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AITHISG OIFIGEIL

# Meeting of the Parliament (Hybrid)

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# Scottish Parliament

Wednesday 16 March 2022

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

## Portfolio Question Time

### Justice and Veterans

**The Deputy Presiding Officer (Liam McArthur):** Good afternoon, colleagues. I remind members of the Covid-related measures that are in place. Face masks should be worn when moving around the chamber and across the Holyrood campus.

The first item of business is portfolio question time, and the first portfolio is justice and veterans. If a member wishes to ask a supplementary question, they should press their request-to-speak button or put the letter R in the chat function during the relevant question.

Question 1 was not lodged.

#### Technology-assisted Human Trafficking

**2. Bill Kidd (Glasgow Anniesland) (SNP):** To ask the Scottish Government what its response is to the Organization for Security and Co-operation in Europe report, "Policy responses to technology-facilitated trafficking in human beings, and accompanying recommendations on action areas for parliaments". (S6O-00863)

**The Minister for Community Safety (Ash Regan):** The recent OSCE report raises important questions about technology-facilitated human trafficking. The Human Trafficking and Exploitation (Scotland) Act 2015 provided police and prosecutors with greater powers to detect and prosecute perpetrators, including when offences are committed online. However, we keep the criminal law under continual review to ensure that it is effective.

The regulation of internet and online service providers remains a reserved matter and we are continuing to liaise closely with the United Kingdom Government on its forthcoming online safety bill.

**Bill Kidd:** Recognising the horrific scale of the problem of online technology being used to lure, groom and exploit children and adults through exploitative images and threats, and that 2021 was the worst year on record for online child abuse, does the minister see any devolved capacity for the Scottish Government to take forward recommendations in policy or legislative change in, for example, empowering law

enforcement to efficiently investigate technology-facilitated trafficking or tackling the demand that fosters trafficking of women and children, such as by banning pornography?

**Ash Regan:** We will continue to explore all available options to reduce the prevalence of exploitation, including online. In Scotland, we will look specifically at whether we can do more on that. I would like to have a meeting with the member to discuss the matter further.

On 4 February 2022, the UK Government announced additional priority offences to be written into the UK draft online safety bill. We understand that that will include offences involving sexual exploitation. In principle, we think that that is a welcome move that aims to make the internet hostile to pimps and human traffickers. Once we have more details on that bill, we will consider it carefully, especially in relation to the scope of the domestic model that we are developing to challenge men's demand for prostitution.

**Jamie Greene (West Scotland) (Con):** Christian Action, Research and Education has warned that processing a large number of Ukrainian refugee visas might mean that some of the red flags that are usually used in vetting are missed. What discussions has the cabinet secretary had with UK Government officials, the National Crime Agency or Police Scotland to ensure that no refugee who comes from Ukraine to Scotland becomes a victim of exploitation, via serious organised criminal gangs or otherwise?

**Ash Regan:** The member is absolutely right to raise that point. We know that that could be a risk and a number of immediate measures have been taken to respond to the crisis, including the monitoring of online searches. A spike in searches for Ukrainian women for sex and marriage has already been recorded. Translated information is being provided to fleeing Ukrainian nationals in country that informs them of their rights and options. The temporary protection mechanism that the European Union established also includes a temporary residence permit and access to the employment market.

On 13 March, the OSCE's special representative co-ordinator for combating trafficking visited the Polish reception centres, looking to inform policy makers on how best we can support those who are displaced and prevent the risk of trafficking.

Once refugees come into Scotland, we will need to look at risks and safeguarding.

It is great that so many Scots will potentially open up their homes as part of the UK Government's sponsorship scheme, but we have some concerns about the matching process. We are seeking further information on the approach

that will be taken to safeguarding, and I will update the chamber when we have more information on that.

**Ruth Maguire (Cunninghame South) (SNP):** Trafficking gangs are motivated purely by profit. To end their cruel trade, we must disrupt the market. When will the Scottish Government take action in that regard by making it a criminal offence to enable or profit from the prostitution of another person, ending male demand by criminalising paying for sex, so that Scotland will no longer be a place where such criminal gangs can operate in plain sight on so-called adult services websites?

**Ash Regan:** Police Scotland will actively investigate all reports of sexual exploitation, including reports of online sexual exploitation. Procuring for the purposes of prostitution is still an offence if it is committed online.

However, we know that more needs to be done with the powers that are available to us to disrupt that activity and to shut down the routes to exploiting people. We are committed to the development of a model for Scotland that effectively tackles and challenges men's demand for prostitution. The multi-agency working group that is considering the principles to underpin that model held its penultimate meeting yesterday.

An emerging theme from its work, which I know that Ruth Maguire understands very well, is that, on this issue, online advertising cannot be seen in isolation. It is synonymous with human trafficking, and it intersects with many other forms of gendered violence. We will take that into account as we design the model in consultation with stakeholders. We welcome the views of the cross-party group on commercial sexual exploitation as part of that process.

### Misogyny and Criminal Justice

3. **Pam Duncan-Glancy (Glasgow) (Lab):** To ask the Scottish Government what its response is to the report on misogyny and criminal justice in Scotland, published on international women's day, which calls for a misogyny bill for Scotland. (S6O-00864)

**The Cabinet Secretary for Justice and Veterans (Keith Brown):** Along with the First Minister, who addressed the Parliament on international women's day, I welcome the recommendations in the report and have thanked Baroness Helena Kennedy and the working group for their efforts over the past year. Their work is pivotal in challenging society's tolerance of misogyny and sending a clear message that male attitudes that emanate from prejudice and misogyny have no place in a modern, equal Scotland.

We will now consider the recommendations and will provide our response in due course, once we have had the benefit of time to examine them further. It is now incumbent on the Scottish Government to examine the recommendations with a view to ensuring that any provisions that are recommended to Parliament are workable and can meet the expectations of and intentions behind the working group's report.

**Pam Duncan-Glancy:** I welcome the Government's commitment to closely consider the report's recommendations.

This week, the mayor of London, Sadiq Khan, launched a campaign that calls for men to take more responsibility for their actions and avoid acting as bystanders when their peers behave inappropriately towards women. Baroness Kennedy's report refers to women having to carry out "safety work" to protect themselves from the harmful behaviours of men, and the recommendations for new laws would still leave the onus on women to report and evidence male behaviour.

Does the Scottish Government have any plans to run a similar campaign? Will it take any further action to reduce the burden of responsibility that is placed on women in the fight against misogyny?

**Keith Brown:** The member is absolutely right to say that it is men who need to change their behaviour. Perhaps she can take some comfort from the fact that we worked with the police to ensure that, when they came up with a protocol after the Sarah Everard case, it was designed to take the onus to change behaviour away from women and to put it on police officers.

The process will take some time, because, as the member will be aware, the new legislation that is proposed represents a new departure for legislation, in that it specifies women. We have not done that before—we did not do it in the Domestic Abuse (Scotland) Act 2018. Throughout the process, wherever we end up, we will consistently point to the fact that it is men who must change their behaviour.

As regards campaigns, we will consider that as time goes on. We would want to run any campaign in conjunction with legislation, where that was necessary. The message, which I am sure that the member agrees with, will remain the same—it is men who need to change. If we get to the stage of having the proposed legislation on the statute book, it will have a practical effect in that misogyny will be an offence, but it will also have a symbolic effect in saying, "These things should not be permitted."

With regard to the member's point about bystanders, men should step up and say that such behaviour—especially what might be termed "low-

level misogyny”, which can often lead to other things—is wrong. The law can be symbolic of that change, and that is what we intend.

**Emma Roddick (Highlands and Islands) (SNP):** What is the Scottish Government doing to ensure that misogyny in politics will not negatively affect or delay policy making in the area?

**Keith Brown:** The member raises a very important point. There is a need for caution for any Government in prescribing how political debates and discourse are conducted, but we are all, in Government and not in Government, public representatives and we all have an individual duty to watch our behaviour in relation to the issue. We need to try and make sure that, as stated in the point that was made previously, when certain things are done they are called out.

For our part, the Government is considering the working group’s recommendations, which have garnered a lot of support in principle from the public, stakeholders and politicians. As I have said, that work is pivotal to challenging society’s tolerance of misogyny—in particular, men’s tolerance of misogyny—and I hope that the Parliament will work with the Government to meet the expectations of and the intention behind the working group’s report.

**Beatrice Wishart (Shetland Islands) (LD):** Does the Scottish Government consider that, in light of the recommendations from Baroness Kennedy’s working group, a cross-party commission on the prevention of violence against women and girls has merit as it would ensure that misogyny and violence against women are addressed holistically?

**Keith Brown:** We always want to keep an open mind. The member has made that suggestion before, but there is a substantial degree of activity going on currently—for example, the Minister for Community Safety has an overarching responsibility within Government to take forward issues in relation to violence against women and girls. We have a number of pieces of legislation that will address the issue directly, which has led to the establishment of other working groups. We will keep the suggestion in mind, but I do not think that there is any way that the Government could be described as not taking the issue seriously. If work on the issue can be bolstered by innovations such as the one that the member suggests, I am happy to consider them further.

### **Railways (Antisocial Behaviour)**

**4. Paul O’Kane (West Scotland) (Lab):** To ask the Scottish Government what action it is taking to tackle antisocial behaviour on Scotland’s railways. (S6O-00865)

**The Minister for Community Safety (Ash Regan):** The pandemic presented unprecedented challenges across Scotland’s railways, including increased antisocial behaviour. As we recover, British Transport Police data shows that offences of this nature have been reducing since last October. British Transport Police works closely with partners on joint initiatives to deter crime on the railway. For example, operation safer shores and operation ballaton safely manage high volumes of passengers to Balloch and Ayrshire during holiday periods. The transport minister discussed those concerns in recent meetings with trade unions and her officials liaise with the safer transport strategic group, which is led by British Transport Police.

**Paul O’Kane:** I note the transport minister’s comments to the Net Zero, Energy and Transport Committee today that legislation may be required to tackle antisocial behaviour. It is clear that we have to deal with the problem that is in front of us. In my West Scotland region, there has been a concerning and consistent trend of extreme violence, particularly between teenage girls, on the railway. It is clear that staff need better support and we must ensure that ticket officers are protected and staffing is increased to ensure safe railways.

It is also clear that—

**The Deputy Presiding Officer:** Ask a question, please, Mr O’Kane.

**Paul O’Kane:** Will the minister provide assurance that there will be consultation with British Transport Police, the National Union of Rail, Maritime and Transport Workers, the Associated Society of Locomotive Engineers and Firemen and other trade unions about how we can get the solutions that we need?

**Ash Regan:** Verbal or physical assaults on staff are completely acceptable. Although it is no consolation to those staff who the member has rightly suggested are impacted by such behaviour in Scotland, it makes up about 3.6 per cent of the total number of staff assaults on the United Kingdom rail network. The number of physical assaults on staff members has remained consistent throughout the year with only slight fluctuations month by month. The offending is sporadic and follows no pattern in terms of location, offenders or timings. However, as I mentioned in my previous answers, there is multiagency working going on to address this type of offending and put resource into the right areas.

The member mentioned work about particular passengers being problematic time after time and whether that can be looked at. My understanding is that that option will be explored further as part of the work on safety on public transport, but I ask

my colleague the Minister for Transport to speak to the member directly on the issue.

**Stuart McMillan (Greenock and Inverclyde) (SNP):** The minister will be aware that I have brought partners together to discuss the issue and try to get solutions in place to help on one of the lines in Inverclyde. The issue of the number of British Transport Police officers came up; has consideration been given to increasing the number of British Transport Police officers on Scotland's railways to help to prevent antisocial behaviour?

**Ash Regan:** I thank the member for raising the issue and for the work that he has been doing to address it.

We are aware of concerns—particularly on the part of the rail unions and employees, who often experience such behaviour directly—about an increase in criminal behaviour on trains. We need to ensure that there are appropriate ways of preventing and addressing such behaviour.

However, policing on the railways is a reserved matter. As such, resources for it are governed by the British Transport Police Authority, with ScotRail contributing towards the costs and Scottish interests being fed in through the Scottish railways policing committee. ScotRail has a police service agreement with British Transport Police to secure its services on the railway in Scotland.

Scottish ministers regularly meet the British Transport Police Authority and the British Transport Police to raise issues of interest such as women's safety and how to tackle antisocial behaviour.

**Graham Simpson (Central Scotland) (Con):** Will the minister talk about potential legislation to deal with antisocial behaviour on the railways? When are we likely to see proposals? Will they form part of a wider bill?

**Ash Regan:** My understanding is that that option is at the early stages of being explored and is part of wider work on safety on public transport that the Minister for Transport is taking forward. I will ask the minister to speak to the member; she might be able to give him an updated timetable.

### Police Officers

**5. Stephen Kerr (Central Scotland) (Con):** To ask the Scottish Government how many front-line police officers are currently serving in Police Scotland. (S6O-00866)

**The Cabinet Secretary for Justice and Veterans (Keith Brown):** The recruitment of police officers is a matter for the chief constable, who considers the size and shape of the policing workforce in light of changing demand. The latest figures show that there were 17,117 police officers in Police Scotland as at 31 December 2021. The

current Scottish Government statistics show that we currently have around 32 officers per 10,000 population, compared with around 23 per 10,000 population in England and Wales.

**Stephen Kerr:** In January, I asked the cabinet secretary what the police officer base level in Forth Valley is, and he responded that he did not know. The base level is the minimum level of police who are available to respond to calls in an area. I asked the same question in a freedom of information request to Police Scotland. I asked when base operational levels were last reviewed and how many times policing fell below the safe level. The request was refused on the grounds of the responses being expensive or unsafe to publish.

If the cabinet secretary does not know and Police Scotland will not tell, how can we have any assurance that the number of police who are available to respond to calls on the front line is adequate? What is the cabinet secretary doing to make sure that there are enough police to respond to emergency and non-emergency calls?

**Keith Brown:** One thing that we are doing is sticking with the idea that the police are independent of Government and should be the ones who determine the configuration of police officers to respond to the threats that the member talked about—unless he is looking for direct Government control of policing, which of course is quite possible in the case of the Conservatives—*[Interruption.]*

It might well be that Stephen Kerr is embarrassed by the example of Tories in government on policing, when the Tories failed to fund police numbers—*[Interruption.]* I know that he does not want to hear that. He does not want to hear about how the Tories have treated police pay or about the Tory Prime Minister who does not think that fraud is a real crime—*[Interruption.]*

**The Deputy Presiding Officer:** May we please have a bit more decorum? We listened to the question in silence, so let us listen to the answer, by and large, in silence.

**Keith Brown:** It might be that there is embarrassment because, where there is an example of the Conservatives having control in government, their record on policing is lamentable, whether we are talking about police numbers, police pay or even the Conservatives' attitude to crime; their Prime Minister says that fraud is not really a crime and should not count as part of the figures. It is embarrassment that led to the member's question. He should ask the police, and he should allow the police to do their job.

**Siobhian Brown (Ayr) (SNP):** Will the cabinet secretary say how many schools in Scotland have a campus police officer?

**Keith Brown:** That is a matter for the police, as I said to the previous member, and such information is not held centrally by the Scottish Government. The funding and use of campus officers, who can make a fantastic difference in schools, is a decision for Police Scotland and the local authority.

**Kenneth Gibson (Cunninghame North) (SNP):** Will the cabinet secretary advise members of the increase in police numbers since 2007 and how that compares with south of the border, where Mr Kerr's party has been in office for 12 years?

**Stephen Kerr:** For goodness' sake!

**Keith Brown:** Again, I fear that there is some unwillingness to hear the answer.

The answer is that Scotland has a higher number of officers—*[Interruption.]* Scotland has a higher number of officers than was the case at any time under the previous Administration. In England and Wales, officer numbers had fallen by almost 20,000 by 2017 and remain more than 4,000 lower than they were in 2007—that is the Tories for you.

**The Deputy Presiding Officer:** Questions 6 and 7 have been withdrawn.

### Courts (Backlog of Cases)

**8. Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** To ask the Scottish Government what its response is to the most recent Scottish Courts and Tribunals Service court backlog figures. (S6O-00869)

**The Cabinet Secretary for Justice and Veterans (Keith Brown):** I meet the Scottish Courts and Tribunals Service regularly to discuss its monthly and quarterly official statistics on criminal case activity in Scotland and how we can continue to tackle the backlog that has built up as a consequence of the pandemic. The statistics reaffirm that the pandemic has had a significant impact on our justice sector, just as it has on every other sector in Scotland. The important point is that we have a plan and strategy in place—including an extra £53.2 million for a justice recovery fund in 2022-23—to move matters forward, recognising that unnecessary delays are not in the best interests of victims, witnesses or the accused.

**Rachael Hamilton:** Stats that were released last month show that there was a backlog of 43,606 trials in Scotland—the highest on record. David Fraser of the Scottish Courts and Tribunals Service told the Criminal Justice Committee that that backlog could take until 2026 to clear. That means that victims of crime are waiting years for the opportunity to seek justice.

I absolutely understand the pressure that the courts have been under as a result of the

pandemic, but the stats show that the situation is now spiralling out of control. We have heard from Keith Brown how the Government intends to tackle the backlog. While it does that, what specific measures are being put in place to support victims of crime while they endure an unprecedented wait for a trial as a result of the Government's inability to get a grip of the situation?

**Keith Brown:** Given the seriousness of the situation that has just been outlined, I would think that the United Kingdom Government would recognise it in the grant settlement for the Scottish Government, but no, it says that Covid is over. We know, and the member's question suggests that she knows, that Covid is not over.

We have allocated £53.2 million to tackling the backlog. That includes measures such as providing 16 additional courts. We are taking the necessary measures but, unlike the Tories, we know that, especially in relation to health and justice, the pandemic and its effects are not over. We are tackling the situation.

I have mentioned before in the chamber the additional funding that we have provided to victims organisations to help victims and I am happy to provide more information to Rachael Hamilton on it. It is a shame that the only people who do not seem to recognise how bad the situation is—of course, it is substantially worse in England and Wales—are the Tory Government to which she is allied.

**Audrey Nicoll (Aberdeen South and North Kincardine) (SNP):** What funding has been made available to tackle the court backlog?

**Keith Brown:** I mentioned the £50 million that was made available last year and the £53 million that was made available this year. That included setting up 16 additional solemn and summary courts from September. We have also established the justice recovery fund of £53.2 million for the next financial year. That is being provided to help to recover, renew and transform activity across the justice system as we emerge from the pandemic.

I will correct a point that was made previously. Of course there are delays that the courts service has told us could take up to 2026 to resolve, but that does not mean that cases that are currently being called will wait till that time. It means that the pandemic has an effect that will continue through to 2025 and, in some cases, 2026. It is only a shame that the UK Government did not recognise that in the grant settlement.

**Katy Clark (West Scotland) (Lab):** Will the cabinet secretary explain why Scotland has the highest proportion of prisoners and people on remand in western Europe?

**Keith Brown:** Katy Clark, her party and other parties in the Parliament have acknowledged the extent to which the pandemic has led to substantially increased numbers of people being on remand. However, the point that lies behind her question is that Scotland has had more people on remand in the past and more people in prison in the past.

I refer Ms Clark to the recently produced justice vision, which seeks to address that, and the forthcoming legislation that will seek to address the point that she rightly made about the numbers of people on remand. The Liberal Democrats have made that point as well, as have others in the chamber, and we seek to address it. I hope that Ms Clark and her party will be able to support those measures, because we have to drive down the numbers of people on remand and in prison.

**The Deputy Presiding Officer:** That concludes justice portfolio questions.

## Finance and the Economy

**The Deputy Presiding Officer:** The next portfolio is finance and the economy. I remind members who wish to ask a supplementary question—I know that a number of colleagues do—to press their request-to-speak buttons or place an R in the chat function. To get through the questions and supplementaries, it would be helpful if the questions and responses would be as brief as possible.

### Low-carbon Economy (Workforce)

1. **Brian Whittle (South Scotland) (Con):** To ask the Scottish Government what action it is taking to ensure that Scotland's economy has a workforce ready to make the most of opportunities that the transition to net zero and the wider low-carbon economy can offer. (S6O-00870)

**The Minister for Green Skills, Circular Economy and Biodiversity (Lorna Slater):** The Scottish Government is undertaking significant action through the climate emergency skills action plan to equip individuals with the skills and training to meet the needs of a net zero economy. In August 2021, we launched the green jobs workforce academy to support the retraining and upskilling that is needed for the transition to net zero, and we have provided nearly £900,000 through our national transition training fund for energy efficiency retrofit skills. We will also establish a green jobs and skills hub that will cascade into the skills system intelligence on the numbers and types of green jobs that will be needed over the next 25 years.

**Brian Whittle:** To hit its targets on heating homes, the Government will have to install 1 million domestic heat pumps and 50,000 business

heat pumps between 2025 and 2030. How is the Scottish Government ensuring that Scotland has enough trained engineers to hit those targets, and how will the estimated cost of £33 billion be met?

**Lorna Slater:** As I outlined in my previous answer, there are four significant pathways under way to upskill workers in Scotland to provide the green jobs that we need. Our green jobs fund is a five-year £100 million capital fund that will support businesses and their supply chains to help them to transition better to a low-carbon economy. So far, more than 50 projects have been approved for funding. That amounts to £12.3 million of funding, which will create and safeguard 850 full-time jobs. Such schemes will be working towards providing the workforce that is necessary to upgrade Scotland's homes and buildings.

**Willie Rennie (North East Fife) (LD):** The reality is something different. The Government has known for years that the Neart na Gaoithe offshore wind farm was coming, but only eight of the 54 jackets are being built here, and the majority of the workers on those jackets are not even from Scotland. Why was the Government not ready? Why on earth did it not train enough workers to build the jackets?

**Lorna Slater:** Having worked in the offshore industry, I know the challenges of getting skilled workers, and getting them in the right place at the right time to deliver advanced manufacturing projects. We will work towards improving the situation with the national transition training fund. In one year, the fund has already succeeded in helping people by providing support for more than 9,000 individuals. The systems that we are putting in place now will ensure that we have skilled workers in the future.

**The Deputy Presiding Officer:** Rona Mackay joins us remotely.

### Covid Economic Recovery Fund (East Dunbartonshire Council)

2. **Rona Mackay (Strathkelvin and Bearsden) (SNP):** To ask the Scottish Government how much of, and through what application process, the Covid economic recovery fund will be allocated to East Dunbartonshire Council. (S6O-00871)

**The Deputy Presiding Officer:** Tom Arthur joins us remotely.

**The Minister for Public Finance, Planning and Community Wealth (Tom Arthur):** As part of our £80 million Covid economic recovery fund, East Dunbartonshire Council will receive £1.63 million, which will be transferred as a general revenue grant in the last two weeks of March. The fund is intended for interventions that work towards local economic recovery and for targeted support for low-income and vulnerable

households. Councils, including East Dunbartonshire, will have full discretion over how to target that support to maximise economic recovery in their areas and consider the needs of local businesses, communities and households.

