



**OFFICIAL REPORT**  
**AITHISG OIFIGEIL**

# Meeting of the Parliament

**Tuesday 3 December 2024**

**Session 6**



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Pàrlamaid na h-Alba

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# Scottish Parliament

*Tuesday 3 December 2024*

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

## Time for Reflection

### **The Presiding Officer (Alison Johnstone):**

The first item of business this afternoon is time for reflection, and our leader today is the Right Rev Frank Dougan, Bishop of the diocese of Galloway.

**The Right Rev Frank Dougan (Bishop of the Diocese of Galloway):** Good afternoon, and thank you, Presiding Officer, for this opportunity.

This is not my first debating chamber. In a previous life I was a convener of debates at Glasgow university union. Some of you will know that the debating chamber in the GUU is modelled after the House of Commons—so it is a bear pit. It is designed to be like that: a chamber where you face off against your opponents; an adversarial place.

This room was designed differently. One description that I read says that this layout

“is intended to blur political divisions and principally reflects the desire to encourage consensus amongst elected members.”

Would it be unkind of me to ask how that is going?

Let us be honest: how we behave towards each other is not going to be principally driven by the shape of the room. We should be treating each other with dignity and respect—the very words that were sent to me in the guidance notes for this address—and dignity and respect come from something deeper. They are attitudes that can only be rooted in a deep-seated belief in the value of every single person. That means that, contrary to what we might often say, respect is not something that needs to be earned; it is something that everyone is owed because of their innate dignity as a human being.

For Christians, and others, it is also rooted in our belief that we are made in the image and likeness of God; that God has loved every single one of us into existence. We have a dignity that no one can remove and that no one should disregard.

I came across a beautiful line recently that sums up how we should welcome the God of love:

“Receive him with open, outstretched hands, for it was on his own hands that he sketched you. Receive him who laid your foundations on the palms of his hands.”

That is why I believe in the dignity of every person, because our names are written on the palms of his hands. Some might agree; some will not.

However, we can all agree that how we treat each other does not depend on how the seats are arranged but on the fundamentals of where we believe a person's value lies.

## Business Motion

14:03

**The Presiding Officer (Alison Johnstone):**

The next item of business is consideration of business motion S6M-15709, in the name of Jamie Hepburn, on behalf of the Parliamentary Bureau, on changes to the business programme.

*Motion moved,*

That the Parliament agrees to the following revision to the programme of business for Tuesday 3 December 2024—

delete

5.00 pm                      Decision Time

and insert

5.20 pm                      Decision Time—[*Jamie Hepburn.*]

*Motion agreed to.*

## Topical Question Time

14:03

### National Health Service (Capacity)

#### 1. **Tess White (North East Scotland) (Con):**

To ask the Scottish Government what assessment it has made of capacity in the NHS, in light of the critical incident declared by NHS Grampian on 28 November 2024. (S6T-02222)

**The Cabinet Secretary for Health and Social Care (Neil Gray):** Capacity continues to be challenged across NHS Scotland as we go into winter, as illustrated by the recent critical incident. Supported by NHS and social care partners, NHS Grampian came through that incident as a joined-up system, keeping patient safety paramount. I would like to thank all staff colleagues for their work in doing so.

National improvement and preventative action to maximise capacity is reflected in the winter preparedness plan, which the Government published with the Convention of Scottish Local Authorities. Building on previous experience, the plan helps to ensure that people receive the right care in the right place, while targeting additional investment and focusing on the wellbeing of our workforce.

Tomorrow's budget will further bolster our plan for the health service.

**Tess White:** That rolls off the tongue.

In a damning indictment of the situation leading up to last week's critical incident, senior NHS Grampian clinicians sounded the alarm in August, stating:

"There is no evidence to support any planned improvement work or capacity changes that will meet the impending increase in demand seen over October and sustained over the winter period."

The winter crisis has hit health boards, and it is abundantly clear that the health secretary's winter preparedness plan is not worth the paper it is written on. Today, Audit Scotland has warned that the Scottish National Party Government has "no clear plan" for wider NHS reform. Lives are at risk.

What is the Scottish Government doing now, with health boards across Scotland, to stave off the looming Christmas chaos in the NHS and to protect patients and staff from serious harm?

**Neil Gray:** We have been working with NHS Grampian for some time. Tess White has been raising the situation of ambulance stacking at Aberdeen royal infirmary, and we have been working with NHS Grampian to produce a robust improvement plan that can meet the demand in

the system and that can be backed with the requisite resource to relieve the pressure. The situation serves to highlight why we need reform and improvement.

The discussions around reform and improvement, and around how we shift the balance of care from the acute system into primary and community care, have been absolutely clear and are part of the national conversation that we have embarked on.

**Tess White:** Those are just words. The British Medical Association in Scotland has described the diversion of ambulances away from Aberdeen royal infirmary as “a major warning light” for the NHS. The reality, however, is that this dire situation will not improve while NHS Grampian has the lowest bed base per head of population in Scotland. Aberdeen royal infirmary has been operating above capacity since 8 September. Increasing capacity and the bed base in NHS Grampian is contingent on the delivery of the delayed Baird and ANCHOR projects. With the service lurching from crisis to crisis, patients and staff have absolutely had enough.

What is the cabinet secretary going to do differently—I emphasise “differently”—after this central belt-obsessed SNP Government has been short-changing NHS Grampian for years?

**Neil Gray:** There are a number of reflections there that I would seek to remark upon. First, I am sorry for everybody in Grampian who had their treatment interrupted over the weekend. We worked with NHS Grampian to get through the critical incident, and it was able to do that on Saturday. I pay tribute to all the staff across the whole system in Grampian who worked to overcome the situation. That was great. Secondly, I am a health secretary who originates from Orkney, and I am surrounded by two ministers who represent rural constituencies, so the accusation about us not representing the entirety of Scotland is unfounded.

Going forward, it is important that we listen to clinicians, staff, trade unions and, of course, patients and academics about how reform can ensure service improvement. We are currently embarked upon that work. However, the areas and principles that I set out clearly in June will come forward through the budget tomorrow. It is about shifting the balance of care, getting through the Covid-related backlog in planned and scheduled care and relieving the pressure within social care so that delayed discharge can be reduced. Those clear fundamentals are what we are embarked upon right now.

**Kevin Stewart (Aberdeen Central) (SNP):** At a meeting that I attended on Friday, which the

cabinet secretary was also at, the chief executive of NHS Grampian said that

“tons of lessons have been learned”

about the situation, but it seems that lessons have not been learned or staff listened to during the past few months, in the lead-up to the declaration of the critical incident.

What will the cabinet secretary do to ensure that lessons are learned and acted on, and that staff are listened to for the benefit of all patients?

**Neil Gray:** Kevin Stewart is absolutely right that lessons must be learned. The immediate priority following the announcement of the critical incident was to get through it. I met the chief executive of NHS Grampian on Thursday night to discuss matters so that I could be assured about its plan of resilience to get through the critical incident. I asked that MSPs and MPs be given a briefing on Friday at lunchtime to discuss how that was going to be taken forward, and I am grateful to Kevin Stewart and other colleagues from the north-east for participating in that.

Mr Stewart is absolutely right that lessons must be learned. After the process of coming through the weekend, it is now time for an intensive focus on developing a plan that is robust and that ensures that capacity is brought into the system.

Tess White referenced the Baird and ANCHOR set of projects, which can make a difference to flexibility in the bed base in Grampian. My officials and I have been liaising daily with NHS Grampian to clear the incident. We will now direct our time to a joint and urgent focus on a sustainable plan. That will mobilise all the learning and available resources, and it will include listening to clinical and improvement support staff not just from NHS Grampian but from the centre for sustainable delivery, who visited the board on Monday as part of our intensive progress to resilient services. I expect MSP colleagues such as Kevin Stewart to be kept updated on that progress.

**The Presiding Officer:** There is much interest in the question, so I am keen to allow in as many members as possible. If we could be concise, that would be appreciated.

**Michael Marra (North East Scotland) (Lab):** To see a hospital declaring a critical incident this early in the winter is a matter of significant concern for my constituents in Aberdeen. Was the cabinet secretary warned that that might be a possibility? Can he assure me today that all possible capacity within the ARI was being utilised? Can he give assurances that, at the point when the critical incident was declared and patients were being treated in corridors, all standard and unfunded beds in the hospital were being utilised?

**Neil Gray:** The situation in Aberdeen royal infirmary was critical at the end of last week. There was far too much corridor care. I do not want to see corridor care happening anywhere. Everybody understands the need for that to be resolved.

There was very serious pressure on Aberdeen royal infirmary on Wednesday night into Thursday, and it was clear that an issue needed to be resolved.

I regret very much the fact that the critical incident happened, not least for the patients and staff who were involved. In response to Michael Marra's point, the important thing now is to ensure that all possible capacity and beds, not just in Aberdeen royal infirmary but in NHS Grampian, are being utilised.

As I said in response to Kevin Stewart, we will be working with board colleagues and the centre for sustainable delivery to ensure that a plan comes forward that means that we have the capacity in place and the beds available to respond to such a situation. It is not just about acute beds; we will also make sure that there is resilience in community, primary and social care, so that the need for people to present at hospital at all is avoided as far as possible. That is my expectation of NHS Grampian's improvement plan.

**Douglas Lumsden (North East Scotland) (Con):** Does the cabinet secretary have confidence in the NHS Grampian board?

**Neil Gray:** Yes, I do. I believe that the board has been working through incredibly difficult circumstances. As I said in response to Michael Marra, I regret the fact that the incident happened, not least for the patients and staff who were involved.

As I said in response to the member's question at the meeting on Friday, now that we are through the immediate critical incident, it is important that our attention turns to ensuring that the model of care and service delivery in NHS Grampian is robust and has the capacity to avoid such situations happening again.

**Maggie Chapman (North East Scotland) (Green):** I put on record my thanks to all those who worked so hard to deal with the critical incident at the ARI last week. We know that medical and surgical procedures will need to be rescheduled as a consequence of it, which will put further strain on a system that already has no spare capacity. What assurances can the cabinet secretary provide to those patients who have already had procedures delayed and to others who fear that they, too, will face delays if such a thing happens again in the coming winter months?

**Neil Gray:** Not all scheduled care appointments at the ARI were cancelled. Many specialties, including cancer specialties, were given priority on Thursday and Friday. Nevertheless, I recognise Maggie Chapman's point.

I further underline my thanks—which I have given in a number of answers—to the staff of the ARI, who have performed above and beyond in order to overcome the critical incident and who will undertake the rescheduling of appointments. I fully expect NHS Grampian to reschedule those appointments and to ensure that it is responsive to care needs. That will be done on the basis of clinical decision making, as the member would expect.

I am also very grateful to the Scottish Ambulance Service and neighbouring regional boards for the support that they provided in overcoming the initial incident and for the work that they continue to do to support NHS Grampian.

**Douglas Ross (Highlands and Islands) (Con):** The critical incident that was declared at the Aberdeen royal infirmary had a huge impact on patients in Moray, because so many of those attending Dr Gray's hospital in Elgin are transferred through to the ARI—travelling, of course, along the A96. What is the cabinet secretary doing, and what does he expect from NHS Grampian, in order to see more services and specialisms delivered in Elgin, at Dr Gray's hospital, in order to save Moray patients having to travel and to take some pressure off the ARI?

**Neil Gray:** I recognise the impact that the situation has had on Dr Gray's hospital and on Mr Ross's constituents in Moray. I also recognise the distance that people have had to travel between Dr Gray's hospital and the ARI in order to access services, as well as the travel involved for those who were diverted from the ARI to Ninewells or Raigmore. I recognise the need for us to ensure that we are informed, where possible, by clinical advice as to the best location for services.

Service delivery is an issue for us not just in rural communities but more widely with regard to the reform and improvement agenda. We need to consider where it is clinically safest to provide services and where we have the necessary capacity to deliver services to optimal levels in order to meet the needs of our constituents. We also need to balance that with the need to provide those services as close to home as possible.

As I said in my answer to Tess White, I am originally from Orkney, so I understand what it means to travel to access services, and I recognise the difficulties faced by Mr Ross's constituents and the constituents of many other members. Those difficulties are why reform and improvement discussions need to be informed not



just by clinicians but by patients, to ensure that we get the services right for them.

**The Presiding Officer:** That concludes topical question time.

## Urgent Question

14:18

**The Presiding Officer (Alison Johnstone):** The next item of business is an urgent question.

### **“NHS in Scotland 2024: Finance and performance”**

**Brian Whittle (South Scotland) (Con):** To ask the Scottish Government what its response is to the findings of Audit Scotland’s report, “NHS in Scotland 2024: Finance and performance”, that the Scottish Government has no clear plan to deliver its NHS vision.

**The Cabinet Secretary for Health and Social Care (Neil Gray):** I thank Audit Scotland for its “NHS in Scotland 2024: Finance and performance” report. I agree that reform is essential—I already acknowledged such in my vision for reform, which I set out to Parliament in June. I stated then that, given the scale of the growing demand that our health and social care services face, major reform is required to ensure sustainable health and care services.

We are already developing and making good progress on new models of care and exploring how we can further improve productivity through innovation, technological advancements and workforce models that will respond directly to the challenges in our system.

This year, we are providing more than £19.5 billion for health and social care, but we are determined to continue to improve our health service. The budget that we set out tomorrow will throw the weight of the Government behind performance improvement and ensure that we can tackle the challenges in our health service.

**Brian Whittle:** This is the second time in nine months that Audit Scotland has warned the Scottish Government that Scotland’s NHS is failing on its watch, with no clear long-term plan and unsustainable spending. We have the worst record on accident and emergency waiting times, one in six Scots is on an NHS waiting list, we have the lowest life expectancy in western Europe and we have record drug and alcohol deaths.

We were promised action on the mental health crisis, but this Government has slashed £20 million from the budget, and we were promised an end to delayed discharge, but it is at record levels. The list goes on and on. Limitless promises bring little change. There is ever-greater spending, but ever-poorer outcomes. There are endless directives, but no direction. Change has got to come, and the first step in making that change is recognition that it is needed. Will the cabinet

secretary accept that his Government's attempts to fix the NHS are not working?

**Neil Gray:** I thank Brian Whittle for his question.

I have already said that I accept and agree with Audit Scotland that reform and improvement are needed. I am not just saying that today—I said that in June, and when I first took office in February. We have not been waiting to see improvements and reform take place; rather, we are in a national conversation with our clinicians, staff, trade unions and patient organisations to inform how we will shift the balance of care.

I think that we are all clear—I am certainly clear—on the direction of travel that we need to go in. As I set out in response to a topical question earlier, it is about shifting the balance of care from the acute sector into primary and community care services and moving where we deliver care closer to people's homes, for the reasons that Mr Ross set out in his question. We are all in agreement on that, so we now need to make sure that we get on and deliver it.

**Brian Whittle:** I have heard that answer every single year that I have been in this Parliament. If I sound angry, it is because I am, and because the public are, too. They are tired of hearing about record investment or by what metric Scotland is doing better than England this week. They want an end to 8 am queues on the general practice surgery phone line; they want to know that the waiting time for treatment will not be measured in months or years; and they want to be confident that they have a Government with a credible, focused and achievable plan to give them back a sustainable NHS.

Scotland needs a long-term strategy or, at least, a clear strategy. The solutions are not a mystery, and we have been talking about them in the chamber for as long as I have been here. They are reduction in preventable illness, investment in technology to speed up treatment, and reform to get rid of unnecessary bureaucracy and wasteful spending.

Does the cabinet secretary agree with the Scottish Conservatives that it is time for his Government to focus on and deliver the meaningful reform and strategy that are needed to improve outcomes for patients and healthcare professionals, and to give Scotland back the national health service that it needs and deserves?

**Neil Gray:** I say, with respect, that we are doing just that. We have set out £30 million of investment this year, which is generating tens of thousands of new appointments to get waiting times down. Last week, I announced further investment for general medical services, recognising the investment that is required to shift

the balance of care that I am talking about and for the work on adopting greater innovation. That is already happening with the likes of the ANIA—accelerated national innovation adoption—programme and the work in Government of the chief scientific officer. There are examples of good work happening across Government and our health service to deliver the aims that I have already set out, and tomorrow's budget will include even greater investment to ensure that we can continue to deliver them.

**The Presiding Officer:** Before we move to supplementary questions, I note that there are many requests. I would be grateful if we could keep questions and responses concise, such is the level of interest.

**Jackie Baillie (Dumbarton) (Lab):** Audit Scotland said last year that the Scottish National Party had “no vision” for the NHS and was not delivering, and this year it is forced to repeat itself. Not only does the SNP have no clear vision for the NHS, it has no plan. After 17 years, the SNP has weakened the NHS—there has been no effective reform. John Swinney has been at the helm of the Government either as finance secretary or as Deputy First Minister. He is not an innocent bystander. This is a crisis of the SNP's making.

Record resources are now available, but they need to be accompanied by reform and political leadership. Talk is cheap, and action from the SNP is missing. Is it any wonder that the people of Scotland have lost trust in this Government to deliver for staff and patients in our NHS?

**Neil Gray:** As I said in response to Brian Whittle, we have already started investments to drive down waiting times and to shift the balance of care into primary care. I set out our vision for a health service very clearly to Parliament in June, and we are now in a process of conversation with patient groups, medical professionals, clinicians and others about how we will ensure that we deliver on that.

Tomorrow's budget will set out a clear direction of travel for how we will invest in the NHS in Scotland. The challenge for Labour members is whether the resources to go into the health service will be supported, or stopped because they vote down the budget.

**Clare Haughey (Rutherglen) (SNP):** I refer members to my entry in the register of members' interests. I am employed as a bank nurse by NHS Greater Glasgow and Clyde.

We can all agree that reform is crucial to ensuring that our NHS thrives. What steps is the Scottish Government taking to progress reform and improvements, and what engagement is under way with key stakeholders?

**Neil Gray:** I have set out that we are in a conversation with clinicians, trade unions, patient groups and academics on how we can make sure that we deliver on the vision that we have set out, which seeks to shift further the balance of care from hospital-based services into the community. We are not waiting for the outcome of that conversation. As I have already set out, we are investing in relieving the blockage on waiting times that built up during the pandemic. We have started to make that investment, and further investment will come in the budget.

We are investing more in primary care services, as was evidenced by the money that I was able to allocate to general medical services last week.

We will continue to work with local partnerships on relieving the pressure that has been built up in social care and which is delivering higher rates of delayed discharge, which is unacceptable. We need to see further reform in social care and there is a conversation to be had across the Parliament about how we will realise the ambition and expectations that service users have of us in delivering national standards for those who are in social care. That will come through the National Care Service (Scotland) Bill.

