return to further and higher education that was published on 1 September outlined how the guidelines should be applied to student accommodation and the services that should be made available to students, and how outbreaks should be managed.

I very much recognise that the current situation is a challenge for Scotland's universities, as it is for our students. I thank our university staff and all staff who are helping to care for and look after the wellbeing of our students at this time.

There are some practical challenges and there have been some teething issues, as Bob Doris mentioned. I will happily look into the specific issues that he raised and make sure that they are reflected in our on-going discussions with the sector.

**Jamie Greene (West Scotland) (Con):** The multiple changes in guidance all happened over a short few days and were completely bereft of parliamentary scrutiny, and they have left many students worried about whether or how they can socialise or even return to their family homes. Can the minister end some of those concerns and confirm that food parcels and priority deliveries will be available for all students in lockdown who need them, and that any who choose to leave their accommodation and return home permanently can do so and will be given rent refunds? Given that students are not yet clear whether they can go home for the October holidays, can the minister give some reassurance that they will be allowed home for Christmas?

**Richard Lochhead:** Of course, Jamie Greene highlights important issues, but we worked with student bodies on the guidance that was published at the weekend. I spoke to them again just before this question, and they told me that they very much welcome the guidance, and it has been welcomed across Scotland's campuses.

I hope that most people are able to stay in their current household in their student accommodation, but if they are not, I urge all students who feel that they are unable to continue in their accommodation, particularly those who are self-isolating, to access the guidance, which explains the circumstances in which they are able to return home. The circumstances include moving permanently back to your home household, which

of course means that you cannot move back and forth, because the whole of Scotland is subject to the same guidelines on households meeting indoors and social gatherings.

The guidance is clear. Students have told me that it is welcome and it is clear. It is helping a lot of students to make informed decisions, and that was its purpose. The law has not changed, and the guidance explains the law in the circumstances of student households.

**Neil Findlay (Lothian) (Lab):** I am advised that senior Government advisers wanted the mass testing of students at universities. Who vetoed that?

**Richard Lochhead:** The guidance that we are following is, of course, from Scotland's public health officials. We keep asymptomatic testing under review, as I am sure the Cabinet Secretary for Health and Sport and the First Minister have reiterated time and again. There has never been anything vetoed in terms of the advice that we have received from our advisers in Scotland, who have taken into account all the scientific advisory group for emergencies—SAGE—advice. SAGE advice was published in the first week of September, and the draft version of that was, thankfully, passed to our own officials so that we could take it into account for our own guidance, which was published earlier than that, because our universities in Scotland return earlier.

The guidance from SAGE and our own public health officials is, of course, taken into account by ministers, and we are focusing our testing capacity on symptomatic students, as the advice asks us to do. International students who arrive in Scotland from certain countries have to quarantine for two weeks, as well. We are advised that that is the best way to keep people safe.

### Court Cases (Backlog)

2. **Liam Kerr (North East Scotland) (Con):** To ask the Scottish Government what its response is to reports that the backlog of court cases could take up to a decade to clear. (S5T-02423)

**The Cabinet Secretary for Justice (Humza Yousaf):** I welcome the recent report that was published by the Justice Committee, entitled "Re-opening Scotland's courts and tribunals system". In common with the report, the Scottish Government recognises the scale of the challenge with regard to the backlog of court cases. Administrations across the United Kingdom and beyond face such challenges. For example, in England and Wales, the outstanding workload in the magistrates courts was up to 520,000 cases in August.

As I emphasised to the committee, the estimate that it would take a decade to deal with the

backlog in Scotland was based on a do-nothing scenario, which is clearly not the approach that we are taking.

We have provided the Scottish Courts and Tribunals Service with additional funding of £5.5 million to set up ground-breaking jury centres for High Court trials, which start this week. We are optimistic that we will see up to 16 jury rooms available for High Court trials before the end of November—that is at pre-Covid capacity. We are also working with the SCTS to enable the jury centre model to be rolled out for sheriff and jury trials. I hope to say more about that later this week.

The chief executive of the SCTS, Eric McQueen, has confirmed to me that positive progress is being made in recovering volumes of summary business within the sheriff courts. In September, the number of summary trials that progressed with evidence led was at 80 per cent of pre-Covid levels.

Although those are positive developments, we must be realistic about the scale of the backlog and the time and action that will be required to recover fully. I will, of course, update Parliament on the progress of that work in my response to the committee's report.

**Liam Kerr:** We have to remember that, for every criminal trial that is delayed, there is a victim waiting for justice. The reality is that most of the backlog in Scotland was built up before the coronavirus hit. The latest figures show that over 80 per cent of the 22,000 trials that were scheduled at the end of June were carried over from March. The committee's report said:

"Covid-19 and lockdown has not created the problem of a backlog in cases, rather it has deepened an already existing problem."

Why was the backlog already so big? Why has it taken a pandemic for the Scottish National Party to start to take it seriously? Does the cabinet secretary accept that the failure to address that has failed thousands of victims?

**Humza Yousaf:** I say to Liam Kerr in all seriousness that, when it comes to the issue of courts and victims, he is not in the best books of the victims organisations, because of the approach that his party has taken.

I would not suggest that the Government has not done anything to address the backlog; I have given Liam Kerr details of where we have done that. I have referenced the fact that, in England, there was a pre-Covid backlog of 407,000 cases in the magistrates courts.

Liam Kerr asked for the reasons why there are backlogs in court cases. They exist because of things such as the rise in sexual offences cases

going through the courts. Such things are not, of course, unique to Scotland.

Liam Kerr is right: we should look to address the issue. One thing that the pandemic has taught us is to look to take innovative approaches, such as external jury rooms and investment in technology for virtual courtrooms. We will take forward some of the work that was being done pre-Covid—for example, Lady Dorrian's group's work on how to manage sexual offences cases through our courts. That work was delayed because of Covid, but I hope that it will continue to progress.

We will continue to do that work. I hope that Liam Kerr understands that, with the unprecedented challenges of Covid in the past six months, the first priority has been to ensure that the backlog does not get any bigger. I hope that I have demonstrated that through the actions that I outlined in my first answer. If we are getting into a position to contain the backlog, I hope that we can make progress in diminishing it further over the years.

**Liam Kerr:** I hear what the cabinet secretary says, but I do not think that victims or the wider public will be reassured that the situation is under control.

The cabinet secretary talks of some possible actions, but I will specifically talk about sentence discounts, whereby a criminal gets a shorter sentence in return for an early guilty plea. Victim Support Scotland has made it clear that further discounts would cause "more confusion and upset" for victims, and I agree. The cabinet secretary is on record as saying that he is "wary" of increasing discounts, but victims will expect a cast-iron guarantee that such a soft-touch approach will not be countenanced. Will the cabinet secretary make that promise today?

**Humza Yousaf:** Again, the question shows the challenge that we are facing. On the one hand, Liam Kerr says that the Government must do something; on the other hand, he says that the Government must not do X, Y and Z. He does not present a solution, which is fair enough, because opposition is really easy. The tough job is being in government and making really difficult decisions.

I appreciate Liam Kerr's position, but he has not offered a single solution. I suggest that he go back and read the Justice Committee's report, which he would have been involved in. My evidence is included in that report. I said that we are considering a number of areas, one of which is the possible adjustment of sentencing powers, which is something that Liam Kerr's party has urged us to look at. We are also looking at investing in virtual technology. However, let us get to the crux of the issue—we have to ensure that the backlog does not increase any further. I have just given



Liam Kerr a fairly detailed answer about how we are doing that across High Court trials, sheriff and jury trials and summary trials. That is our immediate priority, and then we will continue to consider how we can further invest in other solutions.

To answer Liam Kerr's direct question, the consideration of discounts is not something that I am actively pursuing at this stage.

**The Presiding Officer:** Apologies to Rona Mackay and Rhoda Grant, but I am not able to take supplementaries on that question.

### Childminding

#### 3. Beatrice Wishart (Shetland Islands) (LD):

To ask the Scottish Government what action it is taking in response to reports that over 900 childminding settings are still to reopen, and the recent Scottish Childminding Association survey that suggests that the sector is "on the edge of financial viability". (S5T-02432)

**The Minister for Children and Young People (Maree Todd):** A range of financial support has been open to childminders, including the United Kingdom Government's self-employed income support scheme and the Scottish Government's newly self-employed hardship fund. Childminders who are delivering funded early learning and childcare have benefited from the commitment to continue payments during the closures period. However, we are aware that not all childminders have been able to access support through those routes. That is why, in June 2020, we agreed with the Scottish Childminding Association to jointly fund the childminding workforce support fund. In September, the Scottish Government announced an additional £390,000 for the fund, thereby increasing our support for it to £420,000.

We are also working in collaboration with the SCMA and others to develop and frame our commitment to supporting childminders with targeted activity in the short, medium and long terms.

**Beatrice Wishart:** The decision to exclude childminders from the transitional support fund was described by the SCMA as "poor and divisive", and justifications from the Scottish Government about fewer operating costs do not add up. Childminders are going to considerable expense and effort to ensure that their premises are safe. Last week's survey found that childminders have experienced direct increases in operating costs, alongside working more unpaid hours. Will the Scottish Government reverse its decision to exclude childminders from the transitional support fund?

**Maree Todd:** Let me say on record that I am deeply grateful to everyone in the childcare sector,

including childminders, who has supported key workers and their families, as well as vulnerable children, during the health crisis. I recognise that lockdown has hit income in many areas. The transitional support fund was intended to support private and voluntary not-for-profit day care of children settings to meet the extra costs that were incurred in complying with the public health guidance for those services in response to Covid-19. The guidance has significant financial implications for those settings, including the cost of potential physical adaptations and additional staffing.

In contrast, childminders are subject to separate guidance, under which the vast majority of them do not have to considerably change their operating models, so they can run very close to business as usual in terms of delivery.

The development of the transitional support fund was informed by evidence and analysis. We put out a survey, as did the SCMA. The majority of childminders who responded indicated that they expected no change or a decrease in their cost of delivery as a result of public health guidance. In contrast, 79 per cent of the day care of children respondents reported that they expected an increase in their costs compared with business as usual.

We have continued to work very closely with the sector, including through the SCMA. We are aware that some childminders have not been able to access support through those other schemes, which is why we have provided £420,000 in total to the SCMA to deliver the childminding workforce support fund.

**Beatrice Wishart:** The SCMA is clear that the childminder workforce has declined as local authority provision has expanded. Now, 46 per cent of childminders say that they

"do not believe they will remain financially viable for more than six months without financial support or an increase in business".

The number of childminders has already reduced. Given fears that more will follow, does the minister agree that that could have disastrous consequences for parental choice and flexibility?

**Maree Todd:** There are certainly a number of challenges ahead for the entire sector. The SCMA survey showed us that there is a significant reduction in demand for childminding services, as there is for other forms of childcare. Eighty-one per cent of respondents said that the reduced demand was caused by parents working from home, and 74 per cent said that it was caused by parents being on furlough or being made redundant. There is significant flux in the sector, and there is significant change in what is happening.

We are absolutely committed to delivering the expanded childcare of 1,140 hours. Eleven councils are already delivering it and, by the end of October, another four local authorities will be doing so. We are determined to deliver it, and we are determined that parents will have the flexibility to choose the type of childcare that suits their family needs best. We want childminders to be part of that offer.

To ensure that we continue progress on the recovery and on all the challenges that childminders face, we continue to work closely and collaboratively with them to strengthen their future position. We will keep an eye on the future impact of the pandemic on the sustainability of childminding as we progress through the stages of the pandemic. We are also looking to frame, with the SCMA, our commitment to supporting childminders with targeted activity in the short, medium and long terms.

**The Presiding Officer:** That concludes topical questions. There will be a short pause.

## Complaints against MSPs (Committee Bill Proposal)

**The Deputy Presiding Officer (Linda Fabiani):** The next item of business is a debate on motion S5M-22213, in the name of Bill Kidd, on behalf of the Standards, Procedures and Public Appointments Committee, on complaints against MSPs—amendment of the Scottish Parliamentary Standards Commissioner Act 2002.

15:04

**Bill Kidd (Glasgow Anniesland) (SNP):** The committee's proposal to introduce a committee bill in relation to sexual harassment complaints marks the culmination of work that was initiated by the Parliament in 2017, to address sexual harassment. During that time, a series of changes have been made to the code of conduct with the aim of ensuring that members of the Scottish Parliament, MSP staff and parliamentary staff who have experienced sexual harassment can be assured that their complaint will be investigated independently and in confidence.

The Standards, Procedures and Public Appointments Committee initiated an inquiry into sexual harassment and inappropriate conduct in 2017. It examined the Parliament's processes and procedures for dealing with sexual misconduct by MSPs. While that was under way, the Scottish Parliamentary Corporate Body launched a sexual harassment helpline and issued a survey to all staff and members to establish baseline information on staff and MSP experiences and their attitude to reporting sexual harassment.

In February 2018, Parliament established a joint working group to progress the work arising from the results of the staff survey, and it considered the committee's inquiry report. The joint working group was made up of representatives of all parties, as well as senior members of parliamentary staff and a representative of Engender. The joint working group reported in December 2018 and made a series of recommendations. Following a consultation on its recommendations, the report was referred by the SPCB to our committee to implement the recommendations relating to the standards regime in the Parliament.

The committee considered the joint working group's recommendations during the first half of 2019, before consulting MSPs on proposed revisions to the code of conduct to implement two of the working group's key recommendations: that no time limit should be applied to complaints of sexual harassment; and that members should be held to account for their behaviour towards their own staff in the same way as they are held to

account for their behaviour towards anyone else. The joint working group also wished to see consistency of approach to all investigations of allegations of sexual harassment by MSPs.

Following its consultation, the committee recommended a number of changes to the code of conduct that were agreed by Parliament at the end of last year and came into effect in January. They made it possible for the Commissioner for Ethical Standards in Public Life in Scotland to investigate complaints about an MSP's treatment of a member of the Parliament staff or an MSP's treatment of a member of staff of another member. Such complaints had previously been excluded complaints and subject to different procedures. Only if those procedures failed to reach a resolution could they then be referred to the commissioner.

