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Thursday 8 June 2023

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Scottish Parliament

Thursday 8 June 2023

[The Presiding Officer opened the meeting at 11:40]

General Question Time

The Presiding Officer (Alison Johnstone): The first item of business is general questions. In order to get in as many members as possible, short and succinct questions and responses would be appreciated.

Electric Vehicle Charge Points

1. Stuart McMillan (Greenock and Inverclyde) (SNP): To ask the Scottish Government what its response is to reports that local authorities have encountered difficulties in engaging electric vehicle charger contractors to repair EV charge points. (S6O-02348)

The Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights (Patrick Harvie): Through the grant funding that the Scottish Government has provided to local authorities to purchase warranty and maintenance agreements, we expect suppliers to honour their contractual obligations so that, when a charge point is broken, it is fixed on time. Local authorities that own EV charge points, including those on ChargePlace Scotland, are responsible for procuring chargers, selecting installers and agreeing appropriate maintenance packages with their chosen supplier. Once their initial servicing packages have expired, they may choose to extend agreements with their supplier or to seek alternative contractors.

Stuart McMillan: I was first made aware of one EV charger that needed repairs in my constituency last summer, but there have been others since then. Inverclyde Council has informed me that it is unable to get contractors to attend to carry out those repairs. What work is the Scottish Government undertaking to improve EV charging infrastructure in Scotland and increase the numbers of contractors who are able to maintain the chargers as more people become reliant on the service?

Patrick Harvie: Last year, the Scottish Government published "A Network Fit For The Future: Draft Vision for Scotland's Public Electric Vehicle Charging Network", envisaging a well-designed, comprehensive network that works for everyone. Our electric vehicle infrastructure fund aims to enable £60 million of public and private investment to double the size of the public

charging network to at least 6,000 charge points by 2026.

Transport Scotland has considered the range of skills that are required for the maintenance of the charge points. The lack of formal recognition of qualifications has been identified as a barrier and will be assessed as part of a review within the update of the "Climate Emergency Skills Action Plan 2020-2025". Access to training across Scotland is critical, and Transport Scotland has been investing in mobile equipment for colleges to support training in more remote areas and support a just transition to net zero.

Liam Kerr (North East Scotland) (Con): One thing that will not help with the repair and maintenance of EV charge points is the Scottish Government's decision that it will no longer subsidise the repair and maintenance of plug-in points. Cash-strapped councils now struggle to pay for the upkeep of the chargers, which has led to huge hikes in charges in places such as Aberdeen, Aberdeenshire and the Highlands. Will the Scottish Government reconsider that decision to ensure lower costs at the charge point for drivers?

Patrick Harvie: I have already indicated in my first answer the support that has been provided to local authorities, which includes funding to support maintenance of their existing chargers. However, the specific commercial arrangements for maintenance are a matter for negotiation between the local authority or other charge point owners and their maintenance providers. We expect local authorities to ensure that the obligations that they enter into through those agreements with third parties are robust and provide for appropriate performance measures and penalties.

Liam McArthur (Orkney Islands) (LD): I wrote to the previous transport minister raising concerns about the way in which faults are reported. There is evidence from the experience of EV drivers that the number and the duration of reported faults are not being reflected. Will the minister ask Transport Scotland to look again at the way in which it reports faults?

Patrick Harvie: I would certainly be happy to discuss that with the new transport minister once they are in post. For chargers on the ChargePlace Scotland network, the helpdesk initially tries to remedy faults remotely where that is possible. If the fault cannot be fixed remotely, a fault ticket is sent to the charge point owner and their chosen contractor to make them aware of an issue, and engineers should be on site within 48 hours of receipt of the fault ticket.

I recognise that there will be concerns around the country, in particular in remote and rural areas, where there may be additional challenges, but we

think that across the country as whole, the level of reliability of the network is high.

Forth Bike Scheme

2. Gillian Mackay (Central Scotland) (Green):

To ask the Scottish Government what support it can provide to the Forth Bike scheme and its partners, in the light of the scheme ceasing to operate. (S6O-02349)

The Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights (Patrick Harvie): I am sorry that Forth Bike has ceased to operate. We provided £181,000 of pilot funding to Forth Environment Link when it launched in 2019. That and other schemes have found themselves in similar positions as a result of issues that face Bewegen Technologies.

Enabling people to access bikes in an affordable and easy way is vital to reducing health and income inequality, and making communities safer and more pleasant. We are working with Cycling UK to establish a new £1 million fund for non-ownership cycle options—to support start-up and existing cycle schemes—which we expect to launch this summer.

Gillian Mackay: Forth Bike has proved very popular locally, particularly in the Falkirk area, with more than 65,000 miles covered this year. As the minister said, Bewegen, the Canadian bike share company that is involved, has experienced operating difficulties, and Forth Environment Link, Recyke-a-bike and other partners have been trying to find a solution to keep the scheme running. What steps has the Government taken and what discussions about financial and practical help has it had to ensure that cycling provision in Scotland, specifically Falkirk, Stirling and Clackmannanshire, is not massively reduced?

Patrick Harvie: I completely agree with Gillian Mackay and I celebrate the success that Forth Bike has achieved. From discussions with stakeholders who are involved in delivering other affected schemes, I understand that urgent commercial discussions are on-going, including with the Canadian company that Gillian Mackay referred to. In this case, the partners—led by Forth Environment Link, which runs the Forth Bike scheme—have not contacted the Scottish Government or asked us to be involved in their discussions. I note that the Hi-Bike scheme was able to reopen earlier this week, and I hope that there will be a similarly positive outcome for Forth Bike and other schemes.

However, this demonstrates the complexity and challenges of setting up and running public bike hire services, and that is why the new fund that I referred to in my first answer, which will provide

support for the sector, is going to be very important and beneficial.

The Presiding Officer: Thank you. We absolutely must have more concise responses.

Rural Communities (Objection to Government Policy Proposals)

3. Emma Harper (South Scotland) (SNP): To ask the Scottish Government through which means rural communities can object to any of its proposed policies that would have a direct impact on their local sources of employment, culture or natural environment. (S6O-02350)

The Deputy First Minister and Cabinet Secretary for Finance (Shona Robison): The Scottish Government is committed to engaging with rural communities on policy proposals that could directly impact them. Rural voices must be heard and people must feel that their views count. In addition to our usual consultations that allow people to have their say, rural communities are being given a voice to initiate change through Scotland's rural parliament, which is a grass-roots democratic assembly. Of course, Scotland is the only part of the United Kingdom to enable a rural parliament such as that.

Emma Harper: I understand that the Scottish Government is at a very early stage of developing its proposals for highly protected marine areas and I welcome the commitment from the First Minister that no HPAs will be imposed on communities that vehemently oppose them. However, I want to ensure that the voices of fishers in Dumfries and Galloway are listened to and that their concerns are taken into account. Can the cabinet secretary indicate how communities can make their voices known and ensure that any concerns or objections are made clear, as the Scottish Government develops its proposals?

Shona Robison: I reassure Emma Harper that, throughout the process, we are committed to engaging with fishers and others in our island and coastal communities, to ensure that their voices are heard. It has always been our intention to develop those ambitious proposals in close collaboration with the people who are potentially impacted by them. That is why we chose to consult at the earliest possible stage and, beyond our initial consultation, we have already been engaging with stakeholders. That engagement will continue, with more opportunities for people across Scotland, including Emma Harper's South Scotland region, to share their views as part of that process. I am sure that Mairi McAllan, as the lead, is happy to keep the member updated as engagement plans are developed.

Alexander Burnett (Aberdeenshire West) (Con): In February, Douglas Ross and I met the

Cabrach Trust on the Moray-Aberdeenshire border, as I had done with Richard Lochhead last year. We heard from people in a community that has been decimated by the oversaturation of onshore wind farms—a “ring of steel”, as they described it. The community now faces an additional 54 turbines, making it 146 in total, and one of those sites includes Craig Dorney, which is one of the few unexcavated and intact Pictish sites and which is only partly protected as a scheduled monument. Will the Scottish Government give any protection to our rural communities or will it continue these modern-day Highland clearances and destroy our historic and natural environment?

Shona Robison: One of the big impacts on our rural communities is Brexit and some of the immigration policies that have decimated rural businesses—[*Interruption.*] They have absolutely decimated rural businesses.

The Presiding Officer: Members!

Shona Robison: Regarding the issues that the member raises, I will get the minister who is responsible to send a detailed answer. The Tories cannot continue to pretend that they support the green economy and renewable energy in order to meet our climate change objectives and then oppose every single measure that is introduced nationally or locally that supports that. They really need to come clean and be honest about their position.

Bus Services (Renfrewshire)

4. Neil Bibby (West Scotland) (Lab): To ask the Scottish Government what action it has taken to prevent recent cuts to bus services in Renfrewshire. (S6O-02351)

The Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights (Patrick Harvie): It is disappointing to see services cuts in Renfrewshire. As Mr Bibby is well aware, since the deregulation in the Thatcher era, Scottish ministers do not have the power to intervene over specific bus services.

We remain committed to supporting the sector, with £421 million allocated in 2023-24 for bus services and concessionary fares. We have delivered powers for local authorities to run their own services, which sit alongside existing powers to subsidise services. We are working with the Convention of Scottish Local Authorities on the community bus fund, and we encourage operators and local authorities to collaborate for the benefit of passengers.

Neil Bibby: I think the answer that the minister was looking for is “nothing”. Despite McGill’s cutting a huge 13 per cent of services in Renfrewshire, the Scottish Government has done nothing, and Strathclyde Partnership for Transport

and councils have only limited resources with which to step in.

At a busy public meeting in Linwood this week, people from across Renfrewshire told of the huge impact that those cuts are having on national health service staff and patients, college students and working parents. People in Renfrewshire think that the cuts are unacceptable. Does the minister agree that the cuts are unacceptable and, if so, what is the Government going to do to reverse them?

Patrick Harvie: I share Mr Bibby’s concern about the cuts that he referred to and others around the country. However, he is as well aware as I am that the deregulated model of bus service provision does not give Scottish minister power to intervene in specific services. What we have done, as I have already said, is set out new powers for local authorities to run their own bus services, and we have committed to the community bus fund, which will give them the resources to start using those powers.

I hope that Mr Bibby will join us in encouraging local authorities, including those in his region, to use those powers and to work with us as constructively as possible.

Community Sport

5. Carol Mochan (South Scotland) (Lab): To ask the Scottish Government what value it places on resourcing community sport as part of efforts to eradicate health inequalities. (S6O-02352)

The Minister for Social Care, Mental Wellbeing and Sport (Maree Todd): Physical inactivity is identified by the World Health Organization as one of the four main modifiable behaviours that increase the risk of non-communicable disease, which is why our aim is that Scotland meets the WHO global target of a 15 per cent relative reduction in physical inactivity among adults by 2030.

Community sport can play a significant role in the achievement of that aim, and sportscotland works in partnership with governing bodies of sport, local authorities, leisure trusts, clubs and community organisations to provide opportunities for all to participate in sport. We also invest, through sportscotland, in key programmes, such as community sports hubs, that benefit communities across the country.

Carol Mochan: At last week’s Health, Social Care and Sport Committee, there were two particular contributions on community sport that the Government might wish to listen to:

“Access to community facilities is one of the largest challenges that sport, and the voluntary sector as a whole, face”

and

"we do not have a national strategic approach to ensuring that there is investment in community sport activity as a key route to health and wellbeing".—[Official Report, Health, Social Care and Sport Committee, 30 May 2023; c 8, 10.]

Does the minister agree—and is it not the case—that this Government's incessant cuts to our local councils, and therefore cuts to our communities, show that tackling health inequality has never actually been a priority for it?

Maree Todd: Although I agree with Carol Mochan that tackling health inequality is absolutely one of the most important things that this Government and Parliament can do, I completely and profoundly dispute her narrative around this Government's role.

I am sure that she will welcome the news from yesterday of record investment for Scottish sport in 2023-2024 from sportscotland, with up to £36.7 million for Scottish governing bodies of sport, local authorities and wider national partners. That is an 8.6 per cent uplift on the previous year.

On the funding for our local authority partners, over the past decade, since 2010, this Government has suffered—[*Interruption*]. One moment, please. Since 2010, this Government and this country have suffered a period of austerity. There has been a 5 per cent—

The Presiding Officer: Thank you, minister. You must draw your response to a conclusion.

Maree Todd: There has been a—[*Interruption*.]—I cannot respond!

The Presiding Officer: Thank you, minister. I will move on to a supplementary question.

Fiona Hyslop (Linlithgow) (SNP): Is the minister aware that the community swimming pools in Broxburn and Armadale are facing closure, due to West Lothian Council proposing withdrawal of all management fees to the leisure trust? There is no council in Scotland that currently makes up no management fees whatsoever.

These are communities with serious health inequalities. There is a six-week wait for national health service referrals to Broxburn swimming pool amid a need for lower-impact exercise because of long waiting lists for orthopaedic surgery. Is the minister aware that this decision by West Lothian Council was made before proper engagement with health services and patients?

What can the Government do to support my constituents who are on low incomes, need low-impact exercise and do not own cars to get to the neighbouring swimming pool, when bus services have been cut in those two towns?

Maree Todd: I am well aware of the proposed closure of those facilities in West Lothian. Our leisure facilities are absolutely crucial for the health and wellbeing of our population. They play a really important role in rehabilitation, for example.

We are fully aware of the impact of energy costs, and there is such a significant issue facing many sports facilities, and swimming pools in particular. I am very happy to examine what support I can provide.

Of course, the United Kingdom Government pulls most of the levers for controlling energy bills—[*Interruption*.]

The Presiding Officer: Let us hear the minister.

Maree Todd: —and we are working with Westminster. We have repeatedly called on the UK Government to use all the powers at its disposal to tackle the cost of living crisis and to provide appropriate energy bill relief to leisure facilities.

Pride Month

6. Karen Adam (Banffshire and Buchan Coast) (SNP): To ask the Scottish Government, in light of pride month, what it is doing to tackle any discrimination against LGBT+ people. (S6O-02353)

The Minister for Equalities, Migration and Refugees (Emma Roddick): We all have a responsibility to protect and support LGBTQI people from any form of discrimination. It is a responsibility that I take seriously, and I think that all politicians need to show leadership on this issue.

We have published our hate crime strategy—our vision for a Scotland that is free from hatred and prejudice, where people are empowered, inclusive and safe. We are developing a non-binary equality action plan to reduce the bias and discrimination that is currently faced by non-binary people. We will also soon launch our consultation on a new human rights bill for Scotland, which will give effect to a wide range of human rights and will contain provisions to ensure that everyone has equal access to those rights.

Karen Adam: LGBT+ hate crimes are soaring across these islands. Our words, both within and outwith Parliament, have consequences. This week Douglas Ross added to his sorry record on LGBT+ rights by suggesting that drag queen story time is inappropriate for children. Will the minister join me and LGBT+ members and allies across the chamber in condemning any homophobic and transphobic bigotry, which we know fuels anti-LGBT+ hate crimes?

Emma Roddick: Karen Adam raises an incredibly important point that we must take seriously. As I have said, we all have a collective responsibility to protect people from harm, and the Scottish Government is clear that any hatred or prejudice will not be tolerated.

Mr Ross might want to reflect on his recent comments, which follow other comments that he has made with regard to Gypsy Travellers. We all know that there has been a proud tradition of drag artists in our society for many decades. Just two weeks ago, the media noted the death of Scottish comedian George Logan, who was best known for being one half of the drag act of Hinge and Bracket, which performed at the royal variety show and regularly on the BBC in the 1970s and 1980s.

Unless Mr Ross also wants to stop children going to the pantomime, I suggest that he apologises for his comments, reflects, and attends the reading session in Elgin library, because he might learn something. In the meantime, they have my support and my sympathies—

The Presiding Officer: Thank you, minister.

Emma Roddick: —for this undeserved backlash.

Ivan McKee (Glasgow Provan) (SNP): I recently met Matt Dabrowski, the chief executive of OutScotland, which is the UK's first chamber of commerce for LGBT-owned businesses. It provides business development opportunities for member businesses and it supports and promotes supplier and procurement diversity. Would the minister be interested in meeting the group to understand better its work in that area?

The Presiding Officer: Briefly, minister.

Emma Roddick: I am grateful to the member for raising that and commend the aim of OutScotland to support LGBTQI business owners and professionals. I gather that it provides networking opportunities, training, business support and mentoring. I would welcome the opportunity to meet the group to find out more about how it is supporting LGBTQI businesses in Scotland.

The Presiding Officer: That concludes general question time.

Before we move to First Minister's question time, I invite members to join me in welcoming to the gallery, the Hon Nontembeko Nothemba Boyce, who is the Speaker of the KwaZulu Natal Legislature. [Applause.]

I also invite members to join me in welcoming Her Excellency Ivita Burmistro, Ambassador of Latvia to the United Kingdom. [Applause.]

First Minister's Question Time

12:01

South Uist Ferry Cancellations

1. Douglas Ross (Highlands and Islands) (Con): This week, a third of the population of South Uist turned out to protest against ferry cancellations. They are rightly furious that, this month, every ferry to the island has been scrapped. Reports today quote Christina Morrison, who runs the Croft & Cuan near Lochboisdale ferry terminal. She said:

“We don't want compensation, we 'need' compensation”.

Jobs and businesses are on the line because of Scottish National Party failures, so will the First Minister's Government compensate islanders for his mistakes?

The First Minister (Humza Yousaf): First and foremost, I recognise what disruption has been caused by the failure of that ferry—[*Interruption.*]—which has been caused by the breakdown of the ferry in question. Nobody in the Government—certainly not I, as First Minister—is doubting the significant impact on the South Uist community. The former transport minister visited South Uist and, indeed, North Uist. He also spoke to the South Uist business impact group, so we understand the level and degree of disruption to the community that is taking place.

Of course, we will look at what we can do to support business. I have looked previously at the issue of compensation, which has been raised in the chamber, rightly, by a number of MSPs across the political spectrum. The reason why we have not brought forward compensation is that the money that is deducted from CalMac in terms of penalties and fines is reinvested back into the resilience of the network. [*Interruption.*]

The Presiding Officer: Members.

The First Minister: One example of that, of course, would be the £9 million that has been spent to charter the MV Alfred. That is being funded—or partly funded, I should say—by those performance deductions from CalMac of around £1 million to £3 million a year.

I will continue to listen to the calls for how we can support business—as I say, compensation is not off the table—because we know that the community in South Uist is often affected when there is ferry disruption. I will continue to keep an open mind on that question, but CalMac is, of course, doing everything that it can in its gift to ensure that it bolsters the resilience of the network.

Douglas Ross: I am not sure that the First Minister grasps how critical and urgent this is. He says that he will keep an open mind and that he recognises the problems in South Uist, but his answer was almost verbatim the answer that he gave to Donald Cameron two weeks ago about the issues affecting islanders on Mull.

These endless cancellations are leaving businesses in despair and costing jobs, so let us go back to South Uist. One islander, Gary Young, said that takings in his business were down 70 per cent since the ferry service was cancelled. However, the issue is about more than the damage to the economy. The disruption goes far further than that. Mr Young said:

“The ferries are affecting me at my work and family life.”

He added that his son has allergies and they are forced to wait for medication to arrive, and he gave this stark warning:

“It has made us question how long we'll stay on the island.”

The SNP's failures risk driving people away from island communities, so does the First Minister recognise that it is not only businesses that need compensation, but everyone who has had their lives turned upside down by the cancellations?

The First Minister: As I said in my first answer, of course we recognise the disruption that is caused not just to businesses but to island communities who depend on those lifeline services. We absolutely recognise that impact and that disruption, which is why we are committed to ensuring, for example, that we have six new vessels in the network by the end of the parliamentary session, and why CalMac has invested £9 million to ensure that the MV Alfred is chartered, in order to bolster that resilience across the network where we can.

When we look at the overall statistics in relation to the scheduled sailings that have taken place, we see that only 1 per cent have been cancelled due to technical issues. However, clearly, that 1 per cent—the almost 2,000 cancellations that take place due to technical issues—has a significant impact on the communities and, in this case, on the community of South Uist.

We have made another promise and commitment. We know that, often, it is the Lochboisdale service that is impacted because of what is called the route prioritisation matrix, which CalMac uses to determine where vessel redeployment has to take place if there is a breakdown. CalMac, which I believe will visit South Uist shortly to have a discussion with the community, has recognised that, often, it is the community of South Uist that is affected. CalMac has promised to review that route prioritisation

matrix, and we will of course ensure that Parliament is updated.

We recognise the impact on island communities, which is why I have said that we will look to see what more we can do to support the community, including businesses. We will continue to ensure that we invest in those six new major vessels that will serve Scotland's ferry network by 2026.

Douglas Ross: The First Minister has said that CalMac is looking to review the matrix but, actually, its chief executive is going to the island next week to explain it to islanders—he is going to explain why their services have been cut off for an entire month.

The disruption is not just affecting South Uist—it is destroying the way of life across many of Scotland's island and coastal communities. We spoke to Louise Cook, who is a shop owner in North Uist. She told us,

“I'm really at my wits end with all the disruption caused by our aging ferry fleet and the horrific impact this is having on my business ... When I should be increasing staff hours—I have had to cut them drastically ... It's utterly appalling and really upsetting.”

Does the First Minister accept and hear what Louise is saying? Does he understand how many jobs his failures are costing?

The First Minister: I am happy to repeat for the third time that of course I, and we as a Government, do not just understand but are doing everything that we can alongside CalMac to ensure that there is not that disruption to island communities. So, yes, I recognise what Louise and others have said; I have read many comments from businesses in South Uist that have been impacted and affected.

That is why we have taken measures across our term in government to try to bolster that ferry network: we bought and deployed an additional vessel in the MV Loch Frisa; we chartered the MV Arrow to provide additional resilience and capacity; we commissioned two new vessels for Islay and two new vessels for the Little Minch route; we progressed investment in key ports and harbours; and we confirmed additional revenue funding for the operation of local authority ferry services.

I have already mentioned the fact that CalMac spent £9 million—some of that money is coming from the deductions from CalMac—to charter the MV Alfred, which is adding to the resilience of the network.

Where there are failings—clearly, there has been a failing in this case—we know that it is often the community of South Uist that is affected, because of the prioritisation matrix. I can therefore confirm that that route prioritisation matrix will

absolutely be reviewed, so that in the future, if there are those unfortunate occasions when there is a breakdown of a ferry, it is not always that community that is impacted.

Douglas Ross: The First Minister got annoyed that he had to repeat what he had said. I am getting annoyed that there are so many cases of so many businesses and so many individuals who are affected by this issue throughout our island communities, and the blame lies squarely at the door of the SNP.

The failure of Humza Yousaf's party to build a working ferry network is causing chaos. We spoke to Eileen MacDonald of the Doune Braes hotel on Lewis. She said:

"Enough is enough. The island is in such a terrible way. Hotel bookings are down more than 50 per cent. In 40 years of living on Lewis, there is no vibrancy. We are in despair. We cannot be fobbed off with empty words any longer."

The First Minister needs to give Eileen and everyone else in our island communities more than empty words. The SNP's failure to deliver a working ferry network is ruining lives, damaging businesses, costing jobs and driving islanders to despair. Why should everyone who is affected not be compensated for the SNP's mistakes?

The First Minister: I am not saying this out of frustration; I am doing it to re-emphasise the fact that the Scottish Government understands the concern of many of the islanders who have been affected, including the person in the example that was given by Douglas Ross in the question that he just asked. We are investing in the ferry network. I have already given examples of the action that we have taken, including the fact that we have committed investment for six new ferries and look forward to their being part of the network by 2026.

The question of compensation is a very fair question for islanders to ask and for Douglas Ross to raise. I have looked at the issue of compensation, and I am happy to re-examine it. Any such scheme would need to be carefully considered, because it would require a stark choice to be made about funding priorities. We invest the funds from those penalties—the deductions that we take from CalMac—into the resilience of the network, such as by chartering the MV Alfred.

I completely understand the impact and effect that the disruption is having on the community of South Uist. We will continue to engage with the communities of South Uist and, where we can support businesses and livelihoods, I will explore what more can be done.

NHS Greater Glasgow and Clyde (Leadership)

2. Anas Sarwar (Glasgow) (Lab): NHS Greater Glasgow and Clyde has paid a private company to spy on Louise Slorance, a grieving widow who lost her husband in the Queen Elizabeth university hospital infections scandal. Why does the First Minister have confidence in the leadership of a health board that spies on the families of dead patients?

The First Minister (Humza Yousaf): I again give my condolences to Louise Slorance on the death of Andrew. Andrew Slorance was a colleague; I worked with him, particularly when I was Minister for Transport and the Islands, on the work that he did on resilience.

On the back of a previous question that Anas Sarwar asked, I reached out to Louise Slorance, and I believe that we will be meeting shortly. I am happy to discuss with her these issues and any others that she wishes to discuss.

I was disturbed by the reports that were in the newspapers in this regard. It is my understanding—I am sure that Anas Sarwar would expect this—that a level of media monitoring is done by a board, particularly one that is the size of NHS Greater Glasgow and Clyde. However, having listened to the concerns that have been raised by Louise Slorance, I think that the board has taken the right action by removing her from the media monitoring that it does. I have already requested that the board listens compassionately and sensitively to the patients who have been impacted and affected. I understand that it is reviewing its media monitoring and communications processes. At the heart of those should be patients and, in particular, people who have been bereaved and those who have raised concerns about those issues.

Anas Sarwar: What the leadership of the health board is doing is disgusting. It is just the latest in a litany of shameful incidents, which has seen the leadership of the health board intimidate whistleblowers, engage in a cover-up and frustrate the efforts of grieving families who are looking for justice. However, instead of backing patients, Humza Yousaf, as the Cabinet Secretary for Health and Social Care, decided to take the board out of special measures and empower those who were responsible.

The culture of the board is rotten. It is so rotten that its director of communications allegedly thought that it was acceptable to say, of a father who was fighting for justice for his sick daughter, that he might have

"won the battle but he won't win the war."

Louise Slorance, John Cuddihy and other families like theirs have been treated with

contempt, so I again ask the First Minister why he has confidence in the leadership of NHS Greater Glasgow and Clyde.

The First Minister: As I said, I take the issues that Anas Sarwar raises, and—to his credit—has raised for many years, extremely seriously. That is why a public inquiry is under way, which NHS Greater Glasgow and Clyde and the Scottish Government will co-operate with fully.

On whistleblowing, I make it clear, as I did in my previous role as Cabinet Secretary for Health and Social Care, that we do not just value the role that our whistleblowing champions play; we believe that their role is critical. I met the whistleblowing champion of NHS Greater Glasgow and Clyde—in fact, I have met the whistleblowing champions of every health board in the country. As First Minister, I reiterate and emphasise that any staff member in the NHS who has concerns should raise those issues through the appropriate processes. That should include feeling empowered to use the whistleblowing processes that exist.

Anas Sarwar will know that there is a process in place for de-escalation. Given that the overwhelming majority of the oversight recommendations were accepted, it was right to de-escalate NHS Greater Glasgow and Clyde at the time. We will judge the board on the extent to which it steps up, accepts the recommendations and implements them. We will also fully co-operate with the public inquiry that is in place.

Anas Sarwar: The First Minister talks about empowering patients. He is empowering the failed leadership of NHS Greater Glasgow and Clyde.

Louise Slorance's husband died at the Queen Elizabeth university hospital and she has been fighting for answers for two years. Louise is in the gallery today, listening to our exchanges. Earlier, she told me:

"We cannot wait any longer. Empty words just don't cut it. At the end of the day, the people who were in charge when Andrew and others lost their lives are still there. The people who created the problem, who covered up and lied to families aren't going to be the ones to fix it."

How much more do she and other families have to go through?

The First Minister does not need to wait for an inquiry to know that spying on families of dead patients is wrong; he simply needs to look to his conscience. Why will he not finally do the right thing and sack the rotten leadership of the board so that we can get a fresh start and justice for those families?

The First Minister: As I said in response to Anas Sarwar's first question, I look forward to meeting Louise Slorance and hearing directly from

her in relation to the concerns that she has legitimately and rightly raised on a number of occasions. I hear the words that she has expressed to Anas Sarwar, which he has read out on her behalf, and I take them with the utmost seriousness.

In relation to the case of Andrew Slorance—again, I am happy to speak to Louise Slorance in detail about this—Anas Sarwar will be aware that we asked for an external peer review of the NHS Greater Glasgow and Clyde case by NHS Lothian. A determination was made after that case.

I have said already that NHS Greater Glasgow and Clyde will co-operate with the public inquiry, and we will continue to hold NHS Greater Glasgow and Clyde to account. I repeat and reiterate what I have said time and again, as health secretary and, now, as First Minister: if staff have concerns, I would expect them to raise those issues, without fear or favour, not just through the appropriate processes but through whistleblowing, where appropriate, as well.

I look forward to engaging with the Scottish Labour Party in relation to our Patient Safety Commissioner for Scotland Bill, which Labour and other parties are engaged with, so that we can enhance the rights of patients, not just in greater Glasgow and Clyde but right across the country.

