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AITHISG OIFIGEIL

Meeting of the Parliament (Hybrid)

Wednesday 9 March 2022

Session 6



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Pàrlamaid na h-Alba

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Scottish Parliament

Wednesday 9 March 2022

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

Business Motion

The Deputy Presiding Officer (Annabelle Ewing): Good afternoon. I remind members of the Covid-related measures that are in place. Face coverings should be worn when moving around the chamber and across the Holyrood campus.

The first item of business is consideration of business motion S6M-03554, in the name of George Adam, on behalf of the Parliamentary Bureau, on changes to this week's business. Any member who wishes to speak against the motion should press their request-to-speak button now.

I understand that a member wishes to press his request-to-speak button and, therefore, to speak, but there might be a problem with his card.

I call Oliver Mundell.

Oliver Mundell (Dumfriesshire) (Con): Thank you, Presiding Officer. I rise to highlight—

The Deputy Presiding Officer: I am sorry, Mr Mundell. I beg your pardon, but please sit down; I have been put off my stride a wee smidgen. First of all, I call the minister to move the motion.

Motion moved,

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

(a) Wednesday 9 March 2022—

after

followed by Scottish Labour Party Debate: Anne's Law—Protecting the Right of Care Home Visiting

insert

followed by Ministerial Statement: Scottish Government Response to Report by Independent Advisor on Education Reform

delete

6.00 pm Decision Time

insert

6.30 pm Decision Time

(b) Thursday 10 March 2022

delete

2.00 pm Parliamentary Bureau Motions

2.00 pm Scottish Parliamentary Corporate Body Questions

insert

2.15 pm Parliamentary Bureau Motions

2.15 pm Scottish Parliamentary Corporate Body Questions

delete

followed by Ministerial Statement: Scottish Government Response to Report by Independent Advisor on Education Reform

delete

5.15 pm Decision Time

and insert

5.00 pm Decision Time—[George Adam]

The Deputy Presiding Officer: Thank you, minister. I call Oliver Mundell.

14:01

Oliver Mundell (Dumfriesshire) (Con): Thank you, Presiding Officer. I rise to highlight to Parliament, education stakeholders and the wider public my concerns about the way in which today's business has unfolded at short notice and without adequate explanation. Are we now really accepting that this Scottish National Party Government is so incompetent that it cannot even organise the publication of its own so-called "landmark education report"?

The issue might seem to be small fry, but it speaks to the lack of ministerial oversight and to the incompetence that defines this SNP Government's time in charge of our education system. Why should parents, teachers and young people trust it to turn things around and restore standards when it cannot even get the basics right? This follows the shambles at the Scottish Qualifications Authority in recent days, which has seen pupils being screwed over for the third year in a row.

I note, with gratitude, the selection of an urgent question this afternoon, but many people outside the chamber will wonder why time for an extra half-hour statement opens up when it suits the Scottish Government. I accept that the timing of today's statement is unlikely to change, but it is important to put on the record that this chaotic approach does nothing to build consensus and trust in Scottish education. Instead of a tired Government putting the same tired arguments, we need a new approach to ask the difficult questions. We are not going to get that in a half-hour slot at the end of the day, inserted at short notice.

We are seeing again an SNP Government that claims that education is its top priority, while at the same time it is selling our young people short. Where is the leadership? Where is the so-called priority?

I would be grateful if the Minister for Parliamentary Business could explain why we find ourselves in this absurd position and why there has been such urgency in bringing the matter forward for debate, when today's business has long been scheduled.

14:03

The Minister for Parliamentary Business (George Adam): I cannot be held accountable for Oliver Mundell's paranoia, but the matter has been discussed in detail at the Parliamentary Bureau. The matter has been discussed with all the business managers, and has been agreed. We will bring the statement forward today.

The Deputy Presiding Officer: The question is, that motion S6M-03554 be agreed to.

Motion agreed to,

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

(a) Wednesday 9 March 2022—

after

followed by Scottish Labour Party Debate: Anne's Law—Protecting the Right of Care Home Visiting

insert

followed by Ministerial Statement: Scottish Government Response to Report by Independent Advisor on Education Reform

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followed by Ministerial Statement: Scottish Government Response to Report by Independent Advisor on Education Reform

delete

5.15 pm Decision Time

and insert

5.00 pm Decision Time

Portfolio Question Time

Health and Social Care

14:04

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is portfolio question time, and the first portfolio is health and social care. If a member wishes to request a supplementary question, they should press their request-to-speak button or indicate that in the chat function by entering the letter R during the relevant question.

Question 1 was not lodged.

General Practice Closures (NHS Tayside)

2. Michael Marra (North East Scotland) (Lab): To ask the Scottish Government what discussions it has had with NHS Tayside in light of reports of the closure of general practitioner practices. (S6O-00823)

The Cabinet Secretary for Health and Social Care (Humza Yousaf): The Scottish Government is aware that the Frioekheim and Ryehill practices in NHS Tayside will hand back their GP contracts later this year. NHS Tayside is working with the respective health and social care partnerships to consider how best to ensure that general medical services continue to be provided to patients who are registered with the practices once the contracts have been handed back.

Michael Marra: I wrote, with Councillor Richard McCready, to the cabinet secretary on 15 February about the need to address local people's concerns about the Ryehill health centre, but I have yet to receive a response. Some 5,300 patients are being thrown into limbo. Can the cabinet secretary give clarity on what will happen next? Where will people get care and when will they know that?

The closure flies in the face of the announcement that the cabinet secretary made in Dundee, just two months ago, about expanding GP provision. What new strategy can the cabinet secretary put in place to tackle declining access to services? What he has done so far is clearly not working.

Humza Yousaf: On Michael Marra's specific point, I will of course look into the issue about the correspondence that he and the local councillor sent to me—I have also had correspondence on the matter from Councillor Bill Campbell—and I will get an official response to him.

The member was absolutely right to ask me about the next steps. If he wishes, after question time I will send him details of who best to contact

in the health and social care partnership. In essence, that partnership, alongside the health board, will assess the various options; they are having active discussions with neighbouring general practices to ascertain whether they can take on more patients. They will also see whether any practice has the desire or intention to take over the Ryehill practice. The same goes for the Friockheim practice, which I also mentioned.

When a decision is made on how best to deliver local general medical services, patients will be informed directly.

On the more general point, I can elaborate on that with more detail, but given the time constraints I will just say that this Scottish National Party Government has an excellent record of investing in our GP services, which is probably why we have more GPs per 100,000 people than anywhere else in the UK. In Scotland, we have 95 GPs per 100,000; the number in England is 78 and in Wales it is 76. We will continue to invest in GP services.

On the more specific issue, I am always happy to continue discussions with the member and will ensure that he gets details of the health and social care partnership that is taking the matter forward.

Sandesh Gulhane (Glasgow) (Con): On the staffing crisis in NHS Tayside, the British Medical Association in Scotland is highly concerned about consultant vacancies in that health board. A freedom of information response shows that vacancies are significantly higher than the figure that the Scottish Government released.

Despite months of promises to recruit, there has been no improvement. When will the Scottish Government release accurate data and an analysis of the extent of the problem in Tayside? How does it intend to address the serious lapses in workforce planning?

Humza Yousaf: Let me make a few points. First, under this Government we have record staffing levels, and the number of medical and dental consultants has increased considerably.

I met the NHS Tayside chief executive and chair a number of weeks ago and we discussed consultant vacancies, particularly in oncology. We have set up a short-life working group on that.

On our future plans, we will publish our national workforce strategy later this week.

Essure Sterilisation Devices

3. **Sarah Boyack (Lothian) (Lab):** To ask the Scottish Government whether it will meet with the Life after Essure UK and Ireland support group to discuss its concerns about a lack of awareness and understanding of the reported damaging

physical and mental health impacts of Essure sterilisation devices. (S6O-00824)

The Minister for Public Health, Women's Health and Sport (Maree Todd): Yes, I will be happy to meet members of the Life after Essure support group; I am in the process of making arrangements.

Sarah Boyack: I very much welcome the minister's positive response to me. I hope that the meeting takes place as soon as possible.

A key issue that the women have raised with me is the lack of knowledge on the ground among their general practitioners. They recently met the Northern Ireland Minister of Health; following that meeting, every GP in Northern Ireland has been sent a fact sheet and information about the crippling impact of Essure devices on women's physical and mental health.

The sooner such information can be passed to our GPs, the better. Is the minister prepared to consider the issue and see whether we can accelerate getting that information out to GPs across the country, so that women can get support?

Maree Todd: The member is absolutely correct. It is vital that there is a consistent approach and a clear treatment pathway for any woman who is experiencing complications as a result of a device. Once I have met the affected women, the Scottish Government will consider whether any further action is needed on our part or by the national health service in Scotland. That will potentially include writing to GPs or seeking alternative means of ensuring that there is increased awareness in places where women are going to seek help with devices.

Sue Webber (Lothian) (Con): Although Essure devices were withdrawn from the United Kingdom market in 2017, it is estimated that up to 2,000 women were implanted with devices. Can the minister advise members which of Scotland's health boards implanted devices, and whether the Scottish Government has considered the merits of writing to the relevant individual GPs to raise awareness of the device's crippling long-term side effects, given how busy the GP workload is?

Maree Todd: Once I have met the women who are affected, we will consider all options for ensuring that the appropriate people are informed about the concerns that are being raised. I can give the member the assurance that about 700, rather than 2,000, women in Scotland were implanted with the device before it was withdrawn from the market in September 2017. I can write to her with details on which health boards were using the device.

I am keen to raise awareness of the issue across the board, and I am keen that women are able to seek support and get an appropriate response from GPs when they do so. That last point is important—we have seen that issue arise time and again in relation to women’s health, and it is one of the reasons why we are introducing the role of patient safety commissioner. We are very keen that women—indeed, all patients—are heard when concerns are raised about the safety of devices, and that appropriate action is taken.

Dialysis Units (Location)

4. Jenni Minto (Argyll and Bute) (SNP): To ask the Scottish Government how decisions are made regarding the location of dialysis units. (S6O-00825)

The Cabinet Secretary for Health and Social Care (Humza Yousaf): It is the responsibility of national health service boards, working with their local partners, to plan service delivery and treatment in accordance with the needs of patients who are undergoing dialysis in their particular area. The location of renal services and associated satellite dialysis units are identified on the basis of needs assessments of patients and where they live, which are carried out by individual health boards. The Scottish Government funds the Scottish renal registry, which assists services to carry out audits in order to support improvements in service delivery and planning.

Jenni Minto: Last Friday, I visited the recently opened dialysis unit in Rothesay on the Isle of Bute. I pay tribute to my constituent Hamish Kirk, who worked tirelessly with others to ensure that the unit was set up, following a donation. Sadly, Hamish died last month, having benefited from the new unit for only a matter of weeks.

Does the cabinet secretary agree that it is important that health and social care partnerships work with local groups and individuals to ensure that units such as the one on Bute can be established?

Humza Yousaf: I join Jenni Minto in paying tribute to her constituent, Hamish Kirk. I send my sympathies to his loved ones and friends, and to the local community.

I agree whole-heartedly with what Ms Minto said. The local partnership with Bute Kidney Patients Support Group is an excellent example of the NHS board, the local health and care partnership and local community groups working closely together. It is important that people who are undergoing dialysis can access care as close to home as possible, which is why we continue to fund satellite units. I pay tribute once again not only to Jenni Minto’s constituent, but to the great

work that Bute Kidney Patients Support Group has done.

Transvaginal Mesh Case Record Review

5. Jackson Carlaw (Eastwood) (Con): To ask the Scottish Government whether it will provide an update on the transvaginal mesh case record review, led by Professor Alison Britton, and the anticipated timescale for its completion. (S6O-00826)

The Minister for Public Health, Women’s Health and Sport (Maree Todd): The review was established in February 2021 to look into women’s concerns about the accuracy of their case records. Since then, Professor Britton has met everyone who wishes to take part, and the panel is now starting to consider each woman’s medical records, alongside their concerns. A number of factors, including Covid-19, have meant that the review has taken longer than we initially thought that it would, but we expect it to conclude later this year. I hope that it will be a beneficial process for all who are involved in it.

Jackson Carlaw: In response to written questions that I submitted on the review in September last year, the Cabinet Secretary for Health and Social Care informed me that the commissioned contractor, Clinco, would

“request ... appropriate case records from Health Boards.”—[*Written Answers*, 18 October 2021; S6W-03321]

At that point, data-sharing agreements had been reached with some health boards for access to patient records, and the cabinet secretary said that he expected agreements to be in place for “all relevant Boards” in the near future.

We are now almost six months on. Can the minister please confirm whether all data-sharing agreements are now agreed, and whether every health board has made available all the required and requested patient information? If not, can she advise what might be holding up that process?

Maree Todd: Given that the information being shared is so sensitive, we have worked really hard to ensure that there is a robust process in place for transferring patient records to the panel for review. That has taken some time to finalise, but I am sure that we all agree that it is vital that patients’ private information is kept safe and secure. I am pleased to report that all those issues now appear to be resolved and that records are being received from the health boards as requested, and I am grateful to the panel and particularly to the women taking part for their forbearance.

Alcohol Harm (Disadvantaged Communities)

6. Joe FitzPatrick (Dundee City West) (SNP):

To ask the Scottish Government what support it is providing to people at risk of alcohol harm in the most disadvantaged communities. (S6O-00827)

The Minister for Public Health, Women's Health and Sport (Maree Todd): There is a stark social gradient to alcohol harms: alcohol-specific death rates in the most deprived areas are 4.3 times higher than those in the least deprived areas, and people in the most deprived areas are seven times more likely to be admitted to hospital with alcohol-related conditions than those in the least deprived areas.

We take a whole-population approach to reducing alcohol consumption and risk of alcohol-related harms to drive reductions of alcohol harm in our most deprived communities. We are taking action to improve the conditions that drive alcohol harms, reduce poverty and inequalities, provide good quality affordable housing and enable the best start in life for our children.

Joe FitzPatrick: This is an area that the minister and I have a particular interest in and are particularly keen to make progress on. The minister mentioned that the alcohol-related death rate in the most deprived areas in Scotland is 4.3 times higher than in the least deprived areas. The minister will be aware of the report on alcohol-problem management in deep-end practices serving the most deprived populations in Scotland, which was launched today by Scottish Health Action on Alcohol Problems, and she will be aware that it shows the value and effectiveness of the primary care alcohol nurse outreach service in reducing alcohol harms. Will the minister say whether the Scottish Government would encourage all deep-end practices to adopt a similar model?

Maree Todd: First, I commend Joe FitzPatrick for his work in this area as a minister and as a back-bench MSP. I know that it is an area that he cares deeply about and will continue to work hard on. I assure Mr FitzPatrick that the Scottish Government will carefully consider the findings of the report that was published today, which highlights the need for more research into the effectiveness of those services.

We support person-centred approaches such as those that are provided by primary care alcohol nurse outreach services in deep-end practices for alcohol treatment. That is set out in our national strategies: the Scottish Government's "Mental Health Strategy 2017-27" and "Rights, Respect and Recovery", the national alcohol and drug strategy.

Foyso Choudhury (Lothian) (Lab): Scottish Health Action on Alcohol Problems recently

highlighted the so-called multiple disadvantages faced by black and minority ethnic people who are struggling with alcohol harm, whereby culture and other issues add to the barriers to people seeking treatment. What is the Scottish Government doing to ensure that everyone in our society can access the support that they need?

Maree Todd: That is a key question that I am deeply interested in resolving. We have talked about the work of the deep-end practices on tackling alcohol-related harm, but they are also doing incredible work in tackling inequalities and reaching the people in our society who often find it hard to access healthcare. There is a range of work going on across the board, and I expect that the deep-end practice work will feature strongly in what Mr Choudhury describes, which is intersectionality, with different inequalities coming together and making life very difficult for people who experience that.

Women's Health Plan

7. **Evelyn Tweed (Stirling) (SNP):** To ask the Scottish Government, in light of international women's day, whether it will provide an update on its action to improve health and reduce inequalities for women in Scotland, as outlined in the women's health plan. (S6O-00828)

The Minister for Public Health, Women's Health and Sport (Maree Todd): Implementation of the women's health plan is under way. In October last year we launched the NHS Inform menopause information platform, which is the first stage in the development of a comprehensive women's health information platform. Work is also under way to develop information and resources for girls and women on starting periods, managing symptoms, choosing contraception and planning for pregnancy, which will all be added to the platform.

In spring this year, we will publish an implementation plan setting out in more detail how the actions will be implemented. Our first progress report will be published in autumn this year.

Evelyn Tweed: One of my constituents recently contacted me to say that her endometriosis pain had resulted in her permanently closing her hair salon in Doune. She welcomes the women's health plan and its specific focus on endometriosis research and reductions in diagnosis time. Can the minister please give an update on the work being done to improve the lives of endometriosis sufferers across Scotland in particular?

Maree Todd: Endometriosis is a high priority for the Government, and we have a range of work under way to improve the experience for women. We are working with NHS Inform to update its endometriosis pages with accurate, up-to-date

information and a lived experience video. We aim to provide additional resources to school-age children, teachers, parents and carers, working with the national resource for relationships, sexual health and parenthood—RSHP. We funded Endometriosis UK with £15,000 to raise awareness and to support those who are waiting for a diagnosis.

The centre for sustainable delivery has developed an endometriosis care pathway to individualise treatment, to improve earlier intervention and to streamline referrals to secondary and tertiary care. We will deliver more opportunities for training on endometriosis for healthcare professionals. We are also developing networks to co-ordinate endometriosis care, helping to provide equitable access to support and care for women right across Scotland.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): We know that endometriosis symptoms can start in puberty, and it is a horrible thing for young people to go through. Menstrual wellbeing education was made compulsory in England in 2020 and in Wales at the end of 2021. Scotland is the only place in Great Britain where it is not currently mandatory. Will the minister commit to introducing compulsory menstrual wellbeing education in Scottish schools?

Maree Todd: Ms Hamilton will be aware that very little in the education curriculum in Scotland is mandatory. We tend not to work that way; we tend to work with local authorities to ensure that there is a broad-ranging curriculum and that children can access a broad range of education.

As I alluded to in my previous answer, however, we have worked on resources for RSHP, and those additional resources are available to school-age children, teachers, parents and carers to utilise to improve levels of awareness. That is a vital area for improving our work on endometriosis.

Carol Mochan (South Scotland) (Lab): Pertinent to the women's health plan being a success is the proper functioning of maternity wards across the country. The minister will be aware that there was a failure of telephone systems at Crosshouse hospital in East Ayrshire over the weekend, with reports that that affected the line to the maternity unit. Will the minister update the Parliament on what was described by the health board as a "major incident", and will she set out how the Government has responded?

The Deputy Presiding Officer (Annabelle Ewing): Before you answer, minister, I appreciate that that was a bit wide of the original question. It was really supposed to be a supplementary to the question that is in the *Business Bulletin*. However,

if the minister wishes to say a few words in response, that is fine.

Maree Todd: I am more than happy to get an update to the member. The reports that I heard over the weekend and on Monday about that incident were that there was an extremely rapid response to it. It was a strong test of the mutual aid systems that are in place, at a time when the national health service is under the greatest pressure that it has ever endured. The initial reports were that there was really good support from the health boards around the area where that critical failure was experienced.

Children's Mental Health Services (Waiting Times)

8. Stephanie Callaghan (Uddingston and Bellshill) (SNP): To ask the Scottish Government whether it will provide an update on the progress it is making to reduce waiting times for children's mental health services. (S6O-00829)

The Minister for Mental Wellbeing and Social Care (Kevin Stewart): The Scottish Government has provided record-breaking levels of investment, including our £120 million mental health recovery and renewal fund. As part of that work, we have made an additional £40 million available to improve child and adolescent mental health services, with £4.25 million of that amount specifically dedicated to clearing waiting list backlogs by March 2023. We are working closely with all the national health service boards, particularly those with the most significant performance challenges, to develop and implement detailed local improvement plans that will deliver the CAMHS specification, clear backlogs and meet targets.

Stephanie Callaghan: Alternative pathways that provide early interventions for children and young people's mental health at an early stage can prevent mental health issues from becoming more serious and reaching crisis point. What steps is the Scottish Government taking to address the difficulties currently faced by children and families wishing to access alternative mental health services and to ensure that mental health care can be stepped up or down between tiers 2 and 3 without the child's place on any waiting list being lost?

Kevin Stewart: We are committed to improving access to community mental health and wellbeing support for our children and young people, and their families and carers. In this financial year, we have provided local authorities with an additional £15 million to fund over 230 new and enhanced support services for children and young people. The funding gives local partnerships the flexibility to implement services on the basis of local priorities, with a focus on prevention and early

intervention, and as an alternative for those for whom CAMHS is not suitable.

Local authorities have advised us that nearly 18,000 children and young people accessed community-based services between July and December last year, with more than 800 referrals to those services being made by health professionals, which is, as I am sure everyone would agree, encouraging to note.

The Deputy Presiding Officer: There are three supplementaries. I intend to take all three. The first is from Craig Hoy.

Craig Hoy (South Scotland) (Con): Amid soaring CAMHS waiting times, Public Health Scotland figures show that antidepressant medication was prescribed to 20,825 children aged up to 19 in 2019-20. That is an increase of more than 80 per cent in a decade and a trebling in relation to those aged 10 to 14. What assessment is the Government undertaking to look into the root cause of that increase and to ensure that young people are not being put on pills when they should be setting out on more positive or preventative pathways?

The Deputy Presiding Officer: Before the minister responds, I wish to stress to members that supplementaries are supposed to be supplemental to the question in the *Business Bulletin*. I just want to make that point again.

The minister could perhaps answer briefly, in so far as the supplementary relates to the question that is in the *Business Bulletin*.

Kevin Stewart: I think we all have to be careful about how we describe these situations because we do not want to stigmatise these young folk. Beyond that, I think that we have to trust our clinicians, who will do everything that is right and proper to ensure that people are treated well.

I am more than happy to have a discussion with Mr Hoy about these issues outwith the chamber, but I would plead with everyone in the chamber to be very careful about their use of language when it comes to the prescription of drugs.

Willie Rennie (North East Fife) (LD): Three hundred and ninety-two young people were waiting over two years for mental health care. One young person in NHS Grampian was waiting for 2,534 days—that is six years and 11 months—for their care to begin. We get endless promises from this Government, but the waits seem to be never ending. By when can young people expect a decent and timely mental health service?

Kevin Stewart: I agree with Mr Rennie that some of those waits are completely and utterly unacceptable. That is why we are making the investment that we are in clearing backlogs and waiting lists.

Beyond that—and I am sure that Mr Rennie will agree with this, because we have had conversations about it—the best way of dealing with it is to try to prevent folk from having to use acute services in the first place by getting the community investment and preventative spend right.

Our ambition, as I laid out earlier in my answer to Stephanie Callaghan, is to clear backlogs by March 2023.

As members in the chamber will understand, the Government's efforts are targeted in the main at those health boards with backlogs that existed prior to the pandemic and have been exacerbated by it. We will continue to do that.

The Deputy Presiding Officer: I will squeeze in a brief supplementary from Jackie Baillie and I hope that the response will be brief.

Jackie Baillie (Dumbarton) (Lab): The latest CAMHS workforce data shows that there were 190 whole-time equivalent vacancies at the end of 2021, which is double the 2019 vacancy rate. Does the minister accept that CAMHS waiting times will not be reduced if the Government does not get serious about tackling workforce planning? Can he say how many more CAMHS staff there will be, and when?

Kevin Stewart: We are in the process of workforce expansion and there will be vacancies that we need to fill to ensure that we reach an expanded level. We have provided sufficient funding for a minimum of 320 additional CAMHS staff over the next five years. For the first time ever, the Government, with the agreement of a number of health boards, has been recruiting on a national basis to ensure that we can get new workers into our CAMH services across the country. That is so that we can ensure that we get the recruitment right.

The Deputy Presiding Officer: That concludes portfolio questions on health and social care. I will allow a short pause before we move on to the next portfolio, so that front-bench teams can change seats.

Point of Order

14:31

Martin Whitfield (South Scotland) (Lab): On a point of order, Presiding Officer. The Government has approached the Parliament to make a ministerial statement in relation to a report that is due to be published later today, although it was originally due to be published yesterday. On social media, elements of that report are already circulating. I seek your advice on how members in the chamber can have the same advantage as those who sit outside it of seeing the report before the minister makes the statement.

The Deputy Presiding Officer (Annabelle Ewing): I thank the member for his point of order. I have not yet had a chance to see those reports about the report. We will reflect and consider the terms of those matters and revert to the chamber later, if that is in order.

Portfolio Question Time

Social Justice, Housing and Local Government

14:31

The Deputy Presiding Officer (Annabelle Ewing): The next portfolio in question time is social justice, housing and local government. I remind members that questions 5 and 7 are grouped together and that I will take any supplementaries on those questions once both have been answered. If a member wishes to request a supplementary question, they should press their request-to-speak button or indicate so in the chat function by entering the letter R during the relevant question.

Housing Strategy (Vacant Buildings)

1. **Emma Harper (South Scotland) (SNP):** To ask the Scottish Government how its housing strategy will support local authorities to take action in relation to vacant, derelict and abandoned buildings. (S6O-00830)

The Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison): Our "Housing to 2040" strategy recognises the importance of tackling vacant properties and highlights a range of actions. Those include support to local authorities through empty homes partnerships, use of the £50 million vacant and derelict land investment programme and supporting the delivery of homes in town centres and at the heart of communities by repurposing existing properties. Our affordable housing supply programme already supports the redevelopment of existing properties. During the second half of our 110,000 affordable homes target, we will accelerate funding to bring more existing homes into the programme, as well as building new ones.

Emma Harper: Scotland has almost 11,000 hectares of vacant and derelict sites. That is equivalent to 20,556 football pitches. In the South Scotland region, there is the George hotel in Stranraer, the InterFloor factory in Dumfries and the N Peal building in Hawick, among many others. The Scottish Land Commission stated that those sites have a detrimental impact on community health and wellbeing. March is land reuse month, so can the cabinet secretary provide an update on what additional steps the Scottish Government can take to help communities to deal better with vacant, derelict and abandoned buildings?

Shona Robison: The draft national planning framework 4 proposes a stronger planning policy position on tackling vacant and derelict land and

buildings, which will play an important role in helping to support and improve wellbeing for local communities. In addition, last year, we launched our low-carbon vacant and derelict land investment programme, which aims to help tackle persistent vacant and derelict land. The fund is built around four pillars of action—urban green spaces, community-led regeneration, low-carbon housing and renewable energy. The fund will open for stage 1 applications in April, and all local authorities are eligible to apply.

Alexander Stewart (Mid Scotland and Fife) (Con): The Local Government and Communities Committee recommended the introduction of compulsory sale orders in 2019. Despite being included in the latest Scottish National Party manifesto, there appears to be little movement on that issue. Can the cabinet secretary update Parliament on the plans to introduce compulsory sales orders?

Shona Robison: We are developing proposals for compulsory sales orders and compulsory purchase orders in the context of the actions and policies that are set out in “Housing to 2040”. Officials are undertaking a piece of work to scope and clarify the additional benefit of CSOs over and above the CPO process. Some issues and challenges need to be worked through, in order to ensure that, for example, the sales process is compatible with the European convention on human rights, and I am sure that Mr Stewart will appreciate that. The introduction of new powers has to be considered carefully, particularly if existing powers could be used to achieve the same outcome. That work is on-going and I am happy to keep Mr Stewart updated.

Paul Sweeney (Glasgow) (Lab): Lots of people are homeless in Glasgow, but 2,659 residential properties are currently vacant on a long-term basis, and hundreds of square feet of vacant commercial buildings could be converted into residential properties, if there was a will to do so. However, often, the VAT arrangements militate against that, because VAT on residential conversions and adaptations is charged at 20 per cent, whereas, for demolition and new builds, it is 0 per cent. Will the Government make representations to the Treasury to deal with that issue at source? Will the Government also consider a VAT-offsetting scheme for Scotland, so that we can move forward and get retrofitting under way at scale?

Shona Robison: As Paul Sweeney recognised, VAT is a reserved matter, but I am happy to hear more about his suggestion. If he wants to write to me with more details, I am always happy to consider suggestions. I laid out in my initial answers a determination to look at vacant and derelict land, as well as buildings that need to be

repurposed, and I am keen that we use our collective resources across Government to do that. We need to do everything that we can to enhance the affordable housing supply programme and regenerate some of our town centres. I am happy to hear more details of what Paul Sweeney was suggesting.

The Deputy Presiding Officer: The next question is from Emma Roddick, who joins us remotely.

Discretionary Housing Payments

2. Emma Roddick (Highlands and Islands) (SNP): To ask the Scottish Government whether it will provide an update on the allocation of discretionary housing payments in Scotland. (S6O-00831)

The Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison): We estimate spend on discretionary housing payments to be £82 million in 2021-22, which is up from the £71 million that was budgeted for in 2020-21. Of that, £71 million mitigates the bedroom tax in full and helps more than 92,000 households in Scotland to sustain their tenancies. An additional £10.9 million mitigates the damaging impact of other United Kingdom Government welfare cuts, including the benefit cap and changes to the local housing allowance rates. We estimate the DHP budget to be £79 million in 2022-23. Of that, £68.1 million will be used to continue to mitigate the bedroom tax.

Emma Roddick: Recent figures from the UK Government on equivalent discretionary housing payments in England and Wales show that, remarkably, that total spend on DHPs adds up to only slightly more than the payments in Scotland. Will the cabinet secretary join me in expressing frustration that Scotland is forced to spend a proportionally enormous sum in order to offset regressive Tory policies such as the bedroom tax, when we could instead use those funds to actively and progressively build a fairer, greener future?

Shona Robison: I agree with Emma Roddick that it is frustrating that the UK Government plans to spend £100 million on discretionary housing payments for all of England and Wales in 2022-23, while the Scottish Government will spend £80 million to mitigate the impact of cuts to the welfare system. The fact that we need to spend that money at all shows that the UK welfare system is not fit for purpose. If we did not have to mitigate UK Government policies that have been imposed on us, we could further invest in measures to tackle the priorities of this Parliament, including poverty. I appeal again to the UK Government to get rid of the bedroom tax at source.

Paul O’Kane (West Scotland) (Lab): Will the cabinet secretary clarify what is being done to raise awareness of the tenant grant fund and ensure that tenants who are in need of help with rent arrears are able to access the support as soon as possible?

Shona Robison: We have been working with local authorities and third sector partners to ensure that awareness of the tenant grant fund is as extensive as it can be. We continue that work, because the fund is important, particularly in this difficult time of rising living costs. We will continue to raise awareness and encourage people to apply.