**Edward Mountain (Highlands and Islands) (Con):** The brutally honest Audit Scotland report shows the ineptitude of the Scottish Government when it comes to our health service. Given that NHS Highland has to borrow £50 million a year to keep afloat, will the Government ensure that it continues to get that money, or will it just accept that elective surgery will have to be binned until the board has enough money to do the job?

**Neil Gray:** In this year's budget, we have allocated a real-terms 3 per cent increase to health boards to deliver local services. I recognise that, even with that, pressures are being felt across the country: NHS Highland is one example of where there are resource pressures that need to be contended with.

In the budget that will be announced tomorrow, we plan to continue our record of investment in our health service and ensure that our health boards are resourced to meet the needs of the people whom they serve.

**Alex Cole-Hamilton (Edinburgh Western) (LD):** We note from the report, and others like it, that our NHS staff are overwhelmed. They are on their knees and hospital activity levels have not recovered. Today, we learned that more people are stuck in hospital than ever before because the care system is broken. There are more than 2,000 beds that cannot receive elective surgical patients and admissions from accident and emergency departments. That is why our ambulances are stacking up outside our hospitals. With the health

and social care system going backwards by any metric of the Government, will the cabinet secretary admit that the three-year-old NHS recovery plan needs to be completely rewritten?

**Neil Gray:** I accept that we need reform and improvement in our national health service. We have set that out in response to Audit Scotland's report today, and we have clear areas of investment and prioritisation that will ensure that we will continue to see waiting times come down, an improvement in accident and emergency waiting times and an improvement in delayed discharge rates.

We also need to see reform of our social care system, which is why we made our proposals in a national care service bill. Those who stand in the way of social care reform need to answer to service users who are demanding that reform and to say, if not that reform, what it will be.

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** Scotland's health service has a high rate of sickness absence. For example, 10,000 days of work have been lost at NHS Borders since 2020, and that is just for mental health reasons. Staff absences are putting pressure on other staff and wider services. Why is your Government failing those staff and the NHS?

**The Presiding Officer:** Always speak through the chair, please.

**Neil Gray:** I, of course, recognise the pressures that many staff in the NHS and across public service delivery face. I recognise the great demands on them, which is why we have sought to bring forward pay deals that support them and reforms to their contracts, including a reduced working week, to which I remain committed, so that they have better support in the workplace.

The best way of improving the situation for our staff, however, is to have better performance. The current situation with regard to accident and emergency waiting times and the blockages in our hospitals because of delayed discharge and social care provision are putting pressure on our staff. That is why the investments that we will make through the budget tomorrow are designed to support better performance and why it is important that Parliament supports the measures that we will take forward.

**Emma Roddick (Highlands and Islands) (SNP):** It is crucial that, when we discuss the current state of Scotland's NHS, we acknowledge the significant increase in demand in the aftermath of Covid, which is still having an impact. What action is the Scottish Government taking to tackle pandemic backlogs and to reduce waiting times for folk across the country?

**Neil Gray:** I recognise the incredible work that staff up and down the country have done to respond to the pressures that we face, and I am incredibly grateful to them for that. I recognise the challenges that staff face, whether we are talking about staff in NHS Grampian responding to a critical incident or, in Ms Roddick's constituency, about their delivery of services in rural and island communities.

To answer directly Ms Roddick's question on the investment that we are making, we have provided £30 million this year to address Covid-related elective surgery and diagnostic procedure backlogs. We will continue to invest in areas where we can see a reduction in waiting times and an increased amount of activity so that the backlogs reduce.

**Sharon Dowey (South Scotland) (Con):** Healthcare accounts for 40 per cent of the Scottish budget, yet many health board areas, including my own in Ayrshire and Arran, often feel short-changed by the NHS funding formula. Does the cabinet secretary have any intention of reviewing the NHS Scotland resource allocation committee—NRAC—funding formula to ensure that resources are distributed fairly?

**The Presiding Officer:** Cabinet secretary, please respond with regard to where the question might refer to the report that is under discussion.

**Neil Gray:** Funding is directly relevant to ensuring that we overcome the pressures that Audit Scotland has referred to, but I am conscious of the need to ensure that the spend that we make is effective in dealing with the issues with which we are presented. The Cabinet Secretary for Finance and Local Government will set out in greater detail tomorrow how we intend to do that through the budget.

**The Presiding Officer:** That concludes the urgent question.

## Point of Order

14:32

**Michelle Thomson (Falkirk East) (SNP):** On a point of order, Presiding Officer. I would like to raise a concern about the admissibility of amendments that were lodged ahead of today's stage 3 proceedings on the Social Security (Amendment) (Scotland) Bill. Amendments 21 and 22, on winter heating assistance, which were lodged by Paul O'Kane on behalf of the Labour Party in Scotland, would make a significant demand on the Scottish budget by seeking to extend, by statute, winter heating assistance to some individuals of pensionable age. That would require the Scottish Government to cover the costs of the United Kingdom Government's cut to the winter fuel payment.

My concern is that the amendments were deemed admissible but without giving any regard to the financial memorandum that was published to support scrutiny of the bill. I therefore seek your guidance on how we can better assess the financial impact that such blatantly political amendments may have on legislation, giving due regard to how they interact with financial memoranda.

**The Presiding Officer (Alison Johnstone):** The Parliament has agreed a financial resolution for the bill. The fact that individual amendments have cost implications of that nature does not prevent them from being considered during stage 3 proceedings if they meet the admissibility criteria for amendments, as provided for by standing orders, which those amendments did.

## Business Motion

14:34

**The Presiding Officer (Alison Johnstone):**

The next item of business is consideration of business motion S6M-15685, in the name of Jamie Hepburn, on behalf of the Parliamentary Bureau, on a stage 3 timetable for the Social Security (Amendment) (Scotland) Bill.

*Motion moved,*

That the Parliament agrees that, during stage 3 of the Social Security (Amendment) (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limits indicated, those time limits being calculated from when the stage begins and excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended (other than a suspension following the first division in the stage being called) or otherwise not in progress:

Groups 1 to 3: 50 minutes

Groups 4 to 6: 1 hour 25 minutes

Groups 7 and 8: 1 hour 45 minutes.—[*Jamie Hepburn*]

*Motion agreed to.*

## Social Security (Amendment) (Scotland) Bill: Stage 3

14:35

**The Presiding Officer (Alison Johnstone):**

The next item of business is stage 3 proceedings on the Social Security (Amendment) (Scotland) Bill. In dealing with the amendments, members should have the bill as amended at stage 2—that is, Scottish Parliament bill 35A—the marshalled list and the groupings of amendments.

The division bell will sound and proceedings will be suspended for about five minutes for the first division of stage 3. The period of voting for the first division will be 45 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate. Members who wish to speak in the debate on any group of amendments should press their request-to-speak buttons, or enter RTS in the chat, as soon as possible after the group has been called. Members should now refer to the marshalled list of amendments.

### Section 1—Childhood assistance

**The Presiding Officer:** Group 1 is on childhood assistance. Amendment 2, in the name of the cabinet secretary, is grouped with amendment 4.

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** At stage 2, we introduced an amendment to enable late applications for a number of benefits that are delivered under the Social Security (Scotland) Act 2018. Amendment 4 will bring best start grants into line with that stage 2 amendment. We did not originally intend to introduce the same changes to the early years assistance powers, as we intend to repeal them and deliver best start grants under the new childhood assistance powers in due course. However, following further consideration, we have decided that what I have set out is the best approach to ensure that there is an option to include provision on late applications for best start grants before we repeal the early years provisions. That will ensure consistency with the approach that is taken for other devolved benefits and will ensure flexibility over when we can allow late applications for best start grants.

Amendment 2 makes a small consequential change to one of the headings for the childhood assistance provisions so that it reflects the amendments that were made to eligibility criteria at stage 2.

I ask members to support the amendments to ensure a consistent approach to late applications and to ensure that the title of chapter 1 of the new

schedule on childhood assistance accurately reflects its scope.

I move amendment 2.

**Paul O’Kane (West Scotland) (Lab):** As these are my first remarks during today’s proceedings, I put on record my thanks to everyone who has been involved in helping to get the bill to this stage.

I simply note that Scottish Labour will support the amendments in the group on childhood assistance. We welcome the technical fixes to the bill and, in particular, amendment 4, which will ensure the fair treatment of late applications.

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

**Shirley-Anne Somerville:** I have nothing to add.

*Amendment 2 agreed to.*

### After section 2

**The Presiding Officer:** Group 2 is on winter heating assistance. Amendment 3, in the name of Jeremy Balfour, is grouped with amendments 21 and 22.

**Jeremy Balfour (Lothian) (Con):** I remind members of my entry in the register of members’ interests, which shows that I am in receipt of higher-rate personal independence payments.

I think that it was Harold Macmillan who said, “Events, dear boy, events.” Amendment 3 has been overtaken by events. A similar amendment was debated at stage 2 and was voted down on the basis of the convener’s casting vote.

Amendment 3 recognises the financial situation that the Scottish Government is in but, at the same time, recognises that the most vulnerable people in our society need extra help. This is perhaps not for today, but the Parliament needs to truly debate the issue of targeted benefits versus universal benefits. With the financial situation as it is, whoever is in Government over the next number of years will have limited resources. Surely the point of benefits is to target them at the most vulnerable in our society. We already do that by awarding a similar type of payment to children who are under 16 and are on higher rates.

This benefit would have given those who are on the higher rate of pension age disability allowance or attendance allowance that extra payment to meet their fuel payments in recognition of the fact that most of them stay at home all the time and thus have extra heating costs. However, as I said at the start, I recognise that things have moved on, so I will not move the amendment in my name today.

I move to amendments 21 and 22 in the name of Paul O’Kane, which clearly prompted the statement by the cabinet secretary last Thursday, in which she went some way towards rectifying the situation that the UK Government has left us all in. However, her suggested way forward, which would come into force in November next year, would not give the same help to every pensioner; some are given a lesser amount of money. That is a concern. Certainly, my colleagues and I have received a number of emails—as I am sure have members across the whole chamber—to the effect that, without that extra payment, whatever is discussed and decided today, there will be people this winter who will be cold in their homes and need that help. I am disappointed that the UK Labour Government took that away. We should not be debating that this afternoon. However, we are where we are.

I look forward to hearing what Paul O’Kane, who lodged the amendments, has to say. I would also be interested to hear from the cabinet secretary what would happen if we were to introduce the regulations that she suggested last Thursday and they came into law, and then Westminster, at any point, reinstated the benefit that was already there. Would we then be paying two lots of benefits to pensioners? How would they fit together? More to the point, how would they be administered?

I look forward to hearing the contributions from others but, at this moment, we are minded to support amendments 21 and 22.

I move amendment 3.

**The Presiding Officer:** I call Paul O’Kane to speak to amendment 21 and other amendments in the group.

**Paul O’Kane (West Scotland) (Lab):** We are now at stage 3 of the bill, having had a debate at stage 2 about the nature of pension age winter heating payment. Those who followed the stage 2 process, when Mr Balfour lodged amendments on the topic, will know that I was very clear in my remarks that it was important that Parliament had the chance to debate the nature of the fully devolved version of pension age winter heating assistance. That is what we are trying to do today, in setting out an opportunity to talk about how that benefit should look going forward.

My amendment 21 simply seeks to put the universal nature of pension age winter heating payment on a legislative footing. Again, I refer to my comments at stage 2, when I said that it was worthy of a debate and a discussion across the whole Parliament. Amendment 21 requires Scottish ministers to bring in new regulations by the end of next November to ensure that all pensioners are entitled to some form of assistance from winter 2025-26. I have consistently said

throughout the process that we have to look at pension age winter heating assistance in Scotland in the context that we are in.

I recognise that I have asked the cabinet secretary a number of times what her plans are for this winter. It is clear that a last-minute decision was made and announced last Thursday about what will happen this winter, including in relation to the £41 million—which I have referenced throughout the process—from the household support fund, which will rise to £82 million next year. I recognise the Government's decision to spend that money more broadly.

We offered a package of measures that could have been put in place this year, but those have not been undertaken. The Northern Ireland Executive, for example, has been working on how to use that money this year to support winter heating assistance and move to a £100 payment from the household support fund, but that has not happened here in Scotland.

14:45

The Scottish Government has repeatedly said that it supports universal payments but, as I have been told by the cabinet secretary and by others in the chamber, talk is cheap, and it will stay cheap unless the payment that we are discussing is put on to a legislative footing.

As we have now learned from various sources, the commitment that was made on Thursday was rushed and thrown together. There is real concern that, although an announcement was made here, there is no legislative foundation for it. The devolution of pension age winter heating payment surely gives us an opportunity to set out in statute how that payment will continue. It is only fair that we have this debate here today and take the opportunity to vote on that new devolved benefit and put it on a legislative footing.

Let us be honest: the commitment that came from the Government, late in the day, was possible only because of the record block grant that has been provided following the UK budget. *[Interruption.]*

**The Presiding Officer:** Let us hear Mr O'Kane.

**Paul O'Kane:** They do not want to hear this.

Despite our discussion of and debate about the issue over many months, it has taken the cabinet secretary until now to confirm what she will do with a new devolved payment in future and also what she will do now that she knows that the Barnett consequential is there.

The cabinet secretary has been telling me for months that she cannot do anything because she

does not know what the budget will be, that she cannot base the budget on

“a wing, a prayer and a promise”,—*[Official Report, 3 October 2024; c 44.]*

that she did not know that there would be £41 million this year and £82 million next year or what she would do in future. The UK budget has made things clearer, and that is why I have lodged amendment 21.

I appreciate that the Scottish National Party does not want to take the opportunity to bring Parliament together to look at the future of this devolved benefit and to put it on a legislative footing. As I said at stage 2, there is an opportunity to ensure that we have a discussion about what pension age winter heating assistance should look like.

My amendment 22 shows that there is an opportunity to look at how we do that in future. We know that receipt of pension credit is the criterion for the delivery of winter heating assistance. In her announcement last week, the cabinet secretary said that anyone whose income takes them above pension credit level will receive £100. There is an opportunity to look at how we might do things differently in Scotland, where we have a devolved payment. At stage 2, I raised comments that we had from the Poverty and Inequality Commission and others, who have pointed to the need to make a fairer system so that those who have a higher income or pension do not receive money that they are not entitled to.

**Maggie Chapman (North East Scotland) (Green):** It sounds as if Paul O'Kane is coming to the end of his remarks, so I ask him to be clear about amendment 22, which claws back money. Does that mean that winter heating assistance would not be a universal payment?

**Paul O'Kane:** I am about to talk about amendment 22, which provides a power for Parliament to consider, by using secondary legislation, whether it wants to create a mechanism by which it could claw payments back from those who have higher incomes.

One reason why I lodged amendment 22 comes from the evidence that was given by the Poverty and Inequality Commission regarding the original consideration of pension age winter heating assistance. That evidence set out how the system could be fairer if a universal benefit was paid but there were options, for example through the tax system or by other methods, to take money back if required. We know that many people choose not to use their winter heating allowance or choose to give it back. The Government's own Poverty and Inequality Commission, among others, laid out those options.

Amendments 21 and 22 simply seek to put that matter into the bill, so that we have legislation for what the Government has said that it wants to do and so that we have the option to create a claw-back mechanism by using secondary legislation, if that is what we wish to do.

**Shirley-Anne Somerville:** Will the member accept an intervention?

**Paul O'Kane:** I am concluding and do not intend to take the intervention because there will be opportunities for further contributions.

As I said, there is an opportunity for Parliament to come together on this issue and to put into statute something that I think that we all support.

**Shirley-Anne Somerville:** Amendment 3, in the name of Jeremy Balfour, is focused on expanding eligibility for winter heating assistance via the winter heating payment to people on the higher rates of pension age disability payment and attendance allowance. Conversely, amendments 21 and 22, in the name of Paul O'Kane, suggest removing altogether our ability to target payments at people who are in receipt of relevant benefits and would allow for all or part of the payment to be recovered when the income of the individual in receipt of the payment, or the income of anyone living with them, exceeded a certain amount.

On 28 November, I announced that the Government would deliver a £41 million package of support for our pensioners this winter and that we would deliver universal support to pensioners through our new pension age winter heating payment from next winter, which includes a new £100 payment that is not available elsewhere in the UK. That will provide guaranteed support to around 900,000 people who will miss out this winter due to the UK Labour Government's decision to restrict winter fuel payment eligibility. It means, for example, that people on disability benefits who are above the income threshold for pension credits will now receive support.

Our policy includes being able to focus on people who are in receipt of low-income benefits to ensure that those who are least able to afford increasing energy bills over the winter months—and they are increasing—can be identified and will receive a higher level of support.

It is surprising, if I can put it like that, to see Mr O'Kane present a proposal that could prevent a higher level of support from being paid to those who, through receipt of a low-income benefit, are identified as having a higher level of need. Many of his remarks were based on the requirement for a legislative footing; I therefore point him to section 30 of the 2018 act, which provides a legislative footing for winter heating payments. It is unclear from the drafting of amendment 21 whether the ability to target assistance in that way

would be removed, and removing our capacity to easily focus support on those who are most in need is concerning.

As soon as the UK Government made its announcement to cut winter fuel payments from many pensioners, I committed to continuing to review eligibility for pension age winter heating payment, and we have delivered on that commitment.

I thank Mr Balfour for his on-going interest in the topic, which he has raised with me in the many discussions that we have had. Although we did not necessarily agree on the solutions, I thank him for his time.

With reference to what would happen if the UK Government was to change its mind—there is still the opportunity for it to do so—that would change the block grant adjustments that the Scottish Government would receive, which would, in part, assist the Scottish Government in mitigating any UK Government cuts in that area.

I reached out to Mr O'Kane last week to explain the difficulties with the proposals that he has lodged in terms of operational complexity and flaws in drafting. Unfortunately, I did not receive a reply, so let us go through some of that now.

**Paul O'Kane:** The cabinet secretary will recall that I raised these issues at stage 2 and suggested that there would be an opportunity for a debate and further discussion in the chamber at stage 3. I do not think that it is fair to characterise me as not wishing to engage.

I note that the cabinet secretary brought her statement on energy costs to the chamber on Thursday with less than 10 minutes' notice to members. She never mentioned this to me previously, so I do not think that what she has said is in the spirit of trying to find consensus.

**Shirley-Anne Somerville:** It is disappointing that Mr O'Kane did not take up that invitation, because I would have gone through the flaws in the system. However, I am more than happy to do so in this public setting today.

Mr O'Kane's amendment 21 would require expensive and time-consuming technical development to implement, with development costs alone potentially running into tens of millions of pounds. I am sure that we can all think of better ways to spend that money. Some of what would be required to implement the amendment—particularly the links with the Department for Work and Pensions and His Majesty's Revenue and Customs—would be so complicated that it might in fact not be possible. It certainly would not be possible before November 2025. For example, it is not clear from the amendment how Social Security Scotland could assess household income,



because the sort of data feeds that we would require simply do not exist.

