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AITHISG OIFIGEIL

# Meeting of the Parliament

Wednesday 15 November 2023

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# Scottish Parliament

Wednesday 15 November 2023

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

## Portfolio Question Time

### Constitution, External Affairs and Culture

**The Deputy Presiding Officer (Annabelle Ewing):** Good afternoon. The first item of business is portfolio question time. If a member wishes to ask a supplementary question, they should press their request-to-speak button or enter the letters “RTS” in the chat function during the relevant question.

#### “Building a New Scotland” Papers (Feedback)

**1. Marie McNair (Clydebank and Milngavie) (SNP):** To ask the Scottish Government how it is assessing feedback to the “Building a New Scotland” series of papers. (S6O-02712)

**The Deputy Presiding Officer:** The minister, Jamie Hepburn, is joining us remotely.

**The Minister for Independence (Jamie Hepburn):** First, I apologise to Marie McNair and other members for not being able to be in the chamber in person today.

We are assessing feedback through a variety of measures including round-table events with relevant stakeholders and ministers following paper launches, and other ministerial and official-level stakeholder engagement.

**Marie McNair:** A recent “Building a New Scotland” paper sets out the Scottish Government’s proposals for a humane and principled migration policy after independence. The United Kingdom’s hostile environment policies came into effect under former Prime Minister David Cameron. This week, he is back in Cabinet, unelected and unaccountable. Does the minister agree that the sooner Scotland can introduce our own migration policy that treats migrants with respect, the better it will be?

**Jamie Hepburn:** Yes, I agree with that. I also welcome the fact that Parliament voted just yesterday in favour of that proposition. Despite the welcome withdrawal of Suella Braverman from Government, I cannot say that the return of David Cameron or the appointment of James Cleverly as her replacement fills me with much optimism that the UK Government is changing tack. I hope that it will reflect on today’s Supreme Court judgment in

respect of its Rwanda policy, which has already cost the taxpayer some £140 million in payments to the Rwandan Government, and that it will adjust accordingly. However, I hold out little hope of that. Only with independence can we create a sensible and humane immigration system.

#### “Building a New Scotland” Papers (Cost)

**2. Murdo Fraser (Mid Scotland and Fife) (Con):** To ask the Scottish Government whether it will provide an update on the total cost of its “Building a New Scotland” series of papers, including the recently published “Migration to Scotland after independence” paper. (S6O-02713)

**The Minister for Independence (Jamie Hepburn):** I reiterate my apology to Murdo Fraser for not being there to answer his question in person.

The Scottish Government is publishing the publication costs of all the papers in the “Building a New Scotland” series. The Parliament has been informed of costs for the first five papers in the series, and we will publish the cost information for the recent “Migration to Scotland after independence” paper shortly.

**Murdo Fraser:** I thank the minister for his answer, although I did not hear a number in the response that he gave.

The constitution is, of course, a reserved matter. The Scottish Government is spending public money on these papers, but we know that people in Scotland do not want independence and that even people in the SNP do not think that it is likely to happen. We have a budget process coming up and we have huge demands on the Scottish Government budget—not least from people who have recently been flooded out of their homes and who are looking in vain for support from this Scottish Government. Would the money not be better spent on them than on those pointless papers?

**Jamie Hepburn:** First, I welcome Mr Fraser’s on-going interest in the “Building a New Scotland” series. He complains about parliamentary time being given over to discuss these matters, but he is clearly warming to the prospect, given that he has asked me that particular question.

In respect of the costs of the work that we are undertaking, I will put the issue in context by noting that, in 2022-23, expenditure on the constitutional futures division and the BANS papers that we have published constituted 0.0035 per cent of the Scottish Government budget. When we compare that with the massive opportunities of independence, which we see when we look at countries all around us such as Ireland, Norway, Denmark and Finland—all of

which are healthier, happier, fairer and wealthier countries—I think that that is a price worth paying.

**The Deputy Presiding Officer:** I have received requests for supplementaries from two members and will take both.

**Bill Kidd (Glasgow Anniesland) (SNP):** The values of humanity and compassion to people who are fleeing persecution and conflict should be central to our approach to migration and asylum policy. Can the minister say any more about how the UK Government's approach is typified by the Rwanda scheme, which today has been ruled illegal, and how it compares with the Scottish Government's approach to asylum and refugee policy as set out in its recent paper "Migration to Scotland after independence"?

**Jamie Hepburn:** The UK Government's approach speaks for itself. It has overtly said that it wants a hostile approach to migration, which runs totally counter to what we require in Scotland. We need people to come to Scotland. In our paper, we have laid out a sensible and proportionate approach that involves encouraging people to come here for the economic opportunities and to support our economy, while also making sure that we have a humane process to support people who are fleeing from torture, war and other challenges in other parts of the world. We have got it right, and the UK Government has got it wrong.

**Jim Fairlie (Perthshire South and Kinross-shire) (SNP):** Given the catastrophic effects that Westminster policies have had on Scotland's economy—particularly Trussonomics, which Murdo Fraser demanded the Scottish National Party Government follow—does the minister agree that Scotland cannot actually afford not to talk about independence? More important, can the Scottish Government tell the Parliament what the cost of funding the Scotland Office is, and what it actually delivers for the people of Scotland?

**Jamie Hepburn:** First, I agree with Mr Fairlie's premise. The real question should be: can Scotland afford not to be independent? For example, the Office for Budget Responsibility says that Brexit will shrink the United Kingdom's gross domestic product by some 4 per cent in the longer term. We do not want to be dragged down in that respect.

On the Scotland Office, I cannot provide the full figures, of course—only the UK Government can do that—but we know that, in 2022-23, the Scotland Office spent £1.1 million on communications staff alone. In the same year, it spent £47,370 on travel and subsistence costs for just four special advisers, which was £19,034 more than in the two years before. That is hardly good value for the taxpayer.

**The Deputy Presiding Officer:** Question number 3 has been withdrawn.

### Scottish Census 2022

**4. Russell Findlay (West Scotland) (Con):** To ask the Scottish Government whether it will provide an update on the Scottish census 2022. (S6O-02715)

**The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson):** National Records of Scotland published the first results from Scotland's census 2022 on 14 September. The publication represented a historic moment for Scotland, with the largest population ever recorded by Scotland's census of 5.4 million, an increase of 2.7 per cent since the previous census in 2011. Following September's publication, NRS will publish further results from Scotland's census from spring 2024 onwards.

In the summer of 2024, a series of topic data reports will provide new and unique insights into the characteristics of Scotland's people, including information on ethnicity, religion, the labour market, education and housing. For the first time, data on armed forces veterans, sexual orientation and trans status or history will be included.

**Russell Findlay:** The Scottish National Party completely botched Scotland's census, and it did so because of its ideological obsession with diverging from the rest of the United Kingdom. It will therefore be more difficult to plan for the delivery of public services. National Records of Scotland says that lessons will be learned from this fiasco. Surely there is one main lesson to learn, which is that, in 2031, the census should be UK-wide. Will it be? I am looking for a yes or a no.

**Angus Robertson:** NRS is keen to reflect on lessons learned, including how the results that are now being published are received by users, and it is committed to setting those out upon the conclusion of the 2022 census programme in an evaluation report that will be laid before Parliament by the end of 2024.

I am sure that Mr Findlay will be delighted to learn that the Office for Statistics Regulation has awarded Scotland's census output with national statistics designation, based on quality, good practice and comprehensiveness of the statistics. Achieving such a designation means that the expert independent UK regulator has confidence in the statistics that NRS has produced and that Scotland's census forms an integral part of the statistical system in the United Kingdom.

### Creative Scotland (Funding)

**5. Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** To ask the Scottish

Government whether it will provide an update on what plans it has to restore a reported £6.6 million reduction in funding to Creative Scotland for 2024-25. (S6O-02716)

**The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson):** The Scottish Government values the importance of the arts, especially their significant contribution to wellbeing and to the cultural, social and economic life in communities across Scotland.

It is for those reasons, among many, that during the past five years the Scottish Government has provided more than £33 million to Creative Scotland to compensate for a shortfall in National Lottery funding. As a result of rising costs and pressure on budgets across Government, the Scottish Government is unable to make up the £6.6 million shortfall in National Lottery funding during this financial year.

Subject to the usual parliamentary processes, we will provide that shortfall funding of £6.6 million to Creative Scotland in 2024-25. We hope to provide a further update on funding following publication of the draft budget in December.

**Rachael Hamilton:** I thank the cabinet secretary for his answer. We all want extra funding for culture, because it will allow great events—such as the Borders book festival, which takes place in my constituency—to continue to thrive in the future.

However, the delivery of the funding has been a fiasco. First, the Scottish National Party cut the Creative Scotland budget, then it announced—with a great fanfare—that it would reverse that cut, then it restored the cut, then it restored the funding again. The SNP U-turned on a U-turn on a U-turn. Does the cabinet secretary accept that the culture sector needs more certainty than that confusing hokey cokey?

**Angus Robertson:** It is important to appreciate the context of the end-year finance. Unfortunately, Rachael Findlay is not on the culture committee, where she would have heard—*[Interruption.]*

Sorry, I meant to say Rachael Hamilton—forgive me. I do not know whether that would be a promotion or a demotion. I will leave others to decide.

It is important to understand that we had pressures because of the UCI cycling world championships—the cost of which amounted to £8 million—£6.6 million for Creative Scotland, and a very significant list of cultural projects right across Scotland that were under threat unless we were able to manage the end-year finances differently. We have done that. The Government took the UCI cycling world championship costs out of the portfolio, and it has ensured that Creative Scotland

uses its reserves so that there is no detriment to regularly funded organisations.

If I have an opportunity later during questions, I will be able to confirm the spending that we have been able to put forward—

**The Deputy Presiding Officer:** Cabinet secretary, you are over your time. We need to move on.

### Gaza (Humanitarian Aid)

**6. Stephanie Callaghan (Uddingston and Bellshill) (SNP):** To ask the Scottish Government, regarding its humanitarian aid funding, whether it will provide an update on any further action it can take to help provide support to those affected by the conflict in Gaza. (S6O-02717)

**The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson):** We unequivocally condemn the abhorrent terrorist attacks committed by Hamas. However, in exercising its right to defend itself, Israel must abide by international humanitarian law. The civilian populations in Gaza and the West Bank cannot and must not be held responsible for crimes committed by a terrorist organisation.

Last week, we announced a further £250,000 contribution towards the United Nations flash appeal in response to the humanitarian crisis in Gaza, in addition to the £500,000 that we committed last month.

**Stephanie Callaghan:** Scotland will always be a welcoming place and a compassionate sanctuary for refugees. Given the harrowing and inhumane conditions that we are witnessing in Gaza, and the immediate and growing need for support—particularly when the UK Government's stance on an immediate ceasefire is conflicting—can the cabinet secretary provide an update on what further steps the Scottish Government can take to welcome Palestinian refugees in Scotland?

**Angus Robertson:** The First Minister has been clear that we stand ready to welcome refugees in Scotland, should that be required, and the Cabinet Secretary for Social Justice wrote to the former Home Secretary to request a meeting to discuss plans. I reiterated those calls in my recent appearances before the Constitution, Europe, External Affairs and Culture Committee. We wait to hear from the new Home Secretary what approach he plans to take.

**Carol Mochan (South Scotland) (Lab):** It is estimated that 50,000 pregnant women are trapped in Gaza, with around 5,000 due to give birth during the next month, and without clean water, medicine and humanitarian aid those women and their babies will be at risk, which is devastating. What discussions have been had with

relevant aid organisations regarding the specific challenges that pregnant women face, and in future discussions regarding humanitarian aid, will the cabinet secretary raise the specific needs of that key, vulnerable group whenever he has the opportunity?

**Angus Robertson:** I agree entirely with the question. Our main interlocutors in relation to aid in Gaza are the United Nations Relief and Works Agency, which is the UN agency that deals with the Palestinian authorities.

Of course, we believe that a ceasefire is absolutely key to being able to ensure that the humanitarian support manages to get in and to deal with the very specific challenges that the member has raised, as well as many others. Unfortunately, the civilian population is suffering grievously in Gaza. Everything needs to be done to help and support them, while acknowledging, as I have already, our condemnation—no doubt across the chamber—and our opposition to the terrorist atrocity that Hamas visited on innocent Israeli people in October.

### Arts and Culture (Funding)

**7. Kaukab Stewart (Glasgow Kelvin) (SNP):** To ask the Scottish Government whether it will provide an update on its commitment to increase funding for the arts and culture sector. (S6O-02718)

**The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson):** I am pleased to report that the Scottish Government has released £6.68 million of funding to the culture sector for the rest of this financial year. That funding will benefit individuals and communities across Scotland through our support to programmes such as the culture collective and it demonstrates our continued investment in screen and festivals. In spite of the incredibly challenging picture, we have prioritised our investment in culture to support the sector, acknowledging its vital contribution to our economy, and to ensure that everyone has the opportunity to experience the transformative and empowering potential of culture.

**Kaukab Stewart:** The cabinet secretary will be aware that several important projects require capital funding in the Glasgow area, many of which are strategically important to the economic development of the city. Glasgow Life has called for a funding model that outlines how the Scottish Government will support cultural provision in Scotland while addressing discrepancies between cities and regions. Can the cabinet secretary assure my constituents that the possibility of direct central Government funding to Glasgow's national assets will be taken into serious consideration with his department's increased budget?

**Angus Robertson:** First, I will deal with this year. Of the £6.68 million funding release to the culture sector that I have just announced, £1.5 million will go to the culture collective programme, £2 million to Screen Scotland, £250,000 to the platforms for creative excellence programme, £130,000 to the national performing arts companies touring fund and £2.8 million to fund public sector pay policy uplifts. On spending decisions for next year, the issues that Kaukab Stewart has raised will no doubt be considered. If members on all sides of the chamber have particular views on how the Scottish Government should invest the increase that we have committed to making for culture, I would encourage them to share them, as I would be very grateful to hear them.

**Alexander Stewart (Mid Scotland and Fife) (Con):** More than a month ago, the Scottish Government promised Creative Scotland that it would not be left out of pocket by the reinstatement of a 10 per cent cut in core funding. Creative Scotland is desperately looking for assurances, and rightly so, as thousands of jobs are on the line. Will the cabinet secretary guarantee that his funding commitment to Creative Scotland will be met?

**Angus Robertson:** I am happy to repeat what I have said, but I am sure that the member will appreciate that, on the announcement that I have just made on the provision of resources to the culture collective programme, £2 million to Screen Scotland and £250,000 to the platforms for creative excellence programme, those are all via Creative Scotland. Not only are we doing that, but we have given a commitment that the £6.6 million that Creative Scotland is using from its reserves now will be reimbursed next year. I am happy to repeat that.

### Creative Industries (Highlands and Islands) (Support)

**8. Rhoda Grant (Highlands and Islands) (Lab):** To ask the Scottish Government what support it will provide to the creative industries in the Highlands and Islands region. (S6O-02719)

**The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson):** The creative industries make an important contribution societally, culturally and economically to Scotland and we are proud to support a range of creative organisations in the Highlands and Islands. For example, through our culture collective programme, which I have just mentioned, we are supporting the creative islands network, which provides opportunities for creative practitioners in the region. Via our regular funding to Creative Scotland, we support organisations

including ATLAS Arts on Skye, and the Highland Print Studio in Inverness.

**Rhoda Grant:** The cabinet secretary will be aware that the First Minister pledged £100 million in extra funding for Creative Scotland over the next five years. Summer festivals in my region, such as Belladrum Tartan Heart festival, HebCelt, Tunes by the Dunes, Under Canvas by Eden Court, and many others, bring millions of pounds to the area. However, the costs that are associated with running those events are rising. Can the cabinet secretary provide a timetable as to when that money will become available? Will some of the funding support smaller or new events that cannot make multiyear funding applications to Creative Scotland?

**Angus Robertson:** Rhoda Grant makes an extremely important point. Different cultural organisations and events are funded in different ways—some are funded through Creative Scotland, whereas others are funded directly—so we must ensure that we reach the entire cultural and arts landscape in Scotland.

Rhoda Grant makes a very good point, and, as I said earlier, I encourage her and other members who have funding concerns relating to particular regional, local or sectoral areas to ensure that those concerns are sent to me.

We are going through the standard budget procedure, and we are in a positive situation in relation to culture and the arts, because a commitment from the Scottish Government has been secured—yes, I am aware of it, because I made the suggestion. I am keen to ensure that the funding delivers the changes that I am sure we all want to see so that the culture and arts sector can thrive the length and breadth of Scotland, including in the Highlands and Islands.

## Justice and Home Affairs

**The Deputy Presiding Officer:** The next portfolio is justice and home affairs. Again, any member who wishes to request to ask a supplementary question should press their request-to-speak button or enter the letters RTS in the chat function during the relevant question.

### Whole-life Orders

1. **Annie Wells (Glasgow) (Con):** To ask the Scottish Government whether it has any plans to introduce whole-life orders, in light of the United Kingdom Government's announcement that it will expand their use in England and Wales. (S6O-02720)

**The Cabinet Secretary for Justice and Home Affairs (Angela Constance):** The punishment part of a life sentence is the period that must be

served in custody, and High Court judges set that part when imposing a life sentence. Under long-standing law dating back to 2001, judges already have the power to set a punishment part that exceeds the remainder of a prisoner's natural life, which can result in a whole-life sentence. Independent courts can decide when to use their powers, and the Scottish Government supports the courts having those powers.

**Annie Wells:** In recent years, Scotland has seen its share of horrific murders, including the appalling case of Jill Barclay, who was killed in absolutely horrific circumstances. Had that murder been committed down south, it is likely that, under the UK Government's new plans, the perpetrator would have received a whole-life order, so they would never walk free. However, Scotland's judges do not have the power that the UK Government plans to introduce. My question is simple: will the cabinet secretary give judges the power to lock up criminals for good, with no chance of parole, in sadistic and depraved murder cases?

**Angela Constance:** As I hoped I had explained to Annie Wells in my original answer, our judges have the power to, in effect, impose a whole-life order on any person who is convicted of murder—our law allows that to happen. For example, Angus Sinclair received a 37-year punishment part when he was convicted of the World's End murders when he was 69 years old. It is our judges who make such decisions, which is important, and our law enables them to have the fullest range of decision-making powers.

It is also important to acknowledge that the homicide rate in Scotland has reduced, but I appreciate that one life lost to murder is one too many—that is for sure.

### Police Station Closures (Impact on Response Times)

2. **Pam Gosal (West Scotland) (Con):** To ask the Scottish Government what assessment it has made of the impact of police station closures on police response times. (S6O-02721)

**The Cabinet Secretary for Justice and Home Affairs (Angela Constance):** Police Scotland's approach to responding to incidents is clearly working, with recorded crime being at one of the lowest levels since 1974. When assessing how to respond to an incident, Police Scotland always assesses a reported crime under its threat, harm, risk, investigation, vulnerability and engagement—THRIVE—model. That places the needs of the individual at the centre of the police's decisions while ensuring that effective prioritisation is in place.

Police Scotland's estate strategy is working to deliver modern and fit-for-purpose police buildings that are co-located with partners and that meet the needs of 21st-century operational policing.

**Pam Gosal:** Police Scotland has warned that it could be forced to shed 2,000 jobs and close 30 police stations thanks to the Scottish National Party's funding cuts. MSPs on the Criminal Justice Committee were warned that those cuts would impact incident response times. Does the cabinet secretary accept that, if more police stations were to close, response times would inevitably get worse?

**Angela Constance:** No, I do not accept that. I hope that the member does not mind my saying that the correlation that she suggests between static police stations and police response times is simplistic. However, I acknowledge that the location of police stations is important, particularly in some rural areas.

As the member knows, there are a number of ways to report a crime, and it does not always necessitate turning up in person to a police station. In fact, how people report crimes has changed greatly over the decades. On response times, Police Scotland will continue to prioritise emergency incidents and has updated, and will continue to update, its call-handling system.

Police numbers were reported last week in our quarterly statistical update, and they remain stable—

**The Deputy Presiding Officer:** Thank you, cabinet secretary. We need to move on to supplementary questions. Three members have requested to ask questions, and I intend to take all three.

**Kenneth Gibson (Cunninghame North) (SNP):** Can the cabinet secretary advise what resources would be taken from front-line police services if the chief constable had decided not to proceed with the closure of police stations that he has deemed surplus to optimum operational requirements?

**Angela Constance:** First, I should say that the chief constable is a she—I am sure that Mr Gibson will not mind my pointing that out to him.

On the substance of his question, through the modernisation of its estate and the disposing of buildings that are no longer fit for purpose, Police Scotland has secured receipts of around £31 million, which has been reinvested into the police estate and other police initiatives.

**Katy Clark (West Scotland) (Lab):** Can the cabinet secretary outline which 30 police stations Police Scotland is considering for closure? Local authorities, which already have to deal with reduced hours and far fewer police in communities

than in previous decades, still do not know the full list of planned closures. Is that something that the cabinet secretary is able to share with us today?

**Angela Constance:** No, it is not, because it is not a matter for me. That would be entirely inappropriate. It is a matter for the chief constable, and it is one in which I am assured that local commanders are engaged directly with local communities, bearing in mind that, as a result of the reform legislation, local authorities have an active role in approving local priorities for policing.

I am quite sure that the member is aware of Police Scotland's public estate strategy, which was published in 2019. I am also sure that she is aware that the Scottish Police Authority has a role in scrutinising decisions that are made by Police Scotland and that it meets in public.

**Jackie Dunbar (Aberdeen Donside) (SNP):** Can the cabinet secretary outline some of the success that co-location with partners has had in delivering better outcomes for individuals, communities and Police Scotland itself?

**Angela Constance:** I can, indeed. I have often noted in the chamber that a great example of co-location is found in Livingston, in my constituency, where seven partners, including Police Scotland, are located in the West Lothian civic centre. I understand that people can be attached to long-standing buildings, but public services and the nature of policing have changed very much over the past several decades and, indeed, in this century, with a greater focus on partnership working, which co-location and collaboration support.

**The Deputy Presiding Officer:** Question 3 was not lodged.

#### **Domestic Abuse (Domestic Homicide Review Model)**

**4. Gillian Mackay (Central Scotland) (Green):** To ask the Scottish Government what consideration it is giving to its wider approach to tackling domestic abuse, including its work to develop Scotland's first national multi-agency domestic homicide review model. (S6O-02723)

**The Cabinet Secretary for Justice and Home Affairs (Angela Constance):** Tackling incidents of domestic abuse has been, and continues to be, a priority for the Scottish Government. That is a fundamental aspect of our equally safe strategy, which is currently being revised in consultation with partners and front-line organisations.

The Scottish Government-led task force for the development of a multi-agency domestic homicide review model has recently concluded a programme of targeted engagement to seek the views of those with lived experience of domestic

abuse, those who have been bereaved due to abuse, and those who work in the sector on a range of aspects of the model. A report will be published next month.