Local Authorities (Funding)

3. **Sue Webber (Lothian) (Con):** To ask the Scottish Government what its response is to the comments by the president of the Convention of Scottish Local Authorities, who said that local authorities are at breaking point. (S6O-00832)

The Minister for Social Security and Local Government (Ben Macpherson): We are living through very serious times, and no one underestimates the challenges that public services are facing. However, for context, it is important to note that, when the Scottish Fiscal Commission evidenced that the overall Scottish budget was to reduce by 5.2 per cent in real terms in 2022-23, the Scottish Government increased local government funding by more than £1 billion for next year, which is a real-terms increase of 6.3 per cent. The Scottish Government will continue to regularly meet and, crucially, collaborate with COSLA and local authorities to ensure that the people of Scotland continue to receive the high-quality public services that they expect.

Sue Webber: The City of Edinburgh Council plans to borrow £1 billion to fund city spending over the next four years. Borrowing while interest rates are rising will involve a difficult balancing act, which will bring with it significant financial risk. Does the Scottish Government agree that its persistent underfunding of local authorities has led to councils such as the City of Edinburgh Council having to take such high-stakes financial risks?

Ben Macpherson: For context, it is important to recognise that the City of Edinburgh Council will receive £915.4 million in 2022-23 to fund local services, which equates to an extra £86.7 million to support vital day-to-day services, or an additional 10.5 per cent in comparison with funding in 2021-22.

As we move forward with local government finance, there will be considerations, which I am sure that the member will wish to speak to the finance minister about. One such consideration is the funding formula, which will require

engagement with COSLA. The Scottish Government is always open to hearing suggestions to improve the funding formula, but proposals must properly come through COSLA in the first instance. We also continue to collaborate with our colleagues in local government on the development of a fiscal framework.

If Conservative members come to the chamber with legitimate concerns—it is their prerogative to do so—it would be more helpful if they also brought solutions for a change.

Kenneth Gibson (Cunninghame North) (SNP): How credible is it for the Tories to complain about local government funding in Scotland when the UK Government has cut local authority funding in England by 37 per cent in real terms over the past decade? Can the minister ever envisage a situation in Scotland in which a local authority closed five children’s centres, as Labour-run Nottingham City Council did this week because of Tory cuts?

Ben Macpherson: As he always does, Mr Gibson has made important points on the issue, and he has helped to set out an important context. Although local government funding in Scotland is not wholly comparable with that in England—we need to be candid and honest about that—the Local Government Association set out on 5 October in its 2021 spending review submission that English councils

“had already dealt with a £15 billion real terms reduction to core government funding between 2010 and 2020.”

That underlines the point that I made in my first answer to Sue Webber—what the Scottish Government is providing in the next financial year is significantly more beneficial than what is being provided to councils south of the border.

Local Authorities (Front-line Services)

4. **Liam Kerr (North East Scotland) (Con):** To ask the Scottish Government what engagement it has with local government regarding support that it can provide in order to maintain local authority front-line services. (S6O-00833)

The Minister for Social Security and Local Government (Ben Macpherson): Ministers regularly meet the Convention of Scottish Local Authorities and individual local authorities to cover a range of issues, including support for front-line services. I will meet the COSLA presidential team very soon as part of our monthly engagements. Following the announcement of the Scottish budget on 9 December 2021, the First Minister, the Cabinet Secretary for Finance and Economy and the Cabinet Secretary for Social Justice, Housing and Local Government, on separate occasions, met the COSLA leadership team and

council leaders to discuss the impact of the budget on the 2022-23 local government settlement.

During that process, councils asked for an additional £100 million to deal with particular pressures. We heard them, we listened and then we went further—we allocated an additional £120 million at stage 2 of the Budget (Scotland) Bill.

Sue Webber (Lothian) (Con): On a point of order, Presiding Officer. I am sorry—before asking my question, I should have declared that I am a councillor in the City of Edinburgh Council.

The Deputy Presiding Officer: Thank you, Ms Webber. I have slightly lost my place. I think that Liam Kerr has another shot.

Liam Kerr: Yes, thank you, Presiding Officer. The minister mentioned the budget. This year's settlement for Aberdeenshire Council is nearly £45 million less than the Scottish average would provide. Even with a proposed council tax rise, the council will still be nearly £15 million in the red.

Across Scotland, the impact of the cuts to which the minister referred is on public toilets, music tuition in schools, bus services and so much else that directly impacts people's lives. No amount of window dressing and spin from the minister will bring back the countless services on which people depend that have had to be axed. Will the minister demand that his Government review the non-ring-fenced funding allocation to Aberdeenshire Council and finally give a fair share to the north-east, so that the council can support the services on which people depend?

Ben Macpherson: For context, Aberdeenshire Council will receive £521.3 million in 2022-23 to fund local services, which equates to an extra £44 million to support vital day-to-day services, or an additional 9.2 per cent in comparison with 2021-22.

Liam Kerr referred to Aberdeenshire Council. If members want to see changes for particular local authority areas, they need to consider that the local government needs-based formula that is used to distribute the quantum of funding that is available for local government is kept under constant review, as would be expected. Crucially, that is agreed each year with COSLA, on behalf of all 32 local authorities.

The Scottish Government is always open to suggestions to improve the funding formula. However, as I said, proposals must properly come through COSLA in the first instance.

There is on-going constructive engagement with local government and COSLA about ring fencing and flexibilities. We look forward to continuing that in the period ahead.

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): I refer members to my entry in the register of members' interests. Local government financial returns for 2020 show that Aberdeen has the highest debt level per head of population in Scotland. For every Aberdeen resident, that stands at £4,954. West Dunbartonshire is the council with the next highest level of debt per head of population.

Local government funding is vital to ensure the delivery of front-line services, and debt is a normal aspect of funding arrangements. However, debt must be not only serviced but repaid. Does the minister agree that it is vital that local authorities exercise prudent and responsible management of budgets to prioritise the delivery of key services over tempting big spending opportunities?

Ben Macpherson: Prudence in the public finances is of particular importance to all in government. Audrey Nicoll makes important points about Aberdeen City Council and more widely on local authority finance. I will note the points that have been raised today. I encourage the member to engage with my colleagues in the finance team on the matters that have been raised.

The Deputy Presiding Officer: Jackie Baillie has a supplementary question.

Jackie Baillie (Dumbarton) (Lab): Does the minister accept that local government cannot function well when demoralised staff are being offered a further real-terms cut to their pay? Does he believe that it is acceptable for those on the lowest wages to be offered a few hundred pounds, while senior officers are offered a cost of living increase of about £2,000? What will he do about that?

Ben Macpherson: In answering that question, I will first put on record again ministers' admiration of and gratitude for all the efforts and contributions that local authority staff members have made throughout the pandemic in the recent period. Having worked for a local authority in such a role, I know how hard they work.

Ms Baillie will know that these are points of engagement that finance ministers discuss regularly. We discuss those matters with the Convention of Scottish Local Authorities and with local authorities individually, and we will continue to engage on those important points.

People Displaced by Conflict or Climate Change

5. Maggie Chapman (North East Scotland) (Green): To ask the Scottish Government whether it will provide an update on what support is available, including through local authorities, to provide accommodation in communities for people

displaced by conflict or climate change. (S6O-00834)

The Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison): The support that is available varies depending on the person's status. People who arrive through United Kingdom refugee resettlement programmes are usually supported by local authorities, having been matched with housing that was identified by the local authority prior to their arrival. All 32 of Scotland's local authorities have supported refugee resettlement.

People who arrive in the UK through a visa programme are usually responsible for finding their own accommodation, and they may be restricted from accessing local authority housing or housing benefit by conditions that are set out in UK Government-reserved immigration legislation. People who are seeking asylum are restricted from accessing council housing or housing benefit. They must apply for Home Office support and accommodation if they would otherwise be destitute.

Both we and the Convention of Scottish Local Authorities have made it clear to the UK Government that Scotland stands ready to play our part. We are absolutely committed to continue to support people who may be displaced, and to provide support from day 1 of their arrival.

Maggie Chapman: I have asked in the chamber before about what is becoming, by stealth, institutional accommodation for single men asylum seekers in hotels across Scotland. Many of those men have been in hotels without proper support or community for many months.

Today, I want to ask what we can learn from the failures of the Afghan evacuation scheme, which has seen resettled families end up in bridging hotels for many months. Recent figures suggest that 12,000 people are still stuck in limbo and have not yet moved into settled accommodation. Once again, the dysfunctional Home Office has let refugees down. We know that places of institutional accommodation, such as hotels, are not homes. They are not places where people can find safety and sanctuary and can start to rebuild their lives. As we look to create routes to safety for Ukrainian refugees, how do we ensure that that does not happen in future resettlement schemes, such as what we would want in place for people from Ukraine?

Shona Robison: Maggie Chapman makes a number of really important points. The Scottish Government is clear that refugees and people who are seeking asylum must be treated fairly and with dignity and respect at all times. Integration should be supported from day 1, and people should be

accommodated in the community with the support that they need to rebuild their lives.

The current situation, in which thousands of people are in hotels across the UK, is a reflection of the UK Government's failing asylum and resettlement systems, which will, of course, become worse if the Nationality and Borders Bill is passed. Unfortunately, the UK Government's response so far to the Ukrainian humanitarian crisis has shown that lessons have not been learned. We need a comprehensive settlement programme that focuses on people's needs and ensures partnership with the Scottish Government, local authorities, the third sector and, importantly, communities.

Ukrainian Refugees

7. Alex Cole-Hamilton (Edinburgh Western) (LD): To ask the Scottish Government whether it will provide an update on its plans to resettle Ukrainian refugees in Scotland. (S6O-00836)

The Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison): Scotland has a proud history of welcoming refugees and people who are seeking asylum. The Scottish Government and Scotland's local authorities have made it clear to the United Kingdom Government that they stand ready to offer refuge and sanctuary, where necessary, for those who may be displaced.

The UK Government's current proposals to support Ukrainian refugees via community sponsorship are insufficient, and the Scottish Government continues to call on the UK Government to act now to develop a comprehensive resettlement programme. The Scottish Government is working with the Home Office, the Convention of Scottish Local Authorities, local authorities and other partners to provide people with the safety and security that they need to rebuild their lives.

Alex Cole-Hamilton: Since the beginning of the war two weeks ago, the Home Office has issued fewer than 1,000 visas to Ukrainian refugees under the early schemes that it has announced. Desperate families who are fleeing for their lives are meeting cruel barriers that are set by an unwelcoming Government.

Does the cabinet secretary agree that the best way for us in Scotland to convince the UK Government to help those in need of refuge is for Scotland to demonstrate that we already provide everything that people who are fleeing that conflict might need, including homes and education, translation and trauma services?

In particular, will the cabinet secretary describe how those who want to offer the use of second homes and room in their own accommodation can

do so? Has the Scottish Government completed necessary readiness assessments with the Scottish Parliament and the UK Government to help to drive forward on the issue?

Shona Robison: The fact that the UK Government has issued fewer than 1,000 visas is, frankly, embarrassing, given the scale of the response by other countries across Europe, many of which are a lot poorer than our country, in opening their doors and accommodating people. As the First Minister has said, we should allow people in and sort the paperwork later. Despite that, we are working at pace to ensure that we stand ready to receive people, on the assumption that the UK Government's position cannot hold. That work is on-going.

Work is also on-going to try to co-ordinate the response from the community so that there is a single place where people can offer support, because people want to help. Some of that support will be utilised, although, for good reasons, some of it might not be. The Scottish Refugee Council will be a critical agency in that immediate first-place support, and we are working with it to help it to scale up.

Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP): The cabinet secretary will recognise the immense outpouring of empathy and willingness from citizens right across Scotland to provide assistance and shelter in response to the humanitarian plight of Ukrainians fleeing the Russian invasion. In my constituency, several efforts are in progress right now to take refugees into people's homes in the area. However, as we do not have control over borders, can the cabinet secretary provide an update on the discussions that are taking place with the United Kingdom Government to cut the red tape and get folk here?

Shona Robison: As the member can imagine, we are in regular discussion with the UK Government about the issue. As I said, there is a need for a sizeable Government-led resettlement programme that is up to the scale of the task, and we continue to urge the UK Government to take that action. The First Minister has written to the Prime Minister urging the UK Government to waive all visa requirements for any Ukrainian national seeking refuge in the UK and to offer immediate refuge and sanctuary for all those who may be displaced. We have to stand in solidarity, and we need to be ready. As I said, we stand ready to provide that practical support, aid and sanctuary for those who need it.

The Deputy Presiding Officer: I will be able to take questions 6 and 8 if I can get brief questions and answers.

Question 6 is from Meghan Gallacher, who joins us remotely.

Unsafe Cladding

6. Meghan Gallacher (Central Scotland) (Con): To ask the Scottish Government what its response is to reported concerns expressed by home owners over the delay to help residents in homes with unsafe cladding. (S6O-00835)

The Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison): We appreciate that this is a difficult time for affected home owners, and my officials are in regular contact as we progress our pilot programme of work. Within that programme, multiple surveys are on-going. The reports will be finalised in the coming weeks and will allow us to understand what actions need to be taken to further support home owners in those buildings. We first have to assess buildings to ensure that the complex engineering requirements of each building can be addressed appropriately. We continue to urge developers to play their part where construction is found to be unsafe. We remain in discussions with the United Kingdom Government regarding its plans for its £4 billion developers fund.

Meaghan Gallacher: In August, the Scottish Government announced a pilot scheme to assess the number of affected buildings, with free tests to be carried out on 25 apartment blocks. However, not one survey has been completed, despite the scheme being launched six months ago. The lack of progress in Scotland could be putting people who live in those types of buildings at severe risk. Can the cabinet secretary give reassurances today as to when the surveys will be completed and when the findings will finally be published?

Shona Robison: I reiterate what I said in my earlier answer: multiple surveys are on-going, and they are complex, given the engineering issues and the specialist skills that are required. The reports will be finalised in the coming weeks, which will allow us to consider which buildings can be deemed to be safe and, importantly, which buildings will require remedial action to be taken. Of course, the £97 million that is available will go some way towards dealing with that, but we absolutely need clarity from the UK Government on the consequential and on the developers levy.

My Welsh counterpart and I have written to the Secretary of State for Levelling Up, Housing and Communities to call for our Government to be part of any discussions with developers, given the impact on our countries. We do not have powers to institute a developer tax or to compel UK developers to contribute to a fund in Wales or Scotland. We therefore need the UK Government to clarify whether we will be part of that fund, but so far we have no clarification.

Homelessness and Rough Sleeping (Edinburgh)

8. Miles Briggs (Lothian) (Con): To ask the Scottish Government what action it is taking to help support the ending of homelessness and rough sleeping in Edinburgh. (S6O-00837)

The Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison): We have provided the City of Edinburgh Council with £6.3 million to date to develop and implement its rapid rehousing transition plan. That includes funding through the housing first programme for about 170 people with multiple and complex needs.

In addition, we have provided more than £600,000 to establish a rapid rehousing welcome centre for people at risk of rough sleeping, and more than £21,000 of flexible emergency funding to front-line homelessness organisations.

We are also delivering new homes. Since 2007, Edinburgh has received £558 million through our affordable housing supply programme funding, and it will benefit from nearly £234 million in this parliamentary session.

Miles Briggs: In the capital, 5,147 people are registered as homeless and 1,505 children are in temporary accommodation. Edinburgh faces a homelessness and housing crisis, but it is being short-changed by £9.3 million due to a bureaucratic anomaly. I have raised the matter with the cabinet secretary and various other Scottish National Party ministers, but I have still not received an answer or a solution. Will she agree to urgently meet me, representatives from across the capital and the City of Edinburgh Council leaders in order to fix the situation and give the capital the resources that we need to end homelessness?

Shona Robison: The majority of the funding that local authorities receive for tackling homelessness is provided through the annual local government finance settlement. The distribution of funding through the local government settlement for 2022-23 was discussed and agreed with the Convention of Scottish Local Authorities, and the City of Edinburgh Council will receive its fair share according to the formula. However, we remain open to looking at whether the position needs to change.

In relation to the £9.3 million, Miles Briggs will be aware that what has happened is a result of the choices that the City of Edinburgh Council made about where homelessness services sit. It is for the council, not for the Scottish Government, to decide whether changes are made. That decision is for local decision makers. If Miles Briggs thinks that they should be delivering their homelessness

services separately and differently, he should discuss that with them.

Justice for Families (Milly's Law)

The Presiding Officer (Alison Johnstone):

The next item of business is a debate on motion S6M-03491, in the name of Anas Sarwar, on Milly's law—justice for families. I ask members who wish to speak in the debate to press their request-to-speak button or type R in the chat function.

15:03

Anas Sarwar (Glasgow) (Lab): Two years ago, I stood up in Parliament and exposed the failures at the Queen Elizabeth university hospital. What has been uncovered since is a human tragedy on an unimaginable scale. It is beyond doubt the biggest scandal in the devolution era. Three high-risk water reports were ignored, staff have been bullied and silenced, patients have picked up preventable infections and children have died. The health board has been the subject of an independent review, a case-notes review and, now, a public inquiry and criminal investigations.

It is important to stress that we have come this far only thanks to the bravery of national health service staff who have been willing to risk their jobs in order to reveal the truth. That emphasises the fact that it is not just patients and families who have been failed; NHS staff have been failed, too. The health board's leadership and the Government should stop making a human shield of those NHS staff.

In any other country in the world, there would have been resignations and sackings, but here in Scotland not a single person has been held to account. Patients and families have been left to bear the consequences.

Nowhere is that more clear than in the case of Milly Main. Milly was just 10 years old when she died in 2017. She was in remission from leukaemia and had her whole life ahead of her, but she contracted an infection in the children's cancer ward and her life was tragically cut short. Her mother, Kimberly, was never told the true cause of Milly's death. Kimberly chose to relive the most painful moments of her life in the hope that others never have to go through the hurt that she has been through. Her bravery and strength are unquestionable, but they should not have been necessary.

Tragically, that case is not a one-off. There are countless cases in Scotland in which the state has failed and people have been victims, but in which public institutions have, rather than delivering justice, sought to protect themselves, and have acted against the interests of the public. There are many examples—the Queen Elizabeth, the M9 crash and the mesh scandal are just three

examples in which victims have not just been failed but have had to fight the system in order to get truth and justice.

Across Scotland's NHS, councils, police service and prisons, thousands of workers do their best every single day, but too often when a public service fails, managers and ministers spin and scapegoat, which takes precedence over truth and justice. That is why we need to change the law. No longer should public bodies be permitted to close ranks and protect their reputations at the expense of transparency and truth. Although the duty of candour principle exists in Scotland's NHS, it is not the lived experience of too many people who have to fight to get answers.

That is why we must put victims and their families at the heart of investigations into public scandals and tragedies. The suggested law would fundamentally reset the balance in favour of families, rather than powerful public bodies. In recognition of Kimberly Darroch's fight for justice, we are calling the new law "Milly's law".

Based on the model that was proposed for the Hillsborough law, it would provide for a new statutory charter for families that would set out clearly the duties that public bodies owe to them and which would, crucially, be legally binding. Instead of families having to campaign alone and to reveal their most painful moments in the press in order to get the Government to listen, they would access an independent public advocate—someone who would be there to provide legal advice and to represent them. Crucially, the public advocate would be empowered to launch investigative panels to uncover the truth at an early stage and to facilitate transparency, rather than evasion.

We cannot make such a law happen today, but agreeing to the motion could send a clear message that justice—real justice—is a priority of Parliament. Let me be clear: failure to back victims is not just business as usual or party politics, but an open admission that one is on the side of the powerful against the powerless. It is an abdication of our moral responsibility to lead, in Parliament. If our motion falls tonight, many members of Parliament will need to take a long hard look at themselves and consider why they are even here in the first place.

We must put bereaved families at the heart of the response to public tragedies, so that never again does a grieving parent have to beg for the truth to be brought to light. The scandal at the Queen Elizabeth university hospital must be a watershed moment, when we recognise that for far too many people, when they most need help their Governments and institutions work against them, not for them. Together, we can change the law to fundamentally reset the balance and create a

system that is on the side of families, not institutions, and which delivers justice, not cover-ups.

I move,

That the Parliament acknowledges that there have been many instances in Scotland where families who have been badly failed, as well as bereaved, due to the actions and neglect of public bodies have struggled to get the justice they and their loved ones deserve; believes that victims and their families should be at the heart of investigations into public tragedy, and calls for a statutory Charter for Families to be binding on public bodies and the establishment of an independent public advocate who can act on behalf of bereaved families and victims, offering them advice and representation, and who is empowered to launch independent investigative panels to facilitate transparency at an early stage.—[*Anas Sarwar*]

15:09

The Cabinet Secretary for Health and Social Care (Humza Yousaf): I thank Anas Sarwar and Scottish Labour for bringing this very important debate to the chamber. I will address the points in the proposal that he has introduced about Milly's law shortly.

I start where Anas Sarwar started: by thanking all those who work in our public services up and down the country. In a time of unprecedented pressure, they have been tireless in their efforts. Staff in the NHS, Police Scotland and other public organisations have worked every single day during the Covid-19 pandemic to care for and support the people of Scotland. Despite the significant pressures that our public services have been under, we know that staff always aim to provide the best service they can provide to members of the public. Again, I record my thanks to them for that.

However, given my role, I am the first to acknowledge that there are times when the quality of service or care that is provided by our public services falls far short of the high standards that members of the public, members of the Scottish Government and, I suspect, members across the chamber expect to be consistently delivered. When that happens, individuals and families should be supported; they should have their questions answered and their concerns addressed and they should be told honestly what has happened, what will be done in response and what actions will be taken to ensure that the same never happens again. Transparency must be at the heart of all such efforts. That is particularly vital following the pain and distress of losing a child. I can imagine no worse pain that could befall a parent or a family.

I recognise that, on occasions, rather than being given the information that they seek, people who are affected and their families are instead left seeking answers. Therefore, I say at the outset

that the proposal from Anas Sarwar and Scottish Labour on Milly's law will be considered with an open mind by the Government and by me, in my role as Cabinet Secretary for Health and Social Care. I extend an invitation to Mr Sarwar to meet me to discuss the details of the proposals and, indeed, to discuss a member's bill, if he intends to lodge such a bill.

My initial thoughts are that there is certainly merit in a number of the Milly's law proposals, but I think that some of the proposals that Mr Sarwar has put forward need further consideration and discussion. It is possible that work towards some of the outcomes that he seeks could already be in train, through action that the Government is taking. I will elaborate on my thinking on that shortly.

Before I do so, I apologise without hesitation to all the people who have had poor experiences while in the care of the NHS or other public services. We have already established an independent public inquiry, led by Lord Philip Brodie QC, to fully investigate the issues that were highlighted by Milly's case. The Government will, of course, co-operate fully with that inquiry.

There are already systems and processes in place in NHS Scotland that make openness and transparency when things go wrong not just a principle—I think that that is the word that Anas Sarwar used—but a statutory obligation, through our laws on the duty of candour. That means that health boards are legally required to review certain types of incidents, to meet personally people who have been affected, to investigate the issues that are raised, to offer an apology and to consider what learning can be applied.

Jackie Baillie (Dumbarton) (Lab): What the cabinet secretary has just said flies in the face of people's experience. What sanctions would apply to health boards for not following the law?

Humza Yousaf: I accept fully Jackie Baillie's point that, on occasion, the processes that we have put in place are not followed; I have said that already. When I have discussions with Anas Sarwar and Scottish Labour on the Milly's law proposals, we can examine whether the arrangements in that regard can be strengthened and whether there is a need for sanction, as Ms Baillie suggests.

In addition, a consultation will take place later this year, which will include proposals for statutory duties of candour and co-operation to be placed on Police Scotland.

I turn briefly to whistleblowing, which the Government supports. That is why we have taken concrete steps to ensure that we have good processes and procedures in place to facilitate whistleblowing. I recently met Rosemary Agnew, the Independent National Whistleblowing Officer,

and we will look to see what more we can do in that regard.

I am conscious of time. We have committed to the establishment of an independent patient safety commissioner. I said earlier that action on some of the outcomes that Anas Sarwar seeks might already be in train. One of the Milly's law proposals is for an independent public advocate; Mr Sarwar elaborated on that. It is possible that the same could be achieved through the patient safety commissioner. We should have a discussion about that.

Our public service staff work incredibly hard to keep people safe, but I accept that things go wrong. I hope that Mr Sarwar will see that my amendment takes on board the spirit of much of what Scottish Labour has proposed in its motion. I look forward to meeting Anas Sarwar and Scottish Labour to discuss their proposals in more detail.

I move amendment S6M-03491.1, to leave out from "acknowledges" to end and insert:

"understands that public services, such as the NHS and Police Scotland, are staffed by people who work each day to care for and support the people of Scotland; recognises that, where the delivery of standards in public services fall short of what everyone would rightly expect, individuals and their families are too often left seeking answers, or justice; further recognises that this pain, not least where a life is lost, can be compounded where families are concerned that they are not being given these answers; believes that individuals and their loved ones who have been harmed should be central to any investigations or inquiries when, regrettably, things have gone wrong; notes that staff working in public bodies should feel safe to raise concerns when they arise, and that structures within the bodies should empower this; supports the creation of an independent Patient Safety Commissioner to champion the patient voice and promote users' perspectives in improving patient safety, as set out in Baroness Cumberlege's report, *First Do No Harm*; notes that the NHS is subject to an organisational duty of candour, and welcomes that consultation on putting a similar duty on Police Scotland will take place later in 2022."

15:14

Sandesh Gulhane (Glasgow) (Con): I draw members' attention to my entry in the register of interests, which states that I am a practising NHS doctor.

The Scottish Conservatives welcome Anas Sarwar's motion and we support the principle that grieving parents should never again have to beg for the truth to come to light. We need to ensure, however, that an independent public advocate would operate under clear criteria and guidelines. The matter should not be about creating a big-budget department that ends up dealing with patient deaths that are currently well handled by clinicians through normal transparent communication between doctors and families, but

the principle is important, so we will support the motion.

The story of Milly Main should be etched into Parliament's collective memory. It is a tragedy—the avoidable death of a young girl, and a devastated family. It is also a scandal of institutional cover-up, intimidation, ministerial incompetence and a Scottish National Party Government that is consumed by secrecy.

I can only imagine the heartbreak and devastation of losing a child, but Milly's parents, Kimberly and Neil, were also subjected to what has been described as health board "denial" and even "cover-up" around the circumstances of their daughter's death, thereby putting them through heartbreak over and over again as they pursued the truth. That is plain cruelty.

Milly's mum became aware of the *Stenotrophomonas* infection only when she saw it mentioned on her daughter's death certificate. Kimberly wrote to the cabinet secretary's predecessor, Jeane Freeman, with her concerns, but all she got back was a generic pass-the-buck reply, even though the former cabinet secretary knew about the case.

Three months later, a brave whistleblower lifted the veil of secrecy and claimed that the hospital's contaminated water supply had caused the death of a child who had cancer. The whistleblower then faced bullying and intimidation at the hands of the health board. The SNP Government later hid behind a public inquiry as an excuse for inaction.

We know that Milly was not the only victim, and the SNP Government has been complicit in attempts to cover up multiple serious infections—and even deaths—at the QEUH. Milly was one of 84 children who were infected with bacteria while undergoing treatment, and a third of them suffered health impacts. Everything pointed to an infected water supply, although the health board insisted that such a link could not be proved. Prior to Milly's death, an independent water risk assessment warned management that the risk of bacteria was high. At both the Royal hospital for children and the Queen Elizabeth university hospital, contamination was found in taps and drains.

It is important to be clear that any cover-up was not the doing of clinicians. In fact, senior doctors who flagged up warnings were branded as troublemakers. Dr Christine Peters, who is a consultant microbiologist, raised issues about ventilation and the risk of infection from the water supply in 2014, before the First Minister opened the hospital. Dr Peters wanted sight of the water risk assessments, but she was not allowed to see them until five years later. There is a history of closing ranks and of refusal to listen to concerned

doctors and nurses, and there is a history of intimidation of people who have raised concerns too strongly. However, bullying does not block infection.

In 2019, two patients died at the QEUH after contracting a fungal infection that was caused by pigeon droppings. Last year, a senior Government official who was undergoing cancer treatment was exposed to another fungus—*Aspergillus*—but that information was concealed from the patient's widow.

We have seen a pattern of its being left to grieving families to uncover the truth, while the SNP Government fails to do its duty and to hold health boards to account.

Over the past week, I have spoken to members of NHS Greater Glasgow and Clyde's board, who have assured me that they are working hard to ensure a safe hospital environment.

All was going well—things were going in the right direction—but this morning I received confirmation from the health board that it knew last year that there are fire safety problems at the £842 million hospital. The internal wall panels contain material that does not meet building regulations, so wall linings will need to be replaced. That additional problem was described to me as being only a technical issue that is quite different to the well-documented infection crisis. However, was Grenfell a technical issue? It all beggars belief.

Humza Yousaf: I would be happy to look into that issue in more detail. I know of the issue because—far from it being shrouded in secrecy—the health board issued a press release about it in June last year. It is not a matter of secrecy. There is, of course, quite extensive remedial work to be done in relation to cladding and repairs to walls, but it is incorrect and inaccurate to suggest that there is secrecy, given that the health board issued a press release about the matter and it has been discussed in public board meetings during the past year.

Sandesh Gulhane: I am talking about the internal walls, not the cladding—*[Interruption.]*—Was that before December's debate, when ministers doubled down to defend the health board? The SNP Government must step up and shoulder its responsibility—or does it think that it has done no wrong?

I think that members will understand why, in our amendment, we call for not just a right to redress when things go wrong but

“a proactive approach to governance that seeks to avoid tragedy in the first place”.

We want victims and families to be treated with respect and we want ministers to ensure an end to institutional hostility towards whistleblowers. Let

us, once and for all, do away with the corrosive culture of secrecy that we have experienced far too often from this SNP Government.

I move amendment S6M-03491.2, to insert at end:

“; further calls for transparency and openness when gross failures come to light, a proactive approach to governance that seeks to avoid tragedy in the first place, improved communication with victims and families, and a more pronounced ministerial effort to deal with institutional hostility towards whistle-blowers and those who warn of problems in their place of work where tragedy ensues.”

15:20

Alex Cole-Hamilton (Edinburgh Western)

(LD): I am pleased to speak for my party in the debate and I thank Anas Sarwar for all his work with families and victims to shine a spotlight on the important issue that is raised in the motion. It has been three months since members debated the horrific scandal—it is a scandal—at the Queen Elizabeth university hospital. It is more than three years since we learned of serious safety and cleanliness issues at the hospital, which ranged from grime-damaged facilities to contaminated supplies.