**Rona Mackay:** Last month, it was announced that the Tory-Lib Dem coalition at East Dunbartonshire Council was the only council in Scotland that applied late for funding to support older and disabled residents to meet the cost of new fire alarms. Can the minister confirm that guidance will be produced on use of the Covid economic recovery fund, to ensure that it is used to help with Covid recovery?

**Tom Arthur:** I reassure Rona Mackay that funding will be transferred to local authorities as a general revenue grant, and that it is for councils to decide how to use the funding to help with local economic recovery from the pandemic.

However, our officials have worked with the Convention of Scottish Local Authorities to agree a set of guiding principles for use of the fund, which will ensure that it supports businesses, communities and low-income households. East Dunbartonshire will have full discretion over how to target that support to maximise economic recovery and meet local needs. The fund's flexibility ensures that councils can provide support where they know that the need is greatest. That has been welcomed by COSLA.

**Pam Gosal (West Scotland) (Con):** I welcome the allocation of Covid recovery funds to East Dunbartonshire Council. However, the Accounts Commission reports that councils have, when Covid funding is excluded, experienced 4.2 per cent real-terms cuts between 2013-14 and 2020-21. The long-term funding position for councils remains uncertain. What is the Scottish Government doing to ensure that, when Covid funding ends, local government can meet increasing demand from service users?

**Tom Arthur:** We have had to set our budget in this financial year in the context of what the Scottish Fiscal Commission has correctly identified as a 5.2 per cent real-terms cut to our budget from the United Kingdom Government. In that context, we have still provided a real-terms increase for local government, and we will continue to ensure that local government receives a fair settlement, as part of the budget process.

**The Deputy Presiding Officer:** The next two questions are grouped.

### Cost of Living Consequentials

3. **Jackie Dunbar (Aberdeen Donside) (SNP):** To ask the Scottish Government what the impact will be on the Scottish budget, in light of reports that United Kingdom Government funding

consequentials relating to the cost of living may not be provided in addition to provisional allocations. (S6O-00872)

**The Cabinet Secretary for Finance and the Economy (Kate Forbes):** The Chancellor of the Exchequer announced that we would receive £296 million of consequentials in relation to the cost of living crisis. Following confirmation of the final 2021-22 UK supplementary estimate figures, we were informed that that was being funded out of a reduction in the previously expected uplift in health expenditure. Clearly, the net effect of that will be that we will have less money overall than we were expecting, following the announcement of the measures to support the cost of living.

**Jackie Dunbar:** Once again, the UK Government has made a great fanfare of announcing additional consequential funding for Scotland, then has quietly conceded later that there will not be any additional money, after all. Does the cabinet secretary share my concerns about the considerable difficulty that that creates for the Scottish Government in managing a fixed budget? Does she agree that that is an utterly irresponsible way to manage public finances?

**Kate Forbes:** Jackie Dunbar has talked about the impact on the Scottish Government; she should also talk about the impact on the Scottish Parliament. As members will be aware, the funding position moved on an almost daily basis in January, with figures not being formally confirmed until supplementary estimates were published on 22 February—just over five weeks from the end of the financial year. During that time, I quite rightly updated the Finance and Public Administration Committee on the financial position so that Parliament could have all the facts and figures to scrutinise that, only for that position to become out of date due to the on-going volatility.

The issue should be of concern to Parliament as much as it is of concern to the Government, because it significantly undermines our ability to plan ahead.

### Cost of Living Consequentials

6. **John Mason (Glasgow Shettleston) (SNP):** To ask the Scottish Government whether it has received an additional £290 million from the United Kingdom Government to support households facing financial difficulties as a result of the reported cost of living crisis. (S6O-00875)

**The Cabinet Secretary for Finance and the Economy (Kate Forbes):** I will keep this answer brief. As I said in my previous answer, we have received the net amount, which is less than we would have received had the £296 million had been additional.

**John Mason:** I thank the cabinet secretary for repeating the answer.

I know that the cabinet secretary and her ministers meet Westminster ministers and officials regularly. Does the cabinet secretary think that Westminster is taking on board our concern that it should, when it makes an announcement, tell us whether or not it is new money?

**Kate Forbes:** I will again meet my counterpart, the Chief Secretary to the Treasury, on Monday. As I always do, I look forward to that meeting. This is a persistent and pervasive problem that we have raised with the Treasury on numerous occasions in the past. Treasury officials do their best to provide us with estimates, but there is an inherent volatility in the figures until they are formally confirmed.

The difficulty comes, of course, when funding is announced by the UK Government. There are then immediate calls, from across Opposition parties in this chamber in particular, for us to spend it immediately. Although I recognise the importance of getting money out the door quickly, we have to ensure that the funding is actually additional and new, and that there is more money in the bank to pay out, which is a core part of our prudent management of Scotland's finances.

**Michelle Thomson (Falkirk East) (SNP):** The UK Government's failure to follow through on its promise of additional funding and the mitigations that were then provided by the Scottish Government highlight the Scottish Government's commitment to providing the additional support that people need.

However, we know that that will go only so far, so does the cabinet secretary agree that this Tory cost of living crisis is hugely concerning and that the position of our political Opposition—which is either to tell Scotland to eat its cereal or to ask for increases in spending without stating where there should be cuts—is simply not sustainable and that, in fact, the only rational decision is for Scotland to be a normal independent country? *[Interruption.]*

**Kate Forbes:** The member is right to point to the fact that other normal independent Governments are able to respond without one arm being tied behind their back. *[Interruption.]* If we look at what is driving the cost of living crisis in terms of inflation, energy prices and so on, we see that those are all reserved powers, over which we have minimal control.

Where we can go further, we have gone further—for example, by doubling the Scottish child payment. However, we can only ever do that within a fixed budget that has, under the UK Government, been subjected to a decade of austerity.

**The Deputy Presiding Officer:** Thank you. I encourage members not to shout their own questions and answers across the chamber while the cabinet secretary is speaking—members on both sides of the chamber, Ms Grahame.

With that, I call question 4, from Christine Grahame.

#### VAT on Fuel

4. **Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** Accused, but not guilty I plead.

To ask the Scottish Government what representations it has made to the United Kingdom Government regarding reducing VAT on fuel to help mitigate increases in the cost of living for households in Scotland. (S6O-00873)

**The Deputy Presiding Officer:** You were pointing when the music stopped, Ms Grahame.

I call the cabinet secretary.

**The Cabinet Secretary for Finance and the Economy (Kate Forbes):** We are acutely aware of the very serious cost of living pressures that are affecting so many in Scotland and beyond. My Cabinet colleague Mr Matheson wrote to the UK Government on 10 January asking for a reduction in VAT on household energy bills to provide some form of short-term relief, but to no avail. Since then, the horrific events in Ukraine and Russia's unprovoked aggression have caused fuel prices to rise exponentially and have added to the pressures facing households. Although VAT policy control is reserved to the UK Government, we will do whatever we can to urge that all policy levers are considered and, as I have said, I have another meeting with the chief secretary on Monday to press that case.

**Christine Grahame:** I have a suggestion for the cabinet secretary to take to that meeting. Without disclosing my workings—I will not give members the headache that I gave myself—I have calculated that if we take fuel costs at £1.63 per litre at the pump, a 50-litre tank costs nearly £82. Of that, nearly £29 is fuel duty, with a further £13 or so in VAT, which is levied on the raw cost plus the fuel duty, doubling the pump price. That is £42 in tax that goes straight to the Treasury.

Does the cabinet secretary agree that the elephant in the room is fuel duty and that, in these extreme times, it would not be a bad idea for the Treasury to waive fuel duty for a period? That would save our public services—the national health service, the police and so on—from inflationary fuel costs, it would reduce transport costs, which are inflating fuel prices, and it would reduce our increasing energy bills, both commercial and domestic.

**Kate Forbes:** I praise Christine Grahame's mental arithmetic in the chamber this afternoon. I agree that fuel duty significantly contributes to the cost of fuel.

The impact of the cost of living crisis is profound—on households, on businesses and on public services, as Christine Grahame referenced. We need to do all that we can at this moment in time to ease the burden that is being faced by citizens, businesses and public services alike. We absolutely need the UK Government, which is fully responsible for all aspects of energy policy, regulation and taxation, to do what it can, and we certainly need it to do more than it has announced to date.

**The Deputy Presiding Officer:** There is a brief supplementary from Stuart McMillan.

**Stuart McMillan (Greenock and Inverclyde) (SNP):** What discussions has the cabinet secretary and the Scottish Government had with the UK Government about standardising fuel pump prices so that consumers are not faced with a postcode lottery? Currently, prices differ across the country.

**Kate Forbes:** The member raises a really relevant issue. Those of us who represent rural areas of Scotland in particular can see the disproportionate impact on some parts of the country.

I have assured Stuart McMillan's colleagues and I assure him that I will pursue all avenues to ease the burden on households across Scotland. I will bear that suggestion in mind when I speak to the UK Government next week, because all the levers relating to fuel and energy are reserved.

**The Deputy Presiding Officer:** Question 5 is from Pauline McNeill, who joins us remotely.

#### Support for Businesses (Glasgow)

5. **Pauline McNeill (Glasgow) (Lab):** To ask the Scottish Government what financial support it provides to Glasgow businesses that have been impacted by a loss of earnings as a result of street closures due to a variety of recent projects. (S6O-00874)

**The Cabinet Secretary for Finance and the Economy (Kate Forbes):** Pauline McNeill has asked an important question. Financial support for businesses that are experiencing a loss of earnings as a result of road closures is a matter for the local authority to consider, because it provides the licences for such projects. I imagine that she will be more specific in her follow-up question, and perhaps I can give a more specific answer.

**Pauline McNeill:** Roads in Glasgow city centre were closed early this year ahead of the filming of

the new "Batgirl" movie. That filming is said to have decimated trade for many businesses, which, as the cabinet secretary will be aware, struggled after lockdown and the quite severe restrictions that were in place over Christmas. One owner of a bar and restaurant said that they had lost up to £10,000-worth of business. Another business—a clothing shop—closed for a week as a result of the low footfall because of the road closures. Those businesses were offered £30 a day from Warner Bros.

The city council offered an incentive to the production company of £150,000. Does the cabinet secretary agree that it is wrong to offer financial incentives to production companies without making that conditional on ensuring that businesses are adequately compensated for losses in trade? Surely that will be a very important principle as we try to recover from the pandemic, in order to ensure that those businesses have a chance to recover.

**Kate Forbes:** I am very conscious of the impact on businesses, particularly those that Pauline McNeill referenced, on top of everything else that they are contending with post-Covid and given the cost of living.

I am conscious that Glasgow City Council has commented on the matter. I would expect both the council and the production companies to listen carefully to businesses, to engage with them and to determine what more could be done to support them.

There are two mechanisms from which support might be forthcoming to help all businesses that have been affected. Those are the Covid recovery fund, which has been provided to local authorities, and the Glasgow city centre recovery fund, which the council will receive as part of the £6 million that I announced a fortnight ago.

**Annie Wells (Glasgow) (Con):** Glasgow's taxi drivers have also been brutally impacted by lost earnings. The industry is on its knees, with warnings of a cab blackout in Glasgow. Cabbies are now facing further uncertainty with the proposed introduction of the low-emission zones in 2023. Can the Scottish Government reiterate what action it is taking to ensure that essential support is available for Glasgow's cab drivers?

**Kate Forbes:** I fully agree with the member about the impact on taxi drivers throughout the pandemic, as I know that they often feel the brunt of any closure of or impacts on hospitality. We have delivered a third grant to taxi drivers, over and above the previous two grants. I have always been clear that no amount of grant funding compensates for loss of earnings, but it does provide an element of support. Local authorities have been paying that grant, and it would be my

sincere hope that all eligible taxi drivers have now received it.

**The Deputy Presiding Officer:** I will take a further supplementary from Rona Mackay, but it needs to be brief, as does the response.

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** Can the cabinet secretary provide an update on the steps that the Scottish Government is taking to help drive up footfall in our towns and city centres?

**Kate Forbes:** The member's question goes right to the heart of the issue: we need more people in our city centres. We have announced two schemes. The first is the £6 million city centre recovery fund. The second is the £80 million economic recovery fund. It is entirely up to local authorities to spend that money in order to drive up footfall and support local businesses.

#### Cost of Living Payment (Eligibility)

7. **Carol Mochan (South Scotland) (Lab):** To ask the Scottish Government what assessment it has made of the number of low-income households that will not be eligible for the £150 payment to help tackle the rising cost of living. (S6O-00876)

**The Cabinet Secretary for Finance and the Economy (Kate Forbes):** The £150 payment is not the only way that we are helping to tackle the rising cost of living, not least given that we have passed a budget that doubled the Scottish child payment.

As I said during the debate on the budget, using the council tax system is the quickest and simplest way to reach those for whom the payment will make a difference, and 73 per cent of all households in Scotland will receive it. Importantly, every household that is in receipt of council tax reduction—this is one way of capturing those who are most in need—will also receive the payment.

**Carol Mochan:** A new study from Energy Action Scotland has revealed that as many as 211,000 additional people in Scotland—a 43 per cent rise from 2019—are set to fall victim to fuel poverty this year. Almost all of them are in households that already have low incomes. Is it correct that the system that is proposed by the Scottish Government, which distributes the payment via council tax banding, will spread support too thinly, and that low-income households, who, proportionately, will suffer more as a result, will not receive the targeted support that they need?

**Kate Forbes:** The member is right to identify those figures and it is hugely concerning that the rise in the energy cap will plunge more people, who are already classified as fuel poor, into

extreme fuel poverty, and those who are not in fuel poverty into fuel poverty.

We have also provided £10 million for those who are at greatest risk of self-disconnection or who are rationing their energy usage more. I remind the member that that support sits alongside the low-income pandemic payment, the Scottish child payment, the bridging payments, continued funding to mitigate the impact of the United Kingdom bedroom tax, the winter support fund and increased support in the Scottish welfare fund, as well as support for debt and welfare advice services across the country. All that is designed to help those who are really struggling right now, and none of those policies should be considered in isolation from the overall package.

**John Mason (Glasgow Shettleston) (SNP):** The £150 will be a great help to many households, but does the cabinet secretary agree that it would be more helpful to low-income households if the UK Government restored the universal credit increase and cancelled its national insurance contribution increase?

**Kate Forbes:** I could not agree more. Ultimately, not only should we provide additional financial help to households in the form that we have set out already, but we should ensure that it is targeted, and one way of more effectively targeting it would be to do so through universal credit. As a result of the UK Government's failure to do that and in the absence of that option, the Scottish Government has stepped up and is providing additional support from our own budget.

**The Deputy Presiding Officer:** The next question is from Alexander Burnett, who joins us remotely.

#### Small Businesses Rates Relief

8. **Alexander Burnett (Aberdeenshire West) (Con):** I refer members to my entry in the register of members' interests.

To ask the Scottish Government what assessment it has made of the impact of removing rates relief on small businesses after the first quarter of 2022-23. (S6O-00877)

**The Deputy Presiding Officer:** Tom Arthur joins us remotely.

**The Minister for Public Finance, Planning and Community Wealth (Tom Arthur):** Many thousands of small businesses will continue to benefit from the United Kingdom's most generous small business bonus scheme, which the Federation of Small Businesses has called "a lifeline" and which takes more than 111,000 properties out of rates altogether.

We are extending retail, hospitality and leisure relief by offering 50 per cent relief for the first three

months of 2022-23, which is capped at £27,500 per ratepayer. That follows two years of 100 per cent rates relief, which offered certainty when businesses needed it most. RHL businesses in England started paying rates in July 2021, while their equivalents in Scotland currently do not pay a penny.

**Alexander Burnett:** The Fraser of Allander Institute was very critical about the information that is held on businesses and said that it was not fit for the purposes of giving support or evaluating results. During Covid, we heard from businesses that have been disadvantaged, due to differences between local authorities. North-east businesses face crippling rates that are significantly higher than those in the central belt.

Can the minister confirm what steps he is taking to ensure that future guidelines on data collection and management, and eligibility criteria, are consistent across local authorities and assessors?

**Tom Arthur:** I thank Mr Burnett for that question, and I welcome the thorough report from the Fraser of Allander Institute.

The small business bonus scheme has been a tremendous success and has been welcomed by businesses the length and breadth of Scotland over the past decade and a half. It is important to recognise that the report does not say that the small business bonus scheme did not have any effect, although it does identify data limitations. We are considering and reflecting on that closely, and I will be happy to update Mr Burnett and Parliament in due course.

**Jackie Dunbar (Aberdeen Donside) (SNP):** It is welcome that the Scottish budget maintains the UK's most generous small business bonus scheme. Can the minister provide an update on the number of properties that the scheme expects to take out of rates altogether?

**Tom Arthur:** Over the past 14 years, Scotland's business community has had to weather a global financial crisis, a decade of UK Government austerity, Brexit, a global pandemic and spiralling energy costs. During that time, we are proud to have supported more than 111,000 small businesses with rates relief of up to 100 per cent, which has saved them thousands of pounds per year. The small business bonus scheme has saved ratepayers more than £2.5 billion since 2008.

**The Deputy Presiding Officer:** That concludes portfolio question time. There will be a brief pause before we move to the next item of business.

## Refugees from Ukraine

**The Deputy Presiding Officer (Annabelle Ewing):** The next item of business is a statement by Nicola Sturgeon, who will give an update on refugees from Ukraine. Before I call the First Minister to deliver the statement, I invite members to join me in welcoming to the gallery Yevhen Mankovskyi, the consul general of Ukraine. *[Applause.]*

I remind members that the First Minister will take questions at the end of her statement, so there should be no interventions or interruptions.

14:51

**The First Minister (Nicola Sturgeon):** Russia's illegal invasion of Ukraine is causing the largest displacement of people in Europe since world war two, and in a much shorter timescale. The United Nations has estimated that more than 3 million people—more than 5 per cent of Ukraine's total population—have already left the country. Those who are fleeing, who are overwhelmingly women and children, are leaving their homes in circumstances that, however hard we might try, are impossible for us to truly imagine. They deserve, need and must receive compassion, care and support.

Countries across Europe are confronting this humanitarian emergency. It is estimated that 1.8 million people have arrived in Poland, 250,000 in Hungary and 80,000 in Moldova, which has a population of just 4 million. Last week, many of us were moved by scenes in Berlin of German families flocking to the railway station to offer shelter and support to those arriving from Ukraine.

However, even as we are moved and inspired by such scenes of compassion, we continue to be deeply shocked that this is happening at all. Just three weeks ago, the world still hoped that there would be no invasion. People in Ukraine were still going to work, school and university—they were living normal lives. Today, those lives have been ripped apart. More than 3 million are displaced, thousands more are fighting on front lines, many have been killed, and an entire population is showing incredible courage and resistance. All of that is down to the evil—I use that word deliberately—of one man: Vladimir Putin.

Scotland stands firmly with all Governments, including of course the United Kingdom Government, in condemning Putin's war crimes, taking action to isolate and penalise his regime, and doing everything possible to support the people of Ukraine.

The Scottish Government is committed to playing our full part in the international effort to

help those who are displaced as a result of the war. Other countries have waived the requirement for people from Ukraine to obtain visas in order to gain entry and settle. The strong preference of the Scottish Government is that the UK Government adopts the same approach. However, although we will continue to press for that, we will also work with UK ministers to make the processes that it has put in place as effective as possible. That is the focus of my statement today.

At present, people from Ukraine can enter the UK through the family scheme. I hope that the changes to the scheme that were announced last week will make it easier and quicker than it has been so far. A second route—homes for Ukraine—was announced this week. It is hoped that, in time, very significant numbers of Ukrainians will come to the UK through that scheme. The fact that more than 100,000 people across the UK have already signed up to offer accommodation demonstrates the willingness of the public to help. The response so far has been magnificent. However, the terms of the scheme mean that it will take time for that outpouring of support to translate into large numbers of Ukrainians actually being able to come to the UK.

The first phase of the scheme depends on matches being made between refugees and individual sponsors. Initially, it is only those who already have, or can themselves find, details of people who are seeking refuge who will be able to provide help quickly. The Scottish Government's proposal seeks to short-circuit that process. We want and have offered to act as a single supersponsor to allow significant numbers of people who are fleeing Ukraine to come to Scotland immediately. We have offered to sponsor 3,000 people straight away, and in the longer term we have given an uncapped commitment to support at least 10 per cent of the total number who seek sanctuary in the UK.

In practice, Scottish Government sponsorship would mean that people from Ukraine do not need to be matched with individual sponsors before being allowed entry to the UK. They would be able to come here to sanctuary and safety first. We will provide temporary accommodation and then, with people already safely here and, I am sure, wrapped in a warm Scottish welcome, we will work at speed with partners including local councils, the Scottish Refugee Council, the national health service, Disclosure Scotland and others to complete safeguarding checks; put in place wider health, education, practical and befriending support; and arrange longer-term accommodation.

We warmly welcome and intend to fully harness the thousands of individual offers from people who are willing to provide refugees with a home, and I thank everyone who has volunteered. Of course,

not everyone will be in a position to offer accommodation, but there will be many other ways for people to offer support.

However, welcome and necessary though the voluntary offers of accommodation are, we must be mindful that those who are fleeing the war may need to be here for a long time. They will wish—as we all wish for them—to return to Ukraine as soon as possible and for Scotland to be just a temporary home. Unfortunately, however, they may need to be here for longer than we can reasonably expect members of the public to provide accommodation. As well as fully harnessing the good will of people across Scotland, we therefore also need to plan for long-term sustainable accommodation and ensure that there is appropriate public service provision. I will say more about that shortly.

First, though, I underline the immediacy of the preparations that we are making. As I indicated yesterday, the UK Government has given in-principle support to the supersponsor proposal, and we are now working to agree the operational detail as quickly as possible. Our aim is that our supersponsor route will run in parallel with the first phase of the wider UK scheme. That should make it possible—this is certainly our hope—for the first 3,000 displaced Ukrainians to begin arriving in Scotland from as early as this weekend.

I make it clear that that is dependent on UK Government agreement, as only the Home Office can issue the visas, but in my view there is no good reason for that agreement not to be reached. We hope and expect that it will be, and—crucially—that is the basis on which we are now planning.