Cabinet (Meetings)

3. Alex Cole-Hamilton (Edinburgh Western) (LD): To ask the First Minister when the Cabinet will next meet. (S6F-02214)

The First Minister (Humza Yousaf): On Tuesday.

Alex Cole-Hamilton: This week, we learned just how bad the national health service staffing crisis has become. In anticipation of the First Minister's answer to the question that I am about to ask, I wonder whether the First Minister realises just how angry he makes NHS workers when he blames that crisis on the pandemic. It was exploding long before anyone had heard of Covid-19.

Today, Scottish Liberal Democrats publish research that reveals that NHS workers have logged concerns about being short-staffed on more than 18,000 occasions in the past five years. Those are the red flags that are recorded by staff on the NHS official incident reporting system, and those figures have soared on the First Minister's watch. The alarm was sounded 10,000 times during the two years when he was health secretary. Those red flags have tripled in Glasgow and in Lothian. They mean that patients are waiting in pain, wards are dangerously understaffed and NHS workers are pushed to breaking point.

Does the First Minister accept that the royal colleges are correct in their belief that, irrespective of the pandemic, neglect by Scottish ministers has left the health service in a terrible state?

The First Minister: I do not agree with Alex Cole-Hamilton's characterisation of health service staffing. There is no doubt that there are vacancies in the NHS, but when I look at the Scottish National Party's record in government, I see that we have about 29,100 more full-time equivalent staff working in the NHS than we did when we first took office.

We can look at particular staffing cohorts. For example, the number of medical and dental consultants is at a record high and is up by 66 per cent since 2006, and the number of consultants in accident and emergency departments, where we know there is a great deal of pressure, has more than tripled. There are 60 per cent more clinical radiologists, and we have higher staffing per head than in other parts of the United Kingdom. Nursing and midwifery staffing is up by 13.8 per cent since September 2006. We have a good record on staffing, not only in numbers but because staff in Scotland are the best paid in the UK.

There are, of course, challenges, which is why, as part of the pay deal that I negotiated when I was Cabinet Secretary for Health and Social Care, we agreed to work with our trade unions to ensure that we have a nursing task force and a midwifery task force to deal with recruitment and retention issues.

Finally, there were, of course, challenges before the pandemic, but Alex Cole-Hamilton cannot ignore that pandemic, which has been the biggest shock that the NHS has faced in its almost 75-year existence. There is no doubt that the multiple waves of the pandemic affected the NHS, not only because of the number of people who had to go to hospital due to or with Covid but because staff had to isolate or stay at home if they were infected.

We will continue to focus on ensuring not only that we have record high levels of NHS staffing but that staff continue to be the best paid anywhere in the UK.

Carers Week

4. Karen Adam (Banffshire and Buchan Coast) (SNP): To ask the First Minister, in light of it being carers week, what the Scottish Government is doing to support carers across Scotland. (S6F-02205)

The First Minister (Humza Yousaf): I am grateful to take the opportunity during carers week to thank all those who provide care for their loved ones and to recognise the invaluable contribution that they make to our communities.

It is vital that appropriate support is available and accessible, which is why our recent national carers strategy is driving long-term change to improve support for our unpaid carers. We are investing £88 million per year in local carers support and £8 million in short breaks for those in the voluntary sector. We are also legislating to establish a right to breaks from caring as part of the National Care Service (Scotland) Bill.

Our carers allowance supplement provides around £540 of additional support per year for carers and is only available in Scotland, and our new carers support payment, which will replace carers allowance, will begin roll-out at the end of this year.

Karen Adam: Carers hold up our society at great personal cost. Oxfam, along with another 63 organisations, is calling for a dedicated new national outcome to fully value and invest in all those who experience or provide care, and for a robust set of national indicators to track progress. Will the First Minister carefully consider the ask to "Make care count"?

The First Minister: I will. Forgive me—I have not seen that particular request from Oxfam and the other organisations, but I will look at that straight after First Minister's questions and will give careful consideration to the ask to "Make care count."

As I should have done in response to her first question, I thank Karen Adam, who has lived experience and who speaks very powerfully about caring responsibilities. We know that unpaid carers provide invaluable care for their loved ones, family and friends, that they save the national health service and social care services a lot of money and that the Government would otherwise have to pay for those care costs.

We are committed to doing everything that we can do to value our carers, not only with warm words and rhetoric, which can often be the easy bit, but by ensuring that we support them financially and with the right to breaks. I reiterate our commitment to doing all that we can do to ensure that carers can access the support that they need.

The national performance framework is Scotland's wellbeing framework and it sets out the kind of country that we all want. A statutory review of national outcomes is on-going and the proposal for a new national outcome on care will absolutely be considered as a part of that.

Paul Sweeney (Glasgow) (Lab): In Parliament yesterday, MSPs from across the parties heard from unpaid carers just how challenging their roles can be. Many have no access to respite at all and some even compromise their own health and wellbeing and forgo medical appointments to

provide that care. One of my constituents has talked about how she has had to not go for dental treatment, despite being in pain and discomfort, because it would take too much time away from her caring responsibilities.

I say to the First Minister that those insights are not new: carers tell us again and again about the challenges that they face. Although the Government backed the Feeley review recommendations in 2021, we have not had the reforms that are so sorely needed. Will the First Minister confirm today that the Government still supports the Feeley recommendations? If it does, when will he instruct the scrapping of non-residential care charges?

The First Minister: We support the Feeley review. I will come back to non-residential care charges in a moment, but I give Paul Sweeney and carers who are listening to and watching this exchange the absolute assurance that we are committed to doing everything that we can do to ensure that those with caring responsibilities know what support exists for them and for which they are eligible.

We provided £8 million for voluntary sector short breaks in 2022-23, which represented an increase of £5 million, and we are maintaining that funding at £8 million this year. We are also providing £560,000 in this financial year for local carer centres. Many of us have local carer centres in our constituencies and we know what incredible and valuable support they provide. I referenced in my response to Karen Adam that we are legislating to establish a right to breaks from caring through the National Care Service (Scotland) Bill. I hope to have Paul Sweeney's support in that regard.

In relation to non-residential charges, we are absolutely committed to removing charges for all non-residential social care within this session of Parliament. That was absolutely our commitment.

I will comment on the Feeley review in particular, because Paul Sweeney mentioned it. It recommended that further work be undertaken to understand the impact on demand resulting from removal of charges. We are currently undertaking that work with the Convention of Scottish Local Authorities and the local authorities. We will, of course, consider the value for money of various options based on that work, particularly in the current challenging financial environment.

Our commitment to removing charges for all non-residential social care within this session of Parliament absolutely exists: we will do that as soon as possible.

Tourism in Rural Scotland (Rangers)

5. Edward Mountain (Highlands and Islands) (Con): To ask the First Minister whether extra

resources will be made available to local authorities for additional rangers to help with the reported upcoming tourist influx in rural Scotland. (S6F-02211)

The First Minister (Humza Yousaf): We value the important work that our countryside rangers do. We have already provided a package of up to £3 million to the national parks, NatureScot and Forestry and Land Scotland to support seasonal ranger activity in 2023. That includes running another round of the successful better places fund, which last year supported more than 100 local authority and community ranger posts. For this year, recruitment is either well under way or has been completed for the majority of the posts. The posts include people who are employed directly by our public bodies and others who are supported through the better places fund.

That complements our investment that is provided through our £18 million rural tourism infrastructure fund, which is helping to future proof popular countryside locations so that they can be enjoyed for generations to come.

We have also introduced a bill to give councils the power to raise funds through a visitor levy, which will enable local authorities to invest in practical visitor management solutions.

Edward Mountain: I thank the First Minister for that answer. As he has said, Scotland leads the way on outdoor access rights. Walking and tourism are worth £1.6 billion to the Scottish economy, but we have seen a reduction in the amount of money that is paid, from £3.1 million to £900,000. I believe that it must be right that we reinforce success. Will the First Minister therefore consider giving extra funds to remote areas across the Highlands that would benefit from having rangers? That would stop dirty camping, which is obviously a major problem.

The First Minister: I am grateful to Edward Mountain for raising the issue and for supporting the work that the Scottish Government, in partnership with local authorities, has taken forward. He will know that the fund that was introduced in 2021 was to support local authorities following the huge increase in dirty camping that resulted from lockdown and from reduced international travel opportunities. The fund was always intended to be a temporary means of support, so a reduction in funding is appropriate as we transition away from it. I take on board what Edward Mountain has said and will explore what more we can do in that regard.

Legal Minimum Age of Marriage (UNCRC)

6. Claire Baker (Mid Scotland and Fife) (Lab): To ask the First Minister what the Scottish Government's response is to the position set out

by the United Nations Committee on the Rights of the Child, in its concluding observations on the combined sixth and seventh reports of the United Kingdom of Great Britain and Northern Ireland regarding the legal minimum age of marriage in Scotland. (S6F-02208)

The First Minister (Humza Yousaf): We recognise and pay close attention to the comments that have been made by the UN committee, as well as recognising that young people in Scotland acquire a number of important rights at the age of 16. All marriages and civil partnerships must be entered into with the full consent of both parties, and there is existing legislative provision against forced marriage. We hope that, with the Parliament's approval, protections will also fully extend to forced civil partnerships later this year.

We would want to balance any concerns that 16 and 17-year-olds may need more protection in relation to marriage with concerns that are related to the removal of the current rights that they have. I know that Claire Baker is aware of that balance. We are gathering views from stakeholders on the minimum age of marriage and are actively considering our next steps in that area. The UN's comments will be taken into account as part of that process.

Claire Baker: The UN's observations make it clear that the prohibition of marriage for children under the age of 18 is part of ensuring that 16 and 17-year-olds receive protection as children in practice. It strongly recommends that the Scottish Government prohibit all marriages for those under the age of 18, without exception. I recently met Scottish Women's Aid on this. The Scottish Government has previously stated that there would have to be a full public consultation before taking any steps to raise the minimum age for marriage, either through legislation or by supporting it. I urge the First Minister to bring that consultation forward so that we can have a public discussion about the appropriate age of marriage and can take the UN's recommendation into serious consideration.

The First Minister: A consultation and discussion is under way, and I welcome Claire Baker's comments on that. Rightly, it is often the case in this Parliament that, when considering matters such as this, we are pressed to talk to the people who are the most directly affected and impacted by them. We are making sure that we are talking to children and young people, such as members of the Scottish Youth Parliament as well as many others, to gather their views. As I have said, I would welcome Claire Baker's thoughts on the issue in more detail.

We know that only around 0.1 per cent of marriages involve young people who are 16 and

17 years old. Records from the National Records of Scotland show that fewer than 30 people who were aged 16 and 17 entered into a registered marriage in 2019, which was pre-pandemic, and that there were fewer than that during the years of the pandemic. Nonetheless, I recognise the issues that have been raised by a number of stakeholders regarding concerns about forced marriage. We are undertaking the consultation, and, if we believe that there is a requirement to change the law, there will be a full public consultation on the issue. In the meantime, I would be more than happy to hear from Claire Baker with her thoughts.

Martin Whitfield (South Scotland) (Lab): Another of the UN committee's observations was that the Scottish Government should

"expeditiously bring forward the amendments necessary to enact the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill in Scotland".

What does the Scottish Government understand by the word "expeditiously"?

The First Minister: I believe that we should bring that bill forward for reconsideration, and I have made that commitment in various public comments. Most recently, on Tuesday, we had our Cabinet takeover with children and young people, and—quite rightly—members of both the Children's Parliament and the Scottish Youth Parliament pressed us on the matter. I do not want to bring the bill back for the reconsideration stage only for another referral to be made to the Supreme Court and for it to be back at this stage once again. It is incredibly important that we take the little bit of time that we are taking in order to continue to work with and engage the United Kingdom Government. That is important in ensuring that we have a bill that is within our devolved competence and that will not be challenged by the UK Government.

The very last point that I will make is that we have read the detail of the Supreme Court judgment and it requires us to distinguish between not only acts of the Scottish Parliament and acts of the UK Parliament, but subordinate legislation made under both acts. It does take time to make sure that we have a bill at the reconsideration stage that, I hope, not only will command support, as the previous bill did, but will not end up in a referral to the Supreme Court by the UK Government.

The Presiding Officer: We move to constituency and general supplementary questions.

Tragic Death (St Kentigern's Academy)

Fiona Hyslop (Linlithgow) (SNP): First Minister, a family from my constituency is facing unimaginable heartache, as a son they sent to school this week tragically died. I will not speculate on the causes while the authorities investigating are yet to report, but can the First Minister reassure me that any lessons from this will be shared? Will he also—as, I am sure, we would all want to do—extend his condolences to this grieving family, who need privacy, particularly from the media, at this painful time, and to the wider school community?

The First Minister (Humza Yousaf): I associate myself with all the remarks of my colleague Fiona Hyslop. This is the worst tragedy. Anybody who is a parent will know that there cannot be a worse fear or nightmare for a parent than losing a child. I cannot think what the family are going through, but I know that the whole community, including the school community, has been deeply affected.

I echo Fiona Hyslop's calls in relation to not speculating on what has happened and letting there be an appropriate investigation. Lessons should, of course, be learned—and not just by local authorities and educational institutions, as there may well be lessons for the Government to consider as well.

Fiona Hyslop's second call is so important. As they are going through what is every parent's worst nightmare, the family should be able to grieve in privacy and not have any further media speculation or intrusion into what is the most unimaginable tragedy.

I once again pay my personal condolences and respects, and those of the entire Government, to the family affected.

Adopted Children (Support)

Roz McCall (Mid Scotland and Fife) (Con): The First Minister will be aware that the latest "The Adoption Barometer" published by Adoption UK makes for troubling reading, especially for Scotland. Despite the warm words of the Promise, it states that there is still little confidence among adoptive parents that healthcare and education professionals understand the needs of adopted children, with only 40 per cent—down from 50 per cent—stating their child's teacher has

"a good understanding of the needs of care experienced and adopted children".

How will the First Minister ensure that more training and funding is directed towards giving

Scotland's adopted children the support that they deserve?

The First Minister (Humza Yousaf): I agree with the underlying premise of Roz McCall's question—that we have further to go and that we can and should be doing more to keep our promise to Scotland's care-experienced young people. We know that care experience is a lifelong experience for people right across the entirety of their lifetime.

I will, of course, engage with "The Adoption Barometer". We will continue to engage with care-experienced people directly, and we will continue to invest. I have made a commitment that we will continue to invest to meet our commitments as per the Promise.

I am happy to write to Roz McCall in more detail and to get the Minister for Children, Young People and Keeping the Promise, Natalie Don, to write to her with more detail on how we intend to take further action to keep that promise.

Bracken Control (Asulam)

Jim Fairlie (Perthshire South and Kinross-shire) (SNP): With the clear links to animal welfare, environmental damage and human health concerns of rampant bracken control, the only safe method for my constituents to control it in some areas is aerial spraying of Asulam. In light of the urgency of the situation—the time for application to use the product is running out—and with no clear indication from the Health and Safety Executive as to what its four-nations approach will be, will the First Minister personally intervene now and allow NatureScot to issue the licences required to use Asulox to control bracken, given that there has been no change in the scientific advice since last year, when licences were granted?

The First Minister (Humza Yousaf): The Scottish Government's position on the authorisation of pesticide products is based very much on the regulation and scientific evidence—which was where Jim Fairlie rightly put the emphasis in his question—provided by the Health and Safety Executive and the independent UK Expert Committee on Pesticides. As the United Kingdom's regulator of pesticide products, the HSE is responsible for assessing emergency authorisation applications on behalf of Governments across the UK, including the Scottish Government.

We have considered, and we have promptly responded to, the HSE's recommendations on the application for the use of Asulox during the 2023 season. As the application is for use across the entirety of the UK, it will be for the Health and Safety Executive to communicate its decision to

the applicant, which it will do once the other Governments across the UK have responded. That is an established process for the determination of emergency applications, and it is important that we continue to respect that process. NatureScot therefore cannot act until the applicant has been informed of the decision.

However, I take seriously what Jim Fairlie has said, and I will examine whether we can do anything further. I place on the record that, if other Governments across the UK could respond to the Health and Safety Executive, that might allow it to come to a prompt decision.

Ellon Health Centre

Douglas Lumsden (North East Scotland) (Con): Plans to build a much-needed new health centre in Ellon have been thrown into doubt as the Scottish Government has advised national health service boards across the country to halt projects that need Holyrood cash. Will the First Minister clarify how long the delay will last? What message does he have for the residents of Ellon, who currently have a facility that is full to the brim and not fit for purpose?

The First Minister (Humza Yousaf): What has not helped public finances in Scotland is the rampant inflation that has been caused by the actions of Mr Lumsden's party at Westminster. That is why the cuts that have been made to capital budgets over the years are having an impact on the ground here in Scotland.

We will maintain our excellent record on investing in the NHS estate in communities up and down the country—[*Interruption.*]

The Presiding Officer: Members!

The First Minister: —including in our excellent health centres and national treatment centres, and in our hospital refurbishment and maintenance programme. If Douglas Lumsden has any influence whatsoever, it would be helpful if he could tell his United Kingdom Government colleagues to stop cutting our capital budget.

Radiology Services (Staffing)

Jackie Baillie (Dumbarton) (Lab): The Royal College of Radiologists has painted a bleak picture of staffing pressures that affect cancer treatment services in Scotland. In every cancer centre, treatment has been delayed by staff shortages. The quality of patient care has been compromised. Only 10 per cent of clinical directors think that they have enough staff. The Scottish National Party's sticking-plaster solution is to outsource services to the private sector. It is spending £14 million to meet the demand for imaging—money that, instead, could have employed 139 full-time consultants—and £10 million on scans. The

president of the Royal College of Radiologists has said:

“There is no luxury of time: doctors are stretched, stressed, and scared for their patients.”

Having such vacancies causes harm to cancer patients. What exactly will the First Minister do to stop that?

The First Minister (Humza Yousaf): We are taking a range of actions primarily to ensure that we have more oncologists and more members of the medical workforce who are able to provide those important services. For example, as I referenced in an earlier answer, since 2006 there has been a 60 per cent increase in the number of clinical radiology consultants. We now have 97 per cent more consultant oncologists as well.

However, I recognise that there are vacancies in some parts of the country where there are shortages of oncology staff. For example, we know about the situation in the breast cancer treatment service in Tayside. That is why we have set up a national oncology co-ordination group that consists of clinical leads and managers from each centre to collaborate so that they can support one another in addressing the service pressures that Jackie Baillie and other members have mentioned.

We also know the impact that the pandemic had, particularly when we had to take the incredibly difficult decision to pause cancer screening for a number of months. We have therefore seen significant pressure on the system. In the latest quarter, more patients were treated on both the 62-day and 31-day pathways than were treated in the same quarter in the previous year.

We will continue to invest in our workforce and aim to see as many patients as we can, but I do not take away at all from the premise of Jackie Baillie's question, which is right: we need to do even more to ensure that we are plugging those vacancies and giving patients absolutely the best support and treatment, which is what they need and deserve.

Greyhound Racing

Mark Ruskell (Mid Scotland and Fife) (Green): Today, a group of nine animal welfare organisations have teamed up to call for a phase-out of greyhound racing in Scotland. The industry is on its last legs, with just one racetrack left in Scotland. No dog deserves to be forced into a gambling-led industry with an unacceptable risk of injury and death. Does the First Minister agree that it is now time that Scotland phased out greyhound racing once and for all?

The First Minister (Humza Yousaf): Yes, I agree that animal welfare should be at the heart of the Government's agenda. I have made that clear

in the first 10 weeks in which I have been in position. I know that that was a commitment that was made by my predecessor, as well. I am, of course, more than happy to look at how we can give further effect to Mark Ruskell's ask. We have a good record when it comes to animal welfare, but I agree that there is further for us to go. I will look at the detail of Mark Ruskell's request and write to him in due course about our plans moving forward.

City of Glasgow College (Redundancies)

John Mason (Glasgow Shettleston) (SNP): Can the First Minister make any comment about the situation at the City of Glasgow College, which is proposing compulsory redundancies among staff while the staff feel that the senior management is top heavy and overly paid?

The First Minister (Humza Yousaf): The Minister for Higher and Further Education; and Minister for Veterans wrote to college principals just yesterday to reiterate the importance that the Scottish Government places on the use of fair work practices in the college sector. He made it clear that our absolute expectation is that every effort should be made, in consultation with campus trade unions, to protect jobs. I expect that to include a very carefully considered and appropriate standard of notice period to enable full consultation with staff and trade unions, and to create the time and space to exhaust all options of redeployment. Ultimately, it is, of course, for each individual college to make those decisions, but the Scottish Government is clear that fair work must be their guiding light.

Asulox (Authorisation)

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): It is in the gift of the Scottish Government to grant urgent authorisation for emergency use of Asulox for the sake of rural livelihoods and public health—or is the First Minister content to treat rural workers as second-class citizens?

The First Minister (Humza Yousaf): The reason why there has not been that authorisation from the Health and Safety Executive, of course, is that other Governments in the United Kingdom have not responded promptly in the way that the Scottish Government has. [*Interruption.*]

The Presiding Officer: Members.

The First Minister: I advise the UK Government to ensure that it responds appropriately to the Health and Safety Executive. As the application is for use across the UK, it is for the Health and Safety Executive to communicate the decision to the applicant. As I have said, it will do so once the other Governments across the UK

have responded. That is an established procedure that has been used over many years for the determination of emergency applications, and it is important that we continue to respect that process.

Ambulance Workers (Attacks)

Carol Mochan (South Scotland) (Lab): This week, the GMB union has highlighted the fact that almost 800 Scottish ambulance workers have been attacked over the past five years while at work. The figures have reached the highest level since 2017. That is, of course, concerning. Our ambulance staff work tirelessly in difficult conditions to save lives and provide care, and it is wholly unacceptable that they are subject to such attacks. Does the First Minister agree that safe staffing is integral to patient care? If he does, what actions will he take to reverse that worrying trend?

The First Minister (Humza Yousaf): I agree, and Carol Mochan, the GMB and other trade unions are, of course, absolutely right to raise that issue. We have a proud track record of protecting our emergency workers, and I put on record my thanks to each and every single one of them. Attacks on anybody are disgraceful, of course, but attacks on our emergency workers—in the case of paramedics and ambulance staff, they are there literally to save people's lives—are simply disgraceful and unacceptable. I am more than happy for the Cabinet Secretary for NHS Recovery, Health and Social Care to meet the trade unions, as he regularly does, and particularly the GMB on the issue to see whether there is anything further that the Scottish Government can do.

We have already brought forward legislation over the years to protect our emergency workers. If there is more that we can do, Carol Mochan and anybody else should be in no doubt whatsoever that we will take the appropriate action to protect our emergency workers, who do a fantastic job on behalf of all of us.

Point of Order

12:49

Keith Brown (Clackmannanshire and Dunblane) (SNP): On a point of order, Presiding Officer. I am aware that, under rule 13.1 of the standing orders, it is permissible for members to make personal statements, conditional on your agreement and, of course, subject to scheduling by the Parliamentary Bureau. So, in the interests of checking that parliamentary procedures are followed correctly, I ask whether you would grant Douglas Ross a personal statement, if he asked you for one, to allow him to correct the record and to explain why he pursued a misleading line of questioning in last week's session of First Minister's questions.

We know that the Conservatives will oppose virtually any measure addressing climate change but, last Thursday, while questioning the First Minister, Douglas Ross attempted to discredit the new low-emission zone in Glasgow. He stated:

"Homeless Project Scotland was refused an exemption to use a refrigerated van within the restricted area."—*[Official Report, 1 June 2023; c 11.]*

He went on to heavily imply that the LEZ was condemning the charity to being unable to do the work that it wants to do. Of course, he failed to clarify that Glasgow City Council had, in fact, given an exemption to Homeless Project Scotland so that it could continue its work. *[Interruption.]*

The Presiding Officer (Alison Johnstone): Members.

Keith Brown: Additionally, after the end of First Minister's questions, Douglas Ross proceeded to share his misleading assertion further on social media and, to date, has not removed that post.

That disingenuous conduct—*[Interruption.]*

The Presiding Officer: Members.

Keith Brown: —allied to the evident and appalling toxicity within the Tory group, which was exemplified yesterday by the disgraceful language of Murdo Fraser, who attacked through personal abuse a member of the Parliament, is, in my view—*[Interruption.]*

The Presiding Officer: I ask members to ensure that we can all hear one another. Even if we do not all share the same view, I am sure that all members agree that we should be able to speak without being shouted down.

Keith Brown: That behaviour is, in my view, by design tarnishing the reputation of this Parliament. It has even been reported today that Stephen Kerr wants to leave this Parliament to go back to the gentler environment of Westminster. *[Interruption.]*

The Presiding Officer: Members.

Keith Brown: Presiding Officer, I seek your advice about how we can ensure that Opposition leaders such as Douglas Ross do not knowingly mislead this chamber. Can you inform Parliament whether Douglas Ross has made any attempt to correct the record or seek your permission to make a statement so that he can explain why he thought that it was acceptable to pursue a misleading line of questioning during First Minister's questions?

The Presiding Officer: It is, of course, a matter for any member to make a request regarding a personal statement. No such request has been made, but I will, of course, consider any request that a member wishes to make.

The Presiding Officer who is in the chair at any point in time will determine whether, in all circumstances, it is their view that the requirement for courtesy and respect is being met, and they will decide whether to intervene as they feel necessary.

Of course, members themselves are responsible for the content of their contributions. All members can challenge contributions as a normal part of debate, and there are other mechanisms available, too.

We expect that debate will, at times, be robust. We wish it to be as free flowing as possible but will intervene as necessary. However, of course, members have an obligation to carry and conduct themselves in the chamber with courtesy and respect.

I am aware that the Presiding Officer who was in the chair yesterday at the time that has been referred to has had discussions with the members who were involved.

Of course, the integrity and the reputation of the Parliament are of the utmost importance to each and every one of us in the chamber.

I suspend the meeting briefly to allow the chamber and public gallery to clear.

12:53

Meeting suspended.

12:56

On resuming—

Late-diagnosed Deaf Children (Lothian)

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is a members' business debate on motion S6M-08219, in the name of Jeremy Balfour, on ensuring that Lothian late-diagnosed deaf children get the support that they need. The debate will be concluded without any question being put.

I ask those members who wish to speak in the debate to press their request-to-speak buttons. I advise members that there is, for obvious reasons, a lot of interest from members wishing to participate in the debate. We will resume our business in the chamber at 2 pm; there is therefore no time in hand, and members must stick to their allocated speaking time.

Motion debated,

That the Parliament notes the belief that every child affected by the failings identified in the 2021 audit of NHS Lothian's paediatric audiology service, carried out by the British Academy of Audiology (BAA), must get the support that they need to thrive and to overcome any additional barriers that they face due to the failings identified in the report; understands that the audit did not include children seen later than 2018, which, it considers, means that there were further years until any failings were addressed by an action plan, and that there may be many more children who were not diagnosed in a timely manner; recognises that the key stages for fluent first language development are birth to three years old; understands that the BAA report found that the average age of identification of deafness was 4.5 years for children in the NHS Lothian area, which, it understands, is far longer than comparable figures in the rest of the UK; considers that the failings identified in NHS Lothian's paediatric audiology service will mean that many of the affected children were diagnosed after this critical period and are therefore likely to experience a significant adverse impact on their language and communications development, potentially leaving such children with more complex needs that may need to be addressed through co-ordinated support from health, education, social work and other agencies; understands that the families of affected children have come together to form Families Failed by Lothian Audiology Action Group (FLAAG); further understands that the parents involved in FLAAG have identified a number of areas where their children are not getting the support that they need; understands that the families involved in FLAAG report that they have experienced a lack of access to BSL tutors, speech and language therapy and appropriately qualified professionals to support their deaf children and help remediate any damage caused by the failures of the audiology service, and notes the calls on all public and voluntary sector bodies that are supporting the late-diagnosed deaf children in the Lothians and beyond to work together to ensure that they always get the support that they need.

12:57

Jeremy Balfour (Lothian) (Con): I thank colleagues on all sides of the chamber for coming along to this members' business debate and supporting the motion. In this Parliament, there is often a lot of focus on the areas in which we disagree. That may make for a better spectator sport and grab more headlines, but I am encouraged that, over the past months, a group of cross-party MSPs have managed to come together and find a solution to this issue. Our Parliament is at its best when we represent, and work together for the sake of, our constituents.

In 2021, an audit of NHS Lothian's paediatric audiology service revealed that a great number of children had been missed in the diagnosing of serious hearing problems. That has led to many children under the age of 12 growing up without any support to deal with an auditory disability. I ask members to imagine how difficult that must be for parent and child alike.

Today's debate is significant. We are talking about real families and real lives. The families that are represented by FLAAG—the families failed by Lothian audiology action group—have been through a real ordeal and have had to fight hard to be heard. I hope that this debate can be a catalyst for change and a prompt for answers.