QEUH was built to provide the most excellent and efficient healthcare to all who needed it but, in the years after it opened, problems at the hospital had a catastrophic impact on some patients. In December, we heard the stories of some victims of the scandal, including Andrew Slorance, a father of five and dedicated public servant, whose widow, Louise, has had to campaign to hear the full and unvarnished facts about her husband's death. We also heard about Milly Main, to whom the proposed law is dedicated. Milly passed away in the paediatric hospital when she was just 10 years old.

The tireless campaigning of Milly's mother, Kimberly Darroch, alongside that of Louise Slorance, has brought much-needed light to the issues to do with transparency at QEUH and the health board that oversees the hospital. It is right that we all applaud their efforts to seek justice and that we acknowledge their bravery in confronting the issues that led to the tragic deaths of their loved ones.

As I have said in the chamber, I am a father of three young children. My daughter is not much younger than Milly was when she died, and my heart breaks for Kimberly and all those who have lost family members as a result of the issues at the hospital. I can only imagine the anguish that they have gone through.

Far too many families have faced barriers in their search for answers. It seems that, too often, when people have been most in need of help and

support, doors have been shut in their faces and those people have got the undeniable feeling that the Government and the institutions that are there to serve them in their time of need have acted as a barrier to the truth and justice that they deserved. There is a painful symmetry with the experience of families of the victims of the Hillsborough disaster, who, for years, met obstacle after obstacle in their search for the truth and clarity that they so desperately needed to be able to peacefully lay their loved ones to rest.

The tragedies at QEUH have shone a light on the problem of institutions that too often seek to protect themselves at the expense of offering up the unvarnished truth. That is why my party is pleased to support the motion in Anas Sarwar's name. It is right that families who find themselves in the most distressing and vulnerable situations imaginable should have access to a representative who will act on their behalf and ensure complete transparency from the beginning and at every stage of an investigation.

Anas Sarwar talked about his hope that this is a watershed moment in our politics. I, too, hope that we are now able to recognise and correct the problems in our institutions when it comes to investigating why things have gone badly wrong. I pray that, out of the unimaginable tragedy of Milly Main's death, a law in her name and which bears her name might one day be an emblem of the right of every family who experience a tragedy to full transparency, accountability and justice.

The Presiding Officer: We move to the open debate.

15:24

Carol Mochan (South Scotland) (Lab): I am glad that my party has brought the debate to the chamber. It is the right thing to do, and passing the law would, equally, be the right thing to do. That is why I am sure that we can all agree that Milly's law is a reform that the whole Parliament can get behind without hesitation.

For far too long, individuals and families across Scotland have felt—rightly—that the system simply does not work for them. When a loved one has fallen victim to a serious failing that has led to loss of life, people are left picking up the pieces, with little support or understanding.

The point of Milly's law is to ensure that bereaved families have the right to be at the heart of how organisations and institutions respond to such scandals and to ensure that they are not simply an audience to be spoken to. Far too many families have found themselves in that situation, when they feel that they are being lectured to and left out in the cold. That should not be happening. To ensure that it does not happen, we should give

bereaved families the right to accessible legal advice and representation, so that they can participate fully in all public inquiries. That is the only way in which we can lift the lid off those tragedies—by exposing them to the light and putting those who are affected in the driving seat.

I am afraid that in this country, as in many others, there is a culture of self-preservation and sweeping difficult questions under the carpet. We all saw the scandal at the Queen Elizabeth university hospital, and we cannot let that happen again.

The reality is that relatives often do not have the time, the experience or the strength left to fight those clear injustices, but we cannot let that deter us from the truth. Families need to be given the right to have a powerful public champion to pursue their cause—someone who is independent and can act on their behalf. Milly's law would ensure that they have that right.

On top of that, as we learned so harshly following the Hillsborough disaster and during the decades since then, it is absolutely necessary to establish a charter for families who are bereaved through public tragedy that is binding on all public bodies. That would give people a foundation, and the confidence, to fight back, often against overwhelming odds.

The impetus for Milly's law came in response to a horrendous tragedy which, despite the numerous debates in this Parliament and the significant efforts of a number of my party colleagues, has not received the level of attention that it should rightly have received across the whole United Kingdom, not just Scotland. That is partly because we allow institutions too much power to control the narrative. To put it simply, the power must be taken away and put in the hands of those who are affected by loss. We find ourselves in this situation because organisations are not honest with themselves or with those whom their actions affect. There must be a duty of candour to bereaved families who seek the truth, rather than—as I mentioned earlier—a tendency to sweep things under the carpet.

I truly believe that the Queen Elizabeth university hospital scandal should be cause for serious concern far beyond Scotland, and Milly's law can set an example that many others can follow. Never again should we omit evidence and findings from major public inquiries at subsequent criminal trials, and never again should we let families struggle for scraps of truth, so that they rely on a stroke of luck or a mistake. That is not fair, it is not just and—I repeat—it is not right.

I truly hope that the Parliament will fully support the passing of the law. We can make a significant

difference by doing so and, after all, is that not why we are all here—to serve?

15:28

Emma Harper (South Scotland) (SNP): I am grateful for the opportunity to speak in this important debate. I, too, associate myself with the comments that were made at the outset, and I thank every public service worker who has supported us all throughout the pandemic over the past couple of years.

Anas Sarwar has spoken about Milly's story on many occasions in the chamber—it is a terrible tragedy. I cannae imagine how any mother or parent would thole that awfie experience—it is pretty heartbreaking. I know that, as a result of the efforts of Milly's mother, Kimberly Darroch, lessons have been learned and important action has been taken, and we have heard from the minister that the Scottish Government is taking action to ensure that the chance of any other family experiencing a similar tragedy will not be repeated.

It is clear that the Scottish Government and every party in the chamber should agree that everyone in Scotland should receive the best possible care from all public bodies, including our NHS. As with any other proposal, I welcome the fact that the Scottish Government will consider any bill carefully once a proposal and consultation have been published.

Following Milly's story, and to ensure that the voices of people who use health services are heard and their concerns are acted on, the Scottish Government committed to establishing a patient safety commissioner. In July 2020, Baroness Cumberlege published her report on the independent medicines and medical devices safety review. The review was commissioned by the United Kingdom Government, with devolved Governments' agreement, to examine how healthcare systems responded to concerns raised about medical interventions. The review made nine strategic recommendations, and the former health secretary accepted all the recommendations that were within Scotland's devolved competence, which included the establishment of a patient safety commissioner.

The intention is that the commissioner will work with and support healthcare providers and other relevant bodies to improve the processes and systems that they have in place for receiving and acting on patient feedback. They will support patients to raise issues or concerns about the treatment or care that they have received. The commissioner will also act as an advocate for patients.

The consultation on the role, which closed in May 2021, identified that the commissioner must be proactive and enhance what the NHS and the Scottish Government have in place, with an emphasis on listening to and learning from people's experiences. The commissioner must then drive implementation to continually improve patient safety.

The consultation envisaged that the role should seek to address several areas for improvement in patient safety, which were set out in the report and include the need for more widespread and timely recognition by the patient safety system of issues that are identified by patients and the public. That is welcome, and I ask the cabinet secretary to continue to keep us updated on the process and procedures surrounding the creation and implementation of the patient safety commissioner post.

As members will be aware, I am still a registered nurse and, in my previous role as a clinical educator, I provided support and skills training for healthcare and allied health professionals. I welcome the fact that the Scottish Government has a shared vision for an open and learning culture in our NHS that encourages learning when there has been dissatisfaction or harm and encourages organisations, including our health services, to identify improvements. The Scottish Government's commitment to that is demonstrated in the development of its approach to openness and learning through the introduction of the statutory organisational duty of candour legislation.

I am conscious of time so, in closing, I echo the view that everyone in Scotland should receive the best possible care from all public bodies, including our NHS. I pay tribute to Milly's mother and family for their campaigning, which has led to meaningful change. I welcome the steps that have been taken and look forward to forthcoming progress.

15:32

Katy Clark (West Scotland) (Lab): The debate is about the fundamental relationship between the individual and the state and about whether Governments and public institutions have a duty of transparency and honesty to those who are affected when something goes wrong. It is also about whether the families of those who have died have a right to information and to know the truth, and it is about the equality of arms between the individual and the state in any legal proceedings that look at what has gone wrong. The debate is not about undermining front-line staff who provide public services but about the rights of families when there are state-linked deaths, whether that be in the NHS or any other sector.

I will refer to a few recent deaths in custody that are relevant to the debate. Katie Allan was a third-year student at the University of Glasgow from East Renfrewshire who died in Polmont in 2018, and we still await a fatal accident inquiry. She was sentenced for drink driving and died by suicide after a catalogue of failures. Warnings that she was vulnerable were not heeded.

Allan Marshall also died in custody. The sheriff said that his death was entirely preventable and that guards involved in his death were “mutually and consistently dishonest.”

We hope that the fatal accident inquiry in the case of Sheku Bayoh will go ahead later this year. Again, that involves the state and the actions of the police force.

The Parliament has discussed death in custody in the past, and it has made attempts to improve fatal accident inquiries. I was not involved in those discussions, but I know that the average time between death and a fatal accident inquiry was 509 days on average between 2005 and 2008 whereas, since the 2016 legislation, the length of time has actually increased. It is clear that the issues need to be considered again.

The proposal that is before us calls for a charter for families who have been bereaved through public tragedy, which would be binding on all public bodies. It asks for improved access to legal advice and assistance so that bereaved families can take part in public inquiries. It asks for evidence from public inquiries to be taken into account in criminal trials. It asks for an extension of the duty of candour to bodies such as the police.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I hope that the member gets her time back for this intervention—she is making an interesting and important point. The problem is that, in an inquiry such as a fatal accident inquiry, as soon as there is a hint that there will be a criminal prosecution, the inquiry is sisted—it is stopped for the time being—to give the person who might be accused some protection.

Katy Clark: The member raises an important point, which I do not have time to come back to in detail in this debate, but I hope that we will be able to explore it on another occasion.

The demands are not just being made in Scotland. Recently, Lord Rosser’s amendment to introduce a duty of candour into the Police, Crime, Sentencing and Courts Bill was passed in the House of Lords. Such demands are being campaigned for throughout the UK, partly spearheaded by the Hillsborough campaigners, who have been campaigning for rights because of their treatment. The demands are also being

backed by those who have campaigned for nuclear test veterans and victims of the Grenfell fire and of the Manchester arena bombing, and by those involved in many other campaigns.

In 2017, the Angiolini review of serious incidents and deaths in custody called for non-means-tested funding for families immediately after a state-related—

The Presiding Officer: Ms Clark, I must ask you to wind up.

Katy Clark: I very much hope that the Parliament will look sympathetically on the motion.

The Presiding Officer: Thank you—I am afraid that we are very tight for time.

15:37

Jamie Greene (West Scotland) (Con): I start by sending my condolences to anyone affected by the tragic events at the Queen Elizabeth hospital in Glasgow. Nothing that we say or do in the chamber today will bring their loved ones back or offer any comfort.

Secondly, there are the hard-working staff who cared for those people’s loved ones and who still care for our loved ones on a daily basis under immense pressure from the current circumstances.

The fateful mistakes that led to Milly Main’s death, as set out in great detail by Mr Sarwar, continue to shock us all, as is apparent from the debate, but Milly’s death, and the needless infection of countless children at the hospital, was not just a tragedy, an accident or a mistake; it was a failure of governance at so many steps along the way—whether from the procurement and its oversight, the build itself, the building’s release to the health board, the working culture or the way in which concerns were raised and subsequently investigated. It is not the fault of the front-line staff, who were asked to go above and beyond. They had themselves flagged concerns to senior management at the hospital.

It is claimed that the health board knew about contaminated water as far back as 2015, when it took the keys of the hospital from the contractors. The question is what was done about it and whether that went far enough to mitigate the potential risk of the tragedy that actually ensued. We know that infection control doctors raised multiple concerns on multiple occasions, and even reported them to Health Protection Scotland in 2017. Despite all of that, the then health secretary, Jeane Freeman, told Parliament that she only found out on 11 March 2018, more than six months after the first potential water contamination death at the hospital. That begs the question: why did something so profoundly serious not land on

her desk prior to that? I do not know what is a worse or more depressing scenario: that no one in Government knew about it before then, or that they did know but kept it quiet. Only one of those can be true.

Milly died from an infection that she acquired at the hospital that was meant to take care of her and make her better. In fact, she was getting better, until the infection. However, she and 83 other children were infected by the same bacteria and a third of them suffered severe health impacts as a result. Who has really taken full responsibility for all of that? Who was sacked? Who was sued? Who was prosecuted? The answer is no one.

Ms Freeman—for whom I had and still have a lot of respect—is no longer here to account for the Government; all the while, the contractors are mired in legal disputes with the health board and the health board recently gave its own senior management team an “Excellence in Leadership” award. I cannot begin to imagine how galling that is for the families affected by this tragedy.

Warnings were ignored and action was not taken and I am afraid that that ultimately led to the death of a child. If that had happened in the private sector, we would not be talking about public inquiries but criminal prosecutions. The reality is that we talk so often about these eponymous laws, which bear the names of the victims of tragedies, and we do so usually because the legislation is either too weak or simply non-existent.

We have Michelle’s law, Suzanne’s law, Frank’s law, Anne’s law and now Milly’s law. Behind every law is a name and behind every name is a victim. Every one of those laws should shame the Government for its actions or its inaction. It is failed governance, failed transparency and poor or non-existent communication that lie at the heart of so many of the problems here.

Four years on, we are still talking about solutions. We should not need a new law to stop tragedies such as this one. I have two quick points to make. First, far too often whistleblowers are not taken seriously and they are branded as troublemakers. There needs to be a cultural shift, not just in the NHS but in so many of our public bodies.

My last point is on the erosion of local services. If we are going to move services from places such as Inverclyde Royal hospital in Greenock and centralise them at a super-hospital, patients must find that those services are improved. Patients must have complete faith in the place that they are being moved to. The pain of the longer commute and fewer visitors needs to be compensated for by better outcomes.

It all comes back down to the families. The father of one child who became infected at the Queen Elizabeth said:

“When you see the fear in doctors’ eyes, the fear of ... intelligent people ... that’s scary ... we ... steeled ourselves for dealing with cancer ... what we didn’t expect was to be put in a position where a building almost killed our son.”

That family was one of the luckier ones. Milly’s was not. These families do not want more reviews; they want more honesty and more action, and they deserve it.

15:42

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): Let me first express my condolences to Milly’s family. I have a 10-year-old granddaughter, the same age as Milly was when she died, and have similar images of a bubbly girl with all her life ahead of her. I cannot begin to imagine the pain of losing a child. I commend Milly’s family for pursuing answers and accountability for her death and I commend Anas Sarwar for his tenacity in representing their cause.

I understand and am sympathetic to much in the motion, but I am going to pause over the charter and I will tell members why. I recently pursued a local authority over its failures towards children with severe learning difficulties who were nonverbal and suffered assaults at the hands of their teacher. With the help of the parents and some brave staff, after four years of pursuing the case—through police, a prosecution and finally an independent inquiry—the council was finally brought to book.

As a result of that, I have called for the principle of corporate criminal responsibility to be considered for public bodies—perhaps through a public body criminal responsibility bill, which the Government has indicated that it will investigate. The First Minister has stated:

“Given the seriousness of the issue, I want to say very clearly, through Christine Grahame, to the parents involved that I will, of course, consider any representations that are made to me.”—[*Official Report*, 24 February 2022; c 25.]

That is something that could be applied to NHS boards because, quite often, the people who are involved have gone somewhere else and there is no discipline—there is nothing that can be done. It would have to be used only in extremis, but I feel that it is something that requires pursuit.

I am very sympathetic to a statutory charter, but I think it is premature in the current circumstances. I note what the cabinet secretary had to say about discussions. Currently, there is the police investigation and the wider public inquiry into the

“planning, design, construction, commissioning and, where appropriate, maintenance”

of both the Golden Jubilee and the Queen Elizabeth. That inquiry by Lord Brodie will determine how ventilation and water contamination issues affected patient safety and care in the hospitals and whether those issues could have been prevented. It will also recommend how past mistakes can be avoided in future NHS projects.

Other areas that the inquiry team are investigating include the management of the projects by NHS Greater Glasgow and Clyde and NHS Lothian, and whether the “organisational culture” at the health boards

“encouraged staff to raise concerns”—

or perhaps prevented them from doing so.

Crucially, it will also consider whether individuals or bodies

“deliberately concealed or failed to disclose evidence of wrongdoing or failures”

during the projects. Those findings will be invaluable in establishing what is required next.

With both on-going potential criminal charges and the report that is yet to be published, any legislative measures are in my view premature—not ruled out, but premature. There may even be a fatal accident inquiry; I agree that those take a long time. If there is, it is open to Milly’s family to apply for legal aid so that they can be separately represented. Just like criminal prosecutions, fatal accident inquiries are heard by the Crown on behalf of the public, so there is no entitlement for individuals to have separate representation. However, I expect that if an inquiry were to take place, Milly’s family would be successful in securing legal aid.

I conclude by again extending my condolences to Milly’s family. I am glad that the debate was held. I hope that at the end of those processes, Milly’s family’s persistence ensures that all children receive the very best, safe care. I thank Anas Sarwar for securing the debate.

15:46

Gillian Mackay (Central Scotland) (Green):

My thoughts are with all those whose care has fallen short of the high standards that we hold for our public services. Fighting to have your voice heard can be exhausting, so I also thank those who have tirelessly campaigned to bring injustices or failure to light, especially Milly’s family, and I thank Anas Sarwar for securing the debate.

Our public services are invaluable and we should all be able to rely on them, particularly during a global pandemic. Unfortunately, sometimes those services fall short of the standards that have been set for them. When that

happens, it is right and proper that there is honesty and transparency about what has gone wrong and how those failings can be addressed. However, as the motion and the Government amendment note, individuals and their families are too often left seeking answers or justice.

We must not underestimate the pain and hurt caused to individuals who know that something is not right with either their or their loved ones’ care, but who are ignored or dismissed when they try to raise concerns. Too often, I know that people feel shut out of the process when investigations are taking place. It is important that any investigations and their findings are communicated on an on-going basis to patients and their families. It is essential that whenever public bodies have failed in their duty of care towards members of the public, they are held accountable.

Transparency and candour are fundamental to ensuring that people can trust the services that are available to help them. The public has a right to know when there have been failings, as well as what action will be taken to prevent such failures in future. Without that, relationships can be damaged. Understandably, that can lead to fear, hurt and anger on behalf of those who have been failed and their families. As we recover from one of the greatest challenges that our NHS has ever faced, we must prioritise rebuilding and repairing the relationships between patients and health services, which have been severely tested by the strain that Covid has placed on them.

As the Cumberlege report notes, the system is not good enough at spotting trends in practice and outcomes that give rise to safety concerns. The report found that people from all over the UK who have been affected have been dismissed, overlooked and ignored for far too long, and that the issue was not one of a single or a few rogue medical practitioners or differences in regional practice, but that it was system wide.

There is no intention to blame individual members of staff, the vast majority of whom work extremely hard to deliver excellent care for the people of Scotland. However, there is clearly a culture where patients are not always listened to when things go wrong. A “clinician knows best” approach fails to take into account that patients are often the first to know when something is not right with their own bodies or the care that they are receiving. That is why the creation of an independent patient safety commissioner will be so important and will ensure, when patients do have concerns and complaints, that they are listened to and that those complaints are considered alongside other similar concerns and complaints so that patterns can be detected at an early stage. The commissioner will be able to advocate for patients in a system that is not

always willing to take their concerns seriously, or capable of doing so.

Services should be held accountable when failings are discovered but, when genuine mistakes have been made, we need to support staff to come forward, and to establish an opportunity for learning, training and development. Creating a hostile culture that discourages people from coming forward will not serve patients or staff well. The Sturrock review laid bare the cultural problems that exist within our NHS and the terrible toll that they have taken on staff, who are afraid to speak out about issues. We need to foster a culture in which people feel comfortable and safe in coming forward when mistakes have been made.

I close by expressing my thanks to all those working in the NHS and wider public services, many of whom have been dealing with extremely difficult conditions since the beginning of the pandemic. Improved transparency and accountability will serve patients and staff better, and we owe it to all who are affected to make sure that that happens.

15:50

Audrey Nicoll: I begin by offering my condolences to Milly Main's family for the circumstances that have led us here, and expressing my admiration for the courage and determination of Milly's mother, Kimberly, over the past five years. I, too, extend my thanks to all public sector staff who are committed to looking after and supporting the people of Scotland who they care for every day.

Milly's tragic death at the Queen Elizabeth university hospital in 2017 and the circumstances of the subsequent investigation were, I am sure, a distressing time for her family, friends and community. Milly's story may not be an isolated one but, through the hard work of Kimberly and others, it is one that will lead to change. I welcome the debate and I hope that the potential introduction of Milly's law will help to ensure that such failings never happen again but that, whenever they do happen, the families who are impacted are supported to establish the truth. Milly's law proposes positive change in how our public sector deals with institutional failings, and I commend the work and persistence of Anas Sarwar in highlighting the issue.

As convener of the Criminal Justice Committee, I, with my colleagues, have listened to many professionals, experts and others on the challenges faced by ordinary people who seek support from and answers within the criminal justice system. However, for some, navigating that system is almost as traumatising as the incident

that took them there in the first place. Their testimonies have demonstrated why it is so important that, when people feel let down or failings happen, lessons are learned and corrective action is taken to ensure that lasting improvements are made.

I welcome the opportunity that Milly's law can bring to bereaved families, and, in particular, the establishment of the patient safety commissioner, which will enhance and complement the work of the Scottish Public Services Ombudsman and will ensure that the voices of the people using our health services are heard and their concerns are acted on. Opportunities to improve what can be a reactive system offer much-needed help and support to families in their time of need. They can also ensure a timelier recognition of issues, helping to drive forward continuous improvements in patient safety.

Turning to the matter of a duty of candour, I very much welcome the introduction of legislation that creates a requirement for all care providers, including health boards, to review certain types of adverse events and to meet personally with those affected, to apologise and to meaningfully involve them in a review of what happened. I hope that that will mean that, in future, families get answers more quickly and in a way that perhaps makes them feel less alienated from the process.

Finally, on a related issue, I welcome the Scottish Government's commitment to consult on legislative proposals later this year, with a view to delivering new laws that will improve transparency and further strengthen public confidence in the police. It is in the interests of Police Scotland and of the wider public that we ensure that the systems for investigating complaints and failings are as robust and transparent as possible.

In conclusion, I commend the work that has been done to date around the proposals for Milly's law, and I hope that it will result in tangible improvements in the way that our public sector deals with bereavements and institutional failings in the future.

I also commend Kimberly for her work, her commitment both to Milly and to this important campaign, and for reminding us all that there is nothing as powerful as a mother's love.

The Presiding Officer: We move to the closing speeches.

15:55

Jackson Carlaw (Eastwood) (Con): This has been an interesting debate, with some informed and constructive contributions. I thank Anas Sarwar for the way in which he moved the motion, and I thank Katy Clark, Christine Grahame and

Jamie Greene, who all brought different dimensions to the debate with their contributions.

I have a fear of heights—I am always worried that my glasses will fall off and I will be stranded—but nothing has scared me witless more in life than the wellbeing of my children. That sentiment will be shared by every single parent in the chamber. From the minute that a child becomes part of someone's life, there is a contract that they will never forget.

As a child, we expect that we will see our parents pass—that is part of the contract of life—but we would never expect to have to deal with the loss of our own child. If people want to know what that grief looks like, they need only look at television pictures of parents in Ukraine. Fathers are having to send their children away while they go back to fight, and as mothers try to flee, their child is shot dead before them on the street—the grief is writ large. Although it does not make it any easier, they understand that the situation is due to the boot of a reckless dictator. There will be parents here who, off camera, feel exactly that grief when a child is knocked down by a car, or when a child dies of an incurable illness. However, when a child dies, and the institution of the healthcare system seems predisposed to deny us the knowledge of why it happened, that is totally unacceptable.

What worries me in part is that we have moved to a compensation culture, in which accountability is transferred and becomes “Here's money instead.” In 2007, when I first spoke in a health debate in the chamber, the NHS paid out £18.93 million in compensation. The compensation figure for last year was revealed yesterday—it is £61.59 million.

Constituents have come to me about the death of a child or a parent, and they did not understand, or could not accept, the sequence of events that led to that loss. They have gone through a process that I can only describe as a massaging and managing of their issue, at the end of which they were told, “Of course, you can apply for compensation.” In tears, they did, eventually, but that did not answer the fundamental questions. They want to know why it happened, and they very often ask, “Is this going to happen to somebody else?” It seems to me that the transfer to a compensation culture involves an avoidance of both accountability and the determination to ensure that it will not happen again.

Back in 2019, I first raised the issue of Milly Main with the First Minister. That came on the back of an understanding that our NHS maintenance backlog was some £900 million at that point. We then asked what health inspections had been taking place and learned that the number had declined from 38 to just 14 in that

year. I do not know whether that situation has now been reversed. There was, I think, an acceptance by Jeane Freeman that public confidence had been shaken, but as the months went on and the questions continued to be asked, there was a surfeit of embraces, clutching and condolences. We heard the phrase “My heart goes out to”, but there was no material advance on the fundamental questions of what happened, what was being done about it and why we did not know.

I applaud Anas Sarwar's tenacity in pushing the issue. He and I have relied on brave souls telling us things that people did not want us to know. It is only because we found out those things that we have been able to drive the whole argument forward.

Let me be absolutely clear: I think that we should be supporting and encouraging Anas Sarwar's bill. This is 2022, and we have to get to a point at which we do not simply say to people, “Look, rather than pursuing this, here's some cash. You won't actually ever find out what's happening and we're not ever really going to tell you. In fact, there is an institutional willingness to club together to try and hide behind a screen.” That must end. That is why I support Milly's law, and I commend Anas Sarwar for his efforts to bring forward a bill.

16:00

Humza Yousaf: I think that this is the second time that I have said this in as many months, Presiding Officer, but it is a genuine pleasure to follow Jackson Carlaw's contribution. He made some powerful points. Indeed, a number of members from all parties, including Anas Sarwar, who led the debate for Scottish Labour, have made important points.

I reiterate that I will seek an early meeting with Anas Sarwar. My office will be in touch to arrange that. I am keen to understand—I am sure that he will address the matter in his closing speech—the timetables that are involved in relation to the proposals, the bill and so on. Let us get ahead of that and meet early on to discuss the specifics of Milly's law, as the proposals have a lot of merit to them.

I, too, commend every member of this Parliament who has, over the years, amplified the voices of those who have felt powerless in the face of terrible adversity. That should never have been necessary; it should not have taken members of this Parliament to amplify those voices. However, they have done so admirably.

A number of points have been well made by members. Katy Clark made the point very well about the imbalance that can often arise between the state and its institutions and the public. She

spoke at length about some of her concerns about the handling of police complaints and about the prison service. Later this year, we are due to consult on the police complaints handling bill. I am sure that she will want to give her thoughts on that. Many of the issues that she touched on will be covered in that consultation.

A number of members spoke powerfully about the loss of a child, including how no one expects that to happen, how unnatural it must feel and how none of us, unless we have experienced it ourselves, can understand the grief that befalls parents and a family when that happens.

I accept the central premise—which Opposition members and members of my party have mentioned—that, on occasion, the health boards involved have not approached the issue correctly, appropriately or, indeed, with the values that all of us hold dear around transparency and parent and family involvement. I think that there are merits in the proposals.

This has been a very good debate, with, by and large, very good contributions. However, we perhaps need to take a moment. We should not always cast the debate as being one of management, and senior management in particular, versus the public. I have had the pleasure of being the health secretary for the best part of 10 months. I have dealt with and spoken to senior management in every single health board and non-territorial board in the country. I speak to men and women who are dedicated to public service. I fully accept that that does not mean that they get everything right, but they are dedicated to public service. We need to ensure that the values that we expect in our health service materialise, particularly at the time of adverse events.

On the actions that the Government has taken, we have the duty of candour laws. I accept the point that there may be a discussion to be had about what else can be done. Jackie Baillie raised the point about potential sanctions, which I will consider.

A consultation on the patient safety commissioner has just taken place, and perhaps that role presents an opportunity. As I said, I will have an early meeting with Anas Sarwar, at which we will perhaps discuss his bill, pre-introduction, and his expectations in relation to the public advocate that he is calling for. Perhaps those could be met through the patient safety commissioner.

Where, unfortunately, things have not gone right and there is a requirement for independent public scrutiny, as happens with a public inquiry, I make it abundantly—absolutely—clear that the Government will co-operate with the public inquiry that is under way. My goodness, let us hope that

there is not another such inquiry in future, but, if there ever is, the Government will co-operate fully with it.

I look forward to seeing the detail of Milly's law and co-operating and working closely with people across the Opposition parties to make sure that we prevent things from going wrong and that, if they do go wrong, we deal with them openly and transparently.

16:04

Jackie Baillie (Dumbarton) (Lab): It cannot be acceptable that, in today's Scotland, bereaved families should have to fight tooth and nail for justice for their loved ones when the unthinkable has happened. The scales are tipped in favour of the system, the institutions and the faceless public bodies. Further, it is not just that the scales are tipped in their favour, because they hide information, they cover up and they conceal. Regrettably, I have experienced that many times from NHS Greater Glasgow and Clyde in particular. The lack of transparency, openness and honesty is, frankly, appalling, and it cannot be allowed to continue.

It is not right that grieving family members, such as Kimberly Darroch and Louise Slorance, should have to campaign to get to the truth. A duty of candour might exist in principle in Scotland's NHS, but that is not the experience of those who have tried to get answers when things have gone horribly wrong. It is only because of the dogged determination of those families, often during their darkest hour, that the truth has been revealed. That is simply not right.

The Clostridium difficile outbreak at the Vale of Leven hospital in my constituency left the families of at least 34 victims fighting for an apology for seven long years. Having them fight an uphill battle for justice, when they should have been grieving, was inhumane. Faced with denial, the deliberate withholding of information or whitewashed reports that absolved everyone of any blame for anything, they held out. Their determination delivered a public inquiry, and it delivered change.

For those families, everything was put on pause, simply because they wanted answers that were not forthcoming. When something goes badly wrong in the NHS or in any public institution, the response should be one of listening and learning lessons, not closing ranks and hunkering down. The road to clarity should be easy and direct.

The problem is not exclusive to public health tragedies. The same issues were repeated in relation to the fire at Cameron House at Loch Lomond, which claimed the lives of two young men, Simon Midgley and Richard Dyson. I have

been working with Simon's mum, Jane Midgley. This year marks five years since the fire, and despite the criminal case being concluded, Jane is still waiting for answers. The next stage is a fatal accident inquiry to ensure that lessons are learned from the tragedy—but it drags on. Jane has no legal representation—she cannot get legal aid—so her voice is silenced. Her fight for justice is ongoing to this day, and who is on her side?