Detailed preparations are being led by Neil Gray as minister with special responsibility for co-ordinating the response. They cover five priorities: ensuring that we get the data that we need from UK Government systems, making contact with those who are coming to Scotland, securing short-term accommodation for those who need it, working on longer-term support including housing and community integration, and establishing welcome hubs over the coming days. I will say a bit more on each of those, and on resources to support delivery.

We are working closely with local authorities, other public sector agencies such as Disclosure Scotland, the third sector and the UK Government on the practical issues that need to be addressed to ensure that the process operates smoothly. For example, urgent work is under way to ensure the sharing of data from UK Government systems, including the visa application system. That information will allow us to better and more quickly understand who is coming here and what needs they might have. We are also exploring how we

can start to make support available even before people get here—by providing help with travel, for example. As a matter of priority, we are working to secure immediate temporary accommodation that is safe and comfortable for people while longer-term arrangements are put in place.

In addition to harnessing voluntary support, we are assessing other, longer-term housing options. Those will include, where available, local authority and housing association properties, but also private sector or holiday accommodation. Finally, we are establishing with a range of partners including local authorities, the police, health services and the Scottish Refugee Council welcome hubs to offer practical help and assistance—for example, with food, clothing, healthcare, language support and signposting to other services. Decisions on exactly where those hubs will be located will firm up as we develop a better understanding of when and exactly where people will arrive.

We have considered the resources that are necessary to support this work in the first instance. I confirm that, in addition to financial support that the UK Government will provide, the Scottish Government is allocating £15 million to support our immediate refugee response. Just over £11 million of that will be allocated to local authorities, £2.25 million will be set aside for temporary accommodation, and a further £1.4 million is being allocated to the Scottish Refugee Council for the expansion of its refugee integration service. Earlier today, I visited the Scottish Refugee Council to discuss its invaluable contribution to Scotland's response to the Ukraine crisis and to thank it for its wider work to support refugees and asylum seekers.

It is important for me to be clear to Parliament that the challenges of resettling thousands of displaced and traumatised people in such a short space of time are significant and should not be underestimated. Given the sheer pace at which everyone is working and the need to agree the operational arrangements with the UK Government, not every question of detail has a definite answer as yet.

Meeting the challenge will require effective and on-going co-operation between the Scottish and UK Governments and councils, with and across the wider public and third sectors, and with many other partners and local communities. Parliament also has a vital part to play. As MSPs, we often gain a unique insight into the quality of support that is provided on the ground and can be instrumental in ensuring that problems are identified and quickly addressed.

For all the undoubted challenges, however, I am confident that Scotland will live up to our humanitarian obligations. We have recent

experience of successfully integrating refugees into our communities, schools and workplaces. I am confident that we will provide not just refuge but a warm welcome and a helping hand to people whose lives have been ripped apart. We will open our doors and our hearts.

The duty of Government is to ensure that the practical assistance that we provide matches the warmth and good will of people across the country. We have an obligation to play our full part in the global humanitarian effort and to offer sanctuary, security and a home to thousands of people who desperately need it. I know that those aims are shared across Parliament. Let us all work together as we stand in resolute solidarity with the people of Ukraine in this hour of need.

**The Deputy Presiding Officer:** The First Minister will now take questions on the issues raised in her statement. I intend to allow around 20 minutes, after which we will move on to the next item of business.

**Donald Cameron (Highlands and Islands) (Con):** I thank the First Minister for the advance sight of her statement, and I associate the members on the Conservative benches with the sentiments that she expressed towards the people of Ukraine and her recognition of the compassion of those in Scotland who volunteered to help.

Needless to say, we continue to condemn the abhorrent violence that the Putin regime is inflicting on Ukraine and its people. Providing a place of refuge and sanctuary for those fleeing violence is a tradition that belongs to no one country or nation but that arises from the instinct in us all to ensure the dignity of every human being who is in need of safety and protection. In that spirit, it is very welcome that the Scottish and UK Governments are working collaboratively to ensure that, in Scotland, we can provide that place of refuge. I appreciate the additional detail that we have just been given on that.

Given that many refugees may struggle with English and, in any event, will be arriving in a new place, what plans does the Scottish Government have to ensure that they are provided with clear information about how to access vital public services? In particular, will any assistance be provided to new arrivals to allow them to register quickly with a general practitioner so that they can have full access to healthcare, particularly if language is a possible barrier?

**The First Minister:** I thank Donald Cameron for his support, his comments and his questions.

I referred in my statement to the work that is being done with our partners to establish welcome hubs. Those arrangements will be in place to offer immediate practical advice, assistance and support to people who arrive. I hope that members

will understand that, while we are seeking through our work with the UK Government to understand exactly when and where people will arrive, we cannot yet finalise the precise location of the hubs. However, that is under consideration and those decisions will be taken quickly and as soon as possible.

The hubs will offer welcome packs and information leaflets that will be translated into Ukrainian, with multi-agency teams already working to support that. The leaflets will offer information on how to access broader support, including social security benefits, which will be important, and translators will be on hand to help. We are considering how we provide language support, which will be a longer-term and on-going requirement.

The welcome hub approach will involve signposting people to healthcare services and to information on how they register with GPs. We are paying particular attention to an issue that was raised with me in the Parliament yesterday. We are taking advice from Public Health Scotland and the chief medical officer on the support that will be offered in the context of Covid—for example, providing vaccinations for people who have not had them.

That will all be part of the initial arrangements that will be in place to welcome and support people. Much of that work will have to continue on a longer-term and more sustainable basis. Those arrangements are being worked on, literally as we speak in the Parliament.

**Jackie Baillie (Dumbarton) (Lab):** We all stand in solidarity with the people of Ukraine as they resist the unprovoked and unjustified attack on their country by Vladimir Putin.

The UK Government has been slow to respond to the refugee crisis and I hope that it will waive the bureaucratic visa requirements. However, 5,000 Ukrainians are settled in Scotland and at least another 6,000 are seasonal workers, so it is clear to me that the Scottish National Party will need to offer more than 3,000 places.

The overriding concern is that we move at pace to help with the rapidly unfolding humanitarian crisis. We have all been overwhelmed by the generosity of people in our constituencies and, indeed, across Scotland who want to help, whether that is through making overseas aid donations or offering rooms in their homes for refugees.

Will the First Minister indicate whether people should register with the UK Homes for Ukraine website, or is there another route to register in Scotland? What are the plans to quickly vet the properties and potential hosts for refugees?

What are the plans to provide wraparound services, including education and, of course, childcare to enable parents to work? What are the plans for health services? Given the trauma that people will have experienced, mental health support will be critical, but we know that child and adolescent mental health services are already under huge pressure, with people experiencing long waiting times. How much money will be allocated to mental health services?

How much does the First Minister expect will be allocated by the UK Government? When will additional resources be made available to local government, which stepped up to the plate in the past to help Syrian refugees and is well placed to help people from Ukraine?

**The First Minister:** Some of that information was provided in my statement, but I am happy to expand on it.

Let me take numbers first. I was very careful to say in my statement that we have given a commitment that the flow of people from Ukraine whom we will support through the homes for Ukraine scheme and, we hope, our supersponsor route is uncapped. We have made an initial and immediate commitment to take 3,000 people and we hope that they will start to arrive as early as this weekend. We anticipate that we will take at least 10 per cent of the overall number of those who come to the UK, but we are not putting a cap on that.

It is worth making the point that that is in addition to people who will come through the family scheme and will settle with families who are already here. Last week, and again this morning in Glasgow, I met members of the Ukrainian community, many of whom are already going through the process of getting visas for family members via the family scheme so that they can come here.

That is the scale of the commitment. It would be wrong to misrepresent that by saying that we have a fixed commitment to take 3,000 people. Everything that I have said has made it clear that that is not the case.

My advice to people in Scotland is that, if they can offer accommodation, they should register their interest through the UK Government portal that was launched on Monday. We are working with the UK Government on how we access that data, so that we know who has volunteered in Scotland. We also want to get data from the visa application process so that, once people are here, we can make the matches.

As I mentioned in my statement, one of the agencies with which we are working closely is Disclosure Scotland, so that there are disclosure

checks on people who volunteer, because safeguarding is really important.

Finally, we obviously need to start planning in relation to services now—we are doing a huge amount of planning—but we do not yet know exactly how many people will come to Scotland. Therefore, it would be wrong and inappropriate to cap figures for financial support, just as it would be to cap numbers of people. That will also apply to mental health support and local government support. We will need to make sure that, in addition to the tariff that the UK Government has agreed will be publicly available, the money that the Scottish Government provides is commensurate with the number of people who come here. Again, I set out in my statement a commitment to make £15 million available, as of today, in addition to the UK Government tariff resources. Just over £11 million of that will be allocated to local authorities immediately.

We are working across a range of things, and all members will appreciate that, as we agree the operational details—as I hope that we will; this still depends on the UK Government agreeing to give visas so that people can come—and we know when, where and how many people will be arriving, we will have to continue to flex arrangements and make sure that they are appropriate to the scale of the challenge and obligation that we are meeting.

**Alex Cole-Hamilton (Edinburgh Western) (LD):** I express the Scottish Liberal Democrats' admiration for and solidarity with the people of Ukraine, and our utter condemnation of the war crimes of Vladimir Putin. Slava Ukraini!

I welcome the announcement of the supersponsor scheme. We should be justifiably proud, but not wholly surprised, by the colossal response that we have seen from people in Scotland and across Great Britain who are opening their homes to Ukrainians who are fleeing the conflict. Those refugees will have been through the worst in human suffering. They will require access to trauma recovery, long-term counselling and, as I suggested yesterday, perhaps even immediate vaccination against Covid should they wish it. All those things will be vital and I would be grateful for an update or further details on them.

I also want to ask the First Minister about the Scottish Government's refugee integration strategy—the new Scots strategy. That runs until the end of this year, so it is nearing the end of its life and it is still struggling to deal with people who have come from Afghanistan, which, lest we forget, was just six months ago. "STV News" revealed that as many as 300 Afghans remain in temporary and bridging accommodation in different parts of this country as work to resettle

them continues. What lessons have been learned from the failure to resettle those refugees from Afghanistan, and what changes can we make to ensure that similar backlogs do not occur with the scheme that the First Minister announced today?

**The First Minister:** We are drawing heavily on experience gained through all previous refugee integration work, not just that with those from Afghanistan. It is not fair to describe that as a failure. There is an on-going process to welcome people here and to settle them and integrate them into our communities. Anybody who looks fairly at the response of the Scottish public, local authorities and other agencies, and at the success of the work that they did in supporting the Syrian resettlement scheme, would know that we have a lot of positive experience to draw on from that. We want to see that work being embedded in the new Scots strategy, and that is one of the things that I was talking about with the Scottish Refugee Council this morning.

The figure of 3,000 that we have initially committed to welcoming through the UK Government supersponsor scheme has not been drawn from nowhere. We were able to settle 3,000 refugees through the Syrian resettlement scheme, so we know that, although this is being done much more quickly than with the Syrian scheme, we can do that relatively quickly. We will learn all the lessons—the good ones and the more challenging ones.

There are lots of challenges in this and, if we were simply to look at the situation as a challenge, we would shy away from it. This is a moral, humanitarian obligation that we, in common with other countries across the world, have right now. I am not standing here suggesting that it will be easy and straightforward, that there will not be difficulties and challenges, or that we will not face hurdles along the way, but we have a duty to do this work and, with our partners, we are focused on making sure that we get it right, and that we put all the practical arrangements in place as quickly as possible.

**Kaukab Stewart (Glasgow Kelvin) (SNP):** It is important that the Scottish Government ensures the fair and equitable treatment of all Ukrainian refugees, black and white, old and young. What discussions has the Scottish Government had with relevant partners about safeguarding issues relating to the homes for Ukraine scheme, to ensure that all people, particularly children and young people, are placed in safe and supportive environments?

**The First Minister:** Kaukab Stewart makes an important point. We are all horrified by what is happening in and to Ukraine right now and we all desperately want to do everything that we can to help, but the duty to give refuge to people who are

fleeing war or famine does not depend on where they come from, who they are, what their religion or faith is or what culture they come from; it is a duty that we all owe, as a matter of humanity, to everybody who needs it.

I believe that, notwithstanding the challenges that are involved, Scotland has a good record on opening our doors and hearts to Syrian and Afghan refugees. Perhaps one of the lessons that we can learn, not just in the immediate response to those people who are fleeing war in Ukraine, is that we have a duty to open our hearts to people who are fleeing war from all parts of the world.

Safeguarding is central to all the discussions that we are having with partners. It is really important that, as we harness the outpouring of support from the public, we do not neglect the wellbeing and the safety of those who are fleeing war and trauma. Obviously, our principal discussions are with Disclosure Scotland, to ensure that we have the processes in place to quickly do appropriate checks, but I assure the chamber that that is a critical part of all the work that we are doing as we seek to put in place the arrangements for immediate welcome, and to ensure that that support continues as people settle and integrate here. The focus on wellbeing and safety applies to accommodation, health services and wider support services, too.

**The Deputy Presiding Officer:** Sharon Dowe joins us remotely.

**Sharon Dowe (South Scotland) (Con):** Can the First Minister guarantee that no Ukrainian refugee will find themselves in temporary accommodation for a period of longer than one month, in order to minimise uncertainty for the individuals concerned, many of whom have experienced high levels of stress and require a stable, integrated environment as soon as possible?

**The First Minister:** Our first priority—this is the whole intention of the supersponsor proposal—is to get people to sanctuary in Scotland as quickly as possible, rather than having bureaucratic processes that take a long time while people are still in Poland or other countries. Because we will want to do the longer-term matching process while people are in Scotland, that will mean that there will be a period in which we house them in temporary accommodation. Work is being done as we speak to secure temporary accommodation. In the short term, that is likely to be hotel accommodation; it could perhaps be university accommodation. It is our intention that that will be short term, while the longer-term support is put in place.

I think that having people in short-term accommodation is preferable to their having to go

through long-standing bureaucratic processes just to get here in the first place. Speed of action is really important here, but that must be underpinned by all the proper safeguarding and other processes that everybody has a right to expect.

There is also a need to recognise that, while we are hugely grateful for and must harness the public's support and offers of accommodation, we should not take that for granted, nor should we expect members of the public to shoulder a disproportionate part of the responsibility. Some people will be able to offer accommodation, and some will be able to do it for longer than others. We all hope that the war will end quickly and that people will be able to go home as quickly as possible, but if people need to be here for a longer period of time, we must think about the long-term sustainability of accommodation and not expect members of the public to make their homes available for very lengthy periods of time.

We are thinking about all those issues very carefully. We are not just thinking about them; we are seeking to get on at pace and make sure that we have in place the arrangements that will allow us to start welcoming people within days, if the UK Government and the Home Office make it possible for us to do so.

**Kenneth Gibson (Cunninghame North) (SNP):** Public opinion has now ensured that the UK Government will provide more assistance to refugees than it originally intended to.

Last August, 3,000 UK households volunteered to take Afghan refugees but, sadly, not one of those offers has been progressed by Westminster. Does the First Minister agree that, by acting as supersponsors for the Ukrainian refugee scheme, Scotland and Wales will be able to avert further foot dragging by the UK Conservative Government?

**The First Minister:** I know that there have been considerable delays with the UK Government's matching process for Afghan families. Indeed, one of the reasons for our arguing initially for the UK Government to take a route other than a community sponsorship route was that our experience has been that we have managed to settle more people through the Syrian resettlement scheme than we have done through previous community sponsorship schemes.

However, that is the route that the UK Government has opted to take. It has simplified it and made the requirements less onerous than in previous schemes, which is welcome, but we must continue to do everything we can to make it as effective, efficient, quick, safe and humane for people as possible.

If we manage to make a success of the supersponsor proposal—as I really hope we will—it may give us lessons on how we deal with humanitarian crises like this in future, and I hope that the Home Office and the UK Government in general will be open, as we will be, to learning such lessons.

**Sarah Boyack (Lothian) (Lab):** The First Minister mentioned the importance of the need to learn lessons from supporting people who came to Scotland from Syria. In research findings, employability and welfare rights were mentioned by 78 per cent of respondents. What work is the Scottish Government doing with employers to prepare them to offer jobs to Ukrainians coming to Scotland, and what work is it doing to support digital connectivity, so that people can access welfare support, keep connected for learning and access support networks?

The Ukrainian consul general was clear at committee last week that many Ukrainians will want to return to Ukraine to rebuild their country, but we do not know how long that will take, given that many of them have homes that no longer exist. We need our businesses to be able to reach out to Ukrainians so that their skills can be matched with potential employers and they can support their families. What is the First Minister doing to make that a reality?

**The First Minister:** I give an assurance to members that work on all those issues is on-going. Members will understand that the principal and immediate focus is on making arrangements and getting the agreements to put immediate support in place for people, accommodating them and providing them with health services and other support very quickly. However, we are already thinking about employability. Businesses and other sectors are already making offers of employment and accommodation support. Remember, we need people to come here and work across a range of sectors, so we are already seeking to collate and co-ordinate that. There will be requirements to help people who perhaps have qualifications in Ukraine to adapt those qualifications to here. I cannot give commitments right now, but that is work that we are exploring—for example, if somebody has qualifications in teaching or health care, are we able to support them to quickly make those skills available here? Work on all that is under way.

Similarly, on digital connectivity, a big part of that is making sure that we use all the systems that are there to speed up that work. Some parts of that will take longer to get in place than others, because the immediate focus is most important, but all that is part of a very rapid and comprehensive response. The reason that we are working through, and want to do this through, the

supersponsor route is so that we can do it much more comprehensively and have greater visibility of how many people are here, where they will be and what skills they bring, which will allow us to act in a holistic way.

We will keep Parliament updated as that develops. We have referred to the Syrian precedent, but it is worth remembering that we had months to prepare for the Syrian settlement scheme. We are doing this literally in a matter of days, so I cannot answer every question in detail right now, but I can give an assurance that all these questions are being considered, and we are working at pace to put the answers and arrangements in place.

**Collette Stevenson (East Kilbride) (SNP):** I have been contacted by a constituent in East Kilbride who is waiting for extended family to arrive from Ukraine. Can the First Minister set out how the Scottish Government is working with stakeholders such as local authorities and the Scottish Refugee Council to ensure that accommodation is available for people on arrival? Furthermore, what organisation is best placed to help people who have disabilities and require accommodation?

**The First Minister:** Those are important questions. Most of my comments in the statement and in the answers that I have given to questions have been about the people who will come through the homes for Ukraine route and, hopefully, the supersponsor route that will run in parallel in relation to Scotland. However, it is important to say that we are also standing ready to provide support to those coming through the family route. Many of them will not need accommodation because they will be coming to stay with family, but they may need help when they get here to travel to their destination and will need help to access other services, so we are seeking to put that in place. We have been trying over the past week or so to keep track of people who might be coming into the country, whether that is people coming into Cairnryan from Ireland—the Republic of Ireland has waived visa requirements—or people coming in through airports, through the family route.

As I said, I spoke to the Scottish Refugee Council this morning; the council had people at Edinburgh airport at the weekend, who held up boards to say to people who were coming from Ukraine that they were there to welcome and support them. Therefore, some of what the member asked about is happening; we need to make sure that it continues to happen.

Accommodation is, obviously, the critical and most immediate issue for people who come but do not have family accommodation, so getting temporary accommodation in place and then

working through the longer-term options is at the top of the priority list when it comes to the various issues that we are working through.

**The Deputy Presiding Officer:** Four more members want to ask a question. I am keen to take them all, but if I am to do so I will need questions and answers to be succinct.

**Ross Greer (West Scotland) (Green):** Across the European Union, there has been incredible solidarity from bus and rail operators, who have provided free transport to people fleeing the conflict in Ukraine. From Deutsche Bahn in Germany to the SNCF in France and ferry operators in Sweden, countries and companies have stepped up to provide free, safe travel for refugees. Does the First Minister agree that the UK and Scottish Governments, as well as transport providers, should join our European neighbours in doing something similar to help all those who seek refuge here, including people who are fleeing the devastating war in Ukraine, by offering the widest possible scheme of free access to public transport?

**The First Minister:** Yes, I do. We will seek to reach out to transport providers to make sure that that is the case. Ross Greer is rightly talking about transport and travel within Scotland, but we have also already had very tentative discussions to explore the possibility of our arranging travel to Scotland for people who are in Poland and who get agreement to come to Scotland. All that is very much in the ambit of what we are looking at. Not all those bits of support will be necessary for everybody, but we want to ensure that the support that we are able to provide is as comprehensive and all-encompassing as it can be.

**Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP):** I imagine that almost every member has been contacted, as I have been, by constituents who are reaching out to offer their support and welcome Ukrainians to Scotland. Is the First Minister confident that the roll-out of the supersponsor scheme can fully utilise and co-ordinate that outpouring of generosity, particularly on the part of Scots who are unsure how to proceed when they have a room to offer but, as yet, no name of a person to whom they can offer it?

**The First Minister:** Yes, I am confident that, through the scheme, we can match the generosity of the Scottish public.

Let me again be clear about what we are asking the UK Government to do. From Friday, when I understand that visas will start to be issued under the homes for Ukraine scheme, we are asking the UK Government, in effect, to issue 3,000 visas to people because we have said that we will sponsor them—so that the UK Government does not

demand that individual sponsors in Scotland are identified for those people but allows the Scottish Government to be the single sponsor and lets them come to Scotland, where we will put in place temporary accommodation while we do the process of matching those people, who will be safely here.

Through all the work that we are doing, with operational meetings going on even as we speak, if we get that agreement from the UK Government, I believe that we can put in place the arrangements to give 3,000 people initially, and more later, the safe sanctuary that they need here. What we need, though, is the UK Government to be able and willing to start issuing the visas from this weekend. That is the bit that I hope to get agreement on. I am optimistic about it, but it is the bit that we still need to secure.

**Jeremy Balfour (Lothian) (Con):** Two weeks ago, a couple arrived from Ukraine, after a traumatic journey. They were turned down for temporary accommodation because they were not willing to give up one of their cats, which they had brought with them. Does the First Minister agree that local authorities need to take a pragmatic attitude and allow people who have come from horrific situations to take things that they have brought with them to their new accommodation, whether we are talking about pets or other things?

Does the First Minister also agree that there is a lack of accommodation in this city? Will people who arrive in Edinburgh go to other parts of the country, or does she see Edinburgh becoming a major hub?

**The First Minister:** The experience of the Syrian resettlement scheme is that many different parts of Scotland, including rural, remote and island communities, have played their part in welcoming people, and I think that that is what we want in this context.