Therefore, let us be clear that what Mr O'Kane is proposing today is a delay to supporting pensioners. Even if the technical hurdles could be overcome with HMRC, it is forecasted that hundreds of additional seasonal staff would be required in Social Security Scotland to deliver a one-off payment, which we do not consider an efficient use of the agency's resources. We must remember that those additional staff would have to be recruited and trained every year at continued expense.

In addition, it is not clear how Mr O'Kane's amendments—particularly amendment 22—would work alongside the existing framework of the 2018 act. For example, under the act, Scottish ministers can recover payments only if the individual is not entitled to the assistance that they have been given or is entitled to less, and the individual is liable to repay the overpayment. It is not clear how, under the act, someone could be entitled, but later be subject to a decision that they are not entitled to the same payment. Let us be clear that amendment 22 talks about giving money to eligible pensioners and then taking it away from them.

When we compare the systems in the Scottish Government and Labour proposals, we have a Scottish Government proposal that is universal and a Labour proposal that would apply to the majority of pensioners. We have a Scottish Government proposal that is simple for pensioners to understand, with £300, £200 or £100 for pensioner households. We still do not know and have no idea how much the Labour proposal would be or who it would be for. We have a simple-to-administer proposal from the Scottish Government as opposed to the genuinely unworkable proposal from Scottish Labour. The Scottish Government's proposal will be available from next year. Labour's would be available at some point in the future if we could get past the technical deficiencies.

This Government will continue to call on the Labour Government to reverse its decision to means test winter fuel payments. Despite Mr O'Kane's wish to push his expensive and highly unworkable amendment to a vote, the real challenge is for the Labour Party to figure out what it actually stands for. Scottish Labour has had two chances to get this right—a vote in Holyrood and a vote in Westminster to scrap the cut. On both counts, Scottish Labour backed Starmer and not Scotland. *[Interruption.]*

**The Presiding Officer:** Members, thank you.

**Shirley-Anne Somerville:** For all those reasons, the Government does not support amendments 3, 21 or 22. I invite Mr Balfour not to

press amendment 3 and Mr O'Kane to not move amendments 21 and 22.

**The Presiding Officer:** I invite Jeremy Balfour to wind up and press or withdraw amendment 3.

**Jeremy Balfour:** The Scottish Government and Scottish Labour could perhaps have approached the three amendments in the group with a wee bit more humility on both sides. We are where we are because of what happened at Westminster, and it is slightly unfortunate that Mr O'Kane, in his remarks, did not at least acknowledge that and apologise to Scottish pensioners. With regard to the Scottish Government, we have to recognise that the majority of pensioners will receive no extra benefit this winter.

Concern has been expressed at stages 2 and 3 about the way that Social Security Scotland works and the system that it has in place. In a letter that we received from the cabinet secretary, she seemed to indicate that, even if Parliament wanted to make the proposed changes, Social Security Scotland could not have delivered them this year. That means that we have a system that is not flexible and will not allow us to adapt. We need to come back to that, either in the chamber or at committee, and examine what can be done about it.

We are where we are, and for that reason we will support Labour's amendments in the group. I seek to withdraw my amendment 3.

*Amendment 3, by agreement, withdrawn.*

*Amendment 21 moved—[Paul O'Kane].*

**The Presiding Officer:** The question is, that amendment 21 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division. As this is the first division at stage 3, I will suspend the meeting for around five minutes to allow members to access the digital voting system.

14:58

*Meeting suspended.*

15:04

*On resuming—*

**The Presiding Officer:** We will now proceed with the division on amendment 21. Members should cast their votes now.

**For**

Baillie, Jackie (Dumbarton) (Lab)  
Balfour, Jeremy (Lothian) (Con)  
Bibby, Neil (West Scotland) (Lab)  
Boyack, Sarah (Lothian) (Lab)  
Briggs, Miles (Lothian) (Con)  
Burnett, Alexander (Aberdeenshire West) (Con)

Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Eagle, Tim (Highlands and Islands) (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)  
 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)  
 Lennan, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Marra, Michael (North East Scotland) (Lab)  
 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)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Ross, Douglas (Highlands and Islands) (Con)  
 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) [Proxy vote cast by Richard Leonard]  
 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, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don-Innes, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Harper, Emma (South Scotland) (SNP)

Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP) [Proxy vote cast by Rona Mackay]  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (Ind)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP) [Proxy vote cast by Jamie Hepburn]  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP) [Proxy vote cast by Jamie Hepburn]  
 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)  
 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)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

### Abstentions

Burgess, Ariane (Highlands and Islands) (Green)  
 Chapman, Maggie (North East Scotland) (Green)  
 Greer, Ross (West Scotland) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Mackay, Gillian (Central Scotland) (Green)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)

**The Presiding Officer:** The result of the division is: For 51, Against 60, Abstentions 7.

*Amendment 21 disagreed to.*

*Amendment 22 moved—[Paul O'Kane].*

**The Presiding Officer:** The question is, that amendment 22 be agreed to. Are we agreed?

**Members:** No.

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

### For

Baillie, Jackie (Dumbarton) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)

Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Eagle, Tim (Highlands and Islands) (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)  
 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)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (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)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Ross, Douglas (Highlands and Islands) (Con)  
 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) [Proxy vote cast by Richard Leonard]  
 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, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don-Innes, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 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)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP) [Proxy vote cast by Rona Mackay]  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (Ind)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP) [Proxy vote cast by Jamie Hepburn]  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP) [Proxy vote cast by Jamie Hepburn]  
 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)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 50, Against 67, Abstentions 0.

*Amendment 22 disagreed to.*

### Section 3A—Power to make provision about late applications for assistance

*Amendment 4 moved—[Shirley-Anne Somerville]—and agreed to.*

### Section 7—New determination of entitlement after error

**The Presiding Officer:** Group 3 is on new determination during appeal. Amendment 5, in the name of Jeremy Balfour, is grouped with amendments 6 to 15.

**Jeremy Balfour:** I am grateful to the Child Poverty Action Group, Citizens Advice Scotland

and other organisations that have helped with the drafting of my amendments.

I am sure that the cabinet secretary and members will be pleased to know that we are now debating policy instead of money. This is an important policy debate to have.

My amendments in the group aim to remove the unnecessary step of having a formal redetermination before an appeal. An appeal could be scheduled more promptly, if that was required, but the redetermination could take place behind the scenes and the award could be changed, if that was needed. The redetermination could also mean that, if the award was made, the appeal could lapse, which would mean that a further intervening period would not be required.

On social security, we have tried, as a Parliament, to put the claimant—the disabled person—at the heart of the process. We have said that we want to treat them with dignity and respect, and I believe that amendment 5 goes a wee bit further in providing that dignity and respect, because it would help the individual to get an award if the process could happen more quickly than is the case at the moment.

I do not want to pre-empt the cabinet secretary's comments, but I suspect that she will say that people do not like going to tribunals. That will be true for some people, but perhaps this is a chance for us, collectively here in Scotland, to reset the image of tribunals. As a former member of a tribunal that heard such cases, I believe that most, if not all, tribunal members seek to do their best. I appreciate that the process can be stressful and awkward for some, but that does not mean that we should not allow a redetermination to happen in the background, which might allow a decision to be made more quickly.

I hope that members will look at these amendments favourably. They put the claimant where we want them to be, which is at the heart of the system. They would speed up the whole process of the system, and it is to be hoped that we will not end up with many more tribunals.

I move amendment 5.

**The Deputy Presiding Officer (Annabelle Ewing):** I call the cabinet secretary to speak to amendment 9 and other amendments in the group.

**Shirley-Anne Somerville:** I have lodged five amendments that relate to provisions that allow Social Security Scotland to make a new, more advantageous determination that has the effect of stopping an appeal. Amendment 11 makes minor drafting changes to section 49A of the bill as amended at stage 2. It replaces the reference to assistance that an individual was “given” with

reference to assistance that an individual was “entitled to”. That small change of wording is simply to ensure consistency and to align with other references in the Social Security (Scotland) Act 2018 to when an individual is “entitled to assistance”.

Amendment 12 removes the provisions that define “error”, as those provisions are now unnecessary. That is because the bill was amended at stage 2 to remove the need for error in order to allow Social Security Scotland to make a new determination after an appeal is lodged and for the appeal to stop as a result. Instead, the bill now provides that the Scottish ministers can make a new determination, provided that they are of the opinion that the person is entitled to a more advantageous award. That addresses concerns that were raised at stage 2 that including a requirement for error was too restrictive. Since there is no longer a requirement for error to have occurred, there is no need to define “error”.

Amendments 9, 10 and 15 are minor technical amendments that remove references to “error” from the headings of the bill, in line with the changes that were made at stage 2 to remove the need for an error to have occurred.

I urge members to support all five of the amendments in my name in this group.

I turn to Mr Balfour's amendments, which we have had many discussions about over the past few months. I am afraid that Mr Balfour has still not convinced me to support amendments 5, 6, 7 and 8 or amendments 13 and 14. Those amendments seek to remove the requirement for a client to request a redetermination of the determination that stopped the appeal.

Those amendments would deprive people of the right to request a redetermination in that scenario. Giving people redetermination and appeal rights gives them the same range of challenge rights that are given to people who are challenging all other determinations. If a client disagrees with the determination that stopped the appeal, a right of redetermination provides the opportunity to correct any mistakes at an early stage for an independent rerun. Social Security Scotland has statutory timescales to make a redetermination to ensure that a client is not left in limbo and that they can expect a redetermination within the timeframe that is associated with that particular benefit. In addition, clients already have a right to appeal to the First-tier Tribunal for Scotland if Social Security Scotland does not complete a redetermination within the statutory timeframes.

If we removed the person's right to request a redetermination, they would instead need to lodge a fresh appeal, which may impact on the capacity of the First-tier Tribunal. Moving disputes from

Social Security Scotland into the tribunal might have the effect of delaying the resolution. There can be no guarantees that a tribunal could dispose of the hearings more quickly than through a redetermination, which we consider could negatively impact on people's experience of using the system.

15:15

Some clients find a tribunal process daunting and stressful. While I agree with Mr Balfour that we should work to prevent and alleviate those perceptions of the process being daunting, it is important that we continue to ensure that people have the same rights across the redeterminations and appeals process.

For those reasons, I urge members not to support Mr Balfour's amendments in this group.

**Paul O'Kane:** We welcome the cabinet secretary's tidying-up amendments in this group. The changes made at stage 2 to remove the need for an error to be identified were a positive change to the bill and were welcomed by stakeholders. We recognise the need to make some tweaks pursuant to the previous amendments, and we will therefore support the Government's amendments in this group.

I have heard what Mr Balfour has said about his amendments, both at stage 3 and at stage 2. Unfortunately, despite the good intent behind them, we will not support them today. We believe that, if a new determination is made due to a change in circumstances, it is important that clients retain the right to request a redetermination of the new decision before proceeding to an appeal, which, as we have heard, can often be intimidating and is perhaps a less preferable option.

In concert with what we have heard, I would say that we hope, as a result of on-going work and other provisions in the bill, that there will be fewer mistakes and quicker decisions in the first place, which should drive down the need for redetermination and/or appeal. We will continue to work with the Government and will hold it to account on that point.

**The Deputy Presiding Officer:** I invite Jeremy Balfour to wind up and to press or withdraw amendment 5.

**Jeremy Balfour:** Just to provide clarification, I can say that we will be supporting the Government amendments in this group, and we welcome the tidying up that they involve.

I have probably had enough goes at the two members concerned at stages 2 and 3, so I will not labour the point, but I again point out that a redetermination can still take place. Once a

decision is made by Social Security Scotland that the claimant does not like, they lodge their appeal, which normally takes four to six weeks. During that time, the redetermination takes place within Social Security Scotland. If, at that point, Social Security Scotland wants to make a decision that is different from the original decision, that can be intimated to the claimant. If the claimant accepts that, they do not have to go forward to the appeal. The redetermination—

**The Deputy Presiding Officer:** Mr Balfour, I ask you to resume your seat for a second. It is coming up on my screen that Stuart McMillan is seeking to make a point of order. Is that the case, Mr McMillan?

**Stuart McMillan (Greenock and Inverclyde) (SNP):** No.

**The Deputy Presiding Officer:** It is not the case. Please continue, Mr Balfour.

**Jeremy Balfour:** For a moment, I thought I had persuaded somebody. *[Laughter.]*

I make that clarification: redetermination does not go away; it is simply done behind the scenes.

I press amendment 5.

**The Deputy Presiding Officer:** The question is, that amendment 5 be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

**Neil Bibby (West Scotland) (Lab):** On a point of order, Presiding Officer. I would have voted no.

**The Deputy Presiding Officer:** Thank you, Mr Bibby. Your vote has been recorded.

**For**

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)

Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don-Innes, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP) [Proxy vote cast by Rona Mackay]  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (Ind)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP) [Proxy vote cast by Jamie Hepburn]  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP) [Proxy vote cast by Jamie Hepburn]  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)

Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 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)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 27, Against 88, Abstentions 0.

*Amendment 5 disagreed to.*

*Amendments 6 to 8 not moved.*

*Amendments 9 to 12 moved—[Shirley-Anne Somerville]—and agreed to.*

*Amendments 13 and 14 not moved.*

*Amendment 15 moved—[Shirley-Anne Somerville]—and agreed to.*

### After section 7

**The Deputy Presiding Officer:** We turn to group 4, which is on determinations as part of appeal. Amendment 16, in the name of the cabinet secretary, is the only amendment in the group.

**Shirley-Anne Somerville:** I lodged an amendment in order to clarify the scope of a determination that is made by the First-tier Tribunal in an appeal. Amendment 16 is intended to clarify the law and ensure that it works in line with the original policy intention for the Scottish social security system. I note that CPAG has urged members to support amendment 16, as it provides clarity for people about what can be considered during an appeal.

Amendment 16 makes it clear that the tribunal

“must not take into account any circumstances which did not exist at the relevant time”.

The “relevant time” is the time or event that the Scottish ministers had to consider when determining the person’s entitlement—for

example, the date of application. That puts beyond doubt that later changes in a person's circumstances are to be considered separately. If an appeal were to consider a later change in a person's circumstances, that would mean that the person would not have had access to the full range of challenge rights on the tribunal's determination in relation to those new circumstances.

For example, if the tribunal were to consider a change of circumstances for a later period when making a determination at appeal, the client would only have a right to ask the First-tier Tribunal to review its decision or to ask for permission to appeal to the Upper Tribunal on a point of law against that decision. That means that some people might be denied their redetermination and appeal rights. If the person's later circumstances are considered under a separate determination, the person would then have full redetermination and appeal rights against that, if they do not agree with the determination.

I want to be clear that amendment 16 does not prevent the tribunal from considering relevant information that was unknown, was not available or was not provided at the time when the original decision maker was determining the person's entitlement. Amendment 16 expressly states that the tribunal

"may take into account circumstances which existed but were not known".

For example, if a letter from a medical professional is written at a later date and demonstrates that someone had a particular condition at an earlier date that would impact their entitlement, that information could be considered.

Another example is when a person was not in receipt of a qualifying benefit when they applied to Social Security Scotland but subsequently received a backdated award of a qualifying benefit that confers eligibility. In that scenario, the tribunal could consider that information.

Amendment 16 is about protecting people's rights to access justice, and I urge members to support it.

I move amendment 16.

*Amendment 16 agreed to.*

### **Section 8—Appeal to First-tier Tribunal against process decisions**

**The Deputy Presiding Officer:** Group 5 is on appeal to First-tier Tribunal against process decisions. Amendment 17, in the name of Jeremy Balfour, is grouped with amendment 18.

**Jeremy Balfour:** These amendments would ensure that process decisions are able to be

appealed past the First-tier Tribunal and be heard at the Upper Tribunal for Scotland, in contrast to section 61 of the 2018 act, which states that backdated claims are process decisions. My amendments would allow such claims to be escalated if required.

I am grateful, again, to CPAG and Citizens Advice Scotland, which ask us to support these amendments. I will, if I can, steal the example from the briefing that CPAG has sent to all members, because it explains the situation better than I can. It states:

"Astrid's Scottish child payment stopped in error when she moved from tax credits to universal credit. Astrid didn't see the letter notifying her that the Scottish child payment stopped because she was looking after her terminally ill mum. She submits a late redetermination request and receives a process decision refusing her request because it was more than a year since the determination is made."

If these amendments are not agreed to, that would be the end of the situation for Astrid, the claimant. I am seeking to introduce the right to appeal to the Upper Tribunal in process appeals, which would allow case law to develop around that type of situation and in other areas.

Case law is important. Over the past 20 or 30 years, we have seen, first with the DWP and now in Scotland, how case law has been interpreted and has given claimants greater rights. Case law develops precedents about how legislation should be interpreted and applied.

I believe that it is important that we allow the judiciary a role in developing the process of appeals, and that it can look to continuously improve the social security system. One of the principles that is set out in the 2018 act is about continuous improvement and getting it right for every person. That is not currently the situation. Amendments 17 and 18 would rectify that, and give claimants better rights of appeal. For that reason, I ask members to consider supporting the amendments in my name.

I move amendment 17.

**Paul O'Kane:** Scottish Labour supports the amendments in group 5. We recognise that it is important that people have a final right of appeal to the Upper Tribunal. We note that organisations such as CPAG have pointed out—as we have heard—that that could help the development of precedent around process decisions, which may, over time, build up a better understanding of how the social security system is working and mean that more effective decisions are made earlier in the appeals process. As a result, we will support these amendments.

**Shirley-Anne Somerville:** The Scottish Government does not support amendments 17 and 18, in the name of Jeremy Balfour, which

would allow people to appeal a process decision of the First-tier Tribunal in the Upper Tribunal. We do not consider that these amendments are required, and an amendment proposing the same thing was not agreed to at stage 2.

Most process appeals are based on the facts of the appeal—for example, whether a client has completed a benefits application correctly—while Upper Tribunal appeals can be brought only on a point of law. The volume of process appeals received to date is very low, and my understanding is that, if required and where appropriate, the First-tier Tribunal could seek guidance from the Upper Tribunal—for example, where the First-tier Tribunal was considering whether an appellant had a good reason for requesting a redetermination late.

The Government therefore does not support amendments 17 and 18.

**The Deputy Presiding Officer:** I ask Jeremy Balfour to wind up and say whether he wishes to press or withdraw amendment 17.