Victims and their families should not have to pay for legal support while institutions and public bodies spend freely from the public purse. Too often, the bereaved are left with nowhere to turn. There was a fall in legal aid spending from £130 million to £99 million in 2020-21. Years of underfunding has led to a significant decline in the number of people who work in legal aid. The scales tip ever further away from ordinary people. No one should be priced out of seeking justice.

We are calling for Milly's law in order to put families at the very centre of the process. We need a system that evens up the balance—that is on the side of families, not institutions. We need a system that allows transparency, truth and justice to prevail. We need a system that does not cover up and hide the facts, but allows them to come to the fore so that we can learn from mistakes and so that mistakes are prevented from happening again.

Based on the model that was proposed for the Hillsborough law, Milly's law would reset that balance between families and powerful public bodies and ensure that bereaved families, collectively, are at the heart of the response to disasters and public scandals.

I think that, if it is agreed to, the SNP amendment will send an unhelpful signal about whose side the party is on. It looks to me like it is on the side of the institutions, and that would be incredibly disappointing. The Hillsborough families had to wait 30 years—30 years—for legislation. I hope that the SNP is not suggesting that Milly's family, Andrew Storrance's family, all the families at the Queen Elizabeth university hospital, Jane Midgley's family, Katie Allan's family and more besides need to wait any longer.

Members have a choice tonight. Do not just say in the debate that you support the families. Do not just give us warm words about Milly's law—vote for it. Vote for it at decision time, because it is time to redress the balance and support the motion.

The Presiding Officer: That concludes the debate on Milly's law: justice for families. There will be a brief pause before the next item of business.

Care Home Visiting Rights (Anne's Law)

The Deputy Presiding Officer (Liam McArthur): The next item of business is a debate on motion S6M-03492, in the name of Jackie Baillie, on Anne's law—protecting the right of care home visiting. Any member who wishes to participate should press their request-to-speak button or put an R in the chat function.

16:10

Jackie Baillie (Dumbarton) (Lab): Presiding Officer, 24 March will mark two years since Scotland entered its first day of lockdown. Those were some of the hardest days that many of us have had to face. Those of us who had family or friends to isolate with were the lucky ones and, even then, for many people, the weight of lockdown was huge. We did that because it was necessary, it saved lives and it was the right thing to do.

Since then, more than 4.4 million adults in Scotland have received at least one dose of the Covid-19 vaccine, and the number of patients in intensive care units with the virus has significantly decreased. Football and rugby stadiums are again packed with spectators, and nightclubs and hospitality venues can operate without restriction. We can meet friends to socialise and families can gather to celebrate milestones once again.

Lockdown appears to be a distant memory, yet care home residents continue to face some of the severest restrictions. People living in those homes continue to be the forgotten victims of the pandemic under the Scottish Government. For the past two years, adults living in care homes in Scotland have been isolated from their friends and families. For them, those hard days of separation are the reality, and the lack of urgency that the Government has shown in addressing the issue prolongs their suffering.

In November 2020, Natasha Hamilton brought a petition to the Parliament to ensure that family members could be granted access to relatives in care homes, regardless of lockdown levels. Natasha's mum was Anne Duke, who was in a care home, and Anne's family showed remarkable bravery in exposing the struggle that too many families experienced—the isolation, separation and loneliness, and the toll on mental and physical health. That story was echoed by people in my constituency. Let me share a quote from one of them, who said:

"Every day we are separated means that my mother's wellbeing deteriorates. The restrictions in care homes are too severe, inhumane and have been in place too long."

Let us look at the contrast. If any of us tested positive, we would be told to isolate for seven days. In care homes, it is 10 days. If someone is a close contact and triple vaccinated, they do not need to isolate but, in a care home, close contacts have to isolate for 10 days. For someone in a household with Covid, there are no restrictions, but a care home closes for 14 days. The reality is that that means rolling lockdowns and restricted visiting. Donald Macaskill of Scottish Care has said:

“such extended periods of isolation ... are unacceptable, disproportionate, unnecessary, and hugely damaging.”

The Cabinet Secretary for Health and Social Care (Humza Yousaf): I absolutely recognise the disparities between the isolation periods in care homes and those for the general public, but is Jackie Baillie asking us to reduce the isolation periods in care homes? If that is her point, what clinical advice has she received, and will she forward it to the Government so that we can look at it?

Jackie Baillie: I will quote the First Minister in a minute, so the cabinet secretary might want to listen.

Almost one year on from the Scottish Parliament elections, when the Scottish National Party vowed to deliver Anne’s law for care home residents, the position is largely unchanged from what I have just described. As of 14 February, 92.3 per cent of care home residents in Scotland had received three doses of the Covid-19 vaccine, making the continuing restrictions hard to justify. There is no vaccine for loneliness and isolation.

Time and again, the Scottish Government has implemented restrictions and regulations but has not acted with the same speed when the restrictions are no longer required, despite knowing that being separated from loved ones causes harm to people in care homes.

The First Minister has correctly stated that lateral flow tests are 99 per cent accurate. We should trust and use the science. Staff undertake 12-hour shifts based on a negative lateral flow test, so why can relatives not visit on that basis? They do not interact with large numbers of residents, as staff do, and they do not work across the care home, so there is little risk of widespread transmission.

The change would be easy to deliver. Relatives need to be recognised as care givers. They are as important, if not more so, to the wellbeing of the person in the home. Let us make use of lateral flow tests to open up access. Let us trust the science that the First Minister referenced.

Scottish Labour has been forced to bring the debate to the chamber in order to demand

answers and action. For those at the end of their lives, every day counts. *[Interruption.]* The cabinet secretary would do well to listen. The Scottish National Party and Green coalition cannot continue to drag its heels on strengthening residents’ rights. The Government has the power to make the change now. Its own records show that updated restrictions have left 21 per cent of care homes likely to be operating under severe restrictions, yet Anne’s law is discussed only when prompted by other MSPs.

This is a matter of basic human rights. There is an opportunity to do the right thing for care home residents, who have been let down so often over the past two years. It cannot be right that life goes on for the majority while others continue to suffer. All parties support early legislation, and I urge the Minister for Mental Wellbeing and Social Care to give a clear timetable for bringing such legislation to Parliament so that care home residents can enjoy the same freedoms as the rest of us enjoy.

The two-year anniversary of the start of the pandemic, as it approaches, will cause us all to reflect. We will be reminded to appreciate small freedoms, such as a cup of tea with family or lunch with friends. Let us not forget that, for some, those small freedoms are still out of reach. The Scottish Government must act, and it must act now.

I move,

That the Parliament understands that maintaining good social connections are crucial for the wellbeing and quality of life for residents in adult care homes; acknowledges that care homes have been unduly affected by the COVID-19 pandemic, and thousands of residents have been repeatedly separated from their loved ones due to restrictions; regrets that the Scottish Government has not yet brought forward legislation to strengthen the rights of residents and their families so that relatives are recognised as care givers and residents have the right to see and spend time with the people who are important to them, and calls on the Scottish Government to urgently introduce legislation to implement Anne’s Law so no one has to again experience what Anne Duke and her family, alongside many other families, had to go through.

The Deputy Presiding Officer: We are very tight for time, so members will have to stick to their allotted times.

16:17

The Minister for Mental Wellbeing and Social Care (Kevin Stewart): I welcome the opportunity to contribute to today’s debate. People who live in care homes and their loved ones are undoubtedly among those who have been hardest hit by the Covid-19 pandemic. Although action had to be taken to ensure that people in care homes were protected, I completely understand the distress that was caused by people being separated from those folks who are most important to them. I thank care home residents, their loved ones and

care home staff for their continuing steadfast commitment during the pandemic to keep themselves and one another safe.

Restricting care home visits early on was one of the hardest decisions that the Government had to take. Throughout the pandemic, we have sought the views and experiences of families with loved ones in care homes in relation to the impact of visiting restrictions. I am very close to the issue, and rightly so. I ensure that I see all correspondence on visiting, and I always respond personally. I have huge empathy with people who have experienced separation and loss. Many of the stories of separation are, to be quite frank, heartbreaking.

Alex Cole-Hamilton (Edinburgh Western) (LD): The minister has recognised the anxiety and stress felt by families and staff in our care homes, but does he recognise that that despair exists to this day? A care home manager in my constituency wrote to me to ask the Government to stop testing so that it would stop bringing back restrictions. What does he say to staff and families who believe that, while the rest of society is being released from lockdown, care homes are not?

Kevin Stewart: I do not quite get Mr Cole-Hamilton's point—I might have picked it up wrong. Jackie Baillie is right to say that we should be testing, but he is saying that we should stop testing. I do not quite get that.

On Jackie Baillie's points, people can visit care homes even during outbreaks. We have made that clear, and we will go further. Visitors are tested already. I would welcome any clinical advice that Jackie Baillie has on those issues, because that might help us counter some of the advice that we are getting.

Monica Lennon (Central Scotland) (Lab): Will the minister give way?

Kevin Stewart: I have a lot to go through.

Our named visitor guidance was introduced last year as a first step towards implementing the changes that we all believe are necessary. It emphasises that care homes should always support visiting, even in an outbreak, unless there are truly exceptional circumstances. The Scottish Government expects care homes and local health protection teams to embed our guidance.

As the strategic framework outlines, people who live in care homes should be supported to enjoy fulfilled, meaningful lives that are free from restrictions as far as possible. My officials, in collaboration with the Care Inspectorate, are focused on working with the sector to ensure that care homes support visiting and to work constructively with those that do not.

Monica Lennon: Will the minister give way?

Kevin Stewart: I really do not have time—I have a lot to say. Maybe I will give way later.

I thank care home staff and health protection teams who have tirelessly worked to facilitate regular indoor visiting in more than 90 per cent of care homes. Those efforts to maximise visiting and adopt the aims of Anne's law ahead of any new measures show a welcome consensus across the sector.

The development of Anne's law follows a Care Home Relatives Scotland petition on rights for residents to see their loved ones, which was lodged by Natasha Hamilton, who was unable to see her mother for prolonged periods during the height of the pandemic. Her mother was of course Anne Duke, who has now sadly passed away. We fully supported that petition and I am pleased to say that there was cross-party support. In September last year, we made the commitment in our programme for government to strengthen residents' rights and bring in Anne's law.

Given the need to move quickly and effectively to ensure that legal rights can be instituted and, importantly, enforced, we have chosen to deliver that work by strengthening the health and social care standards using legal powers under the Public Sector Reform (Scotland) Act 2010, and by strengthening rights further through primary legislation.

As members will be aware, any change to legislative powers requires us to consult, so later in September we launched two linked public consultations to seek views on the preferred options for implementation. We have now received the analysis of those consultations. Responses came in from individuals, including families, and from a wide range of organisations, including care home providers.

The independent analysis showed that there was considerable support for the approach of introducing Anne's law by strengthening the health and social care standards and then introducing primary legislation. We published that analysis only last week, on 2 March. I thank everyone who took the time to submit their responses.

Given the support for those proposals, there is no need to undertake further time-consuming legislative processes, such as Scottish statutory instruments, to make change happen.

I can announce today that, using legal powers under the Public Sector Reform (Scotland) Act 2010, we will introduce by the end of this month those two new strengthened statutory care standards, which will ensure that visitors can be involved in the care and support of their loved ones and provide a strong emphasis on helping residents and their families remain connected.

The Deputy Presiding Officer: You need to conclude now, minister.

Kevin Stewart: Finally, that also means that the Care Inspectorate, under its existing legal powers, will now have a strengthened role to ensure that the new standards are implemented and, more importantly, upheld. The Care Inspectorate is committed to that work and, to augment it, we will provide further support and dedicated resource to enhance the Care Inspectorate's role in supporting visiting rights.

The Deputy Presiding Officer: You do now need to conclude, minister. You are well over time.

Kevin Stewart: I will say more about primary legislation in summing up, Presiding Officer.

I move amendment S6M-03492.2, to leave out from "understands" to end and insert:

"recognises that the COVID-19 pandemic uniquely necessitated difficult restrictions in care homes to minimise the risk of transmission of the virus that has proven deadly to the most vulnerable in society; further recognises that these restrictions have other impacts on the wellbeing of residents and that maintaining familial and social connections for care home residents can be vital to their wellbeing; welcomes that later this month the Scottish Government is bringing forward new statutory standards under the Public Services Reform (Scotland) Act 2010 to help ensure visitors can be involved in the care and support of their loved ones as the first step of introducing Anne's Law, and notes that this will be further underpinned by Anne's Law being part of the foundations of the new National Care Service, and that the legislation to deliver this is being introduced in the coming months."

16:24

Craig Hoy (South Scotland) (Con): I thank Jackie Baillie for securing this important debate before Parliament today.

It is just over two years since Covid arrived on Scotland's shores—two years since fears ran through our communities, schools were shuttered and businesses were forced to close; and nearly two years since elderly and vulnerable care home residents were isolated from their families, losing their lifelines and often access to someone who addressed their core care needs, and losing the cup of tea and the bit of chit-chat that brought to life the family photos by their bedside. They were shut out from that vital support for months on end, and the purpose of Anne's law is to ensure that that never happens again. Closing off residents in care in their home was, in the words of Natasha Hamilton, "a human tragedy".

As we have heard, Natasha's mum, Anne Duke, was one of those who could not secure the comfort of their loved ones during the pandemic. Anne, a former care home therapist, who passed away at the age of just 63 last November, was cut off from her devoted family while battling early-

onset dementia. That prompted Natasha to launch a petition for Anne's law that made its way to this Parliament.

Sadly, many people did not live long enough to see their loved ones one last time, or they saw them only through a window or at a distance; sometimes, they did so from behind screens and hazard tape. Our care homes bore the brunt of the pandemic, and it has been heartbreaking for families.

Over the past two years, many lessons have been learned and the path ahead looks far less bleak, thanks to vaccination and accurate and widespread testing. However, there are still lessons to be learned, restrictions to be lifted and questions to be answered. Fundamentally, there are also practical steps, such as Anne's law, to be implemented. Although we fully accept Labour's motion, which we warmly support, we have lodged an amendment, in which we seek a commitment from the Scottish Government to explore—no more than that—the possible extension of Anne's law to include other settings, such as community and cottage hospitals, where care is given.

Monica Lennon: Will the member take an intervention?

Craig Hoy: I will not, I am afraid, because I am short on time.

We are sceptical of the SNP's amendment, which offers yet more dither and delay. Notwithstanding what the minister has announced, we must recognise that, when it comes to Anne's law, the ball is at the minister's foot, he is in the penalty box and the goal of delivering Anne's law is right there, so why is he—as the SNP too often does—kicking it into the long grass?

Kevin Stewart: Will Mr Hoy give way?

Craig Hoy: I must carry on.

Today's debate is not about the reasons as to why so many died in our care homes—that will be for Lady Poole's public inquiry to determine—but we know that Common Weal described the situation in our care homes as

"possibly ... the single greatest failure of devolved government ... since the creation of the Scottish Parliament."

Families need closure so that they can properly mourn those who passed away. Anne's law could help them to move on and to remember those who died.

We should also remember the heroic efforts of the staff who work in the social care sector, who were often there when residents passed away. In the early days of the pandemic, Covid ripped through care homes indiscriminately, killing our friends and family members, so it is

understandable that steps were taken to protect staff and residents from infection. Many staff struggled to access personal protective equipment. Staff went to work not knowing whether they would return home infected with Covid. They formed small armies of infection control. However, the decision to prevent all access to care homes created what has been described as potentially “dangerous closed institutions”, where families could not act as the eyes and ears of homes and residents.

Leading public health experts back Anne’s law and recognise the care that it will provide. In its own consultation, the Government was clear in its objectives. It recognised that families and friends play an essential role in the health and wellbeing of people who live in such homes, and it admitted that prolonged isolation from family and friends is likely to be detrimental to the welfare of the resident.

All that campaigners are seeking is to ensure that people who live in adult care homes have rights to see and spend time with the people who are important to them and who often care for them. As Natasha Hamilton said,

“There are no silver bullets for Covid, we need to learn to live with it. That can’t mean separating families. That’s just cruel and barbaric.”

Anne’s husband, Campbell Duke, is a retired social worker. Before Covid, he previously spent 40 hours per week by his wife’s side at her care home in East Kilbride. Speaking before Anne died, he said:

“Families need each other more than ever but they’re being let down ... What we need is for the human rights of care home residents to be guaranteed in emergency legislation. I believe there would be a majority in Parliament for this.”

I believe that there is a majority in the Parliament for Anne’s law, and it is clear that now is the time to act.

I move amendment S6M-03492.1, to insert after “Anne’s Law”:

“and to explore extending its scope to include those receiving care in other health and care settings such as hospitals and residential care facilities.”

16:29

Alex Cole-Hamilton (Edinburgh Western) (LD): I am grateful to Jackie Baillie for bringing the debate to Parliament. I offer her our unconditional support: we stand full square behind Labour in its quest to see the proposed law being taken through Parliament.

The late American author Professor Leo Buscaglia once reminded us that

“Too often we underestimate the power of a touch, a smile, a kind word, a listening ear, an honest compliment, or the smallest act of caring, all of which have the potential to turn a life around.”

Perhaps we often underestimate the power of simply being able to hold someone’s hand and give them a hug, and, in some cases, at the end of their lives, to kiss them goodbye. During the pandemic, the absence of that simple and carefree human contact with loved ones was felt acutely by thousands of care home residents in Scotland; sadly, it continues as we speak.

The Government website states:

“Visiting is an integral part of care home life”

and has a vital role to play in maintaining the mental and physical health

“and quality of life of residents.”

It goes on to say that it

“is also crucial for family and friends to maintain contact ... with their loved ones, and to contribute”

in their own way to their care.

An Age UK survey attempted to record the toll that the pandemic has taken on people living in care homes and their families. The responses were heartbreaking. One respondent said:

“I feel as though I have locked my parents away and thrown the key away”.

Another mentioned

“time that can never be retrieved”

and said,

“I don’t want mum to die”

without

“family, a thing she has always dreaded and I promised would not happen.”

I have spoken to many of my constituents whose loved ones have been in care homes during the pandemic. People want to be safe and they want desperately to protect their loved ones, but many have felt, and still feel, that a balance was not struck between protecting loved ones from the virus and maintaining regular and vital contact.

Monica Lennon: Several times in his speech, the minister talked about “visitors”. He did not talk about family care givers. Alex Cole-Hamilton has recognised the important contribution of people such as Campbell Duke and Natasha Hamilton, who are in the building today, listening to every word. They are not visitors—they are family care givers. Does Alex Cole-Hamilton agree?

Alex Cole-Hamilton: I absolutely agree. To clarify my intervention to the minister, I say that we are shutting such people out of our care homes.

The care home manager who got in touch asked that we end testing not because she was cavalier about the virus but because she could not abide the restrictions coming in again and again and blocking people from offering the care that they give.

How we have dealt with care homes over the pandemic has been staggering. As coronavirus started to take hold in Scotland, in the foothills of the pandemic people with it were moved from hospitals into homes, which caused the deaths of many. We can contrast that with the latter stages of the pandemic when, as we have heard countless times, many people who had been triple vaccinated were still prevented from visiting their loved ones—in some cases, during the last weeks and days of their lives, when they needed them most. That is demonstrably, starkly and tragically the case as we have heard many times, such as in the case of Anne, in honour of whom the law would be named.

My party whole-heartedly supports the motion in the name of Jackie Baillie. It is vital that either the Scottish Government introduces a bill or that we do it through the private member's bill process, instead.

If I may, I will finish with the words of Anne's husband. In a letter that he penned following her death, he said:

"For seven months they literally kept us from being with you. You endured the humiliation of being viewed outside from two metres when you needed and required close touching and hugging. And someone close enough to whisper, 'I love you.'"

It is my sincere hope that the Government listens to Anne's story and to countless others' heartbreaking stories, and that it makes the changes that are necessary to ensure that no one is ever again denied the right to be with a person whom they love—to simply hold their hand, kiss their cheek and give them a hug.

The Deputy Presiding Officer: We move to the open debate. Paul O'Kane joins us remotely.

16:33

Paul O'Kane (West Scotland) (Lab): The importance of today's debate cannot be overstated. Our care homes have been at the centre of the pandemic over the past 2 years. Let me put on record my thanks to the amazing staff of our care homes, who are often underpaid and feel undervalued, and who have done all that they can to protect people and to support their families. We know that people who live in care homes and their families all across our country have suffered immensely.

The reality is stark. From 2020 to 2021, there were more than 2,500 excess deaths in Scottish

care homes—each person the loved one of someone. We know that there are still many questions to be answered about how that was allowed to happen, so answers must come in the inquiry.

What made the pain even worse for families was that not only did they lose loved ones, but they could not even be there to hold their hands or stay by their sides in their final hours. That was not the case only in 2020, when we were all under tight restrictions; it continued to happen over the following year. As restrictions for the rest of the country eased, care homes had to remain under repeated lockdowns, which caused untold harm and trauma to residents and their families.

I am sure that all members agree that such a situation is terribly tragic. As restrictions are lifted and we understand our new Covid reality, we must ensure that such a tragedy never happens again. That is why I support the motion in Jackie Baillie's name.

The story of Anne Duke has touched the hearts of thousands of people across our country. The continued efforts of her husband Campbell and her daughter Natasha Hamilton have helped to bring the issue to the fore in public debate.

We should not hesitate: the Government should not wait but should act with the sense of urgency that the situation deserves. The SNP's amendment to the Scottish Labour motion shows that the SNP still does not get it. I find the amendment to be quite insulting in its failure to acknowledge Anne Duke and her family, and the contribution that they and other campaigners have made.

The Government wants to defer implementation of Anne's law until the introduction of the national care service—a process that will take many years—despite the fact that, in the recent consultation, there was virtually unanimous support for Anne's law and the right of people who live in adult care homes to see friends and family. Respondents also thought that the right should be enshrined in law in order to ensure parity across our country, rather than relying on the discretion of individual care homes. That shows the importance of introducing Anne's law.

The Scottish Government's actions in the care home sector led the Scottish Human Rights Commission to express concern about social care users' experiences during the pandemic. The commission said that the situation in care homes raised concerns under article 2 of the European convention on human rights, on the right to life.

Even now, after a consultation has told the SNP that there is support and the commission has pointed to failings and concerns, there are still challenges for families who want to see their loved

ones regularly. Indeed, care homes have been receiving confusing messages from public health teams about when they should and should not restrict access. I raised the matter with the First Minister in early January, but there are still issues.

Never again should we have such a situation in care homes in Scotland. As we have heard from other members, it is vital that our loved ones have the right, when they are in someone else's care, to see and have important contact with their families and friends.

It is time for the cabinet secretary and ministers to listen to relatives and care users. It is time to implement Anne's law and to end the pain of loved ones being parted when they need one another most.

16:37

Evelyn Tweed (Stirling) (SNP): I thank Jackie Baillie for bringing this important debate to Parliament, and I thank Natasha Hamilton for her petition in honour of her mother, Anne Duke, which highlighted the social isolation that Covid restrictions caused in Scotland's care homes.

As we have heard, the proposed Anne's law would recognise that families and friends play an essential role in the health and wellbeing of people in care homes. One of the saddest parts of the pandemic has been the enormous sacrifices that many people have made to keep others safe. Restrictions in care homes were particularly difficult, and cut residents off from family and friends.

To tackle such isolation, the Scottish Government invested £1.5 million in an initiative to connect residents in Scotland's care homes. The initiative was launched in November 2020 and aimed to equip all care homes in Scotland with digital devices, connectivity, training and support in order to tackle social isolation and to help residents to enjoy the benefits of online access.

However, for many people, the transition to digital communication was difficult, even when the technology worked well. Some respondents to the consultation noted that their loved ones became more withdrawn and despondent, despite daily video calls. Therefore, I welcome the evaluation of the initiative that the University of Stirling is undertaking in collaboration with the Scottish Government's technology-enabled care programme and the Digital Health and Care Innovation Centre. Dr Grant Gibson, who is the project's leader and an expert in dementia care said:

"it is likely that at least some elements of the switch to greater use of digital platforms to support social interaction among care home residents will become permanent. Therefore, there is a clear need to evaluate whether the

programme was successful, and to learn the wider lessons ... to inform wider initiatives supporting digital connectedness and inclusion of care home residents in the future."

I am sure that all members in the chamber look forward to delivery of the SNP's manifesto commitment to

"strengthen residents' rights in adult residential settings."

The Scottish Government will introduce Anne's law in Parliament as soon as possible, but it is also taking immediate action to ensure that care home residents and their families can benefit from the proposed law's aims and principles now. That includes working with the Care Inspectorate to update and strengthen its health and care standards, with a strong emphasis on helping residents and their families to remain connected.

The Scottish Government is also introducing new statutory standards under the Public Services Reform (Scotland) Act 2010 to help to ensure that visitors can be involved in the care and support of their loved ones. I thank the Minister for Mental Wellbeing and Social Care for his understanding and on-going hard work to ensure that Anne's law is brought to Parliament, while considering the sensitivities of more than 400 consultation respondents.

The overwhelming heartache that was felt by Natasha Hamilton and by many other families across Scotland during lockdown is something that we will remember for many years, with heavy hearts.

16:42

Carol Mochan (South Scotland) (Lab): The Covid-19 pandemic has been difficult for everyone. Up and down the country, isolation and loss have been felt by so many. However, as a result of the strength of families who have been affected, we know in particular about the impact that has been felt by those in our adult care homes. Isolated for so long, disconnected from their families and unable to have the human connection they need, those in our adult care homes have been disproportionately impacted by the pandemic.

Despite what the previous speaker said in her contribution, the reality is that families feel that this Government has not been providing them with enough support. Families in my region of South Scotland, like others across the country, have had to go to their loved ones' windows for a chat; some have watched their condition deteriorate without being able to sit next to them; and others have lost loved ones without even being able to say a final goodbye. Those are serious matters. It is one of the most heartbreaking stories of the pandemic;

we must address it now and never allow it to happen again.

Care homes have been repeatedly closed to visitors during the pandemic; they have often been the first premises to close and the last to reopen. Of course we know how important it is to protect the most vulnerable in a care home setting, but we also know how important it is to strengthen their rights while they are in that setting.

It is therefore crucial that Anne's law is introduced to Parliament, as Scottish Labour has called for. As we have heard, Anne's law would ensure that relatives of residents are recognised as care givers—that is a key point—thus giving residents of care homes the right to be visited by those who matter most to them. That would ensure that they have the contact of which far too many in Scotland's care homes have been deprived. The situation has simply gone on for far too long. Measures could be introduced to ensure that relevant infection control guidance is followed and that residents' physical safety is protected. Although the Scottish Government has committed to introducing Anne's law, that must be done with purpose, and promptly, because care home residents and their families are still being failed.

Even now, a positive test in a care home for a resident leads to a 10-day self-isolation period while the rules for everyone else have been relaxed. We know only too well the negative impacts that prolonged isolation can have on an individual's mental wellbeing.

Families such as Anne Duke's are calling for urgent action, and it is crucial that the First Minister and the health secretary listen and deliver it. To not act now is to keep families waiting, inflict more difficulty on residents and their loved ones and exacerbate an issue that has already impacted thousands of Scots. Families will not stand for it, and neither will Scottish Labour.

In conclusion, I once again pay tribute to those who work in our care homes, the residents and their families. The challenges placed in front of them throughout the pandemic have been significant and hard to overcome, but they persist, and they fight for change that will benefit the lives of residents in our adult care homes across the country.

Our fight for Anne's law will continue because we know the impact that interaction with loved ones has on each and every one of us, and we will not stop until the Scottish Government acts. My message to the Scottish Government and all members is that we must act now in the interests of some of the most vulnerable members of our society. I therefore urge all members—I am looking to members on the Government's back

benches—to act now. Step up and support those families. Support Labour's motion at decision time.

16:46

Sue Webber (Lothian) (Con): The Scottish Conservatives recognise the impact that Covid restrictions have had on care home residents and their families, and we gladly support the principles that underpin Anne's law.

During the height of the pandemic, care home residents were unable to see their loved ones. Steps were taken to protect staff and residents from infection but, with hindsight, they undoubtedly caused much anguish for many residents and their families. Anne's law is the product of a petition to the Scottish Parliament that was lodged by Natasha Hamilton, who was unable to see her mother for prolonged periods during the height of the pandemic. The petition called on the Scottish Parliament to urge the Scottish Government to allow a designated visitor into care homes to support loved ones.

We agree that residents' rights must be strengthened to give nominated relatives or friends the same access rights to care homes as staff, while following stringent infection control measures. It is unacceptable that residents and families have been subject to a postcode lottery. We must ensure that contact between residents and their close family and friends is not subject to haphazard and fluid policies. Family and friends provide critical support to residents' mental and physical health and wellbeing, and there is no doubt that prolonged isolation from friends and family has a detrimental effect on care home residents.

With that in mind, we are disappointed that the SNP Government has taken so long to make good on its commitments and now appears to be dragging its feet on introducing the legislation to the Scottish Parliament, despite cross-party support. The commitment to deliver Anne's law is nearly a year old, but the Scottish Government has not set out a timetable to deliver it. It has merely said that

"Anne's Law will be introduced to Parliament as soon as is practically possible".

The SNP allowed more than 100 Covid-positive hospital patients to be sent to care homes at the beginning of the pandemic. A report from Public Health Scotland found that from 1 March to 31 May, 113 hospital patients were discharged to care homes despite testing positive for the virus in hospital. A further 3,061 were not tested at all prior to discharge.

Former health secretary Jeane Freeman admitted that the SNP Government failed to take the right precautions when moving elderly patients

from hospitals into care homes during the pandemic. Despite all that, the SNP has refused to order a public inquiry into deaths from coronavirus in Scotland's care homes. The Scottish Parliament voted for

“the Scottish Government to hold an immediate public inquiry to find out what happened in Scotland's care homes during the course of the pandemic”,

but Nicola Sturgeon merely said that

“we take note of the Parliament's view”

and that the SNP Government was seeking

“early discussions on whether and how such an inquiry could be established”.—[*Official Report*, 5 November 2020; c 22.]

Of course, it is not only our elderly who are in residential care or nursing homes. Many young adults with physical and learning disabilities are also in care. They, too, deserve the right to see their families. Just as isolation from friends and family has a detrimental effect on care home residents, it has a negative impact on young people in similar care settings. There are stark differences between how the public and how care home residents are restricted, as Carol Mochan has rightly pointed out.

Anne's law has cross-party support. The SNP must stop dithering and bring forward the legislation so that residents and families can have confidence that we are moving beyond what has been a failed and broken approach.

16:50

Gillian Martin (Aberdeenshire East) (SNP): I am fully supportive of the principles of Anne's law, and I was moved by the testimony of Anne's daughter, Natasha Hamilton, and the many others who could not be with their loved ones in care homes at the height of the pandemic.