It is good to see a number of the families in the public gallery, and I am sure that colleagues on all sides of the chamber will join me in welcoming them, because those families deserve answers, and there are so many questions that are still left unanswered.

Looking forward, we have to do better. We must ensure that the support that those families get is better, as it has so far been woefully lacking. Time and again, we hear from them about the massive gaps in the care that has been provided. That includes things such as British Sign Language teachers and speech and language therapists not being provided. That is care, not luxury—it is fundamental to the development of those children, whose care should already be given top priority.

The number of families in the Lothians who are affected by the issue is estimated at around 150, but the truth is that we do not know the true number, as the audit that was carried out by the British Academy of Audiology did not include children who were seen later than 2018. A number of additional cases in the Lothians could have been missed. It must be a priority to identify all those people in short order and ensure that they are provided with the top level of support that they require.

Daniel Johnson (Edinburgh Southern) (Lab): I thank the member for—[Inaudible.]

The Deputy Presiding Officer: Could we have Mr Johnson's microphone switched on, please?

Daniel Johnson: I pay tribute to the contributions that Jeremy Balfour has made. What he has just highlighted is central to the issue. First, there is a question about whether the fact that 800 or so cases took part in the audit makes it comprehensive enough. Secondly, I do not doubt the work that has been undertaken, but a number of triage steps have meant that only 155 cases of serious concern and six additional cases of hearing loss were identified. Does he agree that we need to re-examine both the initial sample and the triage steps to ensure that every affected individual is identified? Ultimately, it is very difficult to reconcile what the health board says with the experiences that we have heard from families.

Jeremy Balfour: Absolutely—and I will develop that area slightly in a moment, if that is okay with the member.

It is clear that we are not addressing the issue correctly. With the gaps that have been mentioned and the unknown number of unidentified cases, it has become increasingly clear that carrying on as we have done will not cut it. We are in desperate need of progress, and progress will not come without oversight.

Having had a number of meetings as a cross-party group of MSPs, we feel that NHS Lothian is not capable of organising and providing the much-needed support without some kind of accountability. Therefore, along with a number of my colleagues and the FLAAG families, we are calling on the Scottish Government to do two things.

The first is for the minister to meet the cross-party group of MSPs to discuss what can be done at the Government level to address the situation. I hope that the minister, in her summing-up speech, will agree to that meeting as urgently as possible.

Secondly, we are calling for the minister to commission a third-party audit to review the whole process over the past number of years and monitor whether families are getting the support that they need. The third party would have all the necessary powers to investigate and present their findings to the Parliament and Government after nine months. Based on those findings, we can move forward and ensure that adequate care is being provided. In her rounding-up speech, I hope that the minister will confirm her willingness to work with us in that way. We have to get that right, because the children and families who are represented by FLAAG cannot afford to continue to be failed.

Finally, I come to the issue of trust. Trust takes a long time to build up and can be lost in an instant. There has been a breakdown between the

FLAAG families and the institutions that were supposed to look after them. We need to make every effort to assure them that we care, that we are sorry and that we are motivated to right all the wrongs that have occurred in this matter. That will not be achieved passively—it will take focused efforts to make amends and allow the families to regain their trust.

Once again, this is not an abstract or non-important issue. It is serious and life altering, and those families have experienced something that no family in Scotland should have to experience. We owe it to them to make sure that it is fixed, and I hope that today will be another step in that process.

The Deputy Presiding Officer: We move to the open part of the debate. I remind members that contributions should last for up to four minutes.

13:03

Fiona Hyslop (Linlithgow) (SNP): I thank Jeremy Balfour for securing the debate. I am also one of the cross-party group of Lothians MSPs who are pursuing the issue. I appreciate that the minister is new in her post, but I hope to reflect on why we have got to where we are and I want to impress on her that the issue is as much for the education authorities as it is for the health authorities.

When the issue first arose, its importance was taken very seriously indeed by the health service and, I recall, the then Cabinet Secretary for Health and Social Care, Humza Yousaf, before he was First Minister. Clearly, I recognise what the national health service did at the time and what the Government did in examining what had come to pass and how we had got to the situation where there were misdiagnoses.

At that time, when we were told as a group of MSPs that the families had been identified and were being supported, we perhaps made some assumptions. We assumed that not only were they being told about what happened in the diagnosis period but the support that they were getting would be specific, additional and on-going. It might be that we should have pursued that more at the time, which I think we can all acknowledge.

I believe that the processes to rectify what happened were internal to NHS Lothian. It wanted to understand what had gone wrong, fix its services for the future and ensure that the lessons that were learned would be shared and procedures checked nationally. I think that that has happened, but we are left with some doubts, because the FLAAG families came to us and said that children of some of the families had not been identified. That begged the question of whether NHS Lothian ever identified all those affected.

In pursuing the matter on a cross-party basis, we have had a number of meetings and we have tried to understand what the issues were. One issue that we think is outstanding is whether all children affected have been identified. We know that 155 children have been identified from the 1,007 patients who were part of the sample. I understand that using a sample will be a common procedure for the NHS when issues are being pursued, but that approach does not necessarily identify everybody. There was a lot of high-profile media coverage at that time, and people might have thought, “Is my child affected?”, but there was an issue around the transfer of information.

Once there was an understanding of the problem, why were education authorities not told specifically about the 155 children? When we met NHS Lothian, we were told that there were confidentiality issues around that. However, I want to pursue that, because when do the internal protocols of confidentiality, in any institution, trump children’s welfare? I pursued that issue when I was in opposition and on the education committee and also when I was the Cabinet Secretary for Education and Lifelong Learning. There was a real need then to make sure that all institutions shared information when a child’s welfare was in question. In this case, along with her education and children and families colleagues, the minister should consider why the education authorities were not given the names of the children affected, or why a letter was not given to each parent so that they could present it to show that their child might have been affected.

We need to resolve the issue of what happens now. I ask the minister to please take this seriously. We are coming to her on a cross-party basis—we want to get help for those children and make sure that we can identify those who are in need. I ask her to please listen to us.

The Deputy Presiding Officer: I take the opportunity to remind all members who wish to speak in the debate that they need to press their request-to-speak button.

13:08

Oliver Mundell (Dumfriesshire) (Con): I am not a Lothians MSP, but I followed the issue during my time on the Education, Children and Young People Committee and on other occasions that have popped up. It was very interesting to listen to Fiona Hyslop’s contribution, and I must not forget Jeremy Balfour, whom I congratulate on securing the debate. His contribution was also excellent.

With this issue, there is a disconnect for people. I cannot believe that we are here in 2023—some time after the issue came to light—and that

families are still facing difficulties in getting the services to work together and deliver for their young people. It speaks to broader pressures that exist in the system that, even when we know that families have been failed, we still cannot get it right for them. That should concern members across the chamber.

I know that the minister is new in post, but I am sure that she will want to help people to move forward, because that is what people want to do. The members who have spoken so far are right—in order to understand the importance of doing that, we have to recognise the grave injustice that has taken place.

For me, the issue is put into clear terms by the stark disparity between average identification time in the Lothians and in other parts of the country, which was highlighted at the time of the report by the National Deaf Children’s Society. People elsewhere in the United Kingdom are identified within 109 days on average, but in the Lothians, the average is 4.5 years. Even if it is a small group of families who wait a very long time for identification, something has gone very badly wrong if there is that difference.

The sad truth is that professional standards were not followed and there were poor management protocols. I think that that level of carelessness is unacceptable and cannot be tolerated. I am not confident that everything in audiology is working well now. I think that we see, across the country and not just in the Lothians, audiology services under huge pressure. One of my big concerns is that, because there are no audiology services in the community for adults—obviously, children should be being seen by the NHS—there are a huge number of people on the audiology lists, taking up space in our hospitals for routine things around hearing aids and removing ear wax, while those who need audiology services and that specialist support are waiting far too long. We know that even when families and young people get that diagnosis, they are not getting the support.

It is hard being deaf or hard of hearing in Scotland today. We have not got it right. For all the technological improvements, which I have seen through constituents and with a member of staff whom I had in this Parliament, things are just not there for them. Speech and language waiting lists are far too long. There are problems with getting British Sign Language interpreters and accessing basic services. When people phone up Government or council services, they are told that no one is there who can speak to them, or, if they have capacity, someone else has to speak to them. People have these problems every single day.

The families that are here in the gallery today have been failed. I cannot believe that we are not able to get it right for them, let alone all the other people who have seen their potential diminished. I would just ask the minister to take the calls from across the Parliament very seriously and to do what the Scottish Government can to get things right.

13:12

Jackie Baillie (Dumbarton) (Lab): I begin by thanking Jeremy Balfour for securing the debate and for the content of his speech.

The failings that were identified in the 2021 audit of NHS Lothian's paediatric audiology service are shocking and have potentially serious consequences. We might never have known about the scale of the problem were it not for the determination of parents and the National Deaf Children's Society, who fought tirelessly for answers.

Children were prevented from gaining early access to hearing technology and were not supported to learn BSL when they needed it. The effect of that on the children could well be profound. There is no doubt that they have been failed.

Let us also not forget that the audit of the service did not include children who were born after 2018, so there might be many more children who have not yet been diagnosed.

Yet, the parents of the children who were diagnosed are still having to campaign for the support that they need because of the original failings of NHS Lothian. FLAAG has outlined areas where support is needed, including access to BSL tutors, speech and language therapy, and remediation for the children who have been affected.

Since 2011, there has been a 40 per cent decline in the number of qualified teachers of the deaf across Scotland, with falls also being reported in the number of specialist speech and language therapists and communication support workers. Currently, there is no dedicated in-school resource provision for deaf children in the Lothians and Borders area, as there is, for example, at the St Roch's schools in Glasgow. Without access to such resources, deaf children with complex needs are still being failed.

In response to a question that I raised last year on the audiology scandal, Humza Yousaf stated that, of the 125 families who had been identified and offered a retest, only 39 children had actually had it done. That was in May, so can the minister give me an assurance that, a year on, every child who needs one has been given a retest and that

all children born after 2018 have been properly diagnosed? Every child whose hearing impairment was missed deserves co-ordinated long-term support from health, education and social work services.

I understand that the Scottish Government still has not published the national review of audiology that it commissioned, which was due in January this year. Perhaps I have got that wrong. Can the minister perhaps advise Parliament on that and, in doing so, tell us why there is a hold up?

With every day of further delay, more children suffer. By failing, first, to identify those children's deafness, and then not providing the support that they need, there is a risk that they will be failed over again. That cannot be allowed to happen. Urgency is the very least that we can offer those children and their families—action now, not later.

I very much agree and associate myself with Fiona Hyslop's comments, because a cross-party approach has been taken. This is too important to play about with. We need to ensure that there are no more scandals like this in Lothian—or, indeed, anywhere else—ever again.

Once again, I thank Jeremy Balfour for his contribution and I hope that the minister will respond positively to the debate.

13:16

Karen Adam (Banffshire and Buchan Coast) (SNP): Although I am not a Lothian representative, the issue is incredibly close to my heart. I express my heartfelt gratitude to Jeremy Balfour for bringing this crucial debate to the chamber today.

Ensuring that late-diagnosed deaf children receive the support that they desperately need—not only in Lothian, but across Scotland—is of the utmost importance. As a CODA—child of a deaf adult—I have witnessed the challenges that are faced by people who live with and are affected by deafness. Those experiences have deepened my understanding of the immense significance of the motion that is before us today.

As we have heard, the 2021 audit of NHS Lothian's paediatric audiology service, which was conducted by the BAA, has exposed serious failings, but we cannot ignore—as colleagues have said—that it does not include children who were seen after 2018. That is deeply concerning, because we know that the crucial stages for fluent first-language development occur in the early years.

Shockingly, the BAA report reveals that the average age of identification of deafness in children within the NHS Lothian area is 4.5 years, which far surpasses the age in other regions in Scotland. By the time of diagnosis, the critical

period for language and communication development has often passed, which leads to adverse consequences that might affect children's entire lives. It is heart-wrenching to think of the missed opportunities and the uphill battles that they will face. Many of those children will require extensive support from health, education, social work and various other agencies to address their complex needs.

Let us also take a moment to acknowledge the families failed by Lothian audiology action group—FLAAG—which is an inspiring collective that is composed of families who are directly affected by the failings. Those families' tireless efforts shine a light on the challenges that are faced by deaf children and their families. The challenges include their having less access to British Sign Language tutors, and to speech and language therapists and other appropriately qualified professionals. By not providing those essential resources, we deny those children the opportunity to develop their language skills and to remediate any damage that has been caused by failures in the audiology service.

We must recognise that the impact of late diagnosis goes beyond the immediate effects on individual children in terms of the obstacles that they face in education, employment, and social integration. It reverberates throughout families, communities and our society as a whole. Without proper support, their potential will be stifled and their opportunities for personal growth and their ability to contribute to society might be limited.

To address that pressing issue, we must establish robust systems that guarantee timely and accurate diagnoses for all children, regardless of their geographical location or background. We must invest whole-heartedly in early intervention programs that focus on providing the necessary support from the moment when a child's hearing difficulties are diagnosed. By doing so, we can maximise their potential, thereby allowing them to thrive and to overcome the barriers that they face.

The deaf community offers a committed support network for individuals and families who are affected by hearing loss. Within online communities, local associations and support groups, a sense of belonging and understanding flourishes. Such platforms provide a space for sharing experiences, exchanging information and finding solace in the journeys of others.

Deaf role models and success stories illuminate the path forward, serving as beacons of hope and inspiration. They demonstrate unequivocally that a late diagnosis does not define one's potential for a fulfilling and successful life—if the support is there.

I hope that the children receive the justice that they deserve but, above all, I want them to know

that their potential for a fulfilling future is limitless. Alongside Jeremy Balfour and others, I will continue to work tirelessly and across party lines to ensure that they have every opportunity to thrive.

13:20

Sandesh Gulhane (Glasgow) (Con): I declare a personal interest, in that I am a practising NHS doctor.

Today, sadly, we are discussing widespread failings by one of Scotland's largest health boards—failings that have severely impacted on families and their vulnerable children. Some of those families are in the public gallery: welcome—the debate is for you.

It is often said that trust is important and that if it is lost it is very hard to regain. In the wake of a scandalous catalogue of failures, there is little confidence in NHS Lothian's paediatric audiology service—or even in the Scottish Government's supervision of that service.

Let us consider what the health board and the relevant Government minister have said. On 11 May, I asked eight formal questions of Jenni Minto, the Minister for Public Health and Women's Health, in order to ascertain specific data on a range of unknowns, including the number of children who had been diagnosed with serious hearing difficulties over the previous five years and the number who had been identified as potentially having been impacted by late diagnoses.

The minister replied on 25 May with specifics. As at 16 May, 725 children were on NHS Lothian's permanent childhood hearing impairment register—92 more than at the time of the 2021 British Academy of Audiology audit. The BAA had reviewed the auditory brain stem responses of all births back to 2017, and its second report will be made public in July 2023.

The minister confirmed that 147 children have been identified for clinical review, that 26 children had a missed diagnosis and that 31 had been recalled.

I also received a letter from the minister this week, stressing that NHS Lothian had made significant progress against all the suggested actions in the BAA report, and that governance and culture had improved. Paediatric audiology now has an additional senior expert—although, from the report that I got, we do not know what or who that is—and, each month, the Scottish Government will receive a progress report against the established action plan. An independent review of audiology across Scotland will report with recommendations in the summer.

On Tuesday this week, I had the opportunity in the Health, Social Care and Sport Committee to question Calum Campbell, who is the chief executive of NHS Lothian. To his credit, Mr Campbell offered a sincere apology. He said that the review was a wake-up call in Lothian and that his health board has followed every recommendation that was made by the independent chair, Jacqueline Taylor. His service has tried to contact every family, and has asked people to come forward if they think that they have been missed. NHS Lothian has increased its resources in speech and language and he feels that there is now no lack of access to British Sign Language tutors for those who want that.

If we accept without question those responses, it appears that NHS Lothian and the Government are getting to grips with the crisis. However, are families, here and elsewhere around Scotland, reassured by the words of those who are in the dock? We hear that children still face delays in accessing treatment or language support, and that families on low incomes or who have language barriers are being missed.

No family that is impacted by failure should be left behind. We must ensure that those failures are not happening elsewhere in Scotland, to help to restore confidence and trust. A good start would be for the minister to meet the deafness cross-party group of MSPs for further discussions on issues in their constituencies.

In addition, will the minister commit to making public the monthly progress report that NHS Lothian will send to the Scottish Government? I ask because transparency—sunlight—is the best disinfectant.

13:24

Carol Mochan (South Scotland) (Lab): I thank Jeremy Balfour for bringing this important debate to the chamber, and I also thank everyone across all parties. It seems that we all agree that we need to work together to make changes here.

As we know, the paediatric audiology service at NHS Lothian has failed a great many children and their families. As well as increasing awareness of the impact of those failures on the children and their continuing struggle to get the support that they need, I hope that this debate, along with the meetings with parents and service managers, might help to reassure families. MSPs are identifying the steps that we can take to support the affected families and draw the attention of authorities, which I think continue to lack the urgency that is required to fix this problem.

We have had the privilege of meeting some parents here in Parliament and, as other members have said, the families failed by Lothian audiology

action group is truly an inspiration to us all and a model for such campaigns in the future. When we encounter such determined campaigns, we cannot fail to be impressed and listen, and I think that the group has caused us to jump to take action. We wish that more had been done at the time to help parents to approach and get some action from the authorities that were tasked with the protection of patients and their families. Fiona Hyslop's contribution was excellent in recognising that that is the case.

During the period of this scandal, the audiology department provided care to more than 22,000 children. An audit of some of the children identified moderate or significant concerns about the way in which they had been treated in almost 34 per cent of cases. However, as we have heard, that audit did not include any children who were seen after 2018, so we can be fairly certain that there are a great many more. We must consider that when thinking about the way forward.

The parents feel that there has been no acceptance that the original review was a sample, which is a crucial point. Given that it was a sample, there are children out there who might not have been identified. We must consider that possibility.

From other cases, we know that, if treatment opportunities are missed during a child's key development stage, it can cause difficulties that can rarely be corrected later in life. Karen Adam's contribution helped us to understand that we must support the children as they are developing. It is astounding that no account was taken of the fact that those children had missed an essential part of their development.

Although a lot of the political focus has rightly been on NHS Lothian, we must also seriously consider the help and assistance that the families need right now, because that is what will make a difference to the children we are talking about. Families report that a number of those children still require access to BSL tutors. That is a fact; parents are reporting that to us.

The Government's manifesto contained a commitment to additional funds for local authorities for free BSL tuition for deaf children from the age of five. It is important that we get some feedback on that. I spoke to a family member who explained to me that it is very expensive to get BSL tuition, because it is not just about training the individual who needs to use BSL; it is about the whole family unit. If we want children to develop and have the same excitement in learning as other children, we must have wider access to free BSL training.

I will stop there. I thank everybody for their contributions to the debate.

13:28

Ash Regan (Edinburgh Eastern) (SNP): I commend Jeremy Balfour for bringing such a serious issue to the chamber for debate. A number of excellent contributions have been made so far.

We are discussing failures in paediatric audiology at NHS Lothian. As we know, the review identified 155 children who were seriously affected. However, as other members have said, because of the timeframe, the review might not have picked up everyone who was affected. I raise that as an urgent point and ask the minister to look into it further to see whether anyone has been missed.

The root causes that were identified as contributing to the failures were listed as a lack of scientific leadership; a lack of knowledge, reflection and inquiry; and a lack of robust quality assurance processes. That led to assessments being carried out incorrectly. It is very disappointing that, at this stage, departments are being run in that way. If the minister is not able to advise on that today, I ask her to write to me and others on what progress has been made to deliver on the many recommendations that the review made. Many of those recommendations were extremely urgent.

This week, I took the opportunity to speak to two families in my constituency who were affected. I spoke to Stephanie, mother to Rory, who is 11. Despite repeated testing when Rory was a baby and a young toddler, unfortunately, he was not diagnosed as profoundly deaf until he was four. He went on to be fitted with a hearing aid and, later, cochlear implants. Stephanie told me that that represents five years of missed communications. Rory will start high school in the not-too-distant future, and his mother is very concerned that the developmental delay that was created by that level of misdiagnosis will not be closed by the time that he goes to high school. That will put him at a disadvantage without significant additional support, which he is, unfortunately, not receiving.

The second family I spoke to have quite a similar story. Their daughter was tested repeatedly as a baby and young toddler. When she was three years old, the family was told that she could hear perfectly well, which, of course, was incorrect. Her case was eventually picked up in the audit, and she was finally diagnosed as being deaf from birth. She is now four and a half and has been fitted with a hearing aid. However, disappointingly, at the family's most recent audiology appointment, the clinical staff seemed to have no notes and seemed unaware of or unable to understand the diagnosis. Unfortunately, that does not fill that family—and perhaps others—with confidence that the culture

that led to the failures in the first place has been addressed and improved on.

Misdiagnosis and mismanagement have caused both of those children and their families unnecessary suffering. The issues in NHS Lothian must be addressed, and those who have been affected need support. Fiona Hyslop put it very well when she said that that support needs to be specific, additional and on-going. I suggest that it should perhaps take the form of a full, individualised support plan for each child and their family; Carol Mochan made an excellent point in that regard. Such support is essential and, to be frank, it is the least that can be done to support the children and families who have been affected.

I hope that the minister will take on board the points that have been raised and that she will work with the cross-party group of MSPs to make the progress that is sorely needed.

The Deputy Presiding Officer: Due to the number of members who wish to speak in the debate, I am minded to accept a motion without notice, under rule 8.14.3 of standing orders, to extend the debate by up to 30 minutes. I invite Jeremy Balfour to move the motion.

Motion moved,

That, under Rule 8.14.3, the debate be extended by up to 30 minutes.—[Jeremy Balfour]

Motion agreed to.

13:33

Foysol Choudhury (Lothian) (Lab): Families in Lothian placed their trust in a service that was there to assist and help them. Instead, they were failed by that service.

I have read some difficult accounts of children who were eligible for a cochlear implant—a technology that allows deaf children to hear for the very first time—but who, due to a late diagnosis, were too old or no longer eligible for that potentially life-altering technology. Some of those children were also diagnosed incorrectly. That was rectified so late that families have now been told that their child might never be able to speak. Other children will face major language and communication difficulties throughout their lives as a result of a late diagnosis. I do not need to express how difficult that must be for all of the families involved.

The failings of NHS Lothian between 2009 and 2018 mean that late-diagnosed deaf children have lost out on years of potential support and guidance. Sufficient tailored support must now be put in place to help those families.

The audit that identified the failings ended in 2018. As my colleague Jeremy Balfour said, many

wrongly diagnosed or late-diagnosed children might still to be identified, and we must ensure that they are offered support. There will also be cases of children who were not included in the audit or who have not responded to the communication. Those children might still be without support, and sufficient measures need to be put in place to ensure that support is offered to every child who is affected by the issue.

A one-size approach will not fit all. There must be multi-agency tailored support available for those affected. Tailored support means looking at each child's case individually and assessing how best to support them and their families.

Access to British Sign Language lessons and training should be readily available to the children and families who are affected, but consideration must also be given to cases in which BSL is not the best solution. Some of the children come from families whose first language is not English. What support will be offered to those children who might struggle to communicate with family using BSL? Children with additional support needs might also struggle to learn or communicate using BSL. Additional means of support must be offered to families whose children have learning or communication difficulties. That is how we can continue to support the families whose lives have been permanently altered by NHS Lothian's paediatric audiology failures.

I thank Jeremy Balfour for bringing this important issue to the chamber.

The Deputy Presiding Officer: I call Ben Macpherson, who will be the last speaker before the minister responds.

13:37

Ben Macpherson (Edinburgh Northern and Leith) (SNP): I commend Jeremy Balfour for bringing this important debate to the chamber. Although the motion focuses primarily on NHS Lothian audiology services, I want to highlight the important interconnected issue of language and communication development and access to British Sign Language education, which has been brought to my attention by two constituents who are in the gallery today—Benedict and Angelika. They have given me permission to talk about their family situation in Parliament.

Benedict and Angelika's two-year-old son Thomas is deaf. He is a wonderful child who shows great creativity and resilience. Understandably, Benedict and Angelika want Thomas's educational prospects and those of other deaf children to be appropriate, available and delivered as well as possible. His parents have expressed to me that Thomas shows little progress in verbal language but that he is

progressing incredibly well and quickly with one of our key national languages—British Sign Language.

As they think ahead to when he grows up, his parents are aware that there are deaf schools in Falkirk, Hamilton and Aberdeen but that, in Edinburgh, there are no deaf schools—primary or secondary—or school units that teach BSL as their principal language. All of that makes being a pupil learning in that national language very difficult in our capital city. Understandably, Benedict and Angelika believe that deaf schools are incredibly important for deaf children, as the curriculum helps them understand deafness and tailors learning to children's specific needs. The education is simply reformatted.

Through my constituents, positive discussions have already taken place with the City of Edinburgh Council, which we are grateful for. Along with my team, I am committed to working with them and others to help create a school environment in our capital city that guarantees Thomas and other children like him a solid future and an equal education opportunity.

I am keen to see learning potential in deaf children achieved, regardless of their local authority area, and to see improvement in consistency across council areas. For example, provision in some areas includes weekly BSL instruction and communication support workers who are qualified to at least BSL level 3, but Benedict and Angelika have informed me that, in Lothian, because children learn 80 per cent of language through incidental listening to adults, the 30 minutes of BSL that Thomas currently receives a week during time in school is not a reasonable comparison to what his hearing counterparts receive. He does not currently receive the same curriculum as his peers, as he does not hear announcements, story time or other important things that are part of the school experience.

I appreciate that the Scottish Government leads with an inclusive ethos. That is highly commendable and something that we all believe in, but we must build on that to make it a reality for all deaf children in Scotland. I appreciate that the Government remains committed to supporting all children and young people, and we have a role in ensuring that that happens in terms of lived experience.

Although work is happening here in Lothian—and I am sure that the minister will elaborate on the initiatives that the Government is undertaking—there are service gaps. My constituents have already given me and others so much insight and carried out constructive engagement on how we can improve matters on behalf of their families and others in the deaf community, and I urge the Government and the

council to focus on how we improve the services that are available to Thomas and others.

The Deputy Presiding Officer: I call the minister, Jenni Minto, to respond on behalf of the Scottish Government.

13:41

The Minister for Public Health and Women's Health (Jenni Minto): I start by acknowledging the importance of the topic and thanking Jeremy Balfour for his motion. I also thank colleagues from across the chamber for their considered contributions. A number of points have been raised, to which I would be happy to respond in writing after the debate, as I believe that the subject requires considered responses to all of them. I am also happy to meet the cross-party group of MSPs, whom I commend for their work.

I welcome the families to the public gallery. I am sorry that it is in the current circumstances, but I thank them very much for the important work that they are doing to raise the issue with Government, their MSPs and NHS Lothian.

At the outset, I make it clear that the Scottish Government is committed to ensuring that all our children, young people and, of course, their families get the support that they need at the right time, as has been made clear through our getting it right for every child approach. Earlier today, I was at a session with officials talking about children in education and how officials can work better together, and I will take back to my officials some of the learning from this debate.

I recognise the seriousness of the failings around NHS Lothian's paediatric audiology services, as outlined in the British Academy of Audiology 2021 report. Put simply, as others have said, the report showed unacceptable levels of failure, as a result of which a number of children and young people and their families have endured lasting impacts on their lives. I have no doubt that those affected by the situation in NHS Lothian are anxious and rightly angry about what has happened. As Jeremy Balfour has said, these are real issues impacting on real families.

In December 2021, NHS Lothian was escalated to stage 3 of the board performance escalation framework for audiology performance and service delivery, which demonstrates how seriously the Scottish Government took the situation. That step was taken to ensure that the necessary improvements were made to the service, with a formal recovery plan being developed by the board in partnership with Government. I am pleased that work has been taken forward by NHS Lothian and that progress has been made, but I am aware of some of the points that have been made and would like to explore them further. I also

encourage families who think that their child might have been affected by the situation or who have concerns about their child with regard to audiology to contact NHS Lothian's helpline on 0808 800 8880.

The Scottish Government is clear that families across Scotland should have assurances that their children are getting the best possible audiology support. That is why we introduced the national independent review of audiology services in January last year, which will report on its findings soon. Indeed, Jackie Baillie referred to that in her speech.

Although it is important to reflect on previous failings and the subsequent work that has been done to make improvements, that does nothing to help children and families who have already been affected. That is why it is vital that our public services are joined up and that children get the support that they need. A number of my colleagues referred to the importance of health services working with education services to focus efforts on supporting the cross-portfolio work that Fiona Hyslop talked about and to avoid the disconnect that Oliver Mundell described.