An issue that we are discussing with the UK Government is that, if the single supersponsor proposal is given the green light, we need to get a sense of exactly where people will arrive. Will they all arrive into Edinburgh airport? Will some people come via London or through other points of entry? Those sound like—and are—points of detail, but they are really important points of detail to get, so that we know where to put the initial welcome hubs and where we will accommodate people immediately and temporarily while we do the wider matching work.

The point about pets is important. People are fleeing trauma. Not everybody who offers accommodation will be willing to take a pet. However, the more information and visibility of people coming here that we have, the more able we will be to assess their needs and properly

match them with people who are willing to offer help.

The supersponsor proposal is—I will be perfectly frank about this—partly about short-circuiting UK processes that I still think are too bureaucratic, are too cumbersome and take too long, but it is also about allowing us to offer more comprehensive support by having greater information about people who come here. That is why I really hope that it works. If it does, I am confident that the Scottish Government, working with our partners and with the great body of good will from across Scotland, will make Scotland a place of safety, sanctuary and welcome for as many Ukrainians as possible.

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** I note the proposal for welcome hubs and, if necessary, temporary accommodation. I suggest that the Scottish Government could start by using premises that are in its ownership for welcome hubs and accommodation. For example, in Edinburgh, we have Holyrood palace a stone's throw from the Parliament. It is, I understand, owned by the Scottish Government, has lots of space—more than 200 rooms—and is largely underoccupied.

**The First Minister:** I am keen that we keep our focus on what we are trying to do to help Ukraine. I know that the point is serious and I am taking it seriously. I am just a little bit reluctant to give an answer that might generate a headline that detracts from the important work that we are doing.

Christine Grahame's general point is right. We should look to use all possible ways of helping to accommodate people from Ukraine. We are all being asked whether we will do it. Everybody's circumstances are different, but her general point is right that we should make available all accommodation that we reasonably can. That will allow us to ensure that we maximise the contribution that we make.

**The Deputy Presiding Officer:** That concludes the statement. There will be a short pause to allow the front-bench teams to change over for the next item.

While members are moving positions, I remind everyone of the Covid-related measures that are in place and that face coverings should be worn when moving around the chamber and across the Holyrood campus.

## Substance Use in the Justice System

**The Deputy Presiding Officer (Annabelle Ewing):** The next item of business is a debate on motion S6M-03625, in the name of Keith Brown, on a person-centred, trauma-informed public health approach to substance use in the justice system. I invite members who wish to speak in the debate to press their request-to-speak button or to enter R in the chat function.

15:33

**The Cabinet Secretary for Justice and Veterans (Keith Brown):** In January, we marked the first year of the national mission to reduce drug-related deaths and harms. The groundwork has been laid for addressing the issues head-on across Government in health, justice, housing and education and putting in place the investment and actions so that we can focus on delivering change on the ground. Change is urgently needed. Every drug-related death is a tragedy, and we are again reminded of the need for continued and collective action by the quarterly suspected drug death statistics that were published only yesterday.

Sadly, we know that many people in the justice system—whether at the point of arrest, in the community or in custody—have drug or alcohol issues. Therefore, I welcome the opportunity to reflect on the steps that the Scottish Government and its partners are taking across the justice system, and those that we have already taken, to reduce drug-related deaths and harms and how we will build on them in the future.

Those steps form part of the person-centred and trauma-informed approach that underpins our vision for justice and will be central to how we work with people who are in contact with the justice system, including people with drug or alcohol problems. We have a bold, transformative vision of the future justice system for Scotland that sets out clear aims and priorities, including a focus on rehabilitation and shifting the balance between the use of custody and justice in the community.

I want to be clear that this approach is not the easy option to take, but it is the right one. The Scottish Government is committed to focusing on what works—what evidence demonstrates makes a meaningful and lasting change. This is not about soft justice but is about what is most effective and what works to make communities safer and reduce victimisation and harm. It is not about building more prisons, putting more people in them and hoping for the best. That would be soft justice and the easy option.

A person-centred and trauma-informed approach begins with the recognition of the need to treat everyone with respect, regardless of their background, and to provide support to empower people to make positive changes in their lives. It is clear that 50 years of outdated drug legislation, which focuses on criminalising people with complex needs, rather than on how services can support them into recovery, has caused more harm than good. We have known for years that the police cannot simply arrest our way out of the current drugs emergency in Scotland. Many different groups of experts have looked at the Misuse of Drugs Act 1971 and concluded that change is needed.

Across Scottish Government and the Scottish Drug Deaths Taskforce, work is under way that is intended to change the way we work within the current law, and I appreciate the work that the task force has done on that to date. An action plan is being developed to respond to the proposals in the phase 1 report and take forward a second phase of drug law reform consultation, and to lead a national conversation in Scotland to show that the evidence is clear and it is time to act.

Ultimately, we believe that the best way to reduce drug-related crime and the associated harms is to provide opportunities to access appropriate treatment and support services at every point of the criminal justice system, and the Scottish Government and justice partners are actively working towards that.

An excellent example of the positive steps that have been taken to date include recorded police warnings. Last year, the Lord Advocate—I should emphasise that the Lord Advocate is not the Scottish National Party Government and does not speak on behalf of the Government when she acts in this area but is independent—announced that recorded police warnings may be used for all classes of drug possession. Although that was a decision for the Lord Advocate, I welcomed the change, which can help with a shift to a public health approach.

There are other encouraging examples of effective practice. The Drug Deaths Taskforce has developed a police referral peer navigator programme which is offering person-centred support to people who use drugs at the first point of contact with the police, facilitating entry to wider services and the help that those people need.

I very much welcome the leadership and progressive approach of Police Scotland in supporting that programme and in taking other operational decisions that help to save lives. For example, the recent decision by the chief constable to roll out the carriage of naloxone by all serving police officers up to the rank of inspector, and officers' support of that, is helping to preserve

life and keep people safe. The roll-out follows recommendations from an independent evaluation. I am delighted to be able to announce today that the Scottish Government's drugs policy division will provide funding of £463,500 to Police Scotland to allow it to kit out all those officers with that life-saving medication.

Police Scotland is also playing an important role in advising on potential operational implications of establishing safe consumption facilities. As Parliament is aware, that is a sensitive but important measure to save lives within the existing legal framework.

Of course, Police Scotland continues to take action against the serious organised crime groups who traffic drugs and are exploiting some of our most vulnerable individuals and communities for their own profit.

Those preventative actions are helping to divert people with addiction out of the criminal justice system, where appropriate, and into treatment and support for their recovery.

**Brian Whittle (South Scotland) (Con):** I associate myself with the minister's words about treating the issue as a public health issue rather than a criminal justice one. Will he outline any measures that the Government is taking to prevent people from falling into the clutches of addiction in the first place, rather than waiting for them to become addicted?

**Keith Brown:** There are elements of the justice system that seek to do that, including a number of programmes. My colleague Angela Constance will outline some of the ways that we are seeking to do that through the Drug Deaths Taskforce when she sums up. I am happy to provide the member with more information about what we do in justice, but the stuff that Angela Constance is doing will be of more interest to him.

Where cases are prosecuted in court, it is rightly for the independent judiciary to decide the most appropriate sentence. However, the Government is committed to shifting the balance from custody to more effective community interventions, where appropriate. We know that many of those who offend have experienced poverty, disadvantage, adverse childhood experiences and trauma and often have health problems, such as drug and alcohol dependency.

Given the damaging impact of imprisonment, our long-term aim is for custody to be reserved only for individuals who pose a risk of serious harm, and for some other categories, while ensuring that effective community-based support and interventions are available where needed. That is why we are taking concerted action, including through forthcoming legislation on bail and release, as well as providing support to

transform community justice services. That is smart justice, because we know that reconviction rates are lower when we take that approach. If we have lower reconviction rates, we have fewer victims and less crime in Scotland. That should be the aim of everybody who is involved in this debate.

**Katy Clark (West Scotland) (Lab):** I asked the cabinet secretary earlier this afternoon why he thought it was that Scotland continues to have the highest rate of people in prison in Europe, and also the highest rate of people on remand. A survey showed that almost half of prisoners—about 45 per cent—reported being under the influence of drugs at the time of their offence. How do we ensure that we make the kind of systematic changes that are needed to address this issue? How does he think the Parliament should hold the Government to account on the issue? Does he think that we need to have targets? Does he have a plan for how we are going to make the system change?

**Keith Brown:** There will be different elements in answering that question. On whether we should have targets, it is not for me to tell Parliament how it should hold the Government to account, but the justice vision has a one-year delivery period that has been put forward just now, which includes lots of existing performance measurements—if not targets—and other interventions. We are also working on a three-year delivery target or delivery programme. When that is published, members might wish to quiz the Government on it—I am sure that they will.

On Katy Clark's other point, I have already mentioned that Angela Constance will cover some of the things that we can do in society to try and reduce dependency, alcoholism and drug abuse. Within the justice system, we have to do more, whether that is in prisons or in how we deal with people with those issues in police custody suites, for example. We are doing a number of those things, not least in relation to a conversation that we had today with police and health professionals on how we use the navigator system and one or two innovative approaches, such as that being taken in Fraserburgh. I am happy to provide more information on that if the member wishes. Those approaches include how we best use monitoring and support to improve outcomes. There are potential developments in relation to alcohol and substance monitoring, and I am committed to looking at options focusing on what works. In doing that, I am open to working with members from across the chamber—as, I am sure, is Angela Constance—and we welcome the engagement that we have had to date.

As part of our efforts to encourage greater use of community interventions, our programme for

government makes it clear that we are committed to expanding community justice services and to supporting diversion from prosecution, alternatives to remand—that comes back to the member's question—and community sentencing.

In 2022-23, we increased annual funding by £15 million to £134 million to reflect continued investment in supporting pandemic recovery work and the expansion and transformation of community justice services. Combining that with investment in the national drugs mission, we are enabling timely and effective interventions in communities to prevent harm and to improve life chances. Our measures will also support the delivery of the revised national community justice strategy, which is currently under development. The strategy will set out clear aims for partners, with an emphasis on early intervention, and it will encourage a further shift away from the use of custody.

Our approach is evidence informed, and it is important that we assess the impact of existing measures such as drug treatment and testing orders. DTTOs are an intensive disposal that is specifically targeted at individuals with entrenched problem drug use, chaotic lifestyles and a history of offending. They were introduced to combine justice and health approaches in a targeted way, and we know that individuals on DTTOs can have difficulty in fully complying with the requirements. I therefore welcome the Drug Deaths Taskforce's consideration of DTTOs. We intend to carry out some initial exploratory work reviewing the evidence available in relation to the orders and how they align with what is known about good practice in this area.

It is imperative that access to appropriate support is available to everyone who is serving a custodial sentence in Scotland. The Scottish Prison Service is working tirelessly to eradicate unauthorised drugs in prison, and it is continuously adapting its security measures to prevent, detect and deter the introduction of contraband. In November 2021, we laid legislation that allows prison officers to photocopy correspondence as another means to prevent the entry of illicit substances into prison and to reduce the availability of those substances to prisoners. That can only help to reduce the risks that illicit substances present to those living and working in our prisons.

Another key priority in prisons is mitigating against the known elevated risk of drug deaths at transition points such as release from custody, as well as ensuring naloxone provision and continuity of care on release. Prison officers and Department for Work and Pensions staff continue to offer assistance to prisoners to plan for their release, and the Scottish Government continues to support

the work of throughcare services that support individuals to reintegrate back into their community after their release. That includes the excellent work that is done by Scotland's third sector and justice social work services across the country.

The examples that I have touched on are making a real difference and will continue to do so. They are, however, just some of the steps that we have taken so far and which need to be taken. We know that this is a complex issue; it is not easy and it will require further action, further investment and a collective will to address the challenges ahead.

Although the approach that we are taking is not an easy one, we are absolutely clear that it is the right one to deliver lasting improvements. It is based on evidence of what works and is focused on actions that are effective in tackling drug-related deaths and harm and, ultimately, actions that make our communities safer.

The Scottish Government will continue to take this forward at pace and we welcome the opportunity to work with everyone across the chamber in doing so.

I move,

That the Parliament believes that every drug-related death is unacceptable and that drugs deaths are a public health emergency; commits to save and improve lives through the National Mission and supports the implementation of the Medication Assisted Treatment (MAT) standards; agrees with the Scottish Government's long-term aim that imprisonment should be reserved for individuals who pose a risk of serious harm; determines that access to high-quality drug treatment, rehabilitation and recovery services at appropriate points in the justice system, including in prison and police care, is vital; recognises the stigma associated with services and service users and the need to tackle this; supports the transformation of community justice services such as bail supervision and community sentences; reinforces the commitment to continue to improve support for people leaving prison, including access to community services upon liberation, and throughcare; welcomes the decision by the Chief Constable to roll out the carriage of naloxone across Police Scotland and the support of officers to help preserve life and keep people safe; supports the exploration of options to deliver safer drug consumption facilities, within the existing legal framework, to help save lives, and agrees that the development of treatment targets will drive forward the expansion of protective treatment services alongside investment, and that further consultation is needed to gauge public attitudes and explore the limitations of a public health response restricted by the Misuse of Drugs Act 1971.

**The Deputy Presiding Officer:** I call Russell Findlay to speak to and move amendment S6M-03625.1.

15:45

**Russell Findlay (West Scotland) (Con):** One of the issues that unite the chamber is Scotland's

drugs deaths record, which is a matter of national shame.

Working as a journalist in the 1990s, before this Parliament existed, I recall the shock of an annual death toll that was in the low hundreds. Year after year, the numbers rose ever upwards, so it is important to pause and reflect that there were 1,339 drug deaths in 2020. Since this SNP Government came to power, more than 10,000 lives have been lost.

For reasons that I have never heard explained, the Scottish death rate is perhaps the highest in Europe, and is more than 3.5 times greater than the rate in the rest of the United Kingdom. Behind the statistics are real people and families. Each death is a lost son or daughter, brother or sister—vibrant lives that have been cruelly cut short.

It is proper that Scotland is treating the chronic drug problem as a public health emergency, and I expect that we will hear more about that from my colleagues Annie Wells, Jamie Greene and Sue Webber.

However, I have concerns about some of the language and, indeed, some of the actions of the Scottish Government. I worry that ministers are embracing a public health solution at the expense of robust use of criminal justice. I worry that they have become blinkered to the damage that is done by violent, wealthy and powerful drug gangs. In essence, I worry that greater store is being set by wishful thinking than is set by an approach that is based on evidence and pragmatism.

The fact is that we need to harness the resources and expertise of the health and justice systems—it cannot be either/or. Last month in the chamber, I discussed the Scottish Government's newly published "The Vision for Justice in Scotland". As I said then, it reveals much about the Government's thinking—not least the blurring of lines between victims and criminals. The same mindset, in which criminality can always be explained and perhaps even justified, can be seen in the language of the cabinet secretary's motion today. The following line stands out:

"the Scottish Government's long-term aim that imprisonment should be reserved for individuals who pose a risk of serious harm".

It seems that criminals who pose mere "harm" should never be imprisoned; to be imprisoned they must be deemed to pose "serious harm". How, I wonder, does the cabinet secretary define "serious harm"? Does that include only inflicting of violence on people or does the cabinet secretary believe, as I do, that drug dealers cause "serious harm" to our most vulnerable people and should therefore be in prison?

I am happy to give way to the cabinet secretary if he is willing to answer those questions.

**Keith Brown:** I am happy to do so. It is preposterous to allege that anybody in this chamber does not think that drug dealing presents serious harm to people. Surely we can have more elevated debate than that on such serious issues.

**Russell Findlay:** I appreciate the cabinet secretary's clarification that drug dealing constitutes serious harm.

What about the commonly held idea that some criminals should be sent to prison as punishment for their actions? On the basis of the above line in the motion, are we to understand that that concept is to be abandoned? Again, I am happy to give way if an explanation is forthcoming.

**Keith Brown:** It would have been advisable for Russell Findlay to have listened to my statement, because, when I came to that matter, I mentioned that there are categories of prisoner other than those who present a risk of serious harm. Of course there must be a role for punishment in the criminal justice system, but what we are trying to say is that it must be trauma informed. It must be recognised where people are coming from when they present in the criminal justice system. That seems to me to be a sensible approach. It would be useful to hear whether the Conservatives can make any sensible suggestions in that area.

**Russell Findlay:** The inclusion of that line is reason enough for my party to be unable to support the Government's motion and Labour's amendment.

I previously pointed out that there is no mention of organised crime in the cabinet secretary's "The Vision for Justice in Scotland". It is a subject that previous SNP justice secretaries used at least to talk about. I was heartened when UK drugs minister Kit Malthouse recently gave evidence to a joint committee of the Parliament. He spoke passionately about the need to give people help in beating their addictions. That same thinking motivates my party's proposed right to recovery bill, which has won support from people who work at the coalface of the drugs crisis.

However, Mr Malthouse also spoke about the need for robust policing to hit the pernicious and dangerous drugs gangs that amass huge fortunes from dealing in death. I share his disappointment that the SNP Government rejected the opportunity to take part in project ADDER—addiction, diversion, disruption, enforcement and recovery.

**Gillian Martin (Aberdeenshire East) (SNP):** Russell Findlay is talking about organised crime and putting people who are drug dealers in prison. Does he recognise that many people who are in prison and have problem drug use are not involved in either of those things?

**Russell Findlay:** Absolutely. In the past few months, our policy gave voice to prison officers on the huge volume of drugs that come into prisons via mail. Only by agitating and pushing was action finally taken.

I wonder whether the Scottish Government's rejection of the opportunity to take part in project ADDER was motivated—forgive me if I am wrong—by the cynical strategy of always seeking to differentiate its policy from UK policy.

I suspect that that same tactic might be the reason some SNP—

**The Minister for Drugs Policy (Angela Constance):** Russell Findlay might recall that in a previous debate, I advised that the reason why we do not participate in project ADDER is that it is really just rebadged work that we are already doing in Scotland. Also, ultimately, project ADDER is enforcement led, as opposed to being public health led.

**The Deputy Presiding Officer:** Mr Findlay, I will give you a wee bit of time back. You have been generous with interventions, but you should focus your mind on concluding, rather than on taking more interventions.

**Russell Findlay:** I point out to the minister that ADDER stands for "addiction, diversion, disruption, enforcement and recovery", so it is not just about enforcement but about all those elements.

I am clearly running out of time.

Another issue is drug consumption rooms. As my party has already said, we are open minded about them, but we have yet to hear how they would work in practice. Would they be mobile facilities or bricks and mortar? If they are in buildings, I bet that they would not be in the postcodes where middle-class members of the Scottish Parliament live. Would addicts who lead chaotic lives be expected to book an appointment, turn up and stand in line? If the rooms are mobile, would they be like Post Office vans serving communities? At a time when the Government has presided over the closure of one in eight of Scotland's libraries, what kind of message would that send out? "Never mind folks, we've shut down your library and your sports centre, but we've found the cash for a mobile heroin van." What would that say to parents who are seeking the best for their children who are living in drug-scarred communities?

I share the concerns that have been expressed by Police Scotland about DCRs and the associated so-called tolerance zones. I declare an interest: I am married to a police officer.

I am conscious of the time.

Perhaps, as Nicola Sturgeon has previously admitted, ministers have taken their eye off the ball on drugs. My concern is that their eyes are still off the ball. Our amendment is grounded in reality, with the right to recovery at its heart. It acknowledges the shortcomings that were recently laid bare by Audit Scotland—not least of which are poor data, lack of transparency and the Government's cuts to addiction services.

I therefore urge members to support the amendment in my name. I move amendment S6M-03625.1, to leave out from “drugs deaths” to end and insert:

“the high number of drug deaths in Scotland is a national shame; regrets that drug-related deaths are 3.5 times that of the UK as a whole; notes with concern that spending on drug and alcohol services is difficult to track and needs to be more transparent; agrees with Audit Scotland that more focus is needed on addressing the root causes of drug and alcohol dependency; supports Audit Scotland's conclusion that more could be done to join up work and funding streams to demonstrate that they are collectively improving outcomes; agrees that the possession of class A drugs is a serious offence and should not be dealt with through warnings as it makes the police's job tackling drug dealing more difficult; reinforces the commitment to continue to improve support for people leaving prison, including access to community services upon liberation, and throughcare; welcomes the decision by the Chief Constable to roll out the carriage of naloxone across Police Scotland and the support of officers to help preserve life and keep people safe; recognises that the Scottish Government's effective decriminalisation of class B and C drugs in 2016-17 has resulted in an increase in the number caught possessing such drugs; understands that admissions to psychiatric hospitals among cannabis users has soared since the effective decriminalisation of that drug; determines that access to high-quality drug treatment, rehabilitation and recovery services at appropriate points in the justice system, including in prison and police care, is vital; welcomes Scottish Conservative and Unionist Party proposals for a Right to Recovery Bill, which would provide a statutory right to addiction and recovery treatment services; supports the principle that individuals seeking addiction and/or substance misuse treatment should be able to quickly access their preferred treatment option, and regrets the Scottish Government's refusal to participate in Project ADDER, which is designed to tackle addiction and supply of illegal substances.”

15:54

**Claire Baker (Mid Scotland and Fife) (Lab):** I welcome the opportunity to open the debate for Scottish Labour. We agree that Scotland's drug deaths crisis and the huge scale of drug-related harm must be addressed through a public health approach that extends to the justice system.

We support the use, where appropriate, of policies such as the recorded police warning system, to divert individuals away from the criminal justice system and towards support services. However, in our prisons, it is vital that individuals who experience drug-related harm are also offered appropriate treatment and support,

and that we provide the personalised and trauma-informed care that they need in order to rebuild their lives.

The implementation of the medication-assisted treatment standards is an important step, and they must be fully implemented in prisons as part of the public health approach. Delivery is crucial and, as we approach a year since the introduction of the MAT standards, what measurable progress can we expect to see? The minister previously committed to updating Parliament, so I would like to know whether we are going to see publication of relevant data on progress. The majority of prisoners who are seen by drug and alcohol services also present with mental health symptoms, so integration of those services is key.

However, I am disappointed by the fact that the Government's motion seeks to introduce constitutional politics into today's debate. Although she has a view on those powers, the Minister for Drugs Policy has focused on building consensus and support for a change of direction, so I am disappointed that today's approach presents a barrier to that consensus.

The Government is also asking for support for an undefined consultation; it is not clear what its aims or focus are, or whether it will be independent. Is it intended that the consultation will be led by Parliament? That would be a constructive approach. Any consultation that takes place must not delay action on delivery, because there must be a laser focus on delivery.