The Covid pandemic threw challenges at us that are unprecedented in living memory. We all remember the fear of not knowing what Covid-19 was, how it could be spread, who would be most vulnerable and how infectious it could be. In February and March 2020 we had no vaccine, and we looked on with fear at how the virus ripped through Italian towns killing thousands of people, wondering what it would do to us and how we would cope when it arrived.

It was right to be cautious. We did not know what we did not know. Care home residents were particularly vulnerable. We now know what it is to live through a pandemic, we know a lot more about infection control and we recognise how important emotional support and family care are, alongside infection control.

I do not often do personal speeches, but I will do now. I last saw my gran, Anna Taylor, in February 2020. She was living in the Oakbridge care home in Knightswood in my friend Bill Kidd's constituency. When my sister and I visited with my parents, we were joined by her excellent key worker, Bismay, a wonderful woman who went above and beyond for my gran. Bismay gently prompted my gran to say who her visitors were. “Relatives,” she said, with firm commitment. She did not really recognise her granddaughters, but she still enjoyed seeing us. There was a bit of determination in her answer to Bismay: she was determined to get that question right. She always recognised my dad.

During the pandemic there were short periods when Anna's sons and daughter could not visit but, overall, Covid infection was limited and quickly contained. Oakbridge's infection control was outstanding. When the staff could do so, they facilitated visits from my uncle, aunt and father so that they could come in and see their mother, sometimes clad in full PPE from top to toe at the height of the pandemic, and always rigorously tested, up until Anna passed last year—not from Covid, I must add, but from old age. She was 97—and she would be absolutely horrified that I am divulging her age.

I spoke to my uncle and my dad this morning about Oakbridge, and they could not praise the staff there highly enough—with the regular telephone updates from Bismay, the facilitation of safe visiting whenever possible, the rigorous protection of vulnerable residents from infection and, always, attention to and understanding of the emotional needs of the residents and their families. Oakbridge is a model of what care should look like.

We have learned a lot these past two years and, if that learning can make the rights and the emotional wellbeing of care home residents firmer and if it can support our excellent care homes to safely facilitate them, I am all for it. I am grateful for the opportunity that our debate on Anne's law has given me to mention the great care that Oakbridge gave Anna, what its staff did to ensure that her children could always see her and how much that meant, and still means, to my family.

16:53

Gillian Mackay (Central Scotland) (Green): I thank Jackie Baillie for securing the debate, and I pay tribute to Anne Duke's family for their campaigning on this issue.

Social care has experienced some of the worst impacts of the pandemic. Covid-19 infections have devastated many care homes, and residents and their loved ones were cruelly separated by

restrictions on visiting that were introduced for their safety. The pain of being separated from a loved one when residents may be feeling scared, isolated and lonely is terrible. Having loved ones in hospital over the pandemic who sadly passed away and who we could not get in to see was devastating. We do not know what we missed—what we might have picked up from their behaviour or what comfort we could have offered them. I am sure that many people listening to the debate know all too well the feeling of helplessness at not being able to get to their loved ones.

When I met some Anne's law campaigners outside Parliament, they spoke very movingly about the impact that such separation has had on them and their family.

I thank them for their incredible campaigning efforts, which have resulted in the Government committing to make those changes, as we heard earlier from the minister.

As we have heard, visiting restrictions can affect care home residents' physical and mental health. Many people in care homes have dementia and it might be difficult for them to understand why they cannot see their family members. Interruption to routine and lack of social contact may also cause their health to deteriorate.

A survey of 128 care homes published by the Alzheimer's Society in June 2020 showed that nearly 80 per cent had seen a deterioration in the health of their residents with dementia due to lack of social contact. The Alzheimer Scotland report, "Covid-19: the hidden impact", revealed that

"The disruption to daily routines, social interactions, and health and social care support has had a negative impact on the physical and mental health of people with dementia and carers".

Restrictions can also cause particular distress to people who may be in the last years or months of their lives. For those people, the past two years may have robbed them of their last opportunities to spend time with the people they love; our thoughts and condolences go out to all of them.

When visiting was stopped, many people had to turn to remote communication methods just to stay in touch with residents. However, as we have all learned over the past two years, that is a poor substitute for being able to talk to our family and friends face to face, to hug them, and to see their body language and their facial expressions.

As a minimum, we must ensure that people in care homes have the right to receive visits from their loved ones. That recognises that friends and family play a vital role in supporting the health and wellbeing of residents and that a care home is a person's home and their right to family and private life should be respected.

Social contact must be prioritised in any social care recovery plans. As I and others have said, visiting restrictions were introduced to keep people safe from Covid, but we must also consider the wider risk to wellbeing posed by limited social contact. It is a delicate balance, which we must get right in any forthcoming legislation.

Although the focus should be on upholding the rights of the resident, it is vital that we consult staff and the sector as we move forward, so that any changes are implemented safely. Legislation alone will not be enough. We need to ensure that it is accompanied by robust safety and infection control procedures, as well as access to PPE and training for staff.

Organisations such as the Coalition of Care and Support Providers in Scotland and Scottish Care have raised concerns about the wording used in the programme for government and the Anne's law consultation document—specifically,

"giving nominated relatives or friends the same access rights to care homes as staff".

They have pointed out that that is a greater level of access than is proposed in the consultation questions and that staff have legal duties of care to all residents, which visitors do not have. I would be grateful if the minister could comment on that in his closing speech.

I again pay tribute to Anne Duke's family by welcoming the action announced by the minister to help visitors be involved in the care of their loved ones, and by reaffirming the Scottish Green Party's full support for Anne's law.

The Deputy Presiding Officer: Before Mr Mason's speech, I remind members that any colleague who has participated in the debate needs to be back in the chamber for the closing speeches, in around four minutes' time.

16:58

John Mason (Glasgow Shettleston) (SNP): I fully agree with the main theme of the motion in that continuing contact with family and friends when someone has moved into a care home is incredibly important for all concerned.

Our own family was in that position, as my mother went into an Abbeyfield care home in Rutherglen in January 2019 and stayed there for over two years until she died at the age of 93, just a year ago, in March 2021. Therefore, we were restricted in seeing her for the last year of her life.

In the warmer weather, it was easier, as we could all sit outside, but, as we got to the end of 2020 and into 2021, it became quite a struggle to arrange visits, with one of the family sitting outside for half an hour while she was all wrapped up and sitting just inside the door, so we were not

enthusiastic about the restrictions that were in place, but we followed them. However, I have to say that this care home is tremendous. It is a smaller home in the third sector, and it has a friendly, homely atmosphere while still being professional. Up to the point of my mother's death, there had been no Covid in the home whatsoever.

I should say that I used to work for a care home company in the 1990s, as an accountant, and I know that some families are reluctant to see an elderly relative going into a care home, as they feel that it is somehow second best. However, as far as we, as a family, were concerned, the care home was the best option for her. Originally, it was my mother's suggestion when she was younger. It became her home and she belonged there. It was the best place for her, and the care that she received was better than the family could have provided. Absolutely, in normal times, a resident in a care home must have the right to receive visitors, and families should have the right to visit. In fact, sometimes it is the family who need the visit more than the person who is in the home. I suggest that there is a balance to be struck, and to achieve that is not easy. The right to visit and be visited goes along with the duty of the care home to promote the wellbeing of all its residents and to protect them from harm—be that physical, mental or emotional.

Once again, we are in the area of competing rights: the rights of the individual resident, the residents as a whole and the families involved, not to mention the rights of the staff. If there had been unrestricted or even less restricted visiting in my mother's home, I suspect that she might well have caught Covid and died earlier. I accept that that would not have been a tragedy, as she was 93 and had lived a good and full life. However, I am happier that she avoided Covid and lived that bit longer. Personally, I am pleased that visiting was restricted; however, to be frank, other members of our wider family would have leaned more towards the view that it would have been better for her mental and emotional wellbeing if she had had more visits, even if that had shortened her life a little. I do not believe that there is any absolute right and wrong here. No two families are the same, no two of us in one family are the same, and no two care homes are the same.

The proposed legislation will need to be carefully worded in order to get the balance right. Inevitably, some people will feel that it goes too far in one direction and others will feel that it goes too far in another. Although most of us in the chamber agree that visiting rights should be placed in statute, we also need to agree that, in very exceptional circumstances, those rights may have to be temporarily suspended. I am grateful for the opportunity to discuss the issues. Covid has been an incredibly hard experience for many families,

including mine, and we all want to learn from those experiences.

17:03

Sandesh Gulhane (Glasgow) (Con): I draw members' attention to my entry in the register of members' interests. I am a practising NHS doctor.

The Scottish Conservatives support the principles underpinning Jackie Baillie's motion. We seek to extend them to include those who receive care in other health and care settings, such as hospitals and residential care facilities, and we would like to see a review of that.

As Craig Hoy reminded us, Anne's law is the product of a petition to the Scottish Parliament by Natasha Hamilton, who was unable to see her mother, Anne Duke, for prolonged periods during the height of the Covid-19 pandemic. She urged the Scottish Government to allow a designated visitor into care homes to support loved ones.

Every one of us recognises the impact that Covid restrictions have had on care home residents and their families. During the height of the pandemic, care home residents were unable to see their loved ones. Those steps were taken to protect staff and residents from infection, but they undoubtedly caused anguish for many residents and their families. An elderly patient told me:

"For almost two years, you have all saved my life, but I haven't lived."

Friends and families play a vital role in the health and wellbeing of care home residents, and they also support their care, often complementing the support that is provided by care home staff. Prolonged isolation from family and friends has been detrimental to the welfare of adult care home residents. We agree that residents' rights must be strengthened to give nominated relatives or friends the same access rights to care homes as staff have while stringent infection control measures are followed.

I cautiously welcome Kevin Stewart's announcement in his opening speech, but, as he ran out of time and could not give us further information, I will be listening intently to his closing remarks. We should be clear that getting Anne's law in place as soon as possible will help to stop the suffering of loneliness.

Craig Hoy reminded us of the importance of family, and Alex Cole-Hamilton spoke correctly about the vital nature of human contact. I often speak to relatives who are agonising over the decision to put their loved ones, including partners and parents, into a care home. They feel that they are not doing enough for their loved ones and that they are abandoning them. That is in normal times, but the idea of not being able to hold their

hands or give them a kiss or a hug is unimaginable.

Graham Simpson (Central Scotland) (Con): I had a heartbreaking case in East Kilbride. The family contacted me and described visiting their mother in a care home just up the road as being like a prison visit. Does Dr Gulhane agree that we need to move on from a situation like that?

Sandesh Gulhane: I do agree. We cannot be in a situation in which families feel that way, because our care home residents need that loving touch and caring nature.

Paul O’Kane was correct in talking about how the SNP amendment does not get the point. The design of the national care service will take too long, and we need to ensure that not a single person suffers as Anne Duke and her family had to suffer.

Evelyn Tweed was correct in speaking of how the use of technology caused patients to withdraw and decline. Let us think about that in relation to ourselves. If we speak to people only over technology such as a phone or video, that does not give us the same feelings of warmth as meeting those same people does, be they friends or family. I believe that technology can help, but it cannot be the only method of interaction, because touch is vital to the wellbeing of people, especially those in care homes.

Sue Webber spoke of how we have all been in agreement over Anne’s law for more than a year. That is cross-party support for a law that is simply right.

Gillian Martin’s moving story showed us how important Anne’s law is in ensuring that everyone can receive the excellent care that her grandmother and her family received.

If the Scottish Government is serious about Anne’s law, it should expedite the law and not kick it down the road for inclusion in the Government’s proposed national care service bill.

The SNP’s record on matters relating to the vulnerable people in our care homes is a difficult read. The impact of coronavirus on Scotland’s care homes, as a result of the SNP’s decisions, has been described as having been the single biggest failing of devolution, and there have been many.

The Government appears to be dragging its feet on Anne’s law. We call on the SNP-Green Government to stop dithering and bring forward legislation, so that residents and families can have confidence that we are moving beyond that failed and broken approach.

17:07

The Minister for Mental Wellbeing and Social Care (Kevin Stewart): I thank all members for the contributions that they have made today. As we all know, this is an extremely important debate.

I also thank Natasha Hamilton, Campbell Duke and other members of Care Home Relatives Scotland, who have been at the heart of discussions. As we have heard today, it is tough to hear some of the stories of what folk have gone through.

I agree with what many members, including Graham Simpson, have said. There is nothing better in this life than a bosie, which, in the north-east vernacular, is a cuddle. It is extremely important that we do our level best for that family connection, because a lack of that connection with loved ones, especially earlier in the pandemic, has had a devastating impact on some people.

I thank members for the heartfelt accounts that they have shared. I am sure that everyone in the chamber has heard from constituents and families who have loved ones in care homes, and we have heard many stories of those people today.

We know that the recommended measures that were put in place have been necessary to safeguard people for whom the on-going risks of the virus are significant. We have acted on the best possible advice from our public health teams and clinical advisers. With some of those clinical advisers, I am meeting Care Home Relatives Scotland tomorrow, so that there can be a broader discussion about the reasoning for some of the things that are currently in play. I am more than willing to talk to any member about that and give them access to the clinical advice that we have. If folk have differing clinical advice, I am more than happy to look at that, as is the Government.

Monica Lennon: Will the minister take an intervention on that point?

Kevin Stewart: I will take a very brief intervention.

Monica Lennon: Is the clinical advice telling the Government to delay Anne’s law? If not, why is it not happening?

Kevin Stewart: The clinical advice is very complex. I will come on to exactly what we are about to do as I move through my speech.

I assure Monica Lennon that the cabinet secretary, the Government and I feel the pain of the folk who have had to go through periods of isolation. None of that has been lost on me or on the Government. It is hard to believe that we cannot simply pop in and see those who are most important to us on a daily basis, but we have had to deal with the pandemic.

As many members, including John Mason, pointed out, at the beginning, any visits that took place were often outside for short periods and with distancing in place. As Gillian Martin said, there have been inside visits, which have involved adherence to infection protection measures. That is not what any of us is used to, and I recognise that it has been a particularly hard situation.

The experiences and views that have been expressed illustrate that families and carers are essential partners in supporting the wellbeing of family members who are in care homes. Today, we have heard that they often play an essential role in a person's care, whether by providing support with eating and drinking, communicating wishes or emotional care, or by providing a connection with the outside world.

Mr Hoy accused us of kicking the issue into the long grass, and Ms Webber said that we were "dithering". Let me be clear: the legal standards that we are putting in place will provide an immediate route to the implementation of Anne's law, because the Care Inspectorate is required to take account of the standards in its inspection and enforcement regime. It is important that the families out there know that that is the case.

The Deputy Presiding Officer: Minister, you need to conclude. You are well over time.

Kevin Stewart: We need to underpin that in legislation and take account of the likes of Mr Hoy's amendment. I will not pre-empt the vote, but if Mr Hoy's amendment is pre-empted, I am willing to talk to him further about the issue. We have to get it right not only in care home settings but in hospitals and other care settings. I am willing to talk to any member about how we move forward and get it right.

The Deputy Presiding Officer: Thank you, minister. We are pressed for time.

17:12

Monica Lennon (Central Scotland) (Lab): In closing this short but hugely important debate on behalf of Scottish Labour, I thank everyone who has taken part and those who are listening, including Campbell Duke and Natasha Hamilton, who are in the Parliament building with other members of the Care Home Relatives Scotland group. Natasha's petition is 97 signatures short of 100,000, so I ask those who have plugged it but have not signed it yet to please do so and to share it on social media.

I will be clear: the debate is not about the principles of Anne's law, nor is it about the case for Anne's law. It is about the when of Anne's law, and what we have not heard from the minister is a date. Evelyn Tweed thanked the minister for all his

hard work, but we have been here before. I will come on to speak about the debate that we had back in 2020, when we all agreed the principle of Anne's law.

Today is about delivering on a promise to give effect to Anne's law. We heard about the SNP manifesto, but this is not about one manifesto. Sue Webber and others are correct that Anne's law has cross-party support—we are all on the same page.

I thank the former health secretary, Jeane Freeman, who was very accessible and approachable and who had regular meetings with colleagues from across the parties. In the debate in 2020, she recognised the unintended consequences of the lockdowns and she talked about the importance of touch. On the same day, she also gave evidence to the COVID-19 Committee. That gave people hope that things would change and that we were going to use the tools that Jackie Baillie and others have talked about, such as the use of PPE, vaccines and testing. We have all those tools, but if the minister were to look at his own figures on the Scottish Government website, he would see that we are going backwards. More care homes have put in place restrictions. This week, a higher number of care homes than last week are allowing only essential and outdoor visits. Has the minister seen the Scottish weather? We need to look at that issue.

We cannot be complacent. We are hearing loud and clear from our constituents and from the Care Home Relatives Scotland group that people living in care homes are being treated differently from the rest of society.

Jennifer Dick's mum lives in a care home in Edinburgh. The care home put in additional restrictions from 21 February, which have been extended to 15 March. When Jennifer asked if she could take her mum, who had tested negative for Covid, on a short drive, or even back to her house for a visit, the manager said no. I believe that the restrictions will now be in place until 22 March.

When the minister meets the group tomorrow, I hope that he will discuss those matters. I hope that he will also apologise to Campbell Duke and Natasha Hamilton, and to the others who are listening today. It is great to hear tributes from Gillian Mackay and others about the importance of the motion and the principles, but anyone who votes for the Government amendment today will erase Anne Duke from the motion.

The motion amplifies the voices of the people who are asking us to get it right. That is not my opinion, or that of Jackie Baillie, Alex Cole-Hamilton or anyone in the chamber; it is what the

group, which does not feel listened to, has been saying.

For new members, I point out that, in October 2020, a motion was lodged in my name that recognised the importance of family caregivers—I say to the minister that we did not talk about visitors; we talked about caregivers. At that point, 200 days had passed, and Jackie Baillie is right to say that we are now two years down the line.

In that debate, we all agreed the principles, yet we do not have Anne's law. We even paid tribute to politicians in Ontario for legislation that they were progressing—the More Than a Visitor Act (Caregiving in Congregate Care Settings), 2020.

I think that the Tory amendment today is correct, and we will be able to support it.

I want to talk about two women: Hollie, who is 37; and Alice Hall, who is 97. Holly has a learning disability and lives in a care home. She wrote to the minister at the end of January, I believe, saying:

"It feels like I'm back to square one again. It feels like I'm a prisoner again."

She feels forgotten. Alice knows that her time on this earth is limited. Her daughter, Sheila, said:

"after 2 long years, 3 vaccines, surviving Covid ... surviving isolation ... my mum needs to have the same freedoms as everyone else in Scotland."

The situation is urgent, as my colleague Paul O'Kane conveyed. We need to stop the dithering and discrimination. On behalf of care home relatives Scotland, I say to the minister: please bring back to our care homes the love, hope and joy that are missing. People want joy; they want hope. People living in care homes—they are living in their own homes, as has been rightly said—do not deserve to be treated differently.

Yes, we should protect people in care homes using all the infection prevention and control tools that we have, but the Government must stop making excuses. I beg ministers just to get on and take this action on behalf of Anne's family and all the other families who are living through the situation today.

Urgent Question

17:18

Scottish Qualifications Authority (Examination Guidance)

Michael Marra (North East Scotland) (Lab): To ask the Scottish Government whether it will provide an update on Scottish Qualifications Authority exam guidance, in light of reports of significant concern being raised across the sector, regarding the inconsistency and inadequacy of what has been provided.

The Cabinet Secretary for Education and Skills (Shirley-Anne Somerville): The SQA is—rightly—operationally independent of Government. However, following the concerns that have been raised by learners over the past few days, the Government has sought and received written reassurances from the SQA that the revision support materials were subject to quality assurance processes, and that subject teachers and learners were involved in developing its approach to the materials.

The SQA will be making more detailed information available on the revision support process, including on the involvement of teachers and learners. The SQA has also agreed to publish information in relation to the modifications to assessment that have already been made as part of the revision support. That will demonstrate the package of support material that is available to learners for each course to address disruptions to learning.

I will continue to listen carefully to learners, parents and teaching staff to ensure that fairness is at the centre of this year's exam diet.

Michael Marra: This has been another truly pitiful week in this Government's handling of education. Young people have called the guidance "insulting", "awful", "a joke" and "patronising", with teachers saying:

"I am struggling to believe what I have just read", and calling it the "Mariana Trench of uselessness".

The Children and Young People's Commissioner has said that the guidance

"fails to meet the expectations of young people and the teaching staff who support them".

The Educational Institute of Scotland says of the materials that it is

"consulting members on their utility".

Teachers have called the materials "laughable", parents have called them "inequitable", and

members of the Scottish Youth Parliament have been disconsolate.

“Read all the questions and check your spelling” is the kind of stuff that we shout down the path to our kids when they are going to their exams. What has been produced so far is far from meeting the expectations of pupils and staff that the cabinet secretary created. The materials are not fit for purpose and there are wide concerns about the lack of consistency in them.

When the cabinet secretary announced scenario 2, she said that

“the support is aimed at helping to reduce the stress for learners in preparing for their exams and allowing them to maximise their performance”.—[*Official Report*, 1 February 2022; c 30.]

Yet, again, the actions of the Government and the SQA are the cause of the stress. What urgent action will she now take to rectify this mess?

Shirley-Anne Somerville: I mentioned in my original answer the action that the SQA, which is responsible for the revision support, will be taking.

A very important point, which I also raised in my original answer, is that a key consideration is what additional material could be provided, on top of the very significant modifications that are already in place, while we also maintain the integrity and credibility of the qualifications. There has always been a clear understanding that different modifications would have to be in place and that the same approach could not be taken across different subjects at this point. That is because the modifications that were announced very early in the process were different. The subjects are assessed differently and therefore there will be variability across subjects; because of that, the modifications will also be different across subjects.

In a small number of cases, study guides were provided, because specific revision support was not deemed to be possible due to the type of modifications that were made earlier in the process. However, I hope that the work that the SQA has said that it will do will provide some reassurance and context on the decisions that it has taken and the work that it published earlier this week.

Michael Marra: I struggle to find much reassurance in that answer, and I think that parents and pupils will feel the same. We are now firmly in a third year of exam chaos. We have two years of disrupted learning, sixth-year pupils who have known nothing but disruption to their senior phase and a Government that, it seems, could not care less, as it will not even assess the full impact of what has happened to our young people.

When will the Government publish the full details of study support across Scotland, so that it

can be scrutinised and improved prior to being put in place? What action is being taken to ensure equitable access to that support? It is now abundantly clear that the mitigations that are in place before the exams take place are wholly inadequate to deal with the scale of disruption that young people are facing. What extra mitigations are planned to deal with the exceptional circumstances in the appeals process? Who will the cabinet secretary work with to make sure that her appeals system—for once—actually works for the young people, who were insulted this week and have been betrayed for years by the Government?

Shirley-Anne Somerville: I have to say that I inherently disagree with the member on the context that he sets for the assessments that were in place last year. A very large number of young people had been through exceptionally difficult circumstances but received exceptionally good assessment results in that process and have gone on to positive destinations. Although I appreciate that the process last year was exceptionally stressful and difficult for young people, they are to be commended for coming out with the results that they got.

The appeals process is, of course, a matter for the SQA, which is independent of Government. It has made available details on that process, and there will be further detail to follow.

When it comes to study support, a very important aspect, which members often ask me to bear in mind, is that we should not dictate from the centre what is right for every local authority or every school. Although on-going support through e-Sgoil and West online is available as we speak—this week and continuing—to support learners with their work, additional money, in the amount of £4 million, has been provided by the Scottish Government to local authorities to provide Easter study support sessions.

We appreciate and respect the fact that local authorities and schools will know best how to support learners in their area, so it is for local authorities to determine how best that money should be spent. I think that that is the right way to go about this—to trust local authorities and schools to know what is best in supplementing the support that they already had in place with the additional funding that we have given them.

The Deputy Presiding Officer: There is a considerable amount of interest in this urgent question and I am minded to take as many of the supplementary questions as I can, but the questions will need to be briefer than Mr Marra’s; likewise, the responses will have to be a little briefer.

Oliver Mundell (Dumfriesshire) (Con): On 6 October last year, I asked the cabinet secretary to personally step in to sort out the SQA, and I was told that it had her “full confidence”. In reality, the SQA has presided over the most shameless shambles yet, with pupils and teachers being taken for fools. The support that is being offered is a joke and insults the intelligence of our young people.

Given that the cabinet secretary has refused to act on repeated warnings, does she now take full responsibility for damaging the life chances of our young people? If she cannot do the right thing and say sorry, will she at least guarantee that this is the last year in which the SQA is allowed anywhere near such decisions?

Shirley-Anne Somerville: As the member will be aware, after this urgent question, I will make a statement on the future of our national agencies. I am clear that the SQA is, rightly, operationally independent from Government, and it will take the decisions that it needs to take on this year’s exam diet, and indeed on next year’s. The SQA will of course continue to do that in discussions with stakeholders, including young people in particular.

I set out in my previous answers the work that the SQA has undertaken on quality assurance, and it is determined to make that public to attempt to reassure people through that process about the work that it has undertaken on the issue. I refer Mr Mundell to that work when it is published.

Willie Rennie (North East Fife) (LD): This was supposed to be the grand plan to show that lessons have been learned but, for the third year in a row, we have yet more chaos. The expectations for the SQA were low, but there is now real anger and the cabinet secretary refuses to take more action. How bad does it have to get before the cabinet secretary steps in and does something?

Shirley-Anne Somerville: I say once again that the Government has of course sought reassurances from the SQA on the quality assurance process that has been undertaken, and on the work that the SQA will now undertake to ensure that that that is made more publicly available. That will be particularly around the context of what is happening through the modifications, the revision support and, importantly, the on-going work through e-Sgoil and other online measures to support students, and the work that will go on at Easter. Learners can be reassured that that package of modifications, revision support and the support that is happening now and will happen at Easter will support them through the exam process.

Ross Greer (West Scotland) (Green): It is extremely hard to imagine how the guides are the

result of a process through which young people were consulted and genuinely listened to. Will the cabinet secretary expand on her earlier point about how young people were actually engaged in the process and say whether any SQA learner panels were shown drafts of the guides before they were published?

Shirley-Anne Somerville: Ross Greer raises an important point about the input of learners. I point to the fact that, when we are talking about revision guidance that may include information on what will be in an exam, that context has to be borne in mind when sharing that information, particularly with young people who might sit the exam. If we are sharing drafts of that guidance on what will happen at the end, that will of course have an impact on the knowledge that those learners have about the exams that they may sit.

However, that is of course one of the areas on which we have sought reassurances from the SQA. It will make more information available on the quality assurance process and the role that learners played in it. However, I take the point that many learners have said on social media and in emails that they are concerned about the issue. That is why it is important that the SQA is taking proactive action to provide some reassurance on the issue.

The Deputy Presiding Officer: I apologise to the members whom I was not able to call, but it is now time to move on to the next item of business.

Point of Order

17:30

Martin Whitfield (South Scotland) (Lab): On a point of order, Presiding Officer. Earlier today, I made a point of order to the Deputy Presiding Officer relating to information already being available in the public domain. I wonder whether you have had an opportunity to consider my earlier point of order and are in a position to respond to it at the moment or will do so at some later date.

The Presiding Officer (Alison Johnstone): I thank Martin Whitfield for his point of order. It was my intention to return to the matter, so I will do so now.

The point of order relates to the report that is the subject of the statement that is about to be made being available to others before it was available to members. Last night, the Minister for Parliamentary Business advised the Parliamentary Bureau that, due to an inadvertent error, details of the report might enter the public domain before being brought to the chamber. In the light of that, the bureau decided that the statement could be brought forward to today.

Given the importance of the subject and the uncertainty about whether all members have had sufficient opportunity to consider the full details, I will, on this occasion, allow the statement to be made. I have made that decision simply to ensure that all members are able to ask questions of the Cabinet Secretary for Education and Skills on an equal footing. I have made it very clear that my expectation is that all significant announcements of Government policy should, in the first instance, be made in the chamber.

Education Reform

The Presiding Officer (Alison Johnstone):

The next item of business is a statement by Shirley-Anne Somerville on the Scottish Government's response to the report by the independent adviser on education reform. The cabinet secretary will take questions at the end of her statement, so there should be no interventions or interruptions.

17:32

The Cabinet Secretary for Education and Skills (Shirley-Anne Somerville): Thank you, Presiding Officer. I am very grateful to you and to the Parliamentary Bureau for agreeing to my request to bring forward the statement that I had planned to deliver tomorrow. That has become necessary due to an administrative error in which information on the content of the statement and the accompanying publications was inadvertently shared outside the Scottish Government. I felt that it was therefore important to bring my statement forward in order to attempt to mitigate the risk of the information being shared publicly and to ensure that staff in the affected organisations were briefed appropriately.

On 22 June 2021, I gave a statement to Parliament on the Organisation for Economic Co-operation and Development's report on Scotland's curriculum for excellence. At that time, I announced that we would replace the Scottish Qualifications Authority, consider forming a new curriculum and assessment agency, remove the inspection function from Education Scotland and consider further reform to that body. I also announced Professor Ken Muir's appointment as an independent adviser on education reform, with a remit focused on providing advice on the implementation of the OECD's recommendations for structural and functional change of the SQA and Education Scotland.

I am very grateful for the opportunity to update Parliament further, having received Professor Muir's report. When I asked Professor Muir to undertake the work, I encouraged him to recommend the changes that are needed to deliver an improved education experience for children and young people. I put on record my sincere thanks to him for providing me with a thorough, detailed and challenging report.

I am also very grateful to all those who took part in Professor Muir's engagements and consultation. The response to that exercise has been significant, and I am heartened by our collective commitment to education and by the strength of support for change.

I thank the staff, unions and management of the SQA and Education Scotland for their constructive engagement. Staff at all levels have continued to undertake critical work, despite experiencing personal uncertainty about the future roles of their organisations. I place on record my gratitude for their professionalism and commitment. In the period ahead, it will be vital that staff in both organisations are supported to allow them to focus on their continuing crucial work.

The case for reform was supported by the OECD's report and has been further strengthened by Professor Muir's recommendations. As Professor Muir says in his introduction, his recommendations

"place children, young people and those teachers and practitioners who support their learning more firmly at the heart of the education system."

With that in mind, the Scottish Government welcomes Professor Muir's report and broadly accepts his recommendations.

Today, I can confirm that the SQA will be replaced and that the Scottish Government will legislate for the creation of a new non-departmental public body that will have responsibility for the development and awarding of qualifications. Crucially, that body will reflect the culture and values that we want to be embedded throughout our education and skills system—a system that puts learners at the centre, that supports our teachers and practitioners and which instils integrity, fairness and accountability throughout their approach to recognising achievements in education.