Our see hear strategy, which is jointly endorsed by the Convention of Scottish Local Authorities, provides a strategic framework for action to meet the needs of people with sensory loss, against a background of increasing demand, requirements for greater efficiency and effectiveness and health and social care integration. A refreshed strategy will be published in 2025, and in early discussions, stakeholders have identified the need to include more on early years, children, young people and transitions to adult services. We will listen to the voices of those with lived experience, as Karen Adam eloquently put it, to progress that work properly. The Scottish Government's sensory loss and social care advisory group will support and advise officials on the strategy, as will a group of Scottish Government policy officials who have an interest in sensory loss.

I will reflect on Karen Adam's point about peer groups and support from third sector partners, which are a vital element. Since 2016, the children, young people and families early intervention and adult learning and empowering communities fund has provided just over £100 million in funding to 115 organisations to deliver support that tackles inequalities, addresses child and family poverty, improves learning and builds skills. Some of that funding has gone to the National Deaf Children's Society, which receives £102,900 annually to support a range of activities.

On public service provision, access to specific support for education and learning is critical—Ben Macpherson and Ash Regan referred to that. It has been helpful to hear their constituents'

experiences; I thank the members for sharing those experiences and their constituents for allowing them to be shared. As Jeremy Balfour has said, the Parliament works well when we collaborate with honesty and with experience from our constituencies. We are committed to supporting the delivery of high-quality early learning and childcare services in language-rich environments that provide children with opportunities to play, learn and interact socially.

A number of members have referred to British Sign Language. In supporting the provision of sign language, we aim to make Scotland the best place in the world for people who sign to live, work, visit and learn. We are developing our British Sign Language national plan for 2023 to 2029, which is due to be published in October. As part of that, we have identified key priorities, which include support for deaf children and their families and better support for the BSL workforce. An implementation governance group will oversee the plan to ensure that we deliver our commitments in a way that addresses the current needs of BSL signers across Scotland and identifies any new needs that arise over the plan's lifetime.

I will briefly reflect on the point that late diagnosis might have an impact not only on learning but on mental health. The Scottish Government is committed to improving access to community mental health and wellbeing support. Through our investment in community mental health services, we are providing local authorities with £15 million per annum to fund community-based mental health support for children, young people and their families.

I again thank Jeremy Balfour for bringing the debate to the chamber, and I thank my colleagues for what have been, as I have said, thoughtful and thought-provoking contributions. I reaffirm the Scottish Government's commitment to ensuring that all our children and young people have access to the right support when they need it. I am not sure that "look forward" is the correct phrase to use here, but I will ensure that we meet the cross-party group of MSPs as soon as possible.

13:50

Meeting suspended.

14:00

On resuming—

Portfolio Question Time

Education and Skills

The Deputy Presiding Officer (Liam McArthur): Good afternoon. The first item of business this afternoon is portfolio questions on education and skills. I invite anyone who wants to ask a supplementary question to press their request-to-speak button during the relevant question.

Modern Apprenticeships (Support)

1. Jamie Halcro Johnston (Highlands and Islands) (Con): To ask the Scottish Government whether it will provide an update on what support it is providing for modern apprenticeships. (S6O-02340)

The Cabinet Secretary for Education and Skills (Jenny Gilruth): The Scottish Government has agreed the Skills Development Scotland budget for 2023-24 and SDS has completed contract awards to support up to 25,500 new modern apprenticeship starts in 2023-24. Official statistics that SDS published on 23 May this year report 25,447 modern apprenticeship starts by the end of quarter 4 in 2022-23. Statistics also show that the number of apprentices in training across the country is the highest ever, at around 39,000.

SDS provides an all-age career service in every local authority area, highlighting the options that are available to people across Scotland, including modern apprenticeships, and undertakes further activity, together with employers, to highlight the importance of modern apprenticeships, particularly through Scottish apprenticeship week.

We continue to work closely with SDS to monitor and support modern apprenticeships throughout Scotland.

Jamie Halcro Johnston: Last month, the Scottish Training Federation stated that the Scottish Government's delay in setting a budget for skills and employability programmes had led to 75 redundancies since April.

Last year, there was an apprenticeship freeze, and this year's vital budgets, including the individual training account budget, have been delayed. Why are apprentices and training providers always the Government's last consideration?

Jenny Gilruth: The member will recognise some of the financial challenge with which the Government has been presented, not least in relation to inflationary pressures, which have

meant that we have had to recalibrate budgets across the Scottish Government. I do not make an apology for that today, but I recognise the challenge that was presented to me in the first two weeks of undertaking the post of cabinet secretary.

It is important to say that we have had a slight increase in the number of modern apprenticeships, as I outlined in my initial response. I recognise the challenge from the federation; I am delighted that we have now been able to commit to that funding and move forward.

I am committed, as cabinet secretary—working alongside Mr Dey—to working with the sector to ensure that we support the roll-out of modern apprenticeships. Those qualifications are really important to support people into work; in that respect, it is hugely important that we take cognisance across Government of the skills review report, which was published yesterday. Many recommendations of the Withers review are around the delivery of skills and how they could be delivered in the future.

I am aware that, as cabinet secretary, I have a plethora of different reports coming to fruition at a similar time; it is important that we have an overarching strategic direction from Government as we move those reports and their respective recommendations forward.

The Deputy Presiding Officer: There are a couple of supplementaries. They will need to be brief, as will the responses.

Gordon MacDonald (Edinburgh Pentlands) (SNP): On Monday, Scotland's leading electrical bodies were celebrating a boost for the industry after receiving confirmation of financial support for the next intake of electrical apprentices and adult trainees. Fiona Harper of the Scottish Joint Industry Board said:

"This second guarantee of additional places means we can continue to train and develop a significant number of skilled electricians".

Amid enormous pressure on Government budgets due to Tory economic mismanagement, is that not support of the demonstration of the value that the Scottish Government places on apprenticeships?

The Deputy Presiding Officer: I stress that the definition of brevity is being observed in breach here. I call the cabinet secretary.

Jenny Gilruth: I welcome that news as very positive. Investing in skills across a person's lifetime is critical to our future productivity as a nation. The commitment underlined more broadly in our national strategy for economic transformation highlights that fact, too.

I was delighted that, in May, SDS undertook a re-allocation process and issued updated contract awards for more than 2,000 new modern apprenticeship starts, to provide us with strong evidence of employer demand. Where there is a need to support critical skills in the economy, our priority as a Government continues to be to ensure that apprenticeships are of the highest quality and lead to sustainable employment opportunities.

Pam Duncan-Glancy (Glasgow) (Lab): The percentage of women who start modern apprenticeships has dropped. One reason that was suggested for that drop was the increase in construction-related apprenticeships, where women represent just 2.5 per cent of starts. Does the cabinet secretary agree that more women should be encouraged to take up roles in construction? Can she set out what steps it will take to increase female representation in the sector?

Jenny Gilruth: Pam Duncan-Glancy makes an interesting point. Overall, 38.1 per cent of starts were female and 61.9 per cent were male. However, she is absolutely correct to point to the industry-specific challenges around gender. I am more than happy to take that point away, particularly in relation to "construction and related", as it is badged, which has seen the largest proportion of new starts. It is really important that more women come into such fields. We have more than 22 per cent who have been supported through modern apprenticeships in health and social care and information technology.

I will take Pam Duncan-Glancy's point away, and I will raise it with the Minister for Higher and Further Education, who is responsible for SDS.

Violence in Schools

2. Stephen Kerr (Central Scotland) (Con): To ask the Scottish Government what it anticipates the outcomes will be of the proposed summit on tackling violence in schools, which was announced by the education secretary on 24 May. (S6O-02341)

The Cabinet Secretary for Education and Skills (Jenny Gilruth): Planning for engagement and the summit on relationships and behaviour is currently under way. I intend that the summit will be held as soon as is practicable, noting that we are just three weeks away from the end of the summer term. The summit will focus on practical support at classroom, school and local authority level, to make a difference on the issue. It will hear from young people, parents and carers, schools, local councils and unions to discuss how to tackle it. The findings of the summit will form part of the broader evidence base that is being considered by the Scottish advisory group on relationships and behaviour in schools.

Stephen Kerr: I am disappointed by that answer. It is two weeks since the commitment was made to set a date for a summit, and we still do not have a date. I thought that we had all agreed in the chamber—all the parties—that it is a matter of grave importance and urgency, but there did not seem to be very much of that in the answer that the cabinet secretary has just given. I hope that she will not hide behind the actions or inaction of her officials. In all sincerity, I ask the cabinet secretary, please, not to let down our teachers. Please do not let down our pupils. Please do not let down our parents. Do something. When will the cabinet secretary commit to tell us the date on which the summit will be held?

Jenny Gilruth: Prior to portfolio question time beginning, Stephen Kerr asked me about the Hayward review, which will, of course, publish its report in the next few weeks. I am very conscious that, in the past two weeks, we have spent a considerable amount of time debating behaviour, which we debated two weeks ago, and the national discussion, which we debated last week. In two weeks' time, we will debate the Hayward review. We also had the publication of the Withers review report yesterday. There are lots of different things happening in Government on education, and I am not necessarily sure that Stephen Kerr's question is fair in that respect.

What I have committed to is action before the end of this parliamentary session. That is hugely important. To that end, I will convene a headteacher task force to consider the specific issue of consequences and exclusion. In the meantime, I have asked Education Scotland to work with every local council to identify good practice, so that those findings can be discussed as part of the summit and shared across the country.

I will be more than happy to update Stephen Kerr before the end of the parliamentary term—the summer term—with a date for the summit. He makes a number of comments about teachers. I do not know whether he speaks to teachers regularly, but I do. This time of year is very stressful in schools, and it is hugely important that we remember that the system—[*Interruption*.]

The Deputy Presiding Officer: Mr Kerr, you have asked your question. Let the cabinet secretary respond.

Cabinet secretary, please bring your response to a conclusion quite quickly.

Jenny Gilruth: In attempting to answer the question, what I was trying to outline to Mr Kerr is that schools are currently overloaded with lots of things happening. I do not want to add to that burden. In my responses to Mr Kerr and Mr Halcro Johnston, I have outlined some of the reviews that

are coming to fruition. [*Interruption.*] I am hearing Mr Kerr commenting from a sedentary position, Presiding Officer.

The Deputy Presiding Officer: Will you resume your seat, please, cabinet secretary?

Mr Kerr, I have warned you before. You can ask the questions, but you do not then get to provide a running commentary on the responses.

Cabinet secretary, I have appealed for shorter responses to the questions.

I call Willie Rennie for a brief supplementary question.

Willie Rennie (North East Fife) (LD): Last week, in the national discussion on education report, the cabinet secretary will have read the major concerns about the prevalence of harassment, discrimination, bullying and violence in schools across Scotland. The situation is urgent. She has talked before about bringing forward the survey that is due to report in the autumn. Has she had any success in expediting that?

Jenny Gilruth: I think that the survey that Willie Rennie is referring to is the behaviour in Scottish schools research. According to my officials, because of the way in which that evidence is gathered in relation to qualitative and quantitative data, I am not able to bring the reporting date forward. I have tested that with my officials—I did so before the debate that we held two weeks ago.

I am keen to hold the convention of headteachers before the end of the parliamentary term—in the next three weeks—to talk to the specific issue of exclusion, because there is currently a challenge around that. Willie Rennie has outlined some of the challenge that is in the national discussion report, which we discussed last week. We will have the results of the Hayward review in a couple of weeks' time, which will look at qualifications right across the piece. I am very mindful that the system has a number of different reviews coming to fruition at the moment.

I take Mr Kerr's point, and that of Mr Rennie, in relation to urgency, and I commit to acting with urgency to bring headteachers together on the issue before the end of term, but I will not overload schools with this before the end of their summer term. However, I undertake to give Parliament an update before the end of term, which will include a commitment to a date for the summit.

The Deputy Presiding Officer: We need greater brevity in the responses.

ABZ Campus

3. Jackie Dunbar (Aberdeen Donside) (SNP): To ask the Scottish Government how secondary

school pupils in Aberdeen will be supported through the launch of ABZ campus. (S6O-02342)

The Cabinet Secretary for Education and Skills (Jenny Gilruth): I welcome the launch of the local authority-led ABZ campus in Aberdeen city. The ABZ campus will aim to broaden the curriculum options for pupils in secondary 4 to secondary 6 and give them access to a range of learning options that are directly linked to growth sectors. The pupils have been supported throughout the application process and, through the free bus travel that is available to under-22s, have had the opportunity to visit the campus ahead of the launch.

I am pleased to note the partnership approach that has been taken through this initiative, including the involvement of employers through Developing the Young Workforce North East. I welcome the opportunity that it creates to help young people to develop their vocational and technical skills, preparing them for the next step on their journey to fulfilling and rewarding careers.

Jackie Dunbar (Aberdeen Donside) (SNP): The ABZ campus will offer a diverse range of courses across areas such as engineering and construction, science and social subjects, and dance and drama. I hope that everyone will join me in wishing those involved every success as they embark on this exciting new chapter.

The cabinet secretary has already partly explained this, but how does she expect that this innovative idea will offer new benefits and enhancements to the young folk in Aberdeen?

Jenny Gilruth: I am pleased to welcome the commitment to the ABZ campus, which is being led by the local authority and a number of different partners. I join my colleague in wishing the young people of Aberdeen every success as they take part in this new learning opportunity, the positive impacts of which I look forward to seeing. As cabinet secretary, I will be looking to consider any lessons that we might be able to learn from the new partnership approach, particularly as we take forward the outcomes from the Hayward review, which I have alluded to in responses to other members.

Dargavel Primary School

4. Russell Findlay (West Scotland) (Con): To ask the Scottish Government whether it will provide an update on any discussions it has had with Renfrewshire Council regarding Dargavel primary school. (S6O-02343)

The Cabinet Secretary for Education and Skills (Jenny Gilruth): The Scottish Government is taking seriously the capacity issues at Dargavel primary school, and we continue to have regular

discussions with Renfrewshire Council about the school.

The previous Cabinet Secretary for Education and Skills met representatives from the school, Dargavel primary parent council, Neil Bibby and Natalie Don late last year and, I am told, had constructive discussions. In the chamber last week, I committed to doing likewise and to progressing the issue.

Russell Findlay: Scottish National Party Renfrewshire Council built a school that is half the size that it needs to be. That catastrophic and wholly avoidable blunder risks harming pupils' education, and it will cost taxpayers £75 million to put right. Parents tell me that they have lost all confidence in the council, and they fear that the council's £75 million plan is flawed and risks repeating the past mistakes.

What does the cabinet secretary intend to do to ensure that the council listens to parents and does not waste even more public money?

Jenny Gilruth: I recognise that the issue that the member raises is a very serious one. As cabinet secretary, I do not shy away from that. Of course, the local authority has a key role to play. I have not yet met the parents and carers. I am keen to hear from them directly. I am told that the council has continued to engage with the parent council. It has also created a dedicated web page and an email address for any public queries.

However, it would be remiss of me to comment further at this time, without having met the parents who have been affected by what is a very serious situation.

Neil Bibby (West Scotland) (Lab): Dargavel parents have said that they have no confidence in Renfrewshire Council, the chief executive and the director of education, so does the cabinet secretary agree that the review that Renfrewshire Council initiated and paid for cannot possibly command public confidence?

Jenny Gilruth: Renfrewshire Council admitted that it made an error when determining pupil numbers for the new school back in 2017. At that time, it apologised to parents and carers for significantly miscalculating the projected pupil roll.

I will not comment on the authenticity of the independent review thus far. I am keen to meet the member and the parents who have been affected by the situation at Dargavel to discuss the matter in more detail.

Skills-based Apprenticeships

5. Foysol Choudhury (Lothian) (Lab): To ask the Scottish Government what it is doing to fund traditional skills-based apprenticeships that lead to professional qualifications. (S6O-02344)

The Minister for Children, Young People and Keeping the Promise (Natalie Don): The Scottish Government has agreed the Skills Development Scotland budget for 2023-24 and SDS has completed contract awards to support up to 25,500 new modern apprenticeship starts in 2023-24, which will include modern apprenticeships in craft roles.

Foyol Choudhury: Courses in skills-based labour make a positive contribution to industrial recruitment. A recent report that was published by the Chartered Institute of Personnel and Development found that the biggest gaps in recruitment are in technical, vocational and specialist skills. It also found that bringing employers and the education system closer together can result in benefits for young people as well as for the organisations involved.

What assessment has the Scottish Government made of the impact of the reduction in skills-based courses on recruitment of new workers in vital industries?

Natalie Don: Investing in skills across people's lifetimes is absolutely critical to our future productivity and success as the economy and our labour market continue to evolve. That is underlined by our commitment to having a skilled workforce, as set out in the national strategy for economic transformation. Our priority now is to ensure that apprenticeships are of high quality and lead to sustainable employment opportunities, including in craft roles.

Jim Fairlie (Perthshire South and Kinross-shire) (SNP): Lantra, in my constituency, currently provides modern apprenticeships and other training in a range of areas that promote traditional and rural skills. What support has the Scottish Government provided to Lantra in recent years?

Natalie Don: The Scottish Government and other agencies continue to engage with key stakeholders, including Lantra. The Scottish Government is committed to promoting inclusive growth and to creating opportunities for all—including through use of apprenticeships—in order to ensure a vibrant, sustainable and productive rural economy. I would be happy to ask the relevant minister to write to Jim Fairlie with further detail of the support provided to Lantra.

Pam Gosal (West Scotland) (Con): Traditional skills-based apprenticeships are vital in supporting a just transition. I know from my meetings with apprentices that there is perceived stigma attached to doing an apprenticeship as opposed to going to university. That lack of parity between post-school learning pathways is clearly reflected in the Withers review of the skills system in Scotland. Does the minister accept the report's

finding that there is no parity of esteem? What action will she take to rectify that?

Natalie Don: We thank James Withers for his thorough and comprehensive review, which provides critical and compelling insights into the current skills delivery landscape. The review highlights challenges within the current system and makes recommendations about how it should be changed to ensure that it is fit for the future.

We have heard loud and clear the calls for significant reform and we will not shy away from decisions that will deliver better services for learners and employers. However, decisions about reform of public bodies cannot be taken lightly, so we must work with the affected bodies, unions and legal professionals to consider the practicalities of implementing the review's recommendations and to inform our next steps.

Trinity Academy

6. Ben Macpherson (Edinburgh Northern and Leith) (SNP): To ask the Scottish Government how it is supporting City of Edinburgh Council with the Trinity academy redevelopment. (S6O-02345)

The Cabinet Secretary for Education and Skills (Jenny Gilruth): All local authorities in Scotland have a statutory responsibility to manage and maintain their school estates. However, through the £2 billion learning estate investment programme, the Scottish Government will provide significant financial support to the City of Edinburgh Council for Currie community high school, Liberton high school and Wester Hailes education centre projects, which were identified by the council as its priority projects for investment.

Scottish Government funding through the learning estate investment programme is intended to augment, not to replace, local authorities' own investment in their school estate.

Ben Macpherson: I recognise the Scottish Government's strong record of investment in our school estate, particularly since 2007. The capital investment that has already been put into the Bangholm facility at Trinity academy has made a tremendous difference to the school and wider community. The next phase of redevelopment will provide a new community campus with much-needed contemporary learning and teaching spaces for a roll of 1,200 students in an area that has a growing population in our capital city. I therefore ask the Scottish Government to continue to use its schools for the future programme to support the City of Edinburgh Council, and I ask that the redevelopment of Trinity academy be completed as part of that and as quickly as can practically be achieved.

Jenny Gilruth: I thank the member for his question. We will continue to support the City of

Edinburgh Council through the previous schools for the future programme and the current learning estate investment programme, which I mentioned in my initial response. Through the schools for the future programme, the City of Edinburgh Council received funding of £63.8 million towards its four priority school projects. As I said, we are providing additional financial support through the LEIP funding for another three projects.

Modern Apprenticeships (Construction)

7. Daniel Johnson (Edinburgh Southern) (Lab): To ask the Scottish Government how many modern apprentices working in construction, from the 2017 and 2018 cohorts, are still in training. (S6O-02346)

The Minister for Children, Young People and Keeping the Promise (Natalie Don): As of 31 May 2023, 28 apprentices out of 801 from the 2017 cohort and 205 apprentices out of 862 from the 2018 cohort remain in training.

Daniel Johnson: I thank the minister for that answer. Construction apprenticeships are meant to take four years, yet the information that she has just provided demonstrates that, for people in the 2017 and 2018 cohorts, the apprenticeship is lasting up to five or six years. In my discussions with the Construction Industry Training Board, it has expressed concern that the changes to assessment that were required by the Scottish Qualifications Authority in 2016 have had a detrimental impact on apprentices' ability to complete their training on time.

Will the minister commit to looking at implementing a temporary professional development award in line with that for electrical apprenticeships? Will she review the assessment that was implemented? Will she meet the CITB to come up with a satisfactory arrangement for those measures?

Natalie Don: I thank Mr Johnson for his questions. The challenges that have been experienced with the 2017, 2018 and 2019 construction apprentice cohorts completing their apprenticeships are being carefully monitored. As the member rightly noted, the delays are related to changes in the qualification assessment that were introduced in 2017, the knock-on effect on college capacity to deliver the changes, and the impact of Covid-19.

Work has been undertaken by partners to address and reduce the backlog. We have seen some improvement, but it is not progressing as quickly as it should. The Scottish Government is continuing to work closely with all agencies to improve the rate of completion while maintaining the quality of the apprenticeships.

I understand that Mr Dey is alive to the need to address the backlog and that he has had useful dialogue with the CITB and is seeking to meet the SQA to explore solutions for clearing it.

The Deputy Presiding Officer: Question 8 is in the name of James Dornan. He appears not to be with us, so that concludes portfolio questions. Before we move on to the next item of business, there will be a brief pause to allow the front bench teams to change.

Retained EU Law (Revocation and Reform) Bill

The Deputy Presiding Officer (Liam McArthur): The next item of business is a debate on motion S6M-09375, in the name of Angus Robertson, on the Retained EU Law (Revocation and Reform) Bill, which is United Kingdom legislation. I invite members who wish to participate to press their request-to-speak buttons now or as soon as possible.

14:23

The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson): Seven years ago this month, the referendum campaign on the United Kingdom's membership of the European Union was reaching its final stages. The result of that referendum was a clear and overwhelming vote for remain in Scotland. As we all know, that result and the wishes of the people who live here were ignored by the Conservative Government at Westminster.

To make matters worse, the Tories not only took Scotland out of the European Union but decided to impose a hard Brexit, removing us from the European single market, which is by population seven times the size of the United Kingdom; taking us out of the customs union; and putting an end to the freedom of movement that was of such value, in so many ways, to our country.

It is with some sadness that we now see Labour supporting that hard Brexit position. However, I hope that, in today's debate, we can reach a measure of consensus that we will do what we can to protect our Parliament and make it clear that we reject a deregulatory agenda that threatens the high standards that we benefited from as an EU member.

Mark Ruskell (Mid Scotland and Fife) (Green): The cabinet secretary may be aware that Scotland's environmental watchdog, Environmental Standards Scotland, has raised concerns about the UK Government's proposed ditching of national air quality laws, saying that Scotland would have no national programme on long-term air quality targets. Does the cabinet secretary agree that the Tories are now the polluters party? Having scuppered the deposit return scheme this week, they are now cancelling action to protect our lungs as well.

The Deputy Presiding Officer: I will give the cabinet secretary the time back for taking that intervention.

Angus Robertson: I agree with Mark Ruskell that the UK Government is planning to use the schedule to the bill to scrap existing reporting

requirements on air pollution. It has agreed to discuss a replacement, but nothing has happened. I am happy to update Mr Ruskell and the Parliament on that issue of concern.

Since the Brexit vote, time and time again, this Parliament has debated legislation that has been prepared by Westminster, only for our views to be overridden. Nine times, Westminster has ignored the views of this Parliament—nine times since 2018. Today, we are again debating the Retained EU Law (Revocation and Reform) Bill. Later this month, I expect to add the bill to that list of Westminster shame. It is not acceptable that seeking the views of this Parliament on devolved matters is optional, or for those views to be ignored.

To illustrate my point, let me describe the ridiculous manner in which the UK Government sought consent for its amendments to the bill. On 10 May, UK ministers tabled amendments to the Government's original unworkable sunset clauses. That U-turn was, at least, welcome, and I will have more to say about it in a few moments. However, the process of seeking this Parliament's consent is instructive in what it tells us about the UK Government's lack of respect for or interest in devolution.

First, it was the view of the Scottish Government that the amendments triggered the requirement for the UK Government to seek legislative consent. Secondly, the UK Government initially did not share that view. Thirdly, however, I then received a letter from Nusrat Ghani, one of the Commons bill ministers, on the afternoon of Friday 19 May, which did indeed seek consent for the latest amendments. However, fourthly, less than eight working hours later, on Monday 22 May, the Lords bill minister, Lord Callanan, said that the UK Government intends to proceed with the bill without the consent of the Senedd or the Scottish Parliament. Clearly, any acknowledgement of due parliamentary process in respect of devolution is performative only.

I turn to the substance of the UK Government's amendments. It is clear that the UK Government has carried out a major U-turn on the bill, which removes the risk of retained EU law being wholesale or unknowingly removed from the statute book at the end of this year. So why do we continue to recommend that consent be withheld in the supplementary legislative consent memorandum?

Previously, when we debated the bill in the Parliament, I outlined three main objections. The first is that it confers powers on UK ministers to act in areas of devolved responsibility without the consent of Scottish ministers or this Parliament. That is, quite simply, nothing but an assault on devolution. Democratic oversight and good

governance are clearly at risk if UK ministers sideline in that way the Scottish ministers, who are accountable to this Parliament. Secondly, the bill risks deregulation and divergence from the high standards that the people and businesses of Scotland experienced and benefited from when the UK was an EU member state. Thirdly, the cliff edge sunset is an irresponsible way to manage the statute book.

The Constitution, Europe, External Affairs and Culture Committee previously highlighted

“deep and wide ranging concerns”

about the bill. Those objections never represented pick and mix optional improvements to the bill. Removing only one of them still leaves a bill that is fundamentally flawed in its design and intention.

I will finish by being crystal clear about the UK Government amendments and our sustained opposition. The UK Government’s U-turn means that only retained EU law that is specified in a new schedule that is attached to the bill will be revoked at the end of this year. There are currently 587 specific instruments in that schedule. All other retained EU law will remain on the statute book and will be subject to future reform by secondary legislation.

Our supplementary legislative consent memorandum indicates that there are 148 instruments listed in the schedule with some devolved provisions. Our assessment is that 139 are obsolete. However, we have concerns about up to nine of the instruments that are due to sunset, because they may not be redundant. Further analysis and consultation on the schedule are under way, although the UK Government is unlikely to alter it before royal assent.

The amendments confer on Scottish ministers the power to remove instruments that are within devolved competence from the application of the schedule up until 31 October 2023. However, UK ministers have such a power in relation to removing any instrument by that same date. How the UK Government intends that to work is far from certain, but we should be absolutely clear that, under the United Kingdom Internal Market Act 2020, where a veto for devolved actions remains in Westminster, the ability of devolved Governments to set their own regulatory standards is constrained.

In November last year, in this chamber, I called on the UK Government to withdraw the bill. I repeated that in February this year, when the Scottish Parliament voted to withhold legislative consent for the bill. I repeat it now. This is a damaging bill in its own right. It is damaging to high standards, damaging to protections and damaging to businesses—but it is also damaging to devolution and to the Scottish Parliament.

I move,

That the Parliament agrees that the UK Government amendments to the Retained EU Law (Revocation and Reform) Bill, tabled in the House of Lords on 10 May 2023, do nothing to alter the view expressed in the Scottish Parliament in its vote on 29 November 2022 calling for the Bill to be withdrawn, or its vote on 23 February 2023 that concluded that the Scottish Parliament should withhold consent for the Bill, and considers that no amendment to this Bill can be viewed in isolation from the risks of the overall Bill, or will be sufficient in removing the dangers attached to it.

The Deputy Presiding Officer: I call Clare Adamson to speak on behalf of the Constitution, Europe, External Affairs and Culture Committee.

14:30

Clare Adamson (Motherwell and Wishaw) (SNP): The cabinet secretary has covered much of the background and timescales to the supplementary legislative consent memorandum, so I will focus my remarks on the three areas covered by the Constitution, Europe, External Affairs and Culture Committee’s report: the sunset, revocation schedule and preservation powers; the powers to restate, revoke, replace and update retained EU law; and the reporting requirements.

The removal of the automatic sunset addresses the concerns that we had with regard to the cliff edge of that clause. Instead, only REUL that is specified in schedule 1 now attached to the bill will be revoked at the end of this year. As the cabinet secretary outlined, schedule 1 provides that 587 specific instruments are to be revoked. The Scottish Government suggests that 148 of those instruments impact on devolved areas. As the cabinet secretary also laid out, the Scottish Government has stated that it

“considers that 9 cannot yet be said to be obsolete; and therefore opposes their sunset”.

