



OFFICIAL REPORT
AITHISG OIFIGEIL

DRAFT

Meeting of the Parliament

Tuesday 10 June 2025

Session 6



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Scottish Parliament

Tuesday 10 June 2025

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

Time for Reflection

The Presiding Officer (Alison Johnstone): Good afternoon. The first item of business is time for reflection, and our leader today is Pete Greig, founder of 24-7 Prayer and senior pastor, Emmaus Road Church.

Pete Greig (Emmaus Road Church): Good afternoon, and thank you so much for inviting me to share this reflection on the theme of justice.

Three years ago, I had the joy of walking 330 miles across this great nation, from the island of Iona to the Holy Island of Lindisfarne, following in the footsteps of that magnificent Celtic seventh-century saint, Aidan. Day after day as I walked, I saw so clearly how profoundly Scotland has been shaped by the interaction of prayer with politics, piety with power, and how, at its best, this has always been for the sake of a better world.

You may recall the story about how Aidan was once given a very fine horse by King Oswin. He accepted this gladly, rode out of the castle joyfully and donated it immediately to the very first beggar that he met. The king was furious until Aidan retorted, "Surely this son of a mare is not dearer to you than a son of God?" I wonder what Aidan would make of our priorities today. I wonder what he would make of the poverty that tragically continues to blight and divide us.

I suppose that a time for reflection is a moment for meditation upon one's core mission and motives, and I am quite sure that, whatever your political leanings, you entered public life with a vision to make things better and fairer. I know from a number of friends who serve politically that it can be a thankless task, so I thank you for the significant price that you no doubt pay personally to do that.

It was probably at my grandparents' house, in Peebles, that my own social conscience was born. I was sorting through some Christmas cards, and a Bible verse on one of them unexpectedly spoke to me. It sparked a fire that burns in me to this day. The verse, from Isaiah, chapter 58, said this:

"Your light will shine when you spend yourself on behalf of the poor and satisfy the needs of the oppressed."

That stark challenge changed me. It motivated me, first, to work with the homeless in London, then to work with heroin addicts in Hong Kong, and eventually to become a simple pastor.

It is estimated that churchgoers in the UK give 23 million hours of voluntary service every month outside church attendance. They run 2,000 food banks and offer more youth work than any other body. The total social contribution to the British economy is valued at £55 billion per annum. Clearly, vulnerable people are looking to us—to this institution, the Scottish Parliament, and to my institution, the church—to provide help, hope and a far greater sense of justice.

So, may we, like Aidan, continue to prioritise people over things and, in the words of the prophet Micah, use the privilege and power of our position

"to do justice, to love kindness, and to walk humbly with our God".

Amen.

Business Motion

14:04

The Presiding Officer (Alison Johnstone):
The next item of business is consideration of business motion S6M-17892, in the name of Jamie Hepburn, on behalf of the Parliamentary Bureau, on changes to business.

Motion moved,

That the Parliament agrees to the following revisions to the programme of business for Tuesday 10 June 2025—

after

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

insert

followed by Oaths and Affirmations

delete

7.00 pm Decision Time

and insert

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

Motion agreed to.

Oath

14:05

The Presiding Officer (Alison Johnstone):
The next item of business is the taking of an oath by our new member. I invite Davy Russell to take the oath.

Davy Russell (Hamilton, Larkhall and Stonehouse) (Lab): I, David Russell, do swear that I will be faithful and bear true allegiance to His Majesty King Charles, his heirs and successors, according to law, so help me God. [*Applause.*]

Topical Question Time

14:06

Building Cladding Remediation (Update)

1. Jeremy Balfour (Lothian) (Con): To ask the Scottish Government whether it will provide an update on the removal of dangerous building cladding, in light of the recent publications by Scotland's cladding remediation programme. (S6T-02570)

The Minister for Housing (Paul McLennan): The Scottish Government has established a comprehensive cladding remediation system. Since the essential Housing (Cladding Remediation) (Scotland) Act 2024 came into effect earlier this year, we have launched a £10 million scheme to support owners with building assessment. All buildings that were in the pilot programme—

Jeremy Balfour: We cannot hear the minister.

The Presiding Officer: Minister, could you angle the microphone towards you?

Thank you. We will see whether that makes any difference.

Paul McLennan: My card is in. Is that any better?

I will start again, Presiding Officer.

The Scottish Government has established a comprehensive cladding remediation system. Since the essential Housing (Cladding Remediation) (Scotland) Act 2024 came into effect earlier this year, we have launched a £10 million scheme to support owners with building assessment. All buildings that were in the pilot programme have had an initial review. Many do not require further action, and all others are either undergoing a statutory assessment, will be assessed by their developer or will have an assessment funded by us.

We have asked owners of social housing to confirm any buildings that are at risk and we will seek assurance that action is being taken. Where necessary, they can apply for funding to support assessment. The building safety levy, once it is enacted, will provide an important funding stream as we continue to mitigate fire safety risks.

Jeremy Balfour: I thank the minister for his answer, but it has been eight years since the Grenfell tragedy brought the issue of dangerous cladding to light, and yet the Scottish Government is still dragging its heels while people are stuck in potentially dangerous properties or are unable to sell their homes without proper certification.

Can the minister finally give us a timeline for when the single building assessment will be introduced, and confirm that it will be in line with what United Kingdom lenders require?

Paul McLennan: I disagree with Mr Balfour's points. It was essential that the new legislation that we introduced could deal with our unique tenure system and with the challenges that we have that do not exist elsewhere in the UK. Commencement of the provisions in the 2024 act has allowed us to rapidly increase the pace. For buildings for which the Scottish Government is responsible, we have taken urgent action wherever that has been recommended by a fire engineer. I mentioned the launch of the single open call, which has proven to be very successful in identifying buildings that were not known to us via any other source.

We have also concluded an exercise with local authorities and confirmed that a substantial proportion of them have appropriate mitigation measures in place. We have made substantial progress with a universal exercise across registered social landlords and are supporting RSLs to make progress with statutory assessment.

It is not appropriate to compare Scotland with other parts of the UK—it was simply not possible to make the necessary progress prior to introducing the Housing (Cladding Remediation) (Scotland) Act 2024, which gave us the necessary backstop powers to address Scotland's unique tenure issues.

Jeremy Balfour: It is deeply disappointing that the minister has not been able to answer the question about UK lenders and people who are worried about the mortgages on their properties. I will give him a second chance. A variety of stakeholders agree that a central register for affected properties is essential to properly address the issue. Can the minister explain why Scotland still does not have one? When will it finally get one, so that we know the scale of the work? When will there be an agreement between UK lenders so that the issue can be resolved?

Paul McLennan: Mr Balfour will be aware that UK lending is a reserved matter. We have had discussions with UK Finance on the issue and, along with the Welsh Government, we continue to press that point with the UK Government and UK Finance. I am happy to take up individual issues, but it is a reserved matter at the moment.

The Presiding Officer: Given the number of members who have requested to ask supplementary questions, it is unlikely that I will be able to take all of them, but I request concise questions and responses.

Ben Macpherson (Edinburgh Northern and Leith) (SNP): Will the minister outline further details of the next phase of the £10 million scheme and when it will be reopened? Will he also look again at exempting from the land and buildings transaction tax additional dwelling supplement people that are affected by cladding that need or want to move, such as some of my constituents who were affected by the Breadalbane Street fire last year?

Paul McLennan: We are building on the essential statutory foundations that we put in place to rapidly address the risks associated with combustible cladding. We expect all building owners to take appropriate steps, and we are encouraging them and supporting them practically to do so.

In late March, we launched a new single open call, backed with £10 million of funding for statutory assessments. As of 5 June, we had received 83 expressions of interest, of which 36 were from registered social landlords. By the end of this month, we will move into stage 2, offering support for necessary mitigation and remediation works that are based on the assessments, and increasing their pace and breadth.

The estimates that were published on Thursday highlight again that the problem of combustible cladding on Scotland's buildings is substantial. With the tools in place, we can now successfully respond.

I will take up Mr Macpherson's point about LBTT with the appropriate minister and respond to him in due course.

Mark Griffin (Central Scotland) (Lab): Is the minister confident that, since the single open call, the Government finally has a comprehensive register of all buildings that are affected by the Grenfell-type combustible cladding?

Paul McLennan: Mr Griffin will be aware of the estimated number of buildings that require various levels of remediation. That information was published just last week—an estimated 1,260 to 1,450 of the residential buildings in Scotland that are 11m or more in height might require work to alleviate external wall system fire risk. Those are estimates and do not represent a list of specific buildings that might or do not need work. The numbers are based on our current best estimates and the UK systems of methodology. I am happy to engage with Mr Griffin further on that point.

Stephen Kerr (Central Scotland) (Con): I do not understand why the minister, all this time later, is still using words such as "might". The idea that we cannot compare what has happened in our country with what is happening in the rest of the United Kingdom is, frankly, bizarre.

We now know that, of the at least 1,300 buildings that need remedial work, only 1 per cent have been addressed, and the Scottish Government has been sitting on UK funding all this time. Can the minister explain how he can justify asking Parliament—at this stage in the session, eight years after Grenfell—to consider a new bill, when thousands of people are living in situations that pose specific risks for them?

Paul McLennan: I reiterate that it is not possible to compare Scotland with the rest of the UK. We needed the cladding bill to introduce some of the powers that were needed, and the bill was passed.

With regard to the actions that we have taken, I mentioned the single open call and the work that we have been doing with local authorities and RSLs on that. We are also working with the social housing sector on the remediation of buildings for which it has responsibility.

I have talked before about being disappointed about the previous pace and breadth of progress, but, as I said, with the single open call and the work that we are doing, the pace of action is now increasing.

Willie Rennie (North East Fife) (LD): We know that the Scottish National Party is in trouble on performance when it refuses to be compared with England. The reality is that the Government is way behind. It says that it is moving at pace, but if it is moving that fast, why can the minister not give us a date, like in England, when the work will be completed?

Paul McLennan: When we talk about cladding—Willie Rennie will know about this—one of the most important points is to get the single building assessments done and in place as soon as possible. We worked very closely with the development sector on that point, and that work was done collaboratively. The greater our ability to get the SBAs done, the quicker we can get the buildings remediated. The open call that I have talked about and the work that is taking place with local authorities and RSLs will see that pace increase.

Gender Identification (Police Scotland)

2. **Pauline McNeill (Glasgow) (Lab):** To ask the Scottish Government what its response is to reports of claims by a whistleblower at Police Scotland that officers are being "coerced" into logging individuals in line with their gender identity, even in serious sexual assault cases. (S6T-02583)

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): Although decisions on how crime data are recorded are operational matters for Police Scotland, Police Scotland has been clear that it does not direct officers to record

sex or gender in a way that breaches legal obligations. I also expect it to ensure that its practices are lawful and support accurate and consistent data collection.

Police Scotland is already reviewing how it records and uses sex and gender data. That review was under way before the recent Supreme Court judgment, and Police Scotland will now take full account of the ruling when reaching its conclusions and making recommendations. Public bodies are also guided by advice from the office of the chief statistician, which encourages data collection based on user needs and context.

Pauline McNeill: The position is far from clear. There are reports in the press that there is widespread confusion and unease among staff about how suspects who identify as transgender are recorded in official systems. Many staff say that they have to record someone and, indeed, search them based on how they present, even if that is at the moment of arrest. It appears that there is no official guidance, so staff are left to navigate sensitive and legally significant decisions without clear guidance.

A whistleblower said that that is

"putting officers and staff in a situation where they are having to do things where no one knows where this decision is coming from, and there is not an actual policy. People are just feeling kind of coerced into doing it."

Given the press reports, is the cabinet secretary concerned about the apparent lack of clarity that is being experienced by officers on the front line about how to record the sex and gender of suspected serious sexual offenders?

Angela Constance: I believe that there currently is clarity. Bearing in mind that this is an operational matter, I will provide the response that Police Scotland gave to the press reports. It said:

"It is inaccurate and misleading to suggest a male accused of rape would be recorded as a woman. It is inaccurate and misleading to suggest female officers and members of staff are coerced into carrying out intimate searches on male prisoners. The Chief Constable has been clear that our ongoing review of sex and gender will take into account all views, the legislation, guidance and legal advice."

I assure the member that, notwithstanding that these are operational matters, I discuss this matter in my engagement with the chief constable, and progress is being made.

Pauline McNeill: I hope that the cabinet secretary agrees that, in relation to sexual offences, it is critical that the offender is recorded on the basis of their sex, because to do otherwise would distort the statistics. In September 2024, the chief constable stated that offenders in rape and other sexual offence cases would be recorded on the basis of biological sex—so, we are happy.

However, in a letter to me and in press reports, Police Scotland has since indicated that there is "no set policy" on how to record the sex and gender of individuals. I stand by what I said when I quoted that press report. It must be true, because there is clear confusion—that is why I wrote to Police Scotland.

Police Scotland is undertaking a review of sex and gender data. Surely the cabinet secretary must have a discussion now with Police Scotland about how it is recording the sex of perpetrators of sexual crimes. There must be clarity for police officers on the front line. Does she agree that it is critical that the Government gives proper guidance to all public services?