**Gillian Mackay:** My party has welcomed the introduction of a new pilot scheme to support victims of domestic abuse to escape from abusive situations. Given that nearly a quarter of homelessness presentations among women in Scotland were due to abuse, when will the scheme commence in South Lanarkshire and North Lanarkshire, and how can the fund really make a difference to gender-based inequality?

**Angela Constance:** On 17 October, the Government announced a £500,000 pilot fund to support women and children who are leaving an abusive relationship. The fund will be delivered by Women's Aid groups in five local authority areas, and it will enable women to receive up to £1,000.

Ms Mackay has articulated the financial barriers that can prevent someone from leaving an abusive relationship. The pilot fund is expected to run until 31 March next year, and it should provide support for between 450 and 900 women.

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** Can the cabinet secretary expand on the aims of the domestic homicide review task force and provide an update on its continuing work?

**Angela Constance:** The aim of the work is to ensure that the murders of women and children have a visibility. Although there has been a reduction in the homicide statistics, which are now at a historical low, that is no cause for celebration. We have seen a reduction in violence resulting in the deaths of men, and young men in particular. However, we know that, in 2022-23, 13 women lost their lives due to homicide, and six of those 13 women were killed by a partner or an ex-partner.

The core purpose of that very important work is that we learn from each tragedy and learn how to do more to improve the safety of women and girls. At the end of the day, that is what those who are left behind want us to do.

Someone said that, in learning the lessons of past tragedies,

“we remember the dead but we also fight for the living”.

**Katy Clark (West Scotland) (Lab):** As the cabinet secretary said, in 2022-23, nearly half of all female victims of homicide were killed by a partner or an ex-partner. The Scottish Centre for Crime and Justice Research says that those cases are often not dealt with appropriately. Has the cabinet secretary looked at the research? Does she agree with what it says?

**Angela Constance:** I am aware of that research. For the sake of those who are left

behind and those who have lost their lives, it is important that we routinely and diligently look at each and every tragedy to see what should be learned. I think that we are in agreement that that is the very valuable core purpose of the work that is being undertaken. I will endeavour to keep members informed every step of the way.

### Police Scotland (Discussions)

5. **Liam Kerr (North East Scotland) (Con):** To ask the Scottish Government what discussions it has had with Police Scotland regarding its north-east pilot not to investigate crimes if that is deemed a proportionate response by the service. (S6O-02724)

**The Cabinet Secretary for Justice and Home Affairs (Angela Constance):** Let me be clear: Police Scotland will continue to investigate all reports of crime across all parts of Scotland. In the north-east, when cases are assessed as having no risk or threat and it is clear that there are no proportionate lines of inquiry, callers will be informed that their report has been filed and has received a crime reference number. However, should new information emerge, officers will investigate appropriately. That is how Police Scotland has operated since its establishment.

Police Scotland's operational response is, of course, a matter for the chief constable. However, I was updated on that matter by Deputy Chief Constable Designate Taylor on 14 September.

**Liam Kerr:** As the pilot will likely inform the Government's view of local policing going forward, to slopey-shoulder it as an operational matter does our officers and the victims of crime a disservice. Given anecdotal evidence of victims feeling abandoned, criminals feeling that there is a free-for-all and general public disquiet, is the Scottish Government minded to see the pilot go nationwide? In any event, what measurements and outcomes will determine whether it has been a success?

**Angela Constance:** Let me be clear. Despite how the pilot, which is a matter for Police Scotland, has been narrated, all crime that is reported will be investigated under the pilot, as has always been the case. That was the assurance that I received directly from Police Scotland.

Police Scotland ensures that threat, harm, risk, investigation, vulnerability and engagement are all assessed as part of its THRIVE model. If it is clear that there are no leads and there is no risk in terms of threat, harm and vulnerability, the measures outlined in my original answer will be undertaken. The only difference between what currently happens and what is being trialled in the

pilot is a quicker decision in relation to a proportionate line of inquiry.

To answer Mr Kerr's question more directly, I assure him that the Government's focus will remain on keeping our communities safe from harm and ensuring that our police officers throughout this country have the appropriate support—

**The Deputy Presiding Officer:** Thank you, cabinet secretary.

**Angela Constance:** —to make appropriate operational decisions.

**The Deputy Presiding Officer:** I call Audrey Nicoll to ask a supplementary question.

**Audrey Nicoll (Aberdeen South and North Kincardine) (SNP):** Although I appreciate that decisions such as on the pilot project in the north-east are for the chief constable, how does the Scottish Government continue to support Police Scotland to ensure that local priorities are met and relationships with local communities, which the cabinet secretary alluded to a short time ago, are maintained?

**The Deputy Presiding Officer:** Cabinet secretary, please focus on the pilot.

**Angela Constance:** Yes, Deputy Presiding Officer.

Communities will remain at the heart of policing. The Scottish Government has highlighted the importance of community relationships in the updated strategic police priorities that were published earlier this year. The Police and Fire Reform (Scotland) Act 2012 ensures that councils have to approve policing plans and the key priorities for their areas. Of course, they work alongside Police Scotland's local commanders.

**The Deputy Presiding Officer:** Question 6 has been withdrawn.

### **Consumer Complaints (Legal Services Regulation Reform)**

**7. Michelle Thomson (Falkirk East) (SNP):** To ask the Scottish Government what its position is on whether the plans for legal services regulation reform will meet the original objectives of the Robertson review regarding consumer complaints. (S6O-02726)

**The Minister for Victims and Community Safety (Siobhian Brown):** The Regulation of Legal Services (Scotland) Bill is designed to deliver the objectives of the Robertson review to provide a modern regulatory framework that will promote competition and innovation alongside the public and consumer interest in an efficient independent legal sector. The bill seeks to balance

and deliver the key priorities of all stakeholders by improving the transparency and accountability of legal services regulation and the legal complaints system and increasing the transparency and accountability of legal regulation. The bill embeds consumer principles into the regulatory framework and introduces a more flexible and responsive approach to complaints while expanding independent oversight of complaint handling.

**Michelle Thomson:** I thank the minister for that response, but it is not just the Robertson review that concluded that the optimum regulatory model must be independent of regulatory bodies. The Competition and Markets Authority, Consumer Scotland and leading lawyers such as Brian Inkster and others also hold that view and have made that clear in evidence.

There is a clear and fundamental conflict of interest in having consumer complaints processed by bodies that exist to protect the interests of their profession. The better regulation principles would suggest that the model that is being proposed, although with some revisions, simply cannot square off that conflict of interest. The proposed new processes still have the same complexities and are extraordinarily difficult to navigate as a consumer.

**The Deputy Presiding Officer:** I need a question, please, Ms Thomson.

**Michelle Thomson:** Will the minister look again at how we best service consumer complaints about lawyers in line with the better regulation recommendations—

**The Deputy Presiding Officer:** Thank you, Ms Thomson. I think that the minister has probably got the gist.

**Siobhian Brown:** The Law Society of Scotland will be required to exercise regulatory functions, including complaint handling, independently of its other functions. It will be required to delegate regulatory functions to an independent regulatory committee comprised of a minimum of 50 per cent lay members and a lay chair.

The Scottish Legal Complaints Commission will retain oversight of complaint handling and continue to have a role in monitoring trends in legal complaints. In addition, the commission will have a role in setting minimum standards as to how legal practitioners and legal regulators handle complaints, thereby providing independent oversight.

I have been watching the evidence sessions of the Delegated Powers and Law Reform Committee and the Equalities, Human Rights and Civil Justice Committee very closely, and I am happy to discuss the matter further with the member.

**Sharon Dowe (South Scotland) (Con):** One of my constituents recently faced difficulties with the complex appeals process of the Scottish Legal Complaints Commission. That is why I welcome the review's recommendation that a simple process of appeals be developed. Why, then, is the Scottish Government removing the ability to appeal decisions altogether and turning its back on complainers?

**Siobhian Brown:** We are at stage 1 of the Regulation of Legal Services (Scotland) Bill, and I will listen to the committee's views.

**Pauline McNeill (Glasgow) (Lab):** McClure Solicitors, which was founded in Greenock in 1853 and has tens of thousands of clients across Britain, specialising in wills and trusts, went into liquidation recently. The Law Society of Scotland is monitoring it. Another firm, Jones Whyte, took on the files, but it is reportedly charging the victims of McClure's collapse £300 plus VAT. Is the Scottish Government reading about the case and learning any lessons? Will the cabinet secretary assure me that she is having discussions with the legal profession to ensure that ordinary Scots are protected from such situations?

**Siobhian Brown:** As minister, I cannot comment on specific on-going legal situations, but I encourage anybody who has a complaint to go to the Law Society of Scotland to make an official complaint. We are learning lessons. At stage 2 of the Trusts and Succession (Scotland) Bill at the Delegated Powers and Law Reform Committee yesterday, I highlighted to the committee an amendment that would help to ensure that a situation like that of McClure does not happen again. In addition, legislation for the regulation of legal services is moving forward to prevent that from happening again.

## Prostitution

8. **Kate Forbes (Skye, Lochaber and Badenoch) (SNP):** To ask the Scottish Government whether it will provide an update on its commitment to develop a model for Scotland to challenge men's demand for prostitution. (S6O-02727)

**The Minister for Victims and Community Safety (Siobhian Brown):** The Scottish Government continues to develop a framework that effectively tackles and challenges men's demand for prostitution, and to support those with experience of it. The framework will be published in the new year and our focus will be to implement it with support from a new stakeholder group.

The principles for the framework were published last year, and they will embed equality, human rights and safety at the heart of the new framework. The principles have also been adopted

across Scottish Government to inform relevant policy and practice, in turn supporting Scotland's collective approach to tackling commercial sexual exploitation.

**Kate Forbes:** Later this month, we will note 16 days of activism against gender-based violence. The Scottish Government has accepted that prostitution is violence against women. Will the minister advise when the Scottish Government will introduce legislation to criminalise men who exploit women in this way?

**Siobhian Brown:** Prostitution cannot be considered in isolation, and there are many factors that must be considered in that work, of which criminal law is only one. It should be remembered that the law already prohibits many activities associated with prostitution, including trading in prostitution of others, the running of a brothel, procuring for the purposes of prostitution, as well as publicly soliciting or loitering for the purpose of purchasing sex. That is why we are focusing on the development and delivery of the framework to enable women to sustainably exit from prostitution, which will inform any future legislative considerations.

**The Deputy Presiding Officer:** That concludes portfolio question time on justice and home affairs. There will be a short pause before we move on to the next item of business to allow those who wish to change position to do so.

## Scottish Ministerial Code (First Minister and Deputy First Minister)

**The Deputy Presiding Officer (Liam McArthur):** The next item of business is a debate on motion S6M-011247, in the name of Douglas Ross, on an independent investigation into the First Minister and Deputy First Minister.

I invite members who wish to participate to press their request-to-speak buttons now or as soon as possible.

14:45

**Douglas Ross (Highlands and Islands) (Con):** Truth is at the heart of the debate that we are having today, as are the efforts to get crucial answers for bereaved families who are looking to the Covid inquiries for informed responses, having considered all the information.

All of us here have a collective responsibility to stand up for the integrity of our Parliament. If the value of what is said in this chamber is put into question or—worse—found to be untrue, that diminishes our exchanges and makes our national debate poorer. What is said here does—and must—matter. Although we will and should always debate their content, the validity of our speeches and statements should be beyond question. We owe it to our constituents, who expect their representatives to conduct themselves with honesty. If the public cannot trust parliamentarians, that reflects badly not only on one individual party, but on us all.

That is why the question before us should be above the usual partisan considerations. This is not a battle of ideas or a debate on how we best govern our country; it is a simple consideration of the facts and the evidence—of what was said, and whether there was a deliberate attempt to mislead.

The ministerial code that was signed off by Humza Yousaf is clear. It states:

“It is of paramount importance that Ministers give accurate and truthful information to the Parliament”.

On penalties, it says:

“Ministers who knowingly mislead the Parliament will be expected to offer their resignation”.

What should happen next if the ministerial code has been breached is not in question—it is already there in print. The motion that the Scottish Conservatives have lodged does not even make a final judgment on whether the chamber was misled by the First Minister and the Deputy First Minister, although I will certainly put forward the case for that later in my speech. All it calls for is an

independent investigation into whether there has been a rule breach and why.

There should not be a single member in the chamber who cannot support the motion. I confirm that we will accept the Labour amendment, but of course we will have to reject the amendment proposed by the Scottish National Party. I think that people watching this meeting will find it incredible that the party of Government will not even allow an independent assessment of what the First Minister and Deputy First Minister told the Parliament. If the Government believes that there has been no breach of the code, why would it not allow an investigation to go ahead to confirm its side of events? I suspect that that is because it already knows what the findings would be, and they would not be favourable to Humza Yousaf or Shona Robison.

If the Government is unwilling to allow that investigation, I will set out the facts and allow members and the public to draw their own conclusions.

**Martin Whitfield (South Scotland) (Lab):** Does Douglas Ross agree that one of the Nolan principles is accountability, according to which public office holders should

“submit themselves to the scrutiny that is necessary to ensure this”?

**Douglas Ross:** I absolutely agree with the member, who chairs the Standards, Procedures and Public Appointments Committee in Parliament. Let us not forget that previous SNP Government ministers, including previous SNP First Ministers, have referred themselves to the independent adviser. I have to question why the current First Minister and Deputy First Minister are unwilling to do so.

In November last year, the United Kingdom Covid inquiry wrote to the SNP Government to ask:

“To what extent was there informal or private communication about significant decision-making? For example, were there WhatsApp groups (or other forms of group chats) which key decision-makers used”?

Then, in February this year, it asked for

“any communications relating to key decisions, including internal and external emails, text messages or WhatsApp messages (on Scottish Government and private or personal devices)”.

I will give way to any SNP member who can argue that that does not constitute a request for the messages—I will give way to any of them—but I see none. No SNP member is able to stand up in this Parliament and defend their Government’s argument that it had not been asked for the messages. That is because it was not a request for a summary or a minute of the decisions that were made but a request for the actual messages.

The silence from the SNP members suggests that they know it.

Let us be clear: that request was made not only once in February, but again in March, July, August, September and October. Again, we are in a debate, so I will give way to any SNP representative who, having heard about all those requests, can claim that there was no requirement for the Government to hand over messages. I say that not just to SNP back benchers—I will give way to the Deputy First Minister if she would like to defend her case that that was not a request for messages. Again, I see nothing—not a single member is willing to do so.

We know that on each of those occasions, bar the last one, the messages were withheld. Jamie Dawson KC, the counsel to the inquiry, said this three weeks ago:

“The Scottish Government has provided the inquiry with no WhatsApp or other informal messaging material, either in its own possession or in the possession of”

individuals.

We have a situation where nine months ago, the Scottish Government was asked for WhatsApp messages to be provided to the inquiry, but they were handed over only last week. On 31 October, though, the Deputy First Minister said:

“In June this year, the inquiry came back to ask for groups of WhatsApp messages—the titles of those groups and who the members of the groups were—and then in September the inquiry asked for the individual messages”,

refusing to mention the fact that the inquiry had made similar requests in February, March, July and August. Shona Robison also went further. In response to my questions in the chamber on 31 October, she said:

“it is not correct to say that it has been a year since that request was made; it has been just over a month.”—[*Official Report*, 31 October 2023; c 66.]

That is not the truth. The evidence that was supplied by the Deputy First Minister in the Scottish Government-initiated question on 8 November contradicts that. Let us not forget that that evidence was supplied only by the SNP Government, because it was forced to do so by the UK Covid inquiry. The Scottish Government was all too happy to spin a different tale on timings until the inquiry called it out.

The First Minister was even more definitive in his framing of the requests. On 2 November, he said

“It is crucial to say that, when the UK Government inquiry asked us in June for details of the various WhatsApp groups concerning Covid 19, it did not request the messages themselves. The messages were asked for in September, just a matter of weeks ago.”—[*Official Report*, 2 November 2023; c 17.]

Again, that is not true—that is a false statement from the First Minister to this Parliament. Details of the WhatsApp groups were asked for a year ago—not five months ago, as Humza Yousaf claimed—and it was for nine months, not a matter of weeks, that the SNP Government left request after request for those messages outstanding. When I raised that with the First Minister last week, he said that the Government had interpreted the requests “too narrowly”. Too narrowly? It did not consider the requests at all. It ignored them time after time.

Two weeks ago, not a single WhatsApp message had been transferred from the Scottish Government to the Covid inquiry. The Scottish Parliament has been told contradictory stories about key messages that the Scottish National Party Government should have provided to the UK Covid inquiry and when that crucial information was requested.

Humza Yousaf and Shona Robison should be ashamed of their blatant attempt to deceive grieving families who lost loved ones during the Covid pandemic. They chose spin and secrecy over transparency and truth. How can we draw any other conclusion than that they have not been honest, have misled Parliament and have broken the ministerial code?

**Daniel Johnson (Edinburgh Southern) (Lab):**

Would Douglas Ross agree that, because what is at stake here is the context of key decisions that were made in Government at a time of crisis, the failure to understand that context will mean that we cannot learn the lessons that we so badly need to learn for future crises?

**The Deputy Presiding Officer:** Douglas Ross, I can give you the time back.

**Douglas Ross:** I absolutely agree with Daniel Johnson, and I will say this, repeatedly: it is not up to the Scottish Government and SNP ministers to say what is relevant or not for the Covid inquiry. We need to get full answers and full transparency, so they have to hand over absolutely everything.

Let us be clear: the most senior SNP members are still dodging scrutiny by refusing to launch an independent investigation, as per their amendment today. On 26 October, the First Minister promised me in the chamber that the Government would “fully investigate” why those messages had not been transferred, and that the Solicitor General had been tasked to lead that investigation. However, that is the last that Parliament has heard of it.

In the interests of transparency and openness, will the Deputy First Minister update us today on the status of that investigation and on the one launched by the permanent secretary? If not, I expect that many will assume that that is because

it would again reinforce that the First Minister and the Deputy First Minister have not told the truth; that the request for meetings dates from February rather than from September, as they claim; and that, as a result, both Humza Yousaf and Shona Robison have deliberately misled this Parliament.

**The Deputy Presiding Officer:** Mr Ross, I think that you are well aware of standing orders in relation to accusations that members have deliberately misled this Parliament. I give a warning that we should be steering clear of that, and I say that not just in relation to you but to the chamber as a whole, through the context of this debate.

**Douglas Ross:** I am grateful, Deputy Presiding Officer, and I will be careful.

However, I believe that this was deliberate, because those statements were not a simple slip of the tongue. They were the product of a concerted effort to confuse and muddle the timeline to make it seem as though the SNP Government was not dragging its heels in getting evidence to the inquiry.

As I have shown, the facts are clear. There can be no doubt that the ministerial code was broken and that the information given by Humza Yousaf and Shona Robison on the timing and scope of requests from the UK Covid inquiry was false.

However, there is a due process that can be followed, and I urge Parliament to vote for our motion to launch an independent investigation. If the Government does not believe that there has been a breach of the code, why would it not want that to be investigated? The UK Covid inquiry exists to give bereaved families the answers that they deserve on the motivations for the decisions taken during the pandemic. They should be given all of the information that they need to find those answers—they should not have to call out the two most senior SNP members to do so.

If members in this Parliament do not stand up for honesty in this chamber, this Government will always feel able to keep us and our constituents in the dark. It is past time that members of all parties stood up for the truth in the Parliament in which they serve.

I move,

That the Parliament agrees that the First Minister and Deputy First Minister should refer themselves to the independent adviser on the Scottish Ministerial Code for a potential breach of paragraph 1.3(c) of that code, which requires ministers to give “accurate and truthful information to the Parliament”, on account of their statements misleading the Parliament on 31 October 2023 and 2 November 2023, relating to the date of requests for information from the UK COVID-19 Inquiry.

14:58

**The Deputy First Minister and Cabinet Secretary for Finance (Shona Robison):** I hope to set out today why I reject not only the motion but its premise. I start by repeating the First Minister’s acknowledgement last week that, in hindsight, we recognise that the Scottish Government interpreted the earlier requests for messages from the UK inquiry in a way that was too narrow. As the First Minister did last week, I offer my unreserved apology to families who have been bereaved by Covid for any distress that our actions, as a result of that interpretation, have caused them.

**Alex Cole-Hamilton (Edinburgh Western) (LD):** I keep hearing the Government use the excuse that it interpreted the requirements of the UK Covid inquiry too narrowly. I do not understand that. Many of us served in the Parliament at the time of the Covid emergency. We all knew that the inquiry was coming, and the Government consistently insisted that it would fall over itself to provide messages and evidence to the inquiry, yet this is the interpretation that we have.

**Shona Robison:** Let me go into some of the detail on that in response to Alex Cole-Hamilton. In my statement of 31 October, and in answers to questions, I acknowledged that there had been initial requests for messages from the UK inquiry. The Scottish Government’s interpretation of requests from the inquiry at the time was that they related in the main to decision making.

As we have already set out, the Scottish Government did not, and does not, routinely make decisions via messaging services such as WhatsApp. Subsequently, and in line with the inquiry’s request, we have provided a far wider scope of almost 28,000 messages to the inquiry, to go along with the thousands of documents that had already been shared. We are committed to full co-operation with the Scottish and UK inquiries, and the reason for that is simple. As others have said, learning lessons from the pandemic is vital to prepare for the future.

**Daniel Johnson:** I struggle to understand why the Government misinterpreted the request and interpreted it so narrowly. The point of an inquiry is surely to understand why decisions were made, so the context of decisions is critical. Therefore, those messages were of course relevant to the inquiry, so why did the Government make that decision? Why did it interpret the request too narrowly?

**Shona Robison:** The focus was on decision making and providing the record of decision making. The subsequent request from the inquiry was for the broader range of context that Daniel Johnson refers to. That is what I set out in my statement with regard to the various stages,

including the request for information on the WhatsApp groups and the messages in those groups. That is why the timeline that was put in through the Government-initiated question was important to set all that out in detail.

I will not stand here and say that lessons do not need to be learned from all the handling of these matters, from the response to the initial inquiries to any other issues, because the last thing that I or the Scottish Government want is to upset any of the bereaved families. That is absolutely not the intention, and I would regret that being the case.

**Douglas Ross:** Can Shona Robison confirm when she, as a current member of the Government and a member of the previous Government, was made aware of the request in February for the full messages? When was she personally made aware of that request?

**Shona Robison:** When I was making the preparations for the statement, the advice to me was very clear that the Scottish Government's interpretation of those early requests was for information on decision making, and my statement was made on that basis. What the First Minister and I have said since then is an acknowledgement that, looking back at those requests, we can see that the inquiry has a point, which is why the GIQ put the information of the full timeline—all the information that was asked for—into the public domain.

I turn to the legal advice, because the Labour amendment to the motion makes reference to the legal advice that was provided to the Scottish Government during the pandemic. The Scottish ministerial code explicitly states that Scottish ministers

“may acknowledge publicly that they have received legal advice on a particular topic, but must not divulge either who provided the advice or its contents (whether it is from the Law Officers or from anyone else).”