**Jeremy Balfour:** I have nothing to add, but I will press amendment 17.

**The Deputy Presiding Officer:** The question is, that amendment 17 be agreed to. Are we agreed?

**Members:** No.

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

15:30

**The Deputy Presiding Officer:** The vote is now closed.

**Annie Wells (Glasgow) (Con):** On a point of order, Presiding Officer. My system crashed. I would have voted yes.

**The Deputy Presiding Officer:** Thank you. Your vote will be recorded.

**Bill Kidd (Glasgow Anniesland) (SNP):** On a point of order, Presiding Officer. There seems to have been a problem here, but I would have voted no.

**The Deputy Presiding Officer:** I assure Mr Kidd that his vote has been recorded. Thank you.

#### For

Baillie, Jackie (Dumbarton) (Lab)  
Balfour, Jeremy (Lothian) (Con)  
Bibby, Neil (West Scotland) (Lab)  
Boyack, Sarah (Lothian) (Lab)  
Briggs, Miles (Lothian) (Con)  
Burnett, Alexander (Aberdeenshire West) (Con)  
Carlaw, Jackson (Eastwood) (Con)  
Carson, Finlay (Galloway and West Dumfries) (Con)  
Choudhury, Foysol (Lothian) (Lab)  
Clark, Katy (West Scotland) (Lab)  
Dowey, Sharon (South Scotland) (Con)

Duncan-Glancy, Pam (Glasgow) (Lab)  
Eagle, Tim (Highlands and Islands) (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)  
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)  
Lennon, Monica (Central Scotland) (Lab)  
Leonard, Richard (Central Scotland) (Lab)  
Lumsden, Douglas (North East Scotland) (Con)  
Marra, Michael (North East Scotland) (Lab)  
McCall, Roz (Mid Scotland and Fife) (Con)  
McNeill, Pauline (Glasgow) (Lab)  
Mochan, Carol (South Scotland) (Lab)  
Mountain, Edward (Highlands and Islands) (Con)  
O'Kane, Paul (West Scotland) (Lab)  
Ross, Douglas (Highlands and Islands) (Con)  
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) [Proxy vote cast by Richard Leonard]  
Webber, Sue (Lothian) (Con)  
Wells, Annie (Glasgow) (Con)  
White, Tess (North East Scotland) (Con)  
Whitfield, Martin (South Scotland) (Lab)  
Whittle, Brian (South Scotland) (Con)

#### Against

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)  
Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
Brown, Siobhian (Ayr) (SNP)  
Burgess, Ariane (Highlands and Islands) (Green)  
Chapman, Maggie (North East Scotland) (Green)  
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
Cole-Hamilton, Alex (Edinburgh Western) (LD)  
Constance, Angela (Almond Valley) (SNP)  
Dey, Graeme (Angus South) (SNP)  
Don-Innes, Natalie (Renfrewshire North and West) (SNP)  
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
Dornan, James (Glasgow Cathcart) (SNP)  
Dunbar, Jackie (Aberdeen Donside) (SNP)  
Ewing, Fergus (Inverness and Nairn) (SNP)  
FitzPatrick, Joe (Dundee City West) (SNP)  
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
Gibson, Kenneth (Cunninghame North) (SNP)  
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
Gougeon, Mairi (Angus North and Mearns) (SNP)  
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)  
Lochhead, Richard (Moray) (SNP)  
MacDonald, Gordon (Edinburgh Pentlands) (SNP)



MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP) [Proxy vote cast by Rona Mackay]  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (Ind)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP) [Proxy vote cast by Jamie Hepburn]  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP) [Proxy vote cast by Jamie Hepburn]  
 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)  
 Rennie, Willie (North East Fife) (LD)  
 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)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 46, Against 70, Abstentions 0.

*Amendment 17 disagreed to.*

*Amendment 18 not moved.*

### After section 15

**The Deputy Presiding Officer:** Group 6 is on uprating assistance for inflation. Amendment 1, in the name of the cabinet secretary, is the only amendment in the group.

**Shirley-Anne Somerville:** As many members in the chamber will be aware, the Social Security (Scotland) Act 2018 requires that benefits for disability, carers, employment injuries and funeral expenses, as well as the Scottish child payment, are uprated annually in line with inflation. At present, that duty does not extend to the best start grants, best start foods and winter heating benefits. Similarly, the UK Government is not legally required to uprate all benefits annually and, as such, funding for uprating in Scotland through block grant adjustments fully covers only those

payments that have a UK equivalent that is also required to be uprated by statute.

Since the first Scottish uprating exercise in 2019, the Scottish Government has frequently chosen to uprate all payments, including those that are increased at ministers' discretion. Twice, we have also responded quickly to changing conditions to increase benefits beyond inflation, as measured by the September consumer prices index. With amendment 1, we aim to go further than the UK Government in supporting the people of Scotland. We will do that by legally committing to annually increase every benefit that is delivered under the 2018 act in line with inflation.

This new legal obligation will apply automatically to our winter heating payments and best start grants. Best start foods will be brought under the 2018 act in the future but, until then, we have made a public commitment to also increase that payment each year in line with inflation. This action will help to protect the real-terms values of those payments as costs rise in the economy, delivering more money for families by way of best start grants and best start foods. Those payments, which are already more generous than their DWP equivalents, support those families who are most at risk of poverty. Along with the game-changing Scottish child payment, the payments contribute to the Government's core mission of ending child poverty. Scottish Government policies are estimated to keep 100,000 children out of relative poverty in 2024-25.

These annual increases will also apply to our winter heating benefits, helping the most vulnerable in our society to stay warm each year, safe in the knowledge that, as costs rise, increases to the payments will also be guaranteed.

In an already challenging fiscal environment, it is no surprise that this decision comes with significant financial implications. However, the Scottish Government views it as vital to invest in support of families and households in Scotland. To that end, I urge all members in the chamber to support amendment 1.

I move amendment 1.

**Craig Hoy (South Scotland) (Con):** Amendment 1 expands the scope of the current duty to uprate benefits in line with inflation. We do not necessarily disagree with that, but it should be done on a discretionary basis in any given budget or for any given benefit. Indeed, last year, the UK Conservative Government uprated benefits in line with inflation, even when it stood at a hefty 6.7 per cent.

**Shirley-Anne Somerville:** I wonder whether this is perhaps why Jeremy Balfour is not speaking at this point. I recollect that, at stage 2, Mr Balfour lodged an amendment to uprate, so it is

disappointing to see that the Conservatives' position has changed.

**Craig Hoy:** That is, indeed, accurate. However, since then, we have looked in the round at the medium and long-term projections for the benefits bill. That is something that I will come to now and tomorrow. *[Interruption.]*

**The Deputy Presiding Officer:** Members, could we just listen to the person who has the floor at the moment, who is Mr Hoy? Mr Hoy, please continue.

**Craig Hoy:** I missed the fact that Shona Robison wants to make an intervention.

**The Cabinet Secretary for Finance and Local Government (Shona Robison):** Can the member reconcile what he has just said with voting for Paul O'Kane's amendments, which are uncoded, unspecific and undeliverable? How does he reconcile those two events, which have happened in the past half hour?

**Craig Hoy:** The minister has been in politics long enough to know that politics is about prioritisation, and that is exactly what we are talking about here today. We are talking about making the benefit uplift mandatory for all devolved benefits now and into future years, thereby binding the hands of current and future ministers and members of the Scottish Parliament who might want to reserve the option to make selective increases based on priority and need.

When setting their budgets, Governments should, quite rightly, be given the opportunity—

**Shirley-Anne Somerville:** Will the member take an intervention?

**Craig Hoy:** No. I have taken two interventions already. Governments should be given the opportunity to explore whether an automatic inflationary uplift is affordable in that year, given the wider pressures on devolved benefit spending in Scotland. We will return to that tomorrow in relation to the budget.

Inflation is now relatively low, although it has been subject to upward pressure since the additional borrowing in the Labour budget, and we could be in a period of very high inflation. The amendment could therefore present challenges, even though I accept that the estimate of the relevant benefits that are being considered today amounts to only £1.9 million in 2025-26. However, given that the other benefits are already automatically uprated, that could mean a significant amount of money in a higher-inflation environment.

We also have to think of this in the wider context, as we will do when the budget is presented tomorrow. If the amendment is agreed

to, the total cost to the Scottish Government of uprating benefits will be £113 million in 2025-26 alone, and it could be much more in future years.

The Scottish Fiscal Commission has forecast that, in 2025-26, the Scottish Government will spend approximately £478 million more on specifically devolved social security benefits than it receives from the UK Government through block grant adjustments. That is a political choice of the Scottish Government, and it should be entitled to take either the blame or the credit for it, depending on your outlook.

If we add in new and other social security payments, the total social security spend above block grant adjustments received by the Scottish Government will be £1.2 billion in 2025-26, and that £1.2 billion will have to be drawn from elsewhere. Few observers and analysts believe that that position is sustainable in the medium and long term. I encourage the minister to listen to the evidence that was given by the Institute for Fiscal Studies this morning in the Parliament.

The amendment will therefore bake in inflationary increases that will undoubtedly restrict future Governments and Parliaments in setting their cross-portfolio spending plans and future budgets. In short, if we want to spend money on public services, cut taxes for hard-working Scots and support businesses to create economic growth, we cannot pass into law a policy of automatically funding increases in spending on an already substantial benefits budget in Scotland.

The Scottish Conservatives therefore do not believe that enshrining an uprate for any benefit by inflation in law is prudent or politically sensible, and that is why we will vote against amendment 1 today.

**Shirley-Anne Somerville:** In winding up, I will agree with Craig Hoy on one point: yes, this is about our priorities. Our priorities are about protecting low-income families, protecting carers and protecting disabled people. It is unfortunate but perhaps not surprising that the Conservatives do not share those priorities. I will press the amendment.

**The Deputy Presiding Officer:** The question is, that amendment 1 be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

**Jackie Baillie (Dumbarton) (Lab):** On a point of order, Presiding Officer. Apologies, but the app would not refresh. I would have voted yes.

**The Deputy Presiding Officer:** Thank you, Ms Baillie. Your vote will be recorded.

**For**

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don-Innes, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP) [Proxy vote cast by Rona Mackay]  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (Ind)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP) [Proxy vote cast by Jamie Hepburn]  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP) [Proxy vote cast by Jamie Hepburn]  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (Alba)  
 Rennie, Willie (North East Fife) (LD)

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)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**Against**

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 89, Against 26, Abstentions 0.

*Amendment 1 agreed to.*

### **Section 17—Recovery of value of assistance from compensation payments**

**The Deputy Presiding Officer:** Group 7 is on compensation recovery: pension-age disability payment. Amendment 19, in the name of the cabinet secretary, is the only amendment in the group.

**Shirley-Anne Somerville:** Amendment 19 is designed to include pension-age disability payment in the list of benefits in proposed

schedule 12 to the 2018 act that are recoverable from awards of compensation as a result of accident, injury or disease.

PADP is designed to provide financial support to help to meet the additional costs of care relating to an individual's disability or health condition. As such, equivalent amounts of the benefit received by an injured person as a result of an accident, injury or disease will be recovered entirely from compensation that is awarded for the costs of care required by the individual for the same incident.

Now that PADP is a live benefit that is being delivered by Social Security Scotland, it is appropriate to include that payment in the compensation recovery provisions. As further relevant recoverable benefits are introduced in future, such as Scottish adult disability living allowance and employment injury assistance, those will be added to the 2018 act by way of regulations.

The purpose of the compensation provisions is to help us to meet the Scottish social security principle of efficiency and delivering value for money. As such, I ask all members to support the amendment.

I move amendment 19.

*Amendment 19 agreed to.*

#### After section 21

**The Deputy Presiding Officer:** Group 8 is on key performance indicators for Social Security Scotland. Amendment 23, in the name of Jeremy Balfour, is grouped with amendment 24.

**Jeremy Balfour:** I thank the cabinet secretary for arranging a meeting with Social Security Scotland, and I thank Social Security Scotland for that meeting, which I had with it last week to discuss some of the issues. The meeting was productive, and I certainly got a better understanding of where Social Security Scotland thinks that it is going over the next few years. However, there is still an issue in relation to how we judge and evaluate Social Security Scotland, particularly whether it is providing the best possible service for claimants and working efficiently.

15:45

A number of years ago, Mr Doris and I had a wee trip down to Victoria Quay to see how Social Security Scotland was designing the new system. I confess that I came away from that trip feeling that the system was going to be all singing and all dancing and that it was going to be of great use. However, over the past few years, it has become clear that, for whatever reason—whether it is due to design faults or political decisions—the

information that is used to make judgments is simply not being recorded, so it is very difficult to hold the Scottish Government and the agency accountable for what is going on.

I acknowledge that things have got better over the past few years, but there are still some fairly glaring issues and, if the agency was a private company or another part of the Government, there would be real questions. That is why I seek to introduce provisions to allow the Parliament and the Government to put in place key performance indicators over the next few years. The system would be flexible, because the indicators would be introduced through secondary legislation.

As I knew before my meeting with Social Security Scotland, it has lots of information, but it is difficult to judge whether that information is good or bad. For example, on an average day, the Dundee office is at 45 per cent occupancy. That is the figure that Social Security Scotland records. I must confess that that figure seems very low, given the amount of money that we are paying for the building, but, without some kind of benchmarking or KPI, it is very difficult to make such judgment calls.

We are told that people are waiting on the telephone for long periods. However, again, it is difficult to know whether the figures are acceptable or whether there needs to be improvement. My amendments will ensure that claimants get the best service. The same could be said for application and decision times. The figures are available, but the Parliament, collectively, has not made a decision on whether they are good or bad.

From my meeting with Social Security Scotland and other meetings, I know that it is open to having such a system. Ultimately, it is for the Parliament to set appropriate KPIs so that we can be assured that taxpayers' money is being used appropriately and that claimants are getting the service that they deserve.

For that reason, I move amendment 23.

**Paul O'Kane:** I thank Jeremy Balfour for lodging a revised version of the amendments that he lodged at stage 2. Scottish Labour supported his stage 2 amendments, because it is important that such a large and significant public body is open to the scrutiny and transparency that we all want. Although we recognise that Social Security Scotland publishes its annual accounts and gives evidence to the Parliament, parliamentarians have still struggled to get certain information, and there is no duty on Social Security Scotland to report on certain issues.

I welcome the fact that amendment 23 takes cognisance of the debate that we had at stage 2. It is more open and less prescriptive about what the indicators should include, and it would allow the

Parliament to provide input on what the KPIs should look like in order to better hold the Government and the agency to account on behalf of all our constituents.

I hope that the Government and other parties recognise the desire for additional reporting and information and that the Government will either support the amendments or allow further discussion in that regard.

**Shirley-Anne Somerville:** Mr Balfour's amendments 23 and 24 would create a power to set out key performance indicators for Social Security Scotland in regulations, and would make those regulations subject to the affirmative procedure. The Scottish Government does not support those amendments. Fixing KPIs in legislation would have the effect of making them less responsive to emerging issues.

As an executive agency, Social Security Scotland already publishes an annual report and accounts in line with the Scottish public finance manual. It must comply with the Public Finance and Accountability (Scotland) Act 2000, and the Social Justice and Social Security Committee can, and frequently does, hear evidence from senior leadership at Social Security Scotland on matters of operational delivery.

Members will be aware that section 15 of the 2018 act requires a Scottish social security charter to be prepared, published and reviewed. The charter was co-designed with people with lived experience of social security and underpins everything that the agency does. Approved by Parliament in 2019, it sets out the service that people should expect from the agency. A revised charter, using a comprehensive co-design approach, was approved by Parliament in June. New commitments included providing clients with more information on what they can expect and increased accountability for delivering on charter commitments.

If more information about the performance of Social Security Scotland is required, Parliament already has the power to get it. Section 22 of the 2018 act requires the Scottish Commission on Social Security—SCOSS—to report on any matter relevant to social security if the Parliament resolves that it should. No resolution has been passed to date.

I am pleased that Mr Balfour has had the meeting with Social Security Scotland that he mentioned. Indeed, he and I have discussed the issue on a number of occasions. I think that he and I wish to get to the same end point of a highly effective, functioning agency. I believe that, in many ways, we have that. The client satisfaction rates are very high, although I am always conscious that we must continue to improve. The

questions in the discussions that I have had with Mr Balfour on the issue have been about what data is missing, and what data is available but not necessarily obvious, such as the occupancy rate, which he discussed. I would say that I would not consider that one of the key performance indicators; I am perhaps more interested in the outcomes for clients, but there is a discussion to be had.

We have seen a marked improvement in relation to waiting times on phone lines, and they are published. I would caution against setting a limit on the time that people should spend on the phone to a client, because it is important that we do not get into unintended consequences, as we used to see in the DWP, where client advisers were encouraged to end calls to ensure that they were meeting KPIs.

Mr Balfour raises an important point about ensuring transparency and ensuring that there is a discussion about satisfaction with, and the performance of, the agency. I would share that view. I would welcome any time to discuss that before the committee, as would the agency.

Regardless of what happens with the amendments today, we are happy to continue the discussions with Mr Balfour about which data is not published that he feels needs to be published and, if it is published, how we perhaps need to make that more available and more obvious to the committee and those who use the service.

For those reasons, I am afraid that I cannot support amendments 23 and 24 in Mr Balfour's name. However, I agree with his principle about evaluating the agency. As I said, regardless of what happens with the amendments today, I commit to working with him on that in the future.

**The Deputy Presiding Officer:** I call Jeremy Balfour to wind up and to press or withdraw amendment 23.

**Jeremy Balfour:** I welcome the cabinet secretary's willingness to continue the conversation.

The reason for setting out the KPIs in regulations would be to give a bit more flexibility. We would not be pinning them down. As we all know, regulations are easier to change than primary legislation.

I will quickly respond to two points. As well as a responsibility to look after the claimant, we have a responsibility to look after taxpayers' money. Although it is probably not in the top five issues, that is why we need to know the occupancy rate.

I come back to the point that until the Parliament knows what the acceptable figures are for decision times, telephone lines and all those things, it will

be difficult to decide whether Social Security Scotland is doing what it does well.

That is why I press amendment 23.

**The Deputy Presiding Officer:** The question is, that amendment 23 be agreed to. Are we agreed?

**Members:** No.

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

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 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)  
 Eagle, Tim (Highlands and Islands) (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)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harvie, Patrick (Glasgow) (Green)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Mackay, Gillian (Central Scotland) (Green)  
 Marra, Michael (North East Scotland) (Lab)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 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) [Proxy vote cast by Richard Leonard]  
 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, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don-Innes, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Harper, Emma (South Scotland) (SNP)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP) [Proxy vote cast by Rona Mackay]  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (Ind)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP) [Proxy vote cast by Jamie Hepburn]  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP) [Proxy vote cast by Jamie Hepburn]  
 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)  
 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)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 55, Against 59, Abstentions 0.