As convener of the Constitution, Europe, External Affairs and Culture Committee, I have written to the relevant subject committees highlighting the timescales for possible removal of instruments from the schedule. We have noted concerns expressed by Environmental Standards Scotland, which wrote to us on Monday to draw attention to two of the nine instruments, noting that it did so

“based on some of our current analytical work on air quality standards and targets in Scotland”.

We have shared its correspondence with the Net Zero, Energy and Transport Committee.

There is also a wider issue, which concerns the complexity of how devolution is operating outside the EU. The committee considers that the common frameworks are the agreed process by which Governments should work together to

provide clarity and certainty in delivering an effective regulatory environment while respecting the devolution settlement.

However, the UK Government does not appear to have consulted the Scottish Government on the amendments that it tabled on 10 May 2023 or to have explained the extent to which they impact on devolved competence. The committee will be writing to Kemi Badenoch, the UK minister in charge of the bill, asking why that appears to be the case, in particular in relation to the instruments in schedule 1 that fall, at least in part, within devolved competence.

The committee has previously found the Sewel convention to be under strain. The cabinet secretary gave examples of how often that has happened since the UK's departure from the EU. We have previously written to both the Scottish and UK Governments for their views on whether they agree that the Sewel convention is under strain, whether and how it could be strengthened in law and be subject to judicial review and whether and how it could be strengthened on a non-statutory basis.

I turn to the powers to restate, revoke, replace and update REUL. The Scottish Parliament ought to be able to effectively scrutinise the exercise of all legislative powers within devolved competence. The committee considers that to be a fundamental constitutional principle.

There are concurrent powers to amend REUL in the European Union (Withdrawal) Act 2018. In 2018, the then UK Government gave a non-statutory commitment that it would not normally use such powers in areas of devolved competence, and not without the agreement of the relevant devolved Administrations of the UK. The committee will therefore be writing to Ms Badenoch to ask why a similar commitment has not been given on the Retained EU Law (Revocation and Reform) Bill.

We note that there is also a lack of clarity on how common frameworks are operating both generally and in relation to REUL. There needs to be much greater transparency and accountability, and an opportunity for the Scottish Parliament's committees to scrutinise the decisions of both Governments when they relate to devolved areas. The committee therefore invites the Scottish Government to provide it with a detailed response on the effectiveness of the common frameworks, including how they are being used in relation to REUL, and it extends the same invitation to the UK Government.

My final theme relates to reporting requirements. For Scottish ministers those should, as a minimum, be equivalent to the requirements for UK ministers. Once the requirements are more

settled, the committee will invite our officials, and those from the Scottish Government, to look at how they can work in practice. In our opinion, such scrutiny of powers to restate, revoke, replace and update REUL should not be conflated with the Scottish Government's policy commitment to align with EU law.

I take this opportunity to thank the Scottish Parliament's officials and those from the Scottish Government for all their work on the supplementary LCM.

Time has not been on our side and, as the cabinet secretary laid out, the timescales on reporting on the LCM have been challenging, but we note the Scottish Government's commitment to provide further updates as required.

14:37

Donald Cameron (Highlands and Islands) (Con): I refer members to my entry in the register of members' interests, in that I am an advocate.

This is the third time that we have debated the Retained EU Law (Revocation and Reform) Bill. The Constitution, Europe, External Affairs and Culture Committee has reported at length on the initial LCM to the bill. However, it is worth noting that, today, the committee unanimously agreed the terms of a report on the supplementary LCM, which the committee's convener has just spoken about.

Much has changed since this Parliament last debated the matter. The bill returns to the House of Commons on Monday, so it is still not in its final state. However, the UK Government has made meaningful changes to it in response to a number of concerns that were raised by devolved Governments across the United Kingdom, by the civil service and by stakeholders, including those in Scotland, working across many sectors.

In earlier debates, I have set out my personal misgivings about various aspects of the bill, particularly the then concern about timeframes. I am glad that those concerns have now been answered by the removal of the sunset provision. Now, only the retained EU law specified in schedule 1 to the bill will be revoked at the end of the year. That means that the existing corpus of retained EU law will remain and will not be subject to sunset provisions.

Even more than before, that should allow the Scottish Government to follow its stated policy of keeping pace with EU law. Such an approach is enabled, because it can now choose to keep on the statute book any EU laws that it sees fit, whether it be in primary or secondary legislation, without fear of there being a cliff edge whereby that law would have disappeared automatically.

That is why it is all the more disappointing that the Scottish Government continues to withhold consent.

The cabinet secretary has argued that he cannot support the supplementary LCM because of the nine instruments in schedule 1 that, in his view, cannot yet be said to be obsolete, such that he opposes their removal. However, on closer scrutiny of that list of nine instruments, I have to say that, although each of them is important, that opposition is not insurmountable.

In addition, the cabinet secretary's officials made it clear in their evidence to the committee last week that discussions with the UK Government on having those nine instruments removed from the schedule are continuing. There remain two deadlines for doing so: before the bill is given royal assent later this month, and then again by 31 October this year.

I would argue that it is disproportionate to withhold consent for the sake of those nine instruments, whose removal from the schedule might yet be agreed by the Scottish Government and the UK Government before the timelines expire. The Scottish Government, of course, now has the power to do that itself by identifying items to place on the schedule or to remove from it if they fall within devolved competence. I refute the argument that has just been made that that is a threat to the devolution settlement, because the UK Government has, of course, clearly set out that that device is designed to save the Scottish Government time in removing retained EU law that is now obsolete. As we said in our report, that is intended

"to reduce the additional resource pressure that the devolved governments may experience, by enabling the UK Government"

to legislate on behalf of a devolved Government when

"they do not intend to take a different position".

That is a quote from the UK Government.

Angus Robertson: As I made clear in my opening statement, the UK Government sought consent on Friday 19 May and, within eight working hours, confirmed that it was going to override that principle. Do Donald Cameron and the Conservative Party in the Scottish Parliament believe that to be credible or acceptable?

Donald Cameron: I simply point to the evidence that was given by the cabinet secretary's officials. It was said that both Governments are working towards agreeing the issues around the nine items that are currently in the schedule and that agreement is perfectly possible if the officials who gave evidence to us and UK Government officials can work together to achieve that.

In conclusion, I believe that the dangers of the bill continue to be overplayed by the Scottish Government. The UK Government's amendments, particularly the removal of the sunset clause and the much narrower planned removal of obsolete instruments set out in schedule 1, mean that the most significant concerns relating to the bill have been removed. As I have said, discussions between the two Governments with regard to the nine instruments are on-going, and there is a real possibility that they could be removed before either of the deadlines that have been mentioned. That is why I believe that the Parliament should give its consent to the supplementary LCM to the amended bill and why we will vote against the motion at decision time.

14:42

Neil Bibby (West Scotland) (Lab): I rise to speak for Scottish Labour in this debate and to support the Scottish Government's motion in the name of the cabinet secretary to withhold consent to the UK Government's Retained EU Law (Revocation and Reform) Bill.

I thank the officials from the Constitution, Europe, External Affairs and Culture Committee for their assistance in turning round a report on the issue very quickly.

I suspect that, at decision time, Labour will join every party bar one in the chamber in refusing consent and reaffirming our opposition to the Retained EU Law (Revocation and Reform) Bill. We recognise that there have been amendments, but we also recognise that the amendments that have been made since we last discussed the matter are inadequate. That unity across four of the five parties here as well as across the devolved nations, with the Welsh Government taking the same approach, should encourage reflection on the part of the UK Government and be enough for it to ditch its reckless assault on the environmental, food, health and workers' rights contained in the bill. However, history tells us how unlikely that is. The approach of UK Government ministers to leaving the EU has been arrogant and disrespectful. They have trashed conventions, ruined governmental relations and tarnished Britain's reputation on the world stage—and for what?

The disastrous bill carries little confidence given the uncertainty in law that it will generate, and it has already been rejected once by the Scottish Parliament, as well as by the Welsh Senedd. The UK Government's marching on demonstrates just how out of touch it is.

As the cabinet secretary has said, the amendments from last month were constructed to such a tight timescale that proper scrutiny has

been avoided. That re-emphasises our concern about the approach that the bill fosters.

The Labour Party, here and at Westminster, repeatedly called on the UK Government to remove the automatic sunset clause, which would have resulted in hundreds of laws dropping off the statute book at the end of the year. We therefore welcome the significant U-turn, which flips the original approach on its head and assimilates all EU law into domestic law, with the exception of those in schedule 1 to the bill. However, as we have heard, concerns remain.

The cabinet secretary's evidence to the committee outlined that there are nine areas in which concurrent powers between the Scottish ministers and UK Government ministers could mean that the Scottish Government's and, indeed, the Scottish Parliament's aims are frustrated when UK ministers have a different policy objective in those areas. That amounts to the creation of uncertainty and a potential encroachment on devolved competence.

It is essential that we see more co-operative working to ensure that possible areas of disagreement are avoided. When the bill receives royal assent, as it undoubtedly will, we must ensure that there is enough transparency in how it is operated.

Amendments to the bill mean that UK ministers will be expected to present a progress report to MPs every six months. Given the vast broadening of executive power that is contained in the legislation, it would be appropriate for the Scottish Government to follow suit and ensure that we in this Parliament are updated on the actions of Scottish ministers as regularly as possible. I do not believe that the current commitment to do so annually is good enough in an area in which there are likely to be many developments throughout the year. I agree with what the convener has said on that issue. I also acknowledge what the cabinet secretary said to me in the committee in that regard, and I hope that we will see progress on that matter.

Labour will vote to withhold consent to the bill. Pressing ahead is the wrong approach. The bill poses a significant and serious threat to devolution. It will mean large-scale deregulation and a race to the bottom, and its enactment will result in a weakening of rights awarded through 47 years of EU membership.

Businesses, trade unions and campaigners in Scotland and across the UK have called for the bill to be stopped. This Parliament, the Welsh Senedd and many MPs agree. Those warnings must not be ignored, and the bill should be scrapped before it is too late.

14:46

Willie Rennie (North East Fife) (LD): It is ironic that the House of Lords has been the great defender of democracy, accountability, standards and protections. It has stood firm and resolute against the bill. In response, the UK Government did some serious back-pedalling and watered down the bill and removed the cliff edge.

Reports of the subsequent battle between various groups of Brexiteers in the Conservative Party have been glorious to observe.

"I am not an arsonist, I'm a Conservative",

claimed Kemi Badenoch, the current Secretary of State for Business and Trade. I presume that the previous holder of that post, Jacob Rees Mogg—I am sure that he was the previous one—was an arsonist.

The Lords defied the Government in the second round of ping-pong and reasserted two amendments—the first looking to provide additional environmental protections and the second seeking to increase parliamentary scrutiny and oversight.

Amendment 48 was a cross-party amendment that was signed by the Liberal Democrat environment spokesperson in the House of Lords, Baroness Parminter. Liberal Democrats voted for that amendment and the Government was defeated. The amendment has ensured that, where ministers seek to use their powers under the bill to restate, revoke or replace the retained EU law that is saved—as it were—by the Government's amendment to clause 1, the proposed changes cannot reduce levels of environmental protection or of food safety standards. It also ensures that they cannot conflict with relevant international environmental agreements to which the UK is party. That seems to be eminently sensible.

We also supported amendments 2, 15 and 76 in the House of Lords, which would ensure that the Houses of Parliament would have proper scrutiny of any significant change to the law. Furthermore, we joined others to defeat the Government three more times and to impose restraint on the huge powers that Government ministers had given themselves in the bill.

I draw members' attention to a significant point. Lord Krebs of Wytham, an eminent cross-bencher who was the first chairman of the British Food Standards Agency, led on amendment 48, and said:

"food and environment ... are crucial to the ... Bill, as between them they account for approximately half of the 4,900 regulations ... These two areas are also crucial because of public concern. You have to think only of sewage in rivers, outbreaks of food-borne illness or GM foods to realise that these areas—environment and food—

resonate with the public."—[*Official Report, House of Lords*, 15 May 2023; Vol 830, c 102.]

Unfortunately, the Government was able to overturn all those victories in the House of Commons.

Despite the watering down, the bill itself remains completely unnecessary. It is not required. It threatens environmental protections and it lacks parliamentary oversight.

The Government's changes have improved matters, but they have not answered all of our concerns, so we will vote with the Scottish Government for the motion at decision time.

14:49

Angus Robertson: The Scottish Government's position on the supplementary legislative consent memorandum should be of no surprise to any member who has read the evidence from the 18 expert witnesses to the Constitution, Europe, External Affairs and Culture Committee. Rarely has such evidence been so overwhelmingly negative, reflecting the astonishing level of opposition to the bill across sectoral and political boundaries. Rarely, too, do we see the kind of sustained and broad criticism of legislation that we have witnessed from peers of all stripes in the House of Lords in their opposition to the bill.

However, I will briefly address issues that members have raised here. First, Clare Adamson, speaking as convener of the Constitution, Europe, External Affairs and Culture Committee, highlighted very real concerns about air quality and targets, which are issues that Mark Ruskell also raised in an intervention. We will, no doubt, come back to the matter. She also highlighted the lack of consultation by the UK Government of the devolved Administrations and asked why that has been the case. I look forward to reading the reply from the UK Government. She asked whether the Sewel convention is under strain, to which the answer is—to put it mildly—yes. That view is shared by the Welsh Government.

I should note—the point was made in passing by Neil Bibby—that two days ago the Welsh Senedd voted on the very same issue of legislative consent in relation to the bill and did as I hope we will do this evening, in refusing consent. We are working extremely closely on the issue with colleagues from another political party that leads the Welsh Government.

I turn to Donald Cameron's contribution. The Scottish Government is recommending that consent be withheld because of conferral issues, not solely because of the schedule. He should know and understand that, but he did not mention it at all in his contribution. Officials have been told that it is "extremely unlikely"—the word "extremely"

is underlined—that the schedule can be altered before royal assent, so meekly allowing the UK Government to press ahead would be a mistake.

I also note that Donald Cameron was not prepared to answer or defend whether it is credible or acceptable for the UK Government to overturn a request for consent with only eight working hours left. It is clearly not credible or acceptable, and we should certainly not allow the UK Government to proceed with that.

I turn to the Opposition political parties that have signalled that they will vote with the Government. First, I express my appreciation to the Scottish Labour Party for having stated its position that it will support the Scottish Government's motion. Neil Bibby spoke about the "reckless" approach of the UK Government and said that it is trashing conventions, among other things. Many of those issues were also reflected in the speech by Willie Rennie.

I reflect, however, as we move forward, that I often hear from some other parties in the chamber the notion that there is equidistance between the Scottish Government and the UK Government with regard to this issue, the United Kingdom Internal Market Act 2020 and all the rest of it. I hope that the motion makes it absolutely clear that there is zero equidistance whatsoever on the issue. It is the UK Government that is acting recklessly in proceeding with the bill, as it is doing on so much else to do with devolution at present.

The bill that we have been discussing this afternoon is about trying to take back control at Westminster, as if other sources of legislation or legal rules such as the EU or the European Court of Human Rights, or indeed this Parliament, are illegitimate and must be excised. Ironically, however, rather than empowering Westminster, the bill mainly gives powers to UK ministers to legislate, but with only limited parliamentary control. Indeed, if any accepted practice still exists around the Sewel convention, it appears to be that the views of the devolved Governments and legislatures are to be ignored, not respected. That is not how to conduct intergovernmental relations in an orderly way, and it is not how devolution is supposed to work. We have control of our own affairs in name only if the UK Government can ride roughshod over this Parliament's authority whenever it sees fit to do so.

The concession by the UK Government might remove risks relating to the 2023 sunset cliff edge; however, significant issues remain around consent for UK ministers acting in devolved areas and the impact on Scottish Parliament proceedings. The Scottish Government remains fundamentally opposed to the bill and will continue to press for its withdrawal, which is also the position of the Welsh Government.

The Deputy Presiding Officer: That concludes the debate on the Retained EU Law (Revocation and Reform) Bill, which is UK legislation.

Before we move on to the next item of business, there will be a brief pause to allow a changeover of front-bench members.

New Vessels for the Clyde and the Hebrides (Report)

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is a debate on motion S6M-09327, in the name of Richard Leonard, on the Public Audit Committee report “New vessels for the Clyde and Hebrides: Arrangements to deliver vessels 801 and 802”. I invite members who wish to speak in the debate to press their request-to-speak buttons. I call Richard Leonard to speak to and move the motion on behalf of the Public Audit Committee.

14:55

Richard Leonard (Central Scotland) (Lab): I begin by reminding members of my entry in the register of members’ interests, and by thanking the clerks and staff for their tireless work on the production of the report.

Today, we debate the findings, recommendations and conclusions of the Public Audit Committee’s report, “New vessels for the Clyde and Hebrides: Arrangements to deliver vessels 801 and 802”. It is a report grounded in the extensive evidence that we gathered over seven oral evidence sessions and from a wide range of written submissions.

It is a matter of record that some of the evidence that the committee took is the subject of dispute between the various parties who spoke to us, but what is not in dispute is that the people of Scotland, and our island communities in particular, have been badly let down, and that there has been a widespread failure of decision making and leadership across Government and its agencies, and by those who were previously running the yard, which goes back almost a decade.

Let me tell you who else have been badly let down: those workers in that yard at Port Glasgow. They have witnessed highly paid managers, turnaround directors and countless, countless external consultants and advisers all come and all go, when, all the time, if only the workers had been listened to, it is my sincerely held belief that these vessels would not have ended up being five years late and three and a half times over budget.

Since the committee published its report at the end of March, there have been a few developments. We have had two transport ministers—and we are now looking for a third—a new cabinet secretary, a new Deputy First Minister and a new First Minister.

In “Equality, opportunity, community: New leadership - A fresh start”, the First Minister told us:

"it is imperative that transparency underpins our approach to delivery. My government will ensure the people of Scotland have the information they need to hold us to account."

However, Governments are judged by what they do, not by what they say they do, so I am duty bound to report to Parliament that, time after time, in the course of our investigations, we found poor record keeping of key decisions within the Government. We heard of ministers—up to and including the former First Minister—holding meetings with a private contractor behind closed doors, with no permanent civil servant present, and for which no minutes exist. A senior member of the Cabinet refused to answer the committee's questions until requested to do so for a third time. That should not just trouble the five members of the Public Audit Committee; it should trouble every single member of this Parliament.

Delays occurred in securing the attendance of some senior civil servants, and delays occurred in receiving evidence from Transport Scotland, with little or no explanation provided for late or incomplete information.

Correspondence that could not be found for the committee later turned up in response to a freedom of information review. So, let me be as clear as I can be: if a committee of this Parliament seeks evidence from the Government, it should be provided in full. It should not be dependent on a member of the public or the press posing the same question.

Taken together, those actions show a serious disregard for openness and transparency. They also demonstrate an unhealthy disrespect for the work of this Parliament, which makes it all the more disappointing that the Scottish Government's written response to the report that we are debating this afternoon was late, lacks any real substance or detail, and simply fails to address at all half of the conclusions and recommendations. There was no response on the role of Transport Scotland, no response on the procurement process and no response on ministerial conduct—no response! It was issued in the former transport secretary's name, but in fairness to Kevin Stewart, he was acting on behalf of the whole Government. So, there is a collective responsibility here, which I hope not only the cabinet secretary but the First Minister will accept.

The committee, in our report, also stressed the importance of full transparency around written ministerial authority. We therefore welcome the cabinet secretary's recent action. While we recognise that the value for money assessment by external advisors Teneo may contain commercially confidential information, it is in the public interest and it is in keeping with, to use the First Minister's own phrase, the "imperative" of transparency, that

as much of the assessment as possible is published in the coming days.

Our report also recognises the very serious allegations made in the BBC's "Disclosure" investigation: claims that Ferguson Marine Engineering Ltd was allowed to progress beyond the pre-qualification stage of the procurement process despite being unable to meet requirements that were mandatory, and claims that FMEL also had preferential access to restricted technical information to help inform its tender bid.

Of course, it is right and proper that those most serious allegations are thoroughly investigated—that there is a due process—but Caledonian Maritime Assets Ltd is wholly owned by Government ministers, which is why we call once again this afternoon for a commitment from the Government to share the findings of the King's counsel-led inquiry with the Public Audit Committee and with this Parliament.

We also call in the report for the Auditor General for Scotland to

"undertake a comprehensive audit of the entire procurement"

process; to

"audit the full cost of this project from start to finish once the vessels have been completed";

and to have a laser-like focus on the £128 million of public money that was paid out to FMEL by undertaking a forensic audit of all financial records to establish exactly where the money went.

Before I finish, let me turn to the role of Transport Scotland. As we conclude in the report, "the Programme Steering Group which it led, was weak and toothless".

Despite having

"a critical role in communicating important information"

to Scottish Government ministers on CMAL's behalf, Transport Scotland appears to have repeatedly failed to do so. We were even told at one point that Transport Scotland had

"no role in the contract",

when it clearly had a central role in the contract. That is why we have fundamental, deep-rooted concerns about Transport Scotland's position, which the new transport minister must address.

Finally, we were able to reach a significant degree of consensus in the report. The one area where there was some division is over the involvement of Scottish ministers. The majority of the committee concluded that it was "wholly inappropriate" for a Scottish minister, in the middle of a live tendering exercise, which he was overseeing, to reply to a constituency MSP that

alternatives to a full builders refund guarantee had previously been acceptable, because in so doing, he compromised the integrity of the procurement process.

Similarly, the former First Minister's decision to publicly announce the preferred bidder for the contract, even when, in the words of her own media briefing, "significant negotiations" were still "to be concluded", most certainly weakened CMAL's negotiating position with FMEL, not least over the builders refund guarantee.

As a committee, we are clear that record keeping and note keeping fell well short of what we would expect, so there is a failure of ministers but a failure of the civil service, too. So, it is of course encouraging that the permanent secretary has issued new guidance on the recording of decisions, but as I said to the First Minister two weeks ago, he and the permanent secretary must now mount a wider review of Government accountability and transparency to Parliament, because this report is not a report simply about value for money; it is also about trust and confidence. It is about whether the machinery of democracy itself is working in the way that it should. It is about the principles of democracy. It is about the standards of good government, of open government, of transparency and, yes, of honest government.

In the end, this is also about respect and regard for public accountability and for parliamentary scrutiny. It is about whether we treat democracy as a right and not a privilege—not just for members of this Parliament, but for the people we and the Government derive our power from. That is my deepest conviction. That is what is at stake—democracy and the trust of the people.

On behalf of the Public Audit Committee, I move,

That the Parliament notes the conclusions and recommendations contained in the Public Audit Committee's 1st Report, 2023 (Session 6), New Vessels for the Clyde and Hebrides: Arrangements to deliver vessels 801 and 802 (SP Paper 344).

The Deputy Presiding Officer: Thank you, Mr Leonard. I remind all members who wish to speak in the debate to ensure that they have, in fact, pressed their request-to-speak button. I also advise members that we have some time in hand.

On that note, I call the cabinet secretary, Neil Gray. You have a generous eight minutes.

15:06

The Cabinet Secretary for Wellbeing Economy, Fair Work and Energy (Neil Gray): Thank you very much, Presiding Officer.

First, I would like to put on record my thanks to the previous Minister for Transport, Kevin Stewart, who was due to open this debate for the Government but has, this week, resigned for personal health reasons. I am sure that, like me, colleagues wish him well and thank him for his service.

I reiterate our thanks to the Public Audit Committee for its detailed and in-depth work in preparing the report. It builds on the significant work that was undertaken by the Auditor General for Scotland in production of his own report on the matter. I also take this opportunity to thank the staff of Audit Scotland for their professional and detailed approach to compiling the report and to concur with the convener in thanking the members of the committee and the clerks for compilation of the report that we are considering today.

I reiterate at the outset that Scottish ministers regret the delay to the ferries. I fully understand the distress and difficulty that is caused by it, and I apologise again to our island communities for the unacceptable delays in the delivery of vessels 801 and 802. As someone who grew up in an island community, I know very well the challenges of living in an island community in the first place, never mind when your connections are disrupted as they have been of late.

The Scottish Government has made it a priority to engage directly with communities and to hear from them in relation to those impacts. I am bound to look for solutions to alleviate the pressures on the ferry network while we await the delivery of the two vessels that we are considering today, as well as the four new ships that are being constructed in Turkey.

As we noted in response to the committee, I welcome the report's recognition that there have already been significant improvements in procedures and processes by Transport Scotland and CMAL, working alongside CalMac Ferries, since the procurement of the vessels almost eight years ago. Improvements have already been made in the governance of port and vessel projects, and further work is on-going within the tripartite arrangement to strengthen that further. Many of the improvements were adopted prior to the inquiry into these matters by the Rural Economy and Connectivity Committee, in 2020, or the Audit Scotland report.

The work included consideration of the role and remit of the programme steering board. More recent key strategic recommendations have been channelled through that body and have been broadly welcomed by communities. They have included provision of a resilience vessel, the splitting of the Skye triangle services and plans to enable vessel 802 to be deployed alongside the MV Glen Sannox to Arran.

Following the RECC inquiry, Scottish ministers confirmed that a review would be undertaken into the existing structures, to ensure that they were fit for purpose. We have now published the project Neptune report and are engaging with communities on possible future arrangements. We have made it clear that the community view is key to this, and we are keen to move at pace to implement the change that communities need and deserve.

Graham Simpson (Central Scotland) (Con): I have a couple of questions for the cabinet secretary. First, when are we going to find out the Government's view on project Neptune and what the future arrangements should be? Secondly, is he going to address any of the recommendations in the report that we are debating? For instance, does he agree that there has been a significant lack of transparency and accountability throughout the project?

Neil Gray: On project Neptune, that work is ongoing, as Graham Simpson will know. On the other elements of the report, we have responded to it, and I will come to that shortly. We have responded to the report's recommendations and have done what we can to ensure that we are giving as much information as possible—including, as far as possible, live information on the on-going situation.

When it comes to Ferguson Marine, we are committed to securing a sustainable future for the yard following the completion of vessels 801 and 802. Our decision to take Ferguson's into public ownership not only saved the last commercial shipyard on the Clyde from closure, rescued more than 300 jobs and ensured that the two vessels that are vital for our island communities will be delivered, but also preserved businesses in the local community that rely on Ferguson's for their viability, as I have heard over recent days from local parliamentarians Stuart McMillan and Ronnie Cowan.

Brian Whittle (South Scotland) (Con): Can I ask whether, before the Government nationalised the shipbuilding yard, any work was done to look at how much it would cost to maintain the original Ferguson's workforce? A lot of the workforce left and the yard had to rehire a lot of new people.

Neil Gray: Obviously, challenges emerged as the work went on. Due diligence was done in terms of the nationalisation, and, of course, circumstances change, as Brian Whittle has suggested. That is something that we build into our learning from situations in which we have to make such industrial interventions, to ensure that we continue to plan and that we can respond as effectively as possible. I make no apology for the fact that what we did in nationalising Ferguson's was save jobs, save the last commercial shipyard

on the Clyde and ensure that ferries were going to be delivered for our island communities.

Jamie Halcro Johnston (Highlands and Islands) (Con): Will the cabinet secretary take an intervention?

Neil Gray: I will make some progress before I come back to Mr Halcro Johnston.

I will provide more detail on the work at Ferguson's later in my contribution, but I want to address some of the comments made, both today and previously, by the convener of the Public Audit Committee.

At the recent Conveners Group meeting with the First Minister, the Public Audit Committee convener suggested that we had cherry picked the recommendations that we responded to and used very few words. I do not agree with those comments at all, and I strongly refute that there was any such approach. We carefully reviewed the report and extracted the recommendations that were populated through the chapters. We also presented our detailed evidence and responses to the issues in the report directly to the committee as part of the evidence sessions.

More importantly, we have accepted many of the recommendations that were put forward, to ensure that we continue to strengthen future vessel procurement processes and build on previous work. That includes confirming any use of written authority on the Scottish Government website; welcoming and agreeing to the suggestion of having greater written clarity on shareholder authorisation, and having written authority and looking at how that should be sought for CMAL; reaffirming our commitment to undertake a robust lessons-learned exercise once the construction of the vessels is complete; and emphasising that all parties will engage fully with and support Audit Scotland on any further work to be undertaken.

However, there are areas in the report where no conclusion is reached, leaving statements as observations. We did not respond to those directly where there was no recommendation attached, but those were addressed throughout the evidence sessions. The convener has just said that there were seven oral evidence sessions, including with the former First Minister. Of course, if there are further areas where the committee would welcome feedback, we will seek to provide that.

The Scottish Government is committed to transparency and has proactively published more than 200 documents on its website. We have co-operated at every stage of the PAC inquiry, as well as with those previously undertaken by the Rural Economy and Connectivity Committee and Audit Scotland. Throughout its work, the committee had

the full participation of a range of senior officials across a number of departments, all of whom had full respect and regard for the parliamentary scrutiny that the committee led, including those from Transport Scotland, who endeavoured to provide all information to the committee in a timely manner. As I have outlined, I understand that the committee also received evidence directly from the former First Minister.