Angela Constance: In September 2024, the chief constable advised the Scottish Police Authority that

"a man who commits rape or serious sexual assaults will be recorded by Police Scotland as a male."

I acknowledge and respect that Ms McNeill has long voiced her strong and clear views on the matter, including with regard to the importance of using biological sex for data accuracy, understanding patterns of offending behaviour and shaping public policy. I also concur that the transparency and accuracy of data is important.

Police Scotland is responsible for its own guidance, which it is reviewing. It must, of course, ensure that it fully complies with the Supreme Court judgment and the Equalities and Human Rights Commission guidance, when that is published. That guidance is under review, and I understand that the review will end at the end of this month.

Further to that, the Scottish Government has a Government-wide commitment to ensuring that our recording of sex and gender is in line with the very best statistical practice and the guidance that goes with that, and that it is fully compliant with the Supreme Court judgment.

The Presiding Officer: We are now in the final minute that was allocated for this item of business, so I must insist that questions and responses are brief.

Tess White (North East Scotland) (Con): Police Scotland's review on the recording of sex and gender is on-going. However, that is not an excuse to kick the can down the road. The force provided assurances to the Scottish Police Authority that the timeline for review does not preclude any immediate improvements that have been identified and are required to internal practice or policy from being made. That is in stark contrast to what was said at the meeting that the Cabinet Secretary for Justice and Home Affairs held with the chief constable on 30 April, in which

she emphasised that Police Scotland must await EHRC guidance on the Supreme Court ruling. Will the cabinet secretary's Government get off the fence and finally issue an urgent directive to public bodies to comply with the law and put an end to this mess?

Angela Constance: The Scottish Government is taking action now, and that action is focused on ensuring that, come the issuance of guidance from the EHRC—which is, after all, the regulator—we are in a state of readiness to progress matters. That applies to the Government and to Police Scotland.

Ash Regan (Edinburgh Eastern) (Alba): The reports in the press are, indeed, concerning. I am sure that the cabinet secretary is equally concerned by what she has read. However, I am not convinced by what she has said to us this afternoon. I do not believe that the leadership in public bodies in this area is as she is suggesting.

The Istanbul convention obliges the Scottish Government to accurately record the sex of perpetrators. If that is not happening, that is extremely concerning. It is now eight weeks since the Supreme Court clarified the law. The fact that we are still having weekly exchanges with the Government suggests that there is still a problem. Will the cabinet secretary urgently commit to issuing that clear direction and guidance to all public bodies now?

Angela Constance: Of course, it is not in my gift to issue guidance to all public bodies, bearing in mind that I am the Cabinet Secretary for Justice and Home Affairs, not the regulator of the Equality Act 2010, which applies to the Scottish Government and, indeed, all our public bodies. However, there should be no doubt that the Scottish Government, our public bodies and Police Scotland are required to comply with the law—end of.

Industrial Action by Stagecoach Drivers (West of Scotland)

3. Jamie Greene (West Scotland) (LD): To ask the Scottish Government what it is doing to ensure the connectivity of local communities in the west of Scotland, in light of reports that over 400 Stagecoach drivers in Ayr, Arran, Ardrossan and Kilmarnock have begun industrial action until 21 July. (S6T-02586)

The Minister for Agriculture and Connectivity (Jim Fairlie): The majority of bus services in Scotland are operated on a commercial basis by private bus companies in the open, deregulated market. The Scottish ministers cannot intervene in commercial matters. However, I encourage Stagecoach West and the unions to work together to resolve the issue as soon as possible and limit

the impact on the passengers who are affected by it. For the duration of the industrial action, Stagecoach will operate a limited service with the drivers who are available to it, so passengers are encouraged to check the latest timetables online.

Jamie Greene: The problem is that the issue is not coming to any resolution. Anyone who saw the news last night will have seen that it is the elderly and vulnerable across the west of Scotland who are suffering, through no fault of their own.

Many people have sympathy with the drivers and believe that they should get a fair deal on pay. Equally, some people in my part of the world are now housebound because there is no public transport. That includes, in particular, people who do not have cars, who live in rural communities, who are on low incomes or who have disabilities.

One or two days of striking here and there is one thing, but six weeks is another. More than 30 services have been cancelled. Although the dispute is a private matter between the two parties, public connectivity is not. What is the Government doing to help to resolve the issue?

Jim Fairlie: I absolutely take on board Jamie Greene's point about the impact that the strike is having. However, I reiterate that this is about a private company in a deregulated market. The unions and the bus companies must get together to find a resolution sooner rather than later for the passengers who are affected.

Jamie Greene: Has the minister spoken to Unite the Union or Stagecoach in the past three days? I would be keen to hear an update on that in response to my supplementary question.

There is a much wider and more problematic issue here. It should simply not be the case that, in Scotland in 2025, entire communities can be cut off completely from public transport because of industrial action in a single bus company. Rural communities in particular expect and deserve more reliable services, better connectivity and more resilience in public transport.

Is the Scottish Government willing today to commit to a full root-and-branch review of rural bus services, which will look in particular at contingency planning, so that no one in Scotland is treated as a second-class citizen when industrial action takes away their only method of transport?

Jim Fairlie: Jamie Greene raises a number of questions. He asked whether I have spoken to Stagecoach or the unions. No, I have not, for the simple reason that we would not intervene in a commercial matter.

The member asked what more we could do. I remind him that, when he was sitting on the Conservative benches, he was a member of the party that deregulated the bus market in the first

place, and that has allowed commercial considerations to be part of the conversation.

I add that the Transport (Scotland) Act 2019 gives the local authority the powers to do the things that he is asking about, because they are local authority issues.

Kenneth Gibson (Cunninghame North) (SNP): Many of my 6,000 constituents in Beith rely on buses, as there is no railway station there. Constituents cannot travel to work, to study or even to visit loved ones in hospital at this time. It is completely unacceptable.

What discussions has the minister had with Strathclyde Partnership for Transport on providing emergency bus services to ameliorate the situation? Does he agree that bus drivers in Ayrshire should be paid the same as the drivers in his constituency in Perthshire?

Jim Fairlie: As I have set out before, Scottish ministers cannot intervene in such matters. I appreciate that disruption is being caused to communities in Ayrshire and I understand that there are reduced operating timetables on some routes. Again, I encourage Stagecoach West and the unions to work together to resolve the issue as soon as they possibly can, for the benefit of their passengers.

Katy Clark (West Scotland) (Lab): Is the minister aware that Stagecoach drivers in West Scotland are the worst paid in the United Kingdom? The latest Stagecoach offer of a 4 per cent pay rise was rejected by 98 per cent of Unite bus drivers, on an 81 per cent turnout. The unions say that, even if that offer had been accepted, West Scotland drivers would still be the poorest paid across the UK. Does the minister agree that that is completely unacceptable, that Stagecoach is a very profitable company and that we need to ensure that it makes a better offer so that our constituents are able to use that service?

Jim Fairlie: I am very aware of the figures that Katy Clark is telling us about, but I reiterate that this is about a commercial business that is dealing with a union. It is entirely appropriate for those organisations to come to a resolution themselves and not to have the intervention of Scottish ministers.

The Presiding Officer: With apologies to those members who we have been unable to get to, given the timings, that concludes topical question time.

Business Motion

14:29

The Presiding Officer (Alison Johnstone): The next item of business is consideration of business motion S6M-17861, in the name of Jamie Hepburn, on behalf of the Parliamentary Bureau, which sets out a timetable for stage 3 consideration of the Care Reform (Scotland) Bill.

Motion moved,

That the Parliament agrees that, during stage 3 of the Care Reform (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 or otherwise not in progress:

Groups 1 to 3: 1 hour

Groups 4 to 6: 2 hours

Groups 7 to 10: 2 hours 50 minutes

Groups 11 and 12: 3 hours 20 minutes

Groups 13 to 15: 3 hours 50 minutes—[*Jamie Hepburn*]

Motion agreed to.

Care Reform (Scotland) Bill: Stage 3

14:30

The Presiding Officer (Alison Johnstone):

The next item of business is stage 3 proceedings for the Care Reform (Scotland) Bill. In dealing with the amendments, members should have the bill as amended at stage 2—that is, Scottish Parliament bill 17A—the marshalled list, the supplement to the marshalled list and the groupings of amendments.

The division bell will sound and proceedings will be suspended for around five minutes for the first division of stage 3. The period of voting for the first division will be 30 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 I call the group.

Members should now refer to the marshalled list of amendments.

Before section 36

The Presiding Officer: Group 1 is on health and social care information. Amendment 2, in the name of Jackie Baillie, is grouped with amendments 2A, 2B, 2C, 52, 53 and 3 to 9.

Jackie Baillie (Dumbarton) (Lab): Before I speak to the amendments in this first group, I want to put on record my thanks to the minister and her officials for drafting a series of amendments and, indeed, improving my humble efforts at stage 2.

Amendments 2, 4 and 9 are designed to create a digital health and social care record. Amendment 2 will place a duty on the Scottish ministers to exercise the powers in part 2 of the bill to create an information-sharing scheme and lay down information standards. That is in order to ensure that every person who receives healthcare or a social care service in Scotland can have a digital care record. The amendment will secure the delivery of a digital care record to address the issues that were highlighted in the independent review of adult social care.

That record will be crucial in ensuring that the right people have access to the right information at the right time. It will help to reduce the upset and frustration that are caused to people who receive care when they have to retell their story again and again across all points of their care. A digital care record will also empower individuals by giving them the ability to more easily access their own health and care information and contribute to it where it is appropriate to do so.

Amendments 4 and 9 make technical adjustments to make references to health and social care information throughout part 2 of the bill consistent with the definition that will be inserted by amendment 2.

I move amendment 2.

The Presiding Officer: I call Brian Whittle to move amendment 2A and speak to all amendments in the group.

Brian Whittle (South Scotland) (Con): I did not expect digital integrated health and care records to receive as much attention as they did during stage 2, and nor did I expect so many of my colleagues to agree with me that creating such records is a step that must be taken now to give the national health service and social care providers the tools that they need to do their jobs safely in the modern era.

In answer to a written question that I submitted on whether legislation is required to deliver an integrated social care and health record, as referenced in the Scottish Government's "Care in the Digital Age: Delivery Plan 2024-25", Neil Gray answered:

"The Scottish Government ... can confirm that legislation is not required to create such a record. However, Part 2 of the Care Reform (Scotland) Bill, if passed, will create the enabling conditions for success of a digital health and care record by improving information sharing and usage between individuals and organisations within the health and social care system."—[*Written Answers*, 22 May 2025; S6W-37823.]

I have been vocal about my disappointment with the bill, but it is a consolation that it takes steps to enable the use of digital integrated health and care records in the future. In that spirit, I welcome Jackie Baillie's amendment 2, and we will be happy to support it, even though I lodged a similar amendment at stage 2 that was turned down.

My amendments 2A, 2B and 2C seek to add important clarity on the digital care record. All those amendments have the support of the Royal Pharmaceutical Society and Community Pharmacy Scotland. Amendment 2A places emphasis on the fact that the record will be an "integrated" health and social care record to ensure that, beyond a shadow of a doubt, the records will no longer be managed and used separately. It is important for healthcare providers and social care providers to have that information so that they can make safer decisions for patients, leading to better patient outcomes. The amendment also has the support of Pharmacy in Practice.

Amendment 2B specifies that, although no specific technological solution will be required by the bill, any technology solution must be "interoperable". That is important as it will facilitate

information sharing between social care providers, pharmacies, general practitioners, secondary care, hospitals and beyond. At the moment, the way that records are shared and kept varies between services and health boards. The amendment ensures that each professional who should have access to the care record will be able to deploy the technological solution.

The amendment also has the support of Pharmacy in Practice, which feels very strongly that it is vital that, in this context, the shared record is a technologically agnostic interoperable solution. In pharmacies and beyond, we are seeing an arms race to offer care record solutions, many of which we do not need, among private providers. Confusion in information sharing increases the risk to patients.

Amendment 2C seeks to give examples of the types of health information that should be included in the digital care record, but it is not exhaustive. I understand that the minister might feel that doing so is redundant, but it is important to list in the bill the minimum level of service that the records should supply information about, with the caveat that is provided by subsection (2) in amendment 2, which sets out that the sharing of information is contingent on comparability and existing data protection principles.

Mark Ruskell's amendment 53 gives individuals and their guardians control over access to their digital care records and ensures that records are provided in an accessible format. That is an important addition to the bill, and I support the amendment.

The Presiding Officer: I call Mark Ruskell to speak to amendment 53 and other amendments in the group.

Mark Ruskell (Mid Scotland and Fife) (Green): I recognise that I am stepping in on the bill at quite a late stage. I am here because Gillian Mackay is on maternity leave at the moment, but I am very much progressing the amendments that she pursued at stage 2. I am sure that Gillian Mackay would concur with Jackie Baillie's comments that the dialogue with the minister about the amendments has been very constructive.

Section 36 of the bill outlines information-sharing requirements for professionals who work in public health and social care services. In order to create a care record system that is person-centred, that section of the legislation could be amended to outline measures that ensure that citizens have control of and access to their data as part of a real digital choice approach.