*Amendment 23 disagreed to.*

### Section 24—Regulation-making powers

*Amendment 24 not moved.*

**The Deputy Presiding Officer:** That ends stage 3 consideration of amendments.

Members will be aware that, at this point in the proceedings, the Presiding Officer is required under standing orders to decide whether, in her view, any provision of a bill relates to a protected subject matter—that is, whether it modifies the electoral system and franchise for Scottish parliamentary elections. In the Presiding Officer's view, no provision of the Social Security (Amendment) Scotland Bill relates to a protected subject matter. Therefore, the bill does not require a supermajority to be passed at stage 3.

## **Social Security (Amendment) (Scotland) Bill**

**The Deputy Presiding Officer (Liam McArthur):** The next item of business is a debate on motion S6M-15683, in the name of Shirley-Anne Somerville, on the Social Security (Amendment) (Scotland) Bill at stage 3. Members who wish to speak in the debate should press their request-to-speak buttons.

15:57

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** I thank all those who have contributed to the development of the bill. I thank, in particular, my bill team, who have guided me with great skill and patience through a highly technical and complex bill. I thank them for everything that they have done.

I also thank the expert and engaged stakeholders who added to the scrutiny of the bill. I am grateful to the Social Justice and Social Security Committee for the work that it undertook and am similarly grateful to the Delegated Powers and Law Reform Committee and the Finance and Public Administration Committee. I also thank the clerks and Scottish Parliament officials who have guided us all through the process.

During that process, despite the technical and complex nature of the bill, it has always been important to listen to people who have lived experience of the social security system, to the stakeholder organisations that help them and to professional bodies and businesses. I am therefore confident that what we are debating here represents the best possible version of what we have been working towards.

The bill is part of our development of a radically different social security system of which we can, rightly, be proud. The system is being built from the ground up and will deliver 15 benefits, seven of which are available only in Scotland. We are investing in a system from which we might all need help, and the bill is expected, in time, to generate savings of around £3.5 million each year.

We have, of course, already debated the bill in the chamber. Members from parties on all sides of the chamber indicated their willingness to work constructively to improve the bill during its parliamentary progress, and I am pleased to say that we have done so. There has been a lot of work and there have been many meetings in the intervening months, and I thank the Opposition spokespeople, whether they are in the chamber or online, for the work that they have done with me. We have a better bill for it. I have sought to work as collaboratively as possible, and I have met

members many times since the stage 2 meetings that ended in September. I am very grateful for their time and their willingness to engage.

One area of the bill on which concerns have been raised is part 6, which takes new powers allowing ministers to request information for audit purposes. Members will be aware that amendments were debated at stage 2 that sought to remove the ability for ministers to suspend awards of assistance, or sought to entirely remove the provisions from the bill. Scottish ministers have a duty to administer and steward public funds responsibly, and my officials have undertaken a detailed options appraisal to establish the best way to gather the audit information that is required in a way that is consistent with the principles in the Social Security (Scotland) Act 2018 and with our established ethos of treating individuals with fairness, dignity and respect.

Members have acted from genuine concern for their constituents on that point throughout the process, and I reassure them and the whole Parliament once again that the powers that are being taken are required to identify trends in case loads to support effective audit processes—not to identify specific instances of benefit fraud. Any fraud that is detected during an audit exercise will be dealt with through existing tools and processes.

Recently, I wrote to the lead committee and to Maggie Chapman, the Green Party spokesperson, to confirm that failure to provide information that is requested as part of an audit would not be considered to be an indicator of fraud, and that no one will ever be investigated or reported to the Crown Office and Pro—I apologise, Presiding Officer; it has been a long bill and a long day—Procurator Fiscal Service solely as a result of not providing the information that is requested as part of the audit process.

In the stage 1 debate, I said that we were happy to continue our engagement with stakeholders to ensure that any processes that we have to implement will be based on the values of dignity, fairness and respect. I am pleased to tell members that engagement is on-going and that a stakeholder reference group has recently been set up that includes representatives from the Child Poverty Action Group and Citizens Advice Scotland.

Almost every part of the bill has been subject to similar improvements. The contributions of the Delegated Powers and Law Reform Committee were particularly helpful in the light of the technical nature of the bill, and its suggestions resulted in a number of useful amendments. We lodged an amendment for today that will extend the statutory uprating duty to all social security assistance that is delivered under the 2018 act. That means that the true purchasing power of the payments will be

maintained and that decline in their impact will be avoided.

The provisions in part 1, on childhood assistance, have been refined to offer better alignment with the existing five family payments. The regulations that will be made under part 1 for the care leaver payment will now have the benefit of expert scrutiny by the Scottish Commission on Social Security.

No one ever intervenes when you want them to, Presiding Officer, so excuse me for a minute while I drink some water.

**Paul O’Kane (West Scotland) (Lab):** The cabinet secretary has made an important point about the care leaver payment, which we debated at stages 1 and 2 of the bill. Will she say something more about her engagement with the many organisations that represent care-experienced young people? Will she be able to attend some of the many cross-party groups that have an interest in that area, not the least of which is the cross-party group on care leavers?

**Shirley-Anne Somerville:** I thank Paul O’Kane very much for that intervention. For that, if nothing else, I commit to working with him on the issue. He raises the important point that, although we have the framework for the care leaver payment, we need to work on the detail and it is important to listen to people who have been in the care system previously or those who represent such people. I will carry on, if I can, on other issues, but we will continue to work with Paul O’Kane on that point.

We listened carefully to the feedback and we introduced a new power to allow late applications for assistance under part 2 of the bill, in recognition of the Scottish Government’s belief that social security should be as accommodating as possible.

We worked collaboratively on the provisions on lapsing appeals in part 3, and the Scottish Government supported Mr Balfour’s amendment on the matter at stage 2, which improved the bill by removing the need for an error to be identified.

We heard the concerns that stakeholders raised about potential confusion being caused by the new provisions on liability for overpayment in part 4, and we completely redrafted the relevant parts of the bill to improve clarity.

On the provisions on appointees in part 5, we listened to the concerns about the processes that Social Security Scotland follows when it pays someone on behalf of a child. The agency included information on those processes in its most recent stakeholder newsletter in an attempt to improve understanding, and my officials have confirmed with stakeholders that existing



processes are not causing issues. However, we again stand ready to act if that changes.

We also worked closely with the insurance industry in developing the provisions on compensation in part 7.

Finally, we worked with the board of the Scottish Commission on Social Security to expand its scrutiny remit, as the bill developed. I thank SCOSS once again for its input and its wise recommendations on that—and, indeed, on every other issue that it has brought forward since the commission was created under the original 2018 act. I am content that we have struck the correct balance with the work that we have done with SCOSS and I thank the chair and board members for their input.

I urge members to support the bill at decision time in order to ensure that this important set of improvements can be delivered. We can rightly be proud of what has been achieved in social security since its devolution, but we will always be open to challenge and criticism and will continually improve what we do. Social security is an exceptionally important public service that the Scottish Government provides, given its on-going missions to reduce child poverty and to ensure sustainable and excellent public services. I think that the agency does that, and I hope that the bill, which I hope will soon be an act, will allow us to do that even more.

I move,

That the Parliament agrees that the Social Security (Amendment) (Scotland) Bill be passed.

16:07

**Jeremy Balfour (Lothian) (Con):** I begin by thanking all those who have worked hard to get us to this point. The clerks, staff, third sector partners and others who have contributed to the bill deserve a lot of credit.

The bill includes a number of measures that will meaningfully improve social security in Scotland, and it has been great to be able to work on a cross-party basis to get them over the line.

However, although the bill represents a step forward, it is worth reflecting on how far we still have to go. It is fair to say that the devolution of social security has not necessarily played out in the way that anyone expected or, perhaps, hoped. It turns out that setting up and discharging the duties of a new agency is not an easy task, and over the past nine years we have seen a number of problems develop that have been felt by the most vulnerable people in our country. A constant stream of complaints have piled in, working out at almost three per day since 2019. We cannot continue to accept that level of failure.

That should all be viewed in the wider context of the spiralling cost of benefits in Scotland. The bill for social security has risen to more than £5 billion, and we will find ourselves with a £1.6 billion deficit by 2026. That is obviously unacceptable. As a country and as a Parliament, we need to have a conversation about how we do benefits in Scotland. For too long, we have buried our heads in the sand and not dealt with the core issues in our system.

As I said when speaking to one of my amendments, we have, for too long, not examined the issue of universal benefits. The Scottish Government often talks about wanting to live in a country in which those who have the most contribute the most, yet there is a general posture of making policies and payments available to everyone, regardless of their economic situation.

There needs to be a review of our fundamental posture on those things—not only in social justice and social security, but across the whole of government in Scotland. Targeted measures would give us the ability to provide better support for those who need it most, while those who are already well off would not receive help that they do not need.

Until we begin to engage with those issues, we are doomed to continue our pattern of ever-increasing costs, while not supporting those who need it most to the extent to which they need it. That is why I moved some of my amendments and am disappointed that they were not accepted.

I want to draw attention to the fact that the Government has used the bill to introduce sanctions by the back door. Although we on the Conservative benches welcome the commitment to consult the third sector on those changes, we want to make sure that that happens, rather than hearing yet more warm words from the Scottish Government, and we will be interested to see what comes out at the end. I find it interesting that, over the past eight years, the Scottish National Party Government has spoken at length about its opposition to sanctions, but now, having again run head first into the reality of execution, it has abandoned those convictions and seen the light.

I welcome the bill and we on the Conservative benches will support it at decision time. However, I say again that words are not enough. We need to see action, by the Government and Social Security Scotland, to make sure that those who really need that action get it in an appropriate way.

16:12

**Paul O’Kane (West Scotland) (Lab):** I begin by reiterating the remarks that I made at the beginning of proceedings this afternoon, which have also been made by the cabinet secretary and

Jeremy Balfour, in thanking all who have been involved in the bill process, not least the staff on the bill team, the committee clerks and everyone else who has been involved in ensuring the smooth progress of the legislation.

Today offers us an opportunity to reflect on the devolution of social security to Scotland and on the intervening period, taking stock of that journey and the opportunity to update the legislation that governs much of what we do on social security. In doing so, we have an opportunity to reflect on the successes, the challenges and what still has to be done to ensure that we progress with a system that works for everyone.

We, on this side of the chamber, have been very clear that there are welcome steps in the bill and that welcome things have come from the process of devolving social security. For example, the Scottish child payment was a welcome step that was supported by members on this side of the chamber. Putting it on a legislative footing and ensuring that it continues to command the support of members and wider support in Scotland allows us to affirm again our support for it. It is an example of the strength of devolution in that we are doing what it was intended to do and attempting to make progress in supporting children and families across Scotland, ensuring that the poorest in our society are better supported.

The Social Justice and Social Security Committee has had many debates about how we can better analyse and better understand the impact that policies have. I will also reflect on some of the challenges that we have seen in Social Security Scotland. I know that the cabinet secretary is not immune to those challenges, and we have debated them many times, including in various parts of today's debate. There have been challenges in long processing times, including, most notably, real challenges in the introduction of child and adult disability payments and in people having to wait too long. We must continue to watch that very closely and take action as required.

There have also been challenges in the transfer of devolved payments, including employment injury assistance. We have debated that in other contexts, and we must keep it at the forefront of our minds as we continue to develop Social Security Scotland and consider what more we have to do in the transfer of other benefits.

I will also comment on the challenges that exist around information technology infrastructure and making sure that the system is as flexible and supportive as possible. We know that there is an overrun in IT costs, and there have been challenges with telephony, which we have debated many times in Parliament. I accept that progress is being made, but we have to continually monitor

and review those processes to ensure that there is the most efficient use of public money when it comes to what we are developing in the agency. It is clear that, in some instances, the challenges continue to grow, but there has also been action to look at those issues and slowly begin to tackle them. I hope that the bill provides another stepping stone on the journey to tackling those challenges.

We have welcomed a number of the amendments, today and at stage 2, that have sought to make the bill stronger and to continue to improve the system. Today, we have had a variety of debates on new social security payments such as the pension age winter heating payment. We have had amendments that have sought to tidy up parts of the bill and parts of the system. We have had the important amendment on uprating for inflation, which puts into legislation something that will ensure that we continue to drive forward progress on the payments that are being made to people.

There were some important amendments that we did not agree to but that are worth future reflection and continued thought—on the rights of appeal and ensuring that we can build case law that is supportive of people. With regard to the issue of having key performance indicators, which Jeremy Balfour raised, it is important that we reflect clearly on how we are able to scrutinise what is being done by our national agencies, such as Social Security Scotland, and how public money is being spent.

What we require now is implementation of the legislation at pace, as well as more rapid actions to get on with resolving issues in the system that do not require any provisions in the bill.

Scottish Labour remains committed to holding the Government and Social Security Scotland accountable for the way in which social security is administered within the devolved framework and for the pledges that have been made, which have often not been lived up to. However, recognising the many positive changes that are in the bill, we will support its passing at decision time and we will continue to work with the Government and other Opposition parties to do everything that we have set out in today's debate.

**The Deputy Presiding Officer:** Maggie Chapman joins us remotely.

16:17

**Maggie Chapman (North East Scotland) (Green):** I thank all those who have supported the progress of the bill to date. I am particularly grateful to third sector organisations such as the Child Poverty Action Group and Citizens Advice Scotland for their many contributions over many months. I thank the cabinet secretary and other

party spokespeople for the various conversations that we have had during the bill's progress.

I and my Scottish Green colleagues welcome the bill, which represents a further stage in the development of a distinctive approach to social security. That approach seeks to treat people as human beings; to communicate clearly and fairly; to let people know their rights and entitlements; to work co-operatively; and, crucially, to acknowledge that institutions, Governments and Parliaments do not have all the answers. Unless we listen, we do not even have all the questions.

Nothing about that approach is necessarily uniquely Scottish. We knew that it was diametrically opposed to the approach of the previous Tory Government at Westminster, but we hoped that that approach was going to change. Sadly, it appears that, given the choice, the new Labour Administration is inclined to follow its predecessors. I hope that that is not the case. I hope that its rhetoric about getting the welfare bill down is just an empty soundbite for the headlines.

Social security should be seen not as a burden on society but as the measure of care, compassion and love that we have for our fellow human beings, yet the two-child limit and its rape clause still exist. Nothing has changed about that reality or about the wide and broad consensus that those limits are both morally repugnant and practically devastating, about the statements on the record that they need to be consigned as rapidly as possible to the Liz Truss bin for bright ideas, or about the United Kingdom Government's shabby failure to do that.

The two-child limit is egregiously wrong, but it represents a wider attitude that people are inherently irresponsible, cynical and selfish, that they deserve neither respect nor dignity, and that the most fundamental and private aspects of their lives should be open to intrusion and contempt. That applies not only to decisions about the scope of social security but to the way that it is administered.

We recognise that, if people are late for appointments or miss them, if they cannot reply to letters or if they do not know what information to give and when to give it, that is likely to be because of the pressures that their individual situations create. Those include disabilities, caring responsibilities, transport difficulties, lack of digital capital and all the ways in which poverty and marginalisation act to complicate everyday life and obstruct the process of dealing with its challenges. The assumption that is made by the UK system—that lack of engagement indicates fraud—is a terrible act of injustice and cruelty.

It is absolutely vital that we do not fall into that trap here, which is why I have been so concerned

about the audit provisions in the bill. I am still disappointed that there was not more consultation about those, but I thank the cabinet secretary for the assurances that she has given me—in person, in writing and in her opening remarks this afternoon—about how the provisions will operate. I look forward to working with her and others on the development of appropriate safeguards and on monitoring their implementation.

Of course, we welcome the bill as a whole, especially the provisions regarding care experience assistance and the potential expansion of the Scottish child payment. We are proud of the role that Scottish Greens have played in the development of the Scottish child payment, and we look forward with hope to its future and to the future of other payments that we know will go no small way towards transforming people's lives for the better.

16:21

**Willie Rennie (North East Fife) (LD):** I thank everyone who has been involved with the bill, particularly the bill team. Members of that team have an extraordinary and encyclopaedic knowledge—and what some people might call an unhealthy understanding—of the welfare and social security system. However, I am grateful for that encyclopaedic knowledge. I thank the committee, the ministers and all the spokespeople for their engagement as I have tried to keep pace with the bill's various aspects.

We are debating this bill because of the Smith powers, which were agreed after the independence referendum in 2014, at which point we were determined to see a sizeable welfare system devolved to the Scottish Parliament—the non-universal credit items, as I described the system at the time. However, the system has evolved quite significantly since then, broadly with a degree of consensus that has been helpful. We were determined that there would be a degree of consensus such as the founders of the national health service sought to achieve after the war. When setting up a new institution, we want as broad a consensus as possible across the political parties, so that the institution endures over a period of time.

Nevertheless, there have been some challenges, including with regard to waiting times, as the minister knows. I understand the explanation that there is a more sympathetic, understanding and participative approach to collecting information and data, so that applications can be processed in the least stressful way possible. Nevertheless, there is an impact on individuals' finances if they do not get their money or if they do not get it quickly and on time. Therefore, I hope that there will be a

relentless pursuit of driving down waiting times as the legislative process continues.

The new benefits are welcome, particularly for those who have been incredibly frustrated at the pace of progress towards keeping the Promise. There is anger among people whose expectations were incredibly high that the Government would keep the Promise at pace. That simply has not happened. Therefore, I am pleased to see that these two potential new benefits are now possible, and I hope that they advance as quickly as possible with the participation of those who could be in receipt of them. The tidying-up measures are helpful and should be taken regularly to ensure that the system is as efficient as possible.

On the winter fuel payment, there is a wish for the Labour Government to amend its proposals for the United Kingdom, so that the measures that will be taken here, which were debated last week and this week, will become unnecessary. I still appeal to the Labour Government to do that, but it is sensible for the Scottish Government to implement some kind of measures, particularly because of the colder climate north of the border. I am pleased that that is happening.

As for Jeremy Balfour's plea for a debate about universalism, I recall when Johann Lamont triggered that debate and it was met with howls of derision from some in the chamber. It is important to have that debate, but it is not just a case of whether provision is universal. There are other measures to determine whether it would be appropriate to have universalism, including in relation to the efficiency of the system. Is it worth trying to means test any system? There is also the matter of impact, as it is incredibly important to consider climate issues, too. I hope that we will continue to have that debate as we progress.

We will support the bill at stage 3 this evening.

**The Deputy Presiding Officer:** We move to the open debate.

16:25

**Marie McNair (Clydebank and Milngavie) (SNP):** I speak in this debate as a member of the Social Justice and Social Security Committee. I thank the committee clerks and the bill team for all their assistance during the scrutiny process, and all the stakeholders who gave up their time to give evidence to our committee.