The code changes also introduced a standard of conduct for MSPs towards their own staff for the first time. The new standard, agreed by Parliament, prohibits MSPs from behaving in a manner towards their own staff that includes bullying, harassment including sexual harassment, or any other inappropriate behaviour.

Although clearly never acceptable, sexual misconduct by an MSP towards his or her own staff was explicitly prohibited by the code of conduct from that moment forward. However, legislative change would be required to address historical conduct by MSPs towards their own staff as recommended by the joint working group. That is because the act governing the remit of the standards commissioner allows her only to investigate breaches of a relevant provision, which includes the code of conduct, standing orders, or legislation relating to members' interests that was in place at the time of the alleged misconduct. The joint working group also specifically recommended the removal of any extra barriers to the bringing forward of complaints that are made more than a year after the complainer becomes aware of the misconduct. The committee believes that that should be applied to complaints of any breaches, not just those relating to sexual harassment.

The committee now presents the Parliament with a proposal for a committee bill under rule 9.15 of standing orders. It aims to address both those issues.

In drawing up plans to introduce the bill, the committee invited political parties, MSPs, MSP staff, people who responded to the committee's 2018 inquiry and anyone else with an interest to respond to its proposals, and the responses are published on the committee's web page. The Scottish Women's Convention pointed out

"The psychological toll that historic sexual harassment has on victims",

while Engender's submission referred to the "power dynamic" between MSPs and their staff. Both submissions welcomed the proposed creation of an alternative independent route for complaints that did not involve complaining directly to the employing MSP.

To summarise the committee's proposal, the bill would adjust

"what is treated as a relevant provision for the purposes of the Commissioner's investigations under the 2002 Act so that complaints about historic instances of sexual harassment"

by MSPs towards their staff can be dealt with in the same way as conduct towards other staff or MSPs.

**Mike Rumbles (North East Scotland) (LD):** On a point of clarification, would the historical approach apply not just to current, but to former, MSPs?

**Bill Kidd:** I am just coming to that; I hope that this will explain it.

It is important that I point out that the change will apply only to complaints of sexual harassment. It will not be possible to reopen minor historical grievances or the breakdown of a working relationship as a result of the changes.

The bill would also remove a requirement in the 2002 act that a complaint should be made

"within one year from the date when the complainer could reasonably have become aware of the conduct complained about."

That point may be relevant to the issue raised by Mike Rumbles. By removing the requirement for the complaint to be made "within one year", the bill takes the timescale further back. I will have to take advice on the matter, but I think that that covers what Mr Rumbles was asking about. It might not, but I will certainly check that.

For simplicity, that change will apply to all older complaints, not just those involving sexual harassment. Although it has always been possible for the commissioner to investigate older complaints following a direction from the committee, the change removes a hurdle that might inhibit complainers from coming forward.

Finally, the proposed bill would also contain a housekeeping amendment to the 2002 act removing the requirement for signatures when lodging complaints with the commissioner, or withdrawing them, to better reflect modern working practices. I commend the committee's proposal to the Parliament.

I move,

That the Parliament agrees to the proposal for a Committee Bill, under Rule 9.15, contained in the Standards, Procedures and Public Appointments

Committee's 7th Report, 2020 (Session 5), *Proposal for a Committee Bill — Complaints against MSPs — amendment of the Scottish Parliamentary Standards Commissioner Act 2002* (SP Paper 766).

15:13

**The Minister for Parliamentary Business and Veterans (Graeme Dey):** I propose to keep my contribution to the debate relatively short, as I suspect other members will, too, because I doubt whether there is much, if anything, that will divide us on this matter. The Government's views on sexual harassment are well known and the proposals set out in the committee's report are very much a matter for Parliament. Aside from the process element of the debate, it also affords a further opportunity for us to place on record a statement, which I am confident is agreed by all of us in the chamber, that sexual harassment or abuse of any form, whether in the workplace, home or society is reprehensible and cannot be tolerated.

The Government was fully supportive of the Standards, Procedures and Public Appointments Committee's inquiry into sexual harassment and inappropriate behaviour in the Scottish Parliament, because everyone has the right to work and live their life free from abuse, harassment and intimidation. It is imperative that the Scottish Parliament exemplifies those principles. Parliamentary rules and practices should be fair, sensitive and supportive of everyone. No individual should be discouraged from working in or engaging with the Parliament.

The committee bill proposal set out in the report is, as we have heard from the convener, shaped by the committee's inquiry into sexual harassment and the recommendations of the Parliament's joint working group.

The bill proposal follows on from a suite of reforms that the Parliament has already implemented to tackle harassment, which are now enshrined in the MSP code of conduct, parliamentary policy frameworks and the Parliament's internal processes for handling any allegations that may arise.

The focus on encouraging individuals to raise their concerns with an assurance that such issues will be handled sensitively and discreetly is especially welcome. The aim of the proposed bill is to complete the implementation of the working group recommendations, specifically those that can be delivered only through primary legislation.

The Government notes that changes are proposed to the 2002 act to allow for the investigation of complaints of a historical nature; to remove extra requirements for the investigation of older complaints in general; and to implement the

committee's own proposal for removing the requirement for complaints and complaint withdrawals to be signed.

The Government is supportive of the proposed bill in principle, subject to sight of the actual bill that will be brought forward for introduction. I take the opportunity to confirm that should Parliament agree to the bill proposal, the Government would not wish to exercise its right to legislate in that regard.

I want to air a related issue that I have raised with the committee, and which I understand would be a matter for the MSP code of conduct as opposed to the proposed bill, although I would welcome further confirmation of that. The issue in question is whether Scottish Government officials could be reassured that any reforms to the MSP conduct framework, and any associated complaint-handling procedures would apply to them as well as to MSP staff and staff in the parliamentary service. As I said, the Government would welcome any reassurance that the committee could offer on that specific point.

As I have noted, the Government welcomes and is supportive of the committee's report, and I look forward to hearing the views of other members.

15:16

**Jamie Halcro Johnston (Highlands and Islands) (Con):** Everyone who works in the Parliament has an interest in ensuring that the public can have confidence that we operate with a high level of integrity and propriety. That has been part of the Parliament's ethos since it was created in 1999. Integrity is one of the four principles that are inscribed on the mace that has sat before Presiding Officers during every session, symbolising the chamber's authority. There have, of course, been challenges to the Parliament's reputation in the past few decades, including a number in recent times.

Where people's faith in their public institutions has been dented, it is often more than simply the actions of individuals that have fallen short of the standards that we set ourselves. In those cases, the actions and precautions that our institutions have taken have often fallen short, too. It is by acknowledging those institutional shortcomings that we can begin to make real change, not just in the processes that we have in place but in our organisational culture.

For many years, we have, institutionally, failed to root out and tackle many of the problems that have given rise to the discussion that we are having today. Individual incidents in the Parliament, unlike in most workplaces, are likely to receive extensive coverage in the media. Our behaviour is very much under scrutiny, and it

sends a signal to wider society. One thing is clear: nobody benefits in such situations. When our reputation is dented, it diminishes not just individuals or specific political parties—it diminishes us all. Sadly, that is true not just for the elected members among us, but for those who are attached to the Parliament and those who work in it and with it.

We are all aware of the specific concerns that have prompted the proposed changes. Over recent years, there has been a significant effort to tackle sexual harassment and inappropriate behaviour. As a first step, we must acknowledge that such conduct has previously been overlooked, ignored or excused. We have heard the testimony of many people who have been affected, but there are undoubtedly more who have yet to be heard, and some who maybe never will be.

The Parliament has acted on those issues, and I commend the work by the Scottish Parliamentary Corporate Body and by many parliamentary staff across a number of departments. The joint working group reported its recommendations, and it is down to those recommendations that we have made the progress that we have so far.

It is important to ensure that consensus can be built around a shared set of proposals for change. We in the chamber are in the unusual position of being 129 small employers, but we are all equally invested in the Scottish Parliament, both as an organisation and as a community. I believe that it is important that members continue to have the ability to manage their own staff, and that they have the flexibility, within reason, to best serve their constituents in the ways that they see fit. However, it is vital, too, that the right processes are in place to tackle situations effectively where serious problems arise.

As has been outlined, the recommendations of the joint working group have already brought about positive change. They have clarified the expected standards of conduct between MSPs and staff and they recognise that bullying, harassment and inappropriate behaviour are entirely incompatible with MSPs' elected position at the heart of public life.

We have yet to take the proposed changes to their conclusion. The committee has agreed with the recommendations of the joint working group, and we have made clear our position that it is in the interests of the Parliament as well as in the wider public interest to allow for the effective investigation of historical allegations of improper conduct that has taken place within this institution.

The proposed legislation will not be complex. It will ensure that it is within the power of the Commissioner for Ethical Standards in Public Life in Scotland to pursue complaints of this type of

sexual harassment that have occurred in the past, removing the current one-year limitation that exists in statute.

The work that the Parliament and the political parties that are represented here have done over the past two years to tackle improper conduct has been a step in the right direction. We have long accepted that that sort of behaviour is wrong and that the people whom we employ should never have to accept it in any form as part of coming into work.

The committee is proposing that we start to deliver on the remaining outstanding issues, ensuring that we have the processes in place that can address the problems that we have faced.

I join my fellow committee members in recommending that the proposed bill be brought before the Parliament.

15:21

**Neil Findlay (Lothian) (Lab):** The proposed bill follows on from concerns that have been raised about sexual harassment, and about such behaviour in the Parliament. The survey that was circulated to gauge the experience of people who work here was a sobering piece of work. The proposed committee bill is a response to the work of the joint working group on sexual harassment, and the group's recommendation is that no time limit should be applied to complaints of sexual harassment. I am led to believe that the bill would allow complaints to be made in relation to historical misconduct by any serving or former MSP towards his or her staff, to answer Mr Rumbles's question. My understanding is that that is already the case in relation to complaints about the conduct of SPCB staff and MSPs.

The Parliament started looking into the matter at the end of 2017, when the Standards, Procedures and Public Appointments Committee agreed to carry out an inquiry into the procedures for dealing with sexual harassment and misconduct. The proposed bill follows up on that work, removing the admissibility requirement that a complaint be made within one year and allowing the Commissioner for Ethical Standards in Public Life in Scotland to investigate complaints made by any member's own staff in relation to sexual harassment that is alleged to have taken place in the past. The bill will deal with complaints of historical sexual harassment by MSPs towards their own staff, and it will remove the requirement for a signature on any complaint.

The proposed bill is one of a wide range of measures that are being taken to tackle sexual harassment and inappropriate behaviour in the Parliament. We have already heard about the sexual harassment helpline that was set up and

the subsequent survey of all staff and members. The survey found that a majority of people—78 per cent—had never experienced any sexual harassment or sexist behaviour. However, 20 per cent, or a fifth of the people who work here, had experienced such behaviour while working in our national Parliament—30 per cent of women and 6 per cent of men reported experiencing that type of behaviour. It should shock all of us that that was the response of those who took part in the survey.

Key changes to the code of conduct were agreed in 2019 and came into practice in 2020. Historically, conduct and matters between MSPs and their own staff were addressed outwith the code of conduct and via employment law. However, that has changed since January 2020. The code of conduct was amended to ensure that MSPs treat their own staff with courtesy and respect. It is absolutely astonishing that we had to do that: I would have expected all MSPs to treat their own staff with courtesy and respect, and I hope that we all do.

Any complaint about behaviour prior to January 2020 is currently inadmissible. Therefore, the legislative change that is being suggested is required to ensure that there is no time limit. The proposed change removes that one-year provision.

It also removes the requirement that complaints need to be signed. The online process will provide some safeguards to ensure that the identity of a complainant is fully established and that only the complainant is able to withdraw the complaint.

This is a fairly straightforward committee bill and these are practical and necessary follow-up steps, so I hope that the proposal will receive unanimous support at decision time.

**The Deputy Presiding Officer:** Gosh, everyone is paying attention to the need for brevity today; I am quite stunned.

There seems to be some confusion, with some members having pressed their request-to-speak buttons and some not. I ask everyone to check that they have got it right.

We now move on to the open debate, with speeches of four minutes, please. I call Gil Paterson, to be followed by Rachael Hamilton.

15:25

**Gil Paterson (Clydebank and Milngavie) (SNP):** This proposed committee bill on complaints against MSPs, which will amend the Scottish Parliamentary Standards Commissioner Act 2002, is an important part of ensuring that the Parliament upholds the highest standards in dealing with complaints about the behaviour of MSPs.

The joint working group on sexual harassment identified among its recommendations one issue that would require primary legislation, which is that no time limit should be applied to complaints of sexual harassment. In principle, I am very happy to support and endorse that.

As we have seen, it can take many years for those who have been sexually harassed or abused to gain the confidence to make a complaint against their boss, who can have control over their career and professional future. Therefore, in my view, it is absolutely necessary to withdraw the one-year cut-off to making a complaint against an MSP that is contained in the 2002 act.

After consideration by all parties, the other recommendations made by the joint working group were incorporated into the code of conduct for MSPs and have been in effect since January 2020.

As part of the consultation process, another important statement surfaced: that MSPs should be held to account for their behaviour towards their own staff in the same way that they would be held to account for their behaviour towards anyone else. That is very obvious when it is expressed as simply as that—why was it not the case in the first place?

I was particularly pleased that, as part of the amendment process, the Standards, Procedures and Public Appointments Committee has expanded the joint working group's recommendation to remove the one-year provision to cover all complaints about MSPs' behaviour towards their staff. That will result in a single set of rules, which will make it much easier to administer staff complaints about MSPs' unacceptable behaviour.

Unfortunately, harassment and bullying have become a big part of many people's working lives—or maybe it only seems that way because of the media attention and the high-profile, powerful people who are being called to account for their actions. On balance, I suspect that bullying and harassment have always been in the working environment. However, a new awareness and collective public condemnation of those unfair and counterproductive practices, together with the courage of those affected by bullying and harassment to go public and challenge inappropriate behaviour, are slowly putting an end to a very unfair era. I certainly hope that that is the case.

All in all, the amendments in the proposed bill will enhance the equity of our staff complaints procedures. I urge everyone to support the proposal at decision time.