I do not want to disappoint Brian Whittle, but I will not move amendment 53 today. Following discussions with the minister between stages 2

and 3, I have carefully considered the concerns raised, in particular those concerning the potential implications for data protection law, which is reserved. There is a risk that the amendment could prevent health and care providers from sharing personal data in situations in which it is currently legal and appropriate to do so, especially if they are acting in the best interests of a person, including children or vulnerable adults. I recognise the concern that requiring consent in such cases might be impractical and even counterproductive.

However, I acknowledge Jackie Baillie's amendment 2, which shares a similar aim of enhancing data safeguards. It makes progress in that sensitive area, and the Scottish Greens will support that amendment and Mr Whittle's amendment 2A.

The Presiding Officer: I call the Minister for Social Care, Mental Wellbeing and Sport to speak to amendment 3 and other amendments in the group.

The Minister for Social Care, Mental Wellbeing and Sport (Maree Todd): I am pleased to begin today on a note of consensus. I welcome Jackie Baillie's amendment 2, which places a duty on ministers to ensure that everyone who receives healthcare or social care in Scotland can have a digital care record. As members will be aware, the integration of health and social care records is a long-term ambition of the Scottish Government, which the powers in part 2 of the bill were always intended to support. Amendment 2 enshrines that ambition in law, recognising that a digital care record would improve outcomes for the workforce and individuals throughout Scotland.

Brian Whittle has proposed three amendments to Jackie Baillie's amendment 2. Amendment 2A would change the label from "digital care record" to "digital integrated care record". I recognise that the spirit of the amendment is to underline the need for integrated care, so I am happy to support it.

However, I cannot support amendment 2B, which would add the words "technology-agnostic interoperable solution" to amendment 2. As a matter of law, it is not clear what that phrase means. Although it is right that we should be aiming for a flexible digital infrastructure in health and care, and I agree with the intent, I am concerned about putting something that is so unclear into law.

Brian Whittle: I really appreciated the minister taking the time to have the conversation that we had yesterday, but the phrase in amendment 2B just means that the technology solutions across the care sector, whatever they might be, must speak to one another. It is really straightforward

and simple, and I do not understand why on earth we would produce a platform that did not do that.

Maree Todd: A simple google would show that there are different interpretations of the term's meaning. In particular, the term "technology-agnostic" could cause confusion, because there is neither a legal definition of it nor a common understanding of what it means.

The bill's provisions on information standards exist in order to achieve the interoperability that Mr Whittle is seeking through amendment 2B and that my pharmacy colleagues are seeking, too. The provisions, which will also apply to providers of information technology products and services, will allow ministers to ensure that interoperability is a necessity when supplying to health and care providers. Ultimately, the point of setting information standards is to ensure a certain degree of consistency in how data is used in order to achieve the integration to which Mr Whittle's amendment 2A refers.

I cannot support amendment 2C, which would add a list of things that are to be treated as health and social care information. In the context of amendment 2, there is no need for a non-exhaustive list of what is to go into a digital care record.

Brian Whittle: The minister talked about her pharmacy colleagues. Does she recognise that amendments 2A, 2B and 2C have the support of the Royal Pharmaceutical Society and Community Pharmacy Scotland?

Maree Todd: I recognise that Brian Whittle has worked with pharmacy colleagues, but I am sure that they will understand what I am saying, because they will be as pedantic about this as I am. I am, after all, still a registered pharmacist—I refer members to my entry in the register of members' interests.

If we put a term into law, it is really important that it has a legal definition and that there is a common understanding of what it means. There is neither for the term that Mr Whittle wishes to include in the bill. However, I believe that the aim of Mr Whittle's amendments has been achieved by the bill that we are voting on today.

As I said, I cannot support amendment 2C, which would add a list of things that were to be treated as health and social care information. In the context of amendment 2, there is no need for a non-exhaustive list of what is to go into a digital care record. Amendment 2 sets the scope of the ambition and appropriately leaves the detail to be worked out through co-design with stakeholders, including members of the public. Requiring that a digital care record must include health records or social care records, for example, as amendment

2C sets out, could cause confusion, as a digital care record is the person's record.

Jackie Baillie's amendments 4 and 9 will extend the definition of health and social care information in amendment 2 for the purposes of all sections in part 2 of the bill. Amendment 2C would therefore be harmful in the context of section 37A because of the definition that it would set. I expect that that was not Mr Whittle's intention.

I am afraid that I will not support Mr Whittle's amendment 52, which would turn the power in section 36 to make regulations for an information-sharing scheme into a duty to do so. As we have discussed, Jackie Baillie's amendment 2 will place a duty on ministers to use the powers in part 2 of the bill, including the section 36 power, to ensure that there can be a digital care record for everyone. Amendment 2, which I support, will place a duty on ministers to use the section 36 power for that purpose. If the intention is to require ministers to use the section 36 power for the purpose that is covered by amendment 2, amendment 2 is all that is needed. If amendment 52 were also to be agreed to, it would create an implication in law that ministers must use the section 36 power for a purpose over and above what amendment 2 requires, and it is not clear what that purpose would be. I therefore invite Mr Whittle to support Jackie Baillie's amendment 2 and not move amendment 52.

I am sympathetic to the principles behind Mark Ruskell's amendment 53, but I cannot support it. The way in which the amendment is framed would bring the bill into the reserved subject matter of data protection, and I cannot support any amendment that would risk putting the bill outside the legislative competence of the Scottish Parliament.

I am grateful to Mr Ruskell for highlighting the importance of individuals having a say in who accesses information in their records and of ensuring that health and social care information is accessible. Jackie Baillie's amendment 2 already recognises that in a way that is within Parliament's competence. I assure Mr Ruskell that, even without that statutory encouragement, those considerations are very much at the forefront of our minds. On the basis that it is unnecessary and jeopardises the lawfulness of the whole bill, I invite Mr Ruskell not to move amendment 53.

14:45

Finally, I turn to my amendments in the group. I will be brief, because they are technical. Amendment 3 is simply to make it clear that regulations under section 36, which establish an information-sharing scheme, can lay down the acceptable uses for the information that is shared

through the scheme. Amendment 7 expands the range of persons who can be made subject to information standards to cover various NHS contractors, such as general practitioners.

The purpose of setting information standards under section 37 is to ensure that health and social care information is handled securely and in a consistent way. Given the criticality of the information that is held by those who provide services under contract to the NHS, it is important that the standards can be applied to them.

Amendments 5, 6 and 8 are minor drafting changes in consequence of amendment 7.

In summary, I support and welcome Jackie Baillie's amendment 2 and the connected amendments 2A, 4 and 9. I urge members to support my amendments 3, 5, 6, 7 and 8 and to reject Brian Whittle's amendments 2B, 2C and 52 and Mark Ruskell's amendment 53.

The Presiding Officer: I call Jackie Baillie to wind up on amendment 2.

Jackie Baillie: I will be quick. This is an important series of amendments, and I urge members to support amendments 2, 4 and 9 in my name and the amendments in the minister's name. Although I might be more relaxed than the minister about Brian Whittle's amendments, I suspect that my suggesting that we support them might not do Brian any favours. I note that Mark Ruskell does not wish to move amendment 53.

By agreeing to the amendments, we will improve the integration of health and social care information with digital records, and drag ourselves into—are we in the 21st century?—whatever century we are in.

The Presiding Officer: I remind members to use full names. I call Brian Whittle to wind up and to press or withdraw amendment 2A.

Brian Whittle: I press amendment 2A.

Amendment 2A agreed to.

Amendment 2B moved—[Brian Whittle].

The Presiding Officer: The question is, that amendment 2B be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

As this is the first division of the stage, I suspend for around five minutes to allow members to access the digital voting system.

14:48

Meeting suspended.

14:53

On resuming—

The Presiding Officer: We move to the vote on amendment 2B. Members should cast their votes now.

The vote is closed.

Foyso Choudhury (Lothian) (Lab): On a point of order, Presiding Officer. I could not connect. I would have voted yes.

The Presiding Officer: Thank you, Mr Choudhury. We will ensure that that is recorded.

Oliver Mundell (Dumfriesshire) (Con): On a point of order, Presiding Officer. I could not connect. I would have voted yes.

The Presiding Officer: Thank you, Mr Mundell. We will ensure that that is recorded.

The Cabinet Secretary for Health and Social Care (Neil Gray): On a point of order, Presiding Officer. It appears that my vote has been recorded, but I am not certain. Just to be clear, I note that I would have voted no.

The Presiding Officer: I confirm that your vote was recorded.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 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)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (LD)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 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)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)

Rowley, Alex (Mid Scotland and Fife) (Lab)
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don-Innes, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Gillian (Central Scotland) (Green) [Proxy vote cast by Ross Greer]
 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)
 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)
 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 66, Abstentions 0.

Amendment 2B disagreed to.

Amendment 2C moved—[Brian Whittle].

The Presiding Officer: The question is, that amendment 2C be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is closed.

The Cabinet Secretary for Social Justice (Shirley-Anne Somerville): On a point of order, Presiding Officer. I am unable to connect. I would have voted no.

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

The Cabinet Secretary for Education and Skills (Jenny Gilruth): On a point of order, Presiding Officer.

The Presiding Officer: Bear with me for one moment, Ms Gilruth. I am just going to request that your microphone be switched on.

If you would like to use Mr Mason's microphone, that would be helpful. Thank you.

Jenny Gilruth: I was unable to connect. I would have voted no.

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

Collette Stevenson (East Kilbride) (SNP): On a point of order, Presiding Officer. My app would not connect, either. I would have voted no.

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

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 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)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowe, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Eagle, Tim (Highlands and Islands) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (LD)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (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)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don-Innes, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and

Lauderdale) (SNP)
 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)
 Mackay, Gillian (Central Scotland) (Green) [Proxy vote cast by Ross Greer]
 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)
 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)
 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 51, Against 67, Abstentions 0.

Amendment 2C disagreed to.

Amendment 2, as amended, agreed to.

Section 36—Care records

Amendment 52 moved—[Brian Whittle].

The Presiding Officer: The question is, that amendment 52 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

15:00

For

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

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)
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 Eagle, Tim (Highlands and Islands) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (LD)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (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)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
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 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

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 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)
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 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don-Innes, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
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 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)

Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
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 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
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 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)
 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)
 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 66, Abstentions 0.

Amendment 52 disagreed to.

Amendment 53 not moved.

Amendment 3 moved—[Maree Todd]—and agreed to.

After section 36

The Presiding Officer: We move to group 2, on freedom of information. Amendment 54, in the name of Katy Clark, is grouped with amendment 86.

Katy Clark (West Scotland) (Lab): I am pleased to speak to my amendments on freedom of information.

Significant amounts of money are spent on care in Scotland and the private sector care industry has grown significantly in recent years. Ownership structures have become ever more complex and opaque. For example, data obtained from Registers of Scotland by *The Ferret* shows that, at the end of 2019, at least 44 Scottish care homes were owned by companies based in tax havens including Jersey, the Isle of Man and Gibraltar.

I will speak more about that later in the debate in connection with my amendments on tax transparency, but I mention it now because it highlights the importance of changes in the sector that mean that more of the sector is now outwith the scope of the Freedom of Information (Scotland) Act 2002.

Martin Whitfield (South Scotland) (Lab): Katy Clark raises the important point that, as the industry becomes more complex and its ownership more diverse, the people whom it should be caring for are much more remote from their data and information. The amendments that she has lodged, along with other amendments on freedom of information, would, at last, allow people to know what information is being held and how decisions are being made. Does the member agree with that?

Katy Clark: The member makes an incredibly important point. The challenges of Covid demonstrated the importance of having an enforceable right to information. During Covid we saw that providers in the care sector, which care for some of our most vulnerable people, followed very different rules depending on whether ownership was in the public sector or elsewhere. We found that the families of those who were in care homes run by local authorities were able to access information but that it simply was not possible to get information from homes owned by private sector companies.

That is one reason why there is such a body of opinion in favour of extending freedom of information to cover the care sector. However, ministers have thus far refused to use their section 5 powers under the act.

Alex Cole-Hamilton (Edinburgh Western) (LD): I am interested in Katy Clark's amendments because Liberals care passionately about freedom of information.

However, I am also anxious about blurring the lines between public and private accountability. We have freedom of information so that elected members and officials can be made to justify their decisions, but I think that it becomes a dichotomy when we start extending that to cover private companies, which have a right to conduct commercially sensitive business or to keep their profit margins private. That also almost misses the

original intent of freedom of information, which was to have democratic accountability for local decision making.

Katy Clark: Indeed. The intention of the 2002 act was to provide transparency about public services—that is, services that are paid for by the taxpayer. My proposals relate to the activities of private companies only in so far as they provide public services. The intention of the 2002 act was always that it would be possible to designate care providers in the private and non-profit-making sectors. However, we have seen a failure by Governments over more than 20 years to extend into those areas. It was always envisaged that such services that are provided and paid for by the state would be covered by freedom of information, but in recent years we have seen the outsourcing of services and, increasingly, services being provided by organisations that are not public authorities such as local authorities.