The Scottish Government has already made excellent progress with the social security system by delivering 15 benefits, seven of which are new to Scotland, that tackle poverty and reduce inequality. However, we can always make improvements, and that is what the bill aims to do. It will ensure that our benefits system remains

accessible and responsive to the needs of the public. It is vital that the bill upholds Social Security Scotland's principles of fairness, dignity and respect.

At stage 1, the committee had some concerns regarding the provisions in part 6 on information for audit. It was welcome to receive assurances on that point from the Cabinet Secretary for Social Justice that failure to provide information requested as part of an audit would not be considered by Social Security Scotland as an indicator of fraud, and that no one will ever be investigated solely for providing the information that was requested as part of the audit process.

It was also reassuring to hear from the cabinet secretary that the provisions were not introducing sanctions, and that that will never be the case under this Scottish Government. That balance is crucial in maintaining trust in our system, after many have come away from the Department for Work and Pensions system feeling discouraged. It is appreciated that, alongside the public consultation that was committed to at stage 2, on categories of individuals who are exempted from participation in audit activity, the Scottish Government invited more than 20 stakeholder organisations to take part in a short-life working group to develop person-centred communications and processes in support of the provisions. It will be essential that information is sought only from the right people, and that no one is treated unfairly.

I was also pleased that the Scottish Government had committed to lodging an amendment at stage 3 on the duty to uprate all Scottish social security benefits by inflation each year. That embodies the progressive approach that has been taken to better address the financial realities that are faced by claimants today.

In discussing the progressive approach that the Scottish Government takes to social security, it would of course be remiss not to mention the winter fuel payment. It is welcome that the Scottish Government will mitigate the Labour UK Government's cruel cut by reinstating a universal winter fuel payment, ensuring that every pensioner gets a payment next year. That will come as a great relief to my constituents and to pensioners across Scotland. It is further proof that the SNP will prioritise and protect those who are most in need, including our pensioners, who have worked hard and deserve a good standard of living. While the Labour Party has pushed pensioners into poverty, the SNP will protect them. Today, Labour has embarrassed itself with its amendment. The hypocrisy drips right out of it, and it is no wonder that Labour is not taken seriously. The truth is there for all to see.

The Scottish Government continues to have to mitigate the UK Government's austerity measures, the benefit cap, the bedroom tax and now the winter fuel payment. Labour is the party of the two-child policy and its abhorrent rape clause. Tory welfare policy continues under Labour, and that is not sustainable in the long term. Only in an independent Scotland will we end that.

In the meantime, however, the bill is a testament to the Scottish Government's commitment to a compassionate and fair social security system. It is a step forward in ensuring that our social security system meets our high standards and principles of fairness, dignity and respect. I welcome its introduction and I urge members to support its passage.

16:30

**Pam Duncan-Glancy (Glasgow) (Lab):** I remind members that I am in receipt of the higher rate of adult disability payment.

It is a pleasure to speak in this debate on behalf of Scottish Labour, particularly because the issue is close to my heart. I spent many years before I got to Parliament, and in my role as an MSP since coming here, campaigning for a fairer social security system.

I welcome the principles behind the bill—to improve the experience of people in Scotland who are in receipt of benefits and to deliver value for money within our social security system.

I know how important support to participate in society and lead an ordinary life is, including financial support, and getting it right is crucial for many people. That goes for my constituents in the Glasgow region, too, with Glasgow city alone accounting for 14 per cent of Scotland's case load for the child disability payment and 15 per cent for adult disability payment.

It is essential for my constituents and people across the country that changes to the delivery of social security in Scotland are consistent with Scottish Labour's vision for a fairer, more efficient welfare system that allows people to live in dignity and free from poverty, which is why we will support the bill today.

However, some of our concerns remain, and I will come to those specifics shortly. Before I do, I will talk briefly about disabled people, a group of people who rely heavily on the support that we are discussing today, and the role that they and their organisations play in the delivery of it.

Glasgow Disability Alliance provides welfare advice and support for thousands of disabled people in my region. Today, on international disabled people's day, I thank GDA for the incredible work that it does in changing lives of

disabled people in Glasgow every day. It facilitates dignity, freedom, fairness and participation for the people who it represents and, because its approach centres on disabled people's rights and builds on their strength, GDA empowers disabled people, solves everyday problems and fights for social justice by being the change that it wants to see.

However, GDA is massively overstretched, especially in its welfare advice project. With uncertainty over its funding remaining, the situation looks to get worse. As it stands, that crucial organisation faces making redundant more than 40 per cent of its staff who deliver vital support. GDA highlights that there could be more redundancies, as it awaits news of its core grant from the Scottish Government equality, inclusion and human rights fund. If that funding is not protected, another six staff could be affected.

Eighty-five per cent of the staff who face redundancy are disabled people. Not only would the reduction in the GDA budget mean that those disabled people would lose their jobs, but the disabled people whom they support could also fail to access the social security that they need. I ask the cabinet secretary to reflect on that in her closing speech and provide the certainty that the GDA needs.

More specifically, as my colleagues have set out, we have some outstanding concerns about the bill. For example, provisions to require individuals to provide information, with payments being suspended if they fail to do so, could be prejudicial against people who need more support.

New regulations are still not within the scope of the Scottish Commission on Social Security for scrutiny—an essential referral that is crucial in the progress of any change.

We remain concerned that the bill does not address the fact that the SNP Government has failed to make proper use of new social security powers, has seen delays in the delivery of benefits and has failed to reduce child poverty, which is now worse than it was a decade ago.

With waiting lists too high and overspends costing the taxpayer vast sums of money, including for IT systems that still cannot do what we need them to do, it is crucial that SNP ministers fix the problems that continue to exist.

The median average processing time for child disability payment increased from 45 working days in June to 56 in September, while the median average processing time for part 2 of the disability payment for adults has increased from 49 days in April to 61 in July.

People cannot afford to wait for vital support. Those delays are not fair and leave people

hanging in limbo in sometimes undignified circumstances, and it is disrespectful of their time. That fails my constituents in Glasgow and people across the country, and I hope that the Government will address the delays to make good on their committed values of dignity, fairness and respect.

Scottish Labour welcomes the principles behind the bill—to improve the experience of people in Scotland who are in receipt of benefits and to deliver value for money in social security. That is why we will vote for it this afternoon, because we believe that those changes are necessary to deliver a fairer, more efficient welfare system that allows people in Scotland to live in dignity and free from poverty. While the Government progresses those aims, we will support it.

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

16:34

**Maggie Chapman:** In my opening speech, I talked about the differences between the Scottish approach to social security and that of successive Westminster Governments. We have heard some of those differences rehearsed in the chamber today, not least concerning the principle of benefits increasing with inflation so that people who rely on them do not see their benefits reduce in worth over time.

As Scottish Greens, we would go further. The traditional concept of social security as a safety net implies that we are not expected to need it. Swinging blithely across our lives like trapeze artists in the big top, it is only if we make a mistake, or if our partner fails to catch us, that we fall into the system. However, that is not how lives and communities actually work. Vulnerability and interdependence are conditions that we all share. Privilege provides some of us with more padding than others but, under that armour, we are all wounded, we all bleed and we all need care and support.

Economic and social inequalities are getting worse, locally and globally, and that is a matter of grave injustice. Redistribution, in that context, is not an ideal but a practical act of justice. That means just transitions, fair work, minimum income guarantees, fairer tax systems, a just alternative to council tax and exploration of how we could implement universal basic income and services.

Social security is part of that. Of course, it is about security for individuals and families, but it is also about security for communities, reflecting our interdependence and our care for one another, and an acknowledgement of our shared vulnerability. Universal services and support matter—they are about valuing each and every

human being for the unique and special individuals they are, not just for what they contribute economically to our world. Being human is about so much more than our economic contribution to society.

Perhaps, instead of having a debate on universalism, as other members have alluded to today, we should be taking every opportunity that we have to highlight why universalism is good for everyone. That is an ideological position, but it is one that I am proud to hold, because it makes eligibility for benefits a right of being human—humans equal before the state. It enhances the legitimacy of rights-based claims, which members of society can call upon on equal terms. By placing citizens on equal ground rather than emphasising difference, universalistic policies can increase social cohesion and reduce discrimination. Universalism removes stigma and shame, and, empirically, societies that adopt universalistic policies have had lower levels of social inequality.

We in Scotland have a reputation as a progressive nation: one which welcomes newcomers not for the size of their yachts but for the depth of their need, and one which cherishes all children living here and strives to offer them the space in which to grow, play, learn and thrive.

On that, as we know, there is much more still to be done, especially for families in the asylum system, for older children and for those with experience of care. The bill creates some of the scaffolding within which we can do that work. By voting for it this evening, we are, therefore, expressing our commitment to a society of dignity, care, wellbeing and justice.

16:38

**Paul O'Kane:** I am grateful to have the opportunity to close the stage 3 debate on behalf of Scottish Labour, and to reflect again on some of the contributions that we have heard, and some of the progress that we have made on the social security system in Scotland.

During the bill's journey, we have been able to reflect on what is working in social security and on what could be improved. The debates that we have had on the amendments at stage 2 and stage 3 have allowed us to do that. I am sure that there is much for the cabinet secretary to reflect on with regard to what more needs to be done, and for all of us to reflect on in considering the need for continued scrutiny of Social Security Scotland and the on-going potential for new benefits, which I will come on to speak about.

I will reflect briefly on Maggie Chapman's opening and concluding contributions. I heard what she said about the UK Labour Government and our ambitious plan to support people to get

back into well-paid and secure work and put our new deal for working people, which I have spoken about many times in the chamber, on a legislative footing to ensure that work pays and is secure for people. That is absolutely a driving agenda for the UK Government.

It is also worth reflecting that many people in this country want to work but cannot, because they are not getting the support that they need to be able to do so; we should not shy away from that. The UK Secretary of State for Work and Pensions, Liz Kendall, has made it clear that, with £240 million-worth of investment across the UK, we can help people to get back into the workplace. However, people need to know that there is always a safety net, that there is no judgment, that there will be support when they need it and that they are not being forced back into work. It is clear that that is the agenda in the Government's white paper on getting Britain working again.

We hope that the Scottish Government will be part of that partnership, because—this is important—good things happen here in Scotland in relation to employability and supporting people to get back into work, but there is more to do. Maggie Chapman spoke about universal services. We need to have a health service that works and delivers for people, so that they can get the support that they need to go back to work. Tomorrow's budget will show us the reality of the money that has come from the UK Government and whether that will be spent on health and social care, as we have called on the Scottish Government to do.

I will touch briefly on Marie McNair's contribution. I thought that she made some good points about the committee's work, but I was disappointed to hear the tone that she took on pension age winter heating assistance. We had a debate today in which we had an opportunity to vote as a Parliament to put that on a legislative footing—I have rehearsed those arguments. I point out to Ms McNair the support that is coming to this Parliament through the UK budget—£1.5 billion this year and £3.4 billion next year. We will see the colour of that money tomorrow in the budget process, and I am sure that ministers will be listening intently to this debate.

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** Will the member take an intervention?

**Paul O'Kane:** I have only four minutes, and I am in my third minute, so I apologise, Mr Doris, because I have more to say.

I thought that Willie Rennie made an important contribution on keeping the Promise and the care leaver payment, and I reflect on the exchange that I had with the Cabinet Secretary for Social Justice

in my intervention. It is vital that, as we develop any new payments to support people who are care experienced, their voices are at the heart of the design. I am glad that the cabinet secretary agreed that that should be our approach, and I look forward to continuing conversations on that.

I reflect on the contribution from my colleague Pam Duncan-Glancy about the bespoke services that are required to support disabled people to navigate the social security system, and about disabled people's ambition and desire to work. She made a key point about ensuring that we protect and invest in those bespoke advice and support services. That is worth reflecting on ahead of the budget tomorrow.

In concluding—I am up against the four-minute mark—Scottish Labour will of course support the bill, because we think that it is an important step in progressing our social security system in Scotland, but it is important that, across the chamber, we are open to continuing scrutiny and conversation about how we develop that system.

16:43

**Liz Smith (Mid Scotland and Fife) (Con):** Although I was not involved at stages 1 and 2 of the bill, I have followed it with considerable interest. That is because, although the bill is overwhelmingly technical in nature, it has at its core really important principles about social security and how we address the enormous challenge of the rapidly increasing benefits bill, which, quite frankly, at the moment is unaffordable. The Scottish Fiscal Commission predictions show that we simply will not have the revenue, well into the future, to go on paying out on the same basis that we are now, which, of course, means that we face some very considerable policy decisions.

The cabinet secretary rightly emphasised, as all the other parties did, the need for a person-centred system that ensures dignity, fairness and respect, that is accessible and straightforward to use and that, importantly, has a thread of consistency. My colleague Jeremy Balfour has stressed throughout the whole process the need to ensure that the bill brings meaningful improvement in order that we do benefits better. Paul O'Kane made a good point about ensuring that that work is scrutinised in terms of the outcomes that we get. Who could deny any of that? That is why we supported the moves in part 1 of the bill to enhance the care leaver payment and in part 5 to allow an individual who has been appointed to manage an individual's DWP benefits to also manage their Social Security Scotland benefits—an eminently sensible change.

It was also important to make other technical improvements, such as that when an appointee uses any funds outside their legal or statutory duties in bad faith, they will be liable to repay those funds to the individual whom they represent. Again, that is sensible and it is designed to make life better for those who are in receipt of benefits.

The bill has made us think carefully about the changes that we need to make. Have we been honest in our approach to social security? Are we delivering better outcomes at the same time as ensuring that there is the best possible value for money?

In turn, that means that we have to decide on the priorities that we want to underpin the whole social security system. First, that means targeting support at those who are most in need rather than at those who have more means to look after themselves, so that social security is always a proper safety net and never a lifestyle choice.

Secondly, it means ensuring that we can address the concern that one in five of those who are in the economic inactivity bracket actually wants to work; Paul O'Kane made an important comment in that respect. We have to ensure that we do far more to encourage those people into the workplace, especially because they sometimes get the social security benefit but they do not necessarily get the help to get into work in time. We need to pay great attention to that.

Thirdly, we need to make policy choices that are based on good-quality qualitative and quantitative evidence. That has been discussed in the recent meetings of the Social Justice and Social Security Committee, and I hope that we will pursue it.

We also need to grasp the nettle about universal payment, which I know no one wants to do but which has become a necessity as a result of the fiscal forecast. Willie Rennie mentioned Johann Lamont in his speech. I do not often agree with Johann Lamont—I did not when she was in the chamber and I have not since. Nevertheless, she made an excellent point about the elephant in the room, because that is what it is. We cannot go on with the system of universal payments that we have without making significant choices. Members will know that I have put my views on record about that in the past. I fundamentally believe that, if we are going to ensure that we have a social security system that is fit for the future, we must grasp the nettle about what universalism really means. If there are adaptations to that, as Willie Rennie suggested—I think that he is right and there are some things that we can think about—we have to decide what they will be. If we do not do that, the Parliament will make no progress at all in looking after those who are most in need.

I finish on the point that, although this is a very technical bill, this has been a good debate to have about what we want from the social security system. We agree with far more things in the bill than we disagree with, and that is why we will support it at stage 3.

16:48

**Shirley-Anne Somerville:** I begin by reiterating what the bill is for. It is about us continuing to seek improvements to our social security system. We have a good track record on the delivery of social security and our experience is growing, but we must always be open to ensuring that, as we continue to deliver on the social security principles that were at the heart of the 2018 act, we do so under continuous improvement. Members might remember that those principles were supported by the entire Scottish Parliament and, as I said during the stage 1 debate, I think that the support for them remains strong.

Although, as many members have alluded to, the bill is, in large part, very technical, it will make important improvements to the experience of people who use Scotland's social security system, and it will continue to ensure that we deliver value for money. I reassure members that the social security principles remain front and centre in the design of each of the provisions of the bill.

During our brief debate, a number of comments have been made about social security and delivery. As I have said, we must always look to do better, and we will continue to strive to do so. However, it is important to recognise the context that we are in. Satisfaction rates on disability benefits show that the client overall rating of experience with Social Security Scotland is 92 per cent, which compares with a customer overall satisfaction rate with personal independence payment of 77 per cent. On the application process, 93 per cent of respondents who have applied for Social Security Scotland benefits say that their overall experience of the process was very good or good.

**Pam Duncan-Glancy:** As the cabinet secretary will know, the Glasgow Disability Alliance, which I mentioned in my speech, is crucial to supporting disabled people to access the benefits that she outlines. Does she have a response to its concerns about the fact that it does not yet know what support it will get from the equality, inclusion and human rights funding?

**Shirley-Anne Somerville:** I will come on to Pam Duncan-Glancy's speech but, on that specific remark, I would say that the best thing to do to provide certainty, whether for the Glasgow Disability Alliance or others in the third sector, would be for the Labour Party to vote for the



budget to ensure that we provide that support as quickly as possible. In a Parliament of minorities, it is the responsibility of us all to get the budget through.

We should also look at the costs of delivering social security in Scotland. The DWP's operating expenditure is 6.3 per cent of benefit value. The equivalent for Social Security Scotland in 2023-24 was that running costs were 5.3 per cent of the value of benefits, and we expect that to reduce to 5.2 per cent in 2024-25. I hope that that gives some reassurance, not only on client satisfaction but on the value for money of the benefits that we provide.

I told Pam Duncan-Glancy that I would come back to her remarks. I have dealt with the aspect about providing reassurance for the third sector. I reassure her that the information for audit is subject to SCOSS scrutiny—an amendment on that was agreed to at stage 2.

I say to Pam Duncan-Glancy that one of the greatest concerns for the third sector that I hear currently is the impact of increased employer national insurance contributions, which will have grave implications for that sector's work. It is disappointing that the UK Government introduced that measure.

Many members have spoken about the choices that the Government has made and said that they might make different choices. We spend £1.1 billion more on social security than we receive from the block grant adjustment. That is an exceptionally large investment, and the Government will continue to make it, because it supports low-income families, carers and disabled people. It is important that we are there to support people at times of their life when they require it—that is an important function of the state.

**Liz Smith:** I entirely agree with the cabinet secretary about supporting those who are most in need. Does she nonetheless recognise that, if we continue to pay on a universal basis, many people will receive support when they have the means to pay for themselves?

**Shirley-Anne Somerville:** The benefits that are paid by Social Security Scotland are targeted at low-income families. The nearly £0.5 billion investment that we make in the Scottish child payment is to protect low-income families. The work on carers and disabled people is to ensure that we provide support for all carers and disabled people. That is an important point to make.

Willie Rennie and other members raised points about the importance of having a discussion about universalism. However, an important aspect of the system in Scotland is that we ask people to pay that little bit more, through our income tax decisions, and the state provides support.