As the matter has been raised by the convener, I can confirm, too, that, through its lawyers, CMAL has commissioned an independent investigation by Barry Smith KC into the allegations that were raised about the procurement of vessels 801 and 802 in the BBC's "Disclosure" programme last year. Once the investigation is completed, CMAL will carefully consider its findings and what can be shared with Parliament and the committee. Although our view is that there is a need for transparency and openness on that serious matter, I stress that it is for CMAL and the procuring authority to consider next steps as a result of the investigation.

Rhoda Grant (Highlands and Islands) (Lab) rose—

Neil Gray: I am sorry, but I need to conclude—
[Interruption.] I am coming to a conclusion, although I will obviously be available in my closing statement.

I thank the Public Audit Committee and Audit Scotland for their work on the report and assure the chamber that we are progressing the matters to which we have committed and that we have detailed in our response. The Government will continue to focus on the replacement of the ferry fleet and the improvement of service delivery, with communities at the heart of that process.

The Deputy Presiding Officer: I call Craig Hoy to open on behalf of the Scottish Conservatives for a reasonably generous seven minutes.

15:16

Craig Hoy (South Scotland) (Con): I thank the clerks and staff of the Scottish Parliament's Public Audit Committee for their support in compiling the detailed report, which documents a shocking series of bad decisions and poor practice, culminating in two ferries that are three times over budget and five years late. Those are two ferries that are still to set sail, and one of which it would now be cheaper to scrap and start all over again.

Long-established procurement processes were not followed. It is a sorry story of key decisions not being properly recorded, ministers failing to account for the decisions that they took, key documents going missing, the ministerial code being broken, the biggest blank cheque in the

history of the Scottish Parliament being written, standard maritime construction processes being dismissed, and financial safeguards and standard builders refund guarantees being disregarded.

Stuart McMillan (Greenock and Inverclyde) (SNP): Surely, the biggest blank cheque was the building of this Parliament, when the Scottish National Party was not in power.

Craig Hoy: I said, "in the history of the Scottish Parliament." The member might not have realised that, in the case that he has raised, the blank cheque was written before the building of this Parliament. On that basis, there is no point there.

The Government wrote the biggest blank cheque in the history of the Scottish Government and the Scottish Parliament, and the people are now paying the price.

This is a story of an SNP Government failing to respond time and time again openly and transparently to legitimate questions. Regrettably, this is also a story of SNP members of the Public Audit Committee blatantly seeking to undermine the report in a cynical bid to get their ministers off the hook. All the while, it is Scotland's island communities who are paying the price.

I turn to Audit Scotland's original report of March 2022, which made it clear that Scottish ministers approved the contract award to Ferguson Marine Engineering Limited in October 2015. They did so despite knowing the significant risks caused by FMEL's inability to provide mandatory refund guarantees and despite the severe misgivings of CMAL.

The impartial Auditor General for Scotland said that

"There is insufficient ... evidence to explain why Scottish ministers"

made that decision. The worst part of all of that is that no minister has come to Parliament to take responsibility for the tragic comedy of errors that has unfolded.

Let us look at some of the evidence that we took and some of the key conclusions of the report: Jim McColl told us that the ferries being built at Ferguson's are "obsolete" and will spew out "poisonous gases"; Morag McNeill, who is the interim chair of CMAL, told us that the preferred bidder announcement risked the entire procurement process. She said:

"Our preference was for that to be done on a confidential basis and for there not to be a public announcement."—
[Official Report, Public Audit Committee, 30 June 2022; c 12.]

Derek Mackay, who is the former transport minister, admitted that there had been a "catastrophic failure" at the shipyard.

Colleagues will know that the report was not agreed with the unanimous support of the committee. That is regrettable. Perpetually and in public—and sometimes petulantly in private—SNP committee members chose to dismiss the evidence, which was clear and overwhelming. A close examination of the report reveals some of the core conclusions that Mr Beattie and Mr Coffey sought to delete or dilute. For example, Richard Leonard proposed that additional wording be added to refer to the

"poor judgement"

that had been shown by Derek Mackay and

"to reflect that the integrity of the procurement process had been compromised."

Clare Haughey (Rutherglen) (SNP): On a point of order, Presiding Officer. I thank you for taking my point of order without any notice. I am concerned that Mr Hoy appears to be putting on record and quoting things that happened at private session in committee. I seek your guidance as to whether that is permissible.

The Deputy Presiding Officer: I thank Clare Haughey for her point of order. I wondered about that myself, but it is not entirely clear to me what the facts are and whether Mr Hoy is referring to a private session of the committee. Perhaps he will elucidate the matter.

Craig Hoy: I am referring to the appendix of the report that has the breakdown of the divisions that took place at each point. Each motion that was put before the committee is in the final report, which I am quoting from.

The appendices are littered with further examples—[*Interruption.*]—I am afraid that members will have to listen to them.

In relation to Keith Brown's shocking attempt to dodge scrutiny by repeatedly stonewalling legitimate questions—

Members: Where is he?

Craig Hoy: That is a good question. Where is Mr Brown? Also, where is the former Deputy First Minister and the former First Minister? They are not here. Instead, the SNP has put—[*Interruption.*]

The Deputy Presiding Officer: Ms Haughey, we do not need the sedentary chit-chat. That applies also to Mr Simpson.

Craig Hoy: Let us look at Mr Brown's shocking attempt to dodge scrutiny. The committee's draft report concluded:

"The lack of co-operation we experienced from the former Cabinet Secretary for Investment, Infrastructure, and Cities is also a matter of serious concern."

Mr Beattie's response was to argue that, again, we should hit the delete key.

Richard Leonard proposed additional wording to reflect that CMAL's negotiating position was "almost certainly" weakened by the public announcement on the preferred bidder, as CMAL itself said to the committee. The conclusion that we reached in the draft report was reasonable. It read:

"The Committee is not convinced that such a public announcement was necessary or indeed appropriate for this project, especially at that time, given the considerable work and negotiation that was required before CMAL could take a decision to award the formal contract. We believe that this almost certainly weakened CMAL's negotiating position with FMEL".

Mr Beattie's response, again, was to try to hit the delete key.

SNP members did not stop there in their attempts to whitewash the report on behalf of their ministers. The draft report stated:

"It also remains unclear why the First Minister led on the preferred bidder announcement and why the First Minister's press release and associated social media communications did not reflect that there were 'significant negotiations to be concluded'."

Again, SNP members disagreed, voting in vain to remove the passage.

They were similarly obstructive when it came to following the money. On the use of the £10 million loan to FMEL, the report's conclusion was clear. It read:

"The Committee considers that transparency over the use of public money is essential. This example falls well short of the standards of transparency we would expect."

Is it not strange that a member of the Public Audit Committee—one who was also, at that stage, the treasurer of the SNP—would take issue with such a conclusion? Perhaps now we know why there was such an absence of financial control that the SNP was able to sneak a motorhome on to its books without, apparently, the knowledge of its own treasurer.

When it came to the meeting between the First Minister and Jim McColl—a meeting of which the recollections of the two protagonists differ significantly—there was, again, an SNP attempt to neuter the committee. The report says:

"record and note keeping of these meetings was weak and fell well short of the standards of transparency and accountability we would expect. It is particularly concerning that there does not appear to be a full record of the meeting held between the former director of FMEL and the First Minister in May 2017. A permanent civil servant should have attended and produced a record of that meeting in line with established protocols in the Scottish Ministerial Code."

Yet again, Willie Coffey and Colin Beattie sought to play down criticism of the Scottish Government by seeking to remove elements of that clear account of the evidence session.

Rona Mackay (Strathkelvin and Bearsden) (SNP): Will Craig Hoy give way?

Craig Hoy: I do not have time.

In the end, thankfully, their attempts to divert, dilute, distract and delete legitimate criticism of the Government did not succeed, and the report stands as a solid piece of work, for which I thank my other committee colleagues. However, the SNP not only attempted to amend the report; they sought to undermine it.

Upon the report's publication, a statement was released by Mr Coffey and Mr Beattie through an SNP spokesman. It said:

"The headlines chased by the committee convener significantly embellish the actual substance of the report, which offers very little in the way of new information."

For the record, I disagree entirely with that view, and I support the convener in his conclusion that the people of Scotland have been badly let down by SNP ministers. On reviewing 16 hours of scrutiny and thousands of pages of evidence, only a lame lapdog or a lackey could come to a different conclusion.

The Public Audit Committee's verdict on the SNP's long-running ferries fiasco was fair and proportionate. Our report identifies a series of failures on an unprecedented scale.

15:25

Neil Bibby (West Scotland) (Lab): I am grateful for the opportunity to speak in the debate on behalf of Scottish Labour. I wish my colleague Alex Rowley a speedy recovery from his recent planned surgery, and I wish Kevin Stewart well, too.

When I start my speeches in Parliament, I almost always say that I welcome the chance to speak in the debate, but there is nothing to welcome about one of the biggest public procurement disasters in the history of devolution, which has resulted in ferries that are three times over budget and five years late. However, I want to thank the Public Audit Committee and, in particular, the convener and its officials, for their extensive work, which they did in spite of the difficulties that they encountered, as outlined by Mr Hoy.

The motion asks us to note the conclusions and recommendations of the report. I not only do that but put on record that I agree with those recommendations, even if the SNP members of the committee, who tried to remove any criticism of Scottish Government ministers from the report, do not. I say to them that almost everyone with any sense in Scotland knows that the Scottish Government is ultimately responsible and at serious fault for this fiasco. The attitude and failure

of those SNP committee members to fully recognise that reflects very badly indeed on them.

This week on South Uist, as we do every week on many of our islands, we see the impact of the ferries debacle, with people paying the cost of this Government's failure. Of course we need to look at how our ferry services will be run in the future, but the number 1 reason for people in Scotland not having a reliable ferry service is that they do not have a reliable ferry fleet. Despite what the First Minister claimed earlier in the chamber, over the SNP's time in office, only six ferries have been built in 16 years, whereas 10 ferries were built by the previous Labour-Liberal Democrat Government in half that time—in eight years.

Because of the current fiasco, we face a situation in which our ferry network is in crisis and we are having to build ferries in Turkey. We are also having to pay £1 million a month for the catamaran MV Alfred as a relief vessel.

The Public Audit Committee's report sheds light on how that situation came to pass and raises a series of concerns about the SNP's financial mismanagement and irresponsibility. It also highlights the considerable lack of transparency and accountability on the part of all those involved, including Government ministers. From FMEL not being open about its inability to provide a full builders refund guarantee to the current First Minister exercising "poor judgement", in the words of the committee, when he was transport minister and stating that he had no knowledge of the preferred bidder when evidence suggests that he did, the entire scandal has been characterised by the complete opposite of transparency.

It is little wonder that there are still so many unanswered questions. In particular, the fact that serious questions about competition and serious concerns over the integrity of the procurement process remain compromises public trust. The findings of the KC's inquiry must be shared with the Parliament in full—no ifs, no buts. I say to the cabinet secretary that it is not for CMAL to tell us what it will and will not share with the Government. That report must be shared in full—no ifs, no buts. [Interruption.] I could not make out what the cabinet secretary was saying there. I would welcome confirmation from the cabinet secretary that the KC's findings will be given to Parliament in full, with no redactions.

No one in Government has taken responsibility for the situation. We have had a merry-go-round of ministers, who once could not get down to the yard for a photo opportunity quickly enough, but who are now desperate to avoid any association with the fiasco. Real responsibility would mean Government ministers fixing this mess and seeing the job through until it is done.

The Government has also failed to hold senior management to account. Those managers should not have received a penny in bonuses while ferries were delayed and over budget. To add insult to injury, the former turnaround director was paid £2 million, despite overseeing more delays and increasing costs. People do not want to hear the Government say, “I agree with you and that was wrong”; they want ministers to get their money back.

There is a lot of blame to go around in this fiasco. Ministers, agencies and management are all responsible but, as the convener said, the one group of people who have been entirely blameless throughout are those in the Ferguson's workforce. In fact, if the warnings from the GMB union had been listened to earlier, we might not be in this mess now. It is vital that we listen to them in future.

Along with Alex Rowley, I met GMB shop stewards Alex Logan and John McMunagle at the yard some weeks ago. They are calling for investment in facilities at the yard and for it to be directly awarded contracts to build smaller, simpler, standardised vessels in order to secure a positive future for Ferguson's and its workforce. That work could easily be done at the yard, as has been demonstrated previously. The workforce should not be judged because of these two vessels. The Ministry of Defence work from BAE Systems is a vote of confidence in the yard and the Scottish Government should follow suit by awarding contracts from the small ferry vessel replacement programme, although with robust oversight in place.

We need a national ferry building programme that gives our islanders the ferries that they deserve and builds them efficiently here in Scotland, not in Turkey. Nor should the Government sell off the yard now. This is the Government's mess and it is the Government's job to clear it up and to help restore the yard's reputation.

The committee's report highlights a lack of financial responsibility, transparency and, ultimately, responsibility. There has been inadequate oversight of the entire situation from start to finish and a complete disregard for stakeholder engagement. Despite what SNP members of the committee may think, islanders, workers and all of Scotland's taxpayers are paying the price for this SNP Government's incompetence and financial mismanagement.

15:32

Willie Rennie (North East Fife) (LD): I apologise, Deputy Presiding Officer, because, as agreed, I will be unable to remain in the chamber

for the conclusion of this debate, as I need to attend a teachers event in Aviemore this evening. I assure members that I will be listening online throughout my journey to the Highlands, and I honestly mean that.

I recognise Kevin Stewart's contribution to ministerial office and wish him well with his health, which is more important than any job. I also thank the committee and clerks, and I thank the convener for an opening contribution in his usual passionate style.

When the Cabinet Secretary for Wellbeing Economy, Fair Work and Energy announced to the Parliament that he was issuing a ministerial direction ordering Ferguson's to complete the two ferries and overriding the value-for-money test, he could not resist making a virtue of that decision. In the wake of a humiliating admission that it would be cheaper to scrap the second boat and start again elsewhere—

Neil Gray: Will the member give way?

Willie Rennie: Let me conclude this point.

In the wake of that, he thought that it was time to claim credit for that decision, making a virtue out of it while taxpayers picked up the tab, shipyard workers were humiliated and islanders were on the march. The truth is that he had no choice, because choosing any other option would lead to further delays and would finish the yard for good, but the fact that he had no choice does not mean that it was a good decision. There is little in this sorry saga that has been a good decision.

Neil Gray: I am glad that Willie Rennie provided the additional context for my decision. I proceeded with written authority over a narrow value-for-money assessment, which did not take account of the impact on the community, the yard, or island communities in the event of further delay. Does Mr Rennie accept that, in the context of that wider consideration, that was the right decision to take?

Willie Rennie: Who created that context? It was this Government that made a series of terrible decisions over many years, many of which were outlined by Richard Leonard in his opening remarks.

It has been an expensive episode. The mistakes have been so costly that, if we had awarded the contracts elsewhere back at the start and sent every Ferguson's worker home with £300,000 in their back pockets—a third of a million pounds for every worker to sit at home—we would still have change left over, and we would have two ferries sailing to the isles now, serving the islanders and the communities that we seek to represent.

However, the minister thought that it was wise to take credit. He hardly flinched as he opened the taxpayers' cheque book to sign a blank cheque

and spend taxes that were raised from nurses who battled through the pandemic, teachers who work long hours to keep up with the demands of the job and workers who do 12-hour shifts in a fish factory or juggle three jobs just to make ends meet. Perhaps the minister should think of those people next time he seeks to blithely spend millions of pounds of their money.

The ownership of this fiasco is not in doubt. We should remember that it was the SNP that brought in its favourite businessman to run the yard when he had never built a ship in his life; the SNP that awarded the contract to the yard; the SNP that interfered in the procurement process for party advantage; the SNP that interfered with the builders guarantee; and the SNP that took over the yard when it collapsed. The minister thought that he should take credit for saving the yard when it was his Government's decision that put it under potential threat.

We thought that we had seen the worst, but the fury on the faces of the South Uist islanders has told us just how angry they are. Lines of cars were parked up for as far as we could see at Lochboisdale and 600 people rubbed shoulders to make their views known. That is about a third of the population of South Uist and Eriskay. We would need 500,000 Glaswegians in George Square to match that strength of feeling. They are angry about the lost bookings and because businesses are under threat, income has been lost, hospital appointments have been missed, weddings have been postponed and there are empty shelves in shops.

What is worse, the Government is not providing even a penny in compensation. Ministers are content to issue a ministerial direction to spend millions more at Ferguson's, but there is not a penny for the shopkeepers of South Uist. Ministers are happy to shell out £1 million a month for the MV Alfred, but there is not a penny for the bed and breakfasts on Eriskay. Ministers sit idle while Ferguson's pays millions in bonuses to the bosses, but there is not a penny for the islanders.

Apparently, the money would be better spent by CalMac. Apparently, it is for the greater good. We have come to a pretty pass, have we not? Those who have suffered the most at the hands of this incompetent Government are lectured by ministers of this Government about the sacrifices that they need to make for the greater good.

I say to the Government: for goodness' sake, stop the faffing. Give the islanders the compensation and end the insulting boasting about the virtue of the Government's decisions. Do the right thing.

The Deputy Presiding Officer: We move to the open debate. I advise members that, at present,

we have some time in hand, so that can be factored in. If that changes in due course, the chair will advise members, and at that stage any interventions will require to be accommodated within members' speaking slots.

15:38

Stuart McMillan (Greenock and Inverclyde) (SNP): First, I say to Brian Whittle, who asked the cabinet secretary a question regarding the yard, that it was genuinely a working museum. There had been very little investment in the building or the kit within it. The workforce was trying to build ships using kit that went back to the 1940s. That was when the yard was under private ownership. It was nationalised for some time in the 1970s, but the yard had a complete dearth of investment for decades.

Brian Whittle: Will the member take an intervention?

Douglas Lumsden (North East Scotland) (Con): Will the member take an intervention?

Stuart McMillan: I will take an intervention from Mr Whittle, as I mentioned him.

Brian Whittle: If that is the case and the yard is in such a bad condition, why did you award the contract to it?

The Deputy Presiding Officer: Members should speak through the chair.

Stuart McMillan: As the cabinet secretary indicated earlier, due diligence had taken place—*[Interruption.]*

The Deputy Presiding Officer: We need to hear Mr McMillan's contribution.

Stuart McMillan: —and we need to remember the investment in the yard to update it. I do not know whether Mr Whittle has been to the yard, but anyone who has will have seen that a lot of investment has gone into it since 2014.

I was not going to touch on project Neptune, but I have grave concerns about it and have written to the Scottish Government about that. A number of members attended some of the events that were hosted by Jenny Gilruth, the then transport minister. As a consequence of those events, I wrote to the Scottish Government, because I felt that project Neptune would, potentially, be a wasted opportunity.

I was genuinely shocked at Willie Rennie's comments about the yard. Clearly, he would not have stepped in to save it and it would have been shut. He referred to a sum of £300,000 per employee, but that might have related only to the first two ships. What would have happened after that?

Willie Rennie: At no stage did I say that I wanted to close the yard. I said that I wanted the Government to do things properly. If it had done so, we would not be in the situation that we are in and we would have two ferries. The Government has failed. Does he accept that?

Stuart McMillan: Mr Rennie said that he would have awarded the orders to a yard elsewhere. [Interruption.] That is what Mr Rennie said. As a consequence, the yard would have closed. There would have been no yard and no workforce there.

I want to put on the record my appreciation for the Ferguson Marine workforce. Whether intentionally or not, they have been dragged through the mire throughout, which has been completely unfair on them all. That is where sections 226 to 231 of the committee's report are extremely helpful. The workforce at the yard have the skills, the ability and the experience. They want the best for the yard—a sustainable and prosperous future. I gently highlight to the chamber that the continual hammering of the yard does nothing to improve the morale of the workforce, nor their hopes and aspirations for its future.

Graham Simpson: Will the member take an intervention?

Stuart McMillan: I have already taken a few interventions, Mr Simpson.

The narrative needs to change so that the yard can develop for the future that we all claim to want. With that, I am keen to ask the committee's convener a question. He used the word "rigged" on the BBC's "Good Morning Scotland" programme on the day of the report's publication, but that word does not appear in the report. Sections 84 and 85 of the report cover the issue, with section 85 stating:

"While this is a serious allegation, the Committee does not in this report draw conclusions from the BBC programme."

Surely, the convener would accept that using that type of language, even when paraphrasing someone else, only plays into the hands of those who want the yard to fail.

Richard Leonard: No, I do not, Mr McMillan. I have been fighting for that yard, those workers and those jobs for decades, so I will not take lessons from Mr McMillan about who is on the side of the yard or not. If the word "rigged" was used, it would have been a quotation, because that is the expression that was used by the team that produced the BBC's "Disclosure" programme. They said that the process was rigged. It is not the committee's position that we endorse that. I would merely have been reflecting that in an interview with the BBC.

Stuart McMillan: That is certainly not how it looks from the transcript.

I fully support the actions that the Scottish Government took to save the yard in 2014 and 2019. The awarding of the contract for the two vessels secured the yard's future. Make no mistake: as we have heard in recent months in the chamber and outside it, if the orders had gone elsewhere, the Scottish Government would have, quite rightly, been criticised. I would have led the campaign for the orders to go to the yard. Neil Bibby touched on the issue of work going to Turkey. If we did not have the yard, those orders would also have gone to Turkey. We would not be having the debate today, nor many of the others that have taken place in the Parliament, if the orders had gone elsewhere. Instead, the residents of the new apartments that surely would have been built on the site of the former shipyard would have been enjoying views over the Clyde and living beside Newark castle.

Jamie Halcro Johnston: Will the member give way?

Stuart McMillan: No.

As far as the workforce, the Port Glasgow community and I are concerned, Ferguson Marine must remain a shipyard for many decades to come. The pie-in-the-sky idea of shutting the yard and moving it to Inchgreen dry dock is a non-starter. In addition, to those wishing to buy an apartment in Inverclyde with a view over the Clyde, I say that there are plenty of places to go to see that. Shipbuilding in Port Glasgow must remain.

I welcome the fact that much of the committee's report helps the reader to understand more about what has happened. I note, however, that it is clearly not a unanimous report. Members have touched on that.

I want to touch on a factual inaccuracy that centres around my letter to the Scottish Government and the subsequent reply. I became the MSP for Greenock and Inverclyde in 2016—not before then. I am sure that Duncan McNeil would not be too happy about being airbrushed out of his earned position in relation to the time covered by sections 86 to 93, and subsequent sections also contain that factual inaccuracy.

Specifically in relation to section 89 and the reply from the Scottish Government, I am sure that a similar section and division would have appeared if the then cabinet secretary or minister had either not replied or replied providing no information.

As section 88 of the report states,

"The constituency MSP for Greenock and Inverclyde was undertaking his duties as an elected representative by

approaching the then Cabinet Secretary for Finance, Constitution and Economy to ask what alternatives to a BRG existed, in a bid to support the shipbuilding industry in the area they represent."

I stand by my decision to write to the then finance secretary, and I was content that the minister at the time provided the information, which I clearly shared with FMEL and the committee. What decisions were taken thereafter was a matter for FMEL.

It is also important to highlight the oral evidence that is documented in section 156 of the report.

The Deputy Presiding Officer: Mr McMillan, I am being generous, but you need to start to conclude.

Stuart McMillan: Okay. I will finish this point, if I may.

The quote from the then chief executive of Transport Scotland is interesting. He said:

"We still had the outcome of the procurement, which told us that it was the best bid for price and quality, and we had secured some negotiations of risk from CMAL to Ferguson's and from us with CMAL."

I will not apologise for our Government stepping in to save the yard in order to save the jobs and get those ferries finished. That will certainly provide a future for many people in my community in the decades to come.

15:47

Brian Whittle (South Scotland) (Con): I welcome the opportunity to speak in the debate. I thank the Public Audit Committee and its clerks for their work in delivering the report and bringing the debate to the chamber.

I have to say that it is almost uncomfortable watching SNP members trying to defend the indefensible. We are debating a ferries scandal that goes back many years and that has resulted in an eye-watering overspend that is three times the initial budget. There are still no ferries, and island communities are now cut off from supplies and livelihoods. It is a case of £338 million for two ferries. From start to finish, this has been an unmitigated disaster from the SNP. It started with the dodgy procurement process, mired in allegations of being rigged, in which Ferguson's was announced as the preferred bidder without the mandatory builders refund guarantee, as highlighted by the Auditor General for Scotland, Transport Scotland and CMAL.

We had a shipbuilding company at odds with CMAL and the Government, which led to it going into administration; a staged launch, with painted-on windows; missing meeting records; and a First Minister who somehow could not recall vital information when giving evidence to the

committee—let us not forget that she could not recall more than 50 times.

If that was not enough, we now discover that hull 802 will not be value for money and that it would be cheaper to reprocure a brand-new ferry. Yet the Scottish Government keeps on digging. That is on top of designing a ferry that will not fit into the port that it was procured to sail from. You could not make this up. A credible, sensible Government faced with these problems would apply the rule: when in a hole, stop digging. However, the Scottish Government continues to dig the hole, employing highly paid consultants to explain why it is right to keep digging the hole and why, if it does not work, it should just keep digging faster.

I have no doubt that the final play will be a cabinet secretary at pains to explain why this mess is, somehow, somewhere else. The reality is that the Scottish Government has now dug a hole so deep for itself and for island communities that our next transport minister is more likely to be found on Bondi beach than Barra.

The Scottish Government's track record on rescuing failed businesses involves one flop after another. It might make such investments with the best of intentions, but, time and again, they end in failure. What is worse is that it does not seem to learn from its mistakes. The biggest issue for me is the total lack of commercial knowledge that is apparent. Even if we accept that, quite reasonably, the Scottish Government stepping in to take over a business such as FMEL is not necessarily about making a profit for itself, there is a worrying impression that there is no limit to the amount of money that it will pour in.

Stuart McMillan: I have listened intently to Brian Whittle's comments. Is he suggesting that hull 802 should be scrapped? If that were to happen, it would have an adverse effect on the workforce and the future of the shipyard.

Brian Whittle: The Scottish Government got itself into a position in which the only decision that it could make was to complete hull 802. Willie Rennie said that, too. However, it is the Government's mistakes that are costing the Scottish population and our taxpayers money upon money, which is ridiculous.

There is a time and a place for the Scottish Government to step in and prevent a business failure, but, in such cases, there should be a clear due diligence process to understand the scale of the financial commitment, a clear commercial plan about what is needed to turn the business around and, crucially, a properly defined set of criteria for exit.

At Prestwick airport, we have seen the lack of a clear exit path, which has left what should be a

commercially viable business sitting on a Scottish Government balance sheet. Offers from the private sector to buy the airport have been rejected—assuming that even an acknowledgement of them is given. Last week, when the cabinet secretary was questioned in committee by my colleague Graham Simpson, we discovered that he did not even know that there had been a note of interest in purchasing Prestwick airport.

The most crippling problem that all such businesses face is the same: the SNP leadership's sheer ignorance of how business works, which has now been compounded by the detachment from economic reality that the Scottish Greens have brought into Government.

In committing to save the shipyard, the Scottish Government set out three objectives: complete vessels 801 and 802; safeguard jobs; and give the yard a future. I see it failing on at least two of those. As I said earlier, many of the original workers were lost and the new company had to hire many new staff. Given the colossal cost overruns and delays, it is hard to believe that there was not a better way to achieve the same goal.

What would have been the overall cost had the Scottish Government decided to support the original Ferguson's, which was at least being run by business people, rather than to nationalise a company when the cost had soared to an unacceptable £130 million? Now, the cost sits at £338 million, with four new ferries having been procured without the Scottish Government's own shipyard even being on the tender list.

That is why the SNP-Green coalition Government should never be allowed anywhere near business decisions. Its inability to recognise its catalogue of mistakes and its commercial ineptitude have left island communities cut off, to the ruination of their way of life. The First Minister's platitudes, with woolly promises of a resolution by 2027, have left us wondering how many islanders will be left to welcome the ferry when—or, indeed, if—it finally arrives.

15:53

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): I think that you will find that the SNP members on the committee agreed with substantial critical elements of the reports. The offensive comments made by Mr Hoy and Mr Bibby are pretty disgraceful but, sadly, not unexpected these days from their two parties.

Mr Hoy could have said what he said about me and my colleague Colin Beattie at any time at all, but he said not a word. That is tawdry and cowardly, Mr Hoy. In any case, he also has a brass neck, Deputy Presiding Officer, as he

decided to conduct his own inquiry halfway through our committee's work while still pretending to remain objective.

I have a minor comment for Mr Whittle, which is about the famous painted windows. They were done at the request of the workers and no one else; the workers wanted the ship to look as best it could for that occasion. To level that remark at the Government is just ridiculous.

Craig Hoy: Will the member give way?

Willie Coffey: No—I listened to you without making any comment, Mr Hoy, so I ask you to do me the same courtesy for once. Just for once, show some courtesy and respect.

The Deputy Presiding Officer: Mr Coffey, we need to not refer to "you", because that means me. I do not think that you are referring to me. Speak through the chair, please, Mr Coffey.