Independent polling that the Scottish Information Commissioner undertook in 2024 confirmed that there is overwhelming public support for legal change, with 93 per cent believing that freedom of information should cover publicly funded services such as care homes. The essential point is that services that were originally provided in the private sector are now being provided by multinationals and care homes that are owned by offshore trusts.

Alex Cole-Hamilton: I am grateful to Katy Clark for giving way again. I am keen to tease this out. Surely the point that her amendments seek to address is really subject to due diligence by the local authorities that commission the care. When public money is used for the delivery of care, councillors and council officers should ensure that they are satisfied that they are getting the best value for money and the best quality for money. Katy Clark's amendments could set a precedent whereby any private provider that is in receipt of public funding would be subject to freedom of information. That might be where she wants to take this, but that is potentially a bigger debate than the one that we have in front of us.

Katy Clark: The member seems to be arguing for contract compliance. Under freedom of information, it often happens that, when a local authority or the Scottish Government has to provide information that is requested, it will obtain that information from an organisation that it has contracted with. My amendments are about individual members of the public having a direct right to obtain information from an organisation that is providing a service that is paid for by the taxpayer.

The important point in relation to private companies is that only the services that are paid for by the taxpayer would have to be compliant with freedom of information. Anything else that the

organisation did—for example, the same care home could contain a place that was paid for privately and in a different way—would not be within the scope of freedom of information. However, the reality is that many care homes only have places that are funded by the taxpayer.

During Covid, we saw that, where a care home was a local authority care home, information was provided to families, which was of great significance to them and gave them a great deal of comfort. We have a lack of transparency where services are provided by other types of organisation, such as a care home that is owned by a multinational. We know that many organisations have very vulnerable systems. Southern Cross Healthcare was perhaps the most noteworthy example of that. At the end of the day, it is the family and the person in care who suffer when such an organisation goes bust. I might have an opportunity to talk about that later when I speak to my amendments on tax transparency.

My amendments in group 2 seek to address the transparency deficit by extending the requirements of the 2002 act to the care sector. Amendment 54 seeks to designate the relevant care homes as defined under the Public Services Reform (Scotland) Act 2010.

Amendment 86 would require that the provisions would come into force two years after royal assent. The impact of the amendments would be that individuals would be able to exercise and enforce FOI rights directly with service providers; the amendments would also strengthen legal clarity for the Scottish Information Commissioner and indeed for designated bodies and requesters.

I hope to say a little bit more about the changing nature of the care sector later on in the debate, but I would argue that it is that changing nature that makes the amendments so important.

I appreciate that the Scottish Government is likely to say that it is not opposed in principle to the amendments but that it wishes to undertake a consultation with the sector. These amendments would enable consultation with the sector on how FOI rights are extended to it, not on whether they should be extended. I would say that it is a principle that, if it is the taxpayer who is paying for a service, the public should have that right to information. When the 2002 act was passed, it was always the intention that taxpayer-funded public services would be covered by FOI. After a 20-year delay, these amendments would guarantee that, within two years of royal assent, publicly funded care would be covered by FOI and the public would have more rights to know how their money was being spent.

I move amendment 54.

Maree Todd: I am grateful to Katy Clark for engaging with me since stage 2 on the issue of FOI extension. I welcome the greater clarity that she has provided regarding the services to which she seeks to extend FOI law. Nevertheless, the Scottish Government cannot support these amendments. We have already made a clear public commitment that we will consult on the extension of the 2002 act to most of the services to which these amendments relate. Indeed, work has already commenced to engage key stakeholders in developing the approach to consultation through the establishment of a dedicated advisory group, which is actively taking forward work on this area.

The Scottish Government recognises the importance of access to information and the value of the statutory rights that are provided by the 2002 act. That is why we have committed to consult on the extension of those rights in this sector.

Designation under the 2002 act brings a number of clear statutory obligations. Those obligations are intended to be proportionate. However, we must fully consider and consult affected stakeholders about the impact on organisations before making them subject to FOI law. For that reason, ministers are required by section 5 of the 2002 act to consult before exercising their order-making power to extend FOI law to organisations that were not previously covered.

Alex Cole-Hamilton: Further to my exchange with Katy Clark, the Liberal Democrats are interested in supporting these amendments, largely because Katy Clark has eloquently identified a gap in the information that is provided, in particular to care residents and their relatives, in respect of private providers.

It does not seem as though the Government is entirely closed off to the idea but would rather consult on further policy down the line. However, does the minister recognise that there is a gap right now?

Maree Todd: The Government recognises that there is a gap. That is why we are consulting on it. That is why we are keen on consulting. We have stated our intent and we have committed to consult on the extension to the sector because we recognise that there is a gap.

However, I do not think that we can skip the step of consultation. We are statutorily required by section 5 of the 2002 act to consult before exercising the order-making power to extend FOI law to organisations that were not previously covered. The consultation that is being developed therefore remains appropriate and essential in the Scottish Government's view, and supporting Katy Clark's amendments would remove the

opportunity for the important process of consultation to continue.

Mark Ruskell: The Greens are also sympathetic to this very limited extension of FOI law. Will the minister say a bit more about the consultation? Will it be a consultation specifically on extending FOI law to the social care sector? When will it be concluded? When should we expect any particular changes to FOI law to be brought forward on the back of the consultation, should the Scottish Government agree to take this further?

15:15

Maree Todd: As I have stated, work has already commenced on engaging key stakeholders in our development of the approach to consultation. We have established a dedicated advisory group, which is actively taking forward that work. I think that I have been absolutely clear that the Government does not want to skip the step of consultation. We agree with asking the question; that is why we have committed to consulting and it is important that we do that with the sector before bringing forward the change. I therefore urge members not to support these amendments.

The Deputy Presiding Officer (Liam McArthur): I call Katy Clark to wind up and to press or withdraw amendment 54.

Katy Clark: I press amendment 54.

The Deputy Presiding Officer: The question is, that amendment 54 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Burgess, Ariane (Highlands and Islands) (Green)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (LD)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Mackay, Gillian (Central Scotland) (Green) [Proxy vote cast by Ross Greer]
 Marra, Michael (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)

Regan, Ash (Edinburgh Eastern) (Alba)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 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)
 Dowey, Sharon (South Scotland) (Con)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Eagle, Tim (Highlands and Islands) (Con)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Findlay, Russell (West Scotland) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hoy, Craig (South Scotland) (Con)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lumsden, Douglas (North East Scotland) (Con)
 MacDonald, Gordon (Edinburgh Pentlands) (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]

McCall, Roz (Mid Scotland and Fife) (Con)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mundell, Oliver (Dumfriesshire) (Con)
 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)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 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)
 Webber, Sue (Lothian) (Con)
 White, Tess (North East Scotland) (Con)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 33, Against 83, Abstentions 0.

Amendment 54 disagreed to.

Section 37A—Power to produce standards

Amendment 4 moved—[Jackie Baillie]—and agreed to.

Section 37B—Persons to whom standards may apply

Amendments 5 to 8 moved—[Maree Todd]—and agreed to.

Section 37E—Interpretation of Chapter 1

Amendment 9 moved—[Jackie Baillie]—and agreed to.

Section 38—Rights to breaks for carers

The Deputy Presiding Officer: Group 3 is on carers. Amendment 10, in the name of the minister, is grouped with amendments 11 to 29, 1 and 63.

Maree Todd: I will briefly speak first to my own amendments in the group, which are all of a minor and technical nature to tidy up after stage 2. Amendment 10 updates a cross-reference and amendments 11 to 15 and 17 shorten the way in which breaks are referred to, as the meaning of “break” will be defined by amendment 18, which simply tidies up the definition of that expression, as agreed at stage 2.

Amendments 20 to 23 deal with the consequential repeal of provisions in the Carers (Scotland) Act 2016 that are no longer needed. I was pleased at stage 2 to support Gillian Mackay’s amendment to add section 39A to the bill, which is entitled “Short break services statement”. It is important that people who care for others know how to access short breaks. At stage 2, I noted that some adjustments to the new section were needed to clarify the duties, and I discussed those with Gillian Mackay and carers representative organisations to ensure that the intention behind the original amendment is met in a way that gives clarity to local authorities, which publish those statements. Amendments 24 to 29 make those adjustments.

I turn to other members’ amendments in the group. I am pleased to support Jackie Baillie’s amendment 16, which will underline that regulations that set out what constitutes sufficient breaks for carers should recognise the importance of their having

“time for rest and leisure”.

I recognise the pressures that many carers are under and the importance of ensuring that they can access breaks to maintain and improve their wellbeing.

As I said at stage 2, the definition of sufficient breaks will be developed in partnership with carers, to ensure that their lived experience is properly reflected. Amendment 16 affirms the commitment to that in legislation, and I encourage members across the chamber to support it.

I also support amendment 1 and I thank Mr Balfour for lodging it. Amendment 1 will enshrine in legislation a duty to assist carers in accessing support, including income maximisation. We already have in place a range of supports for carers, including statutory duties on local authorities, Social Security Scotland signposting to support, and funding for local carer centres. However, I share Mr Balfour’s desire to keep improving how we support carers now and in years to come.

However, I cannot support Brian Whittle’s amendment 63. I recognise the importance of transparency in relation to spending on local carer support, but the issue has already been recognised in a previous parliamentary session. The existing powers in the Public Bodies (Joint Working) (Scotland) Act 2014 are sufficient to specify financial reporting by integration joint boards. The 2014 act also requires publication of annual performance reports, and subordinate legislation made by Scottish ministers already requires those reports to include information on the amount spent on carer support.

If Mr Whittle feels that all the information that he wants is not already provided through that mechanism, I would be pleased to discuss with him the changes that should be made to ensure that the information is provided. However, amendment 63 is the wrong way to go about getting it. It risks creating confusion and puts unnecessary burdens on bodies that are already subject to statutory duties to provide such information. Therefore, I ask him not to move amendment 63. My door is always open to him, as it is to all members across the chamber, to explore how we can improve financial transparency within an already comprehensive statutory system.

I move amendment 10.

The Deputy Presiding Officer: I call Jackie Baillie to speak to amendment 16 and other amendments in the group.

Jackie Baillie: I, too, thank the minister for responding to a number of the amendments at stage 2 of the bill. Scottish Labour supports the Government's amendments in this group.

I turn to amendment 16. It is essential that carers are supported to have a life alongside caring and to protect their wellbeing. I have therefore been clear in my support of the proposed right to breaks for unpaid carers. I have also previously highlighted a desire for a clear definition of "sufficient breaks". I am supportive of the minister's intention to consult on the content of regulations to further define the meaning of "sufficient breaks", so that carers—and those who support them—have the opportunity for input.

We all agree that carers need time to recharge and relax—time to help them look after themselves. I lodged amendment 16 to ensure that, whatever form that definition takes, it recognises the need for unpaid carers

"to have time for rest and leisure".

The Deputy Presiding Officer: I call Jeremy Balfour to speak to amendment 1 and other amendments in the group.

Jeremy Balfour (Lothian) (Con): I, too thank the minister for her constructive engagement over the past few days. I recognise that I am late to the show on this matter, but I think that amendment 1 is important, and I ask members to agree to it this afternoon.

We all want unpaid carers to be able to maximise the amount of money to which they are entitled. We hear often from constituents that they go to one public body and fill out a form and then they have to go to other public bodies and do the same. For people who already have stressful, busy lives, that can put them off maximising the benefits to which they are entitled. Amendment 1 will ensure that, for that reason, the first

appropriate body that someone goes to will be responsible for not only signposting but helping them to complete the necessary forms.

That already happens in local authorities in many cases, but we have heard many stories of local authorities not being able to provide those services, or of people slipping through the net. In addition, local authorities are not responsible for any work with external bodies. The same is true for Social Security Scotland, which is getting good at signposting individuals to the benefits that they are entitled to in Scotland but has no duty to signpost to local authorities or other appropriate groups.

Amendment 1 will clarify the situation. It will allow stakeholders, the Government and other interested parties to make sure that we get the regulations right when they are made and that they are correctly consulted on. I hope that the Parliament will accept the amendment.

The Deputy Presiding Officer: I call Brian Whittle to speak to amendment 63 and all amendments in the group.

Brian Whittle: My amendment 63 seeks to improve reporting on spending on carer support and was co-drafted with, and is supported by, the Coalition of Carers in Scotland. The amendment seeks to provide transparency in relation to how funding is spent to ensure that it delivers for carers.

I understand that integration joint boards and health and social care partnerships already report on the spending that is used to support carers in their annual accounts and other reports. However, that reporting is not detailed enough to understand the impact of the spending on carers. Equally, in some cases, IJBs and HSCPs have been unable to break down spending on the implementation of the Carers (Scotland) Act 2016 in response to FOI requests. That means that they are unsure how money is spent to deliver support for carers.

We heard evidence in the Health, Social Care and Sport Committee that money that is designated as spending to support carers is not reaching them. We must support carers, and we must make sure that they receive the support that they need.

I will move the amendment—

Martin Whitfield: Will the member give way?

Brian Whittle: Yes.

Martin Whitfield: My intervention will develop what Brian Whittle is talking about.