I remind the Scottish Government that all of the UK comes under the Misuse of Drugs Act 1971, but Scotland has three times the rate of fatalities that England and Wales have. I agree that the UK Government's approach is wrong, because approaching the crisis from a justice perspective sets us up to repeat mistakes. However, there are diversion policies in the UK Government's relaunched strategy; the Conservatives have highlighted project ADDER. The UK Government might not emphasise those policies, but they exist. That is another reason why I cannot understand the Conservatives' rejection of that approach in Scotland, through our police recorded warnings system.

The Scottish Government cannot rewrite the history of drug deaths in Scotland and suggest that responsibility lies elsewhere. Over the past 15 years, while the crisis has grown and embedded itself in too many communities and families across Scotland, the response has been wrong, complacent and slow. Although it was driven by the Tories and introduced by the SNP, Parliament must take responsibility for the wrong-headed strategy in “The Road to Recovery: A New Approach to Tackling Scotland's Drug Problem”,

which set back progress in harm-reduction policies.

The Scottish Government must take responsibility for the cuts to alcohol and drug partnerships in 2016-17, which meant a reduction in support and services. When the drug deaths figures started to rise, the Government's response was that the rise was generational and almost to be expected. That response delayed investment and the desperately needed political focus and will.

Mismanagement of the prison service and underfunding of key services, including mental health, cannot be swept aside. Prison numbers are still too high, and staffing pressures among healthcare staff continue, despite repeated warnings about the impact of overcrowding and lack of treatment services and throughcare. It is well evidenced that the period immediately after a person's release from prison is a time of increased risk of drug-related death. The national drug-related deaths database records show that more than one in 10 people who suffered a drug-related death had been in prison in the previous six months. A recent Criminal Justice Committee round-table session highlighted the lack of support for prisoners prior to their release, but concerns about the adequacy of services including throughcare are not new.

We acknowledge the recent announcements from the Scottish Government, many of which are highlighted in its motion, but the true test will be in delivery. The indicative figures that were published yesterday suggest that—although they are at the early stages—some interventions might be starting to make a difference. However, the rise in drug fatalities among women is alarming, so we desperately need more services to be targeted at that group.

Although we do not support the Conservatives' amendment, it is right that they highlight the recent report from Audit Scotland and the need for more focus on the root causes of drug and alcohol dependency. By using the extensive powers and resources that are at its disposal, the Government can make real and lasting impacts, including fully funding front-line services for drug treatment and prioritising policies that rejuvenate the most deprived areas.

Ministers have had 15 years in which to take decisive action. If they had chosen to act earlier by investing properly in mental health services, drug treatment services and social care, and by expanding residential rehabilitation—in order to create clear pathways and support for prisoners with drug problems on release—what impacts could we have seen in that time? The Scottish Labour amendment makes it clear that, without sufficient investment and action to address

inequalities, that failure to make progress will continue.

The Conservative amendment also references support for specialist adult drug courts. Although that approach was trialled in Scotland, the Scottish Government stopped funding it. It was interesting that the cabinet secretary talked about DTOs and issues with full compliance. The evidence shows that drugs court work well and support people through the process.

In Scotland, a significant closure programme of local courts, which included closure of the Cupar sheriff court, meant that there was insufficient capacity in Fife to accommodate the drugs court there. There were two drugs courts, one in Glasgow and one in Fife, but now only the one in Glasgow is left. Although the courts showed positive results, the Government said at the time that there was not enough evidence of the results. However, it was difficult to create the evidence when the project was limited to two pilots.

The Glasgow court shows strong evidence that adult drug courts reduce both substance misuse and reoffending, but the model has been allowed to wither. Although I do not anticipate that the Government will support our amendment, I ask it to pursue drug courts as part of the diversionary approach to criminal justice and embedding of the person-centred approach to substance use.

I move amendment S6M-03625.2, to leave out from “, and that further consultation” to end and insert:

“; further agrees that sufficient progress will not be made until the preventative policies are backed by sufficient investment and the Scottish Government addresses Scotland's socioeconomic inequalities; considers that efforts to support and provide treatment to prisoners who experience problematic drug use have been undermined by ongoing overcrowding and pressures facing healthcare staff in prisons; notes the positive impacts made by the specialist drug court in Glasgow, and calls on the Scottish Government to expand access to these courts across Scotland.”

16:00

**Alex Cole-Hamilton (Edinburgh Western) (LD):** I start by extending my apologies to the chamber, as an urgent appointment means that I will be absent during the closing speeches.

I am grateful to the Government for securing parliamentary time for this important debate. As members know, the matter of drug deaths is of great importance to the Scottish Liberal Democrats. As we have heard already, Police Scotland has advised us that there were 1,295 suspected drug deaths in our communities in 2021—a dip from 2020, but still among the highest rates in the world. That is 1,295 lives needlessly

lost, a wealth of potential dashed, and countless families and communities broken.

That situation cannot continue. This is a particularly Scottish problem of international proportions that has been a stain on our record for years. In recent times, Scotland has been taking, on paper at least, a public health approach to drug deaths, which was evident in the words of the new Lord Advocate when she addressed us a few months ago. However, the implementation of such an approach, particularly in the justice system, has been inconsistent.

That inconsistency is starkly evident in the use of fatal accident inquiries in relation to our prisons. My colleague Liam McArthur has worked particularly hard on that issue. The evidence on FAIs shows that drug-related deaths are not treated as the complex issues that they are; rather, such cases are labelled as “drug-seeking behaviour” or “death by misadventure”, as if it is a choice that one makes. As a result, those cases are not investigated properly. These are individuals, and their families are not treated with the dignity that they deserve and do not get the answers that they deserve. More crucially, lessons are not being learnt. The Scottish Liberal Democrats have long called for an overhaul of the FAI system in order to gain an understanding of how to tackle substance abuse properly in the justice system.

In addition, we must work faster and harder to introduce safe consumption rooms, which are crucial to lowering the risks of substance use and to preventing blood-borne infection and ultimately death. My party, through its work alongside amazing activists such as Peter Krykant, has been advocating for safe consumption rooms for several years.

The motion mentions that the Government supports

“exploration of options to deliver safer drug consumption facilities, within the existing legal framework”.

I want to believe the Government’s intentions, but I am anxious that that exploration might translate into further delay. I was intrigued by and echo Claire Baker’s question about the detail around the consultation that is mentioned in the last line of the Government’s motion, and I hope that we get further clarity on that point.

The law regarding this matter is not as set in stone as some might think. There is significant reason to believe that we could achieve, and the Government could do, much more to push the legal boundaries and break the legal impasses that we encounter.

**Brian Whittle:** Will the member take an intervention?

**Alex Cole-Hamilton:** I am afraid that I do not have a great deal of time; otherwise, I would.

The Lord Advocate confirmed all those points last year, following my party’s campaign for a review of the law.

Let me be clear that the Scottish Liberal Democrats are open to further discussion of the further devolution of drugs policy to Scotland. This devastating problem is not a deficiency of devolution, nor is it a product of UK Government policy. However, if devolution of the Misuse of Drugs Act 1971 would save lives, we, as Liberal Democrats, would not be closed off to that. That issue would bear further scrutiny and discussion.

We need to ensure that those who are in need of help are given it freely without suspicion, judgment or punishment. That is why we should work with the Scottish Sentencing Council to offer education and treatment services to those who are caught in possession of drugs. We must introduce such policies as a matter of urgency.

It is surely clear to everyone that, given that the situation has spiralled out of control to such an extent, we need as much expert advice as we can get. That is why I repeat my call for the World Health Organization to provide a specialist drugs task force to enable us to learn from international examples in Scotland. We cannot simply continue to talk about the issue—we need to act.

**The Deputy Presiding Officer:** We move to the open debate. I invite speakers who have not yet pressed their request-to-speak buttons to do so.

16:05

**Audrey Nicoll (Aberdeen South and North Kincardine) (SNP):** I draw members’ attention to my entry in the register of members’ interests—I am a councillor on Aberdeen City Council and a member of the Aberdeen city ADP.

Today’s debate is bittersweet—it is another reminder of the pervasiveness of our relationship with drugs, but also an opportunity to take stock of the work that is being done, and the work that is still required, to address problem drug use and reduce drug deaths. I welcome the latest Police Scotland figures, which show a slight decrease in drug deaths, but every death is a tragedy.

The Criminal Justice Committee has been taking evidence on problem drug use, which we see as a defining challenge of the current session of Parliament. We recently joined colleagues from the Health, Social Care and Sport Committee and the Social Justice and Social Security Committee to consider the intersection between health, criminal justice and social justice in tackling problem drug use. I will highlight some key points that are linked to the Government motion, but first

I will reflect on some witness testimonies to our committee, which shone a light on the factors that push and pull people into a relationship with drugs.

One witness was not a heroin user when he entered a young offenders institute, but after release, he became one. Another was born into the heroin epidemic of the 1980s, when, as she put it,

“crime and drugs took precedence over ... education and nurturing”.—[*Official Report, Criminal Justice Committee*, 27 October 2021; c 4.]

Another was raised in poverty and experienced trauma in a violent relationship. By the time she got out, she was broken and using drugs to ease the pain in her head. Witnesses spoke of limited access to person-centred support; their addiction being seen as “not severe enough”; and treatment not being available for the drug that they used—all of which further marginalised them at a time of need.

We heard about the importance of trauma-informed interactions with police officers, court staff, sheriffs and prison officers, and we welcomed Police Scotland and Crown Office plans to develop trauma-informed training for officers and practitioners, with more solicitors and sheriffs now also trauma informed. We welcomed the task force’s stigma strategy to address the alienation and damage that are caused by the war on drugs, and its desire that distress brief interventions be developed. I know that local provision of DBIs in my constituency was curtailed significantly during the pandemic.

We also took evidence on diversion from prosecution. Although there are challenges with monitoring and attendance, there was real consensus that community-based remedies, where they are appropriate, are much preferable to prison sentences. I welcomed Dr Liz Aston’s contribution on the role of police officers in diverting people to drug services, and I welcome the development of programmes such as navigator, which will allow front-line staff to undertake first-point-of-contact referral to services and support.

Recently, the Lord Advocate announced her decision to extend the use of recorded police warnings to include class A drugs, as the cabinet secretary outlined. In her statement, the Lord Advocate highlighted the Inverness pilot led by Medics Against Violence, which supports referrals to a mentor who can provide support at the first point of contact with police. I would be interested to hear more about progress on that project.

Throughcare on liberation, including general practitioner access, opiate substitution therapy and take-home naloxone, was considered a priority, in addition to alternatives to remand and

imprisonment such as bail supervision and residential rehabilitation. On naloxone, I welcome the chief constable’s commitment to a national roll-out to all police officers, and I commend the Scottish Ambulance Service for its work to develop carriage and use of naloxone.

Finally, the committee heard overwhelming support for law reform to facilitate safe consumption spaces, and the Lord Advocate commented that she would be willing to consider specific proposals that are presented to her on that.

I hope and expect that the committee’s work, including our recent joint sessions with other committees, will inform the national mission and the delivery of the new vision for justice to develop a whole-system approach that is public health based and has person-centred and trauma-informed practices at its heart.

16:10

**Annie Wells (Glasgow) (Con):** The problem with drug-related deaths in Scotland remains our national shame. The numbers do not lie. In 2020, around four people lost their lives each day to drugs. As the First Minister admitted, for too long, the Government had taken its eye off the ball. I recognise that estimated data from Police Scotland suggests that the number of drug-related deaths in 2021 was lower than the number the year before. However, it is clear that there is much more that we can do, particularly on bolstering rehabilitation facilities.

Only last week, an astonishing Audit Scotland report revealed clear shortcomings in the Government’s stewardship of our drug and alcohol services. For many vulnerable people, those services are the last resort to obtain the treatment that they need to get better. That is why the Scottish Conservatives have proposed our right to recovery bill, which has been developed in collaboration with front-line experts, to ensure that people have the statutory right to obtain the treatment that is right for them. I sincerely hope that we can continue to collaborate on that bill, because surely the time has come for us to stand up and say that tackling Scotland’s drug deaths crisis should be the defining mission of this session of Parliament.

Substance misuse is as acute a problem across Scotland’s justice system as it is in wider society. We must do our utmost to tackle the supply of drugs into Scotland’s prisons. By stemming the flow of deeply dangerous substances such as so-called spice, we will help to protect the wellbeing of Scotland’s prison officers, who work under extremely difficult circumstances, and those in custody.

Recent figures have suggested a fall in the quantity of drug-soaked mail that is infiltrating our prisons, which is to be welcomed. My colleague Russell Findlay pushed hard for the SNP Government to take seriously the threat of drug-soaked mail in our prisons and called for the introduction of photocopied mail procedures to disrupt the supply of illicit substances.

As Faces & Voices of Recovery UK has pointed out, not only has the UK Government's project ADDER been effective in providing support to communities in England and Wales regarding treatment, but it has disrupted organised crime and its supply of illegal substances. As the UK Minister for Crime and Policing, Kit Malthouse, has revealed, project ADDER has already helped to seize up to 27 million benzodiazepine tablets that were destined for Scotland. The value of project ADDER is clear. As reflected in our amendment to the motion, it is deeply regrettable that, so far, the Scottish Government has not signed up to it.

Tackling the supply of such substances into Scotland's prisons is only part of the solution. We must also focus on demand. We are clear that access to higher-quality drug treatment and rehabilitation for those across the justice system is vital, including in our prisons. Many people in custody are trapped in a cycle of substance misuse, harm and despair. Strengthening rehabilitation for those in custody will not only help to safeguard their wellbeing but give them confidence as they look to successfully reintegrate into society following their release.

Most members in the chamber are agreed that radical action is needed to stem the tide of drug-related deaths in this country. Although we make every effort to be a constructive Opposition, on this most pressing issue, it is also our duty to be up-front about where the Government is falling short, and we will continue to do that.

16:14

**Gillian Martin (Aberdeenshire East) (SNP):** There is no escaping the fact that many in our prison population are in the criminal justice system as a result of situations that have been influenced by their poor socioeconomic situation. Many of them had a childhood filled with adverse experiences, often as a consequence of poverty, and many have problem drug use as a result of those often undiagnosed and certainly untreated childhood traumas.

Trauma-informed care is essential in all cases of problem drug use, but it is particularly so in our prison settings. People often arrive in our prisons with problems with substance use, Mr Findlay.

We have a duty of care to facilitate prisoners with problem drug use in getting well and back into

society, with an improved chance of never returning to prison and of having a better life. If MAT standards—proven standards that get people well—are the goal across Scotland, they must also apply to those with problem drug use in our prisons.

**Russell Findlay:** The member might be aware that the Scottish prison survey of 2017 revealed that 13 per cent of prisoners entered custody without a drug problem but left with one. However, it took many years for the SNP Government to finally act on drug-soaked prison mail. Does the member agree that action should have been taken sooner?

**Gillian Martin:** Mr Findlay seems to suggest that people who go to prison all come out with drug problems, but I am making the point that many people who go into prison already have serious problems with substance abuse and need help.

I will use my time to speak about prisoners with children and how effective treatment and MAT standards are particularly important in their case. MAT standards say that a person should

“receive support to remain in treatment for as long as requested.”

It is particularly important to ensure that support continues when someone is released. That is already a vulnerable time for any offender, and it is also a key time in ensuring successful rehabilitation in general.

That is particularly important for those who are returning to a family home with dependent children. I believe strongly that a key part of anyone's rehabilitation is family support, so that they can recover from addiction and from the behaviours that led to their incarceration.

I have spoken in the chamber about how important it is that people maintain family connections while they are in prison. I have raised that issue particularly in relation to HMP and YOI Grampian and its family centre and help hub, which is run by volunteers and has faced cuts in the past, as Aberdeen City Council and Aberdeenshire Council have reduced financial support.

The family centre is a welcoming place where families can get help and support. It is also a place where visiting partners can get a cup of tea and something to eat, while kids have a wee play in the playroom, ahead of their visit to the prison estate. That environment means that soft interventions can be made, people can be signposted to services, and families are more likely to keep visiting and to maintain relationships with the family member in prison.

Outside the centre, I have spoken to families, who told me of good practice, with support being given particularly to fathers—who often had quite difficult relationships with their partners and children—so that they are assisted to play a more active part in family life. That support is facilitated by prison staff and the visitor centre, and it makes it more likely that a person will become a better parent who is ready to make a successful and permanent return to the family home. That shows that the cycle of adverse childhood experiences can be broken. MAT standards, complete with positive family access and support, are key to breaking that cycle.

I came away from speaking to families who were visiting the facility at HMP and YOI Grampian thinking that every prison in Scotland should have such a centre. I would be happy to speak to the justice secretary about the funding shortfall.

I will finish by saying how much I fundamentally disagree with the Conservative amendment, which seems to suggest that anyone in possession of class A drugs should be criminalised. Support for diversion from prosecution and the presumption against short sentences is not an ideological position; it is one that is backed up by expert opinion on successful rehabilitation. Our law enforcement resources should not be used to immediately criminalise victims of the illegal drug trade. They are often very ill and vulnerable people who, time after time, have been dealt a raw deal by society.

The “bang them up and throw away the key” ideology might play well with *Daily Mail* readers, but when it comes to getting people well and improving the lives of families who are affected by problem drug use, particularly children, demanding that the state puts ill people into the justice system for possession is simply ill informed, backwards and, ultimately, the rhetoric of the angry mob.

16:19

**Carol Mochan (South Scotland) (Lab):** I thank everyone who has spoken so far in this necessary debate for their contributions. I would like to focus on the problems that are evident in our prisons. When we talk about problems with substance misuse, we are really talking about people who have, for one reason or another, slipped through the net. In so many cases, they will encounter some form of the justice system along that path.

Fortunately, we now seem to be at the point at which the majority recognises that simply locking up someone with a serious addiction will not make that problem go away. Evidence shows that prison stays only exacerbate existing substance misuse problems, leaving a legacy of addiction and distress.

Whether prisons can be reformed to prevent that and provide the opportunity for more sustainable rehabilitation is perhaps a wider debate, but it is one that we dearly need to have. We will not be able to get through all that today, but we can say that the current model is not working.

Where there should be adequate support to get drug users back on their feet, there is far too often still more of a focus on abstinence and a lack of effective intervention to look at a person’s misuse from a long-term perspective.

Above all, the most significant barrier to any progress is the massive overcrowding within our prison system. The incredibly hard-working healthcare staff who work in prisons are already facing unimaginable pressures and, on top of that, they must manage time constraints that in any ordinary circumstances would be deemed to be completely unacceptable. There are so few of them, and so many people who need help.

As always, just like a vast number of the problems that we speak about in the chamber, we expect exceptional results, but we seem to be unwilling to fund them.

If we insist on sending so many people there, it is time that we viewed prison as a unique opportunity to address many of the health inequalities that blight the worst off in our society. However, because of the same pressures on the entire NHS, with the added problems of working in a fractious and poorly managed environment, that will always be difficult to achieve for staff who feel like they are not being supported. In order to give them that support, we need to be honest with the public that, if we are to tackle the drug problem in this country and make our justice system more effective, we will require greater investment and a much longer-term approach, which are two things that the world of politics is often poorly prepared to deal with.

If we continue to address each problem individually, it will take a great deal of time to make any headway. However, as members will expect, my position is a socialist one of understanding that the root of all these problems is socioeconomic inequality that has gone on for generations and will continue for generations to come if more is not done. If we do not seriously tackle the low-pay, high-debt, exorbitant-housing-cost society that we have built, reliance on substances to deal with the pressure will only get worse. The minute that someone is made homeless or put on the cusp of homelessness through losing a job or unaffordable rents, their mental and physical health will rapidly deteriorate and the likelihood that they will look to substances to alleviate that pressure will increase. Those are largely the people who end up in our

prisons. I ask again, why are we not dealing with this problem at the source?

Scottish Labour believes that we must begin to look at the several decades in which drug misuse has spiralled out of control in Scotland, and we have come to the conclusion that that should be a top priority for every Government, not just here in Edinburgh, but also in London, and it needs to remain a priority for a long time to come.

**The Deputy Presiding Officer (Liam McArthur):** You must conclude, Ms Mochan.

**Carol Mochan:** There will be no overnight fix but I ask that we continue with this important work. Thank you, Presiding Officer

**The Deputy Presiding Officer:** Thank you, Ms Mochan. I am afraid that we are now well over time, so I will have to insist that colleagues stick to their time limit.

With that instruction, I call Stuart McMillan to be followed by Sue Webber. You have up to four minutes.

16:23

**Stuart McMillan (Greenock and Inverclyde) (SNP):** At the outset, I remind members that I am a board member of Moving On Inverclyde, which is a local addiction service.

Like other members, I send my condolences to the families of people who have lost their lives because of drugs. Every life lost to drugs is a tragedy and one that society needs to address.

Turning substance abuse from a justice to a health priority is imperative, and that direction of travel is positive. It is vital that the treatment and recovery that is right for individuals is available at the right time. That is a crucial factor of the national mission.

It is also worth reminding members of the SNP manifesto from last year's parliamentary elections that committed an SNP-led Government to developing a new national community justice strategy.

As the Government's motion says,

"access to high-quality drug treatment, rehabilitation and recovery services at appropriate points in the justice system ... is vital".

No one in the chamber can argue against that. We should all support the work that is done in our prison estate to help prisoners with addictions. Can we do more? Absolutely. We can always do more in all aspects of our lives. However, it is vital that we ensure that the cycle of reoffending is broken so that we can help to rebuild lives.

We can also all support the reinforcing of the commitment to continue to improve support for

people who leave prison. One of the key ways in which we can do that is by tackling stigma. Over the years, I have spoken to various people whose lives have been blighted by addiction, and stigma has been a constant issue. If the Parliament genuinely believes that Scotland's drug deaths situation must be dealt with, we must ask ourselves some genuinely hard questions; we must also put those hard questions to society.

Annie Wells mentioned reintegration into society. I agree with her on that, but it is crucial that we deal with stigma to help with reintegration.

It is clear that the national mission led by the Minister for Drugs Policy, Angela Constance, is leaving no stone unturned. It is essential that we work with people with lived experience. I welcome the creation of the national collaborative that will be chaired by Professor Alan Miller, and his commitment to ensure that the views of people with lived and living experience are reflected. The fact that people who have been affected by drugs are being brought together to make recommendations to the Scottish Government about changes to services can only help to improve and to save lives.