That is a long-standing convention of respecting the legal professional privilege of legal advice provided to the Government, which is a privilege that I understand that Governments elsewhere in these islands also follow. The code also sets out that

“Where, in exceptional circumstances, Ministers come to the view that the balance of public interest lies in disclosing either the source or the contents of legal advice on a particular matter, the Law Officers must then be consulted and their prior consent obtained before any disclosure takes place. Such consent will only be granted where there are compelling reasons for disclosure in the particular circumstances.”

It is the view of ministers that disclosure to the inquiries fits with a commitment towards transparency. As a result, Scottish Government officials have sought an agreement with the inquiries, giving them full access to unredacted

material that is legally privileged. We will seek to ensure that the inquiries are able to disclose that material if they consider it necessary to do so, subject to any overriding contrary public interest. Our overall commitment will be to full transparency. *[Interruption.]*

The First Minister has set out to members—

**Meghan Gallacher (Central Scotland) (Con):** Will the member give way?

**Shona Robison:** Briefly.

**Meghan Gallacher:** How can the Government be fully transparent if WhatsApp messages were manually deleted by key players during the Covid-19 inquiry?

**The Deputy Presiding Officer:** I can give you the time back, Deputy First Minister.

**Shona Robison:** I dealt in my statement, at length, with the record management policy of the Government, which is that decision making, whether on WhatsApp or anything else, should be transcribed to the official record. That is set out very clearly in the record management policy and remains the same.

I was talking about the legal advice, and I want to conclude the point. As I said earlier, it is the view of ministers that disclosure to the inquiries fits with a commitment towards transparency. I hope that that will be welcomed.

The First Minister has already set out to members that a decision by Scottish Government officials to seek redactions would only be in exceptional circumstances where they had a legal responsibility to do so. I stress that they would also be required to advise the inquiries of their reasons for doing so.

I confirm to members that we are close to an agreement with the Scottish inquiry and that we are in on-going discussions with the UK inquiry.

**Martin Whitfield:** Will the member give way on that point?

**Shona Robison:** I do not have time. I am sorry; I need to make progress.

Further to my previous statement, and in line with a request from the UK inquiry, I provided the Parliament—as I said earlier—with an extensive timeline of the requests from the inquiry through a Government-initiated question answer last week. The GIQ answer provides a full timeline of the requests to the Scottish Government and how we have complied with the requests.

The Scottish Government has worked, and will continue to work, to provide the UK Covid inquiry with the material that it requests. In total, more

than 19,000 documents have been provided to the UK inquiry.

**Oliver Mundell (Dumfriesshire) (Con):** Will the member take an intervention on that point?

**Shona Robison:** I do not have time.

In relation to messages that have been collated by the Scottish Government, we sought and received from the UK inquiry a section 21 notice to ensure that we could process lawfully personal information that is contained in the messages. With that legal basis in place, we have transferred to the inquiry more than 14,000 group messages and a further 14,000 messages that were sent between individuals. That takes the total number of messages that have been shared with the inquiry to almost 28,000. I should clarify that I have not seen the messages that have been transferred to the inquiry, but I am advised that they include messages from current and former ministers and civil servants.

There will, of course, be material and messages that will have been provided by individual witnesses who have received rule 9 requests. However, to be clear, ministers do not have access to the responses of individuals. Those are, rightly, matters between those individuals and the inquiry.

With your indulgence, Deputy Presiding Officer, I have a few comments to make on record retention.

**The Deputy Presiding Officer:** I can give you a bit more time, Deputy First Minister.

**Shona Robison:** Thank you.

I want to highlight the information that I provided in my 31 October statement to the chamber regarding the handling and retention of records, including, but not limited to, informal communications by the Scottish Government.

The Scottish Government's duty to create and retain records has remained consistent throughout the period that the inquiries are looking at, and we have complied with that duty. The Scottish Government actively submits to records management review processes with the keeper of the records to ensure that our approach is compliant with the law.

A detailed record and evidence of key decisions that were taken during the pandemic have been maintained by the Scottish Government. Our policies fully comply with our legislative obligations under the Public Records (Scotland) Act 2011 and other legal obligations, which is why we have had such a volume of material to share with the inquiry.

The Scottish Government's records management policy makes plain that there must

be transcription and storing of salient information from informal communications, such as evidence of decision making, to the centralised record system. The records management policy continues to apply to all records. The guidance has always been clear that, regardless of the platform or of new and emerging technologies, information that is relevant to the corporate record must be saved. Those practices for good records management are ones that we will continue to promote at every level within Government. They are kept under review to ensure that they remain fit for purpose.

Since the introduction of those policies, the Government has been asked to ensure the retention of any and all material that might have relevance to the work of the inquiries. The permanent secretary and the First Minister have been clear within the Scottish Government that those requests must be adhered to.

**Jackie Baillie (Dumbarton) (Lab):** Will the Deputy First Minister take a brief intervention on that point?

**The Deputy Presiding Officer:** The Deputy First Minister is just concluding.

**Shona Robison:** I am sure that the Minister for Parliamentary Business will be able to address Ms Baillie's point in his closing speech.

I underline our commitment to do all that we can to ensure that the important work of both inquiries can proceed at pace. That is in all our interests, and we owe nothing less not only to the people who lost their lives or their loved ones in the pandemic but to all those who have been affected, including many public sector workers who pulled together during that difficult time and whose work made it possible for our society to return to the normality that we all enjoy.

I move amendment S6M-11247.2, to leave out from "refer themselves" to end and insert:

"continue to ensure that the Scottish Government responds fully to requests for information from the UK COVID-19 Inquiry and from the Scottish COVID-19 Inquiry; recognises that information has been provided to the Parliament in the contributions from the Deputy First Minister and First Minister on 31 October 2023 and 2 November 2023, and through written answers; notes that the Scottish Government has taken action to transfer messages to the UK COVID-19 Inquiry in compliance with its requests, and further notes that the Scottish Government has offered an apology to families that have lost loved ones to, or been impacted by, COVID-19 for any distress that has been caused."

**The Deputy Presiding Officer:** I remind anyone who has not yet pressed their request-to-speak button but intends to speak in the debate to do so as soon as possible.

15:10

**Anas Sarwar (Glasgow) (Lab):** It is important that we start by acknowledging why the issue matters so much. It is not just because it speaks to an SNP Government that has lost control, and nor is it just because the story is another example of the secrecy and cover-up that have tainted the SNP's approach to many of the scandals that are rocking the Government, from ferries to public safety and the state of our NHS. It is both of those things but, most important, it is about the SNP Government being held accountable for its decisions and conduct during the most tragic event in living memory.

During the worst of the Covid-19 pandemic in Scotland, thousands of our fellow citizens died. Young people's education was disrupted at levels that we had never seen before and with consequences that we still do not fully understand.

Untested and Covid-positive patients were sent into care homes with devastating consequences. People were shut away from seeing friends and family. People fell sick and were left to die alone. Their families mourned alone. That is why every ministerial decision and the conversation that informed it weigh so heavily not just on the politicians who made it but on the homes of every single family across Scotland. That is why the issue matters.

Across Scotland, people deserve the truth about how those life and death decisions were made. That is about not only learning the lessons for the future but delivering clarity and, I hope, some closure for many people who are living with heartache across our country. The least that Scots could have expected was that their Government would make getting the truth as easy as possible. However, that has clearly not been the case and it is not the strategy that the SNP Government has adopted.

Despite claims from Humza Yousaf as far back as May that the Scottish Government should be, in his words, "absolutely open and transparent", we have seen attempts to withhold vital evidence from the inquiry, all while changing the excuse every time the story fell apart. In June, I asked directly:

"Will the First Minister confirm that all ministers and officials, past and present, have complied with the do not destroy instruction? Will he give a guarantee that all requested emails, texts and WhatsApp messages will be handed over in full to the inquiry?"

He gave a direct and simple answer. He said:

"Yes, they will."

There was no equivocation, there were no caveats and there was no grey area. He went on to say:

"to ensure that there is simply no doubt whatsoever, any material that is asked for—WhatsApp messages, emails, Signal messages, Telegram messages or whatever—will

absolutely be handed over to the Covid inquiries and handed over to them in full."—[*Official Report*, 29 June 2023; c 15.]

Those were his words. His response was either hubris, naivety, incompetence or all three. Regardless, it is clear that it must be referred for an investigation into misleading the Parliament.

**Douglas Lumsden (North East Scotland) (Con):** From what Anas Sarwar has explained, the matter is serious. Does he agree that it would be more relevant for the First Minister to be in the chamber to listen to the arguments that are being made?

**Anas Sarwar:** Yes. In ideal circumstances, I think that the First Minister should be here. I can only hope that he listens to this debate or at least reads the transcript of it. I know from the past two weeks that he certainly had not read the transcript of the Covid inquiry, but perhaps he will take the time to read the transcript of this debate.

In June, the First Minister told the Parliament that the Government had

"a long-standing policy on retention ... including email and social media messages."—[*Official Report*, 29 June 2023; c 16.]

Then it transpired that Nicola Sturgeon and Jason Leitch had deleted the WhatsApp messages. The First Minister changed his story and told the media that the Government had

"a social media messaging policy which actually required us to routinely delete WhatsApp messages."

The Deputy First Minister told Parliament that 14,000 WhatsApp messages would be handed over to the inquiry, and then suddenly the First Minister, having told the inquiry that he did not have WhatsApp messages, miraculously found an old phone with his messages from the time and said that he would hand them over to the inquiry. What I do not understand is whether he misled the inquiry and is now clarifying or whether he broke the guidance that he said the Government had, which required the deletion of WhatsApp messages. Was he breaking his own policy? There is an utter loss of control and utter confusion.

**Shona Robison:** Will the member give way?

**Anas Sarwar:** I will give way. I hope that we get some clarity from the Deputy First Minister.

**Shona Robison:** I have been very clear in my statement and in what I have said today. The requirement around messages, whether they are in WhatsApp or anything else, is to transcribe any decision making into the corporate record. Surely Anas Sarwar understands that no organisation can keep every single message about every single thing. Doing so would not comply with the law. The requirement is for messages that contain

important, salient information to be transcribed to the corporate record, but they should not be retained forever, because that would be a breach of the legal obligations of the organisation.

**The Deputy Presiding Officer:** I can give you the time back for the intervention, Mr Sarwar.

**Anas Sarwar:** That is an even more confusing answer. What the Deputy First Minister is saying is that the First Minister has breached the Government's guidance. He is saying that he has kept all his messages and will hand them over, but somehow the guidance is that messages have to be deleted. It is complete and utter chaos.

To put the matter in context, I note that the Government supplied 14,000 messages, but Matt Hancock alone—one person, as opposed to 70 officials and ministers—handed over 100,000 messages to the Covid inquiry. That compares with 14,000 messages—

**Shona Robison:** Will the member give way on that point?

**Anas Sarwar:** I am aware of the time, Deputy Presiding Officer, but I will take the intervention if I will get the time back.

**The Deputy Presiding Officer:** I can give you the time back.

**Shona Robison:** Just to be clear again, today, I have updated Parliament that there are 28,000 messages that have been transferred to the inquiry, but, in addition to that, there will be the individual responses to the inquiry. I have not seen them, but, no doubt, they will contain WhatsApp messages and other elements of material as well. *[Interruption.]*

**The Deputy Presiding Officer:** Let us listen to members when they are speaking.

**Anas Sarwar:** I am sure that the Deputy First Minister's brain fog will have sounded like clarity to her, but it does not sound like clarity to anyone who is watching.

What remains unclear is when the First Minister told the inquiry that he did not have messages. Was it before or after having committed, in June, to supplying all the messages in full? Perhaps time will tell on that.

However, that is not all. Three weeks ago, counsel to the UK inquiry stated that it had asked the Scottish Government for copies of informal messages such as WhatsApps in February. On 31 October, the Deputy First Minister told Parliament that the UK inquiry first asked for messages in September, and the First Minister repeated that claim on 2 November. He said:

"The messages were asked for in September, just a matter of weeks ago."—*[Official Report, 2 November 2023; c 17.]*

Both the First Minister and the Deputy First Minister directly contradicted the counsel to the inquiry's statement on 26 October. It was only after being forced by the UK inquiry that the Deputy First Minister sought to correct the record.

If that was the extent of the falsehoods, it would still be an open and shut case, in my view, in terms of that investigation on misleading Parliament. However, the reality is that it goes further. The true scale of the cover-up that many fear is taking place is still unclear, because this SNP Government has repeatedly refused to answer even some of the most basic questions. The inquiry has made it clear that there is no issue of confidentiality with some of the basic questions and answers. That is just another false excuse from this Government.

The First Minister has still failed to tell Parliament how many of the 70 ministers and officials have failed to comply with the "Do not destroy" notice and how many have deleted messages. There is still no answer on that. Why did the Scottish Government hand over redacted legal advice to the inquiry when it provided legal advice in full to other judicial inquiries in the past? Still no answer. We have now had a clarification that unredacted legal advice will be supplied, but the question remains: why did the UK Covid inquiry have to fight with the Government to get legal advice that it is entitled to? Why did the Government have to be shamed in the Parliament before it did what it has done for every single judicial inquiry in the past?

It has also been reported that SNP ministers and special advisers use SNP and private e-mail accounts to communicate. I ask again: how many e-mails from SNP accounts have been handed to the inquiry? If it is none, why is that?

The counsel to the UK inquiry has said that, if the information that the Government has now provided is insufficient, the inquiry will want to know why—but so, too, will this Parliament. The First Minister has lost control of his Government and, in my view, he requires to be referred for an investigation into misleading the Parliament and trying to cover that up. We were promised full transparency and co-operation with the inquiry, but the Government has failed. As much as the Government tries to hide and hope that it all just goes away, for the sake of the families, it must and will be held to account.

I move amendment S6M-11247.1, to insert at end:

“; considers that there should be binding sanctions for ministers who breach the Scottish Ministerial Code, and

calls on the Scottish Government to provide a date by which the requested legal advice will be made available, unredacted, to the UK COVID-19 Inquiry, and to set out to the Scottish Parliament how many emails from personal and party email addresses have been shared with the UK COVID-19 Inquiry as part of its response to the Inquiry's request for evidence."

15:21

**Alex Cole-Hamilton (Edinburgh Western) (LD):** I am grateful to the Conservative Party for making time for this important debate.

Transparency matters, in the boardrooms of the private sector and in the corridors of the Scottish Government. William Douglas reminds us that

"Sunlight is the best disinfectant."

He is not wrong. Without it, rot sets in—but there is very little sunlight in the Scottish Government right now. Thousands of grieving families are looking to the inquiries for answers. The UK Government WhatsApp messages that have been released so far show minute by minute what was really going on behind the scenes in London, and how decisions were made. The messages show that the discussions behind an order were often as important as the order itself.

The fact that the UK Covid inquiry had to instruct Scottish ministers to return to Parliament and set the record straight speaks to their having, at best, a casual attitude towards the work of the inquiry and, at worst, their attempting to undermine it.

Whichever analysis is correct, the Scottish Government has been deliberately slow-walking its co-operation with Baroness Hallett and her commission. The inquiry's requests were in black and white and could not have been clearer. The Government said that it had interpreted the requests too narrowly. As I said in my intervention on the Deputy First Minister, that defence suggests a minimal and grudging approach to co-operation, instead of an approach that is as open as possible.

It was only when the pressure from the inquiry and the media became too great that the Scottish Government was finally embarrassed into playing ball. I really hope that that does not delay the evidence and findings of the inquiry or, worse still, act as a barrier to the answers to which the families are entitled.

I am grateful to Anas Sarwar for the Labour amendment, which gives us an opportunity to debate the functionality and application of the ministerial code. Should it just be for Humza Yousaf and his ministers to refer themselves to the independent adviser, or should there be provisions, as with the Commissioner for Ethical Standards in Public Life in Scotland, whereby any

third party that presents a threshold of sufficient evidence can trigger an investigation?

We will hear a lot from members of the Government parties today about the volume of messages that have finally been passed on by the Government to the inquiry, but drowning the inquiry in 28,000 messages, unredacted though they might be, will not make up for what is not there. It has been reported that the messages that the Scottish Government has handed over are mainly from group chats that feature three or more ministers and civil servants, and that they do not include one-to-one exchanges between members of the Government. Reports also suggest that the former First Minister and senior Government officials were routinely excising their message feeds.

We can argue about what the SNP was asked for and when, but for me, that is the nub of the matter. Secrecy, selective memory and a failure to record or retain the records of the most important meetings are nothing new to the SNP or, in particular, the former First Minister.

Looking back, we see that those were unprecedented times when we all laid party politics aside. More trust existed then between opposing front benches than ever before or since. Nicola Sturgeon said that her Government would make mistakes, and we all accepted that, in the knowledge and understanding that we were in uncharted waters.

**Daniel Johnson:** I am very grateful to the member for giving way. Does he agree that some of the evidence that we have heard from the UK Covid inquiry about UK Government decisions has revealed that the culture and the way in which the organisation made decisions were as important as the substance of the decisions? Do we not have the same interest in having that same information about the Scottish Government?

**Alex Cole-Hamilton:** I am grateful for Daniel Johnson's intervention, which cuts to the heart of the issue. The background chatter behind the decisions that were taken and the culture that they reveal are as important as the decisions themselves.

We all agreed that the Government would make mistakes, but if those decisions were backed by science they would stand up to scrutiny by the inquiry that we all knew was certain to follow the pandemic. If Nicola Sturgeon has deleted key messages that informed her response—messages that might show how she weighed science against politics—in consideration of those decisions, she, too, undermines the work of the inquiry.

A particular tragedy of Scotland's pandemic story lies in the decision that was taken in April 2020 to move untested and Covid-positive patients

from our hospitals to our nation's care homes. However, we will forever be denied a comprehensive understanding of the discussion that led to that, because we will never have all the messages.

There has long been a belief that the former First Minister would deliberately breach the trust of collective four-nations decision making in order to dash out announcements before anyone else to look as if she was leading the field. There is also a belief that she took decisions based solely on a desire to be different from Boris Johnson. She will never be able to dismiss those suggestions fully, because we will never have all the messages.

Lives and livelihoods hinged on those decisions, yet the people at the heart of them—Nicola Sturgeon and her advisers—were erasing the discussions that underpinned such decisions. The grieving families and those who have been failed may be forever denied the full story behind the calls that she made. What about the gall of that, and the bare-faced mendacity of stating repeatedly in the chamber—from the floor on which we stand—that Nicola Sturgeon and her advisers would open themselves up to the full scrutiny of an inquiry that we all knew was sure to follow the pandemic, and then, it seems, to go home at night and systematically delete the very evidence that those messages could offer? That reality could yet prove to be one of the biggest scandals in the history of the Parliament.

“Sunlight is the best disinfectant”,

but the governing party is afraid of the light, it is afraid of the truth that is concealed and it is afraid of the judgment that would surely follow and be rendered by the people of Scotland, should those truths ever come to light.

I fully expect that the SNP and the Greens will protect their leaders today, but if the debate has achieved nothing else, it should at least exert pressure on the Government to offer greater co-operation to the UK Covid inquiry and, by extension, to offer answers and a degree of closure to the grieving families who are at the heart of this.

**The Deputy Presiding Officer:** We move to the open debate. I call Meghan Gallagher, to be followed by John Mason.

15:27

**Meghan Gallacher (Central Scotland) (Con):** Why is the Government not telling the truth? That is the big question that remains unanswered in the SNP's secret Scotland.

For weeks, Douglas Ross has forensically questioned the First Minister about what information key players in the Covid-19 pandemic

handed over to the UK inquiry, but the answers that have been given by Humza Yousaf and Shona Robison just do not add up.

On 31 October, it was announced that the Scottish Government was initially approached for WhatsApp messages by the UK inquiry in September. On 2 November, the Deputy First Minister said that it had been approached in February. The Government could be forgiven if it was a few days out, but eight months is not a simple mistake. Was the Government mendacious? If that was an honest mistake, why did it fail to correct the record? Those questions are why the Scottish Conservatives have brought the motion to the chamber today.

Something stinks about the SNP's attitude to handling information over to the Covid inquiry, and it is the duty of every member of the Parliament to find out why. If the First Minister and the Deputy First Minister were confident in their positions, they would refer themselves to the independent adviser for the Scottish ministerial code. If they have nothing to hide, they have nothing to worry about. Instead, we have a whitewash amendment from the Scottish Government, which lays bare its arrogance and completely avoids any scrutiny or accountability.

That brings me on to the WhatsApp messages. We have been told about the 14,000 or 28,000 messages that the Government has handed over, but every time it is challenged on deletion of WhatsApp messages, it crumbles, because it knows: it knows that people who made key decisions during the pandemic have manually deleted WhatsApp messages.

Jamie Dawson from the UK Covid inquiry said that the majority of messages have not been retained. Some SNP members will say, “So what if those messages have been deleted?” We have been told that the Scottish Government did not make key decisions on that platform. I challenge every minister—or former minister—to prove that no key decisions were taken and to prove that the information that was deleted was not relevant to the Covid inquiry. However, we cannot prove a negative, can we?

People are up in arms about this because the key players—Jason Leitch and Nicola Sturgeon—were told not to delete messages during the pandemic because they could be relevant afterwards. However, even the UK inquiry now believes that vital information could be lost. I find that shameful, and I am sure that the bereaved families who are wanting answers will also find that behaviour shameful.

I referenced the SNP's secret Scotland earlier, because transparency has never been the party's strong point. We have seen it time and again—

with Ferguson Marine, the botched Police Scotland information technology systems, the false claims around offshore wind and—who can forget?—the party's finances probe. That is, by the way, still on-going. The governing party is shrouded in secrecy, and Scotland is worse off for it.

Members across the chamber have a choice. They have the choice to stand up to the Government and show that transparency matters, and that truth in the Parliament is more important than partisan political interests.

**Martin Whitfield:** Does the member agree that it is incumbent on the members of the Parliament to be transparent, and that it is also a requirement under the Nolan principles that we be open and transparent? That demand is made on us when we take those roles.

**The Deputy Presiding Officer:** I will give you the time back.

**Meghan Gallacher:** Absolutely. That is why the debate is so important. I am sure that there are many colleagues from all parties who stood for election for the same reasons as I stood, which were to represent their communities and to make sure that Scotland is a better place. They did not stand for election to defend sleekit behaviour and evasion, and to be lobby fodder for a Government that is determined to pull the wool over the eyes of the chamber and the public. It is past time that the Parliament stood up for itself and that its members showed some backbone and forced the Government to tell the truth.

15:32

**John Mason (Glasgow Shettleston) (SNP):** The subject of cross-Government transparency is an important one and impacts all levels of Government, whether at Westminster, here at Holyrood or in local government. The original title for today's debate was "Cross-Government Transparency", but none of those words appear in the motion, which I find a bit surprising: so be it.