The minister said that there should be confidence that information is available through other means and via other vehicles. Does Brian Whittle share my concern that that is not actually

the case, and that people are sometimes unable to obtain crucial parts of the information? Amendment 63 creates a duty to prioritise, in one place, the reporting of the information that people need to understand how the money is spent and what the effect of that spending is. It covers any misunderstandings that there might be about what should or should not be disclosed.

Brian Whittle: Martin Whitfield is absolutely right. If the money has been designated as spending that is to be put into carers' pockets, we must be able to follow that money and make sure that it enters their pockets. We heard in the Health, Social Care and Sport Committee that, currently, that is not necessarily happening. All that amendment 63 is trying to do is to make sure that that information is readily available.

I also lend my support to amendment 1, in the name of Jeremy Balfour. In 2024, Policy in Practice reported that 529,000 carers who were eligible for carers allowance across the United Kingdom had not claimed it. Scottish figures do not exist, but, when we factor in Scotland's share of the UK population, that equates to around 42,000 carers who are missing out on an average of £4,259 per annum. Mr Balfour's amendment seeks to facilitate access to that benefit if a carer presents themselves to a relevant body. If you ask for help, help should be facilitated. I support that, and I am glad that the Government supports it as well.

We are minded to support the Scottish Government amendments in the group, with a caveat regarding amendment 10. If the minister could explain to us why that amendment leaves out subsection (10) from section 38 and inserts subsection (10A), and what will be missed out by that, that would be helpful to our deliberations.

Maree Todd: Just to be absolutely clear, the Government is happy to support Jackie Baillie's amendment 16 and Jeremy Balfour's amendment 1.

I have concerns about amendment 63. I share Brian Whittle's concern; ministers and officials repeatedly hear concerns from carer stakeholders about there being a lack of transparency in relation to spending on carer support. The Convention of Scottish Local Authorities has agreed to work with local authorities and IJBs to improve that. We are committed to improving the financial transparency of integration authority spending, including on social care. However, the amendment that Mr Whittle has lodged will not do that. In fact, it will cause confusion around and duplication of reporting requirements, which runs counter to the intent behind the amendment.

Amendment 63 also refers to health and social care partnerships, but HSCPs are not a legal

entity; they are simply working arrangements between the various actors that are involved in the delivery of community health and social care services. The amendment also refers to "unpaid carers". That term is not used in the 2016 act.

15:30

Brian Whittle: The IJBs are in the control of and are funded by the Scottish Government. It is their responsibility to ensure that any finances that are to go into carers' pockets make it into their pockets. Surely it is the IJBs' responsibility to follow that money.

Maree Todd: IJBs have a responsibility to publish transparent information on finances. We have said repeatedly at the Health, Social Care and Sport Committee and at the Finance and Public Administration Committee that it is really important that we are able to follow the money. We do not feel—not even I feel—adequately empowered to follow the money with regard to the spending that relates to the 2016 act.

However, I do not think that the amendment will improve the situation. We need to work with stakeholders and partners, including our local authority colleagues and IJBs, to make sure that we can spot where the money goes and follow it through from source to spending. I share the frustration of carers organisations that they are unable to do that. As I said, the amendment will not bring any more clarity to the powers that we already have.

You asked about amendment 10 and its reference to subsection (10A). Is the clarity that you are seeking to do with the definition of breaks?

The Deputy Presiding Officer: Speak through the chair, please.

Brian Whittle: I just want to understand why we are removing subsection (10) and inserting subsection (10A). What is the difference between subsection (10) and subsection (10A)?

Maree Todd: Subsection (10A), which was introduced at stage 2, removes the concern that the current definition encompasses breaks that are unrelated to the caring role. It explicitly confirms that breaks can be taken with the cared-for person, and it describes different arrangements for such breaks when taken together and how they are linked to the caring role.

Amendment 10 agreed to.

Amendments 11 to 15 moved—[Maree Todd]—and agreed to.

Amendment 16 moved—[Jackie Baillie]—and agreed to.

Amendments 17 and 18 moved—[Maree Todd]—and agreed to.

Section 38A—Duty to prepare adult carer support plan

Amendments 19 and 20 moved—[Maree Todd]—and agreed to.

Section 38B—Duty to prepare young carer statement

Amendment 21 moved—[Maree Todd]—and agreed to.

Section 39—Enactments relating to carers: minor modifications

Amendments 22 and 23 moved—[Maree Todd]—and agreed to.

Section 39A—Short break services statement

Amendments 24 to 29 moved—[Maree Todd]—and agreed to.

After Section 39A

Amendment 1 moved—[Jeremy Balfour]—and agreed to.

Section 40—Visits to or by care home residents

The Deputy Presiding Officer: Group 4 is on care homes: rights to visits. Amendment 30, in the name of Jackie Baillie, is grouped with amendments 31, 32, 55, 33 to 36, 56, 57, 37, 38, 58 to 61, 61A and 62.

Jackie Baillie: This group of amendments relates to Anne's law. The amendments set out a clear system that will protect the rights of family members to visit their loved ones in care homes. I pay tribute to the care homes relatives Scotland group, Campbell Duke, who is Anne's husband, and their daughter Natasha for their patience and for getting us here today.

I will speak to amendments 30 to 32 and 35 to 38. With amendment 30, I wish to remove the words "use their best endeavours" in relation to the duty on care home providers to identify for every resident at least one individual as an essential care supporter. That would strengthen the duty on care home providers to identify an essential care supporter for each resident, to ensure that that is not an optional extra or a tick-box exercise.

That said, I understand that, in practice, there will be situations in which, sadly, it will not be possible to identify someone because a resident has no family or friends. Of course, some

residents might not wish to identify someone at all. To allow for those circumstances, I have lodged amendment 31 in addition to amendment 30. Following on from amendment 30, which would remove the words "use their best endeavours", I wish to ensure that care home providers take into account people's wishes and circumstances when identifying an essential care supporter. Therefore, I have suggested some exceptions to the identification of an essential care supporter, namely in circumstances where the resident does not want one or where

"nobody can be identified who is able and willing"

to take on that role. I am sure that everyone will agree that, although it is important that everybody has the right to identify an essential care supporter, they also have the right not to choose someone.

I turn to amendment 32. The vital role of the essential care supporter is the essence of Anne's law. With this amendment, I seek to put beyond doubt that the identification of the essential care supporter will be undertaken in a consultative manner with the care home resident and others. That will mean that care home providers will not make those decisions on their own and will be required to consult with relatives and others to identify an appropriate essential care supporter.

On amendments 35 and 36, I think that we can all agree that the process of suspending visits should require a high bar. We need to get this right. I have listened to care home relatives' concerns on this issue and I know that the minister has, too. That is why I lodged amendments 35 and 36, which ensure oversight of decisions on visiting. They have been developed in consultation with relatives and others, including the Care Inspectorate.

Alex Cole-Hamilton: I think that with these amendments we have come to the meat of the legislation. They are the principal reason that it will enjoy the Liberal Democrats' support.

I offer Jackie Baillie the support of the Liberal Democrats for her amendments in this group and in particular the amendments on decisions to suspend care home visiting. We can all agree that when the story of our pandemic is written, the tragedy of that story will be in our care homes, because of the suspension of visits and the isolation that people felt when they were deprived of the love and support of their family members and those close to them. It led to the exacerbation of things such as dementia. Does Jackie Baillie agree that, with her amendments, we will take a big leap forward to ensuring that a story like that can never be told again?

Jackie Baillie: I absolutely agree with Alex Cole-Hamilton's comments, and I have to say that

I think that the chamber would unanimously agree with them. The suspension of care home visits cast a long shadow during the pandemic, and I very much welcome the collaborative approach that the minister has taken with care home relatives Scotland and the Care Inspectorate to get these amendments over the line.

In finishing talking about amendments 35 and 36, I set out to members that they require care homes to review, when asked to do so, a decision about the suspension of visits, and to notify the Care Inspectorate when they decide to suspend visiting. Amendment 36 ensures that those provisions are included in the code of practice that will be published by Scottish ministers.

I turn to amendments 37 and 38. Anne's law will be realised only if care home staff work collaboratively with people who are living in care homes and their friends and family, including essential care supporters. That is why I have lodged amendment 38 and the related amendment 37. Amendment 38 will allow Scottish ministers to include in the code of practice what they consider to be best practice in how that work should be done. It will mean that visits are facilitated in a way that best supports residents' needs, which puts them and their families at the heart of decisions.

Taken together, my amendments in this group will strengthen Anne's law so that we do not have a repeat of the experience of relatives trying to visit loved ones during the pandemic.

I move amendment 30.

Brian Whittle: I will not move amendment 55, because it is a similar amendment to Jackie Baillie's amendment 35.

I was happy to work with the minister and her officials on amendments 57 to 60 and 62, which I will move.

Amendment 57 will ensure that, in respect of Anne's law and the code of practice, there will be timely written communication about any changes to visiting arrangements with the people who are affected, such as those who are living in care homes and their friends and family, including essential care supporters. That communication should include the reasons for any changes and they must be provided in writing. I am pushing for written communication to be part of the code of practice so that those who are in care and their essential care supporters have a record of why a visit has been denied. We learned much from our experience during the pandemic, and I think that the need for such records is an important part of what we learned.

Amendment 59 will create a mechanism for feedback on Anne's law and the code of practice, and will ensure that ministers have to consider that

feedback during revision of the code. It is important that the experience of those who are most affected by a code of practice on care home residents' rights to visits—the residents themselves and their family and friends as well as providers of care home accommodation and their staff—is taken into consideration when each review of the code is undertaken. In addition, the Care Inspectorate is uniquely placed to offer an informed view of how well the code is working in practice and any changes that could improve it.

During stage 2, my amendment that required Anne's law to be published publicly and "in easy read format" was agreed to. Amendment 58 omits the term "easy read format", which I recognise does not have any concrete legal meaning. Amendment 60 sets out a better description of an easy-read format. It is essential that the code of practice for Anne's law can be understood by a wide range of people, including people with learning difficulties or other conditions that affect how they process information. That is why I lodged amendment 60, which requires that, when ministers publish the code of practice for Anne's law, a version is produced that can be

"understood by people with learning difficulties or other conditions affecting how they process information."

On amendment 62, it is vital that we know whether Anne's law is working as intended and that we ensure that any learning is captured and acted on in a meaningful and systematic way. I am glad that the minister has supported my view that a requirement to produce a report on the operation of Anne's law should be included in the bill. I know that that view is supported by the Law Society of Scotland, which has noted that the current provisions in the bill lack

"a process of review or redress",

although I highlight that the Law Society does not take a specific view on individual amendments. I hope that my amendments 62, 59 and 57 can help to address that.

Maree Todd: This group of amendments on Anne's law is particularly important. It is everyone's job to ensure that Anne's law is delivered in practice. That is why the amendments focus on ensuring additional oversight and support around decisions on visiting, and on ensuring that the vital role of the essential care supporter in supporting wellbeing is fully recognised. I am grateful to Opposition members for lodging the amendments and for working with me to get them right. I thank members of care home relatives Scotland and many others for their constructive engagement with us to get the bill right.

I welcome Jackie Baillie's amendments 30, 31 and 32. I recognise the role that essential care supporters play in providing their loved ones with

regular care and support. I agree that it is only right that the identification of the individual is undertaken in a consultative manner and that it involves the resident and those closest to them. I also agree that there is a need for limited exceptions to the requirement to identify such a person. The amendments provide the appropriate flexibility.

I also support Jackie Baillie's amendments 35 and 36. Based on our learning from the pandemic, there is general agreement that more should be done to ensure that there is greater oversight of decisions on suspending visiting. The amendments provide a requirement for care home providers to review a decision about the suspension of visits and notify the Care Inspectorate when it decides to suspend. The amendments will ensure that there are appropriate checks and balances in relation to providers' decisions.

I cannot support amendment 55, which has been lodged by Brian Whittle. However, as he said, the amendment is not necessary, because it broadly duplicates the notification process that is provided for by amendment 35. I appreciate Mr Whittle's confirmation that he will not move amendment 55.

I will also not support Sandesh Gulhane's amendment 56. The code of practice will be primarily for care home providers to have regard to in fulfilling their duties under Anne's law. The code of practice cannot be used to create a new complaints process. There is an existing legal framework for complaints, which would include decisions relating to visiting. The code of practice will also set out how the requirements to review and notify that are imposed by virtue of amendment 35 are to be met.

I welcome amendments 37 and 38, which are in Jackie Baillie's name. I agree that Anne's law will work in practice only if care home providers work collaboratively with residents and their friends and family. By having guidance in the code on how staff should do just that, residents' care plans will fully reflect their needs.

I turn to Brian Whittle's other amendments in the group. I am pleased to support his amendment 57. I agree that residents and families should always be informed timeously about any changes to visiting.

15:45

I welcome amendment 59. From my experience of working with groups such as care home relatives Scotland during the preparation of the bill, I know the value of lived experience in developing and reviewing legislation and policy. Therefore, I recognise that gathering their

feedback is vital in order to ensure that any review of the code is meaningful.

I support Brian Whittle's amendments 58 and 60. I agree that it is essential that the code of practice can be understood by the widest possible range of people, including people with learning difficulties or other conditions that affect how they process information.