I agree with Professor Muir that the accreditation and regulation function should be independent of the awarding body. However, careful consideration is required of where those functions should sit, particularly in relation to ensuring that the independence of the regulatory functions is secured. Further focused work on that aspect, drawing on the knowledge and experience that exist in the SQA, will take place over the next few months.

It is often said that nothing is more important in schools than the quality of teaching and school leadership. Providing the best possible support for those who work with learners, no matter the setting, is therefore crucial. I can confirm that we will establish a new agency that will build on the expertise in Education Scotland and will provide excellent leadership and support for the curriculum, assessment, learning and teaching, while also having a lead role in relation to curriculum for excellence. The OECD challenged us to consider the creation of a curriculum and assessment agency. In understanding the close link to learning and teaching, we believe that all

those functions should be drawn together in one national agency.

I agree with Professor Muir's recommendation that a distinct function of the new agency should be responsive delivery that more consistently meets the needs of teachers and practitioners at local and regional levels. The agency will therefore have a clear set of functions. It will be teacher facing, visible and valued by the profession that it serves. I want teachers to feel that this is their agency and that it responds to their needs and, therefore, to the needs of learners.

An independent inspectorate will play a crucial role in Scottish education by helping to enhance the quality of teaching, learning and leadership while also providing an objective assessment of performance. The Scottish Government intends to legislate to ensure the independence of the new inspectorate.

A key early task is the establishment of a new model of inspection that is supportive and inclusive, and is able to evaluate the performance of the system itself, nationally and locally. It will be important that the inspectorate builds relationships through consultation and engagement on new approaches to inspection.

I also welcome Professor Muir's recommendation on the creation of a shared framework for inspection of early learning and childcare. The proposal is a step forward. I am, however, conscious of the challenges that the ELC sector has raised regarding the dual inspection regime, so I will consider the recommendation further in the context of the national care service reforms, as we take forward work on the new inspection body. I will come forward with specific proposals to consult the ELC sector before the summer. That consultation will take place alongside the important work of establishing the independent education inspectorate, and will not delay that process.

My announcements today are significant and are designed to strengthen the education landscape and to provide clarity and coherence. However, if we are to place learners at the centre of our education system, we must also reform the culture of the bodies and, indeed, the system itself. Professor Muir's message in that respect is challenging, so we must all do more.

Our renewed system must reflect the culture and values that we want to see being embedded throughout it. It must be a system that puts learners at the centre and provides excellent support for our teachers and practitioners, but it must also be a system in which there is clear accountability. That means democratic and organisational accountability, but it also means accountability to learners, who have a right to

expect the highest-quality learning and teaching and a right to be given the best chance of success.

A clear and unambiguous learner focus must therefore be a feature of the way in which we take the work forward. Professor Muir's report contains some hard messages from young people about their experiences of education. One way to address that is to ensure that their voices are heard more clearly and more often.

We need a culture and mindset that place the needs of individual learners and their learning at the centre of decision making—of all actions and all behaviours. We also need a culture and mindset that ensure that those who work with learners can have their professional needs readily supported.

A commitment to openness and to meeting the needs of learners and those who work with them must also be clear in the leadership of our system.

The new bodies must also be future proofed in their design. We must, of course, learn from the experience of the pandemic and we must be ready to evolve further, including because of the work on qualifications and assessment that Professor Louise Hayward is leading.

I understand that the past two years have been hard and that school staff are weary, but we have learned from the pandemic and the OECD reports that there is impetus for change. Many of the people whom Professor Muir engaged with also felt that this is a good time to look closely at the future of education in Scotland. We will therefore lead a national discussion on a vision for the future of Scottish education, and we will appoint an independent facilitator to assist with that work. I am committed to working with everyone in education to accelerate the efforts to achieve excellence and equity for Scotland's children and young people, and I will seek to engage as many interests as possible as we proceed with those efforts.

I hope that we can work together—not on a Scottish Government vision for education, but on a vision for education that we share, which can build on existing commitments including on the OECD recommendations, on the national improvement framework, on the Scottish attainment challenge and on empowerment. It can build on work that is already being undertaken across tertiary, employer and wider skills and learning landscapes, as well as on the important principles that are developed in Professor Muir's report.

Post-pandemic, I hope that we all share a determination to intensify the efforts to close the poverty-related attainment gap and to tackle variation in the outcomes that are achieved by children in different parts of the country.

Today, I have announced the creation of three new education bodies that will be underpinned by new values and new governance. I have also announced my intention to work in partnership to build a new vision for Scottish education. Those changes are significant and are designed to improve outcomes and to build trust in the Scottish education system. Our system has much to be proud of, but it needs to evolve and improve.

At the same time, I fully appreciate that the decisions that I have announced today will have a direct impact on the staff of the SQA and Education Scotland. I want to thank them for their continued willingness to deliver in a time of change, and I emphasise my assurance that there will be no compulsory redundancies as a result of reform. I am fully committed to continuous and meaningful engagement with all those who will be affected by the reform, and I will establish a forum including the Scottish Government, the SQA, Education Scotland and the trade unions to ensure that all staff are involved throughout the process.

Some changes will take time, but I want to move through the agenda at pace and to have operating models for new bodies in place by the end of this year. I will discuss the next steps with a wide range of stakeholders, as well as with the Scottish education council and the international council of education advisers.

The work of the OECD, Professor Muir and Professor Hayward provides us with an opportunity to renew key parts of our education system, to reimagine the culture of the system and to agree a new vision for Scottish education in the post-pandemic era. Today, I have set out the key decisions to be made in our reform journey. I now look forward to working with learners, parents, teaching and support staff, the staff of the agencies, our partners and, of course, members across the chamber on how our recommendations can be taken forward.

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

Oliver Mundell (Dumfriesshire) (Con): I start—along with just about everyone in Scotland—by thanking the cabinet secretary for providing advance sight of her statement, or perhaps I should say “press summary”. Regardless of whether members read its contents online or heard about them in this chamber, they are just as depressing and hollow.

The Scottish National Party has frittered away another opportunity to fix our broken education

system. After 15 years of neglect on its watch, Scotland's education system requires a major overhaul, not a rebranding of the SQA and Education Scotland masquerading as serious change. The public will not be fooled by the spin when they recognise the magnitude of the problems in education that the SNP Government has created and exacerbated.

Pupils, teachers and parents were promised a new strategy, but it seems that the SNP is willing to commit to only cosmetic changes, rather than addressing the failures at the heart of our education system. The idea that the SQA will continue to play a role until 2024 and will have the chance to shape and influence its replacement is outrageous and speaks to the overconfidence that ministers continue to have in their own agencies. Where is the leadership and vision? Where is the ambition for current and future generations of Scots? How on earth can we trust the same SNP Government that has diminished Scottish education to restore it, when it has failed time and again to rise to the scale of the challenge? Do our young people not deserve more than this?

Shirley-Anne Somerville: We have broadly accepted Professor Muir's recommendations. Mr Mundell might quite happily attack the Government at will but, to be honest, he does a disservice to Professor Muir and his work, including the consultation, which he spent an exceptionally great deal of time undertaking. It is because of that work that we have committed to taking forward the recommendations.

It is important that we involve the agencies' staff. I appreciate that people will have different views on both agencies and on decisions that have been taken in the past, but there are staff who work for the agencies who are exceptionally knowledgeable and expert in their areas of work. Of course the staff should play a part in having a view on what happens with the functions that we are talking about, as should external stakeholders, trade unions, parents and young people.

I hope that everyone agrees that the functions that the organisations carry out are all required, and that we need those functions in the future. Therefore, the question is about the structure, culture and governance that underpin those functions. I have spoken about the culture and values, and my commitment to new governance, and I want to work with the staff, external stakeholders and, as I have said, members across the chamber to see what we can now do to ensure that the culture and values are embedded in our education system, with learners right at the centre.

If members are saying that functions are organised incorrectly, I am more than happy to hear the details about how we should do that differently. If they are not, and what they are

talking about is how we should move forward, I would genuinely welcome the opportunity to work together—even with Mr Mundell—to achieve the type of system that I have spoken about today, with new governance and values underpinning the commitment in the agencies.

Michael Marra (North East Scotland) (Lab): I thank Twitter, *The Scotsman*, the Scottish Youth Parliament and so many more for advance sight of the report. The statement should have started with an apology for why we have arrived at this point, and a little bit of humility about the mess that the Government has created.

We should place on record our thanks to the staff of the SQA and Education Scotland, who have used their commitment and expertise to tirelessly work through the pandemic. Like Scotland's young people, they have been shamefully let down by the leadership of their organisations and the ministers of this Government.

Given the level of expectation about and engagement with the report, it is unfathomable that the Government would do anything but accept in full the recommendations that it sets out. The shambles this week alone makes it clear that the SQA cannot possibly be left to preside over another generation of senior-phase pupils, when the cabinet secretary has made it clear today that the SQA is not fit for purpose. Simply put, this cannot be a rebrand of the organisation, as it appears to be.

As for the historical lack of personal vision and ideas from the Government, the new crowd-sourced vision for education joins the swollen ranks of reviews and working groups doomed to produce nothing.

I have three questions for the cabinet secretary. Will she ensure that the current management—not the staff—at the SQA are gone this week and will have no role in the new organisation? Will she work with members on these benches, as we have asked for in the past, to move more quickly on the process of reform, which is too often delayed? Will she move to immediately establish an independent inspectorate for schools as a precursor to the full inspectorate, given the collapse in school inspections in Scotland?

Shirley-Anne Somerville: I can absolutely say that this is not a rebranding exercise. I will not go over the reasons for that, except to point to the importance of the governance that we are putting in place. I am sorry about the cynical nature of the member's views on crowd-sourcing opinions—I would hope that that is consultation and working together. We are always told to ensure that the Scottish Government does not say what the vision is for education but works with other people to

develop that vision. That came through strongly in the Muir consultation, and it is something that I hear loud and clear from stakeholders.

I appreciate that people have concerns about the current management in the SQA, and they have made those concerns loud and clear. However, I have to say, with the greatest respect, that to say, “Sack the management,” seven weeks before exams start is to ask the Government to play a part that would not be responsible. With seven weeks to go, it is deeply irresponsible to ask us to just take the head away from the organisation. Of course, the SQA, including its leadership as well as its staff, will continue to work exceptionally hard to deliver the exam diet in a few weeks’ time.

I have spoken about my desire to move quickly and to see what can be done to expedite the timetables. I point out that, if issues are to be dealt with through legislation, that takes time.

Again, I think that it is right that I lay the foundations for the new agencies today, but a great deal of the detail has yet to be agreed. Over the past few weeks, I have been asked by trade unions not to make too many detailed announcements today but to take this as a starting point for work with them. That is what I have been asked to do, and that is what I have done.

Next, of course, is the work on the operating models and the consultation in that regard. A bill rightly takes time to go through this Parliament and—again—it would not be responsible to make changes to the SQA just before an exam diet.

If Opposition members do not like the timetable that I am laying out, I am genuinely interested in what they think I should cut. Should I cut the consultation with external stakeholders? Should I cut the parliamentary scrutiny?

Kaukab Stewart (Glasgow Kelvin) (SNP): Although reform is necessary, this is an uncertain time for the staff who are directly involved. We must take their anxieties seriously. What assurance can the cabinet secretary give to staff at Education Scotland and the SQA that the Scottish Government will ensure job security, champion the principles of fair work and undertake meaningful engagement with staff throughout the reform process?

Shirley-Anne Somerville: I said in my statement that one of my major concerns as we go through this process is the impact on staff and the uncertainty that any change and reform process brings. In December, I made a commitment that, through the reform process, we would look at staff terms and conditions and ensure that they were protected. As I said in my statement, there will be no compulsory redundancies because of the reform process—that absolutely remains the case.

I commend the staff for continuing to work during these difficult and uncertain times. I understand that an information note has been shared with staff today that provides background on the process so far and information on the next steps and what they mean for staff. I give my personal commitment, and the commitment of my officials, that we will work closely with staff and—this is important—with their trade union representatives, as we go through the process, so that we pay due respect to staff and their expertise and consider how best to utilise that expertise during the process.

The Presiding Officer: Before we come to the next question, I say to members that I would be grateful if questions and responses were short and succinct, as many members want to get in.

Meghan Gallacher (Central Scotland) (Con): It was reported this morning that the SQA and Education Scotland will be scrapped and replaced with a new qualifications body and agency by summer 2024. How can the Scottish Government guarantee a smooth transition to a new qualifications body, to ensure that young people and teachers do not have to endure yet more of the chaos in the examinations diet that we have experienced in recent years? Furthermore, does the cabinet secretary think that it is reasonable that young people have to wait for yet another Government report before they find out what changes will be made to the education system?

Shirley-Anne Somerville: I have laid out the foundations for the new agencies today, as I said. I make the point that I have spoken to trade unions in the past weeks and they have made clear their desire for this not to be a fait accompli from Government and for us to continue to work with them on the details. Again, I think that that is the right way to make policy; we should listen to the professional associations and to young people, and that is what I am determined to do.

The member makes an important point about the transition process. The staff of both organisations, including the leadership, have incredibly important work to do and need to be supported during the transition, so that we can ensure that young people and staff are also supported during that process.

That is why we are very quickly looking at the operational models and at what can be done in relation to shadow organisations and so on, to ensure that we move seamlessly. I will be able to report back to the Parliament on that in due course, once we have discussed the issue with the trade unions and stakeholders, which is important.

Stuart McMillan (Greenock and Inverclyde) (SNP): I welcome Professor Muir’s recognition that the education system must reflect the principles of

subsidiarity and empower teachers and practitioners. How will those principles be assured in the new institutional landscape?

Shirley-Anne Somerville: As I mentioned in my statement, the new agency that will replace Education Scotland needs to look and feel like, and be, the teachers' agency. By default, it will be an agency of Government, but I want to ensure that, through its governance structure and the structures that are being set up around it, teachers will feel that it will be the teachers' agency. That is very important to me, and it is part of our empowerment agenda.

As I have said a number of times, there is a great deal of work still to do on the structures and the governance. I am determined to work with teachers and their trade unions to ensure that we embed in those structures the type of culture that I have spoken about, and—importantly—that we look at how the governance can work to ensure that we deliver on that aim.

Martin Whitfield (South Scotland) (Lab): A young person who started high school at the start of the pandemic will have left before any change that is being discussed today will be seen. The cabinet secretary has spoken about having an operational model by the end of this year and the Scottish Government has said that it will broadly accept most of the recommendations. Can we have a Government debate in which we can listen to an explanation of why there is only broad acceptance? When will a draft bill to create the executive non-departmental public body be published? When will a bill to guarantee the independence of the inspectorate be published?

Shirley-Anne Somerville: I certainly hope that that can be done as expeditiously as possible, but much of it will depend on the consultation that we are about to undertake in order to ensure that we get the detail right.

To take one example, there are a number of views in the chamber, never mind outside it, on the governance structures of the SQA and the new body that will replace Education Scotland. For example, what are the roles of teachers and young people within those structures?

We also need to look at some of the reports that we have had in the past to see where we can learn from previous experience of governance matters in both the SQA and Education Scotland. I am determined—I have given one example—to work with unions and stakeholders on that.

Again, I point to the timetable. I would like to make the timetable as short as possible, but we need to consult and get a bill through the Parliament and that unfortunately takes time, although it is quite right that it does. If members have suggestions about how the process could be

expedited, I would be happy to discuss them. Nevertheless, the consultation is exceptionally important, as is the parliamentary scrutiny that will happen as we discuss some of the different options that we have—for example, on governance.

Bob Doris (Glasgow Maryhill and Springburn) (SNP): The statement outlined the significant organisational change that will happen over the next couple of years. However, young people who are sitting exams in just a few weeks' time need certainty and stability. Can the cabinet secretary assure those pupils and students in schools across Scotland who are sitting exams this year that the exam diet remains on track and that they will be unaffected by the reform process that is under way?

Shirley-Anne Somerville: It is very important that I reassure learners—and I can—that the reform process that is under way will not impact on the exam diet that is due to start very soon. I know that both senior leadership and staff in the SQA are determined to take the process forward in a professional manner to ensure that learners can take part in a smooth process, and I wish those learners every success when they do so.

Willie Rennie (North East Fife) (LD): The SNP Government wasted years dragging its feet on breaking up Education Scotland and scrapping the SQA. Meanwhile, Scottish education slipped down the international rankings. Reform is urgent, yet everyone will need to wait for another two years before we get the change for which we have been crying out. Can the minister guarantee that the organisations will have new leadership, or will it be the same top people with different roles? Structural reform is not enough. Will the new education agency focus on producing top-down policy direction or on acting as a facilitator to enable teachers to discuss and develop the curriculum?

Shirley-Anne Somerville: I mentioned a number of times in my statement my absolute desire for the agency not to be seen to be, nor to be, top down but to be absolutely responsive to the needs of teachers, which is an important and significant change that we can make. I know that Education Scotland has been working on that, but this is an opportunity to take it to the next level.

The leadership of both organisations will remain critical, as the organisations have vital roles in the education system. The design of an appropriate leadership structure to support delivery of the agreed functions of the new agencies is a priority to be decided and, once that is agreed by the Scottish ministers, we will ensure that the new bodies are appropriately staffed and led and that processes around recruitment, where appropriate, are carried out.

John Mason (Glasgow Shettleston) (SNP): I understand that the OECD recommended that we should explore assigning curriculum and assessment to a specialist standalone agency. Can the cabinet secretary explain why she has adopted that approach and how it will be different from what we have now?

Shirley-Anne Somerville: Professor Muir set out in his report that, in his opinion, a specialist body that focuses just on curriculum and assessment would not be enough to deliver the improved outcomes that he wishes to see for learners, and the Government agrees. He has proposed a single agency with a broader remit and we are happy to take up that recommendation and establish that new agency for Scottish education. The work that Professor Muir has done on the consultation to make sure that we can bring roles and responsibilities together will help with one of the challenges that the OECD rightly pointed out around some confusion in relation to roles in Scottish education and therefore leadership in Scottish education. What Professor Muir has recommended on the new body will tackle some of the challenges that the OECD pointed out.

Ross Greer (West Scotland) (Green): One of the themes in the report is that pupils, parents, carers and particularly teachers do not feel respected or trusted by the SQA and Education Scotland. Does the cabinet secretary therefore agree that they should all be directly involved in the permanent governance structures of the new agencies, not just in the initial set-up phase and not just through arms-length advisory arrangements?

Shirley-Anne Somerville: As I said earlier, one of the areas where there is a variety of views is how we can best bring pupils and teachers into this and where that fits into the process. I am absolutely determined that that should be a permanent feature, and certainly not just during the consultation or the set-up process, so it is a matter of how that is done, rather than whether it should be done. We need to work through the details of that to ensure that structures for good governance are in place. Members across the chamber, including Mr Greer, I am sure, will have passionate opinions on the issue and I am more than happy to work with any member who has a view on the governance structures that the new organisations should have.

Rona Mackay (Strathkelvin and Bearsden) (SNP): Like my colleague Ross Greer, I am keen to know how young people can be central to future decision making in the education system. How will the Scottish Government ensure that learners are central to not just this reform but, in the years to come, the decision making of the institutions that have been outlined today?

Shirley-Anne Somerville: I responded to much of that in my answer to Ross Greer, so I will not repeat that, but it is very important that we have that directional change that Professor Muir discussed in his report in relation to putting learners at the centre of everything that we do. The challenge for the Government and the Parliament as the bill on the agencies progresses is how we turn it into reality and how we can embed that in a governance structure to ensure that we can use governance as a way of developing that culture and mindset.

Stephen Kerr (Central Scotland) (Con): Another week, another educational omnishambles from this clapped-out Government. Appendix B of the report is a revelation. If anyone has any doubt about the failure of 15 years of SNP government, read the key findings of the public consultation. Among those conclusions and inputs, fears were expressed that the proposed reforms could end up consisting of system changes that simply rebrand the current system rather than provide any meaningful cultural change. The enhanced mission of the new independent inspectorate body will need resources, so will the cabinet secretary ensure that those resources are made available? This cannot be yet another project that is announced with no money set aside to make it happen.

Shirley-Anne Somerville: I have made it very clear that this is not a rebranding exercise. This concerns three new agencies with new culture and values and new governance structures to support that new culture and its values. I am determined to work with others to ensure that we can embed that, where necessary, in legislation.

The inspectorate, as it exists at the moment, is resourced. We will therefore ensure that the new inspectorate body, when it is set up, is fully resourced to carry out the functions that it is required to fulfil by the statute that will be passed by the Parliament.

The Presiding Officer: That concludes the ministerial statement on the Scottish Government's response to the report by the independent adviser on education reform.

Economic Crime (Transparency and Enforcement) Bill

The Presiding Officer (Alison Johnstone):

The next item of business is a debate on motion S6M-03493, in the name of Keith Brown, on the Economic Crime (Transparency and Enforcement) Bill. I invite members who wish to speak in the debate to press their request-to-speak button now or to place an R in the chat function.

18:05

The Cabinet Secretary for Justice and Veterans (Keith Brown): First, I reiterate this Government's, Scotland's and, I assume, this Parliament's unqualified support for Ukrainian sovereignty, independence and territorial integrity, and our unequivocal support for the package of international economic sanctions against the Russian invasion. I am sure that the whole Parliament will be united in supporting the actions that we are taking to address this flagrant violation of international law by Putin's regime.

The people of Ukraine should know that Scotland stands with them in the face of this unprovoked and unjustifiable aggression against their nation, and they can be assured that we will take all possible steps to sever ties to Putin's regime and those individuals who support it.

That is why I am seeking the agreement of Parliament to the legislative consent motion on the Economic Crime (Transparency and Enforcement) Bill, which was introduced into the United Kingdom Parliament on 1 March. The bill has passed its Commons stages and is with the House of Lords. The bill introduces a register of overseas entities—ROE—and strengthens measures around unexplained wealth orders and the enforcement of sanctions. That will help the UK to counter illicit financial activity from Russia and elsewhere more effectively. The Scottish Government shares and supports those objectives and the provisions in the bill.

I intend to talk briefly on the measures in the legislative consent memorandum separately. Part 1 of the bill creates a register of overseas entities to provide transparency of beneficial ownership across the UK to tackle money laundering. The register will apply to all overseas entities that own land in Scotland and throughout the UK, which will have to provide information about their beneficial owners to Companies House. The register is designed to prevent criminals from hiding behind anonymous companies and from laundering money in UK property, and it will provide more information for law enforcement to help track down those using UK property as a money-laundering vehicle.

Property law, its interface with company law and the interface with the legal systems of jurisdictions around the world are a very complex matter. Broadly, the split between devolved and reserved powers lies not in the powers in this UK Government bill but between the entities to which it applies. I will use an example to illustrate that: a registered overseas company would fall within reserved powers, but an overseas charity would fall within devolved powers. That means that the ROE provisions legislate, to that limited extent, for devolved competence.

We have liaised with the UK Government over the proposals for a number of years, and I especially welcome the engagement over the past week. UK Government ministers wrote to me yesterday to confirm that they will be tabling an amendment, to be considered during the Lords committee stage, introducing a statutory mechanism to consult the Scottish ministers on regulations made under the sunset clause in the bill.

Transparency of ownership has long been a key objective of our land reform policy, and the Land Reform (Scotland) Act 2016 included provisions to establish a register of persons with a controlled interest in land—RCI. The establishment of the register was delayed slightly by the pandemic, but it is on track to be launched on 1 April. Although the policy objective of the RCI is to shed light on who is responsible for decisions about property, whereas the ROE seeks to tackle money laundering by shedding light on who benefits from that property, there is clearly some overlap and, in due course, we will review any duplication. Together, the RCI and the ROE will provide a better understanding of who owns, controls and benefits from Scotland's land—questions that we have been seeking to answer for a very long time.

Part 2 of the bill seeks to strengthen the system of civil recovery of property that has been obtained through unlawful conduct by improving the effectiveness of the unexplained wealth order investigative procedures, assisting enforcement authorities in taking action against kleptocrats and criminals who are laundering funds in the UK.

The reforms will help to allow UWOs to be sought against property that is held in trust and other complex ownership structures. In Scotland, the civil recovery unit, acting on behalf of the Scottish ministers, can apply to the Court of Session for a UWO. The unexplained wealth order is just one investigatory tool under the Proceeds of Crime Act 2002, but it is a powerful one. It is a court order that requires persons who are suspected of being involved in or connected with serious criminality, or who are politically exposed persons, to explain how they obtained certain

property where the value exceeds their known, lawfully obtained income.

The bill includes provisions that will assist enforcement authorities to investigate the origin of property and thereby recover assets that were obtained through unlawful conduct. The bill increases the scope of the existing powers in the 2002 act, expanding the list of persons against whom UWOs can be sought and enabling them to be served on a person who is a “responsible officer” and is expected to have some control of the asset.

For situations where the property holder was not responsible for financing the acquisition but it may have been obtained through unlawful conduct, the bill contains an alternative test to the income requirement that must currently be met for UWOs. That will help to ensure that property that is held via complex ownership structures will fall within the scope of the UWO regime.

The bill provides a power for the Scottish ministers or the Lord Advocate to seek an extension to the length of an interim freezing order, which prevents a person from dealing with any property that is subject to it. The bill will increase the time to a total of 186 days for the civil recovery unit or the Lord Advocate to review material that is provided to them.

The bill will also reform the court expenses rules so that expenses are payable by the Scottish ministers or the Lord Advocate in court actions relating to an UWO only if they have acted improperly.

The LCM sets out the relevant provisions that require consideration by Parliament in so far as they fall within this Parliament’s legislative competence or confer functions on the Scottish ministers so as to alter their executive competence in relation to devolved matters.

It is worth noting that the bill also seeks to strengthen sanctions measures, which fall outwith the LCM, in the light of Russia’s aggression towards Ukraine.

Stephen Kerr (Central Scotland) (Con): I am grateful to the cabinet secretary for giving way on that point. It is right that our actions are focused on upholding the rights of the Ukrainian people, but does he agree that it is important that we do not slip into Russophobia? Our target is Putin and his grisly gang, not the Russian people.

Keith Brown: That is an important point and one that I am increasingly seeing made, for example by people who understand that certain sportspeople have been caught up in sanctions and have been unable to compete in competitions that are very dear to them. These actions are necessary to undermine Putin’s regime, even if

they sometimes—inevitably—catch other people. However, we should not get involved in Russophobia.

The Scottish Government fully supports the application of sanctions against Russia because of its aggression against Ukraine, and we will continue to do all that we can to support the UK Government in that regard.

I close by extending the Scottish Government’s appreciation to the parliamentary authorities for their assistance in expediting the LCM at such short notice to ensure that Parliament can vote on it today. I ask members to support the LCM.

I move,

That the Parliament agrees that the relevant provisions of the Economic Crime (Transparency and Enforcement) Bill, introduced in the House of Commons on 1 March 2022, relating to amendments for Unexplained Wealth Orders contained in the Proceeds of Crime Act 2002, and provisions relating to the Register of Overseas Interests, so far as these matters fall within the legislative competence of the Scottish Parliament or alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.

18:13

Michael Marra (North East Scotland) (Lab): As we meet today, Russia’s war in Ukraine enters its 14th day—14 days of horror the likes of which we as a European community had said, “Never again,” to. Our thoughts are, of course, with every Ukrainian and every person who has been impacted by Putin’s war. Our thoughts are with the Ukrainian armed forces and those volunteers who have taken up arms to protect their sovereignty, their homes and their families.

However, all words are meaningless if our actions fall short. It is our duty here, in this place, to do everything in our power to increase the pressure on Putin and his cronies to shorten this war of aggression and to save lives. Over 400 civilian souls and thousands of combatants—and counting—have already been lost.

It is right that we are legislating at pace, as the cabinet secretary said, to ensure that we have the toughest of sanctions in the shortest time, and Labour supports the legislative consent motion that is in front of Parliament. My amendment sets out that no backdating should be allowed in relation to the land and assets that the Russian kleptocracy needs to declare here in Scotland. There is no logical sense as to why we must cut off at 2014 the land and assets that it must declare. The Scottish Government has said as much in its memorandum of response, and I am sure that Scottish National Party members will be good to that word by backing Labour’s amendment at decision time. I implore the cabinet secretary to lead in that regard.

I believe that the people of this land have a right to know who holds legal ownership of our common treasury, for which we are but stewards. Too often and for too long, the opaque nature of land registration has made it difficult to enforce proper care for our environment, resolve disputes, encourage or enforce development and to deliver redistribution. Our beloved country where we live and raise our children cannot be allowed to be a smugglers' cove for capital on the seas of dark money that course around the globe. They may own it, but Scotland belongs to us. We must honour it, rather than allow it to be defiled by corrupt gains and blood moneys.

In achieving that greater good, there will be practical benefits, too. There are significant technicalities that ministers must urgently address, which the cabinet secretary began to set out in his speech. I would appreciate it if the minister could take on board some of those points.

Our amendment sought to seek maximum consensus through brevity, but there are other issues to consider. We must ensure that the Scottish regulations that the cabinet secretary outlined, which are due to come into force in a few weeks' time, do not create an unnecessary twin-track system. I note the cabinet secretary's intention that we should move quickly to review the situation. I suggest that the regulations should be rescinded to avoid confusion and to defeat the common purpose of both sets of laws. Ministers should be looking to take more action on persons of significant control in order to ensure that the land and assets that are controlled from abroad through trusts at home are declared and cannot be used to distort ownership. The Tulchan estate in Moray is Scotland's most expensive sporting estate and is owned by Yuri Shefler, one of the richest drinks producers in the world. Under the proposed legislation, he will not have to declare ownership of the estate due to the intricacies of the chain of ownership.

It would be effective if regulations relating to persons of significant control could be included in the legislation. However, we have been promised at Westminster that a second bill is coming in the next year. I believe that it is vital that the Scottish Government makes significant representations on those issues and more to the UK Government.

We must also see robust enforcement of regulations by the Crown Office. Currently, regulations either are not working or are not being enforced appropriately. Although it is of course not for the Government to instruct the Crown Office, it is a point of reasonable inquiry to gain insight into how those regulations are being operationalised. We have been told that billions of pounds should have been, and perhaps still could be, realised in

finances for non-compliance. If there is no enforcement, there is no deterrent.

Henceforth, let us agree as a Parliament that we will do all that we can to maximise transparency in every way, so that people can understand who owns the land to which we belong, who is profiting from it and whose influence is physically etched on our country. We are quickly responding to an emerging situation, but we have allowed the situation of untransparent ownership to develop over countless years. In an attempt to avert our eyes and protect interests, we have built a secretive landscape of ownership that does nothing but protect and defend elites. Right now, the Government should make a forthright commitment to changing that. Scotland can no longer be a safe haven to protect Putin's interests.