It is worth reflecting on how we as a Parliament dealt with the Covid pandemic. We had frequent statements from the First Minister and other ministers, with ample opportunities to ask questions about decisions, such as why they were being made and when they were coming into force. We also had a Covid-19 committee, of which I was a member and which, when I joined it, was chaired by Donald Cameron. From memory, I have to say that it was fairly chaired. Week by week, the relevant minister and, usually, experts such as Jason Leitch and Linda Bauld answered questions in public or advised the committee. We should also remember that we were in unknown territory, with limited information but having to

make urgent decisions. It is very easy to go back and consider with hindsight how we might have made different decisions, but, broadly speaking, there was a lot of agreement here at Holyrood—

**Edward Mountain (Highlands and Islands) (Con):** To be able to look back with hindsight means that we have to look at all the records that are there, and we are talking about the fact that we do not have them. How does the member square that circle?

**John Mason:** The question is relevant records, and I do not want to go into all—[*Interruption.*] No, that is what was asked for in February, as I understand it—the relevant records, not every cup of tea or coffee or whatever else.

I will carry on. We might have made different decisions looking back on things, but, broadly speaking, there was a lot of agreement here. As members will know, the Finance and Public Administration Committee recently carried out an inquiry into Government decision making. We spoke to past and present civil servants and ministers and came up with a number of recommendations.

However, it seems to be clear to me that, whatever systems we have, there needs to be some private space in which ideas can be bounced around and people can brainstorm and talk off the record. Yes—as principles, openness and transparency are good things, but we all need space with family, friends and staff in which we can let go, think out loud and bounce ideas around. I think that it was thought that WhatsApp could be used as that space.

**Liz Smith (Mid Scotland and Fife) (Con):** Will John Mason give way?

**John Mason:** No—not just now.

How were we using WhatsApp at that time, and how do we use it now? I looked back at the COVID-19 Recovery Committee WhatsApp group from June 2021 onwards, and I will quote some of the messages from members, some of whom are in the chamber today. If anyone would like to read all the messages, they are very welcome to do so. Murdo Fraser said:

"Well done Siobhian, expertly chaired".

Brian Whittle said:

"Still in traffic on M8".

Murdo Fraser said:

"I'm in a long queue trying to get into the car park".

Jim Fairlie said:

"Morning all, Happy New Year to you all".

Brian Whittle said:

"I'm running 5 minutes late".

There were quite a few messages from him like that. Such messages show what WhatsApp was and is being used for.

**Martin Whitfield:** Does that not just reinforce what has already been said during the debate, in that understanding the culture surrounding decisions helps us to understand the context in which conclusions were reached?

**The Deputy Presiding Officer:** I can give you the time back, Mr Mason.

**John Mason:** My thinking is that—

**Anas Sarwar:** Why didn't you read out any of your messages?

**John Mason:** Could I speak, please?

My thinking is that, ideally, WhatsApp should not be used for decision making that is key or relevant. I would not be surprised if there were no relevant messages on WhatsApp. We will see whether that is the case in due course.

**Anas Sarwar:** Will John Mason give way?

**John Mason:** No. I am sorry, but I have given way already.

I am fascinated that the Tories are making what I think is a mountain out of a molehill in today's debate. We could have discussed the situation in Israel and Gaza, inflation, college disputes or fire service pay, but no, the Conservatives want to know whether Shona Robison was stuck on the M90 or whether Humza Yousaf wanted chocolate on top of his cappuccino. [*Interruption.*]

**The Deputy Presiding Officer:** Excuse me, Mr Mason. Could you resume your seat? The amount of background noise has just escalated. I encourage members to do the courtesy of listening to the member who is speaking, and the same respect will be afforded to subsequent speakers.

**John Mason:** Thank you.

Several public inquiries are going on. What is the purpose of them? I suggest that the purpose is different for different people. Families who lost a loved one during Covid want to know what happened and why decisions were made.

I should perhaps declare an interest at this point. My mother died, aged 93, in a care home in early 2021. Visiting was very limited for almost a year, but I felt and continue to feel that that was the right way of handling things. The care home became my mother's home, and the care staff there became her close friends—frankly, she got on better with some of them than she did with the wider family. However, even within my extended family, there is a variety of opinions as to whether more visits should have been allowed. I fear that there is no right answer to that, but many families

are looking forward to whatever conclusions the inquiry reaches.

However, it has to be said that parts of the media and some Opposition members have different hopes for the inquiry. Some just want juicy gossip to boost their audience numbers, whereas some in the chamber and outside just want to give the SNP and the Scottish Government a kicking.

On the subject of transparency, it is useful to compare Holyrood with Westminster and elsewhere. For a start, as MSPs, we are all elected, which would seem obvious in a democracy. However, members of the House of Lords are, of course, not elected, and it is not at all transparent how people even become members of it. We now have the ridiculous situation in which the Foreign Secretary is in the House of Lords rather than in the House of Commons, so he cannot be routinely questioned by elected MPs.

Yes, openness and transparency are good things, but a balance needs to be struck. Publishing everything can have a chilling effect and limit fresh thinking. There needs to be a space for privacy and confidentiality. If that is not to be WhatsApp, it needs to be somewhere else.

15:39

**Daniel Johnson (Edinburgh Southern) (Lab):** The pandemic was perhaps the most extraordinary situation that any of us will ever have faced in our lives or will ever face again. Thousands of people lost their lives. I am very sorry, but that is not gossip. To suggest that an interest in gossip is why this issue is being discussed in the chamber is, frankly, to cast aspersions on fellow members. I reject, as strongly as I can, some of the assertions that were made by the previous speaker. We have to understand what decisions were made on the basis of what information and in what context, because the results of those decisions cost people's lives.

We have already heard from Alex Cole-Hamilton about the situation with care homes, which was perhaps one of the most sensitive periods in the whole pandemic. More than 2,300 excess deaths occurred in care homes in 2020. We were told time and again that that decision in April was made because we did not have the knowledge and the science to indicate that asymptomatic transmission might be possible or that it was a significant risk. The problem with that is that, if we look at the timeline of published science and evidence, it does not hold up.

On 28 January 2020, Jim McMenamin, an interim clinical director at Health Protection Scotland, attended the second meeting of the scientific advisory group for emergencies—

SAGE—on Covid-19, where it was stated that there was

“limited evidence of asymptomatic transmission, but early indications imply some is occurring”.

On 19 February, Japan’s National Institute of Infectious Diseases suggested that there had been asymptomatic transmission on the Diamond Princess, which subsequently resulted in other papers that went on to confirm that the majority of transmissions on the Diamond Princess were due to asymptomatic transmission.

On 5 March, that was confirmed in *The New England Journal of Medicine*, one of the world’s leading medical journals. That led, on 9 March, to the UK Health Minister, Lord Bethell, telling the House of Lords that

“large numbers of people are infectious or infected but are completely asymptomatic and never go near a test kit.”—*[Official Report, House of Lords, 9 March 2020; Vol 802, c 428GC.]*

Quite simply, those sequences of scientific papers and stated positions in public bodies and parliamentary committees contradict and contrast with the fact that the First Minister at the time has said, time and again, that we did not have the knowledge.

We need to know whether the Government did not have that knowledge and was not looking at that information and that science, or whether it deliberately disregarded it. Only by looking at the full context of decision making can we know that. We need to know whether hyperlinks to those papers were being shared by officials and ministers in the Government. We need to understand that context, because that is the only way that we can really understand the nature of those decisions and the consequences that resulted.

**John Mason:** We knew quite a lot at the time. One of the things that we knew was that hospitals in Italy were absolutely swamped with people, and it seemed to a lot of us—including, I think, members across the chamber—that getting people out of hospital had to be the priority.

**Daniel Johnson:** The First Minister at the time has said, time and again, that we did not know that asymptomatic transmission was a risk. We need to understand whether the Government was taking cognisance of the latest science at the time.

**Alex Cole-Hamilton:** Daniel Johnson is quite right, and the minutes of the Covid advisory committee of 20 April 2020 could not be clearer. They say that hospitals were screaming about asymptomatic transmission, and yet the same meeting was hearing about officials moving people out untested or having tested positive into Scottish care homes. Those two things were known at the

same time. We need to understand why that advice was ignored.

**Daniel Johnson:** Indeed, we do. If those facts and points that were raised in those bodies were being discussed in WhatsApp groups, we need to know that. Quite frankly, right now, we cannot confidently say that the messages will be released, because the Government’s position on what would be released has been all over the place. We have had the First Minister saying that everything would be released and that there would be absolute openness and transparency, but we have also heard that messages were being routinely and systematically deleted. There is, at best, confusion on the issue.

To speak to the heart of the motion, we need an investigation into whether, wittingly or unwittingly, the First Minister misled Parliament. Frankly, all of us are profoundly confused about what the Government was retaining and on what basis. Again, the Government is relying on dancing on the heads of pins with regard to particular words.

Time and again, we hear about relevant information but, frankly and simply, it is up to the UK inquiry to decide what is relevant. Why does the Scottish Government not trust it? I simply do not understand. It is as though it expects the UK inquiry to break privacy rules and the law. The UK inquiry will look at what is handed over and judge whether it is relevant and whether it needs to be redacted. Why does the Scottish Government not trust it?

Above all else, we in the chamber all know some simple truths about what happened. We all know that Government decision making shrank to a very narrow number of ministers and close advisers and that, most of the time, the First Minister and Deputy First Minister were in close consultation with key special advisers. I am not saying that that was necessarily the wrong thing to do. Those were extraordinary times, because it was a crisis, but we need to understand what happened and whether that cost lives. Ultimately, we need to learn the lessons. That will not be the last time that this country faces a crisis but, unless we learn the lessons, lives will be lost again, needlessly, all because this Government cannot be transparent.

15:45

**Stuart McMillan (Greenock and Inverclyde) (SNP):** Making easy political points is not what constituents want to see from their elected representatives. *[Interruption.]* Let me finish. That is not what they want to see, particularly in a debate such as this. In his opening comments, Douglas Ross stated that the debate should not be party political, and I took him at his word. Sadly, as

the debate has gone on, some of the comments and, certainly, the barracking from his back benchers have gone against what he said in his opening comments.

**Douglas Ross:** I was genuine in my comment that the debate should be above party politics. That is why I think that SNP and Green members and the Government should be independent-minded and look at the facts. Looking at all the details, does Stuart McMillan believe that the request from the UK Covid inquiry in February for all the messages constituted a request for those messages, or does he agree with Shona Robison that the request happened only in September, just a few weeks ago?

**The Deputy Presiding Officer:** Stuart McMillan, I can give you the time back.

**Stuart McMillan:** Thank you very much, Presiding Officer.

The point about relevance is really important in that—

**Douglas Ross:** No—it is not.

**Stuart McMillan:** I am sorry—we will have to agree to disagree.

**Daniel Johnson:** On a point of order, Deputy Presiding Officer. I seek your guidance. The standing orders are very clear that we must treat each other with respect. Rather than cast suspicion on their motives and on whether people are presenting facts and arguments at face value, surely members should be respectful and consider that other members are speaking in good faith.

**The Deputy Presiding Officer:** I thank Daniel Johnson for his point. I think that, to date, the debate has been fairly respectful. I will intervene if I do not think that that is the case.

I invite Stuart McMillan to continue and I will give him the time back.

**Stuart McMillan:** In today's debate, Scottish Conservatives have put forward their opinions but, in my opinion, the First Minister and the Scottish Government have been absolutely committed to openness and transparency. The First Minister has been clear that neither he nor the Deputy First Minister have misled Parliament. The Scottish Government has already provided more than 19,000 documents to the UK inquiry, in addition to the 14,000 WhatsApp messages.

For absolute clarity, the Scottish Government has complied and worked with both inquiries and will continue to do so. Some people will suggest that those statements imply that the Scottish Government does not appreciate scrutiny, but that could not be further from the truth. I firmly believe—and my SNP colleagues feel the same—that scrutiny is the bedrock that underlies effective

governance. That is why, in December 2021, the Scottish Government established the first public inquiry in the UK to examine the response to Covid-19, ahead of the UK Government commencing the UK-wide public inquiry. At the heart of the motion is the Covid-19 pandemic, which impacted every one of us and changed our lives indefinitely.

John Mason spoke about his family situation. My mum went into a care home just over a year ago—obviously, not during the Covid period. Throughout the whole Covid period, there was no Covid in the care home that my mother went into. Covid started to go into the home only once we started to go back into a more normal society.

Every Government the world over was taking decisions based on its own context. In some countries, the response was driven by scientific understanding, whereas in others it was driven by ideological agendas. Scientists became the biggest asset to Governments during the pandemic but, ultimately, it was up to politicians to decide what course of action, what guidance and what legislation was introduced in response to Covid-19.

As John Mason touched on, day in, day out, in the chamber and committees of the Parliament, ministers were being questioned about their decisions and what they were planning to do. It is important that we reflect on those decisions. We cannot speak for other nations, but the most important way of recognising the loss and suffering of the people of Scotland and the wider UK population during the pandemic is to learn from the evidence, including the scientific evidence that Daniel Johnson referenced earlier.

To go back to today's motion, in one of my opening statements, I said that the Scottish Government has already provided more than 19,000 documents to the UK inquiry, over and above the 14,000 WhatsApp messages that have also been handed over. Since December 2022, the Scottish Government has been assisting the inquiry by providing a large volume of evidence to the inquiry team, including corporate and individual statements and extensive documentation. To date, the Scottish Government has provided 25 detailed corporate statements and it has also been involved in the request for 89 individual statements.

**Liam Kerr (North East Scotland) (Con):** Does the member not have a concern, at least, that it is the Scottish Government that is making the decisions on what is relevant and what is not relevant to disclose?

**Stuart McMillan:** Some of the examples that we heard from John Mason probably cover the issue of relevance. Once again, let me be clear that

there has never been any hesitation on the part of former members of the Scottish Government to provide all the information that it holds. When appropriately and legally requested to do so by the UK and Scottish inquiries, the Scottish Government has co-operated fully and will continue to do so.

The Deputy First Minister has already set out that, on examining the content of WhatsApp messages, it became clear to the Scottish Government that they held some sensitive personal data, which means that, under data protection legislation, there must be a clear legal basis for providing that information. That is why the Scottish Government requested a section 21 notice, which would give that legal basis for the provision.

We have all heard some of the examples of what happened at Westminster during the pandemic.

**Daniel Johnson:** Will the member give way?

**The Deputy Presiding Officer:** The member is winding up.

**Stuart McMillan:** I have already taken two interventions.

I gently suggest that the Conservatives try to convince their colleagues in Westminster to behave somewhat differently, in contrast to some of the colleagues that I have here in the Scottish Parliament.

The reality is that the Scottish Government's messages that will be handed over to the UK Covid-19 inquiry will be starkly different from those of Westminster politicians. Unlike the UK Government's attempts to limit the requests for information from the chair of the inquiry, Baroness Hallett, the Scottish Government has always committed to fully co-operating with the UK inquiry and the Scottish public inquiry. Going back to the section 21 notice, which was received on Monday 30 October and was actioned in line with the UK inquiry's deadline of Monday 6 October, the Scottish Government has consistently acted in line with its records management policies and relevant legal obligations with regard to collating and storing corporate information.

I truly hope that the public see through some of what we have heard today from some of the Scottish Conservatives. I genuinely believe that the motion is nothing more than an attempt to deflect from what we have seen in Westminster in comparison to what we have seen here in Scotland.

15:54

**Craig Hoy (South Scotland) (Con):** The SNP Government rightly and richly deserves the wretched reputation that it has earned when it comes to its record on transparency. This secretive Government picks and chooses how and when it engages with issues of significant legal and public interest.

It is self-evident and beyond reasonable doubt that Humza Yousaf and Shona Robison have misled the Scottish Parliament. They made and repeated false and misleading claims about when the UK Covid inquiry requested crucial WhatsApp messages. Grieving families are rightly demanding answers, and they deserve them. However, sadly, the Government will not give them all that they need to know to bring justice and closure. Transparency and, as a result, the truth are defined as optional extras in the SNP's cynical political playbook.

Let us look at the evidence that is before us. In June 2021, the UK Government wrote to the Scottish Government requesting that it did not destroy material relevant to the UK Covid inquiry. Two months later, Nicola Sturgeon announced a separate Scottish Covid inquiry, when she said that nothing will be "off limits" to the Scottish Government when it comes to providing information. How shallow that sounds now.

By December, John Swinney, who now appears as a Praetorian bodyguard accompanying the spectral figure of Nicola Sturgeon around this Parliament, said:

"I pledge that the Scottish Government will engage, as I know that this Parliament and everyone in Scotland will, to support Lady Poole in this most important"—[*Official Report*, 14 December 2021; c 74.]

inquiry.

In August 2022, the Scottish Covid inquiry wrote to the Scottish Government requesting that information relevant to the pandemic be retained. That November, the UK Covid inquiry asked the Scottish Government about potentially relevant messages, including WhatsApp messages, during the pandemic.

In February 2023, the UK Covid inquiry explicitly asked the Scottish Government for any WhatsApp messages "relating to ... key decisions" taken during the pandemic. Let us note the wording here: "relating to". That means messages involving discussions around and discussion about those decisions, even when those decisions were taken elsewhere. The fact that decisions may be formally taken in a different forum or in a different context cannot cynically become the Government's default defence for deleting and withholding important WhatsApp messages relating to those decisions.

This June, Humza Yousaf said that all material that was asked for by the inquiry would be provided. Over the summer, requests for WhatsApps were sent to individual ministers, former ministers and civil servants in the Scottish Government, yet the First Minister and his deputy still claim that they were first requested in September. That was plainly untrue. Their attempt to deflect involves a claim that they had interpreted earlier requests too narrowly. That simply does not stack up.

In August, the Scottish Government had already confirmed to the UK Covid inquiry the existence of WhatsApp groups that were used by the Scottish Government. It conceded that they existed, but it still would not hand over those messages. For clarity, let us not forget that Humza Yousaf said in June that

“WhatsApp messages, emails, Signal messages, Telegram messages or whatever—will absolutely be handed over to the Covid inquiries and handed over to them in full.”—*[Official Report, 29 June 2023; c 15.]*

How can that possibly be consistent with reports that the former First Minister, Nicola Sturgeon, deleted her WhatsApp messages despite earlier assurance from her to the contrary? That follows a pattern of deflection, diversion, distraction, deletion and, at times, outright deceit.

A review of similar events proves a pattern of behaviour that supports our motion. SNP Government officials held deposit return scheme meetings verbally to avoid correspondence being obtained through freedom of information requests. During Alex Salmond’s judicial review, the SNP Government’s own legal counsel admitted that it could not advise the court that the Scottish Government had discharged its duty of candour.

The Salmond inquiry committee found that the SNP Government’s refusal to hand over documents had impeded its scrutiny function. Nicola Sturgeon admitted that there were no minutes of notes of a crucial meeting with former Ferguson Marine owner Jim McColl. The SNP Government refused to reveal the outcome of a bullying probe into one of its own ministers. This month, the health secretary, Michael Matheson, agreed to pay back £11,000 in roaming charges, 10 months after they were paid by the taxpayer, but only after that scandal hit the headlines. That is the SNP’s track record on transparency, and it should be ashamed.

The Scottish Government’s ministerial code says that ministers should resign if they “knowingly mislead” Parliament. We will only know that if Humza Yousaf and Shona Robison refer themselves to the independent adviser on the ministerial code.

15:59

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** It has now been nearly four years since health professionals first took notice of a novel virus outbreak in China. In the months that followed, Governments around the world scrambled to mitigate the health, social and economic effects of the unprecedented situation. People in Scotland were asked to make sacrifices to ensure that those who were most vulnerable were shielded from the worst of the pandemic before the heroic effort to develop and procure a vaccine was completed.

Despite those efforts, many families found themselves bereaved because of the pandemic—my sympathies go to John Mason, who shared his own story today. Many more are still suffering the effects of long Covid, and the overall pandemic and repeated lockdowns have taken a toll on the health, education and wellbeing of the population that is difficult to quantify.

Because of the severe effect that the pandemic has had, it is right that we learn from the evidence of that time to find out what we could have done better. Doing so will also improve Government decision making during any potential future pandemic, and therefore save lives and prevent suffering. That will not only help all of us in the future; it is an important way to recognise the loss and suffering of the people of Scotland and of the wider UK population during the past few years.

It was for those reasons that, in December 2021, the Scottish Government established the first public inquiry in the UK to examine the response to Covid-19. That was ahead of the UK Government’s commencement of the UK-wide public inquiry. That the Scottish Government showed the initiative to establish that inquiry underlines its commitment to openness and transparency. It recognises that scrutiny is the bedrock that underlies effective governance.

**Douglas Ross:** Fulton MacGregor has just said that scrutiny underlines the integrity of Government decisions. Does he not welcome the scrutiny that would be offered by the independent adviser on the ministerial code to prove or otherwise the version of events given by the First Minister and the Deputy First Minister?

**The Deputy Presiding Officer:** Fulton MacGregor, I can give you the time back.

**Fulton MacGregor:** Douglas Ross heard what the Deputy First Minister said. I welcome her response on that.

The Scottish Government has co-operated and will continue to co-operate with the Scottish and UK-wide inquiries on the pandemic. A huge volume of data has already been provided to the

UK inquiry. Nearly 20,000 documents have been passed on, and that figure does not include the nearly 15,000 WhatsApp messages that have been sent in addition.

As can be imagined, that is a huge amount of data. In managing that data, the Scottish Government has consistently acted in line with its data management policies and relevant legal obligations concerning the collecting and keeping of that information. The Scottish Government's records management policy ensures that material that is relevant to the Covid inquiries is retained. The Scottish Government recognises the importance of data storage, and records management processes have been established for recording decisions made by ministers and officials, which form part of the Scottish Government corporate record. It is important that that policy also covers messaging applications, such as WhatsApp, which has been a key talking point in the debate thus far.

**Jamie Greene (West Scotland) (Con):** Will the member take an intervention?

**Fulton MacGregor:** No, I have already taken one. I give my apologies to Mr Greene.

The nuance in this debate centres around the requesting of a section 21 notice with regard to WhatsApp messages. The Deputy First Minister has already clarified that personal information was present in that data and, as such, a clear legal basis was needed to provide that data. Following data protection guidelines, the Scottish Government requested a section 21 notice, which was received just over two weeks ago. That action was to comply with the Data Protection Act 2018, using mechanisms found in the Inquiries Act 2005. The Scottish Government conformed with the deadline to provide the messages to the inquiry, and all messages were given to the inquiry on 6 November.

**Anas Sarwar:** Will the member give way?

**Fulton MacGregor:** I cannot; I would like to make some progress.

Any assertions about what those messages may or may not contain are conjecture at this point. It is important that everyone in the chamber and beyond allows the inquiry to determine the importance of the content of those messages. The bottom line is that the Scottish Government has acted legally, and it will continue to co-operate fully with both inquiries.

The readiness of the Scottish Government to hand over WhatsApp messages should be commended by everyone in the chamber. I gently say to Conservative members that all Governments that are involved in the inquiry should show the same readiness because, at the

end of the day, we all must remember that both inquiries are about real people who want answers—real people, businesses and organisations in our constituencies that were affected by a whole array of decisions that were made or not made, as the case may be.