On amendment 62, I agree with Brian Whittle that reviewing the regulations' operation after two years will provide an opportunity to check and follow what is working as intended. That will sit alongside other mechanisms for sharing, learning and best practice, locally and nationally, such as our national oversight group for Anne's law, which brings together relatives, care home providers and health and social work professionals in order to share learning in a collaborative way.

However, I am unable to support amendment 61, in the name of Sandesh Gulhane. Amendments 59 and 62 will provide sufficient mechanisms for reporting and feedback on the delivery of Anne's law. When carrying out a review of the code of practice, Scottish ministers will be required to consult the Care Inspectorate on all the points that are specified in amendment 61. The Care Inspectorate will naturally be significantly involved in the report on the operation of Anne's law. I consider that imposing a further requirement—the production of an annual report on Anne's law—on the Care Inspectorate would be excessive and not the best use of resource.

I turn briefly to my own amendments. Anne's law will mean that, even when general visits need to be suspended due to risks to life, health or wellbeing, some visits should always be supported. That would include end-of-life situations, as they might be the last chance for family and friends to see and interact with the resident. Amendment 33 provides that visits should also be supported for people who have undergone, or are expected to undergo, a significant deterioration in their physical or mental condition, which can be very frightening. It is reasonable to expect that any such resident would want or need the support of their family or friends. Although the resident's death might not be anticipated in that period, it might be the last opportunity for them to interact with their family and loved ones.

Amendment 33 is based on feedback from a number of stakeholders, including care home relatives Scotland. It is vital that care home residents can spend time with their loved ones outside of the care home and engage in the community if that is their wish and it is appropriate for them to do so, which is why Anne's law will include a duty on care home providers to facilitate visits, both in and out of the home.

I have listened to stakeholders, including Scottish Care, that have highlighted a concern that a duty to facilitate visits might be taken to impose a positive obligation on care home service providers to physically take residents out on visits or arrange or pay someone else to do so. That was not my intention, so to address that concern, the limits on facilitating external visits are now clearly expressed by amendment 34.

In summary, I support and welcome Jackie Baillie's amendments 30 to 32 and 35 to 38. I also support Brian Whittle's amendments 57 to 60 and 62. I urge members to support my amendments in the group—33 and 34—and reject Brian Whittle's amendment 55 and Sandesh Gulhane's amendments 56 and 61.

The Deputy Presiding Officer: I call Sandesh Gulhane to speak to amendment 56 and other amendments in the group.

Sandesh Gulhane (Glasgow) (Con): I declare an interest as a practising NHS GP.

Amendment 56, in my name, seeks to ensure that there is a clear process of recourse in Anne's law for those who are affected. It is essential that there is an explicit route of recourse that creates clear accountability for complaints and a clear process for dispute resolution. Stakeholders have been clear that they want proportionate oversight for Anne's law. The minister has argued that a framework is already in place for social care complaints. However, it is clear that outlining in the code a specific process for Anne's law would provide clarity and transparency for all who are involved. Anne's law is a key element of what is left of the bill, and we must take the opportunity to strengthen it as far as we can in order to protect care home residents, their families and care supporters. Amendment 56 is fully supported by the British Association of Social Workers

Amendment 61, in my name, would ensure transparent reporting on the suspension of care home visits. It would establish a duty on the Care Inspectorate to share that data and analysis and to make recommendations on changes to the code. Such monitoring would ensure that any suspensions to care home visits would be applied proportionately. The minister surely agrees that denying care home residents access to visits has significant consequences. Regular reporting would allow any disproportionate use of the power to become evident, which would enable changes to the code to be made when they are needed. As I mentioned, it is vital that we do all that we can to ensure that Anne's law is as robust as it can be for those affected. Amendment 61 is also fully supported by the British Association of Social Workers.

Manuscript amendment 61A, in my name, is a technical amendment.

We will support all the amendments in the group. Given that the biggest part of the bill is Anne's law, we need to make it as robust and effective as possible, especially as it has taken us three years to get here.

Monica Lennon (Central Scotland) (Lab): I support Jackie Baillie's amendments and the other amendments in the group. This has been a long time coming and it is really important that we get it right.

I join colleagues in paying tribute to Anne Duke's family, including Campbell Duke, who is in the gallery and is one of my constituents from East Kilbride, and to members of the care home relatives Scotland group, including Cathie Russell and Alison Leitch, who are also in the gallery. This has been their fight, and it has been a fight for all the people in Scotland who did not have a voice during the pandemic. We hear a lot about having to learn the lessons of Covid-19. The care home relatives Scotland group has had, I think, more than 150 meetings with the Scottish Government. Its members have made Scotland proud, and we all owe them a debt of thanks. [*Applause.*]

There have been delays in getting here, but it is right that we get the details right, so I listened with interest to the points that Brian Whittle and Sandesh Gulhane made. This has always been about human rights, dignity, love, human connection and all that was lost during the pandemic. No one ever dismissed concerns about safety, but what happened during the Covid years was unsafe and destroyed people's mental health. People such as Anne could not have time with their families in their final days of life. I listened to Natasha Hamilton, Anne's daughter, on the radio at 6.45 this morning, before I came to work, and she made a very strong case for Anne's law to be passed.

There has always been cross-party work in the Parliament on the issue, including by Paul McLennan, Miles Briggs, Alex Cole-Hamilton, Gillian Mackay and many others, and the Government has a mandate, because Anne's law was a very prominent promise in the Scottish National Party's 2021 manifesto.

However, today is not a day for politics; it is about getting Anne's law over the line. I remind colleagues of what I said in the chamber back in February 2021:

"I hope that we get to a place where the Parliament can unite and support Anne's law, which would ensure that people never again have to spend a year in isolation without access to their loved ones."—[*Official Report*, 16 February 2021; c 56.]

I hope that today is the day that we can give effect to Anne's law and learn those lessons.

The Deputy Presiding Officer: I call Jackie Baillie to wind up and to press or seek to withdraw amendment 30.

Jackie Baillie: I associate myself with Monica Lennon's comments. There is cross-party consensus on the amendments in the group, which will give practical effect to Anne's law. I thank the minister for her work and co-operation on this key part of the bill. Again, I thank members of the care home relatives Scotland group for their persistence, and I thank Anne's husband, Campbell, and her daughter, Natasha, for all their campaigning. All their combined efforts have led us to amendments that, taken together, should ensure that we do not have a repeat of relatives in care homes being kept away from loved ones, as we witnessed during the Covid pandemic. I urge members to support all the amendments in the group.

Amendment 30 agreed to.

Amendments 31 and 32 moved—[Jackie Baillie]—and agreed to.

Amendment 55 not moved.

Amendments 33 and 34 moved—[Maree Todd]—and agreed to.

Amendments 35 and 36 moved—[Jackie Baillie]—and agreed to.

Amendment 56 moved—[Sandesh Gulhane].

The Deputy Presiding Officer: The question is, that amendment 56 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

The Cabinet Secretary for Finance and Local Government (Shona Robison): On a point of order, Presiding Officer. I could not connect. I would have voted no.

The Deputy Presiding Officer: Thank you, Ms Robison. I will make sure that that vote is recorded.

Brian Whittle: On a point of order, Presiding Officer. My app would not connect. I would have voted yes.

The Deputy Presiding Officer: I will make sure that that is recorded, Mr Whittle.

Collette Stevenson: On a point of order, Presiding Officer. My app would not connect. I would have voted no.

The Deputy Presiding Officer: Thank you, Ms Stevenson. I will make sure that that is recorded.

Liz Smith (Mid Scotland and Fife) (Con): On a point of order, Presiding Officer. It is the same for me. I would have voted yes.

The Deputy Presiding Officer: Thank you, Ms Smith. I will make sure that that is recorded.

Russell Findlay (West Scotland) (Con): On a point of order, Presiding Officer. I would have voted yes.

The Deputy Presiding Officer: Thank you, Mr Findlay. I will make sure that that is recorded.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 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)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Eagle, Tim (Highlands and Islands) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (LD)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central 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)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Webber, Sue (Lothian) (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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don-Innes, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 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)
 Mackay, Gillian (Central Scotland) (Green) [Proxy vote cast by Ross Greer]
 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)
 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)
 Swinney, John (Perthshire North) (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 50, Against 66, Abstentions 0.

Amendment 56 disagreed to.

Amendment 57 moved—[Brian Whittle]—and agreed to.

Amendments 37 and 38 moved—[Jackie Baillie]—and agreed to.

16:00

Amendments 58 to 60 moved—[Brian Whittle]—and agreed to.

Amendment 61 moved—[Sandesh Gulhane].

Amendment 61A moved—[Sandesh Gulhane]—and agreed to.

The Deputy Presiding Officer: The question is, that amendment 61, as amended, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

Shona Robison: On a point of order, Presiding Officer. I am still having some difficulty. I would have voted no.

The Deputy Presiding Officer: Thank you, Ms Robison. I will ensure that that is recorded.

The Minister for Equalities (Kaukab Stewart): On a point of order, Presiding Officer. Apologies, but my app did not work in time. I would have voted no.

The Deputy Presiding Officer: Thank you, Ms Stewart. I will ensure that that is recorded.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 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)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (LD)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hoy, Craig (South Scotland) (Con)

Johnson, Daniel (Edinburgh Southern) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central 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)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don-Innes, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 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)
 Mackay, Gillian (Central Scotland) (Green) [Proxy vote cast by Ross Greer]
 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)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 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 51, Against 65, Abstentions 0.

Amendment 61, as amended, disagreed to.

Amendment 62 moved—[Brian Whittle]—and agreed to.

After section 40

The Deputy Presiding Officer: We move to group 5, on health and social care integration principles. Amendment 39, in the name of Jackie Baillie, is the only amendment in the group.

Jackie Baillie: Amendment 39 is a small amendment, so I should be quick.

At present, we have no power to update or amend the primary set of principles that apply to the planning and delivery of integrated health and social care services. Amendment 39 seeks to create a regulation-making power to amend the integration planning and delivery principles, which are set out in the Public Bodies (Joint Working) (Scotland) Act 2014. Any such regulations would be subject to the affirmative parliamentary procedure. The 2014 act sets out how those principles should be applied by local authorities, health boards and integration authorities. In creating that power, which allows us to amend existing principles, rather than creating new and separate ones, we will avoid adding complexity to the existing landscape of principles, outcomes and standards.

I move amendment 39.

Maree Todd: I welcome Jackie Baillie's amendment 39, which will allow regulations to be used to modify the integration planning and delivery principles in the Public Bodies (Joint Working) (Scotland) Act 2014. Updating the principles to reflect changes to policy in the law, and maintaining the current provision for how principles are applied and monitored, will support consistency and continuity, reducing the risk of creating additional complexity to any existing principles, outcomes or standards.

The Deputy Presiding Officer (Annabelle Ewing): I call Jackie Baillie to wind up and to press or withdraw amendment 39.

Jackie Baillie: I press amendment 39.

The Deputy Presiding Officer: The question is, that amendment 39 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

Shona Robison: On a point of order, Presiding Officer. I am still having technical problems. I would have voted yes.

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

Liam McArthur (Orkney Islands) (LD): On a point of order, Presiding Officer. My app froze. I would have voted yes.

The Deputy Presiding Officer: Thank you, Mr McArthur. Your vote will be recorded.

Alex Rowley (Mid Scotland and Fife) (Lab): On a point of order, Presiding Officer. I would have voted yes.

The Deputy Presiding Officer: Thank you, Mr Rowley. Your vote will be recorded.

Bill Kidd (Glasgow Anniesland) (SNP): On a point of order, Presiding Officer. I am afraid that my phone is even more tired than me. I would have voted yes.

The Deputy Presiding Officer: Thank you, Mr Kidd. 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)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)

Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don-Innes, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (LD)
 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)
 Mackay, Gillian (Central Scotland) (Green) [Proxy vote cast by Ross Greer]
 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)
 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)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)

Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowe, Sharon (South Scotland) (Con)
 Eagle, Tim (Highlands and Islands) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 92, Against 24, Abstentions 0.

Amendment 39 agreed to.

Amendment 63 moved—[Brian Whittle].

The Deputy Presiding Officer: The question is, that amendment 63 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 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)
 Dowe, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Eagle, Tim (Highlands and Islands) (Con)
 Findlay, Russell (West Scotland) (Con)

Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (LD)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, 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)
 Mochan, Carol (South Scotland) (Lab)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (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)
 Webber, Sue (Lothian) (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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don-Innes, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 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)
 Mackay, Gillian (Central Scotland) (Green) [Proxy vote cast by Ross Greer]
 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)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 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 50, Against 65, Abstentions 0.

Amendment 63 disagreed to.

Section 41—Reserving right to participate in procurement by type of organisation

The Deputy Presiding Officer: We turn to group 6, which is on care commissioning. Amendment 40, in the name of the minister, is grouped with amendments 41, 64, 42 and 43.

Maree Todd: I will begin with the amendments to section 41 of the bill. Section 41 will allow public bodies that contract for health and care services to confine the competition to win those contracts to third sector organisations. I believe that it is important for the health and social care services market that contracting authorities can, where appropriate, carve out a space that would allow third sector organisations to win contracts without always having to compete with the for-profit giants in the sector.