A number of members have mentioned a suggestion that there will be sanctions under the bill. I make it clear that the Scottish social security system does not use sanctions or penalties, and nor will it ever do so. No one will ever be punished or penalised for failing to participate in an audit or any other facet of the Scottish social security system.

We have to be careful not to conflate the power to suspend assistance in, I hope, the very rare cases in which an individual does not provide information, after having been asked for it repeatedly, with the types of sanctions in other systems. Although, on the face of it, it might appear to be kinder and more principled to simply ignore cases in which no information is received, I do not believe that it is. We might be ignoring the accrual of significant overpayments when there is a chance to identify them and address the issue at a much earlier stage, and we could be overlooking a potential safeguarding issue. The suspension provisions provide some breathing space to gather information on such cases, and I argue that that is in the interests of the agency and the client.

I thank everyone for their engagement during the passage of the bill. As I have said many times, it is a technical but very important bill that will further improve our social security system, which is a public service that, I hope, we can all be proud of.

## Motion without Notice

16:56

**The Presiding Officer (Alison Johnstone):** I am minded to accept a motion without notice, under rule 11.2.4 of standing orders, to bring forward decision time to now. I invite the Minister for Parliamentary Business to move the motion.

*Motion moved,*

That, under Rule 11.2.4, Decision Time be brought forward to 4.46 pm.—[*Jamie Hepburn*]

*Motion agreed to.*

## Decision Time

16:56

**The Presiding Officer (Alison Johnstone):** There is one question to be put as a result of today's business. The question is, that motion S6M-15683, in the name of Shirley-Anne Somerville, on the Social Security (Amendment) (Scotland) Bill at stage 3, be agreed to. As the motion is to pass the bill, the question must be decided by division, so there will be a short suspension to allow members to access the digital voting system.

16:56

*Meeting suspended.*

16:58

*On resuming—*

**The Presiding Officer:** We move to the division on motion S6M-15683, in the name of Shirley-Anne Somerville. Members should cast their votes now.

The vote is closed.

**Alex Cole-Hamilton (Edinburgh Western) (LD):** On a point of order, Presiding Officer. I am sorry, but my app froze. I would have voted yes.

**The Presiding Officer:** Thank you, Mr Cole-Hamilton. We will ensure that that is recorded.

**For**

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don-Innes, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Doney, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)

Ewing, Fergus (Inverness and Nairn) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lumsden, Douglas (North East Scotland) (Con)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP) [Proxy vote cast by Rona Mackay]  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (Ind)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP) [Proxy vote cast by Jamie Hepburn]  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP) [Proxy vote cast by Jamie Hepburn]  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)

Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division on motion S6M-15683, in the name of Shirley-Anne Somerville, on the Social Security (Amendment) (Scotland) Bill at stage 3, is: For 117, Against 0, Abstentions 0.

*Motion agreed to,*

That the Parliament agrees that the Social Security (Amendment) (Scotland) Bill be passed.

**The Presiding Officer:** The Social Security (Amendment) (Scotland) Bill is passed. [Applause.]

That concludes decision time.

## Beer and Pub Sector

**The Deputy Presiding Officer (Liam McArthur):** The final item of business is a members' business debate on motion S6M-14749, in the name of Craig Hoy, on the findings of the cross-party group on beer and pubs report, "What does 'Brand Scotland' mean for the Scottish Beer and Pub Sector?" The debate will be concluded without any question being put.

### *Motion debated,*

That the Parliament notes the publication of the findings of the Cross-Party Group on Beer and Pubs' report, *What does "Brand Scotland" mean for the Scottish Beer and Pub sector?*; believes that Scotland should be a highly desirable country to live, work, study, visit, trade and invest; understands that the Scottish beer and pub sector contributes significantly to Brand Scotland; welcomes the inquiry carried out by MSPs, who took written and oral evidence from a wide section of witnesses, including breweries, pub operators, trade groups and research organisations; understands that witnesses told the inquiry about the dynamic and vibrant contribution that the sector makes to communities and the economy across Scotland, including in the South Scotland region, with over 100 breweries and 4,340 pubs employing 65,000 people and contributing £1.8 billion in wider economic benefits; notes what it sees as the largely unacknowledged and unique benefits that Scotland's pubs and breweries provide, including preventing social exclusion, boosting tourism, supporting local festivals, music, arts and sport, and acting as a catalyst for local events and charity fundraising; further notes, with concern, reports that Scotland's pubs are closing at a faster rate than elsewhere in the UK, with investment being diverted as, it understands, a lack of certainty makes it difficult to plan ahead, including as a result of regulatory proposals, complex and time consuming planning processes, employment challenges and business rates; notes that the report calls for a new hospitality strategy that aligns with Brand Scotland, which includes a review of business rates, the promotion of employment opportunities and a recognition of the need for a period of regulatory calm, and which should be developed in partnership with the sector, trade representatives and the Scottish Government, and further notes the calls for MSPs to commit to implementing these changes for the social and economic wellbeing of the Scottish hospitality sector.

17:02

**Craig Hoy (South Scotland) (Con):** Apologies for being slightly pre-emptive there, Presiding Officer—I was keen to let everybody get out for an early pint.

I thank those members on all sides of the chamber who supported the motion and all those members who join me now to discuss what is a very important topic, in particular ahead of the Scottish Government's budget announcement tomorrow. I also thank the secretariat and the membership of the cross-party group on beer and pubs, and the supporting groups, for their support for, and engagement in, the production of the report that we will discuss today.

As convener of the cross-party group, it is great for me to have the opportunity to share some of the findings of our report, which focused on what brand Scotland means for the beer and pub sector. I will largely speak to the report, but I will also refer to my party's policy and to some personal views that I hold about the future of the sector.

The pub and hospitality sector is vital to the Scottish economy. For example, the gross value added from the beer and pub sector alone is £2.3 billion, and the sector supports more than 65,000 jobs across the country. There are more than 100 breweries and nearly 4,500 pubs in Scotland. As part of my party's save Scotland's pubs campaign, I have now undertaken to do a brief tour of Scotland to visit a pub and pull a pint, or pour a dram, in a village, town or city in every Scottish Parliament region in the coming weeks.

Pubs are vital places for people to socialise and meet. They generate a sense of community, and they have significant wider social benefits. They create social benefit, including supporting cultural events such as open mic nights, quizzes, storytelling events and other social and professional occasions. It is not just the arts that are supported—many grass-roots sports teams are supported, both financially and otherwise, by the sector. Across the UK, pubs raise more than £40 million for grass-roots sports every single year.

If members were to go to the Victoria Inn in Haddington, in my region, they would see at first hand how much support the local publican, Craig Douglas, and his team give to Haddington Athletic Football Club on a match day—Craig is a great friend to the Hi-His. If members have not been to Haddington recently, I encourage them to visit to see Craig's Christmas lights—in fact, they can probably be seen from Edinburgh. Nevertheless, I recommend that members visit the Victoria Inn and have a pint with Craig and the team there.

Pubs are places where people meet—where someone who has no one else to talk to might go to find a listening ear, and perhaps to get the only hot meal that they might get in the course of the day. Pubs are places where people can sit in the warmth when their house may be freezing cold; where friends can chat and new friends can be made; and where people can play games and gather for any other occasion—some very happy occasions, and some sad occasions, too.

In addition, pubs release £9 in additional social benefit from every £1 that is invested in pub is the hub projects.

All that plays into three key themes that our report has identified. It finds that pubs are great places to trade with, visit and work in, and they are

important in making a place to live. In my own village of Gifford in East Lothian, one of our two pubs, the Goblin Ha', has closed for the second time in 12 months. I have urged and encouraged the holding company, Iona Pub Partnership, to engage with the community, which is rightly concerned about the loss of that asset.

Some pubs are heritage pubs—they are vital to the community and an intrinsic part of the fabric of both the place and its people. That is true not least for the Goblin Ha', which occupies almost two thirds of the main street in the village. Its closure, therefore—like the closure of many village pubs across the United Kingdom—is felt more widely and more severely by regulars and by visitors and residents. In that case, I would be happy to engage with the local community and with the holding company to ensure that the pub is not lost.

Personally, I believe—and there has been legislation to this effect at Westminster—that pub ownership companies have a special responsibility to protect heritage pubs. Where no tenant can be found or where the premises run the risk of lying empty for a considerable period, there is merit in making the case that the holding companies should not simply retain the buildings and the asset for long periods when there are other practical and viable options, such as a sale to the community, or where an owner-manager can be found, provided that there is no change of use.

When we took evidence for our report, some key themes kept cropping up. Publicans and industry experts all felt that the sector was essential to brand Scotland, because of those core themes. They understand what the pub sector means to brand Scotland. Three quarters of visitors who come to Scotland visit a Scottish pub and drink a local beer—those businesses know the value of their exported products, and they are a critical cog in the wider brand Scotland machine and in the Scottish economy.

The report cannot stress enough the importance of the sector, not only to brand Scotland but to Scotland as a whole, and to the communities that these pubs serve. That is often something that goes unrecognised and unappreciated, and it is a shame that the sector is repeatedly targeted by taxes and is sometimes stigmatised as a bad thing for Scotland, when, as the report repeatedly mentions, it is in most instances—in almost every instance, in fact—the opposite.

I implore the Minister for Business, ahead of the budget, to think about that. There has been a sense that the sector has been left out in the cold by a Government that those in the sector hoped would have their back during the very tough times that we have recently seen. Given the deposit return scheme, the consultation on marketing and

sponsorship and the lack of rates support, many pubs are now looking—

**John Mason (Glasgow Shettleston) (Ind):** Will the member give way?

**Craig Hoy:** I will give way on that point.

**John Mason:** I thank the member for giving way, and I think that he knows what I am going to say, because it is why I, as a member of the cross-party group, dissociated myself from the report. I agree with almost everything that he has said up to now about the value of pubs. Would he accept, however, that some are packed out and are very profitable, and do not need business rates relief, whereas others might need it?

**Craig Hoy:** I accept that, but, as Mr Mason heard during the inquiry, many pubs that appear to be very busy and are packed out still have significant pressure on margins, and a busy pub is not necessarily a profitable pub. We heard that repeatedly during our evidence taking.

That is why the closure rate for Scottish pubs—sometimes iconic Scottish pubs—is now twice the rate in the rest of the UK. That should be a significant concern both for the UK Labour Government and for the Scottish National Party Government. Pubs can be part of the growth story of our country, but when they close, they are, in many instances, unlikely to reopen.

That is why pubs now need a shot in the arm, and why the UK budget's increase in the employer national insurance contribution is concerning to the hospitality sector, as is the Scottish Government's failure to date to pass on the rates support relief that it has been getting from the UK Government for the past three years—although I am always hopeful, and it may yet finally pass that on.

The CPG's report is a solid piece of work, and if the minister and members have not yet read it, I encourage them to do so.

My party's submission to the budget tomorrow calls for 100 per cent rates relief to be passed on to Scotland's pubs and restaurants this year. We have all heard stories of pubs that are struggling or closing in our areas, and I ask members to imagine what 100 per cent rates relief for next year alone could do—it would be transformative.

In closing, my message is that we must support the industry, because once pubs call last orders and close, they simply do so, in many instances, for good. They do not reopen, and everything that they offer is lost from now into the future. We owe it to the pubs in our constituencies to visit and support them, and to support those who work in them and the communities that benefit from them. If we come together, we can save Scotland's

pubs, and that is what we should be doing as we pull together over the festive season.

**The Deputy Presiding Officer:** Thank you, Mr Hoy—I wish you well with your selfless pub tour of the country in due course. We move to the open debate.

17:10

**Ben Macpherson (Edinburgh Northern and Leith) (SNP):** I pay tribute to Craig Hoy, and to the cross-party group on beer and pubs and the stakeholders who have supported it in its work.

I do not know that I could choose just one pub in Edinburgh Northern and Leith, but I can give members plenty of recommendations. There is a plethora of wonderful pubs and bars in my constituency, which I will say more about shortly.

With regard to the Goblin Ha', I have very fond memories of doing a charity walk 20 years ago from Edinburgh to London, and spending some time in Gifford on day 2, so I wish those who are involved with saving the Goblin all the best—from memory, it is a great place.

Like every other member in the chamber, I recognise the importance of pubs, bars and breweries for our communities, not just by their being there but through what they do locally. I will say more in a minute about the breweries' engagement in that regard.

The points that have been raised about employment are important. The figure of 65,000 jobs across the country was quoted. Every one of those jobs is not just about the economic activity for that individual or the GVA that is produced, or the vibrancy that the business brings to the community. For many of the people in the beer and pub industry, it is a career, and an important area of expertise. In my view, it should be valued more highly in the UK in the way that it is on the continent, for example, where working in hospitality, as a bartender or in a restaurant, has more prestige. Those jobs can be very skilled and knowledgeable, and we should value those skills and that knowledge.

Equally, for a lot of people, the work can be transient, and that is an important aspect of our economy and our workforce. I think back in my own career to the time that I spent working behind a bar, and how many skills from that time I bring to this job. My interpersonal skills were developed in that trade, and I learned about teamwork, productivity and practical working systems. All those things can be learned while working in the hospitality industry, and we should not underestimate the effect that that has on individuals.

The motion rightly states that

“pubs and breweries provide”

a range of benefits,

“including preventing social exclusion, boosting tourism, supporting local festivals, music, arts and sport, and acting as a catalyst for local events and charity fundraising”.

In Edinburgh Northern and Leith, which I have the privilege of representing, that is absolutely the case. It applies not only to specific pubs and bars but to the five bigger breweries—there are some micro breweries, too—run by Pilot Beer, Cold Town Beer, Campervan Brewery, Newbarns Brewery and Moonwake Beer Co. All those breweries undertake excellent collaborations with local festivals, and some of them have created festivals, too. They also engage with charities, either by supporting or collaborating with them or through some of their sales going to charity. On Friday, I was at Campervan's taproom at an event that it was holding to raise money for the local Citadel Youth Centre, which I mentioned in Parliament last week.

That is evidence of the real collaboration that these organisations create and engage in. The importance of that engagement should not be underestimated in respect of the Scottish hospitality sector's impact in urban and rural Scotland, and what it brings for both locals and visitors.

Smaller breweries, pubs and bars are important in helping local small to medium-sized enterprises to grow. When people talk about and perceive the alcohol industry in Scotland, in its widest sense, they often think about the big companies but, actually, so many of the businesses working in the sector are small. That is why we need to be very careful when we think about regulation and policy.

I commend the work of the CPG and look forward to hearing the minister's response.

17:15

**Graham Simpson (Central Scotland) (Con):** I congratulate Craig Hoy on securing today's debate. He convenes what is probably the most popular cross-party group in the Parliament—it does not struggle to get members to attend its meetings. That is possibly because many of its meetings are held not in the Parliament but at other venues—let us put it that way—that have certain attractions. Another attraction is that we get to spend time with Mr Hoy. I was pleased to hear that he will be doing a tour of Scotland and will be coming to my region. If he lets me know the kind of establishment that he likes to frequent, I am sure that we can line something up.

Presiding Officer, you may have seen pictures of a number of my colleagues pulling pints over the weekend. I was not one of them, as I was busy

this weekend. However, I have quite a history in the licensed trade. My grandparents ran working men's clubs in the north of England. When I first started work as a journalist, I lodged in a village pub. What a great place for a young journalist to be—a pub! Pubs are where we got most of our stories. It was then that I developed a love of real ale, which I have had ever since.

I recently went to a very well-known music venue in Glasgow and, much as I enjoyed the music, I was left somewhat traumatised after having a very bad pint of beer. It was probably one of the worst pints that I have ever had and I am still suffering the taste—I can taste it now. It was really bad, but it also reminded me of why I love real ale and good pubs as much as I do.

There are some good independent brewers and small breweries out there. I look forward to visiting one of the brewers in my region, the Outlandish Brewing Company, which is in the Motherwell area, and perhaps sampling some of its products such as Beamer, Belter, Sonsie and Swally—great names. I look forward to having a go at some of those.

I think that the report is excellent and it is an example of what cross-party groups should be doing. It shines a light on the value of the sector. It is not just about figures, although there are some really good figures; in my region, there are 346 pubs that support nearly 5,000 jobs. The sector's total GVA is £180 million. I could go on. It is a really valuable sector. However, as Craig Hoy said, when it comes to pubs, and local community pubs in particular, the important thing is what they give to the community.

**Liz Smith (Mid Scotland and Fife) (Con):** I am enjoying the member's speech. Does he accept that there should be a focus not only on real ale and beer, but on several other drinks? Scotland has a burgeoning interest in the gin market. Some excellent new distilleries around Scotland are doing a huge amount for the sector. As well as focusing on beer and real ale, it is important that we recognise the power of the pub in promoting those other drinks. When it comes to women, more of us prefer those other drinks to beer.

**Graham Simpson:** Liz Smith is absolutely right about that. The report that we are talking about is from the cross-party group on beer and pubs, but pubs offer so much more than just beer. Gin is a great example—there are some fantastic local gins being produced in Scotland—and, of course, we cannot forget about whisky, which is so vital to the Scottish economy.

I have spoken for five minutes, but I could speak for a lot longer because it is such an important topic.

**The Deputy Presiding Officer:** I call Douglas Ross, to be followed by Daniel Johnson. You have around four minutes, Mr Ross.

17:21

**Douglas Ross (Highlands and Islands) (Con):** I congratulate Craig Hoy on securing the debate today, on his work as chair of the cross-party group and on everything that he has done with the report.

I have always thought that Craig Hoy had the look of a local pub landlord. In an alternative career, he would be very comfortable behind a bar. We find out tonight that he has been training for that new career by travelling around the parliamentary regions and pulling pints. I have to say to Craig Hoy that he is not going far enough—there are only eight parliamentary regions, but there are 73 parliamentary constituencies, and I am sure that he would be welcome in all of them, including yours, Presiding Officer. When Mr Hoy spoke, I was thinking that, if he came to the Highlands and Islands, or even to Orkney, he could perhaps go to the Pomona Inn, which I used to frequent in my young farmer days. It was a great pub, and many local people would go there. I remember going there for a young farmers event. The clock had a great habit of pausing before closing time, which meant that time drifted—I should say that that happened under a former owner rather than the current owners.

That is the spirit that you get in a community pub, and sadly, that is being lost in many areas because so many of those pubs close and then do not reopen. That is why it is important that the Parliament and the Government do as much as they can to support our landlords and to support those pubs, which mean so much to the communities that they serve. When they are lost, it is a loss to local employment, the local economy and the local area.

Liz Smith made a valid point in response to Graham Simpson: pubs serve more than just beer. As someone who represents, as the minister does, an area with so many Scotch whisky distilleries, I know that a lot of people go to their local pub to have a dram. It is right that, when politicians support this sector, they do not just pull a pint of bitter or lager but perhaps serve a glass of whisky, a measure of gin or whatever their favourite tipple is, because the amount of whisky consumed in pubs is also extremely important. The whisky industry provides a lot of employment in my region.