15:29

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** The Scottish Parliament should be a safe and pleasant environment, where staff feel comfortable in their place of work and confident in reporting harassment of any kind. Setting standards in this place should set an example across all levels of Government, in the public and private sectors and in wider society.

That has not always been the case, and many members of staff have been let down. A recent survey by the Scottish Parliamentary Corporate Body found that a fifth of respondents had experienced such behaviour while working in the Parliament. When the results were analysed, 30 per cent of women and 6 per cent of men reported experiencing some form of such behaviour. Those statistics are concerning and require continual improvement.

Actions have been taken in the Parliament, with policies such as the culture of respect workshops. I attended those and saw a high level of participation from both staff and members.

The Standards, Procedures and Public Appointments Committee's announcement of a proposal for a committee bill to amend the Scottish Parliamentary Standards Commissioner Act 2002 stems from the committee's work and from its writing to Dame Laura Cox, author of the independent inquiry report, "Bullying and Harassment of House of Commons Staff".

I thank Engender for submitting evidence to the consultation and I echo the calls from the Scottish Women's Convention for an analysis of the power imbalance in the workplace and for a commitment to tackle the deficiency in equal representation at a parliamentary level.

We must not forget the psychological toll that historical sexual harassment continues to take on victims. I agree with the SWC that the current time limit of one year creates an unfriendly, unsupportive and toxic atmosphere in the work environment. It is natural that some individuals may require a little more time to consider making a complaint. Removing that time limit might even act as a catalyst to encourage others to come forward. In light of that, the committee agreed that no time limit should be applied to complaints of sexual harassment.

The legislative change is necessary to allow for the investigation of historical complaints of sexual harassment by MSPs of their own staff under the 2002 act. The proposed committee bill deals with a change to the admissibility criteria in that act. That change relates to older complaints in general and it responds to the recommendations of the joint working group on sexual harassment.

For many former employees, sexual harassment was a key factor in their moving jobs. The victim may become empowered to speak out only years after their employment in the Parliament has ended. Removing the requirement for a signature on complaints, and on complaints withdrawals, is also an important amendment that allows staff to anonymously report incidents of harassment.

There is still a long way to go in helping survivors of harassment, not only in the Parliament but in other workplaces across Scotland. The issue is not a party-political one, nor does it affect any one party more than others. It crosses society. Getting it wrong causes reputational damage, and we have a duty to get it right.

We must promote the highest standards of conduct among those elected to Parliament. In doing so, we uphold public confidence in the good reputation of the Scottish Parliament. We on the Conservative benches support the proposed committee bill and its principles. We must strive to make our staff feel safe and secure in their employment in Parliament.

**The Deputy Presiding Officer:** That was the final contribution to the open debate, so we move to the closing speeches. For members' information, the stage 3 debate may start at about 10 to 4.

15:33

**Rhoda Grant (Highlands and Islands) (Lab):** Our role as MSPs is a privilege and we should aspire to a high standard of behaviour. Sadly, that is not always the case.

Neil Findlay pointed out the shocking statistics from the staff survey. What was even more shocking was that 45 per cent of perpetrators referred to in the results of that survey were MSPs. I was a member of the joint working group that was set up to deal with that desperate situation. The proposed bill comes from the recommendations of that working group.

It is clear that sexual harassment is based on an imbalance of power. The privilege of being an MSP bestows power on all MSPs, and abuse of that power is simply wrong. It is an abuse of our privilege—a privilege that was given to us by the Scottish people. I therefore welcome the consensus among all members that the change in legislation is necessary.

One of the most difficult issues that the joint working group looked at was the protection of MSP staff. They are directly employed by MSPs and have no right of appeal beyond their employers to the Parliament, to the Scottish Government or, indeed, to their party. Therefore, extending the remit of the Commissioner for

Ethical Standards in Public Life in Scotland to investigate such complaints adds to the protection for staff. It could also be a deterrent to MSPs who seek to abuse people in that vulnerable position.

Graeme Dey and Neil Findlay talked about extending that protection to Scottish Government and Parliament staff. I agree with that but, as it stands, Scottish Government and Parliament staff have a right to complain to their line manager and a right to have complaints about an MSP investigated beyond that MSP. An employer would normally investigate, and that might be the right way to do it for such members of staff, because the employer could also provide the support that is required for staff while the investigation continues. However, if an MSP were found guilty of harassing Scottish Government or Parliament staff, it would be right and proper for the Commissioner for Ethical Standards in Public Life to consider sanctions for that MSP.

I welcome the removal of the one-year cut-off for complaints of sexual harassment. That shows an understanding that the victim might be reluctant to come forward, because such behaviour might impact on someone's self-esteem, there is an embarrassment attached and there is a huge fear for MSP staff about their employment. Added to that, our staff normally share our political affiliation, so there is a reluctance to call out an MSP if that could cause reputational damage to the party. I say to anybody who is a victim of such abuse that it is not them who is causing that damage; it is the person who is perpetrating the abuse. I ask them never to be silenced by someone who preys on their party loyalty while not displaying the same loyalty themselves.

We need to have zero tolerance for sexual harassment. The proposed change to the legislation works towards that. All our staff need to feel safe in their workplace. We are in a privileged position, and it is unacceptable for anyone to seek to abuse that privileged position. Therefore, it is right that protections are put in place to hold abusers to account.

15:37

**Alexander Stewart (Mid Scotland and Fife) (Con):** I am delighted to have the opportunity to be involved in this important debate. Sexual harassment and inappropriate conduct in all its forms are completely unacceptable, and we should all stand resolutely against such conduct not only in the Scottish Parliament but in workplaces throughout Scotland and everywhere else.

As we have heard, MSPs were involved in a staff survey that was carried out by the Scottish Parliamentary Corporate Body. We found that one

in five respondents to the survey indicated that sexual harassment or sexist behaviour had been part and parcel of their working experience. That is a very high statistic, as Neil Findlay said. Twenty per cent of individuals who filled in the survey indicated that there was a problem, so the issue has to be tackled.

Some welcome steps have been taken. The joint working group on sexual harassment was set up, and it is only right that we ensured that the code of conduct was enhanced. It is also right for complaints that are made by MSP staff against MSPs to go to the Commissioner for Ethical Standards in Public Life. Such cases should not be just left to the law; there should be an opportunity to deal with them in the Parliament, to ensure that we send out a strong message.

In the view of many individuals who complained about sexual harassment, it was important that the code of conduct was introduced and then revised, and it is now very much explicit about such behaviour. It was not right that complainants could not come forward after one year. That was an anomaly that had to be challenged, and it has been. In sexual harassment cases, many people find it very difficult to deal with what happened—they lock it away in some shape or form. It may take years for them to come forward, challenge what happened and engage. It may be that other people have helped and supported them through that. We need to have confidence in the whole process. I am sure that the proposed bill will deliver that.

Bill Kidd talked about the joint working group. He mentioned the time limit, and said that members should be held to account for their actions—that is vital.

Jamie Halcro Johnston talked about the reputation not only of the Parliament but of other institutions. They have to be involved, too, and action must be taken to ensure that that happens.

Rachael Hamilton talked about people having a safe place to work. People coming to work for individuals who may be perceived as powerful should be able to be confident about their working environment; those individuals have responsibilities to ensure that they take care for and look after those who work for them.

We in the Scottish Conservatives are fully supportive of the proposed bill and what it seeks to achieve. Sexual harassment and misconduct cannot be tolerated in any way, shape or form. People should be able to challenge people in power. It is vital that staff have the confidence to do that.

The bill is an important step in the right direction. We cannot and must not be complacent about these issues. We must continue to do all that we can to tackle them. We must make it clear



that we are taking the matter seriously in this place, because that is vital for our reputation as parliamentarians.

I very much support many aspects of the proposed bill, and so does my party.

**The Deputy Presiding Officer:** I call Graeme Dey. You have five minutes.

15:41

**Graeme Dey:** I will take a lot less time than that, Presiding Officer. I kept my opening speech short because I do not think that there is anything at all that divides us on the issue, and the contributions from members have confirmed that.

I was particularly struck by Rachael Hamilton's comments about this not being a party-political issue. She went on to talk about how the issue criss-crosses society and impacts workplaces the length and breadth of Scotland. Sadly, that is correct, but we have a responsibility as the Scottish Parliament to take the lead, and the proposed bill will allow us to do that.

I very much welcome the proposed bill and the tone of the debate, and I look forward to the proposal coming to fruition.

**The Deputy Presiding Officer:** I call Bill Kidd to wind-up the debate on behalf of the Standards, Procedures and Public Appointments Committee. You can have as long as you like, Mr Kidd. *[Laughter.]*

15:42

**Bill Kidd:** I will aim to be popular and not take too long.

I will cover two issues quickly before I get into the meat of my speech. In response to Mike Rumbles, I say that, as mentioned by my committee colleague Neil Findlay, yes, the proposal is to cover former MSPs. I should have been able to say that off the top of my head but, for some reason, I could not remember. That is that issue put to bed.

At one point, the minister asked whether Scottish Government officials would be covered in the work that the SPPA Committee is due to consider. Yes, they will. That will require changes to the codes rather than legislation, so we will be able to do that, too

In closing for the committee, I reiterate that the proposed bill is not an isolated piece of work but the last piece in the jigsaw to deliver the recommendations of the joint working group on sexual harassment. The joint working group consisted of representatives from all the political parties, and I am pleased to hear the same cross-

party support echoed in this afternoon's debate. It goes without saying that everyone in the chamber supports the highest standards for MSPs, and the legislation will signal that we take the issue of sexual harassment seriously and that there is no place for it in the Parliament.

As I said earlier, the proposed bill will open up a route for complaints about historical conduct that was previously unavailable to one group of staff—that is, those harassed by their employing MSP. When legislation makes changes about historical cases, questions of fairness naturally arise. However, the committee felt confident in bringing the proposed bill forward, because, of course, it has never been acceptable—or lawful—for an MSP to sexually harass his or her own staff; it is just that cases of that nature were previously dealt with through employment grievance procedures. We do not think that it is fair to single out one group for different treatment, and we agree with the joint working group that the Parliament should be able to hold members to account for their behaviour towards their own staff, in the same way as for their behaviour towards anyone else.

I hardly need to remind members that the Parliament has a zero-tolerance approach to sexual harassment. Such conduct brings the Parliament into disrepute. As such, there is a compelling public interest in bringing those past cases into the remit of the Commissioner for Ethical Standards in Public Life.

It is not helpful for there to be a range of options for bringing complaints, depending on someone's job role, who harassed them and when. That type of clutter and confusion only inhibits people from coming forward.

On the proposed provision on the one-year admissibility step for all MSP complaints, the commissioner is currently obliged to seek a direction from the Standards, Procedures and Public Appointments Committee to investigate any complaints made within one year of the complainer being aware of the conduct. It has thus always been possible for complaints of a historical nature to be made. The only change is that the commissioner will no longer be required to seek a direction from the committee before investigating those. That will further ensure the independence of the complaints process.

I remind members that the Parliament's joint working group on sexual harassment recommended that that hurdle be removed. It said:

"there should be no time limit applied to complaints of sexual harassment ... Each complaint should be dealt with on its own merits"

regardless of

"how far back the allegations go ... If our aim is to create a culture where people feel more confident to report, we

believe it would be counter-productive to set a time limit on making such complaints.”

The bill is the result of a long and carefully considered piece of work by the committee. It gives me pleasure to close the debate on behalf of the committee and to invite members to support the motion, which seeks the Parliament's agreement that the bill be introduced.

**The Deputy Presiding Officer:** That concludes the debate on complaints against MSPs—amendment of the Scottish Parliamentary Standards Commissioner Act 2002.

We move to the next item of business.

## Social Security Administration and Tribunal Membership (Scotland) Bill: Stage 3

15:48

**The Presiding Officer (Ken Macintosh):** The next item of business is stage 3 proceedings on the Social Security Administration and Tribunal Membership (Scotland) Bill. In dealing with the amendments, members should have the bill as amended at stage 2, the marshalled list and the groupings of amendments.

Should there be a division, the division bell will sound, and proceedings will be suspended for a short technical break.

I encourage members who wish to speak on any group of amendments to press their request-to-speak button as soon as the group is called.

We turn to the marshalled list.

### Section 5—Investigations

**The Presiding Officer:** Group 1 is on investigations. Amendment 1, in the name of Shirley-Anne Somerville, is the only amendment in the group.

**The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville):** Amendment 1 is a short, technical amendment, to fix numerical ordering in the Social Security (Scotland) Act 2018.

Section 96(2) of the 2018 act is a numerical list of sections under which regulations are made under affirmative procedure. One of those listed sections of the 2018 act is section 75. Section 5 of the bill reorders the 2018 act so that its section 75 becomes section 84A. Section 96(2) of the 2018 act therefore requires amendment so that the reference in the list to section 75 is substituted by a reference to section 84A. Section 5(8) of the bill does that; however, the present provision places the reference to section 84A in the list after section 85, when it should be before that section.

I trust that members are content and will support what is a minor tidying amendment.

I move amendment 1.

*Amendment 1 agreed to.*

### After section 6

**The Presiding Officer:** Group 2 is on uprating for inflation. Amendment 2, in the name of the cabinet secretary, is grouped with amendment 3.

**Shirley-Anne Somerville:** The new Scottish child payment will play a vital role in tackling child

poverty. When it was first announced in June 2019, we made a commitment that the payment would be uprated annually in line with inflation. We already have the power to increase the value of the payment through amendments to the Scottish child payment regulations, but our statutory duties to report on and uprate certain forms of assistance in sections 77 and 78 of the Social Security (Scotland) Act 2018 do not extend to the child payment.

That is why I made clear in our response to the Scottish Commission on Social Security's report on the Scottish child payment regulations, published on 8 September, my intention to lodge substantive amendments at stage 3 of the bill, to ensure that we enshrine in law the annual uprating of the Scottish child payment in line with inflation.

Sections 77 and 78 of the 2018 act contain the existing, overarching provision on uprating. However, as the Scottish child payment is to be made under top-up powers, under section 79 of the 2018 act, it is not covered by existing duties.