I also reiterate what I said at stage 2: we need to have a mixed-market model if we are to effectively deliver adult social care. That model must include third sector, for-profit and public sector providers, and section 41 will not prevent that. It will be up to individual contracting

authorities to decide which contracts to award through that reserved process, based on their knowledge of the local market and of particular issues in their area.

Amendments 40 and 41 in my name are technical amendments that will extend the range of contracts that can be made subject to that reserved process to include contracts for services to health boards and special health boards, as well as those services that are provided under the functions that are listed in the Public Bodies (Joint Working) (Scotland) Act 2014. That will ensure that the policy intent of extending reserved contracting processes to health and social care services is met.

Brian Whittle's amendment 64 would entirely remove section 41 from the bill, which would mean that there could not be a reserved contracting process for third sector organisations. That reflects Mr Whittle's view that there should be no reserved contracting process to support third sector organisations. That is his position. As I have said, it is not mine, nor was it the committee's position at stage 2, when the committee rejected an identical amendment from Mr Whittle. For that reason, I do not support his amendment 64, and I urge members not to support it.

I welcome Jackie Baillie's amendment 42, which seeks to place a duty on ministers to issue guidance on ethical commissioning for integrated health and social care services. We know from Derek Feeley's report and from feedback that we have had from providers, commissioners and people with lived experience of using those services that experiences differ between local authority areas. We do not want the quality of the care that is delivered to be dependent on a person's postcode. Commissioners, social care providers and those who use those services have told us that a single set of national guidance that sets out the principles of ethical commissioning and details of practical implementation would be beneficial, so I encourage members to support amendment 42.

I also welcome Jackie Baillie's amendment 43, which would require contracting authorities with expenditure of more than £5 million per annum to produce procurement strategies that set out how they intended to meet specific requirements of regulated procurement. Amendment 43 pulls together those procurement strategies with integration authority strategic plans so that a contracting authority that plans to carry out procurement for a health and social care integration authority would have to say in its procurement strategy how it would go about that in a way that was consistent with the integration authority's strategic plan.

Integration authorities have told us that the separation between their function of setting aims and objectives and the delivery function, which rests with local authorities and health boards, can give rise to tension. Amendment 43 would help to close the implementation gap between strategy and delivery by requiring the procuring authority to demonstrate consistency with the strategic plan of the integration authority.

In conclusion, I encourage members to support my amendments 40 and 41 and Jackie Baillie's amendments 42 and 43, and to reject Brian Whittle's amendment 64.

I move amendment 40.

Brian Whittle: Amendment 64 relates to section 41 of the bill. I note that the Scottish Government has slightly amended that section, but it is not immediately clear to me how the stated aim of having a more flexible and mixed market would be achieved through a mechanism that would allow one set of providers to be locked out of that market for certain contracts.

I have sought to query that with the minister and, although I received responses—almost all of which were keen to emphasise that the ultimate responsibility for the use of that mechanism would lie with local authorities—I am not sure that the Scottish Government has managed to make the position any clearer.

I have also had discussions with various stakeholders, who have ranged from being broadly in favour to being moderately concerned, with a fairly substantial number simply being ambivalent. I was sufficiently frustrated by the lack of detail on the practical application of section 41 that I felt it necessary to raise the matter in Parliament again. Ultimately, however, the third sector care providers that I spoke to about section 41 seem to be broadly supportive of it. As the minister knows, I hold the third sector in very high regard, and its broad support for the section is the reason why I have decided that I will not move my amendment 64.

16:15

Jackie Baillie: My amendments 42 and 43 follow amendments that Carol Mochan and I lodged at stage 2. Amendment 42 seeks to address the gap that was highlighted in the independent review of adult social care between the commissioning intent and what is ultimately delivered. Although ministers are not themselves responsible for commissioning social care, the amendment will place a duty on them to publish national ethical commissioning guidance in order to provide consistency of approach across Scotland. In preparing that guidance, ministers will have to consult each local authority, health board,

integration authority and integration joint monitoring committee, as well as representatives from various stakeholder groups that are involved in the delivery and receipt of care. That should ensure that the guidance is meaningful and takes account of practical considerations.

Amendment 43 will require the contracting authority's procurement strategy to be informed by the integration authority's strategic plan. It will basically close the implementation gap between policy and procurement practice by ensuring that the population needs assessment, commissioning decisions and plans that are designed with service users during the strategic planning process are actually reflected in the approach to procurement. Requiring procurement strategies to consider how procurement will deliver the strategic and commissioning objectives of integration authorities will empower procurement professionals to focus on practice that meets those authorities' priorities, thus furthering integration by providing alignment on the partnership's shared strategic objectives.

I urge members to support my amendments 42 and 43 and the minister's amendments in the group, and to reject Brian Whittle's amendment 64.

Carol Mochan (South Scotland) (Lab): I will speak briefly to amendment 42. Jackie Baillie and the minister have worked very hard to include international workers in new section 53A of the Public Bodies (Joint Working) (Scotland) Act 2014. It is important to acknowledge that the treatment of international workers can be less favourable, and we must combat that through ethical commissioning.

The Deputy Presiding Officer: I call the minister to wind up on the group.

Maree Todd: I confirm that I encourage members to support my amendments 40 and 41 and Jackie Baillie's amendments 42 and 43. I was pleased to hear that Brian Whittle does not intend to move amendment 64.

Amendment 40 agreed to.

Amendment 41 moved—[Maree Todd]—and agreed to.

Amendment 64 not moved.

After section 41A

Amendments 42 and 43 moved—[Jackie Baillie]—and agreed to.

The Deputy Presiding Officer: Before we move on to the next group, I wish to correct the record on a previous vote in group 4. The result of the division on amendment 61, as amended, was in fact: For 51, Against 66, Abstentions 0. That does not change the result of the vote.

After section 43

The Deputy Presiding Officer: Group 7 is on care inspectorate powers. Amendment 65, in the name of Sandesh Gulhane, is in a group on its own.

Sandesh Gulhane: The intention behind amendment 65 was to expand the enforcement powers of the Care Inspectorate with a view to improving standards of care, ensuring resources are available for increased use of inspection volunteers. However, after further discussions, I will not press amendment 65.

Amendment 65 moved—[Sandesh Gulhane].

Maree Todd: The provisions in amendment 65 were in an amendment that was lodged at stage 2, which I was unable to support in the end because it required ministers to make regulations dealing with matters that are already dealt with by primary legislation passed by this Parliament.

I am grateful that Sandesh Gulhane is not going to press amendment 65, and I suggest that we all breathe a sigh of relief.

The Deputy Presiding Officer: I call Sandesh Gulhane to wind up by pressing or withdrawing amendment 65.

Sandesh Gulhane: I seek to withdraw amendment 65.

Amendment 65, by agreement, withdrawn.

The Deputy Presiding Officer: Group 8 is on the social care workforce.

Clare Haughey: On a point of order, I understand that amendment 79 in this group, lodged by Jackie Baillie, contains provisions that are outwith the legislative competence of the Scottish Parliament, as they relate to employment rights and duties and industrial relations, which are, of course, reserved matters under schedule 5 of the Scotland Act 1998.

In line with rule 9.10.5 of the standing orders, which establishes four criteria for the admissibility of amendments—proper form, relevance, consistency with general principles and consistency with decisions already taken—can the Deputy Presiding Officer please confirm that legislative competence is not included in those criteria and that neither the assistance of parliamentary clerks in drafting an amendment nor the selection of an amendment for debate is an indication that an amendment is within the legislative competence of this Parliament?

The Deputy Presiding Officer: I thank Ms Haughey for her point of order. I advise that, as members will be aware, whether the subject matter of an amendment is within the legislative

competence of the Parliament is not one of the criteria that will determine its admissibility.

The Presiding Officer takes a view on the legislative competence of a bill at its introduction. Thereafter, it is a matter for the Parliament to decide whether to agree to an amendment that someone views as being outwith the Parliament's legislative competence. Whether that amendment is or is not outwith the Parliament's legislative competence can only be definitively determined by a court. Once a bill has been passed, various processes are in place—as set out in the Scotland Act 1998—that may be initiated if someone views a bill or any of its provisions as being outwith the Parliament's legislative competence. I trust that that responds to the member's point.

I would now like to turn to group 8—

Jackie Baillie: On a point of order, Presiding Officer. I want to respond to the point of order that has just been made. I had intended to deal with the matter during the debate, but I feel that there is a gap in the Parliament's procedures. I wonder whether, when determining competence beyond stage 1, rather than leaving it to the Scottish Government to advise, there is a role for Parliament. I wonder whether we could refer the issue to the Standards, Procedures and Public Appointments Committee and ask it to report back to Parliament on that issue at a later stage.

The Deputy Presiding Officer: I thank Ms Baillie for her point of order. I have stated clearly the current position of the Parliament. If the member wishes to promote a real change in the Parliament, the member knows exactly how best to go about that, given her years of experience in this place.

I hope that I can now turn to group 8, which is on the social care workforce. Amendment 66, in the name of Stephen Kerr, is grouped with amendments 76, 77, 79 and 80.

Stephen Kerr: Like some other members who have lodged and spoken to amendments at stage 3, I, too, come late to the party, as it was put earlier. However, I feel, after reading the bill as it stands, that there is an opportunity for us to strengthen the workforce planning element of social care. I therefore seek members' support for amendment 66, which seeks to introduce a reoccurring statutory audit of the social care workforce. It is a reasonable and measured proposal that is designed to strengthen the delivery and long-term sustainability of social care services in Scotland by ensuring that workforce planning is based on robust, regularly reviewed evidence.

The bill rightly focuses on empowering service users, strengthening rights and improving outcomes, but we must recognise that none of that

is achievable without a stable, supported and adequately resourced workforce. The success of the reforms for which we are legislating now will, ultimately, rest on the shoulders of those who are delivering care in our homes, communities and institutions. That is why we need a clear picture—not once, but repeatedly—of the state of that workforce, where the gaps and challenges are and where investment and reform are most needed.

Amendment 66 would place a duty on Scottish ministers to conduct an audit of the social care workforce every seven years. The audit must not only report on the state of the workforce, including concerns around capacity and retention, but include a plan to address any issues that are identified. It is a duty not just to analyse, but to act.

The seven-year timeframe is deliberate and considered. It is not about adding bureaucracy or duplicating existing short-term reporting; rather, it is about enabling deep, strategic assessments to inform major reform cycles. It aligns with long-term workforce planning horizons and would ensure continuity across sessions of Parliament and ministers. It would avoid the risk of constant short-term tinkering, while ensuring that there is regular and predictable scrutiny of what remains one of the most critical components of our care system.

Importantly, the definition of “social care workforce” in amendment 66 is broad and inclusive; it recognises not just those who are employed in traditional settings, but personal assistants, support workers and others who are working through self-directed support. It acknowledges that the sector is pluralistic and is delivered across the public, private and third sectors, and that it is increasingly shaped by individual choice and flexibility.

Any audit must reflect that complexity if it is to be useful. That is significant in particular for rural, remote and island communities, where workforce fragility is most acute. In such areas, a single staff vacancy can jeopardise service continuity, and workforce shortages can force unnecessary hospital admissions, isolate individuals and place intolerable burdens on unpaid carers.

Martin Whitfield: Stephen Kerr envisages an audit that is more than just a numbers game, in the form of a report that would be laid before Parliament. Is it in that report that he would anticipate that the Government must address the question of shortages in our rural and remote areas in particular?

Stephen Kerr: That is exactly the premise of the amendment—it is about not only collecting data, but using that data to form a plan on which action will be based. I agree with Martin Whitfield’s assessment and I am grateful for his intervention, because it is only by undertaking a regular,

detailed audit that examines capacity in those settings specifically that we can identify the unique challenges that we face and respond accordingly.

My amendment 66 is about not headline-grabbing measures, but the infrastructure of good governance and ensuring that we track and respond to the needs of those who do the work on which our care system depends. It is a modest but important step toward sustainability and accountability, and I urge my fellow members to support it.

I move amendment 66.

Carol Mochan: I thank the minister and her officials for their work in ensuring that I could bring back at stage 3 my amendments on fair work from stage 2—it is much appreciated.

I will speak to amendments 76 and 77. Amendment 76 would introduce a new duty on Scottish ministers to develop, through consultation, a fair work strategy for the care sector, and to publish it. The strategy would establish what constitutes fair work in the care sector and set out how ministers will monitor and report on the extent to which progress towards fair work is being achieved. Where there is an assessment that improvements need to be made in the arrangements for fair work in the sector, ministers will be able to set out actions to address those issues. That may include, for example, guidance on what constitutes good work practices.

16:30

Amendment 76 provides that the fair work strategy should be reviewed every three years, starting from the date that it is first published, which itself would be 18 months after the commencement of the provisions. Establishing a duty to review would ensure that, over time, the strategy and the assessment of what constitutes fair work remain focused on the key issues for the care sector and for its workforce. I also propose that the strategy be developed and kept under review through consultation, taking into account the views of those responsible for the delivery of care and those involved in the delivery and receipt of care services.