Willie Coffey: My abiding memory of the evidence sessions that we had on the issue was of the conflicting nature of most of the evidence and the difficulty that we all had in deciding who and what to believe.

Graham Simpson: Will the member take an intervention?

Willie Coffey: No, thank you.

Graham Simpson: Will the member take an intervention?

Willie Coffey: Did the member hear me say, "No, thank you"?

The Deputy Presiding Officer: Mr Simpson, I think that Mr Coffey has made it quite clear that he is not taking an intervention.

Willie Coffey: I have only started.

Inevitably, the risk is that we end up citing and emphasising the evidence that suits the political narrative that developed around the project. That is a loss to the overall purpose of audit and our obligation to the public to try to get to the bottom of things.

When we met them last October, the workers' representatives at Ferguson's agreed that the Scottish Government's decision to award the contract saved the yard, saved hundreds of jobs and saved shipbuilding on the Clyde. Most of us will agree with that. Curiously, that did not manage to feature in the committee's report on our meeting, but it is worth putting that on record, as it was Mr Hoy who asked the question.

If we want to try to get close to the reasons behind the delays to the ferries and the cost overrun, we should ask the people who know the most—the workers and the current management team charged with delivering the ferries to

completion. We see the answers fairly clearly in their testimony to the committee. When we spoke to the workers' reps, they were clear that the problems occurred at the outset, with the original management team's decisions and a lack of consultation with the skilled workforce, which has many years' experience of successfully building ships on the Clyde. They said that, due to the size of the contract for the two vessels, the yard would never be able to accommodate the two ferries at the same time and, with the significant changes required to reconfigure the yard, it was going to be impossible to meet the original timescales.

That was confirmed again at the committee meeting last week by the chief executive of Ferguson's, David Tydeman, who said that the mistakes that were made by the original FMEL in 2015 and Ferguson Marine (Port Glasgow) Ltd in 2019 in relation to

"design management, build sequencing and contracting strategies, embedded unrecoverable delays into the programmes."—[Official Report, Public Audit Committee, 1 June 2023; c 2-3.]

The big question for all the partner agencies is this: why did no one spot that at the outset and intervene to try to correct it? My colleagues and I are on record asking that question of the Government and its agencies.

One or two worrying aspects that stood out for me relate to the build sequencing, some of which seemed to be done purely to trigger payments rather than making sense in the construction process. Our predecessor Rural Economy and Connectivity Committee noted that in its report in the previous session. There were also various milestones along the way that were not tied to quality delivery.

In my role as a member of the Public Audit Committee and with the experience that I have to draw on over many years in management systems and quality processes, it seems obvious to me that an essential part of any tendering process is that people should conduct a full capability assessment on anyone who wants to deliver work for them. It is surely not enough to accept a tender without fully examining the capability of the contract bidder to deliver the order to the quality required and within the timescales and budget agreed. The committee recorded that important finding in our report.

If people do not get the project specification correct at the start, it is unlikely that anything will be delivered in time and on budget at the end. That is a maxim in any construction process, whether that is for ships, bridges, schools or anything else that people intend to build. That is one lesson that our committee has pointed to for many years.

In the Public Audit Committee, our focus is principally on following the public pound and holding not only the Government but its agencies and delivery partners to account for how that money is spent. At the end of our inquiry, despite our best efforts collectively, even we as a committee could not reach a conclusion on how substantial parts of the £128 million that the convener referred to had been spent. I pay tribute to my friend and colleague Colin Beattie for his forensic scrutiny of that on behalf of the committee.

I know that the Auditor General for Scotland is still considering that issue. Our committee will await his decision on whether he can continue to pursue that further.

In summary, the inquiry has been an extremely difficult one for all members of the committee. We do not have direct expertise in shipbuilding, and we rely on those whom we invite to be in front of us to offer accurate testimony to help us in our scrutiny process. Inevitably, as I said earlier, the political dimension dominated the majority of the narrative, and it still does, much to the anger of the workers. That makes it difficult to reach a consensus, which would, in my view, have given us a stronger report for Parliament.

All the parties involved have lessons to learn, particularly in the interests of ensuring that projects are rigorously defined at the outset. That is the key to success, in my view.

I remain hopeful that the current management team, led by the excellent Mr Tydeman, and the magnificent workers at Ferguson Marine are allowed to get on with the job of completing these vessels for us and the public they are intended to serve.

16:00

Paul Sweeney (Glasgow) (Lab): I commend the committee for its report and its recommendations. It is painful for me to read it, not only as a parliamentarian but as someone with a deep connection to Scotland's shipbuilding industry. My family has worked on the Clyde for generations, and it was a great moment of pride for me when, in 2011, I continued that tradition by joining BAE Systems. I was working at BAE Systems in Govan in 2014, when Ferguson Shipbuilders Ltd went into administration and was rescued by the Scottish Government. We all celebrated that moment—we all thought that that was a good move, because we all believed in the future of Scottish shipbuilding. However, it is one thing to have sentiment, and another thing to have competence—that is the thing that has been sorely lacking in the past decade of policies

around the shipyard, as the report clearly spells out.

One of my jobs when I worked at BAE Systems was to do benchmarking against shipyards around the world. That involved working with an organisation called First Marine International, which I have a close connection with. I know that it has been heavily involved in Ferguson Marine and in trying to understand how to make it an effective shipbuilding operation. Its recommendations were used by BAE Systems in its project to build on the Clyde what was commonly known as a frigate factory but was intended to be a complete undercover shipbuilding system using a semi-tandem production methodology. That was a complex thing to achieve, but we focused our efforts on trying to deliver it, because we knew that that is the basis on which world-class shipbuilding is undertaken anywhere else in the world. We needed to be in the upper quartile of the league table that is developed by First Marine International, which goes all around the world to maintain that benchmarking study. We developed that design and I am pleased to see that, although there were a few false starts, planning consent has been granted and the construction of a new, integrated shipbuilding facility is under way in Govan, underpinned by a permanent and continuous shipbuilding programme for eight type 26 frigates, financed through the Ministry of Defence.

That is in contrast to what has happened at Ferguson Marine, and we can use that as a useful basis when considering what we need to do. It is one thing looking at the report and tearing lumps off each other, but we have to raise our sights and think about what we want to do as a country. Do we want to have commercial shipbuilding in this country or not? That is the question that we must answer robustly. Do we want to have a national shipbuilding system? We must come to a conclusion on that because, if we want to do that, it is not good enough to simply say that we want it; we must also put in place the building blocks for it. First and foremost, we need a shipyard that is capable of undertaking the work. Willie Coffey mentioned that building a fit-for-purpose shipbuilding facility is either a pie-in-the-sky idea or it is essential, because, certainly, vessels 801 and 802 were not capable of being built in the current shipbuilding facility.

I have been to Ferguson Marine on several occasions. It is not a shipyard that is fit for purpose. Fundamentally, it is too small. The members of the workforce are fantastic and highly skilled. Many of them work between various shipyards and programmes—as members might imagine, Scottish shipbuilding is a small world. The issues with the yard are nothing to do with the workforce or their skills; they are to do with the fact

that we did not put in place the fundamentals first of all but, instead, we charged into a mighty Trojan horse of a project that has gone spectacularly wrong, and we are now trying to recover our position.

The question is, do we put in place the necessary finance and capital to build a world-class shipbuilding facility? I am sure that First Marine International has said on many occasions what sums are needed in order to do that, so, do we put in place the essential financing? A criticism that has often been made is that Ferguson Marine did not have in place a builders refund guarantee, which is the financial cornerstone for any shipbuilding project in the commercial world. The reality is, however, that no British bank will provide a builders refund guarantee; that is a not a financial product that is offered in Britain. The Royal Bank of Scotland used to do it all the time—in fact, RBS was one of the world's biggest ship-financing institutions—but after the 2008 crash it withdrew from that market completely.

Only a matter of weeks ago, I asked the Cabinet Secretary for Wellbeing Economy, Fair Work and Energy whether the Scottish National Investment Bank would put in place a facility for builders refund guarantees so that Scottish shipyards could undertake commercial work. He said that the bank is not minded to do so at this point. I say to the minister that, if we intend to be a commercial shipbuilding nation but we do not have the fundamental cornerstone of financing in place, we cannot do it.

That is part of the reason why the current system has never worked. The facilities are not adequate, the financing is not in place and a patient forward programme is not in place. The current procurement system is not set up to allow Scottish businesses, or Scottish builders, to win. That is why we see the perverse spectacle of more than £200 million of public money flowing into the Turkish economy to build ferries there, when we know from economic studies that every £1 that is spent on a shipbuilding programme in this country returns £1.30 in value. We are cutting our own throats here. If we have a Parliament that is set up to try to build and grow the Scottish economy and try to build prosperity for our communities, this is a singular failure from which we should be trying to learn.

We should be understanding what the solutions are. The facilities and the financing need to be put in place in a way that is competitive, and the procurement needs to be structured in such a way that it allows for series build in order to enable efficiencies to be gained.

Between the first of the type 45 destroyers that we worked on at BAE and the sixth, we saved something of the order of 30 per cent in man

hours. That shows what can be achieved with a continuous ship-build programme. That is what needs to be put in place for us to succeed, and that is why it is essential that the Government finds a means by which to get the small vessel replacement programme structured in such a way that it will be delivered by Ferguson Marine or an equivalent national shipbuilding champion in the commercial world. There can then be a conveyor belt of production so that the workers can achieve the necessary learning curve, and it can be underpinned by financing and facilities that are fit for purpose.

That is the point: if we can get those things in place, we can be a successful commercial shipbuilding country again. While we ruminate and chastise everyone for the failures over the past decade, the solutions are staring us in the face. We have achieved it with naval shipbuilding and we can do so with commercial shipbuilding, and I urge the minister and all colleagues in the chamber to collaborate constructively in order to achieve that for us all.

16:07

Alasdair Allan (Na h-Eileanan an Iar) (SNP): It is as well to start—as we have all done in several previous ferries debates—with a frank acknowledgement of the situation that we face. Many of us were in the chamber in October 2015 to hear the contract award announcement for vessels 801 and 802. I doubt whether any of us, even in our uneasiest dreams, could have imagined that we might be here nearly eight years later, discussing the circumstances of those two vessels' on-going construction.

Russell Findlay (West Scotland) (Con): Will the member take an intervention?

Alasdair Allan: I will begin with a sentence or two first, if I can—thank you.

The Public Audit Committee's report that we are debating today adds to the work that has been done by the Rural Economy and Connectivity Committee in its inquiry in session 5, and in the Auditor General for Scotland's report in March last year. As the Audit Scotland report, "New vessels for the Clyde and Hebrides: Arrangements to deliver vessels 801 and 802", notes,

"Procuring both vessels at the same time was intended to be the start of a standardised approach to building new vessels"

for CalMac.

The contract was for a combined £97 million for both ships, with delivery due in May and July of 2018. Those were intended to be the first in a series of vessels, which would have seen the

average age of CMAL's major vessels reduced from 21 years in 2017 to 12 years by 2025.

Instead, as has been very well, but fairly, rehearsed, island communities have been left waiting for new vessels during that period. As a result of the sequence of events, which members have gone through today, many island communities are still depending on vessels such as the MV Isle of Arran for network resilience. That vessel, for members who do not know her, is so old that she predates the emergence of Apple personal computers and commercial camcorders.

I spend a great proportion of my life raising concerns about the ferry network, which is a measure of just how essential ferries are for every aspect of island life. That reliance on an ageing and overstretched fleet is, of course, having real and serious consequences for my constituents.

CalMac crews and shore staff do an outstanding job, but CalMac, as a company, can and should do much better for island communities. This winter's annual refit programme has been one of the most chaotic in living memory and has shown itself to be maddeningly inflexible to changing circumstances. The latest decision to deprive South Uist of its ferry service entirely—again—for all of June is one example of why island voices are increasingly, as we have all heard, being raised to use phrases such as "out of touch" and "remote" when describing CalMac's upper management.

I do not mention all that, in relation to the operation of ferry services, to deflect from the undeniable reality that CalMac does not have enough ships to fulfil its duties as an operator, or even, at present, to sail from all the ferry ports that are advertised on its timetable.

I welcome the news that the Glen Sannox, however belatedly, now shows signs of being ready for this autumn, and that progress with vessel 802 suggests that she might be in service late next year, just as I also warmly welcome the award of contracts to build another four new vessels, the construction of two of which is now well under way.

The Cabinet Secretary for Wellbeing Economy, Fair Work and Energy's decision to give a ministerial direction for vessel 802 to be completed at Ferguson's was, despite much bluster from some quarters in the chamber today and previously, the right thing to do. It might well have cost less to start again and build elsewhere, but the costs of waiting for the necessary two or, probably, three years extra to do so would have been borne by island communities and businesses, as they continued to deal with disruption.

The Public Audit Committee agreed

"with the REC Committee that the decision-making structure for the procurement and construction of new vessels to serve the Clyde and Hebrides ferries network is cluttered and lacks transparency."

The landscape of differing responsibilities of Scottish ministers, civil servants, CMAL, CalMac and Transport Scotland is—in my view and that of many others—very complex indeed. I hope that the work, through project Neptune, that is under way to review governance arrangements, provides an opportunity to set some of that right. Angus Campbell from the ferry users community board has been diligently going around the country to ensure community input in any future reform.

On a personal note, I thank the outgoing transport minister for the very considerable efforts that he made in office to engage with many island communities, including mine, and I wish him all the best for improvement in his health.

Everyone on the islands is painfully aware—believe you me—of the failings that are associated with the building of the Glen Sannox and vessel 802. Those failings have had undoubtedly consequences, both economically and socially, for my constituents. However, they also raise wider questions about how, in the future, the management of ferry services by CalMac can be done more effectively. Not least, I hope, if I can be entirely frank—and as other members have mentioned—that CalMac will take the hint that there is something far wrong with the matrix that it uses to decide which ferry services to abandon at any time, given that, generally, the same ferry service is abandoned. Government and CalMac alike will need to address all those questions in order to ensure that we have the ferry services that we need for the years ahead.

16:13

Jamie Greene (West Scotland) (Con): I thank the previous two members for their contributions.

One of the most striking comments that a witness ever made to a parliamentary committee inquiry was in late 2020, when a question was posed to a witness about why the outcome of a hugely valuable public procurement exercise, which named its price up front, would produce a winning bid that was deemed to be highest in quality and highest in price. In response, the witness said:

"I do not know the answer, but three things spring to mind. One is incompetence; another is vested interest; and the final one is corruption."—[Official Report, *Rural Economy and Connectivity Committee*, 29 January 2020; c 23.]

We could construe that response as being an abstract or even unfair critique of the Government, but is there, perhaps, any truth to it? I think that it

sums up the entire fiasco in three damning accusations.

All 129 pages of the aptly named "Construction and procurement of ferry vessels in Scotland" report, which was penned by the Parliament's Rural Economy and Connectivity Committee, made for damning reading. I declare an interest, in that I co-authored it. There was an equally critical Transport, Infrastructure and Climate Change Committee report as far back as 2008. One Mr Patrick Harvie MSP oversaw the production of that report, back in the days when the Greens had some backbone. I see that they could not even be bothered to turn up today.

There have been many more indictments of the situation since last year's Audit Scotland report, and the latest 125-page instalment by the Parliament's Public Audit Committee is a granular and forensic piece of work. However, all those reports have gathered dust on the shelves of numerous transport ministers.

The key protagonists of the whole sorry saga lie in three camps. The first are those who were thrown under the proverbial bus, and who are not here to defend themselves today. I refer to Paul Wheelhouse and Derek Mackay. In the second camp are those whose transport failures in office were instead rewarded with the heady heights of high office—today's First Minister's question time best illustrates that. However, those whom I suspect are the real authors of this entire mess sat at the very top of Government—those who signed the cheques; those who announced the deal at a party conference before the deal had even been signed; and those who ironically smashed a bottle of Arran whisky against the hull of vessel 801 some six years ago. They occupy the Government's back benches, when they are not popping up on daytime chat shows. I note that not one of them has had the guts or the shame to turn up to Parliament today to defend themselves or their actions.

There were three devastating charges. The first was "incompetence"—the incompetence of numerous ministers, who could not sit CMAL, FMEL and Transport Scotland around the table to negotiate, oversee or manage disputes among the three of them.

Russell Findlay: Will the member take an intervention?

Jamie Greene: I will in a second.

There was the incompetence of making payments for milestones, which had either been artificially reached or not met at all, and the incompetence of giving so-called loans, which would knowingly—clearly—never be paid back or were used for purposes other than those for which they were intended. The incompetence of insisting

on a type of engine technology was the source of much cost and much delay, and there is still much doubt over its use or efficacy.

Russell Findlay: Nicola Sturgeon and John Swinney hijacked the yard and its workers for politics and public relations. Does the member know when was the last time either of them showed face at Ferguson's?

Jamie Greene: I suspect that they do not have the guts to show face, because they know that their actions and the actions of the Government and its agencies have paved the way for the disaster that we see now.

I come on to the second charge that was set out in that evidence session—"vested interest". That is relevant because we do not know what Alex Salmond promised Jim McColl back in the heady days of 2014, and we do not—the report alludes to this—know what Nicola Sturgeon promised Jim McColl in 2015, 2016 or even 2017 because there are no minutes of those meetings.

We should not forget that the Scottish Government is the yard's biggest creditor. The Government and its agencies saw the yard spiral into administration on their watch. The vested interest hid from scrutiny behind the cloak of commercial confidentiality every step of the way. Ministers were given 29 options to resolve the yard's financial problems, which were all presented to them independently by PWC. Instead, they forced their way into the boardroom of the yard and took control.

What about the vested interests of the turnaround directors? The only things that turned around were their personal fortunes. We will never know where that huge pipeline of prospective commercial work went. Where are all the requests for information, and where are all the tender responses that were piled up on Ferguson's boardroom's whiteboard?

We never found out the effect that state ownership would have on the yard's ability to compete for commercial work. We never got a response to the Competition and Markets Authority's warnings about directly awarding contracts. We never found out why Jim McColl's offer to buy the yard back, even the one just a couple of weeks ago, went unnoticed and unresponded to.

We never even knew who else bid for the yard before the Government nationalised it. As members are right to point out, all the while, the good workers and grafters of that yard, under direction, were welding pieces of ship completely out of kilter with what they knew to be right. They were under direction, just so that the then First Minister could turn up for a photo shoot.

However, it is the third, final, and most grievous charge that I must raise Parliament's awareness of, and that is the charge of "corruption". Only in Scotland could people get away with a decade-long scandal such as this and have not one single person lose their job. Not one single person has paid the price for this sorry saga. Actually, I lie, because taxpayers have paid the price, as have our islanders on Arran, who have to turn up to see whether the ferry is running then wait to see whether they are lucky enough to get on it. Let us not forget that the whole Northern Irish Government collapsed after a renewable heat scandal that cost its taxpayers a couple of hundred million pounds. I suspect that here that would barely make a topical question.

All the while, here in Edinburgh we have ministers who get around the problems with Scotland's ferries. What do they do? They charter ferries to get around. That is the reality for them, versus what is happening in our island communities. I hear the Government party members moaning, because they do not like the truth, Presiding Officer. This latest report—a damning one, at that—is the last of many such reports. It lays bare the simple truth on all three counts—incompetence, vested interest and corruption. The Government is undoubtedly guilty as charged.

The Presiding Officer (Alison Johnstone): Rona Mackay is the final speaker in the open debate.

16:21

Rona Mackay (Strathkelvin and Bearsden) (SNP): I would have liked to intervene on Craig Hoy earlier, to ask whether he thought that it was respectful or fair to constantly refer to a member who is not in the chamber because he is ill and who has no recourse to reply. I thought that that was shameful.

I am speaking today not to rake over the coals of what has happened on the hugely important issue of ferries. The committee's convener and members have rightly addressed many aspects of the challenges that have led us to where we are now. Ministers have apologised for the delay to the ferries and for the distress and difficulties caused. However, I would like to repeat what the cabinet secretary said in his opening speech: the Scottish Government will never apologise for taking action to save more than 300 jobs at Ferguson's shipyard.

Jamie Halcro Johnston: Will the member take an intervention?

Rona Mackay: No, thank you.

This debate is about standing by our commitment to the shipbuilding communities in Inverclyde and our island communities that rely on the vessels that are currently being built at Ferguson's. Vessels 801 and 802 will provide a high-quality lifeline service to our island communities, who I know are having a desperate time right now. Speaking as someone who represents an urban mainland constituency, I honestly cannot imagine what islanders are going through and I hope that the situation is urgently remedied, for very obvious reasons.

Jamie Halcro Johnston: Will the member take an intervention?

Rona Mackay: No, I am not taking interventions, thanks. [*Interruption.*] No—thank you.

There is no doubt that our island communities deserve to be supported by two new energy-efficient vessels—[*Interruption.*]—with the capacity and reliability that is required to support vibrant island economies. [*Interruption.*]

The Presiding Officer: I ask members to refrain from making remarks from a sedentary position. Please continue, Ms Mackay.

Rona Mackay: Thank you, Presiding Officer.

Although the pure value-for-money assessment of vessel 802 is challenging—there is no doubt about that—the Government had to take a very finely balanced decision. We must take into account the added delays, the wider benefits of continuing to have the vessels built at Ferguson Marine and the full cost of not doing so. A new vessel could not be deployed until May 2027 at the earliest—four years from now, and two and a half years later than the current delivery timescale. It would just not be acceptable to ask our island communities to wait for that further period. We all know that they have waited long enough.

Russell Findlay: Will the member take an intervention?

Rona Mackay: I am not taking interventions.

Vessel 802 will provide lifeline connectivity to the mainland and ensure that people on the beautiful island of Arran are supported for their day-to-day needs around health, education and commercial activity. It will also provide a resilient service to support the tourism industry, which contributes so much to the island's economy. Recent issues with the reliability of an ageing island fleet and the costs associated with hiring replacement vessels in order to maintain services have merely added to the compelling case for delivering additional capacity as quickly as possible. That is why the Scottish Government has issued a written authority to continue to complete delivery of both vessels at Ferguson Marine. The

project costs of completing them are currently estimated to be £202.6 million, including contingency.

Publication of the Public Audit Committee's report "New Vessels for the Clyde and Hebrides: Arrangements to deliver vessels 801 and 802" was welcome, and I congratulate the committee on a thorough and balanced report. It recognised that there have already been significant improvements in procedures and processes by Transport Scotland and Caledonian Maritime Assets Limited since the procurement of the vessels almost eight years ago. Both organisations, along with CalMac Ferries Ltd, are committed to continuing to build on those improvements—particularly in how the communities and stakeholders are embedded in the process and in ensuring that value for money for taxpayers underpins investment decisions.

The Scottish Government supports the growth of commercial shipbuilding in Scotland—and why would we not, with our proud shipbuilding heritage? The Scottish Government is in active engagement with Audit Scotland on strengthening the business investment framework within the Scottish public finance manual. It will agree an action plan with Audit Scotland to increase transparency and further enhance that framework, to ensure a consistent approach to future investment while ensuring that ministers have appropriate flexibility to intervene to support industries and communities. Of course, any decision on further audit work is for the Auditor General for Scotland, but all parties will fully engage in any work that is identified.

In response to some of the remarks that have been made today, I say that the Scottish Government is committed to transparency and has proactively published more than 200 documents on its website—[*Interruption.*]—if members would care to look.

The Presiding Officer: Members!

Rona Mackay: Scottish ministers have taken action to ensure the completion of two ferries by Ferguson Marine, following a due diligence assessment carried out on forecast costs. I believe that that is entirely the right decision. Cabinet secretary Neil Gray has clearly outlined the Scottish Government's commitment to supporting the completion of the vessels, which remains the quickest way of introducing new lifeline connectivity for island communities. I look forward to the delivery, as soon as possible, of those two vital vessels and I thank the skilled workers who are working so hard to make that happen.

The Presiding Officer: We move to winding-up speeches.

16:26

Rhoda Grant (Highlands and Islands) (Lab): We are grateful to the Public Audit Committee and its staff for their work on the report.

The workforce at Ferguson's has been let down by the Government. Stuart McMillan seemed to suggest that members in the chamber are hammering the workers at the yard, but they are not; they are hammering his Government. If he tries to divert that anger, it is he who is causing distress to the workers at the yard. The workforce at CalMac has been let down as well, but those who have been most let down are the communities that are being driven to their knees by the lack of ferries.

Neil Bibby and others talked about the unprecedented protests in South Uist. A turnout of a third of the population is unheard of anywhere, yet that is what happened in South Uist at the weekend. They have had enough. This has to be fixed. They need ferries. It will not be fixed without a transport minister, so why the delay in appointing one? Can the First Minister really not find a willing candidate on the back benches?

Richard Leonard talked about the committee report and the lack of transparency—the evasion and how the Government avoided questions and even refused to attend. It did not even have the courtesy to respond in time and in detail to the committee's report. If that is how the Scottish Government treats the Public Audit Committee of this Parliament, I begin to wonder, but it is exactly how it also treated Audit Scotland. We need transparency. This is the squandering of public money and the betrayal of communities.

Neil Bibby and Craig Hoy added their voices in condemnation of Willie Coffey and Colin Beattie, who tried to water down the report. Their role on the Public Audit Committee is to represent the people of Scotland, not the SNP. For the minister to tell us today that CMAL will decide which parts of the KC's report will be published is absolutely shocking. This is a failing Government trying to hide the truth.

The Scottish Government is squandering taxpayers' money. The cost of the MV Glen Sannox and hull 802 would have been almost enough to renew the whole fleet. Bizarrely, the Government is also paying Pentland Ferries an amount for a nine-month hire that would pretty much have bought the boat. Brian Whittle talked about paying for consultants. Indeed, the Scottish Government paid for consultants on project Neptune and is now going through another procurement worth millions of pounds for more consultants. That is wasted money when a bystander could tell it for free that what we need is

ships and that that is the only way to solve the problem.

The Scottish Government needs to sign off on a design that will fit harbours, put a running programme of replacement out to tender and build an interchangeable fleet with capacity to cover dry dock and high season. Doing so will mean investing in shipbuilding—Paul Sweeney made that point. At this moment, it does not really matter who runs the contract, because you cannot provide a ferry service without boats. Although the Scottish Government loves to point fingers at CalMac, it is simply passing the buck for its own incompetence.

Alasdair Allan and the Scottish Government talked about and put blame on the matrix. If you change the matrix, you simply cut off another community and pit communities against one another. We are already pitting tourists against locals, freight against passengers—divide and rule simply will not work.

Alasdair Allan: I hope that the member is not entirely surprised that I am standing up for communities in my constituency who find themselves on the receiving end of the matrix.

Rhoda Grant: I am trying very hard to stand up for every community in my constituency, because they all need ferries and none of them deserve to be cut off because of incompetence.

That is not just a waste—indeed, a squandering—of public money on ferries that might never sail; the economic damage to our communities is immeasurable. Bus tours with buses that carry 40 people at a time to hotels and B and Bs have stopped coming to Uist. Visitors are cancelling not because they do not want to come, but because they cannot. Hospital appointments are being missed—people are missing their chemotherapy appointments. Shelves are empty. Weddings are missed and, as Willie Rennie said, funerals are, too.

Where is the compensation for those businesses? They say that they do not want compensation and that what they want is ferries. Without the ferries, however, what they need is compensation. Communities are being damaged by a Government that should be protecting them.

Staff are facing abuse. The staff who are trying to serve those communities are bearing the brunt of the frustration of people who are desperate to travel but cannot. I ask people to take it out not on the staff but on the Government that has let them down.

The whole fiasco shows the reality of a Government that is not focused on the needs of the people it should be serving. It is a disgrace that people are cut off, that livelihoods are being

damaged and that the whole island economy is being wrecked. It does not have to be like this, but the Scottish Government avoids responsibility and seeks to sow further division, pitting community against community and sector against sector.

The Scottish Government needs to stop, step up and help our island communities. It needs to provide compensation, and it needs to provide ferries.

16:33

Graham Simpson (Central Scotland) (Con): I thank the Public Audit Committee for an excellent report. Rarely has there been such a scathing committee report, but rarely has there been such a scandal to report on—in fact, in my view, there has not been one.

The committee blasted what it called “significant failings”—that is rather stating the obvious. It said that

“vessels are now millions of pounds over budget and years behind schedule”

and that

“Scotland’s taxpayers and island communities have been badly let down by many of those involved in the project”,

which is correct. It said that there was a

“lack of transparency and accountability”.

There was the issue of the lack of a builders refund guarantee and ignoring CMAL’s wish to retender. The committee questioned the former First Minister’s

“decision to publicly announce the preferred bidder”

when she did, and said that there is still “uncertainty” over

“which Minister had the final sign-off on the contract.”

The committee branded the programme steering group, which Transport Scotland led, as “weak and toothless”. Of course, there were meddling ministers, too, none of whom has taken the rap. A good quartet of fiddlers can make sweet music, but Mackay, Swinney, Brown and Sturgeon have struck a bum note with islanders throughout this sorry saga.