Amendment 2 modifies section 77 of the 2018 act so that the existing duty to report to Parliament annually on the inflation-adjusted level of all forms of assistance that are payable under part 2 of the act is now extended to require ministers to report on the inflation-adjusted level of all forms of top-up assistance that are payable under regulations under section 79.

Amendment 2 also modifies section 78 of the 2018 act to require ministers to bring forward regulations uprating the value of the Scottish child payment in line with its inflation-adjusted level. Since sections 77 and 78, as modified, will relate to assistance under parts 2 and 3 of the 2018 act, amendment 2 also moves those sections to part 4 of the act and renumbers them as sections 86A and 86B.

Amendment 3 makes provision in connection with this reordering to provide that

“Anything done under section 77 or 78 of the ... 2018 Act”

before the date on which the relevant provisions of this bill come into force will be treated after that date as having been done under the renumbered sections.

As the first payments of the Scottish child payment will start from the end of February 2021, the duty to uprate annually will be in effect from April 2022 and will be brought into force by commencement regulations, which are likely to be laid in late 2021, and that will be made under section 11 of the bill. I urge members to support the amendment. I move amendment 2.

*Amendment 2 agreed to.*

*Amendment 3 moved—[Shirley-Anne Somerville]—and agreed to.*

### **Section 7A—Power to suspend payment of assistance**

**The Presiding Officer:** The final group is on the suspension of assistance. Amendment 4, in the name of the cabinet secretary, is the only amendment in the group.

**Shirley-Anne Somerville:** Amendment 4 is another minor technical amendment to the provisions on suspensions, which were introduced at stage 2 of the bill. The amendment makes it clear that the ability to suspend payment should be Social Security Scotland's first choice where an individual has failed for the first time to supply information by the date set by the agency.

Where assistance is suspended after requesting information from the individual, Social Security Scotland will be required to ask for the information again and allow a further period for that to be supplied. If an individual fails to supply information for a second time, Social Security Scotland will have the power to terminate entitlement to assistance.

I want to make clear, as I did at stage 2, that although we will have the power to terminate entitlement at this point, the outcome is not predetermined. Case managers will consider all the information that is held before making their determinations. The decision to terminate entitlement will not be taken lightly and will be used as the last step in a process, not the first. We will continue to work in a co-operative, fair way with all clients in seeking to obtain the information that we need to ensure that people continue to be paid the right amount at the right time. The priority is to avoid clients being overpaid assistance and to develop a fair process that is tailored to individual circumstances.

As stage 2 amendments made clear, our system of suspensions has important safeguards, including the need to consider an individual's financial circumstances and their right to request a review. This minor technical amendment will fulfil stakeholders' expectations and ensure the effective functioning of Scotland's social security system.

I move amendment 4.

*Amendment 4 agreed to.*

**The Presiding Officer:** That ends consideration of amendments.

As members are aware, I am required under standing orders to decide whether, in my view, any provision of the bill relates to a protected subject matter—that is, whether it modifies the electoral system or the franchise for Scottish parliamentary

elections. In my view, no provision relates to a protected subject matter, so the bill does not require a supermajority in order to be passed at stage 3.

## **Social Security Administration and Tribunal Membership (Scotland) Bill**

**The Deputy Presiding Officer (Christine Grahame):** The next item of business is the stage 3 debate on motion S5M-22845, in the name of Shirley-Anne Somerville, on the Social Security Administration and Tribunal Membership (Scotland) Bill.

15:57

**The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville):** I thank all those who have contributed to and supported the development of the bill. I know that the past months have been hard on everyone, so I am particularly grateful to the organisations, groups and individuals who have worked hard to help us with the bill and to improve it.

I give grateful thanks to the members of the Scottish Government's disability and carers benefits expert advisory group and members of our ill health and disability benefits stakeholder reference group, to colleagues in the Scottish Courts and Tribunals Service and to the chief medical officer, the chief nursing officer and staff in their offices. Their work has been invaluable in ensuring that the bill is as it is today. I thank the stakeholder groups that have contributed, including Citizens Advice Scotland, the Child Poverty Action Group, the Equality and Human Rights Commission, the Scottish Association for Mental Health, Inclusion Scotland and the Health and Social Care Alliance Scotland.

I also extend my thanks to all the members of the Social Security Committee, past and present, and to the committee's convener and the clerking team, who have supported a process of parliamentary scrutiny that was undertaken in difficult and unprecedented circumstances. Of course, I also very much thank my bill team and private office for their support throughout.

As that list of involved and interested parties makes clear, the bill covers a broad range of matters. It is an important package of changes to the framework of Scottish social security legislation, which is still very new. The changes that the bill will make are necessary and valuable, and, in the case of provisions that are required before the launch of the Government's brand-new benefit, the Scottish child payment, they are urgent.

I will take a little time to talk through some of the improvements that were made to the bill during its earlier stages. In relation to appointees, I am pleased that the bill now includes safeguards to

ensure that the process of appointment is not misused. The guidelines that govern how decisions on appointments should be made will now be on a statutory footing, and the list of safeguarding principles, which include principles drawn from the United Nations Convention on the Rights of Persons with Disabilities, was added at stage 2. Those provisions will ensure that, when an appointment is made, it will always be the best and most appropriate arrangement for the individual. In the event that those arrangements are not appropriate, the bill now provides the right to apply to the First-tier Tribunal for a review of the appointment decision.

A second improvement has been the extension of the existing duty in the Social Security (Scotland) Act 2018 to inform individuals of their potential eligibility for other forms of assistance. That was based on the Social Security Committee's recommendation that the section 53 duties should be extended to cover benefits, such as the Scottish child payment, that are made using the top-up powers in section 79 of the 2018 act. I was more than happy to accept that recommendation. Promoting the take-up of Scotland's social security benefits and removing the barriers to claim entitlements is the right thing to do. It encapsulates many of the principles of the 2018 act, including that social security is an investment in the people of Scotland, that social security is a human right, that the Scottish social security system is there to contribute to reducing poverty in Scotland and that delivery of social security is a public service.

The bill also makes some adjustments to provide for cases in which a diagnosis of terminal illness is made by a medical professional who is based outwith the United Kingdom, who will, of course, not be subject to our chief medical officer's guidance. The new guidance does not specify how healthcare professionals should be trained. The issue was discussed in detail during stage 2, when I made it clear that I absolutely recognised that the improved terminal illness definition in Scotland introduces a change in the way that some of our health professionals will carry out their duties in relation to terminally ill patients. That is why the CMO's guidance is very detailed; it is also why we have taken other steps to ensure that the right support is in place—for example, by developing additional support measures with the terminal illness national implementation group.

I am pleased that, in the end, we have agreed a sensible approach to ensuring that only appropriate health professionals provide a clinical judgment by including a number of requirements and criteria in a combination of regulations and guidance from the CMO.

During the bill process, a clear case was made for us to provide for suspension and non-payment of assistance in a very narrow and specific range of circumstances. To ensure that there will be no negative consequences of the use of those provisions, there are a number of safeguards to ensure that the rights of the individual are respected at all times. Our amendments to allow for the value of certain types of assistance to be set at zero will also be used only when it will be of benefit to the individual concerned—for example, by allowing payments of specific on-going benefits to be restarted more quickly when the individual's stay in a care home or in hospital has come to an end. I am pleased that organisations such as the Child Poverty Action Group, Citizens Advice Scotland, Inclusion Scotland and the Health and Social Care Alliance Scotland have all responded positively to those changes and that they consider them to be improvements to the bill.

The final way in which I think that the bill has been improved is in the opportunity that it presented for the Scottish Government—prompted by Jeremy Balfour—to reaffirm our commitment to moving areas of competence and jurisdiction that the sheriff court currently holds to the First-tier Tribunal, in relation to the recovery of money that is owed to Social Security Scotland. We made changes at stage 2 that demonstrate that commitment but that also allow a consultative and considered approach to be taken that will ensure that the transfer is effected appropriately while guarding against unintended consequences.

I am pleased that the final additions to the bill that have been made today have had support from across the chamber. Those additions will bring forward the increase in the value of the Scottish child payment in line with inflation. I am pleased and proud that, in the teeth of a global pandemic, the Scottish child payment will open for applications in November, with the first payments to start from the end of February 2021. That is only two months later than we previously planned, despite the impact of Covid. The amendments that have just been agreed to will ensure that the payment will be uprated every year in line with inflation from April 2022 onwards.

In conclusion, I thank everyone who has helped to shape the bill.

I move,

That the Parliament agrees that the Social Security Administration and Tribunal Membership (Scotland) Bill be passed.

16:04

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** I am delighted to open on behalf of the Scottish Conservatives, and I want to

thank everyone who gave evidence for the purposes of the bill. Its development has been an unusual process as we have coped with the Covid-19 restrictions. I also want to put on record my thanks to my colleague Graham Simpson, who was previously a member of the Social Security Committee and who contributed to the bill's consideration.

The bill offers solutions to the problems that have been experienced through the Social Security (Scotland) Act 2018, as well as offering claimants dignity and respect. In short, it corrects previous shortcomings in social security legislation, which the SNP should have sorted out the first time round, and it makes several procedural changes that we, on the Conservative benches, support.

Behind the legislation, we must all be mindful of the fact that Scotland's social security programme provides crucial support for people in need across Scotland. People must have confidence and trust in the system, and we all know that we cannot afford to let them down, especially in these uncertain times during the pandemic.

An aspect of the bill about which I felt strongly earlier in the bill process is suspended payments. The provision was not included when the bill was introduced, but I believed that it was crucial to ensuring fairness and understanding the changing circumstances of claimants and their families. Jon Shaw of the Child Poverty Action Group emphasised its importance to the committee. He told us:

"Simply stopping entitlement in these circumstances will create further problems around passported entitlement to reserved benefits. There may be gaps in entitlement even if the benefit is later reclaimed. We believe amending the Act to allow for the suspension of payments will be the most effective way to deal with these issues."

A number of other organisations, including Citizens Advice Scotland and the Health and Social Care Alliance Scotland, also called for the ability to enable carer and disability benefits to be suspended rather than stopped. CPAG raised a further important point, stating that the ability to suspend payments would offer claimants greater flexibility and put a stop to the need for them to reapply.

The Department for Work and Pensions exercises the suspension of payments, and it was inevitable that the issue would arise in Scotland. However, we did not have the relevant provisions in the original version of the bill, as I said. CPAG reiterated the point in its written evidence, stating:

"The power to make an award of benefit but to suspend payment is used by the DWP in circumstances such as when claimants go into hospital or care homes, or are in legal detention. Payments are also suspended prior to terminating a claim when, for example, the DWP has lost

touch with a claimant. All these issues will arise in the Scottish social security system."

I am glad that the cabinet secretary recognised that deficiency and rectified the matter at stage 2.

As I said, claimants deserve dignity and respect. Section 7 of the bill, on terminal illness, will enable a wider range of healthcare professionals to certify that a person is terminally ill, in order to fast-track a claim for Scottish disability benefits. Under the 2018 act, whether someone is terminally ill is a matter for the clinical judgment of a registered medical practitioner based on guidance issued by the chief medical officer.

Given the fantastic work of Macmillan Cancer Support's nurses, I am glad that it highlighted the following in its written evidence to the committee:

"Nurses will already be demonstrating and evidencing the required clinical competencies in line with the relevant NHS Knowledge and Skills Competency Frameworks for their roles. In this regard, they do not require ... specialist training to act under the terminal illness provisions, however, as with all professionals, nurses should be supported to access relevant Continuing Professional Development ... to keep their knowledge and skills up to date."

By encompassing a wider range of appropriate health professionals with in-depth knowledge and experience, the bill will ensure that those who work the closest with terminally ill claimants can make valid judgments.

The bill offers crucial support for those who need it, but it is worth examining the Government's wider record of delivery on a Scottish welfare system in order to see the wider context. As we know, all future devolved benefits delivery has been halted due to the coronavirus. Fortunately, we have been safeguarded in that the UK Government has agreed to continue to deliver the benefits on behalf of the Scottish Government until it is in a position to deliver them safely.

Nevertheless, that does not excuse the fact that the programme of delivery by the SNP Government has already been delayed, with full responsibility for the devolved benefits not being expected until 2025. What does that mean for Scots? It will be nearly a decade since the Scottish Government received powers over the devolved benefits before all cases are transferred from the Department of Work and Pensions to Social Security Scotland.

We, on the Conservative benches, very much support the bill at stage 3. It is an important and much-needed opportunity to make amendments to address issues that have been identified since the passing of the Social Security (Scotland) Act 2018, including through making provision for the introduction of the Scottish child payment.

I again thank those who gave evidence that helped to inform the bill process and that shaped the bill for the better.

16:10

**Pauline McNeill (Glasgow) (Lab):** Building a social security system that is fit for purpose clearly takes many years and a lot of hard work. I imagine that it must have been a very stressful day for officials and the cabinet secretary when they discovered that there were some omissions from the Social Security (Scotland) Act 2018. I put on record Scottish Labour's thanks to the cabinet secretary, her officials and the organisations that have come together with the committee to come up with the changes that are needed.

We welcome and support all those changes. They will ensure a robust appointee system by putting into statute guidance for that system, including for adults with capacity who wish to be represented by an appointee. Nurses and other allied health professionals will now be able to sign off benefit forms, which will make it considerably easier for people to access benefits quickly. The bill will also ensure that fraud offences can apply to the proposed Scottish child payment and any other Scottish benefits that top up United Kingdom social security.

We know that the Scottish Association for Mental Health welcomed the cabinet secretary's commitment to report annually on how often the powers to withhold harmful information from claimants is used in relation to applications for standard disability assistance and assistance on the ground of terminal illness, which will ensure a good measure of transparency.

I want to say something about the Scottish child payment, which the cabinet secretary spoke to the committee about last week. We know that applications will open in November, but someone need not apply if their child turns six before the February eligibility date. The cabinet secretary has put on record that that is because a "flood of applications" is expected, and that

"backdating provision would add a great deal of complexity"

and

"increase the risk of error",—[*Official Report, Social Security Committee, 24 September 2020; c 12.*]

which would put pressure on the agency. She said that checking eligibility for each of the 14 weeks from November to February would introduce a huge burden for the agency.