I move amendment S6M-03493.1, to insert at end:

“, but, in so doing, believes that the provisions of part 1 of the Bill should apply to all land owned and registered in Scotland, regardless of when this was acquired.”

18:18

Donald Cameron (Highlands and Islands) (Con): In the spirit of transparency, I refer members to my entry in the register of interests as an owner of land in the Highland Council region.

I begin by associating myself and other members of the Conservative Party with the remarks that the cabinet secretary made about the ongoing situation in Ukraine. We share his concern about the profound impact that the invasion is having first and foremost on the Ukrainian people, but also its impact on the Ukrainian community in Scotland. I have met members of the Edinburgh Ukrainian Club and offered my party's support and solidarity to them and those whom they represent across Scotland.

The crisis has led the UK Government to lodge the Economic Crime (Transparency and Enforcement) Bill, the contents of which were originally due to be part of a more wide-ranging piece of legislation. As others have said, it might well be that there is more UK legislation to come. However, given the situation that we currently face and the need for urgency in targeting illicit finance, including from Russia, it is right that the bill is being discussed today.

I also welcome the fact that the Scottish Government has recommended consent and that it broadly agrees with the robust action that is being taken by the UK Government to reform unexplained wealth order powers and to introduce a register of overseas entities. I welcome both the tone and substance of the cabinet secretary's speech. There are difficult and complex questions of law about what is reserved and what is

devolved in the area, but it is fair to say that we are all broadly on the same page.

I also welcome the support of the Labour Party at Westminster. It shows that, on issues such as this, political unity can achieve positive outcomes. We will support Michael Marra's amendment today. I will return to that in a moment.

The bill introduces significant and timely changes that will improve transparency and give the UK and Scottish Governments greater powers of enforcement. The proposed register of overseas entities will require anonymous foreign owners of UK property to reveal their real identities, and will prevent individuals from hiding behind secretive chains of shell companies. The creation of the register will ensure that there is a level playing field in relation to property that is owned by UK companies which, at the moment, need to disclose their beneficial owners to Companies House. Sanctions will be imposed for non-compliance.

The cabinet secretary mentioned that the UK Government has committed to tabling an amendment that will introduce a statutory mechanism for consulting Scottish ministers on regulations that are within this Parliament's legislative competence.

There are some areas of minor contention—namely, that the register will apply retrospectively to property that was bought up to 20 years ago in England and Wales, but only to property that was bought since December 2014 in Scotland. The Government's legislative consent memorandum says that it has not explored an extension to an earlier date, which is what Michael Marra's amendment attempts to consider. Land registration is, of course, a devolved matter. We support—and have supported—greater transparency in land ownership in Scotland. For those reasons, we will support Michael Marra's reasoned amendment.

As others have noted, there are overlaps between the Scottish regulations on the register of persons holding a controlled interest in land—the RCI, as it is known—and the bill, in which the UK Government has reduced the grace period during which foreign-owned properties must be registered from its initial suggestion of 18 months to six months. That is a positive step forward, and I wonder whether the Scottish Government believes that the grace period in the RCI regulations should also be reduced—from 12 months to six months.

The ROE is directed at money laundering, as the cabinet secretary said, not at transparency about land ownership, but there might be room for joint working. For instance, if overseas entities require to report to the RCI, should they also have to report to the register of overseas entities?

Finally, there is a question of resources. It would be helpful to know what further resources the Scottish Government is making available to the Crown Office and Procurator Fiscal Service, which will be responsible for enforcing the new measures—especially given that the bill also seeks to strengthen the UWO regime, to increase and reinforce operational confidence in using UWO powers, and to clarify the scope of those powers. One way in which it will do that is by enabling UWOs to be sought against property that is held in trusts and other complex ownership structures.

The Scottish Conservatives support the Scottish Government's motion. We believe that there is clear urgency for putting into effect the measures that are contained in the bill, and we believe that Parliament should give consent to the bill. It is right and proper that, as a Parliament, we play our role in making our institutions more robust, and that we ensure that we have in place the strongest possible measures for combating illicit financial activity.

18:23

Alex Cole-Hamilton (Edinburgh Western) (LD): I rise to offer the support of the Scottish Liberal Democrats for the Government's motion and Michael Marra's amendment.

A terrible human tragedy is unfolding before our eyes. I am sure that each of us was deeply moved by the heroic words of President Zelensky when he addressed the Palace of Westminster last night. Those words reaffirmed to us all that we must continue to stand with the people of Ukraine and do everything that we can to sanction Putin for the destruction that he is causing. I associate myself with the remarks of Stephen Kerr: it is Putin—not the people of Russia—who is causing this. It is his regime. We must not lose sight of that.

Although I am pleased that the UK Government has introduced the bill, and at speed, I am disappointed that it has taken six years and this war—the illegal invasion of Ukraine—before the Government decided to take action to put an end to Kremlin-linked oligarchs' laundering of their dirty money in our country.

Last month, Transparency International UK revealed that, since 2016, property worth £1.5 billion has been bought by Russians who were accused of corruption or links to the Kremlin. It also highlighted that more than 2,000 companies that are registered in the UK and its overseas territories, protectorates and Crown dependencies were found to be utilised in 48 Russian money-laundering and corruption cases, which involved more than £82 billion of funds that were diverted

by rigged procurement, bribery, embezzlement and unlawful acquisition of state assets.

Those numbers are stark and eye-watering, and it is clear that something must be done. Unfortunately, I do not believe that the Economic Crime (Transparency and Enforcement) Bill goes far enough in ridding us of those links to Russia, not least because there are measures in the bill that allow the UK Government to exempt an individual from declaring on the register in the interests of the economic wellbeing of the United Kingdom. I am proud of my Westminster colleagues in the Liberal Democrats for tabling amendments that would close such loopholes, which will undoubtedly allow exploitation by oligarchs, and I support all the work that they are doing to get the bill right.

That loophole is not the Scottish Liberal Democrats' only concern about the bill. As our former colleague in the chamber, Andy Wightman, pointed out over the weekend, the Scottish regulations that will come into force next month go back only as far as December 2014. That is not good enough. We must not presume that we in Scotland have been exposed to the corruption that comes with Russian oligarchs only for that short time. Just last week, Ross Greer highlighted that Vladimir Lisin, a man whose name can be found on a 2018 US Treasury Department list of senior political figures and oligarchs in Russia, has reportedly owned since 1985 a Perthshire estate that has received nearly £700,000 in state agricultural subsidies.

Under the new rules, no such individuals or companies will have to appear on the new register, so I am deeply concerned that, if no action is taken, people such as Lisin will be able to continue to own land in Scotland without proper scrutiny and—if need be—penalty. That is why Scottish Liberal Democrats agree with Michael Marra and Labour that part 1 of the bill should apply to all land that is owned and registered in Scotland, regardless of when it was acquired. By not extending the regulations so that properties that were bought before December 2014 are also included in the new register, we allow ourselves to still have ties to Russian oligarchs at a time when our clear message should be that we utterly condemn the actions of President Putin and that, as far as possible, Scotland will have no ties to his regime.

We stand in a building that was designed with transparency in mind. When it comes to instruments of legislation, such as the one that we are discussing tonight, we must ensure that transparency is at their very heart. I fear that, should the new regulations not be amended in the way that we have discussed, its provisions will

allow those who have ties to the brutal Putin regime to prosper still in our country.

18:27

Michelle Thomson (Falkirk East) (SNP): It is right to agree to the motion and allow Westminster, at long last, to legislate on economic crime. However, the bill is only at the second reading stage in the House of Lords, and there are some 47 pages of amendments from the House of Commons alone. Therefore, today we are debating the motion before the content of the bill is clear, and it might well emerge deeply flawed.

It should not have been like that. As Oliver Bullough's new book, "Butler to the World", makes clear, the UK has been the hub of international organised crime for years. What is worse is that it is not the case that we simply did not have effective legislation; rather, multiple—in particular, Tory—Governments have deliberately blocked reform. For example, it is on the record that, despite the best efforts of some people, the UK Government refused to tackle the criminality that is associated with Scottish limited partnerships. In doing so, it was effectively colluding with economic crime and corruption.

Legislation must also address the issue of UK banks. How many members in Parliament are aware that, since 2010, UK regulators have imposed penalties, mostly on banks, of more than £739 million for anti-money-laundering failures? The National Crime Agency has stated that, annually, money laundering alone is likely to amount to hundreds of billions of pounds. I have put that fact on the record on a number of occasions in Parliament.

The cynic in me might suggest that the real reason why the Tories in London are at last clamping down on organised corruption is that they do not like the competition. However, we must also look to institutions in Scotland. As Oliver Bullough's chapter on the Scottish laundromat reveals, one major Scottish law firm threatened a senior investigative journalist with withdrawal of advertising from his paper if a story about SLP criminality was published. Said law firm has fronted huge numbers of SLPs and the Law Society of Scotland has not done enough to discourage their use, as submissions to various consultations have made clear. I appreciate that regulation on that resides with the UK Government, but will the Scottish Government consider how use of SLPs in particular can be discouraged—perhaps by having further discussions with the Law Society?

What are a few of the bill's weaknesses? Despite claiming to make business vehicles more transparent, they can declare—without

challenge—that they do not have a beneficial owner. That makes disclosure completely optional. Another weakness is that there is to be no disclosure of the beneficiaries of trusts that hold property. In addition, there will be only small penalties for missed deadlines and even for false filings.

The most startling weakness of all relates to the requirement to register. I would have thought that secret property ownership by oligarchs and others would be considered to be a bad thing in all circumstances. However, the bill will allow the UK secretary of state to exempt individuals from having to register if exemption is thought to be for our own wellbeing. Perhaps that is a perk for pals of the secretary of state. I do not know.

Of course, we have been promised that another bill will be coming along shortly, as Michael Marra mentioned. Despite Westminster's track record, we are supposed to believe that, unlike what happened with the Criminal Finances Bill in 2017, resources will be made available to agencies such as Companies House to implement the legislation.

I fully support today's motion, but I will have to reserve judgment as to the Westminster bill's success.

18:31

Sarah Boyack (Lothian) (Lab): In passing the legislative consent motion today, we are able to express our solidarity with the Ukrainian people, 2 million of whom have now fled for safety as their homes and communities have been destroyed in the past few days.

There is much more that we can do, and we urgently need the Conservative UK Government to deliver access to visas so that people who are returning with family members or people who have made the perilous journey to our borders are able to seek refuge here.

We stand in solidarity with Ukraine. We have seen citizens attending rallies and protesting in Scotland about the impact on Ukrainian citizens. We have seen donations to the Disasters Emergency Committee Ukraine appeal and fundraising initiatives across Scotland. Today, outside the Russian consulate in Edinburgh, artists were movingly reciting poems and singing to make human connections, using their right to protest and campaign.

The motion is vital because it is about tackling the issue of those who have extracted money from the Russian people and its economy and kept it for themselves to make them and their families rich. The kleptocrats did not just make money out of businesses; they then bought properties and land, including in this country, which has become more

and more valuable over time. We need transparency and we need to end for good the influence of corrupt money.

We believe that the bill that is referenced in the motion does not go far enough. It will not stop the dirty money that has flooded into the UK economy, which Alex Cole-Hamilton mentioned. Action was promised in 2016, but that has not happened. Since then, we have seen £15 billion flood into the purchase of properties where the investors have been accused of corruption or having direct links to the Kremlin. We are impatient for action.

Our UK Labour colleagues attempted to amend the Economic Crime (Transparency and Enforcement) Bill to enable it to expand its scope to properties purchased before 2014 in Scotland and 1999 in the rest of the country, and to keep the current transitional period on properties to bring them into the scope of the regime being established.

As Michael Marra eloquently said, there is no logical reason why this must be the case. The whole point of our land reform legislation in Scotland has been to increase transparency, the beneficial use of our land and community involvement and ownership, so the examples that have been given in the chamber today are not acceptable.

We need transparency, so that people cannot hide their ownership and thereby escape the action and accountability that the legislation is intended to deliver. The issue of persons with significant control needs to be addressed now. We need transparency on all the land that is owned and registered in Scotland.

The people of Ukraine are suffering now. They need the accountability and the action that we can deliver in Scotland to put pressure on Putin's regime. Anyone who has been at any of the demonstrations will know that it is hard to listen to their demands to act now. We need to listen to them and to do what we can.

I also say to the cabinet secretary that we need an urgent review of the ScotWind project, to ensure that no one benefits from our sea bed where sanctions should be imposed. Ethical concerns have been raised, and they should be acted on urgently. Therefore, I ask the cabinet secretary to say in his winding-up speech what action the Scottish Government will take on that issue to address those concerns and deliver transparency.

I welcome the cross-party support that we have had today for both the motion and the amendment. I particularly welcome the measured speech that Donald Cameron made and his support for our party's amendment. We are not always going to agree in this place, and part of democracy is

expressing that disagreement. I agree with the points that Michelle Thomson made about the need for more action.

In conclusion, both the Scottish and UK Governments must pull out all the stops to ensure that transparency is real and that we in this country do everything that we can to tackle the legacy of historical purchases by oligarchs and by those who have cosied up to those in power. It has to stop now.

The Presiding Officer: Thank you. I call the cabinet secretary to wind up.

18:36

Keith Brown: Thank you, Presiding Officer. I will try to address as many questions as I can in the available time; quite a few were raised.

First of all, I listened with great interest to the debate, and I am thankful to members for expressing their support. Sarah Boyack made the important point that these are kleptocrats who raised their money by fleecing the Russian people of billions of pounds, at a point in their history when they needed that money for their own public services. We should bear that in mind.

Over the past two weeks, we have been witness to the shocking actions of Putin's regime, and I take on board Stephen Kerr's point that it is Putin who we should keep in our sights. That regime has worked against the people, democracy and sovereignty and territorial integrity of Ukraine. The chamber stands resolute against that unwarranted aggression.

The reforms to which the LCM relate are intended—I would say that they are required—to help counter the illicit financing of land and property ownership across the UK by kleptocrats and oligarchs who support Putin's regime.

Listening to Michael Marra, I thought that we were about to break into a verse of "This Land Is Our Land" as he made his comments. In relation to his point on Scottish regulations—I think that he was referring to the duplication of regulations, to which I referred in my opening speech—that will be a matter for the responsible minister, Màiri McAllan, to look at as she takes things forward. She will be paying attention to what was said here today. That also applies to the point that Sarah Boyack made about the sea bed. Those things can be looked at, as can the issue of the grace period being reduced from 12 months to six months.

Some of the issues around prominent persons are really in the gift of the UK Government, and not the Scottish Government, to deal with.

We want to see maximum transparency. A provision is coming forward in our own bill, which was long planned and will help us in relation to that issue. That, of course, can be looked at again by this Parliament—there is no inhibition on the Parliament looking at that.

In relation to Michael Marra's amendment, I should say, just to be clear, that the UK Government did not ask to go back beyond 2014; in fact, I think that it is unlikely that it would agree to do that. However, there is no inhibition on us agreeing to the amendment, which I am happy to do. Perhaps, given that Donald Cameron has expressed his support for it too, he can have a word with his colleagues in London about it. That would add additional weight to it.

I also listened to the points that Michelle Thomson made. My colleague Ash Regan is also in the chamber and will have heard Michelle Thomson's comments in relation to the Law Society and SLPs.

As I have said, the reforms to which the LCM relates are intended to deal with the illicit financing of—

The Presiding Officer: Cabinet secretary, sorry—I ask you to take a seat for a moment. I am aware of extended discussions that are continuing while you are speaking, which I am certainly finding distracting.

I would be grateful if you would continue.

Keith Brown: The tragic events in Ukraine have brought these long-standing issues to the fore.

Some members made the point that this should have happened some time ago, but it is undeniable that now is the time to lift the veil of secrecy and shine a light on who owns one of our most vital assets as a nation—our land—and to help to call out the corruption and ownership of assets that are purchased through unlawful conduct.

We want a Scotland that is, and is seen as, hostile to anybody who thinks that they can hide assets that were obtained by unlawful conduct. We support the unexplained wealth order provisions, which deliver key improvements to the effectiveness of UWOs as part of measures that will also strengthen the financial sanctions regime, which will do more to tackle corrupt regimes, businesses and individuals across the world.

On the measures included in the LCM relating to a register of overseas entities, the Scottish Government is fully supportive of measures to tackle money laundering and improve transparency of land ownership. Indeed, transparency of ownership has long been a key objective of our land reform policy and, as I mentioned, the Land Reform (Scotland) Act 2016

included provisions to establish a register of persons with a controlled interest in land.

It should be noted that UK ministers have committed to table an amendment to a sunset clause regulation-making power in schedule 4 to the bill to require consultation with the Scottish ministers before any regulations are made that impact on aspects that are devolved to Scotland.

To take up a point that Michelle Thomson made, I should say in passing that there is a lot further to go in the process, and we are taking quite a lot on trust from UK ministers. I hope that that trust is well placed and that the concerns that we have expressed are taken in the spirit in which they are intended, and are respected as we proceed.

As I said, we are entirely supportive of the sentiment behind Mr Marra's amendment. However, I highlight that, if the bill were to be amended in the manner that he proposes, that would add little to the transparency regime in Scotland. That is due to the nature of how people had to register before 2014, and the nature of the records. People would have obligations after that was passed that they did not have then, which would create complications for taking legal action. I am happy to go into that in more detail, but it is a complex picture. Of course, our register of persons with a controlled interest in land will go live on 1 April. That will provide transparency for land and property that was acquired before 8 December 2014.

I also stress that time is short and that the UK bill needs to progress in an expedited manner to ensure that the register of overseas entities is up and running as soon as possible. As such, although we accept Mr Marra's amendment, as I have said, we must recognise that there is no time for the UK Government to make the necessary changes.

The Scottish Government is content with all the ROE provisions that extend into devolved competence, and we recommend that the Parliament gives consent to the UK Parliament to legislate for those provisions. On reforms to the UWO regime in Scotland, the Scottish Government is supportive of the measures in the bill. As I have said, the measures that are included in the LCM will enable enforcement authorities to take more effective action against kleptocrats and serious and organised criminals who launder their funds in the UK, and they will enable UWOs to be sought against property that is held in trust and under other complex ownership structures such as opaque foundations.

I am sure that everyone in the chamber will agree that corruption and the purchase of assets through unlawful conduct are not welcome in Scotland, irrespective of from where the

perpetrators originate. I urge members to support the LCM, the purpose of which is really to say—to go back to the song that I mentioned—that this land is our land, and it is not the land of kleptocrats and oligarchs. I ask all members to support the LCM.

Scottish Parliamentary Contributory Pension Fund (Trustees)

The Presiding Officer (Alison Johnstone):

The next item of business is a debate on motions S6M-03545, S6M-03546 and S6M-03547, in the name of Jackson Carlaw, on behalf of the Scottish Parliamentary Corporate Body, on nomination of pension fund trustees for the Scottish parliamentary contributory pension fund.

18:43

Jackson Carlaw (Eastwood) (Con): Before I move the motions, I would like to acknowledge on behalf of the Parliament the work done by the previous pension fund trustees, Alison Harris, Gil Paterson and Mark Ruskell, in looking after our pension scheme.

Under rule 8(1) in part B of schedule 1 to the Scottish Parliamentary Pensions Act 2009, it is for the Parliament to appoint all trustees by resolution, on nomination by the SPCB. The SPCB recently agreed to nominate Gordon MacDonald MSP and Murdo Fraser MSP as fund trustees of the Scottish parliamentary pension scheme, and former MSP Mark Ballard as the pensioner trustee, to serve alongside Pauline McNeill. I will therefore move the motions for the Parliament to approve the new fund trustees.

I move,

That the Parliament appoints Gordon MacDonald MSP as a Fund trustee of the Scottish Parliamentary Contributory Pension Fund, further to his nomination for such appointment by the Parliamentary corporation.

That the Parliament appoints Murdo Fraser MSP as a Fund trustee of the Scottish Parliamentary Contributory Pension Fund, further to his nomination for such appointment by the Parliamentary corporation.

That the Parliament appoints Mark Ballard as a pensioner Fund trustee of the Scottish Parliamentary Contributory Pension Fund, further to his nomination for such appointment by the Parliamentary corporation.

The Presiding Officer: The question on the motions will be put at decision time.

Scottish Human Rights Commission (Appointment)

The Presiding Officer (Alison Johnstone):

The next item of business is consideration of motion S6M-03488, in the name of Joe FitzPatrick, on the appointment of the chair of the Scottish Human Rights Commission.

18:44

Joe FitzPatrick (Dundee City West) (SNP): As a member of the cross-party selection panel that was established by the Presiding Officer under our standing orders, I am delighted to speak to the motion in my name, which invites members to agree to nominate Ian Duddy to Her Majesty the Queen for appointment as the chair of the Scottish Human Rights Commission. I chaired the selection panel, whose other members were Karen Adam, Maggie Chapman, Pam Duncan-Glancy and Meghan Gallacher.

As members will be aware, the Scottish Human Rights Commission is the national human rights institution for Scotland. Its role is to promote human rights and, in particular, to encourage best practice in relation to human rights.

The panel's nominee, Ian Duddy, is a senior civil servant and former United Kingdom ambassador. From 2011 to 2016, he led the UK team at the United Nations Human Rights Council in Geneva, working closely with civil society, Governments and national human rights institutions. He has worked in Europe, South America and Afghanistan on issues including child safeguarding, gender, education and freedom of expression. He is currently the head of the human rights and rule of law department at the Foreign, Commonwealth and Development Office.

The panel believes that Ian's blend of skills, knowledge and experience will make him an excellent chair and will ensure that the commission fulfils its statutory functions, in partnership with the part-time members of the commission, that positive working relations with stakeholders are built and maintained and that the office is run efficiently and effectively.

I thank the outgoing chair of the commission, Judith Robertson, who demits office later this month, for her many achievements during her term in office. I wish her all the very best for the future.

I move,

That the Parliament nominates Ian Duddy to Her Majesty The Queen for appointment as the Chair of the Scottish Human Rights Commission.

The Presiding Officer: The question on the motion will be put at decision time.

Business Motion

18:46

The Presiding Officer (Alison Johnstone):

The next item of business is consideration of business motion S6M-03526, in the name of George Adam, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees—

(a) the following programme of business—

Tuesday 15 March 2022

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by First Minister's Statement: COVID-19 Update

followed by Ministerial Statement: Developing a Catching Policy to Deliver Sustainable Fisheries Management in Scotland

followed by Equalities, Human Rights and Civil Justice Committee Debate: Ending Conversion Practices

followed by Scottish Government Debate: COVID-19 – Scotland's Strategic Framework Update

followed by Committee Announcements

followed by Business Motions

followed by Parliamentary Bureau Motions

6.30 pm Decision Time

followed by Members' Business

Wednesday 16 March 2022

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions:
Justice and Veterans;
Finance and Economy

followed by Scottish Government Debate: A Person-Centred, Trauma-Informed Public Health Approach to Substance Use in the Justice System

followed by Business Motions

followed by Parliamentary Bureau Motions

followed by Approval of SSIs (if required)

5.00 pm Decision Time

followed by Members' Business

Thursday 17 March 2022

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

followed by Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Portfolio Questions:
Education and Skills

followed by Scottish Government Debate: Subsidy Control Bill (UK Legislation)

followed by Scottish Government Debate: Delivering on Active Travel Commitments

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 22 March 2022

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Stage 1 Debate: Good Food Nation (Scotland) Bill

followed by Committee Announcements

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 23 March 2022

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions:
Covid Recovery and Parliamentary Business;
Net Zero, Energy and Transport

followed by Scottish Conservative and Unionist Party Business

followed by Business Motions

followed by Parliamentary Bureau Motions

followed by Approval of SSIs (if required)

5.10 pm Decision Time

followed by Members' Business

Thursday 24 March 2022

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

followed by Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Portfolio Questions:
Rural Affairs and Islands

followed by Scottish Government Business

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

(b) that, for the purposes of Portfolio Questions in the week beginning 14 March 2022, in rule 13.7.3, after the word "except" the words "to the extent to which the Presiding Officer considers that the questions are on the same or similar subject matter or" are inserted.—[George Adam]

Motion agreed to.

Parliamentary Bureau Motions

18:47

The Presiding Officer (Alison Johnstone):

The next item of business is consideration of five Parliamentary Bureau motions. I ask George Adam, on behalf of the Parliamentary Bureau, to move motions S6M-03527 to S6M-03529, on approval of Scottish statutory instruments, and motions S6M-03530 and S6M-03531, on the designation of lead committees.

Motions moved,

That the Parliament agrees that the Digital Government (Scottish Bodies) Regulations 2022 [draft] be approved.

That the Parliament agrees that the Forensic Medical Services (Modification of Functions of Healthcare Improvement Scotland and Supplementary Provision) Regulations 2022 [draft] be approved.

That the Parliament agrees that the Forensic Medical Services (Self-Referral Evidence Retention Period) (Scotland) Regulations 2022 [draft] be approved.

That the Parliament agrees that the Equalities, Human Rights and Civil Justice Committee be designated as the lead committee in consideration of the Gender Recognition Reform (Scotland) Bill at stage 1.

That the Parliament agrees that the Rural Affairs, Islands and Natural Environment Committee be designated as the lead committee in consideration of the Hunting with Dogs (Scotland) Bill at stage 1.—[George Adam]

The Presiding Officer: The question on the motions will be put at decision time.

Decision Time

18:47

The Presiding Officer (Alison Johnstone):

There are 13 questions to be put as a result of today's business. The first question is, that amendment S6M-03491.1, in the name of Humza Yousaf, which seeks to amend motion S6M-03491, in the name of Anas Sarwar, on Milly's law, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

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

18:48

Meeting suspended.

18:53

On resuming—

The Presiding Officer: We come to the division on amendment S6M-03491.1. Members should cast their votes now.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)

Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 Mochan, Carol (South Scotland) (Lab)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)

Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

The Presiding Officer: The result of the division on amendment S6M-03491.1, in the name of Humza Yousaf, is: For 63, Against 52, Abstentions 0.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S6M-03491.2, in the name of Sandesh Gulhane, which seeks to amend motion S6M-03491, in the name of Anas Sarwar, on Milly's law, be agreed to. Are we agreed?

Members: No.

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

The vote is closed.

Jim Fairlie has a point of order. [*Interruption.*] I am sorry—we cannot seem to connect with Mr Fairlie at the moment.

For

Baillie, Jackie (Dumbarton) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)

Mochan, Carol (South Scotland) (Lab)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robison, Shona (Dundee City East) (SNP)

Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division on amendment S6M-03491.2, in the name of Sandesh Gulhane, is: For 51, Against 63, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S6M-03491, in the name of Anas Sarwar, on Milly's law, as amended, be agreed to. Are we agreed?

Members: No.

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

The vote is now closed.

Neil Bibby (West Scotland) (Lab): On a point of order, Presiding Officer. My device did not connect; I would have voted no.

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

Jim Fairlie also has a point of order, but I regret that we are unable to connect with him at the moment.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)

Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lockhart, Dean (Mid Scotland and Fife) (Con)

Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 Mochan, Carol (South Scotland) (Lab)
 Mundell, Oliver (Dumfriesshire) (Con)
 O’Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

The Presiding Officer: The result of the division on motion S6M-03491, in the name of Anas Sarwar, on Milly’s law, as amended, is: For 61, Against 52, Abstentions 0.

Motion, as amended, agreed to,

That the Parliament understands that public services, such as the NHS and Police Scotland, are staffed by people who work each day to care for and support the people of Scotland; recognises that, where the delivery of standards in public services fall short of what everyone would rightly expect, individuals and their families are too often left seeking answers, or justice; further recognises that this pain, not least where a life is lost, can be compounded where families are concerned that they are not being given these answers; believes that individuals and their loved ones who have been harmed should be central to any investigations or inquiries when, regrettably, things have gone wrong; notes that staff working in public bodies should feel safe to raise concerns when they arise, and that structures within the bodies should empower this; supports the creation of an independent Patient Safety Commissioner to champion the patient voice and promote users’ perspectives in improving patient safety, as set out in Baroness Cumberlege’s report, First Do No Harm; notes that the NHS is subject to an organisational duty of candour, and welcomes that consultation on putting a similar duty on Police Scotland will take place later in 2022.

The Presiding Officer: I remind members that, if the amendment in the name of Kevin Stewart is agreed to, the amendment in the name of Craig Hoy will fall.

The next question is, that amendment S6M-03492.2, in the name of Kevin Stewart, which seeks to amend motion S6M-03492, in the name of Jackie Baillie, on Anne’s law, be agreed to. Are we agreed?

Members: No.

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

The vote is closed.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): On a point of order,

Presiding Officer. I would have voted no, but I could not even see on the screen that it was Kevin Stewart’s amendment. Can you confirm that, please?

The Presiding Officer: Thank you, Ms Hamilton. We will do so.

Jim Fairlie wants to make a point of order.

I regret that there is an on-going problem with Mr Fairlie’s connection.

Jim Fairlie (Perthshire South and Kinross-shire) (SNP): Presiding Officer, I would have voted yes! [*Laughter.*]

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

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robison, Shona (Dundee City East) (SNP)

Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 Mochan, Carol (South Scotland) (Lab)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

The Presiding Officer: The result of the division on amendment S6M-03492.2, in the name

of Kevin Stewart, is: For 62, Against 52, Abstentions 0.

Amendment agreed to.

The Presiding Officer: The amendment in the name of Craig Hoy therefore falls.

The next question is, that motion S6M-03492, in the name of Jackie Baillie, on Anne's law, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)

Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 Mochan, Carol (South Scotland) (Lab)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

The Presiding Officer: The result of the division on motion S6M-03492, in the name of Jackie Baillie, on Anne's law, as amended, is: For 63, Against 52, Abstentions 0.

Motion, as amended, agreed to,

That the Parliament recognises that the COVID-19 pandemic uniquely necessitated difficult restrictions in care homes to minimise the risk of transmission of the virus that has proven deadly to the most vulnerable in society; further recognises that these restrictions have other impacts on the wellbeing of residents and that maintaining familial and social connections for care home residents can be vital to their wellbeing; welcomes that later this month the Scottish Government is bringing forward new statutory standards under the Public Services Reform (Scotland) Act 2010 to help ensure visitors can be involved in the care and support of their loved ones as the first step of introducing Anne's Law, and notes that this will be further underpinned by Anne's Law being part of the foundations of the new National Care Service, and that the legislation to deliver this is being introduced in the coming months

The Presiding Officer: The next question is, that amendment S6M-03493.1, in the name of Michael Marra, which seeks to amend motion S6M-03493, in the name of Keith Brown, on the Economic Crime (Transparency and Enforcement) Bill, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that motion S6M-03493, in the name of Keith Brown, on the Economic Crime (Transparency and Enforcement) Bill, as amended, be agreed to.