People in care homes have already been discussed—

**Craig Hoy:** Will the member take an intervention?

**Fulton MacGregor:** No, I will not take any more interventions.

We must all keep in our minds the children in schools, people suffering from long Covid and businesses that closed and never recovered.

There should be absolutely no party politics in this debate. We have heard that before. The inquiries should be allowed to do their work and get the answers that the public deserve and need.

16:05

**Russell Findlay (West Scotland) (Con):** Parliament is using its time today to talk about something that matters and which it has the power to do something about. We are talking about Government secrecy—specifically, the desperate lengths that the SNP goes to to shut down legitimate and important public scrutiny. It should have preserved and handed over its WhatsApp messages to the Covid inquiry, but instead it has chosen to be slippery and evasive.

This all feels familiar. This is not the first time that the SNP has run for the shadows when faced with the disinfecting sunlight of scrutiny. It used exactly the same playbook during the Alex Salmond inquiry. Now, as then, it hides behind process. It delays, dodges and stonewalls; it prevaricates, misremembers and misrepresents. It deploys sophistry, selective amnesia, bad faith and bluster, and point blank refuses to do the right thing. The SNP uses a broad spectrum of deceit, from the political equivalent of “The dog ate my homework” right through to a low cunning that would make Machiavelli blush.

That was as painful and infuriating to watch as a member of the public as it is now as an MSP. Back then, the SNP failed alleged victims of sexual harassment by its former leader, and now it fails grieving families who lost loved ones to Covid. Both groups were treated with disrespect and were considered to be of less value to an SNP that will always prioritise the good of the party over the common good.

Let us compare the two events. The SNP promised to co-operate fully with the Salmond inquiry. It promised transparency and to freely

hand over any and all material, just as it does now with the Covid inquiry. However, what happened then and what is happening now? Back then, Nicola Sturgeon held numerous meetings with Salmond while he was being investigated over sexual harassment complaints. No records were taken—or they may have been destroyed. We do not know for sure.

Now Sturgeon and others have reportedly deleted WhatsApp messages. We do not know how many messages, and we do not know what they said. It is likely that the people of Scotland will never know. During the Salmond inquiry, the SNP tried to prevent the release of documents. The inquiry committee complained about being obstructed. Let us not forget that it included SNP MSPs and an SNP convener. For the first time ever, Parliament had to resort to using a section 23 order to force the release of documents.

We see the same secretive agenda with the Covid inquiry. Key evidence has to be dragged out of the SNP. The inquiry has been asking for WhatsApp messages for over a year.

Then there are the shifting sands—the changing of stories. In the Salmond inquiry, four senior Government officials had to correct false statements. The SNP's then chief executive was accused of perjury after contradicting his own evidence three times. In relation to the Covid inquiry, Humza Yousaf, who really should be here today, and Shona Robison have been forced to change their story after the inquiry demanded that they correct the record to the Parliament.

Then there are the stalling tactics. During the Salmond inquiry, the SNP delayed everything until the last minute. Access to crucial legal advice was refused time and again in defiance of two votes in the chamber. It was only when my party brought a vote of no confidence in the then Deputy First Minister, John Swinney, that some of the advice was finally released.

We see the same with the Covid inquiry. Now, as then, it is up to the Scottish Conservatives to use every parliamentary lever available to us. Now, as then, the SNP has misled and disrespected Parliament. It also disrespects the people of Scotland. MSPs from every party, including the SNP, can join us today in holding it to account by backing our motion.

16:10

**Clare Adamson (Motherwell and Wishaw) (SNP):** I would like to start with a quote—I was actually a bit worried earlier, because a lot of what was in my speech was used by Alex Cole-Hamilton in his speech. The quote is from Nicola Sturgeon at around the start of the Covid crisis. She said:

“I understand, because I'm First Minister leading a government, how difficult and unprecedented this situation is. We're all trying to make the best decisions.

We can undoubtedly get things wrong along the way, as every government across the world will be, and I've been very clear about that from the outset.

I'll make mistakes, everybody involved in leading these responses will make mistakes, but it's really important that we take the best decisions that we can at every single stage and try to learn from that as we go.”

I remember that time so vividly, because it had such a profound effect on me, my constituents, my family, my friends and my relatives who died at that time, in difficult circumstances. That is what we should be talking about today—the people and the effect that Covid had on them.

I remember sitting in a room upstairs with many of the people who are in the chamber today, getting briefings from Jason Leitch and the chief medical officer. They were open and transparent and willing to answer any of the questions that people in the room had about the policies that the Scottish Government was taking to try to keep people safe.

I do not remember anyone at that time making comments that they distrusted the chief medical officer or Jason Leitch, or that they were not all thinking that we were in it together. I do remember that there were never any suggestions at that time that there would be a policy to get herd immunity or that the bodies could “pile high”.

Everybody was concentrating on what the inquiry is about, and what today should have been about in this Parliament—people getting the answers that they deserve and which are needed, so that the learning from that experience can be taken forward. We do not know when there might be another such crisis and another pandemic.

The tone of the debate has been completely wrong. A pantomime villain is being sought by members across the Opposition benches, but the truth is that, at the time, everybody was just having to adapt to Covid by working differently, communicating differently and trying to do the best that they could. My team introduced WhatsApp and Slack at that time, because we were trying to do the best that we could to ensure that we were still able to provide a service to our constituents in the most difficult of circumstances.

The Scottish Government is complying with the inquiry. It has already provided 19,000 documents, in addition to 14,000 WhatsApp messages, in line with its own policy on how decision making should have been recorded at that time.

I cannot believe that we are hearing all this. I remember when there was a crisis: Catherine Calderwood made a mistake that was unforgivable and lost her job over it. At the same time, what we

were seeing at Westminster was Dominic Cummings going on family trips to Barnard Castle and treating people with absolute contempt.

I know that hearing the WhatsApp messages that have come out in the Covid inquiry with regard to the atmosphere in Downing Street will have been really hard for members on the Conservative benches. It has really not been edifying in any way to see the contempt with which some civil servants treated politicians, the contempt with which some of the decisions were made and the attitude that meant that the individuals who were affected by Covid were not given the prominence that they deserved.

A lot has been said today about the nature of those decisions and the context in which they were made. I know that there are people who will not agree with me, but I believe that the context of the decisions that were made in Scotland—with the team of medical experts and the First Minister that we had at the time and the transparency that she showed every single day as she stood up to the press's scrutiny, in marked contrast to Boris Johnson—shows that those decisions were made in the very best interests of the people of Scotland.

However, that is not for us to judge. It is not for the people on these benches or the people on the other benches to judge. It is for the people of Scotland to look at what happened in order to make their own decisions about whom they trust—whom they trusted at that time—and where they looked for their information. It was not the Downing Street briefings—that is absolutely true.

I do not think that this debate has helped the families who have been affected by this situation at all. I regret what has happened here this afternoon; this has been a search for a pantomime villain who does not exist. The debate has been implausible political point scoring from the party that parted all the way through Covid.

16:16

**Martin Whitfield (South Scotland) (Lab):** It is a pleasure to take part in this debate.

If I can find agreement with the previous speaker, Clare Adamson, it is on the fact that this is about the people of Scotland. I agree with Fulton MacGregor that this is not about party politics; this is, at its foundation, about why we stood to be parliamentarians. It is about what is encompassed in our standing orders about events taking place in public and in our guidance to MSPs on their general conduct. It is about what the Scottish ministerial code seeks to embody with regard to what we expect from our Government.

All of this goes back to 1995 with the founding of the Committee on Standards in Public Life, which

was chaired by Lord Nolan. The committee was asked to say why the public was losing confidence in politicians. It then took evidence and, in 1995—before, in all honesty, most of us entered a professional political life—it founded the seven principles that are drawn to the attention of MSPs, if not on the first day that we come to the chamber, then certainly during the first week of induction.

Those same seven principles are pointed at by our councillors who serve in local authorities, by our MPs who go to Westminster and within health boards and other emanations of the state. They set out the expectations on us when we stand up and speak for people or for a subset of the people of Scotland, whether at constituency or regional level.

The principles talk about selflessness, integrity and objectivity—in other words, that we are impartial, fair, judge on merit, use the best evidence and act without discrimination. They also talk about accountability. I thank Douglas Ross for allowing my intervention, because the fact is that, under the principles,

“Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.”

It is not just about taking decisions, and it is not just about taking the right decision—it is about being open to saying, “This is why I took this decision. Hold me to account.”

**Alex Cole-Hamilton:** Does Martin Whitfield agree that Clare Adamson's speech reflected a time when the First Minister had a certain degree of latitude in the chamber for the decisions that she took—a blank cheque, as it were—because we were in uncharted and scary waters? Does he also agree that, as a result of that blank cheque, she should, with confidence, provide all the material around the decisions that she took, because there should be nothing to hide?

**The Deputy Presiding Officer:** I call Martin Whitfield. I can give you the time back, Mr Whitfield.

**Martin Whitfield:** Indeed, the circumstances of Covid tested the democratic settlement that we have with the electorate and the country. They proved the worth of those Nolan principles. It is in the hardest of moments that we need to look back at what makes this state different from other less democratic states, and different from a dictatorship: it is the ability to be accountable, open, and honest, and to show leadership.

On many occasions in this chamber and in discussions in this Parliament, we have heard about the role of leadership and how we are leaders in our community. We turn to our young people and ask them to be leaders in their schools. The Nolan principles require holders of

public office to exhibit those same principles that I mentioned in their own behaviour. They should actively promote and robustly support those principles and be willing to challenge poor behaviour wherever it occurs.

That is important, because, in the foreword to the Scottish ministerial code, our current First Minister echoed previous ministerial codes, but he also said:

“As First Minister, I have promised to lead Scotland in the interests of all our people”—

the people that Clare Adamson spoke about—

“and to work to earn”—

this is the important bit—

“and re-earn the respect and trust of the people of Scotland.”

The quote goes on:

“That is why I am pleased to issue this ... Ministerial Code which sets the highest standards of propriety and transparency for Government Ministers. All Scottish Ministers, including myself, are bound by its terms ... ensuring integrity, accountability and honesty at every level of leadership.”

The First Minister also said:

“I will lead by example”.

The key message when the Nolan principles were reviewed was that many of those whose integrity was called into question, or has been called into question in recent months and years, seemed to have behaved inappropriately, not because they were unaware of what was expected—that is, under the Nolan principles—but because they did not find it expedient to do so. High standards of behaviour need to be understood as a matter of personal responsibility.

Today’s debate speaks to that. It speaks to why we sit in this Parliament, and to what the Scottish Government owes the people whom Clare Adamson talked about. Lord Evans, the current chair, said:

“The damage done to the trust and confidence that the public have in those in political and public life has been significant.”

Let us end that now, here in Scotland. Let us show that we stand by those Nolan principles, even when it is not expedient to do so.

16:22

**Emma Harper (South Scotland) (SNP):** Having listened to what has been said so far, I want to make a few key points in the debate. What Clare Adamson said about what the former First Minister said is absolutely relevant and appropriate.

**Craig Hoy:** Will the member give way?

**Emma Harper:** We must remember the work of Nicola Sturgeon and, of course, Jeane Freeman, Jason Leitch and Gregor Smith. They put work in every day when we were witnessing on our television screens what was happening with the pandemic around the globe.

**Craig Hoy:** Will the member give way?

**Emma Harper:** I can see already that folk are gonnae be on their feet every two minutes, no matter what we say.

First, it is vital that we learn from and reflect on our experience of the pandemic and that we obtain answers for those who lost loved ones over the course of the pandemic. We have already heard members reflect on their own experience of losing loved ones. We need to ensure that we help families who are still grieving. It is important that we ensure that both the Scottish and UK inquiries go ahead and are clear, transparent and engaging.

I remind members that I worked as a nurse during the pandemic, vaccinating my colleagues and members of the public. That was during a time when we had a lockdown because, just after lockdown, we had the first Covid vaccines. We were right there on the front line. We need to remember what happened back then so that we can improve the way that we tackle any future outbreaks of whatever virus or deal with whatever pandemic or crisis that we face.

The people who lost their lives are not just statistics.

**Liam Kerr:** Will the member take an intervention?

**Emma Harper:** Our condolences should go to all the victims of Covid-19.

**Alex Cole-Hamilton:** Emma Harper is right. Those people are not just statistics. They have families, and those families are looking for answers. Those answers are not forthcoming and will not be forthcoming unless we have a complete picture of the backroom discussions that underpinned all the decisions that she described.

**Emma Harper:** I was reflecting on the fact that the Scottish Government has a policy for mobile phones and records management. It says:

“Mobile messaging does not change your responsibility within Scottish Government to maintain complete and comprehensive records of key conversations and decisions.”

All that information is already there.

**Meghan Gallacher:** Will the member give way?

**Emma Harper:** I move on to my second point. The Scottish Government is committed to openness and transparency and recognises that

scrutiny is the bedrock of effective governance. Stuart McMillan mentioned that as well. The First Minister and the Deputy First Minister, as well as other ministers and officials in the Scottish Government, have evidenced and emphasised that point. Indeed, the fact that the Scottish Government was the first Administration in the UK to establish an independent public inquiry on Covid-19, ahead of the UK Government commencing its inquiry, is testament to the importance that the Scottish Government gives to scrutiny.

**Meghan Gallacher:** Will the member give way?

**Emma Harper:** The most important way to recognise the loss and suffering of the people of Scotland and the wider UK population during the pandemic is to learn from the evidence.

**Liam Kerr:** Will the member take an intervention on that point?

**Emma Harper:** Both inquiries will help to determine what could have been done differently and will serve to improve Government decision making in any future pandemic, viral outbreak or other crisis. We want to ensure that we focus on how we save lives and prevent suffering in the future. As the First Minister said, the Scottish Government will examine and consider closely the recommendations that the Scottish and UK public inquiries make. We need to let the inquiries progress. That would be the normal thing to do.

Contrary to what the Conservative motion states, the Scottish Government has fully complied with both inquiries and will continue to do so. Scottish ministers, including the First Minister and Deputy First Minister, and officials have already provided a large volume of information. Members have outlined that. The Scottish Government has provided 25 detailed corporate statements and has been involved in the request for 89 individual statements in support of module 2A of the UK inquiry.

**Liam Kerr:** Will the member take an intervention?

**Emma Harper:** On the Scottish Government's amendment to the motion, former members of the Scottish Government have never hesitated to provide any and all information that they hold. Again, that is crucial for learning lessons and understanding how the handling of pandemics can be improved in the future.

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

**Emma Harper:** I am conscious of time and of the constant chuntering by Conservative members.

I am concerned about the fact that not only did the former UK Prime Minister drag the UK inquiry through court but Boris Johnson has still refused to hand over his WhatsApp messages.

**Liam Kerr:** Will the member give way?

**Emma Harper:** In contrast to the UK Government's attempts to limit the requests for information from the chair of the UK inquiry, Baroness Hallett, the Scottish Government has already committed to fully co-operating with the UK inquiry.

**Jamie Halcro Johnston:** On a point of order, Presiding Officer. It should go on record that the chuntering that the member referred to was members trying to intervene in a debate when interventions were not being taken; it was not chuntering. It is important that that is recorded.

**The Presiding Officer (Alison Johnstone):** Thank you, Mr Halcro Johnston. It is not a point of order, but your comments are on the record.

Ms Harper, have you concluded?

**Emma Harper:** Yes I have, Presiding Officer.

16:29

**Roz McCall (Mid Scotland and Fife) (Con):** I want to use my five minutes in this debate to highlight to the Parliament why we should be debating deleted messages, why trust in this process should not and must not be eroded and, disappointing as it is that the motion is needed in the first place, why any misleading of this Parliament should be taken with the utmost severity.

We are focusing on the Covid-19 pandemic, and rightly so. It was a new viral infection that hit the world and took loved ones from us. Families have been grieving due to Government decisions that were made on how to deal with the pandemic and the many ramifications of those choices.

People all over the country put their faith and trust in their Government to see them through a global infection. They trusted the people who had been elected to the Parliament to make decisions to keep them safe—not decisions for political gain or self-promotion, but decisions that followed science and that were altruistic at heart. That is the only way that people can accept the unintended consequences from the restrictions that were imposed.

My father was diagnosed with oesophageal cancer in April 2020. He passed away in October of that year as the cancer had spread to his lungs and his liver. In any other time, he would have been given instant treatment, exploratory processes would have been administered and the chances of prolonging his life even for a short time

would have been discussed. In his case, they were not. The country was in lockdown and Covid effects had altered the priorities of our NHS. The treatment offered was curtailed and he instantly went to management, not medicine. My mum, living in a different council and health board region from me, was left to carry the burden without my in-person support.

Now, I am not unique. That happened to people across the country. Just like me, many could not travel to see dying loved ones under decisions that were made in Scotland by this SNP-run Scottish Government. Those people deserve accurate and truthful information and answers from a full and transparent Covid inquiry. My mum certainly does. Any ambiguity or lack of transparency does all the grieving families a disservice. Whether they are grieving due to Covid-19 or other diseases whose treatment has been affected by changes in NHS practices, people deserve to know the whole truth, and that means that all forms of communication—trivial or not—need to be assessed and their relevancy accounted for.

If any further clarity is needed on that, the First Minister agreed in June this year, when he said:

“to ensure that there is simply no doubt whatsoever, any material that is asked for—WhatsApp messages, emails, Signal messages, Telegram messages or whatever—will absolutely be handed over to the Covid inquiries and handed over ... in full.”—[*Official Report*, 29 June 2023; c 15.]

That must be followed if we are to know whether the unintended consequences affecting on-going health treatments, children’s development, people’s mental health and the disrupted education of a generation of young people were all worth it, and if the many thousands of families who suffered loss are to get the answers that they deserve.

Why, when the UK Covid inquiry explicitly asked in February 2023 for any WhatsApp messages, were they not provided in full?

**John Mason:** Would the member accept that it asked in February 2023 only for relevant messages?

**Roz McCall:** Again, we are right back to “relevant messages”. It is up to the inquiry to decide what is relevant.

Why, eight months later, in October 2023, did the Scottish Government force the UK inquiry to issue a section 21 notice to retrieve messages? Why were the messages deleted by individuals? Why was the First Minister’s statement of June 2023 not followed to the letter? This is not just a matter of process. This is about people and their need for answers.

When my husband had a stroke in another lockdown period, he was in another council and health board region for more than three months, so we could not see each other. The lockdown restrictions meant that I should not cross the boundary between the Forth Valley and Lothian health board areas. The restrictions also meant that it was not allowed to pass a bag of clothing from one person to another for fear of contamination. However, I was advised by doctors at that time that it would be okay to drive to the hospital as long as I came alone, wiped down the bag and wore gloves and a face mask.

I consider myself lucky because I could, in a small way, let my husband know that I was there for him. Others were not so lucky. People in hospitals were left isolated, lonely and in some cases scared, sitting in a hospital chair in a hospital gown, alone.

Too many people across Scotland coped with the decisions that were made in the Parliament, are living with the consequences of those decisions and lost family members as a result of those decisions. They deserve accurate and truthful information to be provided. Any misleading statements that were given to the Parliament by the First Minister and the Deputy First Minister not only break the ministerial code but shame them and misplace the trust of the Scottish people. Therefore, I support the motion in Douglas Ross’s name.

16:35

**Ben Macpherson (Edinburgh Northern and Leith) (SNP):** Today, we are discussing very serious matters, and I commend colleagues for their contributions, some of which have been powerful. As I think back to the period of the pandemic, like colleagues, I recall all those who suffered in my constituency and across the country, particularly those who lost loved ones and who are mourning every day for those people in their lives. I think of the NHS staff who had to cope with the pandemic at the time, those who worked in our care homes and those who were lonely, as well as the economic disruption and the closure of our schools. It was all very difficult for everyone.

Because of the circumstances and the way that they affected everyone and had such significant impacts on people’s lives that they are still living with today, it is vital that we learn from those difficult years and reflect on our experience. That is why, in December 2021, the Scottish Government established the first public inquiry in the UK to examine the response to Covid-19. That was ahead of the UK Government commencing the UK-wide public inquiry.

Both inquiries are extremely important. The best and most appropriate way to respond to the loss and suffering of the people of Scotland and the wider UK population is that we learn from the evidence. The inquiries are being undertaken with diligence and extremely high levels of commitment and will help to identify what could have been done better and to improve Government decision making in a pandemic, if there is one in future years, in order to save lives and prevent further suffering. There are also lessons to learn when it comes to responding to other circumstances.

As others have said, the decision-making process in the UK was initially based on the advice of SAGE and there was an integrated network to pass advice and information across the UK nations. Ministers have stated that the Scottish Government will examine closely the recommendations that both the Scottish and UK public inquiries make. We should all be focused not just on what we can learn from the recommendations of those inquiries but on what we can learn from elsewhere.

The Scottish Government has been clear that it will continue to co-operate fully with both inquiries. As the Deputy First Minister stated earlier, the Scottish Government has already provided a large volume of information to the Scottish and UK inquiries and will continue to provide more as appropriate. As has been set out, the Scottish Government has already provided more than 19,000 documents to the UK inquiry, in addition to thousands of WhatsApp messages. The fact that 19,000 documents have already been provided demonstrates the diligence of the civil service in ensuring that decisions were recorded and that advice that was considered was appropriately recorded, as members would expect.

**Anas Sarwar:** Will the member give way on that point?

**Ben Macpherson:** I will take one intervention.

**Anas Sarwar:** I welcome the tone and manner in which Mr Macpherson has addressed the matter. However, does he agree that, ultimately, it is for the judge of any inquiry, rather than the participants or subjects, to decide what is relevant and what is not?

**Ben Macpherson:** I agree with that, and I think that there is a shared position on that in the room.

I emphasise that the Scottish Government is committed to openness and transparency and that, every day, it responds to scrutiny, including through freedom of information requests—I am sure that the minister will refer to those points when he sums up. There is a very robust and professional process in the Government, which is used regularly and was used especially during the

pandemic, to ensure that it responds to the requirements that are placed on it.

The points about record management are extremely important. It is right that we are thinking about them together, and it is right that we remember that, as others rightly stated during the debate, this was a time when there was a change in technology and the circumstances of the pandemic were all relevant to the considerations.

In my final moments in the debate, I want to focus on something that has not been said by others, which is that the civil service did a remarkable job during the pandemic. People worked long hours every week with commitment, tenacity, innovation and determination to serve the people of Scotland, along with other services such as the NHS that we rightly commend. Let us not forget that the commitment that Government officials showed, whether by ensuring that decision making happened in a timely manner by briefing ministers as best they could—as the scientists who were involved did—or by working with local authorities to get money to businesses. All the difficult considerations that took place required the highest level of public service, and we should remember that when we are in the chamber and considering these important points.

16:41

**Jackie Baillie (Dumbarton) (Lab):** The benefit of being in the Parliament for so long is that you get to see patterns of behaviour over time. The past 16 years of the SNP have been instructive. What I have learned is that these are not isolated incidents or even—at their most generous interpretation—mistakes; this is a systematic approach to government. It is an approach that is characterised by secrecy and a lack of transparency. A bit of reflection might be useful.