As part of the new vision for justice policy that was announced last month, the Scottish Government's ambition, which is shared by the Convention of Scottish Local Authorities and many other partners, is to have a trauma-informed and trauma-responsive workforce across Scotland to address inequalities and improve life chances, and to ensure that services and care are delivered in ways that are informed by people with lived experience; that recognise the importance of wellbeing in the workforce; that recognise when people are affected by trauma and adversity; that respond by preventing further harm; that support recovery; and that can address inequalities and improve life chances.

Embedding trauma-informed practice will ensure that Scotland's justice services recognise the prevalence of trauma and adversity, realise when people are affected by trauma and respond in ways that reduce retraumatisation.

Today and previously, we have heard from some members about their opposition to the new approach that the Lord Advocate has adopted with regard to diversion from prosecution. In Scotland, prosecutors are provided with a range of alternatives to prosecution, including diversion from prosecution, to respond appropriately to the facts and circumstances of each specific case. It is obvious that there is no one-size-fits-all approach and that there is a long journey ahead. However, despite the fact that there is a long journey ahead, I believe that we are now moving in the right direction.

**The Deputy Presiding Officer:** Sue Webber joins us remotely.

16:27

**Sue Webber (Lothian) (Con):** I draw members' attention to my entry in the register of members' interests: I am a councillor on the City of Edinburgh Council and a member of the Edinburgh alcohol and drug partnership.

This is a very important debate, and one that I am glad to have the chance to speak in as the shadow minister for public health, which is a role that includes drugs policy. I am just sorry that I am not in the chamber.

On the SNP's watch, drug-related deaths have tripled, while rehabilitation services have trailed far behind. The number of drug deaths in Scotland continues to shame the nation and is a damning indictment of the First Minister having, in her words, taken her "eye off the ball". Figures from Police Scotland show that there were 1,295 suspected drug deaths between January and December 2021, which is likely to remain the highest per capita figure in western Europe. Scotland's drug death rate is also 3.5 times that of the UK as a whole. In addition, the latest report shows that the number of female deaths rose from 345 in 2020 to 356 in 2021, with women now making up 27 per cent of the victims. The number of women who are dying from drugs is especially worrying, and it is high time that the SNP got a grip of this sickening epidemic.

Angela Constance herself has said that the Scottish Government needs to do more to help female victims, including by providing more women-specific services. The treatment plans that are offered must be tailored to enable women to access them. For example, daytime recovery sessions need to be provided to women who have children to care for, because residential rehab programmes will not suit or be an option for everyone.

I recently visited the River Garden Auchincruive charity in Ayrshire. It is a training and social enterprise development centre that offers a residential programme for people in the early stages of recovery from drug and/or alcohol addiction. Its model has up to an 80 per cent recovery rate globally on completion of the programme. The visit was fascinating and I was heartened to hear that the centre is expanding and building a women-only residential block. The feeling of calm that I experienced on arriving was noticeable, and left me in no doubt that the location and surroundings are key to the programme's successes. Those types of facilities and programmes have been shown to be successful and should be properly funded to

ensure that they continue to make strides in this difficult and challenging field.

Although not specifically related to drug misuse, I will mention an insightful study that was carried out in South Korea. The study revealed that a therapeutic community-oriented day programme resulted in continuous abstinence rates at six months that were nearly eight times higher than those in the control group. The treatment group and the control group were women. When it comes to treating dependency, we know instinctively that men and women have different needs, so we must ask ourselves what more we can do to address the needs of women.

This week, Annemarie Ward, who is a leading drugs campaigner in Scotland, expressed doubt over the latest drug death figures, warning that some overdoses may have been wrongly classified as Covid fatalities. The SNP Government said yesterday that there had been an 8 per cent fall in suspected drug deaths last year, but the head of one of the country's top recovery charities said that reports from the front line suggest that the crisis has not improved. Remember that the numbers are still higher than in 2019.

Our focus should be on improving access to rehabilitation and treatment, and that is just as valid for prisoners. That is why I once again urge the SNP Government to back our right to recovery bill, which is backed by experts in the addiction field and would enshrine in law the right of everyone in Scotland to receive potentially life-saving treatment.

16:32

**Maggie Chapman (North East Scotland) (Green):** I begin by restating what others have said: every drug-related death is a tragedy, and my sincere condolences go to all those who have been affected by such a death. The drug deaths crisis is a public health crisis, but it is not inevitable. We are at last seeing a shift in political positioning, from most in the chamber at any rate, about how we tackle the issue—it is high time.

As I have said before, we need a culture of care not a war on drugs, because the war on drugs has been an abject failure in restricting the use of drugs and in protecting individuals and communities from their harm. Criminalising users and petty suppliers rather than seeking solutions to the deeper problems that underpin substance use has not worked.

We need to understand and tackle the underlying causes of people using drugs and developing addictions if we are to deal effectively with a crisis that is not inevitable. That means having holistic interventions that do not treat the

substance use or dependency in isolation but consider all the person's experiences and challenges, including their economic conditions, housing situation, family relationships and much more.

Drug dependency is like the canary in the mine for trauma, poverty and other social ills. It is a long-term and complex issue and can be fully tackled only when recovery happens at every level of a person's life. Addressing substance abuse issues in that context can bring significant co-benefits in terms of better stability, health and so on, and it means, as the cabinet secretary outlined, rethinking our approach across the justice system.

Prison is not a good place to be; I get that that is the point, but when it comes to dealing with substance dependency issues, prison might be the worst place for someone to be. There are high levels of drug use among people arriving at prison, while they are incarcerated and on leaving prison, including many whose substance use begins for the first time in prison. Drug deaths are especially high while people are incarcerated and after they are released.

People in prison need support that meets their individual needs and focuses on their challenges in a trauma-informed and person-centred way.

We must consider issues to do with demand. Isolation, long periods of being locked in a cell and a lack of appropriate activity all make it more likely that people in prison will turn to substance use. Rigid drug testing in prisons might dissuade people from seeking help or encourage them to use less detectable and perhaps more dangerous substances.

Levels of reoffending are directly related to the level of post-release support that is available, so co-ordination between and across agencies is vital, including links to appropriate community support.

There is significant evidence that interventions in prison tend to be less effective than those in the community. They are definitely more costly. That is one of the reasons why community justice and other alternatives to prison are so important in our collective, cross-departmental efforts to tackle drug deaths and substance addiction, as well as the causes of criminal behaviour.

Addressing people's substance abuse problems requires work at community as well as individual level, using a wide range of policies and systems. We need to ensure that approaches take account of people's age, gender, race and so on. Strict treatment orders might not work for some people, especially young people. Residential treatment might not be suitable for people who have caring

responsibilities or concerns about losing their tenancy.

We must ensure that appropriate resources are available in the community sector, as well as in our police and prison services. We must acknowledge the connections between all Government departments and the importance of a whole-Government approach. Only then can we tackle what is a public health issue with care and humanity.

16:36

**Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP):** I live beside a church that has a very old cemetery, which contains several covenanter graves. Despite the sterling efforts of the church and local authority, there are times when the cemetery needs extra attention to ensure its upkeep and preservation.

Last year, as I walked past on the way to the shops, I could hear chattering voices, accompanied by the sound of power tools and lots of activity. I keeked in the side gate and saw a group of folk hard at work tending the cemetery and engaging in jovial conversation. "Great to see", I thought.

On my way back from the shops a wee while later, I found myself on the lane behind a woman who was carrying a shovel over her shoulder and singing to herself as she made her way to the workers' vehicle. She blushed when she saw me and said, "I was having such a good day that I just had to sing." She went on to say that she was doing community service. She was almost apologetic about it. The stigma that she felt was writ large across her face. She had gone from being so happy that she was singing to being embarrassed about why she was there that day.

I responded positively. I said thank you to the entire crew for making such a wonderful job of the cemetery. I said that she should be proud of what she had achieved that day and that she should never let anybody stop her singing.

I walked home thinking about how it is the small things that make all the difference to an individual's feeling of self-worth and about just how much stigma impacts on a person's ability to enter and sustain recovery and avoid repeated interactions with criminal justice services.

Later that evening, I posted photos and a thank you on social media. The posts were positively received by the wider community and I hope went a wee way towards breaking down the layers of stigma.

I worked for many years supporting people who face addiction, homelessness, grinding poverty, mental health issues and multiple and complex

trauma, so I fully understand that someone's self-worth all but disappears when they face a world full of chaos and repeated periods of incarceration that make any chance of entering and maintaining recovery seem almost impossible. I saw that time and time again.

There is no doubt that trauma and poverty, exacerbated by stigma, can lead someone to self-medicate as they seek to blot out things that they are unable to work through. Those can be the people who enter the revolving door of incarceration, liberation, problem drug use and homelessness.

Although not everyone who experiences trauma ends up in that situation, just about everyone in that situation has experienced trauma. That is why the issue must be seen as a public health emergency and a national mission.

We must move away from a justice system that retraumatizes people, which is why I fully support the Scottish Government's new vision for justice, which has at its heart a trauma framework, in which staff are given the knowledge and skills that they need if they are to embed trauma-informed practices.

Recognition of the prevalence of the trauma and adversity that people who interact with the criminal justice system have experienced will help us, as a nation, to tackle repeat offending and—importantly—our drug deaths. Those deaths are a national loss. The enormity of that loss is felt keenly by the families who are affected, but we need to recognise that, as a country, we have lost far too many people and, with them, all their hopes, dreams and talents.

There is no one-size-fits-all approach to this, but a combination of access to same-day treatment by embedding the MAT standards, widening access to rehab, diversion from prosecution, the navigator programme, a nationwide naloxone roll-out, meaningful and funded community justice options and funding facilities such as the River Garden centre in my constituency, which Sue Webber mentioned, gives us the best chance of preventing the worst outcomes. Members should make no mistake: community justice and diversion from prosecution are not soft justice; they are smart justice.

16:40

**Michael Marra (North East Scotland) (Lab):** In recent years, there has been an unacceptable increase in drug-related harm in our prisons, with an eighteenfold increase in drug seizures within a year. There has been an increase not only in street Valium and synthetic cannabinoids but in psychoactive substances and cocaine. Synthetic cannabinoid and benzodiazepine mixes are

emerging in prisons and, to be frank, we have no idea what they do to people.

Like Scotland's streets, Scotland's prisons are awash with drugs. I do not say that for controversy or headlines. We must accept the reality of the situation if it is to be dealt with. The latest Scottish prisoner survey sets out that four prisoners in 10 had used drugs during their time in prison.

The research group that I ran at the University of Dundee analysed children's drawings that were soaked in psychoactive drugs, dried, posted to prisons and then smoked. The Government has taken action to deal with that by enabling the photocopying of mail. However, for every solution, there will be another cunning means of dealers accessing a captive marketplace where losing yourself from the daily reality of a limited life is a premium product. For example, photographs being received in the mail are being used in the same way but are classified differently—as personal possessions rather than mail.

I ask the cabinet secretary to consider piloting a waste water analysis scheme in the prison estate in Scotland to best identify the types of drugs that are in circulation. The Scottish Environment Protection Agency certainly has the capability to work with analysts to put that in place in short order. Rapid analysis could help with health measures. Understanding what someone has taken is vital to ensuring that they receive appropriate healthcare and can also help with behaviour management, as some substances result in higher levels of aggression towards staff and other inmates. I would welcome the cabinet secretary's response on that suggestion.

Just as on Scotland streets, that all equates to an incredible loss of human life and potential and it tears families and communities apart.

In preparing for the debate, I asked the Scottish Parliament information centre for information on the number of citizens who enter prison clean of drugs and emerge with drugs problems. It told me that that data does not exist. Mr Findlay quoted a figure of 13 per cent from 2017. It is my understanding that that relates to England and Wales, not Scotland, and that no analysis is captured here. Perhaps we can compare notes on that after the debate.

Citizens are at their most vulnerable when they emerge from the prison estate. Many have no real home to go to or productive way to spend their time and, with the stigma that surrounds them, which we have heard about frequently in the debate, they are very susceptible to falling back into drug usage with reduced tolerance levels. Overdose is common.

In preparing for the debate, I asked SPICe for information on the number of citizens leaving

prison who rapidly overdose. That data does not exist either. Data that is now five years old shows that Scotland's drug deaths have an inherent connection with prison, with more than half of the people who have lost their lives having been in prison before. It is such a common factor and readily identifiable, but nothing is done to identify the people for whom the impact is immediate and severe. That is an intolerable dereliction of the state's duty of care, but it is being tolerated daily across Scotland.

The figures that we have seen in recent days on suspected drug deaths show that there is the possibility of some very limited progress, but we must know why and where. If something has worked, how can it be replicated? If change is driven by external factors in the drugs market—whether issues of purity, supply or myriad other possibilities—what controlled analysis can be undertaken so that those factors can be acknowledged? If we do not do that, we cannot lock in any progress.

**The Deputy Presiding Officer:** Stephanie Callaghan is the final speaker in the open debate and joins us remotely.

16:44

**Stephanie Callaghan (Uddingston and Bellshill) (SNP):** I thank Keith Brown for bringing this important Scottish Government debate to the chamber.

A public health emergency currently ravages Scottish communities. A Police Scotland report shows that there were 1,295 suspected drug deaths in 2021. So many mothers and fathers, brothers and sisters, friends, neighbours and colleagues—all gone too soon.

The Scottish Government and everyone in the chamber knows that we can and must do better. Funding is hugely important and we need to better understand where and how that money is spent, and what difference it is making to people's lives. Audit Scotland recommended greater transparency and the Scottish Government has taken that on board, because we need to understand what is working well and what is not, and the impact that policies have on lived experience.

We all want to see our national mission dramatically cutting drug deaths—and quickly. I am sure that I am not alone in often feeling that we are not going fast enough but, at the same time, I understand that we need all the research, strategic thinking, data collection, targets, and systems for measuring progress—all the number crunching and stats—to help us to save lives.

The role of the justice system is a critical pillar of our mission, and people who face the justice system and have challenges around substance misuse need and deserve access to the treatments that work for them. Our priority must be to divert vulnerable people away from prisons and into treatment, wherever that is possible. Continuing to embed the new medication-assisted treatment standards reinforces a rights-based approach to treatment, and the standards help to frame our entire response, encouraging flexibility and urgency. There is no one size fits all, and equal rights to access treatment are key. High-quality drug treatment, rehabilitation and recovery services must run through our justice system, including prisons and police care, as members have said.

International evidence is clear. Prison damages people: people lose their homes, and imprisonment weakens social ties, limits employment, breaks up families and creates a stigma that can be hard to escape. Ultimately, prison sentences increase the likelihood of continued drug use.

Stigma does not stop with people battling drug misuse—at times, it extends to those working to support and help them. Why? It is because stigma is cumulative and long lasting, and society has treated substance users with disdain and disgust for a very long time, often viewing them as worthless. Although Scottish Government policy now frames drug use as a health issue, many in society too often regard vulnerable people as criminals, rather than people who need help. The time to remove stigma is now, and we in this chamber have an important role to play. We can highlight how providing access to different forms of justice, including non-legal solutions, and following up with personalised drug, alcohol and mental health services really helps to address the underlying causes of offending, which helps to keep our communities safer places.

We must celebrate the success of people who move beyond problem drug use. Just over a week ago, I attended the funeral of an amazing woman—my friend's mum—who struggled with drugs misuse for decades and later became very involved with church life and helping others. I joined her children, grandchildren and other family and friends to celebrate her life. The eulogy was beautiful. It faced her struggles with drugs head on and pulled no punches around trauma. More than anything, it captured how she made people feel: warm, accepted, supported and valued. She was a real character and free spirit until the end, but she made you feel comfortable in your own skin. She struggled with drugs, but she also had an amazing heart. She was not a bad person.

We need to help people to rebuild their lives. We need to normalise helping people in need. We need to be leaders in policy and break away from convention. We need to do whatever it takes to tackle this public health emergency—for all our sakes.

**The Deputy Presiding Officer:** We move to closing speeches.

16:48

**Katy Clark (West Scotland) (Lab):** All in this chamber know the statistics that say that Scotland has by far the highest drug death rates recorded anywhere in Europe, and that last year there was a record number of deaths for the seventh year in a row. The number of drug-related deaths is now almost three times higher than it was a decade ago, but we discuss the problem as if it is new.

We have been here before. Damning reports are published, strategies are announced, working groups are established and recommendations are made. As Alex Cole-Hamilton said, the problem is implementation.

The cabinet secretary is correct to say that a trauma-informed and person-centred approach is not a soft option and that individuals must be treated with respect. As Claire Baker, Maggie Chapman and many others have said, we need a public health approach.

It is right that we question why Scotland has the highest drug death rate in Europe. It is clear that tackling substance use will require policies that address poverty, deprivation and Scotland's wider health inequalities, which Carol Mochan spoke about. As Elena Whitham said, we know that people with serious drug addictions often also have mental health issues. More often than not, they have also experienced trauma. Many of them have faced grinding poverty and the knock-on effects of a lack of hope or aspiration for a decent future. Scotland has almost 60,000 people with a drug problem, and every person with a drug problem has many friends and relatives who are also affected by that drug use.

We need to listen to what the experts are saying. Many members have highlighted the action that needs to be taken. Audrey Nicoll spoke about the work of the Criminal Justice Committee and the need for alternatives to custody. Annie Wells spoke about the importance of access to rehabilitation. We simply do not have enough people in treatment. Scotland has only about 40 per cent of people in treatment at any one time, whereas the figure in England, for example, is 60 per cent.

There is a clear link between drug taking and committing offences. In the past 10 years, the

percentage of people testing positive for illegal drugs on entering prison has ranged between 70 and 78 per cent. As Michael Marra discussed, new psychoactive substances have become an increasing problem, and many believe that they are now dominant in prisons. We know that drug use continues to be a significant problem in prisons. The latest drugs survey, which Michael Marra also referred to, identified that about two fifths of people had used illicit drugs in prison at some point.

As a number of speakers highlighted, there is a lack of support in prison. Prisoners need support to come off drugs—support that must continue when they are released, as Stuart McMillan said. Back in April 2020, the Drug Deaths Taskforce recommended that there should be

“adequate throughcare provision ... available to prisoners on liberation”.

We all accept that those who leave prison and are relocated in communities are not receiving throughcare in the numbers required. It is important to address not only the risk of death from overdose in prison but the risks in the months after prisoners leave custody.

We know that we face major challenges that will only be addressed with policies that are underpinned by sufficient investment. We also know that prison is more expensive than the alternatives to custody, but Scotland continues to send the highest number of people to prison in western Europe.

I believe that the Scottish Government has many of its policies in this area in the right place, but that it simply has not been implementing those policies. It has the support of Scottish Labour to implement them. If the disconnect between what is said in the chamber and what actually happens in reality in the justice system was addressed, that would make a massive difference to thousands of people in the prison system and to many more in communities up and down Scotland.

16:54

**Jamie Greene (West Scotland) (Con):** There is a depressingly familiar ritual in Scottish politics that takes place, most often in the chamber, when drugs statistics are released. There is cross-party shock and horror; there is an acceptance that we should all do more; there is even an acceptance that we could work a little bit more constructively and collaboratively; and there are promises from the Government of more action and more money. Today's debate has followed that very predictable tone. However, the debate is repeated every year because although the scale of the problem is immense, the scale of the solution has never matched it. Had it matched the scale of the

problem, the numbers would have already been falling.

Last year, according to Police Scotland, we lost 1,295 lives to drugs in Scotland. Of course, if there has been a reduction from the record high that we saw in 2020, that is very welcome, but there are two brief notes of caution in relation to the statistics. The first is that the Parliament has previously used National Records of Scotland figures as the metric for comparison rather than Police Scotland figures, so let us wait until the NRS figures are published. We should tread carefully before then.

Secondly, even if there is that welcome reduction—I really hope that there is—the number still remains the highest in Europe, and it still remains 3.5 times the rate in the rest of the UK, even against the backdrop of the same legislative environment, which is a point that Claire Baker made.

Of particular concern is the rise, according to those figures, of 3 per cent in female drug deaths last year. Of course, most drug deaths involve men, but there is a real and damaging effect on women across Scotland—not just on women who suffer from addiction, but on women whose partners or family members do.

We need to make sure that our response is tailored to individual needs. Sue Webber made the important point that residential rehab programmes, for example, are not always suitable for women, mothers or those with childcare responsibilities. I was struck by the example that she shared of good work and good practice at the River Garden centre in Ayrshire. In helping constituents and others, I have seen the good and the bad of rehab services. It can be a game changer; it can literally be a life saver as well.

Audit Scotland's review of drug and alcohol services, which was released just a few days ago, must have made difficult reading for the Government. The review is not just worrying; it paints quite a grim picture of services in Scotland. High-risk alcohol use and problematic drug use remain stubbornly high; drug-related deaths and hospital admissions are increasing; and, as we already know, problematic alcohol and drug use disproportionately impacts our most deprived communities.

As Audit Scotland also points out, in 2015, there were 706 tragic drug-related deaths; by 2018, that number had risen to 1,200; and by 2020 it had almost doubled. At the same time, there had been a 20 per cent cut in funding to ADPs, from £70 million in the previous two years down to £53 million in 2016-17. I am sorry, but if funding to ADPs is cut, it cannot be a huge surprise that, in the years that follow, there will be a rise in these

horrific statistics. That is not taking your eye off the ball; it is taking your pen off the cheque book. That has been the problem, which is a point that many of us have raised consistently, year after year.

That is why our right to recovery bill is important. It is not just a press release; it would provide a statutory right for addicts to receive addiction services and would ensure that our recovery services are best equipped, resourced and funded to meet individuals' needs. Currently, only one in seven residential rehab beds is publicly funded. No one in Scotland should be denied treatment because a place is not available to them or because they do not have enough money to fund it themselves. That is a shocking situation to be in.

I say to Gillian Martin that our right to recovery bill would cover those who are in prison, because they have just as much of a right to recovery as anyone else. On a committee visit to HMP Edinburgh, I met some inmates who had been getting addiction services. That was great—it was positive to hear those stories of recovery. Equally, it was shocking to be told that it is easier to get drugs in prison than it is to get them on the streets. In fact, we heard that there are people who enter prison with no drug problem—people who had never even tried drugs—and who leave with a drug problem. That is shocking.

I welcome the Government's commitment to improve access to support and throughcare for those leaving prison. I am happy to work with the Government in a positive and constructive way on all of that. However, we cannot agree with every step that it has taken. I think that there has been a wrong turn in relation to the changes in how front-line officers deal with class A drugs. I think, arguably, that the changes have made it difficult for law enforcement to stop criminals both supplying drugs to vulnerable people and using vulnerable people to get their drugs on to the streets.