Motion, as amended, agreed to,

That the Parliament agrees that the relevant provisions of the Economic Crime (Transparency and Enforcement) Bill, introduced in the House of Commons on 1 March 2022, relating to amendments for Unexplained Wealth Orders contained in the Proceeds of Crime Act 2002, and provisions relating to the Register of Overseas Interests, so far as these matters fall within the legislative competence of the Scottish Parliament or alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament, but, in so doing, believes that the provisions of part 1 of the Bill should apply to all land owned and registered in Scotland, regardless of when this was acquired.

The Presiding Officer: The next question is, that motion S6M-03545, in the name of Jackson Carlaw, on the nomination of a pension fund trustee for the Scottish parliamentary contributory pension fund, be agreed to.

Motion agreed to,

That the Parliament appoints Gordon MacDonald MSP as a Fund trustee of the Scottish Parliamentary Contributory Pension Fund, further to his nomination for such appointment by the Parliamentary corporation.

The Presiding Officer: The next question is, that motion S6M-03546, in the name of Jackson Carlaw, on the nomination of a pension fund trustee for the Scottish parliamentary contributory pension fund, be agreed to.

Motion agreed to,

That the Parliament appoints Murdo Fraser MSP as a Fund trustee of the Scottish Parliamentary Contributory

Pension Fund, further to his nomination for such appointment by the Parliamentary corporation.

The Presiding Officer: The next question is, that motion S6M-03547, in the name of Jackson Carlaw, on the nomination of a pension fund trustee for the Scottish parliamentary contributory pension fund, be agreed to.

Motion agreed to,

That the Parliament appoints Mark Ballard as a pensioner Fund trustee of the Scottish Parliamentary Contributory Pension Fund, further to his nomination for such appointment by the Parliamentary corporation.

The Presiding Officer: The next question is, that motion S6M-03488, in the name of Joe FitzPatrick, on behalf of the selection panel, on the appointment of the chair of the Scottish Human Rights Commission, be agreed to.

Motion agreed to,

That the Parliament nominates Ian Duddy to Her Majesty The Queen for appointment as the Chair of the Scottish Human Rights Commission.

The Presiding Officer: I propose to ask a single question on the five Parliamentary Bureau motions.

As no member has objected, the question is, that motions S6M-03527 to S6M-03531, in the name of George Adam, on behalf of the Parliamentary Bureau, be agreed to.

Motions agreed to,

That the Parliament agrees that the Digital Government (Scottish Bodies) Regulations 2022 [draft] be approved.

That the Parliament agrees that the Forensic Medical Services (Modification of Functions of Healthcare Improvement Scotland and Supplementary Provision) Regulations 2022 [draft] be approved.

That the Parliament agrees that the Forensic Medical Services (Self-Referral Evidence Retention Period) (Scotland) Regulations 2022 [draft] be approved.

That the Parliament agrees that the Equalities, Human Rights and Civil Justice Committee be designated as the lead committee in consideration of the Gender Recognition Reform (Scotland) Bill at stage 1.

That the Parliament agrees that the Rural Affairs, Islands and Natural Environment Committee be designated as the lead committee in consideration of the Hunting with Dogs (Scotland) Bill at stage 1.

The Presiding Officer: That concludes decision time.

Elsie Inglis

The Deputy Presiding Officer (Annabelle Ewing): I remind members of the Covid-related measures that are in place. Face coverings should be worn when moving around the chamber and across the Holyrood campus.

The final item of business is a members' business debate on motion S6M-03048, in the name of Jenni Minto, on recognition of Dr Elsie Inglis. The debate will be concluded without any question being put.

Motion debated,

That the Parliament considers that Dr Elsie Inglis, who was born in 1864 and died in 1917, was a pioneering Scottish doctor and surgeon, who became the founder of women's medical practices and hospitals located within the city of Edinburgh; recognises her work and achievements during the First World War, including becoming a suffragist and founder of the Scottish Women's Hospitals for Foreign Service, sending qualified teams of female nurses to Belgium, France, Serbia and Russia; notes the fundraising campaign to honour her life and recognise her work in the city of Edinburgh by commemorating her with a statue, and commends everyone who is involved with the campaign and their fundraising efforts planned for March 2022, which include a Girlguiding sponsored "Sit Still" on the Meadows, and various afternoon teas being held at the City Chambers and the Royal College of Surgeons Edinburgh.

19:12

Jenni Minto (Argyll and Bute) (SNP): The radiance of the legacy of Dr Elsie Maud Inglis shines across the world in women's health, in women's rights and in humanity. My motion pays tribute to that inspiring woman—a surgeon, philanthropist and patriot—and to the amazing group of women and girls, some of whom join us this evening in Parliament, who, like Elsie, did not "sit still" but have worked tirelessly to ensure that Edinburgh and Scotland do not forget one of our most important women. I thank them for the amazing work that they are doing and thank those who provided my colleagues and me with so many Elsie stories as we prepared for the debate. I thank colleagues for supporting my motion and the Minister for Public Health, Women's Health and Sport, Maree Todd, for responding on behalf of the Scottish Government.

It may seem odd that I, representing Argyll and Bute, am leading a members' business debate arguing that we should honour and recognise the achievements of Dr Elsie Inglis with a statue in Edinburgh, but Scotland is a village and, as I have said, Elsie's influence reaches far and wide—even to the beaches of Islay. It was because of a chance meeting with Thea Laurie on Kilchoman beach that I was drawn into the important project to remember Dr Elsie Inglis.

Alex Cole-Hamilton (Edinburgh Western) (LD): Does the member recognise that Elsie Inglis is commemorated in Serbia and France and that it is high time for us to commemorate her here in our nation's capital?

Jenni Minto: I absolutely agree and note that, in St Andrews, where the member and I were both educated, a portrait of Elsie Inglis was etched on the beach as part of Scotland's world war 100 commemorations.

In Thea Laurie's words,

"Elsie's inspirational story is not just set on the battlefields of world war one. Her battles included the fight to become a doctor and surgeon. She fought for votes for women and helped establish the Scottish suffrage movement. The philanthropic side to Elsie was her concern for the women and children from the poorest parts of Edinburgh for whom she set up a hospital on the High Street. It is now time for Edinburgh to say thank you to Elsie Inglis."

As part of Scotland's world war 100 commemorations, I attended, on 29 November 2017, a service at St Giles marking 100 years since Elsie's funeral. It was a celebration of her life. St Giles was filled with the joyous "Hallelujah" chorus, as it had been a century before. It was a thanksgiving with triumph and hope.

I will begin at the beginning. Elsie was born in the Indian Himalayas in 1864. Her father, John Inglis, worked for the East India Company, but when he disagreed with the ruthless way the company was run he lost his post and the family returned to Edinburgh.

Elsie finished her schooling in the city and then in Paris, always determined to become a doctor and supported to achieve that ambition by her progressive father. After qualifying at both the Royal College of Physicians and the Royal College of Surgeons in Edinburgh and at the Faculty of Physicians and Surgeons of Glasgow, she worked in women's hospitals in London and Dublin. When her beloved father was dying, she returned to Edinburgh to nurse him, later acknowledging

"Whatever I am, whatever I have done—I owe it all to my father."

Elsie's deep concern for the way that medical services treated women led her to establish hospitals and maternity facilities for Edinburgh's poor, but she also recognised that the only way women would gain true equality was through the vote. She tirelessly campaigned for votes for women.

Elsie was 50 when world war one broke out. She knew that women could play an important role. She inquired at the War Office whether woman doctors and surgeons would be permitted to serve in front-line hospitals. It was then that the infamous words were uttered to her:

"My good lady, go home and sit still."

Elsie went home, but she did not sit still. Instead, she offered all-female units to the Belgians, French and Serbs, who all gladly accepted. Working with her friends in the suffrage movement, Elsie formed the Scottish Women's Hospitals for Foreign Service, starting a massive fundraising campaign that was to run throughout the war. Writing to Millicent Fawcett, Elsie said:

"We get these expert women doctors, nurses, and ambulance workers organised. We send our units wherever they are wanted. Once these units are out, the work is bound to grow. The need is there, and too terrible to allow any haggling about who does the work ... And when one hears of the awful need, one can hardly sit still till they are ready."

Individuals, communities, companies and countries all contributed beds, blankets, tents, ambulances, surgical equipment and X-ray machines—everything that a field hospital required.

When women came back from serving in hospitals at the front, they often then went on to help raise more money by giving talks about the wonderful work that they and their fellow women were doing. Mary Struthers Drummond and Miss Lang Anderson from Appin, Nurse Green and Nurse Mary Lamont Ritchie Thomson from Tobermory are just four of the many women from Argyll and Bute who served. I know that members across the chamber will be able to share the names of more of the compassionate and brave women who joined the Scottish women's hospitals or nursed at the front.

Elsie Inglis was not content to manage the hospitals from afar. She wanted to be in the thick of things. She travelled extensively across Europe from 1914 to 1917, visiting the hospitals. However, it was in Serbia that Elsie expended her main effort and where she served both in the operating theatre and in directing improvements in general treatment. She wrote:

"The Serbian Division is superb; we are proud to be attached to it."

The book "Dr Elsie Inglis" by Lady Frances Balfour includes a letter sent by Elsie in January 1917 to her niece Amy McLaren, in which she writes:

"I don't think the children in these parts are doing many lessons during the war, and that will be a great handicap for their countries afterwards. Perhaps, however, they are learning other lessons ... We saw the crowds of refugees on their carts, with the things they had been able to save, and all the little children packed in among the furniture and pots and pans and pigs."

That letter was written on an ambulance train near Odessa 105 years ago. Sadly, those words are mirrored by journalists today.

On Sunday night, Channel 4 news showed a maternity ward in Kyiv. In the basement lay a Ukrainian mother with her newborn daughter. Her father liked the name Victoria, or victory; the mother, Nadiya, or hope. I was struck by the similarity of that scene to those that Elsie must have experienced in Edinburgh and Serbia more than 100 years ago. Seeing the horror of war unfolding again but also the outpouring of aid and support for the people of Ukraine, I found myself wondering what Elsie would have said.

There is a story that, after Elsie Inglis visited her first field hospital in France, she went to the cathedral of Notre Dame. She suddenly felt as if there were a living presence behind her. She turned and realised that she had been sitting just in front of the statue of Joan of Arc. Afterwards, she commented:

“I should like to know what Joan wanted to say to me.”

Elsie Inglis is a living presence who deserves recognition. I congratulate again the team in the public galleries on the work that they are doing to ensure that we never forget what Dr Elsie Inglis achieved. I hope that they, too, will be able to stand beside Elsie’s statue, feel her warmth—

The Deputy Presiding Officer: Ms Minto, could you please conclude?

Jenni Minto: I hope that the team will be able to feel her warmth and wonder what Elsie wanted to say to them.

I will sign off with the beautiful words penned by Scottish poet Gerda Stevenson for the commemoration service in 2017.

The Deputy Presiding Officer: Ms Minto, you really are quite over your time. Could you please conclude?

Jenni Minto: Gerda Stevenson wrote:

“where, in sun and moonlit flash of gunfire”—

The Deputy Presiding Officer: Ms Minto, thank you very much.

19:21

Ruth Maguire (Cunninghame South) (SNP): I congratulate Jenni Minto on securing the debate to celebrate, and reflect on, the incredible achievements of Dr Elsie Inglis.

Yesterday, we marked international women’s day, on which we celebrated women’s achievements, raised awareness against bias and took action for equality. It is only fitting that, today, we celebrate Dr Elsie Inglis by commemorating her achievements to raise awareness against bias and take action for equality. In a period when women were expected to be compliant in a masculine world, she challenged that attitude and

became a surgeon, philanthropist, patriot and leader of the movement for the political emancipation of women.

From a young age, Elsie showed strength and resilience. Despite fierce prejudice from the medical establishment, she became one of the first women to study medicine in Scotland and, once qualified, devoted herself to improving the medical treatment of women. In 1894, she established an Edinburgh maternity hospital staffed entirely by women and, at the outbreak of the first world war, she organised all-women ambulance units.

When the War Office told her to

“go home and sit still”,

she refused. Instead, she raised funds and sent a medical team of 100 women to the front line in France to set up a field hospital. That was followed by 26 hospital units in several countries. She herself travelled to Serbia to set up three hospitals. Today, perhaps because of Dr Elsie Inglis, women are a staple of front-line medical roles.

However, Elsie did not confine her activities to medicine. It is no surprise that she became involved in the movement for women’s suffrage, taking on the role of honorary secretary of the Edinburgh National Society for Women’s Suffrage. She said herself that fate had placed her in the vanguard of a great movement, for which she was described as “a keen fighter”. Through her involvement, her tenacity and influence continue to affect the lives of all Scottish women.

To echo words that the First Minister once used to describe her, Elsie demonstrated that women were capable of performing roles that they had been denied. In Serbia, she is remembered with respect and affection. Fountains, buildings and memorials celebrate her life and legacy.

In Scotland, with the closure of the Elsie Inglis memorial hospital in 1988, there was a risk that she would be consigned to history and almost forgotten. We must not let that happen. On the centenary of her death in 2017, the Lord Provost of Edinburgh, Frank Ross, proposed a campaign to erect a statue in her memory. Sadly, although there was a list of notable supporters, the campaign ground to a halt because of the pandemic.

Like Elsie herself, Fiona Garwood and Thea Laurie decided not to sit still and pursued a pandemic project, picking up the mantle to fundraise for and build a memorial for Dr Elsie Inglis. I congratulate them both, as their campaign has mustered support from notable organisations and individuals, including medical and nursing

organisations, historians and, in particular, Girlguiding Edinburgh.

I encourage everyone who is listening to get involved. I understand that there are a number of events on until 13 March. They have included various afternoon teas across the city and a Girlguiding sponsored “sit still” on the Meadows. Donations can also be made through the Elsie Inglis website.

Statues create a dialogue between the past and present. Elsie’s kindness, resilience, strength and determination make an incredible role model for generations to come. I agree with all who say that Dr Inglis is a truly revered and treasured figure, not just for Edinburgh but for Scotland. She deserves to be honoured.

The Deputy Presiding Officer: I call Sue Webber, who joins us remotely.

19:25

Sue Webber (Lothian) (Con): I draw members’ attention to my entry in the register of members’ interest, as I am a councillor on City of Edinburgh Council.

I thank Jenni Minto for bringing the debate to the chamber and am delighted to have a chance to speak in recognition of Dr Elsie Inglis.

We have heard a lot about Elsie’s life and achievements and I am sure that we will learn more. Born in India, she moved to Edinburgh aged 14 with her family in 1878 and attended the Edinburgh Institute for the Education of Young Ladies until 1882. She knew that she wanted to pursue a career in medicine. In 1886, Dr Sophia Jex-Blake opened the Edinburgh School of Medicine for Women, where Inglis began her medical training.

In 1906, Inglis launched the Scottish Women’s Suffrage Federation, fighting not only for the women’s vote but for equal rights in education and the medical profession. She was nearly 50 in 1914 when war was declared and her patriotism led her to offer her services to the War Office, only for her to be turned away and denied. Inglis suggested the creation of medical units staffed by women, which could provide aid to British forces on the western front. However, she was rejected by the British War Office, the Red Cross, and the Royal Army Medical Corps. The reason for the rejection was that a woman’s role was at home.

Not deterred, Inglis fought to form independent hospital units staffed by women. An appeal for funds and support soon attracted more than just suffragette supporters. Funds poured in for the organisation—the Scottish Women’s Hospitals for Foreign Service—and both the French and the Serbs accepted the offer of the all-female medical

units. The first unit left for France in November 1914 and the second went to Serbia in January 1915. Inglis went to Serbia in 1915 as the chief medical officer but, in the autumn, Serbia was invaded and Inglis’s hospital was taken over by Germans. She was interned until February 1916, when she was sent home.

In April 1916, Inglis became the first woman to be decorated with the order of the white eagle. The Elsie Inglis maternity hospital was established with surplus funds arising from the disbandment of the Scottish Women’s Hospitals for Foreign Service, the organisation that she had formed. The 20-bed hospital opened in July 1925 and closed in 1988. My dad, sister and cousins were all born there, as were countless other Edinburgh residents. Although it is now closed, it is yet another reason that a statue should be erected in her honour.

Considering all the pioneering successes that medical trailblazer Elsie Inglis had, it seems only fitting that a statue be erected in her honour in Edinburgh. There are, in fact, more animal statues than ones for women in our capital city. A long-awaited celebration of her life and legacy is now under way in Edinburgh to raise funds for a statue after a campaign was launched five years ago to coincide with the centenary of her death. The campaign has been spearheaded by the Edinburgh branch of the Girlguiding movement. Tickets are now available for several special events that will kick-start a fundraising drive. It is hoped that £50,000 will be raised to pay for a statue of her to be designed and erected on the Royal Mile.

As a councillor for the city, I was delighted to support the motion that was brought to the city chambers by the Lord Provost Frank Ross endorsing the campaign for her statue. Dr Elsie Inglis was a wartime heroine, a leading figure in the women’s suffrage movement and a founder of the Scottish women’s hospitals. Like everyone who is in the chamber, I hope that her extraordinary life will be fittingly remembered.

19:29

Carol Mochan (South Scotland) (Lab): I thank Jenni Minto for bringing the debate to the chamber, and I welcome those in the gallery. It is appropriate that, after marking international women’s day yesterday, we focus today on a pioneering woman who made such an important contribution to Scottish and wider society. Moreover, it is important that I put on record Scottish Labour’s support for those across Edinburgh who are taking part in fundraising events that will, I hope, secure funds for a statue for Elsie Inglis—a fitting tribute in her home city.

The efforts of campaigners are wide ranging and they include events held by the Edinburgh branch of Girlguiding Scotland as part of a two-week effort that started at the beginning of this month, such as a sponsored “sit still” event—referring to, as we have heard, the suggestion that Elsie Inglis should

“go home and sit still”

in response to her offer to open a female-operated hospital unit on the western front. I am pleased that cross-party support for those events was achieved at the City of Edinburgh Council in October last year, as we heard, which further highlights the wide range of support for tributes to a trailblazing woman.

As we have heard, the importance of Elsie Inglis’s contribution throughout her lifetime cannot be overstated. Although we are well aware of Elsie’s national influence, it is important, as we stand at the bottom of the Royal Mile, to recognise the importance of her contributions to this city. Establishing medical institutions to educate and to practise, Elsie Inglis helped to create opportunity for women and girls across Edinburgh.

That important work went beyond medicine to her strong campaigning for women’s suffrage, which was a huge fight in the late 1800s and early 1900s—a fight that women would eventually win, thanks to the work of those such as her. Her significant contribution went further than a campaign for women’s right to vote; what is important is that it was also for equality in education and in the workplace. That shows Elsie’s vision in aiming for equality of opportunity for women in politics, in education and in whatever career they chose. Who would have thought that, more than 100 years after her death, women across the world would still be fighting for equality in such things as politics? We will hope that, in the near future, there are no more firsts and no more glass ceilings to break. However, it is an apt reminder that work is still to be done.

I must not conclude my remarks without making reference to the international impact of Elsie Inglis. When the War Office rejected her offer of her services at home, she took them abroad, in the form of the Scottish Women’s Hospitals for Foreign Service, where she would assist those who were wounded by war—most notably, in Serbia, where, as we have heard, there remain several acts of homage in recognition of her and those who worked in her hospitals.

Elsie Inglis was a pioneering Scottish woman who had significant impact and influence anywhere that she went. Her contribution was to the city of Edinburgh through medicine, to Scotland through her contributions to the suffrage movement, and internationally, through setting up

hospitals in countries that were impacted by the most awful violence of war. It is right that we commemorate her today and that we again offer support to those who are fundraising for a statue in Edinburgh to mark the life and work of Elsie Inglis.

It is so nice to hear members talking in the chamber today.

19:33

Alex Cole-Hamilton (Edinburgh Western) (LD): It gives me great pride to support the motion. I congratulate Jenni Minto on lodging it and on giving such an excellent speech. She captured much of Elsie’s life very well.

I have been privileged to be involved in the campaign since I was first elected to the Scottish Parliament in 2016, and I want to recognise the works of many people who have been mentioned. I make particular mention of Ian McFarlane, who has driven it relentlessly, student medics, Edinburgh Girlguiding and many other campaigners who have been fighting to give Dr Elsie Inglis her recognition in the capital. We will support every effort to make that happen.

Arguably, the fight goes back to 1988 and the closure of the memorial hospital that was dedicated to her name, at which point there ceased to be any form of physical commemoration of that most important woman in the history of our city. We need to recognise those monumental contributions not just to medicine, science and the suffrage movement, but to Scottish history. As we have heard, it is difficult to do justice to the profound power of her life and legacy.

Not only was Elsie Inglis’s work as a scientist outstanding, she had to overcome enormous obstacles to carry it out, and that makes what she did even more of an achievement. When she offered her services to the Army after war broke out, she was told:

“My good lady, go home and sit still.”

She rightly ignored that and instead went on to provide desperately needed medical care to those on the front line.

In autumn 1917, Dr Inglis became aware that she had the cancer to which, sadly, she later succumbed. At the time, political stability was collapsing around her in Serbia, and she was advised by those close to her to go back to Scotland immediately. However, she insisted on staying until enough civilians were evacuated, putting herself in great jeopardy in doing so. That story is particularly pertinent today, because it resembles the reality faced by hundreds of thousands of women in Ukraine who are doing exactly the same thing. They are fighting for the

greater good in the face of danger that most of us will be lucky enough never to have to face ourselves.

Not only did her medical contributions save countless lives, she is also a pioneering figure in the suffrage movement. She was described by her contemporaries as being to Scottish groups what Millicent Fawcett was to the English. As we know, a statue to Millicent Fawcett, called “Courage Calls to Courage Everywhere”, was unveiled four years ago, and it feels fitting that a statue of her Scottish feminist compatriot should be put up to join her. It is a great shame that such a statue has not been erected already.

Our statues in Edinburgh are seriously lacking female representation. Male statues outnumber female statues by 12 to 1, and there are as many statues to giraffes in the capital as there are to women. Just saying that out loud feels preposterous. That phenomenon is not restricted to our city alone—far from it. In fact, there are more statues to individuals named John in the United Kingdom than there are to women.

As laughable as that seems, there are still some who will ask why that matters. It matters because a statue is not just a decorative object. It defines the city in which it is placed, inspires that city’s inhabitants and seeks to commemorate those who have made a historic sacrifice for the towns in which they are located. That we have so few statues to women is emblematic of the fact that, as a society, we value women’s achievements nowhere near as highly as we value men’s. That in itself has a detrimental consequence. As studies have shown, when children are asked to draw a picture of a scientist, only 28 per cent of them will draw a female. If children cannot picture the concept of a female scientist, how is a little girl supposed to feel about becoming one herself? So many girls are passionate about science, justice and the environment, but there is still not enough encouragement in our society to nurture that passion.

Finally, as has already been made abundantly clear, we still have so much further to go to achieve equality, but the long-overdue erection of a statue to one of the most remarkable women in the history of our city and our country is a good start.

19:37

Foyso! Choudhury (Lothian) (Lab): I thank Jenni Minto for bringing the debate to the chamber. It is a pleasure to speak in honour and recognition of Dr Elsie Inglis, who was a true pioneer of women’s rights and medical services in this city, this country and across Europe.

It is fitting that we mark Dr Inglis’s life and work in the same week that we mark international women’s day, when we celebrate the role of women across the world. She certainly made a difference to more of the world than many people of her era had the chance to. Much has already been said about her domestic activities and her work on the rights of women across Britain, especially their right to participate in society and their right to equality and dignity with regard to medical treatment. It is remarkable that Dr Inglis was able to achieve so much when society’s odds were stacked against her, and her achievements speak to her determination to do what was right.

That was certainly noticeable in Dr Inglis’s service during the first world war, when she set up hospitals and medical teams to aid allied troops in the most appalling conditions. Her work in Serbia in dealing with a typhus epidemic and during her captivity has made her a national hero in that country. As Denis Keefe, the former United Kingdom ambassador to Serbia, noted:

“In Scotland she became a doctor, in Serbia she became a saint.”

In light of recent events, I was particularly struck to see that one of Dr Inglis’s final journeys was to Odessa, then part of the Russian empire, to aid suffering soldiers there. It is a sobering thought that we are once again sending aid to allies fighting in the same region.

Dr Inglis died a day after she returned to Britain, and she never got to see the legacy that she had created for women in Britain and for medicine abroad. It is therefore fitting that we are finally discussing how best to celebrate Elsie Inglis’s legacy. I pay tribute to the organisations such as the OneCity Trust and Girlguiding Scotland that have been campaigning tirelessly for a statue to Dr Inglis, and to the lord provost of Edinburgh, Frank Ross, who has personally campaigned for this cause. I also pay tribute to the fundraising work of Fiona Garwood and Thea Laurie, both of whom are in the Parliament today, I believe. Whatever the final form, I agree that it is time that Edinburgh recognised Dr Inglis’s life and work with a permanent memorial.

I also note the initiative this month at Edinburgh central library, inspired by the Elsie Inglis campaign, to create a mural to highlight Edinburgh’s unsung women. I hope that, through those efforts, we will soon be able to further the work of Elsie Inglis and her fellow campaigners for equality, so that the women who have shaped our city and our nation are remembered at least as much as their male counterparts. *[Applause.]*

The Deputy Presiding Officer: While I very much welcome our friends in the public gallery—it is indeed fantastic to see people back in the

gallery after all this time—under the rules, I ask that you do not clap.

I now call the minister, Maree Todd, to respond to the debate.

19:42

The Minister for Public Health, Women's Health and Sport (Maree Todd): I thank my colleague Jenni Minto for lodging the motion and for bringing the pioneering work of Elsie Inglis to the attention of the Parliament. I commend Jenni for her excellent speech and thank her for inviting us to celebrate the work of this remarkable woman.

Elsie was practising medicine at a time when death in childbirth was one of the biggest risks that women faced. She saw that women's health, particularly in maternity care, needed specific focus and resource, and the services that she set up for women in Edinburgh, particularly for poor women, were absolutely trailblazing in their time. After her death, the hospital bearing her name and recognising her deeds, the Elsie Inglis memorial hospital, was set up, and many current Edinburgh residents were brought into the world in that very hospital, until it closed its doors for the last time as a maternity hospital in 1988.

As we know, it was during world war one that Elsie Inglis came to real prominence. She was determined to prove that women could be equal to men in providing medical services to the armed forces. As we have heard, when she was told by the War Office,

"My good lady, go home and sit still",

she did exactly the opposite. I would like to think that that spirit lives on in Scottish women today.

The Scottish Women's Hospitals for Foreign Service, which Elsie Inglis established, provided medical services right across Europe, treating casualties in Serbia, Belgium, France, Romania and Russia, and saved the lives of countless thousands of men and women who were caught up in the battles of the first world war, and they are still remembered in those countries today. More than 100 years ago, women nurses and doctors from all over Scotland packed their bags, boarded trains and went to work in the field hospitals, following Elsie Inglis to the front line. Among their number was Louisa Jordan, who died in a field hospital in Serbia and in whose memory we named our Glasgow coronavirus hospital in 2020.

Many of those women would never have left their town before, let alone leave Scotland and travel to the furthest reaches of Europe. We should continue to remember and celebrate their bravery and success to this day.

We have come so far since the days when Elsie Inglis was practising medicine in Edinburgh. Healthcare in our country has been transformed since those days, and next year we will celebrate the 75th anniversary of the founding of our national health service: the first universal healthcare system anywhere in the world, free at the point of need for all. The NHS made huge strides towards eliminating health inequalities, but there is still so much more to do, and we still face the challenge of unequal health outcomes.

As we recognise Elsie Inglis's life and work and celebrate the creation of our NHS, it is only fitting that, last year, Scotland became the first country in the United Kingdom to publish a women's health plan, which aims to address some of those inequalities. Our "Women's Health Plan: A plan for 2021-2024" sets out 66 actions to ensure

"that all women enjoy the best possible health throughout their lives."

Those actions include providing

"a central platform for information on women's health on NHS Inform",

and appointing

"a national Women's Health Champion and a Women's Health Lead in every NHS board".

We have already started to implement some of those actions, including work to develop a women's health platform on NHS inform. In October last year, we launched the NHS Inform menopause information platform. Through that resource, we are busting menopause myths and highlighting menopause symptoms, options for care, treatment and support, mental health and much more. That is the first stage in the development of a women's health information platform to provide women with easy access to accurate and reliable information on women's health and services.

We are also making pioneering changes to the implementation of our best start programme, which is driving improvements in our maternity and neonatal services through the introduction of continuity of care in maternity services, and a new model of neonatal care. The best start programme has already delivered new maternity care facilities that provide midwife-led care and ensure that more women receive continuity of care, along with the introduction of more home-birth services. It has also included a move to delivering care closer to home, through the development of community hubs and better use of technology in maternity care. The programme has also initiated changes to allow mothers and babies to stay together through the creation of transitional care wards, our neonatal expenses fund and the creation of community support for discharged babies.

The work of the best start programme is aimed at improving the safety and experience of maternity care for pregnant women and their babies, continuing the work for which Elsie Inglis is so famed in Edinburgh and throughout the world. I am reminded that, last week in Parliament, Michelle Thomson led an incredibly strong and moving members' business debate on international women's day that recognised the achievements of women through history in Scotland and around the world, and highlighted the impact of bias on women and girls and the need to work together to achieve gender parity in society.

Elsie Inglis was a women's health pioneer. She was a pioneer for women's rights, but she stood up for suffering and injustice wherever she was, and she is credited with saving the lives of more than 8,000 Serbian soldiers who were stranded in Russia during the complexities of the Russian revolution. As other members have said, that is so relevant today, in the face of the horrors that we are seeing in Europe, where women in Ukraine are taking up weapons to fight for their freedom.

I wonder how Elsie Inglis would have responded to the injustice and suffering that is being inflicted on the people of Ukraine. I like to think that she would have fought to make a difference in a war that will have a devastating and lasting impact on the men, women and children of Ukraine.

I welcome the efforts of the fundraising campaign to honour her life, including the Girlguiding Scotland-sponsored "sit still" in the Meadows, and I support the combined efforts in the city of Edinburgh to commemorate her life with a statue. Elsie Inglis, along with what she stood for and the work that she did, should continue to be remembered and celebrated, and I commend the campaign and everyone who is involved in it.

I finish with the lines of poetry that Jenni Minto mentioned:

"where, in sun and moonlit flash of gunfire,
my women, saving lives, proved
what's plain as day: that we are equal—
daughters, sons, husbands, wives."

The Deputy Presiding Officer: Thank you, minister. That concludes the debate.

Meeting closed at 19:49.

This is the final edition of the *Official Report* for this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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