I acknowledge the complexity of the matter and I know that the cabinet secretary has said that she will work on the question of backdated payments, but I believe that there will be a loss to many families whose child is not yet six when

applications open but who will not get the benefit. They will see that as unfair, and that is disappointing.

I want to make some remarks about automation. Mark Griffin—who has served on the Social Security Committee since its beginning—and I raised that issue and we continue to raise it. I acknowledge the cabinet secretary's support for that idea. Given that the Scottish child payment is a passported benefit and that the Scottish Government has the data on exactly who is entitled to it, it seems ripe for automation. I appreciate that the cabinet secretary is concerned about the time that it would take to build that into the system, and we do not want to delay payments, but I put on record that Scottish Labour wants to see a commitment to automation of the Scottish child payment at a future date. We would like to discuss with the Scottish Government whether a timetable for that can be set. It may well be that, as we move into the next parliamentary session, that is a matter for a future Administration, but I hope that someone can pick up the issue.

I remain concerned that those in the most extreme poverty might not apply for the benefit—I think that probably everyone involved has that concern. We should continue to look at the most effective ways of advertising the benefit. People who are entitled to other benefits need the opportunity to see that they might be entitled to the Scottish child payment.

We need to remember that one in four children in Scotland still lives in poverty. The chief executive officer of One Parent Families Scotland, Satwat Rehman, said:

"39% of children in single parent families were living in poverty before COVID-19, and the effect of the virus and resulting lockdown has only added to the pressure for single parents who are balancing the responsibility of caring for their children and bringing in an income alone."

In conclusion, Scottish Labour welcomes the uprating of benefits. When the Scottish Government introduced the Scottish child payment in June 2019, it made the commitment to uprate it annually in line with inflation. My colleague Mark Griffin repeated the call for that, and we are delighted that that is now in legislation. As the first payments of the Scottish child payment will start from the end of February, the duty to uprate will be effective from April 2022. I think that we all wish and hope that the work that has gone into the issue will ensure that there will be an extremely high uptake of the Scottish child payment.

Scottish Labour supports all the amendments, and I am pleased to support the bill at stage 3.

16:15

**Alison Johnstone (Lothian) (Green):** I, too, thank everybody who provided evidence to assist our scrutiny of the bill.

The main purpose of the bill is to make adjustments to our new social security system so that the Scottish child payment may be introduced. Research that was commissioned by the Scottish Government projected that relative child poverty could reach as high as an unthinkable 38 per cent by the early 2030s, so the child payment cannot come a moment too soon.

The Greens will be pleased to vote for the bill later today so that hundreds of thousands of Scots families can get much-needed support at a time when many—too many—of them will be under intolerable financial pressure. However, the Government must leave no stone unturned with the powers that it currently has to get additional money into the pockets of poor families.

In response to very reasonable calls to uprate the child payment by higher earnings growth or inflation, the Scottish Government cited

“a significant and persistent impact upon the wider Scottish budget”

as the reason for not putting that in place. However, the cost would be just £4 million in the first year. The cost of child poverty, which has been estimated to be over £20 billion a year across the UK, has an even more significant and persistent impact on the budget.

The Scottish Government’s intention is to begin to uprate the payment in 2022. Provisions to allow that to happen are in the cabinet secretary’s amendments today. However, a number of organisations have questioned why that is not being done at the first opportunity, in April 2021. That uprating would be almost three years—with three years of inflation and devaluation—after the new payment was first announced. That should be reconsidered.

I welcome the bill’s provisions to place a requirement on the Scottish Government to inform people about their eligibility to top up benefits such as the child payment. It is vital to ensure that everyone who is entitled to the child payment is made aware of their entitlement and is supported to claim it. Recent figures from the Scottish Fiscal Commission show the size of that task. The commission has projected that 20 per cent of eligible families will not take up the payment when it is launched for under-sixes. That figure rises to 27 per cent for when the payment is fully rolled out in 2024-25. According to projections, at least 39,000 children may miss out when the payment is launched, and that is not even taking into account families who are not claiming the qualifying payments. I would be grateful if the cabinet

secretary addresses in closing how the Government intends to support those 39,000 families to take up payments.

The Scottish Government has taken the opportunity of the bill to make a number of other changes, which are largely very welcome. Our hard-working nursing staff will often know terminally ill patients better than any other health professional, so the Greens welcome the bill’s provision to enable more types of health professional to help terminally ill people to access devolved benefits. I understand that that is primarily meant to apply to nurses.

I am also pleased that the Scottish Government has listened to the Poverty Alliance and other groups in establishing a power to suspend benefit payments without stopping a claim together. There are a number of circumstances in which that would avoid recipients having to reapply, and that is very welcome.

The Greens recognise the need for benefit appointees to receive benefits on a person’s behalf. Since stage 1, the Scottish Government has worked hard to incorporate safeguards, which are very welcome, but I note that the Law Society of Scotland is concerned that the provisions are not compliant with the European convention on human rights. The Social Security (Scotland) Act 2018 recognises that social security is a human right, so that was concerning to hear. Any assurances that the cabinet secretary can give on that would be gratefully received.

The Greens welcome the bill as a genuine attempt to make our social security system work more effectively and to pave the way for the Scottish child payment. Although I have some budgetary disagreements with the cabinet secretary, I respect the way in which she has engaged with me, the committee and stakeholders to improve the bill, which the Greens will support later.

16:19

**Shona Robison (Dundee City East) (SNP):** Although the Social Security Administration and Tribunal Membership (Scotland) Bill is a short, technical bill, it makes some important changes to the administration of Scottish social security with regard to appointees, terminal illness and topping up reserved benefits. The bill also extends existing provisions to allow judges from other jurisdictions to sit on Scottish tribunals.

Although the bill is technical, it will do some important things, including allowing regulations that create top-up benefits to include provisions on offences and investigations, which will apply to the Scottish child payment. One of the main reasons for the bill is the urgent need to create statutory



offences in primary legislation in relation to the Scottish child payment. Without the bill, no such offences are in place in relation to top-up assistance, and no powers currently exist to create any.

The Scottish child payment has rightly been described as a “game changer” in tackling poverty, which illustrates the need for the legislation. According to the latest figures from the Scottish Fiscal Commission, across Scotland, 194,000 children aged under six could benefit. Once fully rolled out to under-16s in 2022-23, the Scottish Fiscal Commission estimates that there could be 499,000 eligible children. In my home city of Dundee, an estimated 5,200 children could benefit from the Scottish Government’s groundbreaking antipoverty payment.

I am sure that there will be a good uptake of the new benefit, particularly, as other members have said, during this time of added financial hardship and uncertainty. I have some sympathy with the point that was made by Pauline McNeill about the automation of the Scottish child payment. I hope that that is considered in due course.

Although the Social Security Committee, of which I am a member, was generally supportive of the bill at stage 1, the committee report stated that there were issues around the appointment of individuals to receive benefit payments on behalf of another person that required further discussion. I add my thanks to those who gave evidence, which has helped to improve the bill.

The committee report also made recommendations about non-disclosure of health information, top-up of reserved benefits, who can diagnose terminal illness and tribunal membership. The committee highlighted a concern about the lack of public consultation on the bill, and stated that the proposals on appointees in particular might have benefited from more public input. However, I am pleased that the cabinet secretary’s response to the report took on board many of the committee’s recommendations.

The Scottish Government’s stage 3 amendments allow the uprating of the Scottish child payment, and the intention is to uprate it annually in line with inflation. During the stage 1 debate, concern was raised over the issue of appointees, and the lack of appropriate procedures and necessary safeguards. At the committee’s meeting on 10 September, the cabinet secretary said, in response to those concerns, that the Scottish Government had

“engaged with our experience panels, the ill health and disability benefits stakeholder reference group and the disability and carers benefits expert advisory group”,

and that amendment 7 at stage 2

“requires the guidelines to include information on how ministers will determine the suitability of an appointee; how they will handle requests for reviews of decisions about appointments; how they will include persons with an interest in their decision-making processes; and—crucially—how they will undertake periodic reviews and handle any concerns that are raised. Amendment 7 also requires all that guidance to be developed with stakeholders and to be published.”—[*Official Report, Social Security Committee*, 10 September 2020; c 2.]

Amendment 7 also set out

“a set of safeguarding principles, including principles that are drawn from the United Nations Convention on the Rights of Persons with Disabilities.”—[*Official Report, Social Security Committee*, 10 September 2020; c 3.]

On the issue of diagnosing terminal illness, I am pleased that the Scottish Government has listened to the views of those who are on the front line, and is extending responsibility for diagnosing terminal illness for social security purposes to include registered nurses. That is very welcome, and will help to avoid delays and prevent additional burdens falling on doctors. That will help the social security chamber to cope with the arrival of significant numbers of new cases.

I will support the bill at decision time this evening.

16:24

**Graham Simpson (Central Scotland) (Con):** I speak as a former member of the Social Security Committee. I was technically in charge of the bill for my party for a very brief period, in my stint as shadow cabinet secretary for social security and other issues. It was a hugely successful period in which absolutely nothing went wrong. I had the pleasure of shadowing the cabinet secretary. I found her easy to work with, and I was encouraged by her willingness to work with the DWP for the good of everyone we represent. I hope that I have not caused her any issues with the good people of Dunfermline in saying that.

As I said in the stage 1 debate, this is a largely technical bill, so I do not intend to speak for long. I imagine that the chamber will be delighted at that.

The bill has four main themes: appointees, top-up benefits, terminal illness and tribunals. On appointees, it would allow ministers to appoint a person to receive benefit payments on someone else’s behalf if the claimant was a child. If the claimant is an adult, they must agree to the appointment. On top-up benefits, it would allow regulations that create top-up benefits to include provisions on offences and investigations, and that would apply to the Scottish child payment, which is due to start early next year. On terminal illness, it would allow medical professionals other than doctors to confirm that a person is terminally ill, for the purpose of fast-tracking their benefit claim. On

tribunals, it would allow the temporary appointment of judges from other jurisdictions to sit on Scottish tribunals, including those that are dealing with Social Security Scotland benefits.

Jeremy Balfour and I lodged amendments at stage 2. That spurred the Government to lodge similar, but better, amendments. I and Mr Balfour, not being precious souls, considered that job done and performed a tactical withdrawal. We had amendments on the appointments, on the recovery of overpayments, on suspended payments, on overseas healthcare professionals and on eligibility for the Scottish child payment. Members have heard about them already, and I will not repeat what has already been said.

The bill might not be the most contentious in the world—in fact, it is not—but it is no less important for that. It is an example of how parties can work together for the greater good. Let us hope that that example rubs off on future bills in the Parliament—we can but hope.

**The Deputy Presiding Officer:** Stewart Stevenson is the last speaker in the open debate.

16:27

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** Congratulations to Graham Simpson, who has made the bold and, I am sure, entirely justified claim that nothing went wrong on his watch. Of course, he was careful to draw his frame quite narrowly, so I dare say that we might have revelations at another point in his parliamentary career that draw a distinction from the claim that he has made today. However, he and the other members of the committee have done a fine job in bringing to the Parliament a proposal on whose merits there is universal consensus.

In a perfect world, everyone who requires assistance would be able to act in their own interest at all times. In the case of juveniles, of course, such actions on their part cannot be unqualified, and an adult is needed to oversee their decisions. However, the voice of juveniles must be heard in important jurisdictions that affect their futures. The children's panel is an excellent example of where the child's voice is often decisive in determining what should happen in particular circumstances.

The appointment of someone to look after a child's interests with regard to social security is not to be thought about casually. It is important that, as parliamentarians and legislators, we are somewhat cynical when we look at this topic. Why cynical? Because a small number of the people who are given that responsibility will abuse that trust. We need to make sure that there are provisions to cover that circumstance and

penalties for those who take away from the deserving youngsters the emoluments that are provided from the public purse. The bill takes good steps towards ensuring that we can protect the interests of our youngsters. It also makes some more general provisions in that regard.

The bill also tidies up some of the imperfections of previous legislation. It would, however, be naive of us to imagine that there is a perfect act out there that reflects the perfect parliamentary process and absolutely everything that might have been relevant to what is going on. Indeed, when the Parliament was established by the Scotland Act 1998, one of the little errors that it contained—it was not particularly important, but it was an error—was that it made no provision for what should be done about who got elected if, in calculating the last position to be elected from the list, there was a tie. As the 1998 act was first passed, everyone who was tied for last position would be elected to the Parliament. Far from having a limit of 129 members, we almost had, in a sense, no limit at all. That might be trivial, and it was very unlikely to happen, but every bit of legislation that we might get ourselves involved in will have some flaw somewhere. If we are very lucky, it never matters and it never emerges. It is, therefore, right and proper that the Government brings forward legislation that deals with some of the things that were not quite right in the first iteration of legislation.

I particularly welcome the provisions that take beyond the view of registered medical practitioners the ability to confirm whether someone is terminally ill. I spent a brief period 56 years ago as a nurse in a ward where quite a few of our patients could reasonably be so categorised, and it did not require a doctor to know that. Even as a callow 17-year-old, I could see that mortality was beckoning for some of our patients, although I would not have been sufficiently qualified to give an opinion that could be relied on. Nurses are, however, often closer to their patients than general practitioners or other practitioners in hospital. They spend more time with them, and that is a good and proper thing to say.

I will conclude my short contribution to the debate by welcoming some of the things that Rachael Hamilton said. She said that we should not be working together with the UK Government. Curiously enough, I think that we have a collaborationist Government, which is a good thing because we collaborate across the chamber, and we collaborate with the UK Government, if it is in our mutual interests to do so. If Rachael Hamilton wants to argue that we should not be doing that, I will make common cause with her—

**The Deputy Presiding Officer:** Can I stop you there, Mr Stevenson? You might think that you

have made a short contribution, but you are already a minute and a half over.

**Stewart Stevenson:** I am most obliged to you, Presiding Officer. As I peer at my screen, I can now see the clock. I will draw my remarks to a conclusion there by saying that I will be happy to support the bill at decision time.