Let me take you back to the Parliament's Committee on the Scottish Government Handling of Harassment Complaints—for shorthand, the Salmond committee—and to the war that went on to get information from the Government, the WhatsApp and text messages that were discovered only after several requests and the lack of information on the legal advice that was taken by the Scottish Government, in which its counsel said that the case should be abandoned because the Government was going to lose. Never mind the cost to the taxpayer. It took months of argument and, ultimately, motions of no confidence in the chamber for John Swinney to finally give us sight of some of the documents that were required.

I have to say that the approach to the Covid inquiry bears remarkable similarity to that. The Government tells us how many thousands of

pages it has supplied but not about the quality of the information. During the Salmond inquiry, many of the thousands of pages that we were provided with were either blank or so heavily redacted that all we could see were black lines.

Secrecy is the SNP's modus operandi. Look at Ferguson Marine and the award of that disastrous shipbuilding contract, information on which was withheld from the Parliament's audit committee. Circularity Scotland was created so that ministers did not need to be answerable for decisions about the bottle return scheme, and so it goes on.

I am reminded that Nicola Sturgeon first committed to a public inquiry in May 2020, and I commend her for that. She knew then, and subsequently confirmed, that she would disclose all Government emails, private emails and WhatsApp messages to the inquiry. Frankly, it is appalling that that has not been complied with and that she appears to have manually deleted messages—a point that she is unwilling to confirm or deny. It would appear that deleting messages has been going on on an industrial scale, and not just by politicians—Jason Leitch, the national clinical director, was at it too. How many messages from Jason Leitch, Nicola Sturgeon, John Swinney or Humza Yousaf have been transcribed to the official record, as the Deputy First Minister said they would be?

I am delighted that the First Minister found his old mobile phone and that he is handing it over. Can he tell us—through whoever is responding for the Government—whether the inquiry was told that the phone was initially missing, and whether it is only because he discovered an old mobile that he can now provide messages?

Can ministers hand over emails from their SNP email accounts? I know that they use them as a means of avoiding scrutiny. Have any of those been handed over to the inquiry? If so, from which ministers and special advisers? I welcome the provision of all legal advice being handed over to the UK inquiry. Can the Deputy First Minister confirm that that is without qualification? After all, it should be for the inquiry to judge what is relevant, not those who have a vested interest in protecting themselves from the outcome.

It is not just individuals who have withheld information, it is the Government itself. I understand that a key document on the decision to send older people untested into care homes appears to have gone missing. I genuinely think that the SNP Government, particularly its ministers, has decided—and this is how cynical it is—that to be criticised for being secretive and not sharing information is better than to reveal the content of those messages. It is so disappointing that the Scottish Government has told half-truths

and that it had to be invited to correct the record by the UK Covid inquiry. That is embarrassing.

Aamer Anwar, who is representing the families, said that the Scottish Government's

"failure to provide clarity, constant changing timelines and excuses combined with the redundant excuse of 'confidentiality' inflames a belief that you are obstructing the search for truth."

I could not agree with him more.

I will turn to the comments that were made by the First Minister and Deputy First Minister in the chamber. In May and at least twice in June, the First Minister promised to be open and transparent, saying that it would all

"absolutely be handed over to the Covid inquiries and handed over to them in full."—[*Official Report*, 29 June 2023; c 15.]

In October, "in full" became "any potentially relevant information". With the greatest respect, it is essential that the inquiry decides—it is not for the Government to decide.

It is clear from the exchanges on 31 October and 2 November that entirely contradictory timelines and information have been provided by the First Minister and the Deputy First Minister. It would appear to anyone who is watching that the ministerial code has been breached. The question for me is whether it was a genuine mistake or a deliberate attempt to cover up? Given what I have seen over the years, secrecy trumps all with the Government. The matter should be referred for investigation in order to consider whether the Parliament has been misled.

This is an important debate. It is about accountability and standards in public office, as Martin Whitfield spoke about, and, importantly, it is about getting truth and justice for Covid-bereaved families, the older people who were discharged to care homes without testing, the families who were unable to visit loved ones in care and the children whose education was compromised and who are still suffering the consequences. All of them deserve answers. This is a matter of trust and accountability.

In closing, I am so disappointed with the Deputy First Minister's amendment, as it fails to apologise or even acknowledge that the SNP has given incorrect information to the chamber. It is complacent and insulting to those who lost loved ones. I will finish by repeating what Anas Sarwar at the end of his contribution: what does the SNP have to hide?

16:48

**The Minister for Parliamentary Business (George Adam):** I will spend most of the time that I have available going through various points that

have been made by colleagues. I will start by saying that the reassurances that the First Minister and Deputy First Minister have provided for some time now are compelling and informed.

During the debate, Fulton MacGregor made an extremely important point when he said that it is up to both inquiries to make the decisions and provide the answers that everyone else is looking for. All communications that we have demonstrate the care and close attention that is being given to the huge task of ensuring that both inquiries receive the information that they have requested and that they require in order to provide comfort to those whom Covid-19 hit the hardest.

As the Deputy First Minister is, I am thoughtful of the impact that all our discussions have on the Scottish Covid-bereaved families and my thoughts are with all those who experienced a loss during the pandemic. In her extremely powerful speech, Clare Adamson mentioned that we are talking about people and not statistics. In this debate, it is extremely important that we talk about the humanity of the situation.

Every one of us has a Covid story. As we have heard today, everyone has someone in their family who has been affected. In my case, two years ago, my mother-in-law ended up in the Royal Alexandra hospital, and one day in the past couple of weeks probably marks two years since we held her funeral. I am aware of how triggering such debates are, so we must be respectful. In all honesty, I care about what the families think about what went on. They are the most important people in this debate. Like Clare Adamson, I am 100 per cent behind that idea, and it is important that we remember that in everything that we do.

As we have heard and discussed at length, the importance of good records management practice as a keystone of delivery is paramount to the Scottish Government. Such practice is auditable and is a regulated requirement of government and governance. It allows our data and information to be in order to ensure that we can provide robust evidence on decisions that have been taken. The Scottish Government has high standards of records management, and we will continue to ensure that good practice and transparency are at the forefront of our records management.

**Jackie Baillie:** If ministers, special advisers or officials failed to submit any or all communications to the records management system, what sanction would they face?

**George Adam:** As I have said numerous times when I have been asked questions about the records management system, all decisions are taken and all practices are done through the SCOTS IT system. No decisions are taken in any other way. In order for us to make a decision and

take something forward, we have to go through that process, so Jackie Baillie's argument is not relevant in this scenario.

I will highlight some of the important work that the Scottish Government has delivered in relation to transparency. Taken together, that will show that the Government is committed to being open and transparent and is delivering in that regard.

The Scottish Government's digital strategy is committed to increasing access to data and to delivering an ethical digital nation. As part of that commitment, we have been considering how data ethics plays a role in the Government's use of data. That work has included discussions with the public, as well as with academics, to understand how the Scottish Government can increase transparency in its use of data.

The Scottish Government is committed to open government principles of transparency, accountability and public participation. As part of our clear commitment to transparency, we are delivering, in partnership with civil society, Scotland's third open government national action plan. Our work on those action plans ensures that trust, integrity and person-centred approaches are central to the functioning of the Government.

**Douglas Ross:** The minister is speaking about openness and transparency. I asked the Deputy First Minister whether the investigation by the Solicitor General and the permanent secretary, which the First Minister launched four weeks ago, had been delivered, but she did not cover that point in her remarks. Have those reports been delivered to the Scottish Government? If so, what did they say?

**George Adam:** That work is on-going.

I will continue with what I was saying about open and transparent government. Our current commitments are in areas that civil society and members of the public have told us are extremely important to them: the on-going promotion of transparency, participation, inclusivity and accountability.

As an example of the work that we have been delivering in collaboration with civil society, I draw members' attention to our commitment to fiscal transparency. Among other things, we are in the process of developing a fiscal transparency portal to make information on the Scottish budget more accessible to the public. The platform will support understanding of how public money is raised and used by bringing together and presenting our fiscal information in a more accessible, open and understandable way.

At a time when misinformation is on the rise, I emphasise that the Scottish Government recognises the importance of political integrity and

transparency. It takes those issues extremely seriously. *[Interruption.]*

**The Presiding Officer:** Thank you, members.

**George Adam:** Our recent freedom of information performance reflects that commitment. Information about the work of the Government can be obtained by members of the Parliament through responses to parliamentary questions, and by all citizens through exercising their rights under FOI law. Business areas across the Scottish Government have worked hard to complete our recovery from the delivery challenges of the pandemic and to return to our target performance levels for FOI requests.

By increasing our data tracking, we have been able to identify earlier where delays might arise. As a result, our FOI response rate has averaged 97 per cent since June. Our request numbers have increased by 60 per cent since the pandemic, and our FOI performance is now better than it has been at any point since the intervention began.

We will continue work in that regard, including by improving our training and further developing our network of case handlers, and through planning that is under way. I am pleased that that achievement was recognised in the progress report from the former Scottish Information Commissioner last month, and that I received encouraging feedback at my first meeting with the new commissioner, David Hamilton, when I met him last week.

Finally, I reassure Parliament of our commitment to do all that we can to ensure that the important work of both inquiries can proceed at pace, and that we have a robust process in place to ensure that it does.

16:55

**Murdo Fraser (Mid Scotland and Fife) (Con):** I will do my best to sum up the key points in the debate. As I said at the outset, I share the disappointment of Douglas Ross and others that the First Minister has not been here to listen to the debate, which is fundamental to his leadership of the Scottish Government and to the issues of integrity and transparency to which Mr Adam referred.

Let us remind ourselves why the debate is so important. Over the past couple of weeks, I have listened to some of the testimonies that have been given to the Scottish Covid inquiry by those who lost loved ones due to Covid and whose loved ones died in care homes during lockdown restrictions. Some of those stories were truly heart-rending. They struck a chord with me, because my mother died in a care home in

February 2021, during the second Covid lockdown. From the point that we had to take her into a care home in December 2020, when we realised that, as a family, we could not provide the 24-hour care that she required, we did not see her and we could not speak to her. The only point when we got to see her was after she had the stroke that would kill her, and she was lying unconscious. As was the case with other families and their loved ones, we had no contact with my mother over the past few months of her life.

I know that many other families faced similar situations. We have heard from Mr Adam, Roz McCall and others about the situations that people experienced. It is my view—it is just a view, but it is my view—that the cruelty of not allowing people to see their loved ones in the last few weeks, months or even years of their lives was a greater cruelty than exposing them to the risk that they might catch Covid and end their lives sooner. If I had been able to ask my mother, she would have shared that view that I hold, and, because I have heard their testimonies, I know that there are many other people who would equally share that view. I also know that others will take a different view.

I agree with the point that John Mason made in the debate. We were in unknown territory. We did not know what we were up against or what the risks were. I do not blame anyone for the decisions that were taken, because we did not know what those risks were. However, I hope that what the inquiries can be about is getting answers as to why those decisions were taken and learning lessons.

My mother was not given a choice, and neither were other people's relatives. Those decisions were taken for her and for us by the Governments of the day.

**Daniel Johnson:** I pay tribute to the member for his candour in obviously very difficult personal circumstances, but does he agree that it is really important to understand the basis on which those decisions were made and what information was being shared, both formally and informally? Having those WhatsApp messages is critically important, because they will allow us to understand what people knew and what they did not know but should have known.

**Murdo Fraser:** I am grateful to Mr Johnson for that point; it is precisely the point that I was about to make about why the inquiries and the issue of transparency are so important. We need to learn the lessons. If—perish the thought—we come up against a similar situation in the future, we need to have learned from our experience and know why those decisions were taken. Should we have to take those decisions again, we need to know how to weigh the harms to people—in terms of their

education and health, which we have heard about from others—against the risks from Covid or another pandemic. Therefore, transparency is all-important.

Let us remind ourselves of the timeline that was set out by Douglas Ross at the start of the debate. It was back in June 2021 that the UK Government wrote to the Scottish Government requesting that all material was protected, given that a UK Covid inquiry was going to be set up.

In August 2021, Nicola Sturgeon, the then First Minister, announced that a separate Scottish inquiry would be established and said that nothing would be off limits. In December 2021, the then Deputy First Minister, John Swinney, announced the formal establishment of the Scottish inquiry and pledged Scottish Government support. In February 2023, the UK Covid inquiry formally requested all messages, including WhatsApps, from the Scottish Government. The wording of that request is fundamentally important to the point that we are making today. This quote comes from a parliamentary written answer from Shona Robison on 8 November. The Covid inquiry said:

“Please provide any communications relating to key decisions, including internal and external emails, text messages or WhatsApp messages (on Scottish Government and private or personal devices), held by the Scottish Government.”—[*Written Answers*, 8 November 2023; S6W-22874.]

Despite what we have heard from the Scottish Government, the wording of “any communications” is unequivocal. We know that that request was followed up with further requests in July, August and September 2023, among others.

On 31 October 2023, Shona Robison told the Scottish Parliament:

“The UK inquiry asked in June for summaries of all WhatsApp and similar groups relating to co-ordination, logistics and day-to-day communication, thereby greatly expanding the scope of what the Scottish Government needed accordingly to collate and process. That request was followed in September by a request for the actual messages that were exchanged within those groups.”—[*Official Report*, 31 October 2023; c 62.]

On 2 November, Humza Yousaf, told the Parliament:

“It is crucial to say that, when the UK Government inquiry asked us in June for details of the various WhatsApp groups concerning Covid 19, it did not request the messages themselves. The messages were asked for in September, just a matter of weeks ago.”—[*Official Report*, 2 November 2023; c 17.]

That is what the *Official Report* says. I cannot see how that is reconciled with the wording of the request in February 2023 from the UK Government, which asked for “any communications”. Can the Deputy First Minister provide clarification on why she thinks that those two positions can be reconciled?

**Shona Robison:** Will the member give way?

**Murdo Fraser:** I will give way to her, but I cannot see it.

**Shona Robison:** I was very clear in my speech today that the information that was set out in the statement related to the key decision-making interpretation of the original messages. In my statement, I was very clear that the UK inquiry had made previous requests for information. The First Minister and I have acknowledged that, looking back at the wording of that request, it was too limited an interpretation.

Will Murdo Fraser accept that all of that information has been provided, so it is now for both inquiries to decide about the scope and adequacy of the information that is provided to them?

**Murdo Fraser:** That was a very long and unconvincing intervention. It does not answer the key point that I asked about the wording in February 2023, when the inquiry asked for “any communications”.

If the Deputy First Minister is so confident of her ground, why can she not support our motion? Our motion does not condemn the Scottish Government or say that there has been a breach of the ministerial code. It is a straightforward motion that says that the matter, which is clearly in dispute, should be referred to an independent adviser under the ministerial code. If the Scottish Government believes that it is right, the independent adviser will, presumably, vindicate that position. Why can it not be put to an independent adviser to be assessed? Let us remember that former First Ministers have done that. If I remember rightly, Alex Salmond referred himself twice to an independent adviser, and Nicola Sturgeon did so in the context of the Salmond inquiry, as Douglas Ross reminded us. What does the Scottish Government have to hide? Its refusal to refer the matter suggests that it is on uncertain ground.

**Martin Whitfield:** On that point, does that not fulfil the Nolan principle that the Government should submit itself to the scrutiny that is necessary to ensure transparency?

**Murdo Fraser:** The convener of the Parliament’s Standards, Procedures and Public Appointments Committee makes a fair point about the need for transparency.

I fear that what we have heard from the Government typifies Scottish ministers’ sense of arrogance and entitlement—they do not feel that they have to submit themselves to scrutiny from external bodies.

There is a clear parallel with what we have seen over the past few days from the health secretary,

who is still missing in action from this Parliament, on the question of his roaming charges. If he has done nothing wrong, and he can prove that he has done nothing wrong, why is he not being transparent and open with the information? The fact that he is refusing to do that leads to suspicion that there is something amiss in his behaviour.

Presiding Officer, I am conscious that I am already over my time. Let me just say in closing that, for years, this Scottish Government has presented a holier-than-thou attitude, claiming some sort of moral superiority over people at Westminster. However threadbare that claim was before today, it has now been exposed as wholly false this afternoon. I do not doubt that the Government will win the vote in a few minutes' time, because it will whip its back benchers into supporting it. However, in doing so, it will lose the last shred of credibility that it has held.

George Adam has just told us that this Government values "political integrity and transparency". The families of Covid victims, the families of those who died in care homes and the people of Scotland expect better from this Government. If it really does care about transparency, truth and integrity, it will vote in favour of the motion in the name of my friend Douglas Ross.

**The Presiding Officer (Alison Johnstone):** That concludes the debate on an independent investigation into the First Minister and Deputy First Minister.

## Business Motion

17:06

**The Presiding Officer (Alison Johnstone):** The next item of business is consideration of business motion S6M-11260, in the name of George Adam, on behalf of the Parliamentary Bureau, setting out a business programme.

*Motion moved,*

That the Parliament agrees—

(a) the following programme of business—

Tuesday 21 November 2023

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)

*followed by* Ministerial Statement: Autumn Statement: Scottish Government Priorities

*followed by* Scottish Government Debate: The Situation in the Middle East

*followed by* Committee Announcements

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 22 November 2023

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions: Wellbeing Economy, Fair Work and Energy; Finance and Parliamentary Business

*followed by* Scottish Labour Party Business

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

*followed by* Approval of SSIs (if required)

5.10 pm Decision Time

*followed by* Members' Business

Thursday 23 November 2023

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

*followed by* Members' Business

2.15 pm Parliamentary Bureau Motions

2.15 pm Scottish Parliamentary Corporate Body Questions

2.30 pm Portfolio Questions: Transport, Net Zero and Just Transition

*followed by* Stage 1 Debate: Disabled Children and Young People (Transitions to Adulthood)

(Scotland) Bill

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 28 November 2023

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)

*followed by* Health, Social Care and Sport Committee Debate: Female Participation in Sport and Physical Activity

*followed by* Committee Announcements

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 29 November 2023

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions:  
Rural Affairs, Land Reform and Islands;  
NHS Recovery, Health and Social Care

*followed by* Scottish Government Business

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

*followed by* Approval of SSIs (if required)

5.00 pm Decision Time

*followed by* Members' Business

Thursday 30 November 2023

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

*followed by* Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Portfolio Questions:  
Social Justice

*followed by* Stage 1 Debate: Wildlife Management and Muirburn (Scotland) Bill

*followed by* Financial Resolution: Wildlife Management and Muirburn (Scotland) Bill

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

(b) that, for the purposes of Portfolio Questions in the week beginning 20 November 2023, in rule 13.7.3, after the word "except" the words "to the extent to which the Presiding Officer considers that the questions are on the same or similar subject matter or" are inserted.—[George Adam]

*Motion agreed to.*

## Parliamentary Bureau Motions

### The Presiding Officer (Alison Johnstone):

The next item of business is consideration of Parliamentary Bureau motions. I ask George Adam, on behalf of the Parliamentary Bureau, to move motion S6M-11262, on the approval of a Scottish statutory instrument.

*Motion moved,*

That the Parliament agrees that the Mental Health (National Secure Adolescent Inpatient Service: Miscellaneous Amendments) (Scotland) Regulations 2023 [draft] be approved.—[George Adam]

**The Presiding Officer:** I call Paul Sweeney to speak to the motion.

17:06

**Paul Sweeney (Glasgow) (Lab):** Labour will not support this motion tonight, as we believe that there is more work to be done to ensure that these regulations are proportionate and appropriate for children.

This particular SSI seeks to amend the Mental Health (Safety and Security) (Scotland) Regulations 2005 to add Foxgrove, a new national in-patient facility for children and young people aged 12 to 17, which is located at the Ayrshire central hospital in Irvine, to the list of hospitals that are subject to the regulations.

Agreeing to the regulations would mean that young patients would be subject to the same measures as currently apply to adult facilities under the regulations, such as the searching of patients and their belongings; the sampling of certain body fluids or tissues; placing restrictions and the prohibition of visits; and the placing of restrictions on the kind of things that patients might have with them in hospital, and possibly the confiscation of items.

Labour welcomes the introduction of much-needed specialist services, but we remain concerned that more work needs to be done to ensure that these regulations do not undermine the human rights of children, including those set out in the United Nations Convention on the Rights of the Child.

In written evidence to the Health, Social Care and Sport Committee, the national youth justice advisory group said:

"NYJAG don't believe the measures should be authorised as they stand as children under eighteen have different levels of need and maturity".

The Children and Young People's Commissioner Scotland said:

"We ... recommend that alternative proposals be developed, using as a starting point the Secure Care Standards and Pathways".

In addition, the centre for mental health and capacity law at Edinburgh Napier University said:

"There should ... be a detailed human rights impact assessment undertaken in addition to this limited consultation."

Indeed, a consultation on the regulations lasted just two weeks, receiving only nine responses, and many were unaware that it was taking place.

A full children's rights and wellbeing impact assessment has not been completed, and there are legitimate concerns to do with the consent and capacity of the patients, given their age and varying complex needs. Although I appreciate that the minister committed to conduct a children's rights and wellbeing impact assessment when she was before the Health, Social Care and Sport Committee last week, such an assessment should have been completed prior to the regulations being laid in Parliament.

On that basis, Labour will not support the regulations tonight. I would encourage members of all parties to vote with us and to defer the regulations until a full children's rights and wellbeing impact assessment and a satisfactory level of consultation with critical stakeholders have been undertaken.

**The Presiding Officer:** I call Maree Todd to respond.

17:09

**The Minister for Social Care, Mental Wellbeing and Sport (Maree Todd):** Let me be clear from the start: Foxgrove is an essential service for children and young people with complex mental health needs. There is currently no other service in Scotland that can meet those needs. If the amendments are not passed, Foxgrove will be unable to maintain a safe and therapeutic hospital environment for young people who require care in a medium-secure facility.

I reassure members that the safety and security regulations sit within a comprehensive legal framework of the Mental Health (Care and Treatment) (Scotland) Act 2003, which is designed to uphold patients' rights while ensuring their safety and that of those caring for them. Of course, children and young people have different levels of need and maturity to adults and they require developmentally appropriate support. I reassure members that, prior to admission and throughout their stay in Foxgrove, children and young people will be involved in supported decision making around all aspects of their care and treatment.

I have been clear that, in line with the safeguards that are built into the regulations and the 2003 act, the measures will be applied only when necessary and in a proportionate way that is sensitive to the developmental stage of the child or young person. The approach will be consistent with that employed for children in secure care and, in particular, the secure care standards and pathways.

Patients who are appropriately admitted to medium-secure conditions present significant risks to others, including staff and peers, and the regulations allow the clinical staff to take proportionate measures to maintain a safe environment. There is no intent to be punitive. In the absence of those powers, it would be impossible to maintain the necessary safe, therapeutic hospital environment that is needed to promote recovery.

I ask members, please, to be assured that when the measures are applied they will uphold and protect the human rights of children and young people, in line with our commitment to the UNCRC. The regulations also allow scrutiny and oversight by the Mental Welfare Commission for Scotland.