Another area that I want to talk about is small local brewers. Moray is very blessed to have many great companies, but I want to mention one that, sadly, is no longer in operation. Windswept

Brewing was a great success for Nigel Tiddy and Al Read, who set it up. They had very successful careers in the Royal Air Force and wanted to stay locally in Lossiemouth. They set up Windswept Brewing, which went from strength to strength and won numerous awards for its beers. They set up a tap garden, which then became a four-star visitor attraction. Sadly, rising energy and material costs forced them to close the business earlier this year. It is a very sad reflection of the state of some of those businesses that, despite all its successes, Windswept Brewing could not compete with the high energy costs. So, we lost a great local business that, at its height, employed 12 people and, towards the end, was still employing five people. That situation had a huge impact on the local community and on a brand that did well not just locally but nationally.

Finally, Craig Hoy made a point about our party's policy, which is absolutely crucial. Our pubs and hotels have been through so much. In the Covid pandemic they were some of the first places to close their doors and some of the last to reopen and, since then, there could have been more support from both the Scottish and the UK Governments for the sector.

Tomorrow, the Scottish Government has an opportunity to get back on side with the beer and pub sector—finally—and to provide the 100 per cent rates relief that will make a huge difference to it.

I know that John Mason is no longer in the chamber, but I completely disagree with his point. He cannot just look through a window or open a door, see a busy pub, and assume that it is profitable. There are so many costs behind the scenes that it is not simply the case that if there are more people going through the door, a pub will be making more profit. It is far more complex than that. They need our support.

**Ben Macpherson:** Does Douglas Ross agree that, because of the change in employment legislation, the hospitality industry will need—rightly—to pay higher wages, which, although it is for a good reason, will put additional pressure on the margins around which the businesses have to navigate?

**Douglas Ross:** That is my point. There are so many different pulls on the hospitality sector: businesses are paying more in wages, for energy and for the stock that they buy in. They cannot possibly pass all of that on to the customers, or the customers would not turn up. They are being pulled in so many directions. I know that it would be helpful if they could get some support from the Scottish Government, which is why that is a key pledge of the Scottish Conservatives.

I know that you are about to call last orders on my speech, Presiding Officer—I cannot believe that no one else has used that line in this debate.

I reiterate my thanks to Craig Hoy for bringing this matter to the chamber. It is an important issue. I hope that, in the budget tomorrow, we can support the hospitality sector.

**The Deputy Presiding Officer:** Thank you, Mr Ross. I confirm that the Pomona Inn has indeed reopened under new ownership. I think that the new owners would want me to point out, notwithstanding parliamentary privilege, that the clock in the bar does in fact keep normal time—it does not stop just before last orders.

17:27

**Daniel Johnson (Edinburgh Southern) (Lab):** We all know that politics can be an unpredictable business, full of setbacks and disappointments. This is a timely debate because, just the other week, there was a stall in the garden lobby of the Parliament representing independent brewers.

It is to my deep regret and huge disappointment that the Edinburgh Southern constituency has a grand total of zero independent breweries, so I am pleased that Craig Hoy has not just secured this debate but launched an excellent report, because I hope that its recommendations can rectify that problem. I commend him on his selfless commitment to the cause, in undertaking the grand pub crawl—I mean, tour of pubs—across parliamentary regions. Truly, he is a martyr to the cause.

It has already been mentioned that the report is a really excellent bit of work. Graham Simpson was absolutely correct about that. We have a huge range of cross-party groups in Parliament, and some of them are less well attended than others. It is excellent to have one that is well attended and that also produces a report with some serious commentary about both the immediate steps that the Government can take and also broader policy steps.

I am also pleased to see the way in which the report has approached brand Scotland. All too often, when brand Scotland is discussed, it is as a marketing line, a strategy, or just something that we say about Scotland. However, brand Scotland must go much deeper than that. It must provide insights about things that we have that are unique and that we can sell to the world, such as our distinctive experience and geography, and areas where we can provide experiences that no other places can.

At the heart of the report, there is that deep insight that there is something distinctive about brewing and pubs that we can build upon in



Scotland. If brand Scotland is to mean anything, it must be about finding such insights and seeking policies that can help to develop them.

Pubs in particular are part of the culture of this country. If you were to ask people from overseas what things are distinctive about the British Isles—and Scotland in particular—I think that one answer would be brewing and pub culture. When tourists come to Scotland, they want to experience pubs—they want to drink Scottish beer in Scottish pubs.

It is vitally important that we think about how to support that—not just for the sake of our local communities but also for visitor experience and tourism. The report does an excellent job of setting out precisely all of the social benefits that pubs can provide, including for employment and as places for communities to meet.

One suggestion that I have for the group in its future work is to consider whether brewing, in particular, could be an area for further exploration. As has been mentioned, we have one huge, enormous asset in food and drink in Scotland: whisky. We produce 1.5 billion bottles of whisky a year in Scotland. We export 43 bottles of whisky per second. We are hugely blessed to have a drink category that is synonymous with this country. Our challenge is to look at other food and drink categories that we can promote. Many other countries lay claim to beer so they might not thank us for trying to give it the same level of synonymity with the country as whisky, but perhaps we can push brewing on to another level so that Scottish beers can carve a niche for themselves. There are many reasons to think that we could do that.

Important points have been made on business rates—Craig Hoy made his points well, although Scottish Labour would not go quite as far as his party does—and some of the benefits of business rates discounts could be extended. Just to address Mr Mason's point, I note that those discounts are capped.

We should also think about how we can help to develop a genuine brewing cluster in Scotland, what we can do to help develop skills and education, and how we can help investment and innovation efforts in the brewing and distilling sectors. Obviously, the brewing and distilling institute at Heriot-Watt University already does great work, but what more can we do?

I put those questions to members as I sit down and close—to abuse the joke, last orders have definitely been called for me as well.

17:31

**Finlay Carson (Galloway and West Dumfries)**  
(Con): I thank Craig Hoy for bringing the members' debate to the chamber.

Like Graham Simpson, I have roots in the hotel and licensed trade. My family has been in the industry for more than 200 years. My uncles and my cousins have owned and managed hotels and pubs across the country, including the King's Arms and the Imperial hotel in Castle Douglas; the Waverley hotel, which is just up the road from Emma Harper's home, and the Spread Eagle inn in Dumfries; the Buccleuch Arms in St Boswells, which is now owned by the husband of our colleague Rachael Hamilton; and—until only a few weeks ago—the Kings Manor hotel in Edinburgh and the Pitbauchlie House hotel in Dunfermline.

Groucho Marx once remarked:

"Marriage is a wonderful institution, but who wants to live in an institution?"

It is fair to say that the beer and pub sector in Scotland is also a fine institution, which plays an important role in defining our national identity, whether that be on an economic or social basis.

The social value of the sector in bringing people and communities together, while supporting wellbeing and social inclusion, cannot be lost or downplayed in any way. Pubs up and down the country form the very fabric of many of our lives. You do not need to drink alcohol to appreciate the benefits that pubs and hospitality businesses bring to rural and urban communities alike. They bring people together, which is good for our personal mental health, and more often than not, that leads to social events and festivals being organised at a local or national level, which, in turn, is good for our visitor economy.

However, the headlines from Heineken and the Marmalade Trust's recent research make stark reading, with half a million older people going at least five or six days without seeing or speaking to anyone at all. More than one million people aged 65-plus in Scotland—around two fifths of all older people, which is 3.9 million in total—say that television is their main source of company. Therefore, it is hardly surprising that 64 per cent of respondents to Heineken's open arms survey said that pubs were one of the main places they go to socialise, with many expressing that a brief conversation in a pub can alleviate solitude.

The beer and pub sector makes a considerable economic contribution to Scotland. According to the most recent report, the sector generates £2.3 billion in GVA contributions to the gross domestic product and employs more than 65,000 people, who are paid £1.2 billion in wages. Of course, it must be remembered that such activity has contributed significant tax revenue—totalling £1.4 billion in 2022 alone—to the Exchequer. What cannot be ignored is that the sector provides employment opportunities for young workers—

nationally, 22,000 people between the ages of 16 and 24 are employed. Working behind the bar or serving up food are many people's very first jobs.

The brewing and pub sector is a dynamic part of the economy in my constituency of Galloway and West Dumfries. There are a total of 126 pubs in my patch. Although I am the first to admit that I have not visited them all, I am trying my best—please trust me. I know that 573 people are employed in those pubs, and there are four local breweries, including the Five Kingdoms Brewery, based at the Isle of Whithorn, one of whose products was recently named the champion bottled beer of Britain in the prestigious competition organised by the Campaign for Real Ale. The business has been fronted by Alastair Scoular since 2015 and has gone from strength to strength.

Knowing and recognising the importance of the sector is one thing, but helping it to grow should be one of the key objectives of brand Scotland. It is worrying to note from the cross-party group's report that Scotland is not viewed as attractive for new investment by some businesses. Uncertainty around the promotion and advertising of alcohol by the SNP Government has not helped, while the current licensing and planning regime is often difficult to navigate and is time consuming. I whole-heartedly agree that there needs to be a cut in business rates in the short term while every effort is made to reform them in the longer term.

**Emma Harper (South Scotland) (SNP):** My colleague Finlay Carson mentioned brand Scotland. Does he think that brand Scotland could consider the inclusion of women in some marketing and social media advertising? A recent report from the OurWhisky Foundation said that there are 228 per cent more pictures of men than pictures of women posted on whisky brands' social media—specifically Instagram.

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

**Finlay Carson:** The member has now put that on record. I am absolutely sure that advertising agencies know exactly where the best bang for their buck is, but I take the point that she raises.

More needs to be done to support Scottish products, including promoting more local beers, especially in rural areas, because we rely heavily on the tourist trade. I believe that the role of pubs in local and rural communities should be championed, especially given the pressures being placed on them in recruiting and retaining staff.

The cross-party group's report highlights the significance of brand Scotland for the Scottish beer and pub sector. The sector has a significant economic, cultural and social impact, as we have heard this evening. The report also identifies

challenges such as high business rates, regulatory uncertainty and staffing issues. We need action on the recommendations in order to develop a hospitality strategy to support the sector's growth and integration with brand Scotland, as well as making progress on regulatory reforms, the promotion of local products and improving employment conditions in rural areas.

We should raise a glass to our pub and beer sector and offer every encouragement, especially financial, to help to keep it alive in the future.

Thank you, Deputy Presiding Officer, for the extra time and the lock-in in the last minute.

**The Deputy Presiding Officer:** You are trying to get me into trouble, Mr Carson.

I now call Richard Leonard to respond to the debate. You have around seven minutes, minister.

17:37

**The Minister for Business (Richard Lochhead):** Thank you, Deputy Presiding Officer, but this is Richard Lochhead, the minister, who is about to respond on the Government's behalf.

I thank Craig Hoy for bringing the motion for debate before the Parliament. I also thank the cross-party group on beer and pubs for the work that it has done on its inquiry and for producing the powerful report to which the motion refers—and which I, as minister, have read in preparation for the debate.

As others have done, I wish Craig Hoy well with his pub tour of Scotland's eight parliamentary regions. I suspect that, if that is a perk of being in the cross-party group, the group's membership is about to rocket. Like others, I will happily offer any recommendations for pubs and bars in my area of Moray, including Elgin, where I live, if he so wishes. When he visits the Highlands and Islands, I hope that he chooses to visit Moray.

A couple of years ago, I read in a book about the history of Elgin that there used to be something like 60 breweries in Elgin alone. The industry has evolved and changed over time. This is perhaps a good opportunity to say that it is important to remember how appropriate it is that we are debating the issue in the Scottish Parliament building here at Holyrood, because this is on the site of the former headquarters of Scottish & Newcastle. That is another link with this evening's debate.

I have fond memories of my time as food and drink minister, when I supported the development of Scotland's craft beer sector. I think that there are now 140 or so craft breweries in Scotland, and there has also been an expansion of the gin sector, while the whisky sector is thriving. Like

other members, I welcome the mention of the fact that pubs also sell Scotch whisky. When I go into a bar or pub these days, the first thing that I look at is the row of whisky bottles behind the bar, to see what is there. That is of course a major feature of Scotland's hospitality sector.

**Graham Simpson:** The minister is right to mention the number of small independent brewers, which has gone up over the decades. However, the trend now seems to have reversed—for instance, this year alone, there has been a net loss of 94 small independent breweries in the UK and 13 in Scotland. Is that a concern to the minister?

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

**Richard Lochhead:** As I said, the sector evolves and changes. As the member explained, the small reduction in the number of independent breweries has happened throughout these islands, not just in Scotland. What is important is that, if we compare the current position with where we were 10 or 15 years ago, we will see that there are a lot more craft breweries in Scotland, which are taking advantage of consumers' desire to know the provenance of the food and drink that they purchase and consume.

The evidence from all the surveys is that customers and consumers—particularly international visitors to Scotland—will pay a premium for the provenance of craft beers, other alcoholic drinks, spirits or food because of the story that that tells. We should continue to exploit that opportunity, and many companies in Scotland are doing that. I recognise the member's concern, but we should look at the bigger picture of what has been happening over the past few years.

Scotland's pub and brewing sector is undoubtedly a key part of our economic fabric and of our society, and the report articulates that very well. As others, including Daniel Johnson, have said, it was also helpful to have the sector placed in the context of brand Scotland, to illustrate the impacts on our collective aspirations for our country to be a great place to live, work, study, visit and do business.

**Craig Hoy:** Will the minister pay particular attention to two of the industry's asks? The first is to simplify the planning system so that pubs are not seen as a problem in society and so that the system can be used to enable the sector. The other is a call for a period of calm in the regulatory environment, given that the industry has had quite a lot of shocks, including Covid and some Government-related shocks, such as the preparations for the deposit return scheme and the possible restrictions on alcohol marketing and

sponsorship. Will the minister take those two asks to his ministerial colleagues?

**Richard Lochhead:** As I said, the cross-party group's report is powerful. Craig Hoy mentioned a couple of important themes from the report. We always keep those issues under consideration and, if I have the chance in the remaining few minutes, I might touch on them.

I put on record my recognition of and thanks to all the businesses, small and large—whether they are pubs or breweries—for the scale of the really positive work that they undertake in our country and the way in which they support our communities and our economy, not just in the south of Scotland, as highlighted in the motion, but across the country. Those businesses invest in people, whether that is by providing foundational employment opportunities to our young people who are entering the workplace, providing a hub for social interaction across all age groups or offering a pathway to training and job prospects for those in the justice system who are seeking to turn their lives around. Business needs a conscience, and the cross-party group's report contains many examples of that in our pub and brewing sector. I have seen that up close when visiting many of Scotland's hospitality and tourism businesses, as a minister and in my personal life.

It is no secret that businesses in the pub and brewing sector were hit very hard by the pandemic and the cost crisis, which many members have mentioned. The past four years in particular have been arguably the toughest in living memory for the sector, and things remain tough for many businesses.

The sector has a strong track record of resilience in the face of challenging economic conditions, but there are limits to what businesses can do, and we greatly regret the closure of any business in the pub and brewing sector. The same is true for any sector of the Scottish economy. Such closures have an impact on many fronts—from the loss of local services to the harsh reality of unemployment and the damage that is done to the downstream supply chain in that sector.

It is right that the Government does all that it can to avert such scenarios and, when closure cannot be avoided, we must work co-operatively with the industry and other partners to mitigate the worst outcomes. We cannot do everything, but we support the sector where we can within limited resources. That support includes rates relief and, despite the challenges, about half of properties in the retail, hospitality and leisure sectors have been eligible for 100 per cent relief through our small business bonus scheme and islands relief for hospitality in 2024-25.

We remain focused on how we can have a measured approach to regulation—that addresses one of the themes in the cross-party group's report. That is being considered through the new deal for business, and there is wider consideration of issues around non-domestic rates, too.

Beyond rates and regulations, there are other measures that can be considered, such as investment in existing and new businesses, support for the promotion of pub and brewing sectors at home and abroad, support for skills development and careers, and the development of a long-term vision for tourism and hospitality and our wider food and drink sector.

The Scottish Government is fully behind Scotland Food & Drink's partnership industry strategy and its vision for Scotland to be the best place in the world to own, operate and work for food and drink businesses. We have dedicated £5 million last year and £5 million this year towards the work on its "Sustaining Scotland. Supplying the World" strategy. That funding, which aims to help to move the dial on food and drink growth in Scotland, can, for example, help brewers to showcase their products to domestic and international buyers, as well as providing support for staff recruitment, training and retention and for the reduction of carbon footprints in the brewing and beer sector.

I should also talk about our national tourism strategy, which is set out in "Scotland Outlook 2030: Responsible tourism for a sustainable future". That involves a longer-term vision for hospitality and tourism and is relevant to the debate and many of the issues in the cross-party group's report.

It is appropriate for me to be speaking on this issue today because, immediately after the debate, I am taking the train to Glasgow to go to the Scottish Tourism Alliance's Christmas reception, which I am speaking at. I see advertised on the programme for this evening a selection of beers, so I hope that I will sample some Scottish hospitality and beers later.

All our agencies are aligned to promote Scotland overseas and around the world and to make the most of the Scottish brand. As members have said, the pub, beer and wider food and drink sectors are at the heart of the Scottish brand around the world, and we have to protect that and save it. We also do that by promoting festivals in Scotland, and Angus Robertson, the Cabinet Secretary for Constitution, External Affairs and Culture, is working with partners across the festival sector, which is key to attracting people to enjoy hospitality in our country.

I see that I am running out of time—

**Emma Harper:** Will the minister take an intervention?

**Richard Lochhead:** I will take a brief intervention, then reach a conclusion.

**The Deputy Presiding Officer:** Very, very brief.

**Emma Harper:** I thank the minister for giving way—I wanted to make an intervention rather than make a point of order. I want to clarify that the report that I mentioned in my intervention on Finlay Carson wasnae from the OurWhisky Foundation; it was from GreatDrams. However, the point still stands: brand Scotland can use women in advertising and marketing.

**Richard Lochhead:** I close by saying that our beer and brewing sector is part of Scotland's identity. This is a challenging time, but we have to work in partnership with the sector to move forward and navigate through that. In recent months alone, many fantastic new businesses in the sector have opened across the country, and we should celebrate that. There is still a lot of confidence in the sector and a lot of people who want to enjoy hospitality.

As we run up to the Christmas and new year festivities, I wish all these sectors the best of health. I hope that they have great business over the next few weeks and that the people of Scotland stand behind them, just as the cross-party group does in the Scottish Parliament.

*Meeting closed at 17:48.*

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