**The Deputy Presiding Officer:** Thank you. I appreciate that it is difficult when you are attending remotely. Notwithstanding my little scolding of Mr Stevenson, we might be able to bring decision time forward to around 4.45. I say that in fairness to other speakers who are getting only four minutes.

16:33

**Pauline McNeill:** There is not much to add. When Graham Simpson reminded us that nothing went wrong during his brief stint as shadow minister for social security, I was reminded that six members of the Tory party have joined us on the Social Security Committee: Adam Tomkins, Michelle Ballantyne, Gordon Lindhurst, Graham Simpson, Jeremy Balfour and Rachael Hamilton. They have all made an excellent contribution to the work of the committee; I say that genuinely, even to Graham Simpson, but I wonder whether there was a requirement to serve on the committee.

Mark Griffin and I, and I think Alison Johnstone, have served on the committee from the beginning of the session. It is worth while serving on the committee—even for a brief period—because what we have been doing, with the organisations that have been mentioned during the debate and the ministers, is creating from scratch a completely new social security agency for Scotland. It is clear that a great deal of hard work goes into that.

I will summarise a few issues. Moving the jurisdiction for the recovery of payments from the sheriff court to the First-tier Tribunal, which was proposed by Jeremy Balfour, is a significant and important amendment to the bill, because it allows easier access.

The extension of the duty inform people of their eligibility is important, because it will ensure that ministers do that for the Scottish child payment and other top-up benefits. That duty is a distinct feature of our social security system that applies to other benefits and it is important that it applies to this one. It is a really important concept.

The bill also allows overseas healthcare professionals to determine whether a person who is terminally ill meets the definition, which is a niche area but it will turn out to be really important for someone at some time.

The suspension of assistance and the zero value that can be attributed to that is also an important provision, because, as the cabinet secretary said, it allows for easier starting of payments. Those may appear to be niche issues, but they will be very important for the people who rely on them.

I recognise that there is still a lot of work to be undertaken by officials and health professionals, but the uprating provision has completed some of that work in anticipation of the payment kicking in next year. I was pleased to hear Shona Robison talk about the importance of uptake and automation, on which she and others have made many comments, showing the broad-based support that there is for that idea. I appreciate that the cabinet secretary cannot commit to that because we will be dissolving the Parliament soon and it will be for the next Parliament to do it. However, I know that she is committed to the idea and it would be good if we could set up a timetable for a future Parliament to look at the automation of benefits as a sign of things to come.

Scottish Labour whole-heartedly supports the bill.

16:37

**Jeremy Balfour (Lothian) (Con):** This has been a consensual debate—so much so that even the convener of the committee has not felt the need to intervene.

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** I was going to intervene on Pauline McNeill, who is the deputy convener, but I will intervene on Mr Balfour instead to put on record my thanks to fellow committee members. The Government informed us of the short timescale for scrutiny of the bill and the committee has done Parliament and the people whom we aim to serve proud. I thank the committee members for all their support in doing that.

**Jeremy Balfour:** I thank Mr Doris—that is probably the most positive comment that he has made in the past four and a half years. *[Laughter.]* I was about to say that the committee has worked really well on the bill in a very short time. Having been slightly rude to the convener, I pay tribute to him for the fact that we were able to take evidence from which both Opposition MSPs and Government were able to bring forward suggestions and amendments, which has meant that we have ended up with a bill that is much better than it started out.

It is very much a tidying-up bill, as many members have said, dealing mostly with technical issues, but they are ones that will affect people dearly. I will make three quick observations. It is appropriate that Jeane Freeman has just walked

into the chamber as I say that one of the lasting things from the original Social Security (Scotland) Bill, which the previous cabinet secretary took through, will be the issue around terminal illness. Allowing people to get benefits as quickly as possible was a key principle that Parliament passed with that bill and people in future generations who are going through difficulties and hard times will be in a much better position because of it. I welcome the further amendments in this bill that tidy things up and allow the appropriate people to sign the forms in an appropriate way. Collectively, members across the chamber can be pleased with and proud of what we have done on that.

The second issue, which both Pauline McNeill and the cabinet secretary mentioned, concerns the appropriate jurisdiction for hearing appeals in regard to payments. It is wrong that, where we have tribunals, the process starts in the sheriff court. I welcome the cabinet secretary's commitment to move quickly on that consultation so that those changes can come forward with—I hope—cross-party support but, more importantly, with support from the third sector and other stakeholders, so that we can have a fairer and more modern system that works well.

Finally, my one gripe is that even where we are today is still not where we should be. I accept that we have gone through a difficult seven or eight months and things have been put on hold, but we have to recognise that, as Rachael Hamilton said, even if it had not been for Covid, we would still not have had every benefit devolved within the current five-year session of Parliament. That is a disappointment—we should and could have made quicker progress.

There are people in Scotland who would wish that the new agency was looking after all their benefits. Although others have disagreements with the DWP, it is worth putting on record that, if it were not for the DWP continuing to deliver people's benefits monthly into their bank accounts, those people would miss out. We can, and others will, criticise the DWP, but we should recognise that the DWP and the UK Government are helping to ensure that those payments happen and that the most vulnerable people are still being protected.

With those remarks made, I reiterate that we on the Conservative side of the chamber welcome the bill and look forward to it becoming an act and, more importantly, to its bringing forward practical ways that will enhance the lives of those who are the most vulnerable in our society.

16:42

**Shirley-Anne Somerville:** I thank all members for their contributions to the debate, and everyone who contributed at stages 1 and 2 of the bill's passage. Pauline McNeill was quite right to refer in her closing remarks to the “niche” issues that are addressed in the bill; some have called it a technical bill, and I have even heard it called a dry bill.

Graham Simpson quite rightly said that the bill is not contentious. However, as many members have pointed out during the closing speeches in particular, that does not mean that the bill is not important. It is vitally important, and it progresses a number of vital issues in relation to social security.

I thank Graham Simpson and Jeremy Balfour in particular for their amendments at stage 2. That constructive engagement is in large part why the bill is in such a good state as we move to close the final stage. If it is okay with Graham Simpson, I will not put his kind words on my election material in Dunfermline or elsewhere, but I thank him for his contribution, and I will certainly bear it in mind.

I fully agree that it would be good if all stage 3s were as simple as this one. I simply suggest that, in future, Opposition members should feel free just to vote for the Scottish Government amendments at stages 2 and 3, as they have done with this bill. I am sure that the Minister for Parliamentary Business and Veterans in particular, who has just arrived in the chamber, would be grateful for that too.

In all sincerity, the suggestions and input during the bill process have got us to a point at which we have managed to resolve matters positively in all instances, and I am grateful for all the work that has gone into that. The bill provides a package of improvements to the social security system. They are technical changes, but they are significant in what they will do.

As Jeremy Balfour rightly said, the provisions have real effects and will impact on people in their day-to-day lives. The legislation will ensure, for example, that on occasions when it is right for an individual to have somebody else appointed to act on their behalf, there are safeguards around those appointments and we will ensure that that is always the best and most appropriate relationship for the individual.

A number of members have pointed to the work to make the system for the suspension of payments better and fairer. In considering the contributions that have been made during this stage 3 debate, I point out to Rachael Hamilton that the work on the devolution of benefits has not been halted, although Covid has of course had an impact. That work is on-going, and we will report

on a new timetable in due course. One of the important aspects as we move forward with discussions on that new timetable is the availability of health and social care staff to allow us to develop the delivery and implementation of the disability benefits in particular, together with the DWP. Indeed, we cannot forget that this is a joint programme. Covid has not just affected the Scottish Government or the UK Government as a whole; it has of course had a particular impact on the DWP. As I have done in the past, I again pay tribute to the work that the DWP has had to undertake during Covid to ensure that people are receiving support, such as it is, through the system.

Talking about timetables, I gently point out that universal credit was first announced in 2010; its introduction is now forecast to be completed seven years after the originally intended date of 2017. We should bear it in mind that the Conservatives do not exactly come to the chamber with a strong record when it comes to their work on the application of new benefits.

I welcome Stewart Stevenson's deliberations, at the end of the open debate, on legislative imperfections. We always learn something new from Stewart Stevenson in every speech, including about the possibility of having an unlimited number of MSPs, which is probably not something that anyone would welcome the sight of. However, Stewart Stevenson rightly points out the challenges that arise when passing a very large piece of legislation, as with the Social Security (Scotland) Bill in 2018. Amendments can sometimes be lodged at a late stage, as was the case in relation to terminal illness at stage 3. It is not surprising if we wish to proceed with technical amendments to ensure that the legislation delivers what the Parliament wanted at the time but which it was not possible to include in that debate, after amendments were lodged at such a late stage. That is an example of making technical improvements to this bill that will make a real difference.

Pauline McNeill spoke again, quite rightly, about the automation of benefits. As she knows, I am particularly keen that we move on that. As I know she is aware, we have ensured that the Scottish child payment is linked to the three payments of the best start grant and best start foods, ensuring that there is one application for all. That will assist people. We will of course review the Scottish child payment and all its workings, including automation, when we review the Scottish child delivery action plan. I have committed to that in the past, and I am happy to do so again now.

Both Pauline McNeill and Alison Johnstone mentioned uptake, which is crucially important for the Scottish child payment. Both those members

will be aware that the Scottish Fiscal Commission has increased its forecast for the take-up of the benefit, which is due in part to what is planned for communications and for the stakeholder engagement work that the agency has in train. I assure the Parliament that we take uptake exceptionally seriously. The entire purpose of the Scottish child payment is to make a difference to families the length and breadth of Scotland, and the only way that we can do that is by ensuring that we are fulfilling our obligations to improve take-up in that process.

Alison Johnstone made a point about the Law Society of Scotland briefing on the ECHR. I appreciate that the Law Society has concerns about whether the bill is compliant. In its briefing, it was pointing to amendments that were lodged at stage 2. I assure the Parliament that we are convinced that there are no difficulties with what we have proposed in the bill.

When the bill was introduced, the driving force was to ensure that the Scottish child payment was delivered as soon as possible. Little did we know then that, by the time we reached stage 3, we would be in the middle of a global pandemic. The Scottish Fiscal Commission has estimated that the Scottish child payment could support up to 194,000 children this year; that number has increased by 14 per cent since the Scottish Government released forecasts in 2019, which is largely due to the increased universal credit case load resulting from Covid-19. That tells us that this support is needed now more than ever. That is why I am proud that we are using the social security powers that are available to us to benefit children and families across Scotland at a time when financial security is uncertain and some people are struggling and face financial hardship.

It is our intention to open the Scottish child payment for applications in November, with the first payments being made in February.

As I noted in my opening remarks, we were happy to be able to agree to the amendments made at stage 2 and 3, across the chamber and in the committee. That is testimony to the hard work of the Social Security Committee and the Parliament to deliver a social security system that we can all be proud of.

**The Deputy Presiding Officer:** Thank you, cabinet secretary. When I am waving my pen and glowering at you, it means that you are running well over time. I might have to do other gestures; I will invent some.

That concludes the debate on the Social Security Administration and Tribunal Membership (Scotland) Bill.

## Sentencing Bill

16:51

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of legislative consent motion S5M-22868, in the name of Humza Yousaf, on the Sentencing Bill, which is United Kingdom legislation.

*Motion moved,*

That the Parliament agrees that the relevant provisions of the Sentencing Bill, introduced in the House of Lords on 3 March 2020, relating to transfer of community orders to Scotland or Northern Ireland, transfer to Scotland or Northern Ireland of suspended sentence orders which impose community requirements, making of sexual harm prevention order: effect on other orders and offences, effect of derogatory assertion orders, effect of order for absolute discharge and order for conditional discharge, execution of process between England and Wales and Scotland and consequential, repeal and revocations so far as these matters fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament.—*[Humza Yousaf.]*

## Parliamentary Bureau Motions

16:51

**The Presiding Officer:** The next item of business is consideration of two Parliamentary Bureau motions, S5M-22874 and S5M-22875, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, on designation of lead committees.

*Motions moved,*

That the Parliament agrees that the Finance and Constitution Committee be designated as the lead committee in consideration of the legislative consent memorandum in relation to the Internal Market Bill (UK Legislation).

That the Parliament agrees that the Rural Economy and Connectivity Committee be designated as the lead committee in consideration of the supplementary legislative consent memorandum in relation to the Agriculture Bill (UK Legislation).—*[Graeme Dey.]*

**The Presiding Officer:** If no member objects, I am minded to accept a motion without notice to bring forward decision time to now. I invite Graeme Dey, on behalf of the Parliamentary Bureau, to move such a motion.

*Motion moved,*

That, under Rule 11.2.4, Decision Time be brought forward to 4.52 pm.—*[Graeme Dey.]*

*Motion agreed to.*

## Decision Time

16:52

**The Presiding Officer:** There are a number of questions to be put this evening. The first question is that motion S5M-22213, in the name of Bill Kidd, on a proposal for a committee bill, be agreed to.

*Motion agreed to,*

That the Parliament agrees to the proposal for a Committee Bill, under Rule 9.15, contained in the Standards, Procedures and Public Appointments Committee's 7th Report, 2020 (Session 5), *Proposal for a Committee Bill — Complaints against MSPs — amendment of the Scottish Parliamentary Standards Commissioner Act 2002* (SP Paper 766).

**The Presiding Officer:** The next question is, that motion S5M-22845, in the name of Shirley-Anne Somerville, on the Social Security Administration and Tribunal Membership (Scotland) Bill, be agreed to.

We will have a division, because the question is on a bill. We will have a short technical break to allow members in the chamber and online to access the voting platform.

16:53

*Meeting suspended.*

16:59

*On resuming—*

**The Presiding Officer:** Thank you colleagues. I repeat, the question is, that motion S5M-22845, in the name of Shirley-Anne Somerville, on the Social Security Administration and Tribunal Membership (Scotland) Bill, be agreed to. This will be a one-minute division, after which there will be a pause to ensure that everyone has registered their vote. Members should vote now.

**For**

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Bowman, Bill (North East Scotland) (Con)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Carlaw, Jackson (Eastwood) (Con)  
 Chapman, Peter (North East Scotland) (Con)

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (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, Iain (East Lothian) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harris, Alison (Central Scotland) (Con)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow) (Lab)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Mason, Tom (North East Scotland) (Con)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)

Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wells, Annie (Glasgow) (Con)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wightman, Andy (Lothian) (Green)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

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

*Motion agreed to,*

That the Parliament agrees that the Social Security Administration and Tribunal Membership (Scotland) Bill be passed.