**Daniel Johnson (Edinburgh Southern) (Lab):** Surely we cannot tell whether the regulations will uphold those people's human rights until we have done a human rights assessment. As my colleague has just outlined, that has not been carried out.

**Maree Todd:** As I explained at committee, much of the work for the human rights assessment has been completed and we are very content to complete it. We are certain that it will comply, and we will provide the committee with that.

With regard to the consultation, a short, targeted consultation was undertaken between 28 September and 12 October. Although only nine responses were received, they were from key bodies that are charged with upholding the human rights of children in Scotland. In addition to the consultation, officials arranged meetings with those stakeholders in order to seek further information on the responses. From those meetings, stakeholders' discussions indicated broad support. Therefore, I think that, in addition to the initial consultation, there has been a sufficient level of engagement with key individuals and organisations.

Many of the questions that members had when I appeared before the Health, Social Care and Sport Committee related to the operational management of Foxgrove. NHS Ayrshire and Arran, as the commissioned health board, is responsible for developing operational policy. It would be pleased to welcome any interested

members on a visit to Foxgrove to help them to understand how it will operate and to address any of their concerns.

The regulations are an essential step in preparing Foxgrove to admit patients, which it hopes to do in March 2024. I therefore urge members to approve the regulations.

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

The next item of business is consideration of Parliamentary Bureau motion S6M-11264, on the designation of a lead committee. I ask George Adam, on behalf of the Parliamentary Bureau, to move the motion.

*Motion moved,*

That the Parliament agrees that the Equalities, Human Rights and Civil Justice Committee be designated as the lead committee in consideration of the Gender Representation on Public Boards (Amendment) (Scotland) Bill at stage 1.—[George Adam]

**The Presiding Officer:** I call Meghan Gallacher.

17:13

**Meghan Gallacher (Central Scotland) (Con):** Earlier this month, the Court of Session upheld an initial ruling that the legal definition of the word “woman” is not limited to a person of the female biological sex. That means that a trans woman with a gender recognition certificate—GRC—is given the same recognition in law as a biological woman.

Current legislation allows a trans woman to obtain a GRC if she has lived in her acquired gender for at least two years, is above the age of 18 and has received a suitable medical diagnosis. If the SNP-Green Government had its way, the process of obtaining a GRC would be made much easier by lowering the minimum age at which one can apply for a certificate to 16, removing the need for a medical diagnosis and significantly reducing to only three months the time period for which an applicant must have lived in the required gender. That would fundamentally change the definition of the word “woman” and would expand who would be eligible to sit on corporate boards as a woman.

Around this time last year, the United Nations special rapporteur on violence against women and girls, Reem Alsalem, wrote that the Scottish Government must,

“as a minimum, await the outcome of judgments on these very issues in front of both the Scottish and UK courts”,

including the judgment in the case of the Gender Representation on Public Boards (Scotland) Act 2018, before moving forward with the Gender Recognition Reform (Scotland) Bill.

My Scottish Conservative colleagues repeatedly warned that the SNP Government’s gender self-identification bill would make it significantly easier to change legal gender. Now, as a result of the latest court ruling, the SNP Government is being forced to remove the definition of the word “woman” from the Gender Representation on Public Boards (Scotland) Act 2018. Just as with the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill, we are having to use up parliamentary time and resources to fix a piece of poorly drafted legislation. Taxpayers have already had to foot an almost £230,000 bill for the Government’s legal battles as it has tried to save its flawed gender self-ID bill, which is opposed by a majority of Scots. Now, more time and money will be spent on fixing the SNP Government’s latest mistake.

I hope that Scottish ministers will use this court case to finally learn their lesson.

**The Presiding Officer:** I call Shirley-Anne Somerville to respond.

17:15

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** The Gender Representation on Public Boards (Amendment) (Scotland) Bill aims to align the 2018 act with the Court of Session ruling last year, which stated that the act’s inclusion of the definition of “woman” was outwith the legislative competence of the Scottish Parliament and was therefore not law. The bill, if passed, will provide clarity by removing the redundant definition from the statute book.

We looked at all other planned legislation and did not find a suitable bill to take this aim forward. We appreciate that it is unusual to have such a short bill, but it is a simple, small, technical fix to the statute book. The bill does not change the policy intention of the 2018 act. We still wants boards of public bodies to better reflect the population of Scotland.

The Equalities, Human Rights and Civil Justice Committee was the committee that worked on the 2018 act, and it is appropriate that it will work on the bill. The thrust of the 2018 act is an equality issue. The timetable for the Parliament’s scrutiny of the bill is a matter for the Parliamentary Bureau. It is up the Equalities, Human Rights and Civil Justice Committee to decide how it scrutinises the bill. I support the motion to refer the amendment bill to the Equalities, Human Rights and Civil Justice Committee.

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

The next item of business is consideration of four Parliamentary Bureau motions. I ask George

Adam, on behalf of the Parliamentary Bureau, to move motions S6M-11261, on approval of a statutory instrument; S6M-11263, on approval of a Scottish statutory instrument; S6M-11265, on committee substitutes; and S6M-11266, on recess dates.

*Motions moved,*

That the Parliament agrees that the Greenhouse Gas Emissions Trading Scheme (Amendment) (No. 2) Order 2023 [draft] be approved.

That the Parliament agrees that the International Organisations (Immunities and Privileges) (Scotland) Amendment (No. 2) Order 2023 [draft] be approved.

That the Parliament agrees that the following changes to committee substitutes will apply from close of business on Thursday 16 November 2023—

Jackie Dunbar be appointed to replace John Mason as the Scottish National Party substitute on the Economy and Fair Work Committee;

Audrey Nicoll be appointed to replace Gordon MacDonald as the Scottish National Party substitute on the Finance and Public Administration Committee;

Gordon MacDonald be appointed to replace Ruth Maguire as the Scottish National Party substitute on the Local Government, Housing and Planning Committee; and

Jim Fairlie be appointed to replace Audrey Nicoll as the Scottish National Party substitute on the Constitution, Europe, External Affairs and Culture Committee.

That the Parliament agrees, further to motion S6M-09150 and under Rule 2.3.1, that the parliamentary recess dates of 29 June to 31 August 2024 (inclusive) be replaced with 29 June to 1 September 2024 (inclusive).—[George Adam]

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

## Decision Time

17:17

**The Presiding Officer (Alison Johnstone):** There are six questions to be put as a result of today's business.

The first question is, that amendment S6M-11247.2, in the name of Shona Robison, which seeks to amend motion S6M-11247, in the name of Douglas Ross, on an independent investigation into the First Minister and Deputy First Minister, 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 digital voting.

17:17

*Meeting suspended.*

17:20

*On resuming—*

**The Presiding Officer:** We move to the division on amendment S6M-11247.2, in the name of Shona Robison. Members should cast their votes now.

**For**

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)

MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)

#### Against

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 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)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 O'Kane, Paul (West Scotland) (Lab)

Rennie, Willie (North East Fife) (LD)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)

#### Abstentions

Regan, Ash (Edinburgh Eastern) (Alba)

**The Presiding Officer:** The result of the division on amendment S6M-11247.2, in the name of Shona Robison, is: For 63, Against 53, Abstentions 1.

#### *Amendment agreed to.*

**The Presiding Officer:** The next question is, that amendment S6M-11247.1, in the name of Anas Sarwar, which seeks to amend motion S6M-11247, in the name of Douglas Ross, on an independent investigation into the First Minister and Deputy First Minister, be agreed to. Are we agreed?

**Members:** No.

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

The vote is now closed.

**Monica Lennon (Central Scotland) (Lab):** On a point of order, Presiding Officer. I could not connect. I would have voted yes.

**The Presiding Officer:** Thank you, Ms Lennon. We will ensure that that is recorded.

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 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)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)

Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)

Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Regan, Ash (Edinburgh Eastern) (Alba)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)

**The Presiding Officer:** The result of the division on amendment S6M-11247.1, in the name of Anas Sarwar, is: For 53, Against 64, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that motion S6M-11247, in the name of Douglas Ross, on an independent investigation into the First Minister and Deputy First Minister, as amended, be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

**Monica Lennon:** On a point of order, Presiding Officer. I was unable to connect. I would have voted no.

**The Presiding Officer:** Thank you, Ms Lennon. 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)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)

Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)

#### Against

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foysof (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 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)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)

Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)

#### Abstentions

Regan, Ash (Edinburgh Eastern) (Alba)

**The Presiding Officer:** The result of the division on motion S6M-11247, in the name of Douglas Ross, on an independent investigation into the First Minister and Deputy First Minister, as amended, is: For 62, Against 54, Abstentions 1.

#### *Motion, as amended, agreed to,*

That the Parliament agrees that the First Minister and Deputy First Minister should continue to ensure that the Scottish Government responds fully to requests for information from the UK COVID-19 Inquiry and from the Scottish COVID-19 Inquiry; recognises that information has been provided to the Parliament in the contributions from the Deputy First Minister and First Minister on 31 October 2023 and 2 November 2023, and through written answers; notes that the Scottish Government has taken action to transfer messages to the UK COVID-19 Inquiry in compliance with its requests, and further notes that the Scottish Government has offered an apology to families that have lost loved ones to, or been impacted by, COVID-19 for any distress that has been caused.

**The Presiding Officer:** The next question is, that motion S6M-11262, in the name of George Adam, on behalf of the Parliamentary Bureau, on approval of a Scottish statutory instrument, be agreed to. Are we agreed?

**Members:** No.

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

**For**

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Regan, Ash (Edinburgh Eastern) (Alba)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caitness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)

#### Against

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)

Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 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)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)

**The Presiding Officer:** The result of the division on motion S6M-11262, in the name of George Adam, on approval of a Scottish statutory instrument, is: For 64, Against 53, Abstentions 0.

#### *Motion agreed to,*

That the Parliament agrees that the Mental Health (National Secure Adolescent Inpatient Service: Miscellaneous Amendments) (Scotland) Regulations 2023 [draft] be approved.

**The Presiding Officer:** The next question is, that motion S6M-11264, in the name of George Adam, on behalf of the Parliamentary Bureau, on designation of a lead committee, be agreed to.

#### *Motion agreed to,*

That the Parliament agrees that the Equalities, Human Rights and Civil Justice Committee be designated as the lead committee in consideration of the Gender

Representation on Public Boards (Amendment) (Scotland) Bill at stage 1.

**The Presiding Officer:** I propose to ask a single question on four Parliamentary Bureau motions. Does any member object?

**Members:** No.

**The Presiding Officer:** Therefore, the final question is, that motions S6M-11261, on approval of a statutory instrument, S6M-11263, on approval of an SSI, S6M-11265, on committee substitutes, and S6M-11266, on recess dates, in the name of George Adam, on behalf of the Parliamentary Bureau, be agreed to.

*Motions agreed to,*

That the Parliament agrees that the Greenhouse Gas Emissions Trading Scheme (Amendment) (No. 2) Order 2023 [draft] be approved.

That the Parliament agrees that the International Organisations (Immunities and Privileges) (Scotland) Amendment (No. 2) Order 2023 [draft] be approved.

That the Parliament agrees that the following changes to committee substitutes will apply from close of business on Thursday 16 November 2023—

Jackie Dunbar be appointed to replace John Mason as the Scottish National Party substitute on the Economy and Fair Work Committee;

Audrey Nicoll be appointed to replace Gordon MacDonald as the Scottish National Party substitute on the Finance and Public Administration Committee;

Gordon MacDonald be appointed to replace Ruth Maguire as the Scottish National Party substitute on the Local Government, Housing and Planning Committee; and

Jim Fairlie be appointed to replace Audrey Nicoll as the Scottish National Party substitute on the Constitution, Europe, External Affairs and Culture Committee.

That the Parliament agrees, further to motion S6M-09150 and under Rule 2.3.1, that the parliamentary recess dates of 29 June to 31 August 2024 (inclusive) be replaced with 29 June to 1 September 2024 (inclusive).

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

## Pancreatic Cancer Awareness Month

**The Deputy Presiding Officer (Annabelle Ewing):** The final item of business is a members' business debate on motion S6M-10584, in the name of Willie Coffey, on pancreatic cancer awareness month. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament marks Pancreatic Cancer Awareness Month, which takes place in November, and World Pancreatic Cancer Day, which takes place on 16 November 2023; understands that pancreatic cancer is the deadliest common cancer in Scotland and the UK, with more than half of people who are diagnosed dying within three months; further understands that survival rates have barely changed in 50 years; considers that data on the experience of patients with this disease is incredibly scarce and poor, leading to concerns of patients' voices being lost in the system; believes that support and information for patients with pancreatic cancer is often neither readily available nor forthcoming; applauds the work of the range of pancreatic cancer charities that do provide information and support for patients and their families; notes the view that more needs to be done to ensure that all patients get immediate and easy access to such support as soon as they are diagnosed, given that, it understands, currently only 12% of people diagnosed with pancreatic cancer in Scotland are using such support channels; commends all the charities and activist organisations and their dedicated supporters for their tireless efforts to raise awareness of pancreatic cancer, and wishes everyone involved with Pancreatic Cancer Awareness Month every success in their endeavours.

17:31

**Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** I thank all the members who supported the motion to enable us to highlight the issue of pancreatic cancer during the month of November. The Parliament has a good record of doing so, and I acknowledge the efforts of my colleague Clare Adamson, who has been at the forefront of bringing the subject to our attention over many years. Members might recall the moving speech from our former colleague John Scott, who spoke very movingly in 2020 about his illness and recovery. It was one of those moments in the life of the Parliament when we were all grateful for the opportunity to come to this place and share some of the important things in life.

I have no doubt that we will hear from members across the chamber of the experiences of their family or constituents, and I am no different. My mother died from this disease in 1985 and, although that seems almost half a lifetime ago, I can assure members that it is as painful today as it was then. It never gets any easier for me or my sister, Helen, and her family, who remember her and still miss her.

I am grateful, as ever, to the team at Pancreatic Cancer UK—I think that some of those colleagues are in the gallery tonight, and I welcome them—who provided us with some helpful facts and figures about this cancer. If there is one message from the briefing that the team provided, it is this: if we act quickly, we can save more lives.

More than half of the people who get this cancer will not survive more than three months from their diagnosis. About 70 per cent of people will not receive any treatment, only one in four will survive beyond a year and only 12 per cent of people who are diagnosed use the various support channels that are in place.

Alarming, most people cannot name the most common symptoms that may—I stress the word “may”—indicate pancreatic cancer. Anyone experiencing one or more of the most common symptoms—back pain, indigestion, tummy pain and weight loss—for more than four weeks should contact their general practitioner. Anyone experiencing jaundice should head straight to an accident and emergency department to have that checked. I stress again that those symptoms are not necessarily indicators of pancreatic cancer, but it helps to know those symptoms and to get checked out as quickly as possible.

Those are all pretty desperate and alarming statistics, but that can change. There is some light at the end of the tunnel. The Scottish Government has specifically committed to improving pancreatic cancer survival rates in its cancer plan. Through the Scottish diagnostic pathway improvement project, the aim is to speed up diagnosis and improve the care that we offer to pancreatic cancer patients in Scotland.

According to Pancreatic Cancer UK, through the pathway, Scotland is leading the way in speeding up diagnosis, which is critical for patients, and the early results are encouraging. As I said at the outset, time is critical, so speeding up all aspects of the patient journey is so important.

The indications from the pilot project are that people are getting multiple tests as soon as possible. So far, about 12 per cent of patients in the pilot health board areas are getting that all-important early diagnosis that can save their lives. The pilot is funded for only two years. Clearly, if it is helping, I am certain that the Government will consider extending that work. I hope that the minister will say something about that later.

Pancreatic Cancer UK’s “Don’t Write Me Off” campaign focuses on the urgent need for faster and concurrent diagnostic pathways. The need for that was all too evident in the case study, which was painful to read, about the lady from Fife who, tragically, did not get any treatment due to delays and repeated tests.

Research and innovation have a key role to play, and Scotland is leading the way. Pancreatic Cancer UK has invested more than £500,000 to support research and a variety of awards, particularly the future leaders academy at the Beatson Institute for Cancer Research, which provides five early-career scientists with training and mentorship to help them on their journey to becoming pancreatic cancer specialists. All five students managed to complete their PhDs, even during Covid, and their work is beginning to leverage in other funding for their research labs.

Pioneering research is also taking place that could lead to a new groundbreaking immunotherapy treatment for the cancer. The good work that is being done by Precision Panc in Glasgow is on-going and focuses on matching up molecular profiles of patients with the most effective clinical trials that are available. I am sure that we offer our full support to everyone who is working in that important area of research.

I see the opportunity of this debate as one of the most important contributions that we can make, as members of this Parliament. It is about highlighting an extremely dangerous and life-threatening cancer that, even as we speak, the public do not know much about. Our job is to bring it to the attention of our constituents and to inform them of the risks while offering some reassurance about the great work that is being undertaken to try to improve the situation.

Everyone in Scotland must be able to access the services that are giving us so much hope through the pilots and the research. If we can save time, we will save lives.

I look forward to hearing the contributions of other members during the rest of the debate.

17:37

**Clare Adamson (Motherwell and Wishaw) (SNP):** I thank Willie Coffey for securing the debate and for picking up the baton for this year’s debate in the Scottish Parliament. I reassure the sea of purple in the gallery that, although I might not be holding the baton, I am still running the race with them and everyone who is in the fight to raise awareness of pancreatic cancer and to find the much-needed advances in relation to the disease.

I also thank Willie Coffey for mentioning John Scott and the powerful speech that he made about his wife and his own situation. I hope that his colleagues will take our best wishes back to him.

It is important to increase public awareness. As always, I will reiterate some of the symptoms to look out for. As Mr Coffey said, many people cannot name a single symptom of pancreatic cancer, but those symptoms are often

commensurate with the symptoms of other conditions. Common symptoms include back pain, indigestion, tummy pain, unexplained weight loss and loss of appetite. Anyone with jaundice should immediately go to an accident and emergency department. Increasing public awareness of the symptoms is vital, as early diagnosis and intervention are the best way to treat and survive the cancer.

I am pleased to say that marking pancreatic cancer awareness month is now a firm annual fixture in the Scottish Parliament. That in itself is a mark of the progress in bolstering pancreatic cancer in Scotland's policy agenda. Pancreatic cancer campaigners, many of whom are in the gallery, and many of whom have become friends, are a pleasure to work with. It is their advocacy, as well as the bravery of those with lived experience of the disease, that has brought this debate to the chamber for its sixth year.

I was delighted to host Pancreatic Cancer UK in the Parliament earlier this month. A cross-party contingent of MSPs came and took part in a photo call on the garden lobby steps as part of PCUK's "Don't Write Me Off" campaign. Campaigners were able to speak to MSPs about their experiences in the drop-in session.

I had some difficult but heartening conversations with the campaigners who came along. Nicole McDonald spoke about her dear friend Danielle, who sadly lost her life to pancreatic cancer in June. Nicole and Danielle's mother, Diane, spoke with such passion and warmth about that really young woman, whose resilience was evident in their thoughts. Danielle's wry humour following her diagnosis might have been a point of occasional frustration to her mother and Nicole, but it was a wonderful mark of her character in the face of such tribulation. I never had an opportunity to meet her but, from speaking to Nicole and Diane, it was clear that, throughout her illness, Danielle remained indelibly herself. I was utterly touched that Nicole gave me the pin that I am wearing this evening, and I will wear it proudly every November in memory of Danielle. I thank her once again for coming to speak to us about her.

I have spoken previously about a cause for optimism—a quality that is hard to come by when we are talking about pancreatic cancer. The central causes for optimism are that, with early intervention, pancreatic cancer can be survived, and that there are innovations in treatment across Scotland. I have spoken previously about the exemplary work of Precision Panc in Glasgow. NHS Scotland has launched a new initiative with the innovative virtual cancer care team to speed up diagnosis and treatment for people with two of the deadliest forms of cancer, of which pancreatic cancer is one. A Scotland-wide two-year project,

which was included in the recently published cancer action plan for Scotland, will triage patients who have been referred by local healthcare teams because of a suspicion of pancreatic cancer. That should allow for swift diagnosis and reduce delays.

Other promising developments include a clinical study to develop a breath test that could detect pancreatic cancer. A team at Imperial College London, led by Professor George Hanna, is studying how breath samples taken in GP surgeries could be used to ensure that, for people with early pancreatic cancer symptoms, which can be mistaken for other things, the condition could be ruled out at an early stage if the test becomes available.

As Pancreatic Cancer UK puts it, we need to go faster. As I have said many times when I have spoken about the disease, weeks, months and years for other cancers are seconds, minutes and hours for pancreatic cancer, because it can be so aggressive and the time that people have to deal with it and live with it after diagnosis can be so short. We have to pivot so that we get there earlier and, as Lynda Murray always says, give people a chance.

17:43

**Miles Briggs (Lothian) (Con):** I thank Willie Coffey for securing the debate and welcome the people who have joined us in the public gallery. I also pay tribute to Clare Adamson, who has committed to bringing the debate to the chamber in all the time that I have been in Parliament. I thank her for the opportunity in the past, because the debate has become an important point for us as a Parliament to come together and consider the issues.

Many members who are in the chamber will have personal knowledge of someone who has suffered from pancreatic cancer, whether a family member, friend, colleague or constituent. I am always moved by people who contact us beyond the debates.

I thank colleagues for mentioning John Scott and the speech that he made about his personal experience in one of the debates. I saw him at the Royal Highland Show this year, and he is doing well. He always emails us to keep us on our toes in Parliament. It is always good to see and hear from John. I thank colleagues for their comments.

As Willie Coffey outlined, the real cruelty of pancreatic cancer is that it is especially hard to detect. That, allied with the lack of timely treatment and care, means that the chance of best quality of life is significantly lowered for many people who discover that they have it, which often happens in A and E.

Just under 900 people a year are diagnosed with pancreatic cancer in Scotland, and pancreatic cancer survival has not shown any real improvement over the past 50 years. In Scotland, pancreatic cancer is the deadliest common cancer, with more than half of people who are diagnosed dying within the first three months, and seven out of 10 people receiving no treatment.

In our debate on the subject last year, I raised a number of issues on decisions to treat and the call for long-term funding to embed the learnings of the Scottish diagnostic pathway improvement project in our NHS. It is good to see some of the work that is happening around that. I was pleased to attend, with others, the Pancreatic Cancer UK drop-in that was held in Parliament recently, and to speak to a number of patients and family members about the issues that they wanted to raise and the changes that they want to see.

Pancreatic Cancer UK has worked with experts across the field to develop the faster, fairer and funded optimal care pathway, which will inform how best to diagnose, treat and care for pancreatic cancer patients. However, we still need far more work to be taken forward on decision making around decision to treat, and cancer workforce planning is critical to that. Funding for specialist pancreatic cancer roles in every health board across Scotland and the delivery of the workforce plan in the Scottish Government's cancer plan need to be the top priorities if we are to achieve what we want to see. I very much welcome the fact that the Scottish Government has committed to improving pancreatic cancer survival, but we now need to see what that will look like in reality within the plan. That will require action and not just words if we are to ensure that improvements become a reality.