At least Mr Mackay came to the committee to give his side of the story, as did Ms Sturgeon. Sadly, efforts to pin down Keith Brown came to nothing, leading to the committee chiding him for his “lack of co-operation”. What did canteen Keith, last seen stirring up constitutional grievance—

The Presiding Officer: Mr Simpson, we will address members by their proper full names, and we will not use nicknames in the chamber.

Graham Simpson: What did canteen Keith Brown, last seen stirring up constitutional grievance—

The Presiding Officer: Mr Simpson, I ask you to apologise and move on.

Graham Simpson: I apologise.

What did Keith Brown, last seen stirring up constitutional grievance in a members’ business debate and making a spurious point of order, have to hide? Quite a lot, I suspect. Is it not significant that none of the saga’s key players who still belong to the Parliament are here today to face the music?

It is a sorry saga, indeed, with no ferries yet and hundreds of millions of pounds of our money squandered. And for what? It is all because the SNP was hellbent on giving the yard the contract, even though it plainly was not the right thing to do. However, it gave ministers—including Humza Yousaf, Mr Mackay and the selfie queen herself, Ms Sturgeon—the chance to get their pictures taken in hard hats. The most infamous of those was taken in 2017 at the fake launch by Nicola Sturgeon, which is known as the painted-on windows launch. Six years later, there are still no ferries. My advice to anyone who has to take a decision on it is to keep SNP ministers well away when the Glen Sannox is actually launched into service, which I hope will be next year.

As the committee said, there has been a shroud of secrecy hanging over aspects of this matter. There was the meeting between the discredited former First Minister and Jim McColl, for which there is no minute. Craig Hoy was quite right to say that she might have broken the ministerial code, but we have a broken system, whereby the First Minister marks their own homework and that of wayward ministers. That must change.

We have discovered through FOI that a meeting between Transport Scotland and CMAL officials on 29 September 2015—just days before Ferguson’s was awarded the contract—was also not minuted. Whatever could the reason be for such an oversight?

We know that the SNP members of the committee tried to water down the report. That is not their job, and they should be ashamed of themselves. No amount of spin and bluster can hide the fact that this is the biggest public spending scandal of the devolution age. The project was cleared once John Swinney was sure that there were no “banana skins”, but there were so many banana skins that you would think that the vessels had already sailed to South America and back. Chance would be a fine thing—Arran would do. All the time, the islanders are without a ferry and the costs go up and up.

We had the BBC “Disclosure” programme claiming that Ferguson’s was given preferential treatment when it won the contract. We now learn that it would be cheaper to start again than to complete vessel 802 at Port Glasgow. However, we have not been told the figures, so we cannot assess that decision. That would amount to transparency, and this Government does not do transparency.

To listen to SNP members today, with the exception of Alasdair Allan, we might think that nothing had gone wrong and the Government had done nothing wrong. At least we have had some plain talking from Craig Hoy, Neil Bibby, Willie Rennie, Brian Whittle and—the only Green in the chamber this afternoon—Jamie Greene.

We need to look to the future. What does the future hold for the yard? Again, trying to get an answer on that from the Government is absolutely impossible; Mr Gray will not tell us what he thinks the future holds. We have had the project Neptune report, but we do not know what his conclusion is. We do know that there is still a bottomless pit and a blank cheque, and it seems that that will go on and on.

Paul Sweeney: Will Graham Simpson take an intervention?

Graham Simpson: I am just finishing, Mr Sweeney.

It is a scandal—the biggest scandal of the devolution age—and somebody has to take responsibility.

16:40

Neil Gray: I begin by echoing my opening remarks and thanking Richard Leonard and the Public Audit Committee for their resolute scrutiny of Scotland’s ferry sector, and I add my thanks to the Auditor General and his team for the quality and depth of their work over recent years. Their scrutiny has enabled debates such as the one that we have held today to take place. The Parliament can be proud of the role that it has played in improving the way in which the Scottish Government manages its strategic commercial assets and delivers vital services to our communities.

Although it was inevitable that we would hear a variety of opinions today, I had hoped that the Parliament would have been—as it should have been—united in its determination to support island communities and retain the proud tradition of shipbuilding on the Clyde. I pay tribute to Willie Coffey and Colin Beattie, as I do to all other members of committees of this Parliament who consider the evidence before them and take judgments based on that evidence, and I think that

it is shameful that their contributions have been denigrated. As Willie Coffey said, the issue has become so polarised and politicised that, unfortunately, I do not even think that I can say that the proud tradition of shipbuilding on the Clyde is supported unanimously in this Parliament.

Graham Simpson: Will the cabinet secretary give way?

Neil Gray: I will do shortly.

I assure colleagues that we are committed to expanding and improving the resilience of lifeline services to island communities. In his excellent speech, Alasdair Allan pointed out why that is so important. We are also committed to securing a sustainable and successful future for the Ferguson’s yard, and to providing opportunities for future generations to learn and practise skills and trades that can define our future as much as they distinguished our past.

In that regard, I want to thank Paul Sweeney for his speech and, in particular, for what he said about the need to raise our eyes and ask ourselves whether we want to continue to have commercial shipbuilding on the Clyde in the future. I can assure him and other colleagues that we do. We want the Ferguson’s yard to improve its productivity and to compete successfully for new work as it becomes available. In that regard, I agree with Neil Bibby’s plea for greater accountability and responsibility to deliver the ferries. I took the decision to provide written authority for the completion of 802 for that very purpose, and I will keep working with Paul Sweeney, Stuart McMillan and other local representatives to ensure that we work with the management and the staff at the yard to deliver the ferries within the timescale that the management have outlined for us and support them with a forward work programme.

I am encouraged by the fact that, in the evidence that he gave to the Public Audit Committee last week, David Tydeman, the chief executive of Ferguson Marine, suggested that there was at least £250 million of work available for the yard to compete for. That is a prize worth fighting for, and I know that the Parliament will support the efforts of the workforce to attract as much of that business as possible.

Paul Sweeney: There is lots of shipbuilding work out there in the world to be won, but the point is that Scotland will not win any of it unless we have competitive facilities that are invested in. No investment has taken place in Ferguson’s or an alternative shipbuilding location in the area. In addition, no builders refund guarantees are available in the Scottish economy at the moment. What are we going to do to fix those fundamentals

so that we can win some of that £200 million-plus business and bring work to our yards?

Neil Gray: I will absolutely consider Paul Sweeney's point about financing. We are considering the request that has been made for capital investment in the Ferguson's yard. He is right: if we want the yard to be capable of greater productivity, there needs to be investment in it. As he will be aware, we face difficulties in that regard in relation to state subsidy. We need to be careful about what we do there. We are considering those matters, and he and other colleagues can rest assured that we will do what we can to ensure that the yard is as competitive as possible.

As Rona Mackay said, my decision to provide written authority for hull 802 to continue to be built at Ferguson Marine (Port Glasgow) was a clear demonstration of the Government's determination to give the yard the support that it needs to create a successful future.

I say to Craig Hoy and Brian Whittle that, as they know, narrow value for money assessment does not consider something that I am sure they would support me in valuing, which is the impact on the yard, the local economy and the island communities that must be at the centre of my considerations. I took a decision that was, first and foremost, in the interests of our island communities and would protect them from the delay of up to two and a half years—

Graham Simpson: Will the member accept an intervention?

Neil Gray: Hold on.

That delay would have followed had we decided to go through the complex and time-consuming process of reprocuring an alternative vessel. I took a decision that was in the interests of the yard, its dedicated workforce and the community in and around Port Glasgow. They have been through a lot in the past few years and I wanted to give them a degree of certainty and provide a platform on which they can build a successful future.

Graham Simpson: Is the cabinet secretary prepared today—as he has not been previously—to say how much it will cost to complete vessel 802 at the yard?

Neil Gray: The estimate of that cost is already in the public domain and, as I have previously told the committee and have said today, I will look at what more information can be published in future.

Neil Bibby: Will the cabinet secretary take an intervention?

Stuart McMillan: Will the cabinet secretary take an intervention?

Neil Gray: I need to watch my time. I will see if I can come back to Mr McMillan if I have time before I conclude.

No one is pretending that there have not been mistakes, over many years, in the delivery of the two new vessels. Audit Scotland has been both clear and constructive in identifying things that could have been done differently and I assure colleagues that we are equally clear in our determination to listen to Audit Scotland's suggestions and to learn lessons from its reports. That is the best way to ensure that we provide the services that people have the right to expect and that we guarantee the future of a proud industry with an illustrious past and, I believe, an exciting future.

Stuart McMillan: I place on record the thanks of the Port Glasgow community and also of the workforce for the decision that was recently taken regarding hull 802. That point was made very clear when I met with GMB representatives and shop stewards last week, and I put it on record to the Scottish Government.

Neil Gray: I thank Stuart McMillan for that point, which is appreciated.

My appreciation, like his, goes to the workforce for their contribution and for the hard work and dedication of the people who work in Scotland's ferry sector. I acknowledge how difficult it must have been for them to frequently read and hear some of the negative press and to hear some of the comments made here today. That cannot be easy. To all of them—those who work on ferries or look after passengers, who manage the complex logistics, maintain and repair ferries or craft and build new ferries for Scotland's seas—I say thank you. We are very lucky to have the whole industry working together in the service of Scotland's seas, and I want to keep it that way.

The Presiding Officer: I call Sharon Dowey to wind up on behalf of the Public Audit Committee.

16:47

Sharon Dowey (South Scotland) (Con): I thank those in the clerking team for the huge amount of work that they have put into compiling the report and I thank Audit Scotland for its input. I also thank members from around the chamber for their contributions today. It is reassuring to know that so many are committed to scrutiny of the issues raised in the report.

Although I am pleased to close the debate on behalf of the Public Audit Committee, I do so with considerable regret that this Parliament is once again debating two vessels that should have set sail five years ago but are currently three and a half times over budget. Significant failings

throughout the project have let islanders down and have caused disruption to their lives. Lessons must be learned.

I start by echoing the convener's concerns about the Scottish Government's response to the committee's report. It is a seven-page document, of which only around half addresses the committee's key findings, conclusions and recommendations, whereas the rest merely reproduces large sections of our report and lacks the detail that the committee hoped for.

For example, the committee expressed serious concerns about Transport Scotland's role in the project. As CMAL's sponsor, Transport Scotland had a critical role in communicating important information to Scottish ministers on CMAL's behalf. We are clear that it consistently failed to reflect CMAL's significant concerns to Scottish ministers, whether those were in relation to the high-profile public announcement of FMEL as the preferred bidder or the awarding of the contract to FMEL.

Given the extent of the concerns that CMAL raised regarding the financial risks associated with the contract, Transport Scotland should have sought written authority from Scottish ministers before any further progress was made with the project. Indeed, as it materialised, the absence of a full builders refund guarantee, coupled with there being no general quality standards in the contract, resulted in CMAL's position being significantly weakened when problems with the standard of FMEL's work became apparent. Brian Whittle and Jamie Greene covered those points in detail in their speeches. No comment at all is offered in relation to any of those concerns.

The Scottish Government's response does, however, highlight the recent approach that has been taken with the provision of the written authority to secure the continued build of vessel 802 at FMPG. It is recognised that the Scottish public finance manual has specific requirements for the notification of any instance of written authority, which must be drawn to the attention of the Auditor General. I welcome that that was adhered to. However, I take this opportunity to reiterate the committee's call for the Scottish Government to follow the UK Government's example and proactively publish on its website a list of all occasions when written authority has been sought, in order to improve openness and transparency in that area.

I turn to the committee's concerns about the Scottish Government's commitment to paying additional vessel costs regardless of the final price. Although the Scottish Government has challenged this assertion, the committee remains concerned about the on-going significant risk that costs will continue to rise. That is, of course, now

proving to be the case, with the former Deputy First Minister announcing in March that an additional £6 million would be allocated in the financial year 2022-23. That comes alongside the more recent announcement by the cabinet secretary in May, which clarified that additional money will be allocated during the current financial year following a process of due diligence.

It is extremely disappointing that at no point does the Scottish Government's response address the committee's well-founded concerns about those soaring costs. The final costs are still unknown. Willie Rennie raised his concern about a blank cheque being written, which is also a concern for the committee.

The Scottish Government's response does, however, welcome

"the report's recognition that there have ... been significant improvements in procedures and processes"

by Transport Scotland and CMAL since the procurement of vessels 801 and 802.

Jamie Greene: I think that it is clear to everyone that one of the principal drivers of the catastrophic failings in the process was the breakdown in relationships between the main protagonists: CMAL, Transport Scotland, the Scottish Government, the manufacturers and probably CalMac as well. Did the committee consider what changes could be made to those relationships to ensure that such breakdowns do not happen again?

Sharon Dowey: That was covered in the committee's report. It has been noted that there has been an improvement in the relationships between them, but we obviously need to keep tabs on that.

It is fair to say that the report notes some signs of progress. For example, we are encouraged that there appear to be signs of more constructive relations between the new management and the workforce and between FMPG and CMAL. However, the committee wants to see much more progress to ensure that this situation never happens again.

Although we note the action that the Scottish Government has taken to publish a business investment framework to strengthen its approach to investment in private businesses, we are clear that the work should not stop there. That is why we are calling for more to be done to strengthen the framework to better outline intentions over risk tolerance and risk appetite and the expected public benefit of future interventions. The Government indicates in its response that it is

"in active engagement with Audit Scotland"

on the matter, but it is unclear how or indeed when that will be achieved.

I turn to the intervention of several Scottish ministers throughout the project, on which a majority of committee members raised concerns. Central to those concerns was a lack of transparency about why certain decisions were taken, whether that involved a lack of documentary evidence to clarify why the former First Minister led on the very public announcement of the preferred bidder, a lack of documentary evidence to explain why Scottish ministers accepted the associated risks in approving the awarding of the contract to FMEL, or the fact that a full record of a meeting between the former director of FMEL and the former First Minister appears not to exist.

Even more challenging is that poor record keeping means that the Scottish Parliament and the public are in the dark about what happened at some crucial stages of the project. Although it is encouraging that the Scottish Government has issued new guidance on the recording of decisions, we are unanimous in calling on it to further review and refine its record-keeping procedures, which would facilitate scrutiny and improve transparency as well as accountability. I share the convener's concerns that the Scottish Government's response to that recommendation does not provide the committee with any meaningful detail on how it is being addressed. A number of developments have taken place since the report was published, and it is clear that further developments will follow.

Notwithstanding our continued scrutiny of the auditor general's section 22 report on FMPG, we await the Net Zero, Energy and Transport Committee's forthcoming report on a modern and sustainable ferry service for Scotland and the next steps that are associated with the governance review, project Neptune. It is encouraging that the Government shares the committee's opinion that the review does not represent a silver bullet in preventing a similar situation from occurring again.

Presiding Officer, do I have time to cover members' contributions?

The Presiding Officer: Yes, you have time.

Sharon Dowey: Graham Simpson spoke about the lack of transparency and accountability and the lack of a builders refund guarantee, which was mentioned by quite a few members. Craig Hoy spoke about the insufficient evidence to explain why ministers made their decisions, which the committee would like to have more transparency over. He also mentioned that island communities are paying the price, which was mentioned by many members, including Rhoda Grant, Alasdair Allan, Neil Bibby and Stuart McMillan. Stuart

McMillan also raised concerns that the shipyard's workforce was being criticised. I say to him that the report's criticism was of the ministers and Government bodies that took the decisions, not the workforce.

Stuart McMillan: Will the member take an intervention?

Sharon Dowey: Sorry, I am closing.

Paul Sweeney mentioned that, if we want to be a shipbuilding nation, we need to look at the basics. Rhoda Grant said that we needed to sign off a design that would fit harbours—it may have helped for her to have been part of the procurement process.

I take the opportunity to restate the committee's call for a formal review of the project to be undertaken on completion of the vessels, which will help the Scottish Government to learn vital lessons for the future so that Scotland's taxpayers and island communities can have confidence in the procurement and construction of future vessels.

The Presiding Officer: That concludes the debate on "New vessels for the Clyde and Hebrides: Arrangements to deliver vessels 801 and 802".

Parliamentary Bureau Motions

16:58

The Presiding Officer (Alison Johnstone):

The next item of business is consideration of two Parliamentary Bureau motions. I ask George Adam, on behalf of the Parliamentary Bureau, to move motions S6M-09371 and S6M-09372, on committee remits.

Motions moved,

That the Parliament agrees, under Rule 6.1—

(a) that the remit of the following mandatory committee be amended—

Name of Committee: Constitution, Europe, External Affairs and Culture Committee

Remit: To the remit set out in Temporary Rule 4 shall be added the following additional matter—Matters falling within the responsibility of the Minister for Independence

(b) that, further to motion S6M-00394, the additional matters added to the remits of the following mandatory committees be varied as follows—

Name of Committee: Equalities, Human Rights and Civil Justice Committee

Remit: To the remit set out in Rule 6.9 shall be added—

Matters relating to civil justice within the responsibility of the Cabinet Secretary for Justice and Veterans.

New remit: To the remit set out in Rule 6.9 shall be added—

Matters relating to civil justice falling within the responsibility of the Cabinet Secretary for Justice and Home Affairs.

Name of Committee: Standards, Procedures and Public Appointments Committee

Remit: To the remit set out in Rule 6.4 shall be added—

Matters relating to local government elections, Scottish general elections, implementation of the Referendums (Scotland) Act 2020 and Freedom of Information and open government falling within the responsibility of the Minister for Parliamentary Business.

New remit: To the remit set out in Rule 6.4 shall be added—

Matters falling within the responsibility of the Minister for Parliamentary Business.

That the Parliament agrees to the following revisions to the remits of committees—

Name of Committee: Criminal Justice Committee

Remit: To consider and report on matters relating to criminal justice falling within the responsibility of the Cabinet Secretary for Justice and Veterans, and functions of the Lord Advocate other than as head of the systems of criminal prosecution and investigation of deaths in Scotland.

New remit: To consider and report on matters relating to criminal justice falling within the responsibility of the Cabinet Secretary for Justice and Home Affairs, and functions of the Lord Advocate other than as head of the

systems of criminal prosecution and investigation of deaths in Scotland.

Name of Committee: Economy and Fair Work Committee

Remit: To consider and report on matters relating to the economy falling within the responsibility of the Cabinet Secretary for Finance and the Economy.

New remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for Wellbeing Economy, Fair Work and Energy with the exception of matters relating to energy; and on matters relating to just transition within the responsibility of the Cabinet Secretary for Net Zero and Just Transition.

Name of Committee: Education, Children and Young People Committee

Remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for Education and Skills and matters relating to the Historical Abuse Inquiry within the responsibility of the Deputy First Minister.

New remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for Education and Skills and matters relating to the Historical Abuse Inquiry and redress falling within the responsibility of the Deputy First Minister.

Name of Committee: Health, Social Care and Sport Committee

Remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for Health and Social Care and matters relating to drugs policy.

New Remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for NHS Recovery, Health and Social Care and matters relating to drugs and alcohol policy.

Name of Committee: Local Government, Housing and Planning Committee

Remit: To consider and report on matters relating to local government, housing and planning falling within the responsibility of the Cabinet Secretary for Social Justice, Housing and Local Government and the Cabinet Secretary for Finance and the Economy, and matters relating to the Local Government Boundary Commission and local governance review and democratic renewal within the responsibility of the Deputy First Minister.

New remit: To consider and report on matters relating to local government and planning falling within the responsibility of the Cabinet Secretary for Finance and matters relating to housing and tenants' rights within the responsibility of the Cabinet Secretary for Social Justice and matters relating to the Local Government Boundary Commission and local governance review and democratic renewal within the responsibility of the Deputy First Minister.

Name of Committee: Net Zero, Energy and Transport Committee

Remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for Net Zero, Energy and Transport, with the exception of matters relating to rural land use, wildlife crime and animal welfare.

New remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for Net Zero and Just Transition, with the exception of matters relating to just transition; on matters relating to land reform, natural resources and peatland, Scottish Land Commission; Crown Estate Scotland, and Royal Botanic Garden within the

responsibility of the Cabinet Secretary for Rural Affairs, Land Reform and Islands; and on matters relating to energy within the responsibility of the Cabinet Secretary for Wellbeing Economy, Fair Work and Energy.

Name of Committee: Rural Affairs and Islands Committee

Remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for Rural Affairs and Islands; and on matters relating to rural land use, wildlife crime and animal welfare falling within the responsibility of the Cabinet Secretary for Net Zero, Energy and Transport.

New remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for Rural Affairs, Land Reform and Islands, with the exception of matters relating to land reform, natural resources and peatland, Scottish Land Commission, Crown Estate Scotland, and Royal Botanic Garden.

Name of Committee: Social Justice and Social Security Committee

Remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for Social Justice, Housing and Local Government, excluding matters relating to local government, housing and planning.

New remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for Social Justice excluding matters relating to housing and tenants' rights.—
[George Adam]

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

Motion without Notice

16:58

The Presiding Officer (Alison Johnstone): I am minded to accept a motion without notice under rule 11.2.4 of standing orders that decision time be brought forward to now. I invite the Minister for Parliamentary Business to move the motion.

Motion moved,

That, under Rule 11.2.4, Decision Time be brought forward to 4.58pm.—[George Adam]

Motion agreed to.

Decision Time

16:58

The Presiding Officer (Alison Johnstone): There are three questions to be put as a result of today's business. The first question is, that motion S6M-09375, in the name of Angus Robertson, on the Retained EU Law (Revocation and Reform) Bill, which is United Kingdom legislation, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

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

16:59

Meeting suspended.

17:01

On resuming—

The Presiding Officer: The question is, that motion S6M-09375, in the name of Angus Robertson, be agreed to. Members should cast their votes now.

The vote is closed.

The Minister for Social Care, Mental Wellbeing and Sport (Maree Todd): On a point of order, Presiding Officer. I was unable to vote. I would have voted yes.

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

Keith Brown (Clackmannanshire and Dunblane) (SNP): On a point of order, Presiding Officer. I know that there will be rising anxiety on the Tory benches, but it is just to say that I could not vote and that I would have voted yes.

The Presiding Officer: Thank you, Mr Brown. We will ensure that your vote is recorded.

Paul O'Kane (West Scotland) (Lab): On a point of order, Presiding Officer. I was unable to connect. I would have voted yes.

The Presiding Officer: Thank you, Mr O'Kane. We will ensure that that is recorded.

James Dornan (Glasgow Cathcart) (SNP): On a point of order, Presiding Officer. I was unable to connect. I would have voted yes.

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

For

Adam, George (Paisley) (SNP)

Adam, Karen (Banffshire and Buchan Coast) (SNP)

Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (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)
 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)
 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)
 Leonard, Richard (Central Scotland) (Lab)
 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)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (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)
 Ruskill, Mark (Mid Scotland and Fife) (Green)
 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)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Sweeney, Paul (Glasgow) (Lab)

Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

Against

Balfour, Jeremy (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Ross, Douglas (Highlands and Islands) (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)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division on motion S6M-09375, in the name of Angus Robertson, on the Retained EU Law (Revocation and Reform) Bill, which is UK legislation, is: For 79, Against 27, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the UK Government amendments to the Retained EU Law (Revocation and Reform) Bill, tabled in the House of Lords on 10 May 2023, do nothing to alter the view expressed in the Scottish Parliament in its vote on 29 November 2022 calling for the Bill to be withdrawn, or its vote on 23 February 2023 that concluded that the Scottish Parliament should withhold consent for the Bill, and considers that no amendment to this Bill can be viewed in isolation from the risks of the overall Bill, or will be sufficient in removing the dangers attached to it.

The Presiding Officer: The next question is, that motion S6M-09327, in the name of Richard Leonard, on behalf of the Public Audit Committee, on the Public Audit Committee report “New vessels for the Clyde and Hebrides: Arrangements to deliver vessels 801 and 802”, be agreed to.

Motion agreed to,

That the Parliament notes the conclusions and recommendations contained in the Public Audit Committee’s 1st Report, 2023 (Session 6), New Vessels for

the Clyde and Hebrides: Arrangements to deliver vessels 801 and 802 (SP Paper 344).

The Presiding Officer: I propose to ask a single question on two Parliamentary Bureau motions.

As no member objects, the final question is, that motions S6M-09371 and S6M-09372, in the name of George Adam, on behalf of the Parliamentary Bureau, on committee remits, be agreed to.

Motions agreed to,

That the Parliament agrees, under Rule 6.1—

(a) that the remit of the following mandatory committee be amended—

Name of Committee: Constitution, Europe, External Affairs and Culture Committee

Remit: To the remit set out in Temporary Rule 4 shall be added the following additional matter—Matters falling within the responsibility of the Minister for Independence

(b) that, further to motion S6M-00394, the additional matters added to the remits of the following mandatory committees be varied as follows—

Name of Committee: Equalities, Human Rights and Civil Justice Committee

Remit: To the remit set out in Rule 6.9 shall be added—

Matters relating to civil justice within the responsibility of the Cabinet Secretary for Justice and Veterans.

New remit: To the remit set out in Rule 6.9 shall be added—

Matters relating to civil justice falling within the responsibility of the Cabinet Secretary for Justice and Home Affairs.

Name of Committee: Standards, Procedures and Public Appointments Committee

Remit: To the remit set out in Rule 6.4 shall be added—

Matters relating to local government elections, Scottish general elections, implementation of the Referendums (Scotland) Act 2020 and Freedom of Information and open government falling within the responsibility of the Minister for Parliamentary Business.

New remit: To the remit set out in Rule 6.4 shall be added—

Matters falling within the responsibility of the Minister for Parliamentary Business.

That the Parliament agrees to the following revisions to the remits of committees—

Name of Committee: Criminal Justice Committee

Remit: To consider and report on matters relating to criminal justice falling within the responsibility of the Cabinet Secretary for Justice and Veterans, and functions of the Lord Advocate other than as head of the systems of criminal prosecution and investigation of deaths in Scotland.

New remit: To consider and report on matters relating to criminal justice falling within the responsibility of the Cabinet Secretary for Justice and Home Affairs, and functions of the Lord Advocate other than as head of the systems of criminal prosecution and investigation of deaths

in Scotland.

Name of Committee: Economy and Fair Work Committee

Remit: To consider and report on matters relating to the economy falling within the responsibility of the Cabinet Secretary for Finance and the Economy.

New remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for Wellbeing Economy, Fair Work and Energy with the exception of matters relating to energy; and on matters relating to just transition within the responsibility of the Cabinet Secretary for Net Zero and Just Transition.

Name of Committee: Education, Children and Young People Committee

Remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for Education and Skills and matters relating to the Historical Abuse Inquiry within the responsibility of the Deputy First Minister.

New remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for Education and Skills and matters relating to the Historical Abuse Inquiry and redress falling within the responsibility of the Deputy First Minister.

Name of Committee: Health, Social Care and Sport Committee

Remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for Health and Social Care and matters relating to drugs policy.

New Remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for NHS Recovery, Health and Social Care and matters relating to drugs and alcohol policy.

Name of Committee: Local Government, Housing and Planning Committee

Remit: To consider and report on matters relating to local government, housing and planning falling within the responsibility of the Cabinet Secretary for Social Justice, Housing and Local Government and the Cabinet Secretary for Finance and the Economy, and matters relating to the Local Government Boundary Commission and local governance review and democratic renewal within the responsibility of the Deputy First Minister.

New remit: To consider and report on matters relating to local government and planning falling within the responsibility of the Cabinet Secretary for Finance and matters relating to housing and tenants' rights within the responsibility of the Cabinet Secretary for Social Justice and matters relating to the Local Government Boundary Commission and local governance review and democratic renewal within the responsibility of the Deputy First Minister.

Name of Committee: Net Zero, Energy and Transport Committee

Remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for Net Zero, Energy and Transport, with the exception of matters relating to rural land use, wildlife crime and animal welfare.

New remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for Net Zero and Just Transition, with the exception of matters relating to just transition; on matters relating to land reform, natural resources and peatland, Scottish Land Commission; Crown Estate Scotland, and Royal Botanic Garden within the responsibility of the Cabinet Secretary for Rural Affairs,

Land Reform and Islands; and on matters relating to energy within the responsibility of the Cabinet Secretary for Wellbeing Economy, Fair Work and Energy.

Name of Committee: Rural Affairs and Islands Committee

Remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for Rural Affairs and Islands; and on matters relating to rural land use, wildlife crime and animal welfare falling within the responsibility of the Cabinet Secretary for Net Zero, Energy and Transport.

New remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for Rural Affairs, Land Reform and Islands, with the exception of matters relating to land reform, natural resources and peatland, Scottish Land Commission, Crown Estate Scotland, and Royal Botanic Garden.

Name of Committee: Social Justice and Social Security Committee

Remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for Social Justice, Housing and Local Government, excluding matters relating to local government, housing and planning.

New remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for Social Justice excluding matters relating to housing and tenants' rights.

The Presiding Officer: That concludes decision time.

Meeting closed at 17:04.

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