**Keith Brown:** Will the member take an intervention?

**Jamie Greene:** If I had any time to give, I would love to have a proper debate. I apologise to the cabinet secretary, although I would be happy to have the conversation with him

We have not heard today about getting drugs off our streets in the first place. They do not magic themselves there. There are wholesale factories in the UK and across Europe that are making pills by the millions. Heroin and cocaine are getting out of the continent and into our islands. Tackling that at the highest echelons surely must feature somewhere, yet we have heard nothing about it in the debate.

I will give members some statistics Since diversion from prosecution started to be used for

possession of class B and C drugs in 2016, the number of people who have been caught in possession has increased. In 2016-17, the number was 21,300. Following the change in policy and in policing approach, in 2019-20, the possession rate went up to 22,900—so nearly 23,000. Is that approach working? If the premise of diversion from prosecution is that it leads to reduction in usage, why are the numbers increasing rather than decreasing?

We have heard many good speeches—I do not have time to go into them in detail. Brian Whittle talked about diversion from prosecution. Annie Wells and Michael Marra spoke about stopping drugs getting into our prisons. When one door is closed, surely another one will open, given that serious organised criminals will do what they can to ensure that their product is still punted to those who want it.

I will close with the words of Stephanie Callaghan, whose gave a notable, emotional speech in which she reminded us that behind every statistic is a person—a friend, a colleague, a family member. We could and should remember that a little more.

The scale of the challenge must be matched by the scale of our response and of our ambition, as well as the scale of Government investment, top down and right to front-line services.

I say to the cabinet secretary and to the Government that it is too late for some, but it is not too late for others. They need to get that money to where it needs to be, because if that does not happen, the figures are never going to drop.

I thank members for their contributions today.

17:02

**The Minister for Drugs Policy (Angela Constance):** I will start by quoting a mum called Libby. I do not know her, but she replied to one of my social media posts on the suspected drugs deaths figures for 2021. She said quite simply that “one life lost is one too many.”

To reflect on the reduction in reported suspected deaths by Police Scotland, we know that we cannot overread the statistics. That information is being published more regularly, at the request of the Parliament, for more timely reporting, but of course, we wait for the confirmed drug death statistics that will be published by the National Records of Scotland in July.

The harsh reality is that the death toll is heartbreaking and every life lost will always be one too many. There is no complacency, there can never be any conceit or acceptance that the status

quo is hopeless or that it cannot be changed, because it can be.

Our priority in the national mission is to be relentlessly focused on getting more people into treatment that works for them. In addition to our work to embed MAT standards and invest in and expand residential rehabilitation, I am pleased to announce a new target to get more people into protective treatment. Again, that is something that I promised the Parliament.

Around 90 per cent of all drug-related deaths involve opiates; therefore, the first phase of our challenging new target will be to get people into community-based opiate substitute therapy. Currently, 29,500 people are in receipt of OST, and we have a new target to increase that by almost 10 per cent to 32,000 people by 2024. For some areas, such as Glasgow, that will mean that they will have to get 500 more people into treatment.

There is a wealth of international evidence that supports OST and we need to be fearless in challenging the stigma around it. Equally, I want to be clear that prescribed drug treatment is not, and cannot be, the only treatment option that is available, hence our commitment to standards on options and choices, including abstinence-based recovery.

**Claire Baker:** I welcome the target that has been set. Can the minister confirm that that would include access to Buprenorphine? An update on progress with heroin-assisted treatment would also be helpful.

**Angela Constance:** That is an important point in relation to MAT standards and choice. We know that some of the work on the introduction of Buprenorphine that took place in prisons during the pandemic showed that, for some people, that was a more optimal treatment choice.

We continue to engage with health boards that have shown interest in heroin-assisted treatment, but we need to turn that interest into a commitment to expand that treatment option. I recently had the great pleasure of visiting the heroin-assisted treatment project in Glasgow; its evaluation is due soon and I am really hopeful that we can use that to get other projects over the line. We have some financial resource committed to that.

Phase 2 of our treatment target will be to expand the target to include all drugs, including alcohol. I have written to the Health, Social Care and Sport Committee, to offer to brief its members in much more detail on the treatment target and to talk about the Audit Scotland report.

We have started—and will continue to pursue—a wealth of work around accountability,

governance, value for money and better use of data. I welcome the Audit Scotland report, paragraph 16 of which acknowledges that, from 2014-15 to this financial year, there has been a 67 per cent real-terms increase in funding.

As well as the gathering and publishing of more information than ever before, and the record investment made this year, of equal importance are accountability, transparency and measuring impact, in order to ensure that we make every penny count. Part of the planning work for my officials and me is to bring forward that cross-cutting plan to ensure that the national mission is kept on track, that it is of sufficient breadth and depth, and that it cuts right across the areas of prevention, early intervention, recovery-orientated care, the public health approach, justice, mental health, family support and the reduction of social harms.

**Brian Whittle:** Will the minister take an intervention?

**Angela Constance:** Absolutely—I was going to get to the member's point.

**Brian Whittle:** On the point about transparency, I know that the minister agrees with me on the importance of the third sector, but perhaps the money that the Government intends to get to the third sector, does not always get there. Is there a way that we could track the money better, to make sure that it gets to those third-sector organisations that do so much good in this area?

**Angela Constance:** In short, there is a way. We have made significant commitments and we have significant funds to support the voluntary sector, but we can do much more to assist that work and improve transparency, particularly in relation to the funds that are routed through alcohol and drug partnerships.

I was also really pleased that Sue Webber has visited the River Garden project in Ayrshire. She might recall that, the last time that I was on the front bench in the Parliament, we made an announcement of significant funding for the River Garden project to assist it, among many other things, to accommodate more women.

I will say a quick word about young people, because there is a relationship between increased hospital admissions—whether they are to accident and emergency or psychiatric wards—in relation to the use of drugs such as cannabis that are involved in a deterioration in the mental health of young people. That is why we need more age-appropriate services. Work is under way, and I have answered many written parliamentary questions on the point, tabled by Claire Baker. However, we also have to be clear that it does not help young people if we push them up tariff in the criminal justice system, with convictions in and

around the possession of drugs. Instead of debating what is best for young people, some of this debate has been about a mischaracterisation of the option of recorded police warnings. We need to be prepared to debate drug law reform at both a Scottish Government level and a UK Government level. I am interested in pursuing discussions with Claire Baker and Alex Cole-Hamilton about ensuring that we do that in an evidence-based way and in a collaborative fashion.

The international evidence is clear that excessively punitive measures increase harms. Harm reduction is effective in reducing deaths and diversion works in reducing reoffending. On a more collegiate note, with regard to project ADDER, we participate in the learning networks, so we monitor and keep an eye on developments elsewhere.

The issue with the Misuse of Drugs Act 1971 is that it limits the full implementation of a public health approach and the re-orientation of practice. There needs to be a much wider cultural change. The focus needs to be on not criminalising people with multiple and complex needs who have experienced serious disadvantage, but tackling the underlying causes, whether they are adverse childhood experiences, trauma, poverty or inequality. The Government invests around £2.5 billion of its budgets to support low-income households.

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

**Angela Constance:** We all accept that jail is for serious offenders who cause serious harms. For others, prison is an expensive means of making matters worse.

**The Deputy Presiding Officer:** That concludes the debate.

## Business Motion

17:11

**The Deputy Presiding Officer (Liam McArthur):** The next item of business is consideration of business motion S6M-03639, 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 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

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions:  
Rural Affairs and Islands

*followed by* Ministerial Statement: A Retail Strategy  
for Scotland

*followed by* Scottish Government Debate: Tackling  
Child Poverty Delivery Plan 2022-26

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 29 March 2022

2 00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)

*followed by* Health, Social Care and Sport  
Committee Debate: Perinatal Mental  
Health

*followed by* Stage 1 Debate: Scottish Local  
Government Elections (Candidacy  
Rights of Foreign Nationals) Bill

*followed by* Committee Announcements

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 30 March 2022

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions:  
Health and Social Care;  
Social Justice, Housing and Local  
Government

*followed by* Scottish Government Business

*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 31 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:  
Constitution, External Affairs and Culture

*followed by* Stage 1 Debate: Miners' Strike  
(Pardons) (Scotland) Bill

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

(b) that, for the purposes of Portfolio Questions in the week beginning 21 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

17:12

**The Deputy Presiding Officer (Liam McArthur):** 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-03640 to S6M-03643, on approval of Scottish statutory instruments, and motion S6M-03644, on the designation of a lead committee.

### *Motions moved,*

That the Parliament agrees that the Provision of Early Learning and Childcare (Specified Children) (Scotland) Amendment Order 2022 [draft] be approved.

That the Parliament agrees that the Scottish Landfill Tax (Standard Rate and Lower Rate) Order 2022 (SSI 2022/46) be approved.

That the Parliament agrees that the Legal Aid and Advice and Assistance (Financial Limit) (Scotland) Amendment Regulations 2022 [draft] be approved.

That the Parliament agrees that the National Bus Travel Concession Schemes (Miscellaneous Amendments) (Scotland) Order 2022 [draft] be approved.

That the Parliament agrees that the Education, Children and Young People Committee be designated as the lead committee in consideration of the legislative consent memorandum in relation to the British Sign Language Bill (UK Legislation).—[George Adam]

**The Deputy Presiding Officer:** The question on the motions will be put at decision time.

## Decision Time

17:12

**The Deputy Presiding Officer (Liam McArthur):** There are four questions to be put as a result of today's business. I remind members that, if the amendment in the name of Russell Findlay is agreed to, the amendment in the name of Claire Baker will fall.

The first question is, that amendment S6M-03625.1, in the name of Russell Findlay, which seeks to amend motion S6M-03625, in the name of Keith Brown, on a person-centred, trauma-informed public health approach to substance use in the justice system, be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

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

17:13

*Meeting suspended.*

17:17

*On resuming—*

**The Deputy Presiding Officer:** We move to the division on amendment S6M-03625.1, in the name of Russell Findlay. Members should cast their votes now.

### **For**

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Webber, Sue (Lothian) (Con)

Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 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)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (SNP)

Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Presiding Officer:** The result of the division on amendment S6M-03625.1, in the name of Russell Findlay, is: For 29, Against 86, Abstentions 0.

*Amendment disagreed to.*

**The Deputy Presiding Officer:** The next question is, that amendment S6M-03625.2, in the name of Claire Baker, which seeks to amend motion S6M-03625, in the name of Keith Brown, on a person-centred, trauma-informed public health approach to substance use in the justice system, be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

The vote is now closed.

**Ariane Burgess (Highlands and Islands) (Green):** On a point of order, Presiding Officer. I am not sure whether I voted. I thought that I pressed the button, but it disappeared. I would have voted no.

**The Deputy Presiding Officer:** I will make sure that your vote is recorded.

**Paul McLennan (East Lothian) (SNP):** On a point of order, Presiding Officer. I do not think that my vote went through. I would have voted no.

**The Deputy Presiding Officer:** I will make sure that your vote is recorded.

### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)

Johnson, Daniel (Edinburgh Southern) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Marra, Michael (North East Scotland) (Lab)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Wishart, Beatrice (Shetland Islands) (LD)

### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Balfour, Jeremy (Lothian) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dowe, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)

MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Presiding Officer:** The result of the division on amendment S6M-03625.2, in the name of Claire Baker, is: For 21, Against 94, Abstentions 0.

*Amendment disagreed to.*

**The Deputy Presiding Officer:** The next question is, that motion S6M-03625, in the name of Keith Brown, on a person-centred, trauma-informed public health approach to substance use in the justice system, be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

### For

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)

Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 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)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)

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

### Against

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division on motion S6M-03625, in the name of Keith Brown, on a person-centred, trauma-informed public health approach to substance use in the justice system, is: For 86, Against 29, Abstentions 0.

### *Motion agreed to,*

That the Parliament believes that every drug-related death is unacceptable and that drugs deaths are a public health emergency; commits to save and improve lives through the National Mission and supports the implementation of the Medication Assisted Treatment (MAT) standards; agrees with the Scottish Government's long-term aim that imprisonment should be reserved for individuals who pose a risk of serious harm; determines that access to high-quality drug treatment, rehabilitation and recovery services at appropriate points in the justice system, including in prison and police care, is vital; recognises the stigma associated with services and service users and the need to tackle this; supports the transformation of community justice services such as bail supervision and community sentences; reinforces the commitment to continue to improve support for people leaving prison, including access to community services upon liberation, and throughcare; welcomes the decision by the Chief Constable to roll out the carriage of naloxone across Police Scotland and the support of officers to help preserve life and keep people safe; supports the exploration of options to deliver safer drug consumption facilities, within the existing legal framework, to help save lives, and agrees that the development of treatment targets

will drive forward the expansion of protective treatment services alongside investment, and that further consultation is needed to gauge public attitudes and explore the limitations of a public health response restricted by the Misuse of Drugs Act 1971.

**The Deputy Presiding Officer:** Unless any member objects, I propose to ask a single question on the five Parliamentary Bureau motions. The final question therefore is, that motions S6M-03640 to S6M-03644, in the name of George Adam, on behalf of the Parliamentary Bureau, be agreed to.

*Motions agreed to,*

That the Parliament agrees that the Provision of Early Learning and Childcare (Specified Children) (Scotland) Amendment Order 2022 [draft] be approved.

That the Parliament agrees that the Scottish Landfill Tax (Standard Rate and Lower Rate) Order 2022 (SSI 2022/46) be approved.

That the Parliament agrees that the Legal Aid and Advice and Assistance (Financial Limit) (Scotland) Amendment Regulations 2022 [draft] be approved.

That the Parliament agrees that the National Bus Travel Concession Schemes (Miscellaneous Amendments) (Scotland) Order 2022 [draft] be approved.

That the Parliament agrees that the Education, Children and Young People Committee be designated as the lead committee in consideration of the legislative consent memorandum in relation to the British Sign Language Bill (UK Legislation).

## Point of Order

17:24

**Russell Findlay (West Scotland) (Con):** On a point of order, Presiding Officer. In this afternoon's debate, I quoted a statistic about prison drug addiction, and another member questioned whether it related to Scotland. I would like to establish and put on the record that it does indeed relate to Scotland.

**The Deputy Presiding Officer (Liam McArthur):** That is not a point of order, but you have now put that point on the record, Mr Findlay.

There will be a short pause before we move to the next and final item of business.

## Dog Theft

**The Deputy Presiding Officer (Annabelle Ewing):** The final item of business is a members' business debate on motion S6M-02745, in the name of Maurice Golden, on tackling dog theft. The debate will be concluded without any question being put.

### *Motion debated,*

That the Parliament is concerned by reports that dog thefts have risen sharply during the COVID-19 pandemic, including across the North East Scotland region; understands that stealing a dog is not currently a specific offence in Scotland but is grouped along with other non-specific thefts, that there is no requirement to take into account the impact such thefts have on the wellbeing of either animal or owners, and that there is no requirement to collect specific information on dog theft offences, which it considers could aid prevention, and recognises the view regarding the merit of a specific offence of dog theft to address these issues.

17:27

**Maurice Golden (North East Scotland) (Con):** I thank members on all sides of the chamber for supporting the motion.

Dog theft is a serious and growing problem. It is estimated that in 2020, almost 200 dogs were stolen in Scotland, and almost 2,500 were stolen across the United Kingdom as a whole. That works out at nearly seven dogs stolen each and every day. The problem got worse during the pandemic—the charity DogLost recorded an alarming 170 per cent increase in cases. However, that should not be entirely unexpected. The loneliness that many felt during the long months of lockdown resulted in an increased demand for dogs as pets, and we know that dogs are the animal that is most likely to be stolen. Figures from the Metropolitan Police show that an astonishing seven out of 10 stolen animals are dogs, and, given that the price of certain breeds jumped by as much as 89 per cent during lockdown, dog theft can be a very lucrative crime.

However, it is important to recognise that the data on dog theft is woefully incomplete. We do not know exactly how many incidents take place, where the theft hotspots are or how certain breeds might be targeted. The existing law treats stealing a dog as any other property theft, so there is no requirement for the police to record the fact that a dog was involved, let alone additional information such as breed type. That brings us to a simple, sad fact: the law of the land treats dogs as nothing more than things. As far as the law is concerned, stealing a dog is no different from stealing a mobile phone, television or any other inanimate object.

However, dogs are not objects—they are part of the family. For many people, their dogs are by far the most important part of their lives. The current law simply does not recognise the treasured and irreplaceable role that they have.

That means that justice is very rarely served. Because the law treats dogs as mere property, the dog's monetary value will influence sentencing. However, the Kennel Club estimates that many older dogs that are stolen are worth well under £500, and so their theft potentially attracts a lighter punishment. It is unsurprising, therefore, that there is little evidence that maximum sentences are being handed out. However, sentencing matters only if there are convictions. Sadly, across the UK, where suspects are identified, just 5 per cent of cases lead to someone being charged and, in total, just 1 per cent of dog thefts actually lead to prosecutions. That is not justice.

Given those problems, it is understandable that, until now, the focus has been on prevention. Police Scotland and animal welfare bodies are working hard to educate and support dog owners to avoid thefts. Microchipping helps, and all dogs over eight weeks old must be chipped and registered, but that only goes so far. There are multiple competing microchip databases, which makes access cumbersome, and records are not always properly updated, so it can be difficult to reunite dogs with owners.

As dogs and owners lack proper protection, I am introducing a member's bill to help tackle this growing problem. My bill will create a specific offence of dog theft, and will base punishment on the welfare impact on the animal and the owner, not just on the dog's monetary value. It will provide for data recording so that we can build an accurate picture of dog theft in Scotland and help to prevent future thefts.

My bill will also ensure that Scotland is not left behind internationally on animal welfare. France, parts of Australia and New Zealand already have specific offences, and England and Ireland are planning to introduce legislation soon. In addition, the equally poor data situation in England will be addressed with standardised crime recording across police forces, more robust rules for registering ownership and transfer data, and, in a very welcome move, the creation of a single point of access for the multitude of microchip databases. That is a huge step forward that we should be racing to take advantage of here in Scotland.

In Scotland, there is strong support for taking action. Welfare groups such as the Dogs Trust, the Scottish Society for Prevention of Cruelty to Animals, the Kennel Club, Blue Cross and Edinburgh Dog and Cat Home have come out publicly in support of my proposed bill. I am

grateful for their support, and for the support that we see today across Parliament. Almost every party backed my motion on tackling dog theft. I am happy to sit down with the Greens—although I appreciate that they are not in the chamber today—to find a way for them to offer their support in the future, because this Parliament is at its best when it acts as one.

We should be as one when it comes to animal welfare—a cause that I am passionate about. That is why I am determined that Scotland should lead on this issue, with a specific offence of dog theft that recognises the welfare impact that that crime has on both animal and owner, improves data recording to help prevent future thefts, and—I hope—allows more stolen dogs to be reunited with their owners. If the famous old phrase that dogs are our best friend is true, we must repay that friendship and give our beloved companions the full protection of the law.

17:34

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** I thank Maurice Golden for securing the debate, which I welcome. I acknowledge that the theft of dogs is on the rise, although we know that actual figures—for the reasons that he has given—are not available; I will come to that later.

Sometimes guilt, and certainly heartbreak, ensues when you have a much-loved pet stolen. You will not know what has happened to the dog, or anything about its future or how it has reacted to being removed from its home—all those things I appreciate. In my day, when my family had the companionship and affection of Roostie, our Irish setter and much-loved member of the family, she would sometimes go missing, but thankfully she had always simply wandered off. We soon found her, usually on the river bank at the bottom of the garden, or she trotted home herself.

We would have been distraught if she had been stolen. Even then, dog theft was virtually unknown. We are now in a different world, with demand outstripping supply and the high value, in monetary terms, that is put on dogs.

That is where I start. We are much more informed now and know that all animals are sentient beings—although, as pet owners, we have always known that, certainly of our dogs, with their individuality and personalities. They are indeed one of the family.

Now to the detail, where the devil always lies. I note that although Roddy Dunlop, who is dean of the Faculty of Advocates and a dog owner himself, appreciates the motivations behind Maurice Golden's proposed bill, he considers that the offence is already covered by the common law on

theft and that, although well intended, a separate offence, presumably with a maximum sentence of five years, would reduce the existing available sentencing range. Roddy Dunlop's view is that, if sentences are not currently suitable, the independent Scottish Sentencing Council has the role of setting sentencing guidelines and ensuring consistency across the courts—taking into account other issues that the member has raised. I am not supporting that point; I am just raising it, together with other matters.

**Maurice Golden:** To clarify the point on sentencing guidelines, I will be consulting on the length of term. Having discussed that with dog charities, we think that five years is reasonable and proportionate. From the evidence that we have looked at, it appears that no one is receiving sentences beyond that under the current system. The proposed bill presents an opportunity to extend that if that is so wished.

**Christine Grahame:** Indeed—there is a role for the Scottish Sentencing Council.

The motion refers to the impact on owners, which, we can infer, should have an impact on sentences. However, to the best of my knowledge, the existing victim impact statements do not alter the weight of evidence, nor the value of any reports commissioned by the court, nor usually the sentence, although—and this is unusual—they may do so in the matter of serious crime, for example rape.

To give an example, two burglaries in an empty domestic property may have different impacts on different people, even though the events are identical. The burglar sneaks in through an unlocked door, lifts a computer and leaves. One householder in that situation is upset but angry, having left the door unlocked; another feels totally insecure in their home and violated by someone uninvited having been there. It would be difficult to argue that, all things being equal other than the impact on the householders, the penalties should be different. What is without contention is that data on dog thefts, both reported and prosecuted, and with outcomes, should be collected. That is an important move forward, and things should be changed in that respect.

Accepting, as I do, that animals are sentient beings and not things is another complication. Can we really argue that the theft of a dog should be equated to the abduction of a child? I do not have answers to such questions, but they have to be addressed. Legislation is tricky stuff, as we all know, and I have touched on just some of the difficulties, but I reassure Maurice Golden that I support his proposal. I will see his bill when it is introduced, and I hope that it functions properly, but we all know that issues such as those that I

have mentioned must be addressed to make legislation that is sound and functional.

17:38

**Jamie Greene (West Scotland) (Con):** It has been a year, almost to the day, since I adopted my dog Astro. He is a rescue dog from Romania. Yes, I have heard the joke many times that he has a European passport while I do not. I went almost 40 years in life without him, and I now cannot imagine my life without him at all. I know he is watching the debate online from home—as we so often say in members' business debates.