**The Presiding Officer:** The motion has been agreed to, so the Social Security Administration and Tribunal Membership (Scotland) Bill is passed. [*Applause.*]

The next question is, that motion S5M-22868, in the name of Humza Yousaf, on a legislative consent motion on the Sentencing Bill, which is United Kingdom legislation, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the relevant provisions of the Sentencing Bill, introduced in the House of Lords on 3 March 2020, relating to transfer of community orders to Scotland or Northern Ireland, transfer to Scotland or Northern Ireland of suspended sentence orders which impose community requirements, making of sexual harm prevention order: effect on other orders and offences, effect of derogatory assertion orders, effect of order for absolute discharge and order for conditional discharge, execution of process between England and Wales and Scotland and consequential, repeal and revocations so far as these matters fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament.

**The Presiding Officer:** I propose to put a single question on the two Parliamentary Bureau motions, unless any member objects. No member objects.

The question is, that motions S5M-22874 and S5M-22875, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, on designations of lead committees, be agreed to.

*Motions agreed to,*

That the Parliament agrees that the Finance and Constitution Committee be designated as the lead

committee in consideration of the legislative consent memorandum in relation to the Internal Market Bill (UK Legislation).

That the Parliament agrees that the Rural Economy and Connectivity Committee be designated as the lead committee in consideration of the supplementary legislative consent memorandum in relation to the Agriculture Bill (UK Legislation).

**The Presiding Officer:** That concludes decision time.

Before we move to members' business, we will have a short pause to allow some members to leave the chamber. I ask members to be careful to observe social distancing while leaving the chamber.

## Mossmorran (Just Transition)

**The Deputy Presiding Officer (Lewis Macdonald):** The final item of business is a members' business debate on motion S5M-22764, in the name of Mark Ruskell, on a just transition for Mossmorran. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament notes the calls for the creation of a Just Transition board for the gas processing complex at Mossmorran in Fife; understands that the combined plants at the site are among the biggest industrial emitters of CO<sub>2</sub> in Scotland; notes the view that reducing the emissions from the plant will be central to meeting Scotland's target of net-zero emissions by 2045; welcomes the announcement that a Future Industries Board is to be created for the Grangemouth complex to support a Just Transition for workers and the local community there; understands that the future of the Mossmorran facility is similarly tied in with the North Sea Oil network, and notes the view that a detailed plan will be needed to support workers and the local community to transition to new green industries; recognises the work of the local Mossmorran Action Group and campaigners from Climate Camp Scotland and Friends of the Earth Scotland in highlighting the environmental and social impacts of the plant, and notes the calls on the Scottish Government to meet with all stakeholders to discuss the creation of a Just Transition board for Mossmorran.

17:03

**Mark Ruskell (Mid Scotland and Fife) (Green):** I thank the members who signed my motion and those who are taking part, online or in the chamber, in the debate tonight.

When I was first elected to Parliament in 2003, a debate like this would have been—to be frank—unthinkable. Industrial plants such as Mossmorran and Longannet were permanent cogs in our economy, and the concept of a just transition was largely unknown and undiscussed, while climate change was still considered to be a very distant threat.

However, times change, and it is impossible to ignore the fact that Mossmorran remains one of the top three carbon emitters in Scotland and an integral part of an oil and gas sector that is the world's biggest climate threat. We cannot ignore the science that tells us that four fifths of oil and gas reserves must remain in the ground if we are to have any chance of preventing an irreversible climate emergency.

That is the global context, but the local context is changing too. At the outset, in the 1970s, there was fierce community opposition to Mossmorran, but in later years critical voices were taken less seriously. However, in recent years, there has been renewed concern from communities that are living in misery as a result of the noise and light pollution from the plant. I welcome in particular the



role that the Mossmorran Action Group, Friends of the Earth Scotland and Climate Camp Scotland have played in amplifying many of those community voices.

I also welcome the recent news that the Mossmorran and Braefoot Bay community and safety committee is to be revitalised and its remit broadened to address the on-going lack of trust between the local community, the plant operators and the regulators. That is long overdue.

It is not too early to move the debate on from flaring to the future of the plant and the need for a just transition, but I worry that it could become too late. We have to learn the lessons of the past. Fife coal-mining communities were betrayed in the 1980s, and that legacy lives on today. There was no just transition, and workers and whole communities were left behind.

Longannet shut in 2016, but it had been known for years that change was coming and there was a window for the Government, the workforce, the operator and the community to plan for transition. However, just as with the coal-mining industry in the 80s, there was no transition. Politicians pretended that Longannet could continue to be run into the ground for years to come, while time slipped away. The subsequent Longannet task force also failed to create a lasting positive legacy for Kincardine and surrounding communities.

However, years later, an exciting vision for west Fife is finally emerging at Longannet. There are concrete opportunities and the start of what we could call a green new deal, with the electric train manufacturer Talgo set to create 1,000 jobs and anchor in a new hub for electric transport innovation; an environmental solution in place for the ash pans; and a passenger and freight rail route running from Alloa to Longannet and then—it is hoped—all the way to Dunfermline. Those are all economic opportunities that could come thick and fast.

We need to see the closure of Mossmorran, whenever that may be, as an opportunity to pull people across into new jobs that have a strong long-term future. We need an industrial strategy for Fife that puts investment in low-carbon jobs as a top priority. Those jobs have to be fair, which is why unions and their workforces need to lead the discussions about union recognition, sectoral bargaining and industrial ownership.

Jobs in clean energy could exceed those in oil and gas threefold, but words are not enough, and communities need to see action. In recent years, I have heard of workers at BiFab actually moving to Mossmorran. That cannot be sustainable in the long term, but the delays in making offshore wind-farm subsidies and leases conditional on jobs coming to Fife are making workers—quite rightly—

angry. They need to see concrete progress in securing Fife as a major hub for the offshore wind industry, and they need to see it fast.

I welcome the establishment of a just transition board for Grangemouth, and I hope that the Government can confirm—perhaps even tonight—that a board will be in place for Mossmorran, with a broad remit to consider all options for the future of the complex and the people whom it supports.

Nonetheless, I am wary that the concept of just transition is being captured by the oil and gas sector as meaning maximum extraction with some wind-powered oil rigs on the side. That simply will not cut it. It will not deal with the climate emergency: the reality is that current North Sea reserves of 5.4 billion barrels of oil and gas already exceed the United Kingdom's carbon share of the Paris climate agreement, and industry plans to extend that to 20 billion barrels will fry the climate. Those irresponsible plans, which are wholly supported by Governments, leave workers potentially facing the rapid collapse of their sector, as the need for action to cut emissions will inevitably intensify in the difficult years ahead.

The oil and gas strategy appears to be based on the idea of a deferred collapse, which would push communities that are dependent on the sector over the cliff edge. That is why we need a managed transition that stays within the limits that were set by the Paris agreement.

I welcome the publication today of the report "OFFSHORE: Oil and gas workers' views on industry conditions and the energy transition", which is an extensive survey of workers in the oil and gas sector by Friends of the Earth Scotland, Greenpeace and Platform. It shows that morale is low, with the biggest concern by far being long-term job security. However, it also shows that there is a high level of willingness to retrain, with more than 81 per cent of workers saying that they would consider moving to a job outside the oil and gas industry. We cannot provide those workers with long-term job security by turning a blind eye and continuing to prop up North Sea oil and gas, but we can provide them and their families with a future by starting the planning now for a just transition at sites such as Mossmorran.

There are those who try to reconcile maximum extraction of oil and gas with climate change, believing that carbon capture and storage will allow for the production of hydrogen from natural gas while storing carbon underground. However, despite receiving billions of pounds in financial support over the past decade, CCS remains largely unproven and untested at scale. As a heating fuel, hydrogen can only be blended with natural gas at a tiny 20 per cent in the grid, so we will end up locking in natural gas at a time when we need total decarbonisation of our heating.

With regard to the use of CCS downstream at Mossmorran, neither of the operators has plans to capture the vast amounts of carbon that the plants emit at source. Decarbonisation of heating should be a massive opportunity to grow new industries to replace dying ones. Skilled industrial engineers who are currently working at Mossmorran could be in the vanguard of a vast heat-pump and district heating sector in the UK, replacing our dependence on natural gas for good.

None of those opportunities will be realised by accident. The time to start planning the just transition is now in order to ensure that no workers are left behind, that no communities are left with a degraded environment and that we can live within the limits of our planet. That journey should start today, with the setting up of a just transition board for Mossmorran.

17:12

**Annabelle Ewing (Cowdenbeath) (SNP):** I am pleased to speak in the debate on a just transition for Mossmorran, and I congratulate Mark Ruskell on bringing it to the chamber. As the MSP for the constituency of Cowdenbeath, I have, over the years, had considerable involvement on behalf of my constituents in issues relating to Mossmorran.

At the outset, I recognise the commendable efforts of my constituents to have their voices heard on this important matter. Through their hard work and determination, they have arguably forced a veritable volte-face on the part of not only the operators, but the Scottish Environment Protection Agency, Fife Council and NHS Fife in respect of the way in which those organisations deal with the plant, communicate with local communities and address their concerns.

Of course, many key issues are of on-going concern. However, it is fair to note that there have been some positive and welcome changes, one of which has involved SEPA taking a far more proactive role in its approach to discharging its regulatory responsibilities. That can be witnessed, for example, in its submission of a report to the Crown Office and Procurator Fiscal Service on the April 2013 elevated flaring incident. I am also aware that more recent incidents are the subject of on-going investigations.

Further to my most recent telephone conference with SEPA on Friday last, I note that it has issued a variation-of-permit notice that limits the extension of the deadline for the installation by ExxonMobil of noise-reducing flare tips to May 2021, taking into account the global pandemic within which we are all currently operating.

I also take the opportunity to welcome the revamping of the Mossmorran and Braefoot Bay community and safety committee, which is

something that I have called for. The committee met for the first time in its new form last Thursday. The revamp is a result of the community pressure that has been brought to bear.

Some of the features of that new approach are as follows: the chair will be drawn from the community; the Health and Safety Executive is to be a member; and expert advisory groups are to be set up to look at air quality and at noise, light and vibration pollution. In addition, there is to be enhanced communication with the local community, and—helpfully—Fife Council is to provide the secretariat.

However, it is fair to say that the significant disruption to my constituents' peaceful enjoyment of their lives over the years has led to an increasing desire on the part of many, although by no means all, of them to see an end to the plant in sight.

While many—again, by no means all—of my constituents accept that it would not be possible to turn off the tap tomorrow, they wish to know what the longer-term plans for the site are. They are, of course, mindful that we are currently in the midst of the Covid-19 global crisis, and mindful of its impact on jobs and the economy in my constituency and across Fife, Scotland, the rest of the UK and the world.

On 1 September, I wrote to the Minister for Energy, Connectivity and the Islands, Paul Wheelhouse MSP, to call for a transition arrangement for Mossmorran that is similar to what is proposed for the Grangemouth complex. That would reflect the need to do what is necessary to secure Scotland's target of net zero carbon emissions by 2045, while at the same time leaving no workers or communities behind. If a future transition board can be established for Grangemouth to support a just transition for workers and for the local communities that would be affected, why not for Mossmorran?

In the minister's reply to my letter, he recognises that the Mossmorran site is an important asset for Scotland's energy infrastructure and a key player in the Fife economy. It is therefore vital that, in the on-going work towards 2045 and the achievement of our net zero target, Mossmorran is kept in the frame and its workers and community representatives are involved in the just transition process. I understand that the process is to be formulated in more detail following the final report of the just transition commission, which is expected to be published in March 2021.

I look forward to hearing the minister's comments on those points.

17:17

**Alexander Stewart (Mid Scotland and Fife) (Con):** I am pleased to be able to take part in tonight's debate on a just transition for Mossmorran, and I pay tribute to Mark Ruskell for ensuring that it takes place.

The issue of Mossmorran is incredibly important for neighbouring residents, for Fife and for Scotland as a whole. Members on all sides of the chamber are committed to meeting the target of net zero emissions by 2045, which necessitates consideration of how gas processing complexes will be managed in the future. As Mark Ruskell did, I welcome the announcement of a future industries board for the Grangemouth complex, and I agree that a similar transition board should—and must—be considered for the Mossmorran site.

In recent years, there have been an unprecedented number of unscheduled flaring incidents at Mossmorran. Residents have reported that those flarings have occurred at antisocial times of day, causing noise pollution, light pollution and vibrations in their homes. Many of them have suffered from sleep deprivation, headaches or migraines, breathing difficulties, skin rashes and irritation of the eyes and throat, and there are high levels of anxiety whenever there is a flaring incident at the complex.

I pay tribute to the Mossmorran Action Group, whose members have worked tirelessly in the background to bring the issues to the fore. I also welcome the reinvigoration of the Mossmorran and Braefoot Bay community and safety committee, which is a good move for the people concerned.

ExxonMobil says that it is going to invest £140 million in the plant, and that it will install noise-reducing elevated flare tips. That is to be welcomed, but once again it has been delayed, and the work will not begin until April 2021. Notwithstanding the delay, that is a welcome development, but it will not solve the problem. The operators of the site have to communicate better with the community, because that has been a major issue during the time I have been actively involved with Mossmorran, since I became an MSP.

As far as the residents are concerned, there are faults on many sides. They see not only the site itself as a problem: they also see the Scottish Government, Fife Council, SEPA and—at times—the national health service all pointing the finger of responsibility at each other for failing to address the issues. Many people have felt very frustrated, and over the past three or four years I have attended lively public meetings in the area, as have other members who have spoken tonight. Those meetings have been a tribute to the community, which has stood up to the plant and to

the management, because the people want answers.

A just transition may be a long-term solution, but we need to face now the issues that are arising and what is happening in the local community.