It is hoped that, through implementation of the optimal care pathway, significant progress can be made to improve treatment for people, with—importantly—more decisions to treat being made. However, if this work is to progress significantly, we need to see something that is an opportunity for Scotland—the doubling of treatment pathways and improvement in survival rates. That could see around 400 more people in Scotland living longer and better lives over the next five years.

Although we have to be honest—this is always an honest debate—that the current statistics paint a challenging picture, we know that early diagnosis and treatment can improve the lives of people with pancreatic cancer. Scotland has an opportunity to lead the way in the United Kingdom in improving treatment of pancreatic cancer and survival rates. I believe that, with focus and determination, we can help to move Scotland and the UK from being one of the worst-performing countries to being one of the best.

Every member in the chamber has a duty to their family, their friends and their constituents to hold the Government to account on this and ensure that we stand by the commitments that we have made to try to improve the survival rates. As others have said, time is a luxury that those who are suffering from pancreatic cancer do not have, so we must act now and make that a priority.

I have spoken in every debate that we have had on the subject since I was elected, because I know that we can make a difference. Every campaigner I have met, every individual I have worked with and every family that has lost a loved one to pancreatic cancer has demanded that we do better. As Clare Adamson said, when we meet campaigners, it is an odd feeling, because we come away with hope even though they have had such a negative time. They may know that our work is not going to make a difference for their loved one, but they are demanding that we make a change for other people's families and loved ones.

I hope that today's debate shows that we always have all those people in mind and that we want to continue to work to improve treatment and pathways, and above all to celebrate the lives of people we have lost to pancreatic cancer. They are all individuals we need to celebrate, and I hope that today's debate gives us the opportunity to do that.

17:48

**Carol Mochan (South Scotland) (Lab):** I, too, thank Willie Coffey for bringing this debate to the chamber. On behalf of Scottish Labour, I welcome the recognition of pancreatic cancer awareness month and world pancreatic cancer day, which will be marked tomorrow. It is critical that we take time to mark those events and I wish everyone who is involved all the best for the work that will be carried out tomorrow and in the rest of the month.

As other members have said, raising awareness of illnesses such as pancreatic cancer is pivotal to ensuring early diagnosis and improving the prognosis. Like Miles Briggs, I have spoken in our previous debates on the subject since I was elected, and I always consider it important to highlight the key symptoms.

We know that the problem is that people do not recognise the key symptoms of pancreatic cancer. Those include abdominal or back pain or discomfort, unexplained weight loss or loss of appetite, yellowing of the skin or eyes or itchy skin, a change in bowel habits, nausea or vomiting, and indigestion that does not respond to treatment. Knowing those symptoms and seeking medical advice, even as a precaution, can be life saving or life prolonging, and it is key that we continue to support the public awareness campaigns on that,

as all members have said. According to Pancreatic Cancer UK, only 8 per cent of people can name the most common symptoms of pancreatic cancer, which is far too low. We know that, so, to save and prolong lives, we must increase the numbers significantly.

I thank the various organisations that contacted me ahead of today's debate, along with the members of the public whose family members have been affected who also contacted me. Such briefings are always important and highlight the sheer scale of the challenge that we face given the destructive nature of pancreatic cancer. We always appreciate the work that has gone into putting together such briefings for us.

Other members have mentioned the importance of research. We know from research that pancreatic cancer is the deadliest common cancer. More than half of people die within three months of diagnosis, and seven in 10 people with pancreatic cancer never receive any treatment, often because of late diagnosis. This is a significant challenge that demands immediate response, as others have said. That is why I give my full support to Pancreatic Cancer UK's "Don't write me off" campaign, which sets out three priorities, which are to make diagnosis, treatment and care faster, fairer and funded. As I noted, many pancreatic cancer sufferers will not receive treatment, so we need that diagnosis and treatment to be much faster.

As I often do in the chamber, I will talk a little about inequalities that exist among people seeking support and treatment. The socioeconomic health inequalities that create deep, divisive and damaging inequalities in our communities also matter in these circumstances. We need to support people to speak to their general practitioner or a local nurse whenever they can. Even if that is just a precaution, it is always worth it.

As has been said, we need to address funding to provide support for patients. The motion talks about the fact that we need funding for services. The national health service is struggling at times, particularly with long waiting times, slow diagnosis and a lack of readily available treatment. We must address that and look at the funding sources. As I think everybody would agree, the NHS is our proudest possession—it is certainly my party's proudest creation. We would be letting people down if we were not honest about the things that we need to do.

I thank everyone in the public gallery and all the members who have spoken.

17:53

**Beatrice Wishart (Shetland Islands) (LD):** I thank Willie Coffey for bringing this important debate to the chamber. I also thank the organisations that provided briefings to parliamentarians for today's debate, including Pancreatic Cancer UK and Pancreatic Cancer Action Scotland. As well as thanking them for the briefings, I thank them for the great work that they do. I note the timeliness of the debate, as it comes in the middle of pancreatic cancer awareness month, with world pancreatic cancer day tomorrow.

As others have alluded to, pancreatic cancer is the deadliest common cancer, with more than half of people dying within three months of diagnosis, many of whom never receive treatment. The statistics are stark. Scotland has one of the worst five-year survival rates in the world, ranking 32 of 33 countries with comparable data. However, there is hope for the future and for early diagnosis, which would save lives. Pancreatic Cancer UK's "Don't write me off" campaign is calling for a faster, fairer and funded pathway through diagnosis, treatment and care. It is estimated that an optimal care pathway could double treatment and survival rates. If it was introduced today, it would result in over 400 more people with pancreatic cancer in Scotland living longer and better lives over the next five years.

The pathway for patients from my constituency is shared between NHS Shetland and NHS Grampian but, as in other areas, too often, by the time of a diagnosis there is little time left for the patient.

Pancreatic Cancer Action Scotland highlighted in its briefing from its "Share your story" campaign that patients will visit their GP an average of four times before being diagnosed, and that 43 per cent of all pancreatic cancer cases are diagnosed by emergency presentation.

As Willie Coffey said, we all have stories to tell of family, constituents or loved ones, and I have permission from the family that I will talk about to mention their loved ones.

Shetland is an island community, and we like to think that we all know each other, which is true up to a point. In times of loss and deep sadness, we come together to support each other. In the summer of 2019, I attended the funeral of a friend, Alexis. The hall where the service was held was packed. The community was in shock and came to pay respects and offer sympathy to the family for the loss of someone who was held dear and taken from us too young. Pancreatic cancer had claimed another person.

Time moved on and, led by Alexis's husband, Bobby, the family did a 26-mile charity fundraising walk for pancreatic cancer.

In spring of this year, we gathered again in the same place for another funeral. This time, it was for Bobby. Almost unbelievably, pancreatic cancer had cruelly visited this family again. Their children and extended family were dignified throughout, but the pain, grief and heartache etched on the faces of those who loved Bobby and Alexis most was plain for all to see. The loss of Alexis and Bobby has been felt keenly by their work colleagues, too. Alexis worked in a local solicitors practice, and Bobby was a successful businessman in the house building sector. The ripples of this devastating disease extend out far into the wider community, and Alexis and Bobby are deeply missed by so many.

As the motion highlights, survival rates for pancreatic cancer have barely changed in 50 years. We need to change that. More needs to be done to help us reverse the stark numbers. More research and early diagnosis are the main things being called for, and I am sure that all of us in the chamber support those calls. We need to move faster. We cannot have another lost 50 years.

17:57

**Gillian Mackay (Central Scotland) (Green):** I thank Willie Coffey for securing this debate, and for sharing his personal story, and I pay tribute to Clare Adamson for her work.

I also thank the organisations that are involved in the support of those with pancreatic cancer, including Pancreatic Cancer UK, which has provided tireless and invaluable support to those with cancer and is the UK's leading funding specialist into pancreatic cancer research. It is driving innovative research to find breakthroughs that will change how we understand, diagnose and treat pancreatic cancer. As Beatrice Wishart has said, Pancreatic Cancer Action also does great work in raising awareness of symptoms and the stories of those with direct experience of pancreatic cancer.

Although the survival rates have improved enormously for most cancers, that is sadly not the case for pancreatic cancer. Currently, more than half of people diagnosed with pancreatic cancer die within three months. Early detection and awareness of symptoms are essential in identifying most cancers early, but with pancreatic cancer, that is difficult due to the generally vague symptoms that it presents. Symptoms of mild back pain, indigestion, tummy pain and nausea symptoms that sound like stomach upset are often dismissed.

When I met a constituent at a parliamentary reception earlier this session, I was given a card with a short version of their family's story. It has stayed on the pin board in my office ever since. I want to share that card—and their words—today, because it so clearly demonstrates how difficult and devastating this cancer can be. It says:

"Until 2013, we knew nothing about pancreatic cancer. In December 2012, our daughter, who turned 25 that month, had extreme vomiting which was initially thought to be norovirus. Due to her getting no better and losing weight rapidly, she saw a GP on the 7th of January 2013. Due to extremely high bilirubin levels, she was immediately admitted to hospital where she had a number of tests carried out.

On 18 January 2013, our world fell apart when our daughter was diagnosed with stage 4 inoperable pancreatic cancer. She had a four-year-old daughter at the time, and they both moved in with us to enable us to care for our daughter and granddaughter. She deteriorated rapidly, and on 2 June 2013 she passed away, leaving a heartbroken family. No parents, child, brother and grandparents should have to go through this."

As we have heard from many others in the debate, early detection saves lives. Currently, three in five people with pancreatic cancer are diagnosed with inoperable cancer, and the vague symptoms mean that it is difficult for GPs to identify those who need urgent referral for further investigation. We need new tools to help GPs to identify pancreatic cancer at an earlier stage. As has been mentioned, technology such as the breath test, which is being developed in tandem by Pancreatic Cancer UK and Imperial College London, looks very promising. Such innovations will be essential in addressing the inequalities that are currently experienced in the treatment of pancreatic cancer.

The new Scottish diagnostic pathway improvement project is an initiative that has been set up to improve care and speed up the diagnosis time for pancreatic and hepatocellular carcinoma. The pathway is demonstrating positive results, with the time that it takes for scan results to come back to the referring clinician being reduced to just two days from an average of around eight. That allows treatment and support to start more quickly and for support to be put in place to prevent people from quickly deteriorating.

Due to the current late diagnosis of pancreatic cancer, we need to do everything that we can to improve survivability for those who develop the disease. Beyond that, we need to ensure that those whose cancer is not survivable have all the support that they require. The early experience that I shared of a constituent of mine shows that this is more than just a health issue; we need to ensure that when people have very little time left, they can get access to the support that they need to make the most of the time that they have left with their families, and that their families have the

support that they need after their loved ones have passed away.

Work to ensure that the public know the symptoms, that those who suspect that they have pancreatic cancer get easy and quick testing and that those who are diagnosed get the quick treatment that they require needs to be prioritised to ensure that, as Willie Coffey has said, we save time and save lives.

18:02

**Marie McNair (Clydebank and Milngavie) (SNP):** I am grateful to my colleague Willie Coffey for securing this important debate on pancreatic cancer awareness month. The issue is, I know, close to his heart, as he lost his mother to this horrific disease.

Since being elected in 2021, I have spoken in two previous debates on pancreatic cancer awareness month, which were brought to the chamber by my colleague Clare Adamson MSP. It is an issue that I will always feel is incredibly important to talk about; we are fortunate to have this platform as elected members, so we must use it to raise awareness and fight for better survival rates.

This horrible disease has, sadly, taken too many of my constituents, and I will pay tribute to them later in my speech. Pancreatic awareness month is so important, and I take this opportunity to thank all the charities that do so much to raise awareness throughout the month and, indeed, all year round.

Pancreatic cancer deserves much more attention than the one month of the year that it is given. It is one of the deadliest of all common cancers, with a five-year survival rate of 7.3 per cent; there are more than 900 new pancreatic cancer cases in Scotland and 10,500 in the UK each year; and unfortunately, only 10 per cent of patients are diagnosed in time for life-saving surgery. According to Pancreatic Cancer Action Scotland, patients will visit their GPs an average of four times before being diagnosed. That is really worrying. As we know, early detection saves lives, and GPs play such an important role in that respect.

If the cancer is not detected and left to spread, it can often be too late for any form of treatment. That is why we need to do more—not just this month, but every month—to increase awareness of the symptoms among the public and GPs. Some of the signs and symptoms that might indicate pancreatic cancer have already been mentioned, but they include jaundice, upper abdominal pain or discomfort, mid-back pain, pale and foul smelling stools, loss of appetite, indigestion, nausea and vomiting, a new onset of

diabetes, fatigue, changes in bowel habits and unexplained weight loss without trying. Improving awareness of the symptoms can and will save lives.

The issue is incredibly upsetting, and looking at the figures can be a very bleak experience, but it is also important that we highlight the positive news, because we must have hope. After all, if we do not have hope, what have we got? It is therefore inspiring to hear that Pancreatic Cancer UK has, this year, funded a new clinical study to develop a breath test that could detect pancreatic cancer early enough to save thousands of lives every year. The research, which is being conducted by a team at Imperial College London led by Professor George Hanna, involves studying people with early pancreatic cancer symptoms, which are often mistaken for other less serious health conditions, and what happens if they are rapidly referred for scans and life-saving treatment.

If the study is successful, it could make the biggest difference to pancreatic cancer survival rates in 50 years. It would give GPs, who are the first port of call for many health concerns, the tools to make such a difference. It would be a breakthrough, so I hope that the team are really successful, and I wish them well.

I pay tribute to my constituents who have lost their lives, because of pancreatic cancer. Helen, Donald, Billy and Christine will be forever missed but never forgotten. Their memory lives on, and their families are resolute in their determination to find a cure for the disease. In their memory, I will continue to do everything that I can to raise awareness of this terrible disease and to fight for more research in order to increase survival rates. We can and must do more.

18:06

**Finlay Carson (Galloway and West Dumfries) (Con):** I thank Willie Coffey for securing this members' business debate. I will not rehearse the statistics that we have already heard, but as we know, early detection is crucial. It is not acceptable that nearly half of all pancreatic cancer cases are diagnosed only in an emergency situation. Sadly, at that stage, the cancer has often spread and it is too late for any curative treatment, which is why raising awareness is so important.

Two of my friends died of this horrible cancer—Peter Murray Usher and Mark Caygill. Mark was told of his diagnosis in March 2020. I sometimes look over the WhatsApp messages and photographs that we shared during that difficult time; I have not deleted them—not that I need to be reminded of his mischievous banter, as his memory will always remain clear in my mind. His

WhatsApp response to my initial reaction to his telling me about his diagnosis was:

“Yes it’s a bit of a bummer, but not giving up yet ... Dumfries Hospital, they just told me over the phone that there was nothing to be done”.

Shortly afterwards, Mark made the decision to undergo treatment in Spain. Many of us will not remember the date as significant, but on 14 March Mark was sitting in an aircraft on the runway in Manchester for three hours before it turned round and returned to the gate. The Covid lockdown had struck; the country was in lockdown, so Mark was not going anywhere. It was an awful situation for him, and his family’s hopes were dashed.

Mark died in August, six months after being diagnosed. He was the same age as me. Dozens of his friends and family lined the route from his home farm to his final resting place, but Covid restrictions prevented us from comforting his wife and family. He is missed dearly by his many friends every day.

I do not have all the facts surrounding Mark’s experience, but I know that it was far from ideal. We know that, with earlier diagnosis, people can survive pancreatic cancer, and we also know that pancreatic cancer comes with huge emotional costs for the patient and their family and friends.

Pancreatic Cancer UK has provided an extensive briefing on the facts and figures relating to the disease. However, given that I knew that I would be the final speaker in the open debate tonight, I thought that many of the stats would already have been mentioned, so I thought that I would raise awareness of some of the remarkable people who have taken on this terrible cancer head on.

One case on the Pancreatic Cancer UK website involves a father of two, Stefan, who, in 2021, at the age of 52, found out that he had advanced pancreatic cancer that had spread to his liver and lymph nodes. He had undergone a CT scan after suffering abdominal pain. Believing it to be an ulcer or a hernia, he was given the shock news by the on-duty oncology doctor that he, in fact, had stage 4 pancreatic cancer, which was inoperable and incurable, and that he would be placed in palliative care.

He had no idea what that was, so he asked. The reality dawned when he was told he had perhaps five to six months to live. Telling his wife and children was incredibly difficult and emotional, and Stefan says that it is something that he hopes no one has to go through. He began chemotherapy in February 2022 but, after six months, the chemo was making him more ill than the cancer was. He suffered with severe fatigue that made walking difficult, which prompted him to stop the chemo treatment. Anxiety was brought on by worrying

over his finances and how his family would manage when he died, and he suffered a mini breakdown. He did not sleep, he became very inward and he would physically shake and flinch.

Stefan says:

“Life has changed so much, but I think more so for my wife. Helen is always there, always making sure I do what I’m supposed to, but she is always there for the children too. Her attitude and conviction to us all as a family is so inspiring and motivating, it keeps me going.”

Bravely, he says that the family

“take every day as a bonus and try to enjoy it the best we can.”

Remarkably, while all of that has been going on, Stefan has started a fundraising campaign to help to improve facilities at his local hospital. Fifteen months on from his diagnosis, he is still here but is having to live each day as it comes.

I think that we will all agree that Stefan deserves enormous credit for sharing the story of his brave fight against pancreatic cancer. He and the many others who share their stories on the Pancreatic Cancer UK website should be commended for their brave efforts to raise awareness.

Pancreatic Cancer UK has recently launched its “Don’t Write Me Off” campaign, which calls for a faster, fairer, funded pathway for people with pancreatic cancer through their diagnosis, treatment and care. Implementing an optimal care pathway could make a major difference to the lives of people affected by pancreatic cancer; it could double treatment and survival rates and, if introduced today, would result in around 400 more people with pancreatic cancer in Scotland living longer and better lives over the next five years. I should say that Scotland is leading the way in pancreatic cancer innovation, with Pancreatic Cancer UK currently investing £520,554 in Scottish pancreatic cancer research.

Mark did not want to be written off. Stefan does not want to be written off, either. We should make sure that the Government does not write them off. More needs to be done, and done quickly, and we all need to play our part in making that happen.

**The Deputy Presiding Officer:** I call Jenni Minto to respond to the debate.

18:12

**The Minister for Public Health and Women’s Health (Jenni Minto):** I thank my colleague Willie Coffey for bringing the motion to the chamber and reminding us of the impact that pancreatic cancer can potentially have on all of us. In addition, I welcome all the work that is done by Pancreatic Cancer UK, Pancreatic Cancer Scotland and all the other charities that support those with

pancreatic cancer, and I welcome them to the Parliament.

I thank all my colleagues for giving such valuable speeches. I am always very taken and moved by the experiences that we can share in the chamber, and Marie McNair is absolutely correct when she says that we are fortunate to have this platform. The stories that Finlay Carson, Beatrice Wishart and Gillian Mackay shared are incredibly powerful and go a long way in raising the profile and awareness of pancreatic cancer in Scotland and further afield.

I also thank my colleague Clare Adamson, because it was through her that I learned more about pancreatic cancer. I commend the work that she has done in the Parliament on putting the person into the numbers, which is incredibly important.

As I was preparing for the debate, I received an email from one of my constituents—Miles Briggs talked about something similar, and I agree with what he said about the challenging picture. The email said:

“It is a cruel, hard-hitting disease with devastating effects. I hope that this debate will fuel the awareness that is so desperately needed for the world’s toughest cancer. Earlier diagnosis is key for this disease, and I hope that change is about to come to a cancer that has had no improvement in 50 years.”

That highlights again, as has been said by a number of members, that families of people who have experienced pancreatic cancer remain involved in the campaign because of that hope for change. As Finlay Carson highlighted, we know the dreadful impact that a diagnosis of pancreatic cancer can have on the person who faces the disease and on their family.

We cannot stress enough the importance of person-centred care in ensuring that all patients get access to support throughout their cancer journey and that their voices and needs are heard. The Scottish Government continues to support the single point of contact programme in 12 sites across Scotland. The programme sets out to make sure that, throughout their cancer pathway, all patients have a constant point of contact to continually refer back to, rather than needing to make new contacts as they go through their testing, treatment and post-treatment support. A single point of contact will ensure that patients receive timely and accurate advice on their appointments, tests and results. Those people will also offer to discuss non-clinical support that is available and link them with other organisations that can provide the support that is needed.

As we know, November is pancreatic cancer awareness month. To recognise that, we will, again, light up in purple St Andrew’s house and

Victoria Quay on world pancreatic cancer day. Raising awareness of pancreatic cancer and its common symptoms is crucial in detecting this devastating cancer early, so I thank members for emphasising the symptoms.

We know that the earlier cancer is detected, the easier it is to treat, so we continue to invest in our detect cancer earlier programme, which takes a whole-systems approach to early detection by covering primary care, secondary care, public awareness, data and screening.

I hope that most—if not all—members have seen our “Be the Early Bird” awareness campaign this year. The campaign aims to reduce the fear of cancer and empower and encourage people with possible symptoms to act as early as possible.

By continuing to invest in cancer diagnostics and waiting times, we are striving to detect cancer earlier and faster. We are optimising diagnostic pathways and activating additional rapid cancer diagnostic services. I encourage anyone with unusual or persistent symptoms to contact their GP as soon as possible.

The Scottish Government published our ambitious new cancer strategy in June this year. Over the next 10 years, our strategic aim is to improve cancer survival rates and provide excellent, equitable and accessible care for all people who face cancer. The strategy takes a comprehensive approach to improving patient cancer pathways, from prevention and diagnosis right through to treatment and post-treatment care, and we continue to focus on improving the outcomes of the less survivable cancers, including pancreatic cancer. We have established the national oncology transformation programme to review and optimise our service models to make that happen, and that work includes workforce and training requirements. Our workforce is central to delivering the outcomes of the strategy and plan.

As Willie Coffey said, we are determined to improve cancer survival rates, and we have provided more than £650,000 to the Scottish HepatoPancreatoBiliary Network to develop a pathway improvement pilot project for liver and pancreatic cancers, which is now live across all health boards. We look forward to the results of that pilot in improving patient experiences, and a full evaluation of the project’s achievements against its aims will be completed to inform decisions about future funding.

In closing, I make clear the Scottish Government’s enduring commitment to improving pancreatic cancer awareness. In doing so, we can improve early diagnosis rates, patient experience and overall outcomes.

I spoke in this debate two years ago, and I will finish with the same words today that I said then.

They are the simple and honest words from a family who lost a loved one to pancreatic cancer, and they ring true for any illness but even more so for pancreatic cancer:

“Keep listening to your body”.

It is crucial that we continue to raise awareness of cancer symptoms, particularly those of less survivable cancers such as pancreatic cancer. I give my grateful thanks to all the people who are helping to do so.

**The Deputy Presiding Officer:** Thank you, minister. That concludes the debate.

*Meeting closed at 18:19.*

This is the final edition of the *Official Report* for this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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