The wildlife photographer Roger Caras once said:

"Dogs are not our whole life, but they make our lives whole."

I disagree: I think that dogs are your whole life, and anyone who has a dog will know that.

In its briefing, the Dogs Trust told us that having a dog improves our wellbeing and reduces stress. It has clearly never met my dog.

If we look at the legislative environment that currently surrounds dog safety and security in Scotland, we might not necessarily believe that we are a nation of dog lovers, and that is the point of today's debate. The theft of dogs has been relentlessly highlighted by my colleague Maurice Golden, not just over the past weeks and months but over years, because it is not the same as having your phone, wallet or watch stolen.

Dog theft is widespread now. There was a 170 per cent increase in it during the pandemic, according to some. That is hardly surprising, given the fact that the price of some breeds has more than doubled.

When I was looking for a dog, I went to a rescue charity, mostly out of a sense of frustration at the prices being sought by many breeders, and the unscrupulous way in which some of the dogs are being bred and sold. My dog is not a gold watch and its value is not in its value or its breed. I felt much better giving my money to a charity and rescuing a pup that would otherwise have been on the street.

On that note, I give huge credit to the charity Paws2Rescue, which is one of the great charities that work in this space, and thank Ricky Gervais, who is its patron.

In the area that I represent, there have been some high-profile reports of dog theft and the effect that it has on the victims. At a breeding farm in Galston, there was the loss of four puppies, and we all read about the tragic case of a young couple whose dog was stolen from their garden in Kilbirnie. My heart really goes out to them; I

cannot imagine what it would feel like. I once had an episode when Astro ran out of the front door when I was taking the bins out and went straight into the road in front of oncoming traffic—my heart literally stopped for about eight seconds. For that instant, I thought about how I would feel if I lost my dog. I cannot imagine what it would feel like to know that someone had come into your home or your garden and taken your dog away.

I do not think that our justice system adequately serves as a deterrent to dog theft, because 5 per cent of dog thefts result in someone being charged, and just 1 per cent lead to prosecution. If that was any other field, we would be in uproar.

I should not forget cats, by the way. I have nothing against cats. Any legislation could look at pets in the round.

We should take steps to deter those who steal our furry friends. It is a massive business. We know that the third most profitable illegal trade after narcotics and weapons is in pets. Serious organised criminal gangs and syndicates have given up trading in drugs because of the risks involved, and they have switched to illegal dog trading. They have gone from cocaine and meth labs to canines and pet labs. That is the sad reality of where we are.

To its credit, the Scottish Government introduced microchipping back in 2016. That was the right thing to do. Christine Grahame and other dog and pet lovers have spoken about legislating further in this area, as has the Dogs Trust, which I commend hugely. Its pawlitical asks—see what I did there?—are worthy campaigns, many of which I support and should be looked on favourably.

We can and must do more. All I would ask Government is, if it cannot support the proposed dog theft bill specifically, what else can we do to change sentencing guidelines or to take into account the emotional effect that a very specific type of theft has on the people whose animals are taken from them? I have confidence that all those unanswered questions can be answered. I know that we can do it.

17:43

**Colin Smyth (South Scotland) (Lab):** I thank Maurice Golden for lodging his motion for debate, and for raising the important issue of whether we need a new criminal offence of dog theft.

As we have heard, pet theft is not treated with the seriousness that it deserves in our society. Legally, stealing a dog is pretty much treated in the same way as stealing someone's phone, and that simply cannot be right. Although we live in a society in which people are, sadly, far too attached to their phones, they can easily be replaced like

for like, but we cannot replace a unique, loved family pet, the loss of which can be devastating. At present, the law does not adequately consider the emotional distress caused by the loss of a pet. Pets are companions. They are part of our families, and the law should better acknowledge that.

As Christine Grahame said, animals are also sentient beings. We all know that and the science has proved it. They experience pain, suffering, joy and comfort, so equating them to property is denying them the right to be considered to be sentient beings, and that is not right.

Now certainly seems to be the time to reassess the law so that we do not continue to regard pets largely as property. The past few years have been really challenging for everyone. During that time, for many people, their pets have provided company and support through periods of isolation and constant worry. More and more people have turned to pets to provide that comfort at times of huge uncertainty, and more than ever we understand and better appreciate the huge benefits that a pet can bring to a household.

More than half the people who were surveyed by Blue Cross said that their first pet taught them unconditional love or the meaning of friendship. It and other charities have seen, from the fantastic work that they do to rehome pets, that pets improve owners' mental and physical health, prevent loneliness and encourage learning and empathy in children. Let us recognise that and properly value the welfare and safety of our animals.

Today's motion focuses on the theft of dogs, and I understand why. There has been a big rise in dog theft during the pandemic—it has gone up by around 170 per cent, partly because, as Maurice Golden said, the price that is paid for dogs has risen by as much as 89 per cent. Of course, the monetary value of a loved pet is what owners care about the least.

It is important that we protect, through robust animal welfare laws, all of our animals, whatever their monetary value. That point has been made by Cats Protection. It might be less reported, but cat theft in the UK increased by 194 per cent between 2015 and 2020, and that crime will impact on a family just as much as the theft of a dog. We also know that, in Scotland, although all dogs over eight weeks old must be microchipped, that is not the case for cats, which makes it much more difficult to return stolen or lost cats to their owners. If we are to strengthen the law on dog theft—or consider strengthening sentencing guidance to better cover pet theft, which is a point that has been raised—

**Christine Grahame:** I do not know whether the member is aware that one of the horrors that are associated with microchipping is that, often, the criminals will remove the microchip from the animals that they steal, sometimes in dreadful ways.

**Colin Smyth:** That is an important point, and highlights why taking pet theft seriously is important: some of these criminals, frankly, care very little about the animals that they steal, and can subject them to appalling things, as Christine Grahame suggests.

We should bring all pets under the same protections. All pets should be treated as treasured animals and not just treated as property, whether they are cats or dogs.

The benefits of having a specific offence of pet theft that would offer protections to all companionate animals go beyond simply recognising the emotional attachment that we have to our pets; there are also practical benefits. According to the Kennel Club, 98 per cent of dog theft criminals in the UK are never charged, and, in more than half of cases, a suspect is never found. A strong identifier of pet theft would allow cases to be better tracked through the criminal justice system. The UK's pet theft task force found that consistent and accurate recording of pet theft would also help to identify cases, and the Dogs Trust has highlighted the fact that that would build a stronger picture of the true scale of the problem. Proper data collection would also contribute to having more consistency when it comes to punishment and also to having proportionate punishments that serve as an effective deterrent.

Introducing a criminal offence for pet abduction would be a positive step forward. I believe that it would bring us in line with other parts of the UK and other parts of the world that have already committed to such a move. I look forward to backing such legislation if Maurice Golden or, indeed, the Government decide to introduce it.

17:48

**Kenneth Gibson (Cunninghame North) (SNP):** I congratulate Maurice Golden on securing the debate and bringing this important matter to the chamber. I share his concern about the rapid increase in dog theft, which has been caused by the high demand for dogs during the pandemic and the increase in their value. According to the Kennel Club, the crime impacts and upsets nearly 200 affected households across the UK each month.

Last month, in Kilbirnie, where I live, two Scottish terriers vanished from their owner's back garden and were believed to have been snatched. Thankfully, after having been missing for several

days, Archie and Angus were found and returned to their owner.

Such an event shows why there is an increasing fear of dog theft, and many owners now feel the need to constantly keep an eye on their dogs and never leave them unsupervised. That is unsurprising, given that the emotional impact that owners of stolen dogs experience can be profound, with many victims reporting depression, diminished social lives and even, on occasion, marriage breakdown as a result.

More than a decade ago, I was contacted by a distraught constituent living in Whiting Bay, in Arran, after his dog had gone missing. He alerted the police and feared that his collie, Timmy, might never be returned. Astonishingly, the dog was located in Staffordshire, having been lifted by an Israeli tourist who was—ostensibly—looking for some canine company while touring Britain. How was Timmy found? It was through the microchip, which allowed him to be traced back to his island owner, who was absolutely delighted.

That important precautionary measure, which is now a legal requirement, is one that dog owners can take to increase the probability of their being reunited with their dog if the worst should happen. It gives dog owners peace of mind and ensures that, if anyone tries to re-register their dog's chip number, they will be informed soon afterwards. However, as Maurice Golden pointed out, the system is not perfect.

A decade ago, inspired by Timmy's recovery, I organised in Kilbirnie the first free microchipping session in Scotland, at which 167 dogs were microchipped, and I followed that up with similar sessions across Cunninghame North. Soon after, microchipping spread throughout much of Scotland, and I cannot thank the Dogs Trust enough, as it not only paid for the microchips but funded the staff to install them. Over many years, the Dogs Trust campaigned remorselessly and successfully to introduce compulsory microchipping.

I completely agree with Colin Smyth that we should also consider microchipping cats. My wife, who is a Westminster MP and chairs the all-party parliamentary group on cats, is pursuing that.

Unfortunately, six years after dog microchipping became a legal requirement in Scotland and across Britain, many dog owners still have not chipped their dogs. An English local authority recently said that only 26 per cent of dogs that were taken in by council dog wardens last year were microchipped with accurate details. The fact that chipping services had to be paused by the SPCA during the pandemic may have further hindered progress. Given the rise in dog theft, and the profound impact that that crime has on owners

and pets, I welcome Maurice Golden's motion and the proposal for a bill to create a specific offence of dog theft.

I note the recent comment made by Roddy Dunlop QC, dean of the Faculty of Advocates, which has already been raised here. He stated that there is already a significant deterrent in place in the common law of Scotland and that any court would take into account the dog's value to the owner when sentencing. That is certainly reassuring, but only up to a point. We have heard how few cases are actually prosecuted.

First, a separate statutory offence would address the current gap in the available data that is required to prevent dog theft and would help to ascertain the true scale of the problem. Secondly, it could act as a deterrent by setting a more realistic maximum sentence that the courts might actually use, rather than the current theoretical maximum sentence for theft of any kind in Scotland, which is life. Thirdly, for philosophical reasons, a statutory offence would differentiate between the theft of an object and that of a living animal. It is interesting that members keep referring to mobile phones as if those are their most important possessions. Such an offence would establish a clear difference in the law between objects and sentient animals, which would recognise the welfare impact on the dog, rather than treat the theft as a commodity loss for the dog owner.

I am alarmed by the recent increase in instances of dog theft across Scotland and I therefore welcome the fact that a formal consultation on Mr Golden's proposed bill to introduce a specific statutory crime of dog theft will begin next month. I hope that the introduction of a specific offence will not only recognise the emotional impact and trauma that stealing a dog creates for owners and pets but act as a strong deterrent to potential offenders, while establishing a separate database for dog theft to track the number of offences that are being committed.

**The Deputy Presiding Officer:** I call Finlay Carson, who has up to four minutes.

17:52

**Finlay Carson (Galloway and West Dumfries) (Con):** I thank my colleague Maurice Golden for bringing to the chamber this important debate on tackling dog theft. Sadly, hardly a week passes without a story appearing in a local or national newspaper about a family pet being snatched from a garden, a park or even a street. The impact on individual families is often devastating, to say the least. That is why I fully support any move to make dog theft a specific offence. I hope that that would reduce theft cases and—crucially—protect all

companion animals by bringing those involved in such cruel acts to face tough and quicker justice.

The Scottish Parliament must send out a clear and concise message that dog theft is no longer and was never acceptable and that it will not be tolerated. People who are prepared to go down that road must be severely punished for their cowardly actions.

Dogs are traditionally described as men and women's best friends. I have had dogs all my life and I know the pain of losing a dog through an accident. A theft would be equally painful. I would have spoken a lot about my current dog, but that would make me really emotional, because the poor old soul is coming to the end of his life. He is still very much part of the family.

Robert Burns, our national bard, had a beloved collie dog that he chose to immortalise in "The Twa Dogs". He might well also have said that the rights of cats merit some attention. Colin Smyth has catnapped much of my contribution, but I make no apology for highlighting the alarming rate of cat theft. That worrying increase impacts not only on owners but on the cats.

A pet theft awareness report produced by Cats Protection revealed that cat theft crime had, on a like-for-like basis, risen by more than 12 per cent in the past year alone, and that there had been an almost threefold increase—of 194 per cent—between 2015 and 2020. As with many of the dogs that are stolen to order, it is the high-value cat breeds, in particular Bengals, that are most targeted as thieves look to make a financial killing on the black market.

**Maurice Golden:** I clarify that, although I will be consulting on the inclusion of cats and other companion animals, my focus is on ensuring that the member's bill is sound and functional, as Christine Grahame highlighted. Expanding the scope could be problematic for me, when we consider that the Government has a whole civil service to support it, while I have only me and a researcher in a little office in Broughty Ferry.

**Members:** Aww.

**Finlay Carson:** I absolutely take that on board and I sympathise with the member for having a small office in Broughty Ferry. My priority, too, is for the bill to protect dogs.

However, I am told by Cats Protection that many cats have been stolen for breeding purposes. There have been a number of instances when cats have been returned home with their sides shaved where there would have been a scar if they had been neutered, which suggests that thieves are targeting cats in order to breed from them.

The rise in cat theft can also be attributed to the online market in cats and kittens. Owners are

increasingly likely to buy their cat rather than adopt one. More than a third of the cats that individuals or families have obtained in the past year were bought, and the public are increasingly going online to find that cat—68 per cent of purchases were made through that method last year.

Analysis of the trend has revealed that cat prices across three pet-selling websites—Gumtree, Preloved and Pets4Homes—have rocketed in the past year, with people spending an average of £474 in 2021, compared with £327 in the previous year. Of course, that has helped to fuel demand and make cat and kitten theft, just like dog theft, far more attractive to thieves, who are looking to profit directly from the sharp rise in prices.

Sadly, what is not taken into account—as far as I am concerned, it should be—is the devastating effect that theft has on cats and their owners and the families who love them. For many cat and kitten owners, those cute companions—like dogs—proved to be a godsend during the pandemic by providing important interaction, friendship, direction and love during anxious and troubled times.

It should be mentioned that cats are especially prone to stress, which is triggered by changes in their environment or stressful situations, such as being transported. I support the call from Cats Protection for a specific offence of pet theft to be introduced that covers all companion animals, including cats and dogs. However, I absolutely take on board Maurice Golden's position on ensuring that the dog theft legislation gets through. Furthermore, it should include—

**The Deputy Presiding Officer:** Mr Carson, could you please conclude? You are at about five minutes now.

**Finlay Carson:** I will, Presiding Officer. Finally, I go back to Colin Smyth's discussion of microchipping, which is really important for cats, too.

I am sure that the issues that I have highlighted have significance not only for cats but for dogs. If Maurice Golden is successful with his bill, perhaps we could look towards the future with an all-inclusive debate on tackling pet theft.

17:58

**Stephen Kerr (Central Scotland) (Con):** I will make a short contribution to support my colleague and friend Maurice Golden in his attempt to bring forward this piece of legislation, the shape of which is currently being defined through the process that he is taking it through.

I look forward to Scotland taking a lead in this area. It is something that we should endeavour to do. Truth be told, we do not have a dog at home. I often wish that we did, because I grew up with dogs. My mum and dad always had a dog and it was always a west Highland terrier.

**Jamie Greene:** Does Stephen Kerr want one?

**Stephen Kerr:** Having listened to Jamie Greene's speech, I am not sure that I want that particular dog.

Each of those west Highland terriers had its own personality. In fact, to be truthful, I had a bit of a problematic relationship with at least one of them. The dog saw me as an interloper in the family and itself as the true heir. Of course, dogs see themselves in that way, and people treat them as full and equal members of the family.

There came a point in life when my mum and dad decided that they had reached an age when they were not going to get another dog. That was when my dad's health began to become an issue, and my sister had the bright idea that what dad needed was a dog. He had always had a dog and so he got a rescue dog, Tara.

Now, if anyone ever loved a dog, my dad did, and if anyone here has ever loved a dog they will know the difference that a dog can make to a person. It made a huge difference to my dad and his love of life. That dog had been abused and was very nervous, but dad's devotion to it calmed the poor creature's nerves and nervousness.

He walked it several times a day and pampered it. In return, the dog showed him nothing but devotion. It was a perfect match.

I say all that because I want to assert that a dog is not a thing. That should be accepted, and there should be some statute that reflects it. A dog is a loving and loyal companion. From walks to eating schedules, diaries are often structured around the needs of a dog. Such a time commitment demonstrates the burgeoning relationship between a dog and its owner.

When a dog is stolen, the separation of that loving relationship causes trauma for both sides: for the owner, who is separated from a loving companion that has always been there for them, leaving them with emotions that range from anger to despair, and for the dog, on having been ripped away from their safe home and loving owner. Who can imagine the feelings of insecurity, vulnerability and loneliness that a dog has in that situation?

For the welfare of owners and pets, we in the Scottish Parliament can take a lead and treat the issue of dog theft with the seriousness that it deserves. Worryingly, an increasing number of families are facing that heartbreaking situation. In well-crafted and well-informed speeches, a

number of members referred to the number of dog theft cases in 2020 compared with the previous year. That has been well rehearsed, so I will not take time to revisit those statistics.

We in the Parliament should not be content to accept that situation; we need to do something about it. We must ensure that owners can remain hopeful of reunion by ensuring that there is some kind of justice. We must ensure that dogs can feel the love and security of their owners and home again.

I thank Maurice Golden for raising the profile of dog theft and highlighting the need for a specific crime of dog theft. I repeat that dogs are not objects; they are not even just pets—they are loving members of families across Scotland, and the law should be updated to acknowledge and recognise that fact. Therefore, I support the call for there to be specific legislation on dog theft.

**The Deputy Presiding Officer:** I call Ash Regan to respond to the debate.

18:02

**The Minister for Community Safety (Ash Regan):** I thank Maurice Golden for securing this evening's debate on the important subject of dog theft. We are a nation of dog lovers. As the stories that many members have shared illustrate, dogs can be irreplaceable members of the family. I started my day by being woken up by my dog jumping on to my bed and licking my face. That is not my favourite thing, but there you go.

Over the past two years of the pandemic, dogs and other pets—there has been much mention of cats, too—have provided companionship for many people, especially for those who live alone, at a time when social contact has been limited to prevent the spread of coronavirus. People who have dogs or other pets will find it all too easy to imagine the sense of loss, anger and hopelessness that they would feel if their dog were to be stolen.

Although I absolutely acknowledge that any theft of a dog is a serious matter that can cause real anxiety and upset to its owners, it is important to note, by way of context, that it is not a high-volume crime in Scotland. Last year, the Scottish Government contacted Police Scotland, which told us that its internal records showed that 62 cases had been recorded across the whole of Scotland in 2019-20. That figure increased to 88 cases in 2020-21, but that is still a low number in the context of the number of dogs in Scotland. As members have noted, that increase is likely to have been driven by the rise in demand for puppies during the lockdown in that year.

**Maurice Golden:** Does the minister accept that dog theft is not recorded in a consistent way by the police across Scotland, that it is sometimes not even recorded as dog theft and that, therefore, the police numbers do not necessarily correlate with the true picture on the ground?

**Ash Regan:** I agree that there are always ways in which we could improve the data to which we have access. I take that point.

Police Scotland has indicated that, while it does not as yet have statistics for 2021-22, its impression is that levels of dog theft have since fallen and have returned to what they were previously.

It is estimated that there are at least 600,000 dogs in Scotland. In that context, the scale of theft is low, although the theft of a loved family pet is undoubtedly a traumatic experience. As members have noted, dogs are not objects. When they are stolen, that can cause considerable upset. When a person's pet is lost or stolen, monetary value will be the last thing on their mind. Posters have been put up by people who have lost their pet dog or cat offering rewards for their return that are many times higher than the pet's monetary value because of the value that the pet has to them.

I am aware of Maurice Golden's view that the best way for the justice system to address the harm that is posed by the theft of pets is to create a specific statutory offence. My understanding is that the member considers that that would recognise that the theft of a dog can have a serious effect on its owner. I agree that it is important for the criminal justice system to be able to deal effectively with perpetrators of dog theft. As members will know, and as discussed in the debate, theft is a common law offence in Scotland. The maximum penalty that can be imposed is limited only by the sentencing powers of the court in which the offender is being sentenced. I have heard concerns that when an offender is sentenced for theft, the court will be concerned with only the value of the item that has been stolen. However, I do not think that that is the case. Courts are well used to taking into account the facts and circumstances of each case. When sentencing a person for the theft of a dog or other pet, a court would take into account the fact that the offender had stolen a beloved family pet and the impact that that would have had.

Of course, we will consider carefully any bill that is lodged that proposes a specific dog theft offence. A key question is whether that would bring greater transparency to how the justice system responds to those kinds of offences and whether it would provide reassurance to victims that the impact that those crimes have had has been taken into account when perpetrators are sentenced.

**Jamie Greene:** It is not just the level of the sentence. One of the key benefits of having specific offences is the message that it sends to criminals that there is a high tariff associated with that type of crime. Would that not serve as a deterrent, given the rise in cases of dog theft?

**Ash Regan:** I have set out the context, and I am not sure that it is right to characterise the situation as a rise in cases, because we think that dog theft has returned to pre-pandemic levels. Education and deterrence are important and we should take note of those things. However, for any new law, we need a clear evidence base to show that it would have a real and beneficial impact. I am sure that members would accept what I have said about that.

As members have indicated, I recognise that the theft of a beloved pet has an impact on those whose pets have been stolen. That has come out strongly in the debate. The criminal law policy question is whether the creation of a specific criminal offence meaningfully adds to the powers of the police and the courts to tackle dog theft, given the wide-ranging powers that courts already have to take relevant matters into account when sentencing.

The debate has been good in raising awareness of the important issue of dog theft. I will conclude on what I hope is a positive note: Police Scotland has advised that its records show that in around half of all cases where a dog has been reported as being stolen, that dog has subsequently been reunited with its owner. It is clear that that is much easier to achieve when the dog has been microchipped. Microchipping is an effective method to identify animals and to help reunite them with their owners when they have been lost or stolen, as has come out strongly in the debate. As members may be aware, the Government made it compulsory for all dogs to be microchipped and for contact details to be kept up to date. It is standard practice for enforcement agencies to scan all dogs that are coming into their care, which helps to ensure that when a lost or stolen dog is recovered, it can be returned to its owners swiftly.

The Government is happy to work with interested parties, including the police and animal welfare organisations, to look at what can be done to improve how pet theft is addressed in our criminal justice system. I am happy to consider any specific new evidence-based proposals on how the criminal law could be improved in this area.

*Meeting closed at 18:09.*

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