Last year, Fife Council suggested a way forward, when councillors, except the nationalists, voted to have the Scottish Government commission an independent expert study of the environmental, social and health impacts on the community of the operations at Mossmorran. That would have gone a long way towards addressing many local concerns, so I call on the Scottish Government to reconsider its position on commissioning such a study. I look forward to the minister perhaps making an announcement on that in her speech.

Whenever the transition takes place, we must not forget the possible economic implications. We cannot take away from the fact that Mossmorran provides employment opportunities for people in Fife and the surrounding area. Local residents rely on the jobs to support themselves and their families.

Therefore, we need to ensure that any transition to different operating models or greener industries still provides good jobs.

**Mark Ruskell:** Would the member and his party back the establishment of a just transition board for Mossmorran?

**Alexander Stewart:** As I have already said, Grangemouth is getting one and I believe that that is what Mossmorran should have. That is the right thing to happen in order to support the communities.

Labour's amendment talks about engagement with the trade unions; that is sensible and pragmatic and I agree with it.

In conclusion, I support the principle of establishing a just transition board for the site at Mossmorran to help in our efforts to achieve our net zero emissions target by 2045. Moreover, in the short term, we need greater action from the Scottish Government and the operators at Mossmorran to address the immediate and long-term environmental, social and health impacts of the operations on the local community and area.

17:21

**Alex Rowley (Mid Scotland and Fife) (Lab):** I am pleased to speak in debate on the call for a just transition board for Mossmorran. I have spoken about the issues surrounding Mossmorran petrochemical plant for many years. Indeed, in June 2018, I held a members' business debate on

the increase in flaring and the associated safety worries.

During that debate, I made the point that I was a teenager when planning permission was first sought for Mossmorran and work began, and my family members had jobs there. The view that was sold to the communities at that time was that many jobs could be created—not just in construction of the site, but in the wider local economy, because downstream work would follow, as well as spin-off opportunities in industries including agriculture. However, that did not happen. We now know that although many jobs were created, the increase that was promised was never achieved.

The greatest concern for those of us who live in the communities that surround the site is safety. The question is continually asked: is the site safe? With the actions that SEPA has taken, the safety issue is now on-going.

However, today's debate is not about the safety of the site, but about a just transition. When we are talking about a just transition board for the plant, we have to focus on the jobs aspect. That is why I lodged an amendment to the motion that we are debating today. In my amendment, I make the point that

“the trade unions, Unite and GMB, have hundreds of members employed on both the Shell and Exxon sites”

and that, therefore,

“they should be fully involved in any discussions on the future of the sites and on would-be members of any Just Transition board that was established.”

I hope that all those who are concerned with any form of just transition accept that workers are a key part of the discussion. After all, their jobs are at stake. Understandably, workers with homes, mortgages, rents and families will be concerned when any discussion of their jobs is had, here or anywhere else. Ensuring that trade unions and workers themselves are an integral part of the discussions should be a priority.

Only today, a report by Friends of the Earth Scotland, Greenpeace and Platform, “OFFSHORE: Oil and gas workers' views on industry conditions and the energy transition”, showed that significant barriers are preventing workers from making the transition from jobs in oil and gas to jobs in renewables. A key takeaway from the report—which I think Mark Ruskell mentioned—is the need for far more engagement with workers if there is to be a just transition away from fossil fuels that does not penalise the workforce.

Friends of the Earth Scotland, which was quoted on the BBC today, said:

“Despite the Scottish Government's rhetoric, the idea of a just transition has failed to reach the overwhelming

majority of the workers who will be most directly impacted. Workers' voices must be at the centre of that transition process. The government must ensure oil and gas workers are supported into secure and sustainable jobs.”

Among the main concerns of the workforce who were surveyed was the fact that there are limited opportunities for workers, because retraining is too expensive and is a barrier. Given that context, the Scottish Government has a responsibility to ensure that the new green jobs of the future are created and made available for workers to transition into.

However, the Scottish Trades Union Congress published a report in June that showed that employment in Scotland's low-carbon and renewable energy economy flatlined between 2014 and 2018. Despite promises that by 2020 some 130,000 people would be directly employed in the renewables sector, the figure in 2018 was only 23,000. That figure speaks for itself. I am sure that members understand why workers are concerned when politicians stand up and talk about the new green revolution and new green jobs that have not yet materialised.

We need to address those issues. We must address the mistake of privatisation of our natural resources and we must not allow the same thing to happen again. That is a major criticism. At a time when we must ensure that the renewables sector works, first and foremost, for Scotland and for the people of Scotland, we need a far greater say in how those industries develop.

17:27

**Claudia Beamish (South Scotland) (Lab):** I thank Mark Ruskell MSP for the motion that brings this important debate to the Parliament, and I thank my colleague Alex Rowley MSP for lodging a strengthening amendment to the motion.

Scottish Labour has been unwaveringly committed to a just transition for Scotland. We understand that stringent emissions reduction targets are necessary, and that justice and strategy must be inextricably woven into delivering on those targets.

I welcome calls for a just transition board for Mossmorran and commend Mark Ruskell for calling for that in the debate.

More state intervention is required—no ifs, no buts. Unions that represent workers at sites are airing their scepticism about a just transition, as we heard from Alex Rowley. Workers have seen jobs being lost to overseas companies—sometimes to companies that have exploitative conditions—and the Scottish Government often shies away from a robust industrial strategy or legislative assurance for the future.

A statutory, long-term, independent just transition board could provide the oversight that is needed if we are to avoid the patchwork approach whereby, for instance, there is progress for Grangemouth but a need for a campaign for Mossmorran.

I value the work of the Scottish Government's just transition commission, but its short life span is unjustifiable and I fear that the commission will not have time to guide the unprecedented step change and strategy that will be needed for a just transition that values the existing skills of our workforce, preserves and creates quality jobs and seeks to decarbonise all sectors in the move to net zero.

The debate has recognised that the Exxon and Shell sites at Mossmorran are significant employers. Those workers and communities are owed a just transition, particularly as part of a green recovery from a globally worrying time. That is why my colleague Alex Rowley, the member for Mid Scotland and Fife, has lodged an amendment to the motion. It stipulates that the representing unions, Unite and the GMB, and their memberships, must be included in discussions on the future of the site and on the establishment and in the membership of a just transition board.

I welcome the Grangemouth future industry board and hope that the cabinet secretary can agree that the same consideration must be offered to those workers as to workers in Fife. The same concerns about membership exist here. The programme for government says that the board is to include Scottish Government representatives, agencies, Falkirk Council and businesses that have an interest. Where are the unions and the workers' voices?

Labour colleagues are trying to put across the message that it is vital to address the transformation through the perspectives of the communities that are most affected. That representation is particularly important, given the disruption caused by flaring and the other worrying issues that are faced by local communities and that we have heard about in the debate. The communities have endured those problems for far too long.

Along with my Fife colleagues, and as a member for South Scotland, I know only too well the pain left behind by Government's failure to manage a transition. The 2020 report by the Coalfields Regeneration Trust shows that former mining communities still experience high rates of child poverty and unemployment and lower life expectancy and are among the country's most deprived communities. That is a compelling call for action for a just transition, as well as for the need to correct past mistakes.

The report by Friends of the Earth Scotland, Greenpeace and Platform on offshore oil and gas workers and their future lays bare the resounding failure to engage with those workers on the notion of a just transition. Of the respondents to the report, 91 per cent had not heard the term "just transition". What does that tell us? The Government, and all of us in Parliament, must do better.

It is time for the Scottish Government to show, not tell. Enabling Scotland's wider shift to net zero will require infrastructure projects on a mass scale. Those should include retrofitting our housing stock, district heating networks, decarbonising our transport system, re-manufacturing and more. Those projects can and must provide high-quality employment and a unique skills base that will be valued by the international market, as well as creating more resilient communities. Workers in Mossmorran and around Fife need a detailed and democratic plan that will secure those opportunities. Let us all make sure that that happens.

17:32

**The Minister for Rural Affairs and the Natural Environment (Mairi Gougeon):** I thank Mark Ruskell for bringing the debate to the chamber. I appreciate the tone of the debate, which, although everyone has acknowledged problems, has been about looking to the future.

As we emerge from Covid-19, we have the opportunity to build a greener, fairer and more equal society and economy. We are committed to a just transition to net zero emissions by 2045. Our programme for government put that ambition for net zero at the heart of our immediate action on jobs, skills, procurement and investment. We are laying the foundations and are under no illusion: this will be a long-term, national endeavour. It requires planning at all levels: regional, sectoral and at the level of individual businesses and sites. That will be crucial to ensure that the opportunities that arise from the transition are not missed and that the risks associated with rapid structural change are mitigated.

The local community's concerns about flaring incidents at Mossmorran are clear and are understood by Government and the regulators. They have been clearly articulated by members, including Annabelle Ewing. She, Alex Rowley, Mark Ruskell, and other members have been engaged with that issue for a long time. As members will be aware, SEPA has now concluded its investigation into flaring and submitted a report to the Crown Office and Procurator Fiscal Service. That is a measure of the seriousness with which it is treating unplanned flaring incidents at the plant. We are clear that due process must be followed

and that it would be inappropriate to comment further on the flaring events while the Crown Office is considering SEPA's report.

I will highlight some of the new measures that have been put in place since then. On 13 May, to enhance assurance around its regulatory approach, SEPA announced a further package of measures that will be carried out throughout this year and in the coming years. There are two key elements. The first is that SEPA will work with Fife Council, its health partners, ExxonMobil and people from the local community to review how and where air quality is monitored. The second is for SEPA to have an external review conducted by the Irish Environmental Protection Agency to share best practice.

The key part of Mark Ruskell's motion was about the just transition, and he highlighted its importance and stated that we have to learn lessons from the past. That is absolutely right and it was emphasised again by Alex Rowley, who said that it is people's jobs that are at stake—it is about their lives. Therefore, how we handle the situation is vital. All members' speeches highlighted the importance of a just transition that benefits workers and local communities.

There are undoubtedly risks associated with change, but we must not lose sight of the opportunities that arise from being in the vanguard of the move to a net zero economy. We have the chance to build a greener, fairer and more equal society and economy. Our landmark Climate Change Acts provide the toughest and most ambitious legislative framework in the world and we took world-leading action to embed just transition principles at its heart.

In addition, Scotland's independent just transition commission will be invaluable as we seek to apply those principles in Scotland. The commission produced an interim report in February and a green recovery report at the end of July, which emphasised meaningful engagement with all key stakeholders—another point that was raised by members in the debate.

Reducing the emissions from Mossmorran and other large industrial sites in Scotland will be pivotal in meeting our climate ambition. Our climate change plan update will be published later this year and it will help to set us on a trajectory towards net zero, ensuring that our actions in the immediate term are in line with our long-term goals and set out our strategy.

A number of members mentioned the Grangemouth future industry board. That is an early-stage initiative that we announced in the programme for government to co-ordinate public sector decision making and encourage economic and transition activity at the Grangemouth

industrial cluster. That will, in turn, help to maximise the impact of the Falkirk growth deal. The Grangemouth cluster comprises numerous manufacturing businesses. Approximately three quarters of our largest industrial users are concentrated there, although it is, of course, not the only area of industrial activity in Scotland. We will do all that we can to learn from the mistakes that have been observed in industrial transformations of the past.

Turning to another part of Mark Ruskell's motion and a key theme of the debate, there have been calls to establish a just transition board specifically for Mossmorran, perhaps along the lines of what was announced for Grangemouth in the programme for government. However, as I said at the start, it would not be appropriate to closely engage or build that kind of relationship with Mossmorran at the moment while the Crown Office considers SEPA's report. The Government cannot commit to any specific action on the future of Mossmorran until the outcome of that consideration is known. I hope that members understand that position.

**Ross Greer (West Scotland) (Green):** I appreciate the minister's point, but does the Government accept in principle the possibility of extending just transition boards to other sites across Scotland? I ask that with a regional interest in the decommissioning of Hunterston nuclear power station.

**Mairi Gougeon:** That is something that has been looked at specifically for Grangemouth. I will not rule anything in or out at the moment. We will have to see how the model works there. There is a particular set of circumstances at Mossmorran and we will need to go through that process. We will have to see whether the Grangemouth model is something that could work in other areas, but we will have to see how that establishes itself first and how the work continues.

Scotland's just transition commission will provide advice next March, but it has shared some early thinking in which planning ahead and on-going proactive engagement are prominent themes. It is clear that securing the economic and social opportunities associated with a net zero transition will require careful planning and collaboration between Government, industry, workers and communities in the years ahead.

The motion concerns businesses that are operating in Scotland's oil and gas sector. The Scottish Government recognises the need to do all that we can to help key sectors in this extremely challenging economic context. Now, more than ever, we need a just transition that supports sustainable growth and jobs. The oil and gas industry is a critical component of Scotland's economy and energy mix and it will remain integral

during a sustainable, secure and inclusive energy transition.

The oil and gas sector, including Mossmorran, can play a positive role through helping to channel resources and innovative supply-chain activity to design the diverse energy system that we need for the future. It is crucial that a sustainable and resilient future is developed for the people who work in the industry, whose skills and expertise will be vital for the move to our zero carbon future. In partnership with the industry, we want to build on Scotland's considerable strengths and attract economic investment for decarbonisation.

We want to support and grow existing sectors and to attract new advanced manufacturing. Our programme for government commits £60 million in support to overcome the challenges that industry faces in the transition. That includes £34 million for a Scottish industrial energy transformation fund that will support investment-ready mature energy efficiency technologies and fund studies for deeper emissions cuts from industrial processes. Alongside the manufacturing low carbon challenge fund, the £60 million support package demonstrates our commitment to stimulating existing industrial players to invest in decarbonisation measures and to help to nurture and scale up innovative low carbon solutions.

We have embarked on a national mission to create new jobs—good and green jobs—protecting people from redundancy in employment and investing in our green new deal. We have already set out the first tranche of our £2 billion low carbon fund. Combined with our £100 million of support to help businesses create new green jobs, the series of commitments that I have outlined demonstrates how serious the Scottish Government is in responding to the momentous economic and climate challenges that are before us with real and targeted action to drive a just transition to a net zero economy. I look forward to working with colleagues from across the chamber to that end.

*Meeting closed at 17:42.*





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