Amendment 77 would establish annual reporting by Scottish ministers on fair work in the care sector. Those annual reports would support the monitoring of progress on fair work as set out in the fair work strategy that is proposed in amendment 76. In the reports, ministers would be required to make an assessment of improvements made towards achieving fair work in the care sector during the reporting period. Where improvements are considered to be limited, ministers must set out the reason for that and any actions that they will take to make improvements.

Stephen Kerr's amendment 66 is very reasonable and I will support it. Of course, I will also support the amendments of my colleague Jackie Baillie, to which she will speak.

Jackie Baillie: I intend to speak to amendments 79 and 80. In my view, one of the glaring gaps in the bill is the failure to tackle the issue of fair work. Scotland is facing a workforce crisis in social care. Chronic low pay and poor terms and conditions mean that staff are leaving the sector and choosing to work in retail, where the pay is better and the pressure is less. We need to value our social care staff and make it a career that people want to choose.

I am pleased to see my friend Angela Rayner, as part of a UK Labour Government, driving forward the Employment Rights Bill. However, we do not need to wait. We in the chamber can act today in areas that are devolved.

Amendment 79 would place a duty on the Scottish ministers, to the same extent permitted by any other enactment, to negotiate employment conditions for social care in Scotland through sectoral bargaining. The amendment would also require the Scottish ministers to

"give effect to any minimum rate agreed through sectoral bargaining"

when determining the funding allocation for

"adult social care in the annual Local Government Finance Settlement, and ... issuing guidance in the Local Government Finance Circular"—

all of which are devolved.

I appreciate the concerns that the minister raised about the legal competence of the amendment. It is a matter that we have discussed before at some considerable length. Although I regard the amendment as being entirely competent—because it refers to sectoral bargaining in the context of the Scottish Government's devolved functions and nothing else—I would be prepared not to move it if the minister could make a robust statement on the progress of the Government's work on sectoral bargaining and its firm commitments for delivery.

Presiding Officer, you will appreciate my frustration: it has been more than four years since Derek Feeley published his report and the lack of progress on these matters is both frustrating and disappointing. As I said earlier, the Parliament should review its role in determining competence beyond stage 1, rather than leaving it to the Scottish Government, and I will write to the Standards, Procedures and Public Appointments Committee to ask it to do that.

Amendment 80, which is not judged to be incompetent, would require the Scottish Government to publish guidance to commissioning

authorities, including on sectoral bargaining processes and outcomes in contract conditions, contract notices, bid documentation, award criteria, contract awards and contract management. I have worked with the minister and her officials on other amendments to improve the implementation gap that exists in current procurement legislation and guidance. Amendment 80 seeks to go slightly further and ensure transparency and compliance with sectoral bargaining.

Maree Todd: Our workforce is at the heart of delivering health and social care services to the people of Scotland. The bill is crucial to ensuring that the workforce feel valued and supported.

Amendment 66 by Stephen Kerr would require ministers to audit the social care workforce every seven years. However, that would create a duplication of work that is already being done, which is why I do not support it. Mr Kerr might not be aware of this, but ministers already have a duty under section 58 of the Regulation of Care (Scotland) Act 2001 to monitor the number of social service workers that are needed and available, as well as other matters such as the adequacy of training provision for them.

On top of that, there are annual reporting duties on ministers under the Health and Care (Staffing) (Scotland) Act 2019. The Scottish Social Services Council produces an annual workforce report and there is also a national workforce strategy. There is no shortage of information that is already being produced that deals with exactly the matters that are talked about in Mr Kerr's amendment.

Of course, it is important that there is good quality data to inform policy on important issues. The Parliament has legislated in previous sessions to ensure that data exists in relation to the social care workforce. As a Parliament, we have to be very mindful that we do not waste taxpayers' money and divert public servants from serving the public by drowning them under layers of duplicative and unnecessary bureaucracy. That is what amendment 66 would do, and I urge members to reject it.

Martin Whitfield: My intervention on Stephen Kerr about his amendment 66 was specifically in relation to the challenge in our rural areas, where a lack of staffing can cause potential problems that should light up red on a dashboard of concerns. Will the minister confirm where in the current data and analysis we can see the potential for a crisis before it reaches a crisis?

Maree Todd: At the moment, Scottish ministers already have a duty under the Health and Care (Staffing) (Scotland) Act 2019 to prepare and lay before the Parliament an annual report on staffing and care services. That is a summary of how care

providers, local authorities and integration authorities are discharging their duties and the effect that staffing levels have on the discharge of those duties. It is also a summary of the steps that ministers have taken to support staffing levels in care services and to ensure that funding is available for them to assist the discharge of their duties, as well as how the above will be taken into account in determining the future supply of registered nurses, medical practitioners and other kinds of care professionals.

Because the 2019 act came into force in April 2024, the first ministerial report will be laid before Parliament in October this year. That might be why parliamentarians are unfamiliar with the richness of data and analysis that will be available through that report.

I am not against collecting and reporting on data. I am pleased to support Carol Mochan's amendments 76 and 77, which will require ministers to produce a fair work strategy for the care sector and to report on the extent to which fair work is being realised. Unlike Mr Kerr's amendment 66, that would not duplicate existing reporting requirements because there are currently no duties to report on fair work in the sector. The duty aligns with the Government's existing commitment to advance fair work in social care and the workstreams of the fair work in social care group to improve pay and conditions.

Annual reporting by ministers will ensure transparency on the data and on our assessment of progress, and it will provide accountability in any actions that are necessary to improve practice. I also welcome that the provisions provide time after commencement to develop an efficient and proportionate data collection and reporting process through consultation. The strategy should not create a reporting regime that places unnecessary burdens on the system.

I cannot support Jackie Baillie's amendment 79, which would require ministers to use sectoral bargaining to negotiate employment conditions. As we have already heard, the amendment is about industrial relations, a matter that is reserved to Westminster and therefore not within this Parliament's competence to legislate on. As members know, the Parliament has very limited scope to legislate in that area. Should the amendment be agreed to today, the whole bill might be referred to the Supreme Court, which would impede getting royal assent for the bill for months—possibly for the rest of the session.

Jackie Baillie: The minister will have heard me say clearly that she should put on record the progress that has been made so that people can see the advances in sectoral bargaining, which she would acknowledge is important to securing the workforce in social care.

Maree Todd: I certainly intend on doing that, but it is important that I set out the consequences of voting for amendment 79, too.

There are important provisions in the bill for which there is broad consensus for change across this Parliament, including Anne's law, the right to breaks from caring and independent advocacy. Those would be significantly delayed if the amendment is agreed to. That is why I find it extremely disappointing, given the clear issues of competence and the extensive engagement that has taken place since stage 2, that Jackie Baillie chose to lodge it.

I assure members that I am committed to progressing sectoral bargaining for the social care sector. The fair work in social care group has been working with the sector to develop a voluntary sectoral bargaining model to provide a mechanism to determine pay and terms and conditions on a voluntary participation basis.

The Scottish Government is constructively collaborating with the UK Government on its Employment Rights Bill. Although the provisions of that bill are being debated at Westminster, there is clear intent for it to establish provision for a national social care negotiating body for Scotland, which will offer the option of providing a statutory footing for setting pay and terms and conditions for the social care workforce through fair pay agreements.

With employment law being a reserved matter, it is only the UK Parliament that can introduce legislation in that area. Of course, I find that fact deeply regrettable. If Jackie Baillie does as well, we will be delighted to have her support in campaigning to have competence over employment matters and for industrial relations to be transferred to this Parliament.

Jackie Baillie: I look forward to the minister welcoming the actions of a UK Labour Government. It is delivering after four years of your having failed to do so.

The Deputy Presiding Officer: Always speak through the chair.

Maree Todd: The reality is that we are waiting for the UK Government to catch up with the intent of the Scottish Parliament.

It is rare that members will hear me say this in the chamber, but I am delighted with the UK Government's work on the Employment Rights Bill. It has worked closely with us to ensure that it is fit for the sector in Scotland, and I am pleased with that.

Jackie Baillie's amendment 80 is not beyond the Parliament's competence. I appreciate what she is seeking to achieve with it, but I regret that she did not work with us on its drafting because that is

suboptimal. The amendment would require ministers to produce guidance on sectoral bargaining and social care procurement that

“Contracting authorities must have regard to”.

Unfortunately, there is no definition of who the contracting authorities are that would be under the duty to have regard to the guidance, nor is there any definition of “social care procurement”. Therefore, it is unclear who “must have regard to” the guidance and in relation to what procurement activities. Those are fundamental points.

The amendment would also require ministers to take steps to support compliance with collective agreements. Again, there is a real problem with clarity here—there is no attempt in the amendment to define what a collective agreement is.

However, I support the intent behind amendment 80. Indeed, many of the elements that are called for in it are already in current guidance or under development. Although I have concern about the drafting, as I have set out, I appreciate that stand-alone guidance might provide an opportunity to emphasise the importance of and the commitment to sectoral bargaining in social care. Therefore, I will support it.

To summarise, I will support and encourage others to support Carol Mochan’s amendments 76 and 77 and Jackie Baillie’s amendment 80. I would ask Stephen Kerr not to press amendment 66, because that amendment duplicates existing law. I would invite Jackie Baillie not to move amendment 79, which risks causing the passage of the bill to be delayed for months by a referral to the UK Supreme Court.

16:45

The Deputy Presiding Officer: I call Stephen Kerr to press or withdraw amendment 66.

Stephen Kerr: Well, there is no occasion, regardless of the content of any bill in this place, that we do not get into constitutional hilarity. We have had our fair share of that in this group of amendments—[*Interruption.*] There is indeed a vow of silence actually.

The Deputy Presiding Officer: Let us have less chitchat from a sedentary position.

Stephen Kerr: I think that the minister has approached the issue in amendment 66 from—if I may say so—the wrong direction. It is about using data but not drowning in data. I do not think that the amendment would create a situation where our bureaucracy will be drowning in data.

I think that we need to use the data that is available to us and to seek opportunities to refresh and mine data in order to get us the information that we need to make good quality decisions, both

strategically and operationally. That is what the amendment seeks to do.

I was grateful for Martin Whitfield’s interventions, because the issue is not just with our urban areas, where there is a lot of focus; it is also about areas where staff issues are critical to delivery of any kind of service at all. I think that the strategic dimension of what is proposed in the amendment makes it a worthy amendment for members to support.

I again draw colleagues’ attention to the broadened definition in the amendment of “social care workforce”, which I think has value in and of itself. With that definition we would get the breadth as well as the depth of data that we require to maintain an on-going and viable social care service.

On that basis, I will press amendment 66.

The Deputy Presiding Officer: The question is, that amendment 66 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

The Acting Minister for Climate Action (Alasdair Allan): On a point of order, Deputy Presiding Officer. I attempted to vote no. I am seeking to find out whether it registered.

The Deputy Presiding Officer: No, your vote was not recorded. It will now be recorded.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 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)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Eagle, Tim (Highlands and Islands) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (LD)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)

Lennon, 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)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don-Innes, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 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)
 Mackay, Gillian (Central Scotland) (Green) [Proxy vote cast by Ross Greer]
 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)
 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)
 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 51, Against 66, Abstentions 0.

Amendment 66 disagreed to.

Section 43B—National Chief Social Work Adviser and National Social Work Agency

The Deputy Presiding Officer: Group 9 is on the national chief social work adviser. Amendment 67, in the name of Sandesh Gulhane, is the only amendment in the group.

Sandesh Gulhane: The reason for the amendment is the social work profession, so let me read directly from what the professional association for social work and social workers says about amendment 67:

“This is the most important amendment in the Bill from the perspective of the social work profession and its place in Scotland’s public services. Unless the legislation includes some high-level description of the functions of the National Chief Social Work Adviser, their role and purpose remain at the discretion of Scottish Ministers. Enshrining these functions and purpose in legislation ensures that the Adviser and the Agency have a clear statutory purpose in upholding the values and ethics of the social work profession within Government.”

I urge Parliament to support the very people who we are looking to empower—social workers—and vote for amendment 67.

I move amendment 67.

Maree Todd: I am afraid that I cannot support amendment 67, because it seeks to place in legislation further provision about the functions and purpose of the national chief social work adviser role. That would create restriction and would prevent the role from evolving flexibly to meet the changing needs of the social work sector. Furthermore, it would duplicate the

professional development functions that are already provided for in legislation by the Regulation of Care (Scotland) Act 2001.

Nor can I support the inclusion of social care in the amendment. Social care and social work are two distinct areas that should not be conflated. The amendment strays beyond Feeley's recommendations, which were clear about specific support for the social work sector.

One of my amendments at stage 2 has ensured that the Scottish ministers will have a designated national chief social work adviser and an agency named the national social work agency to support them. The NCSWA will be responsible for preparing an annual report for Scottish ministers on the state of social work services and the social work workforce.

Formalising the existing role of the chief social work adviser in statute signals its importance and centrality to the social work profession. The national chief social work adviser and the national social work agency will focus solely on social work and will promote and support the social work profession in Scotland.

Sandesh Gulhane: We have heard what the minister had to say, but I urge Parliament to listen to social workers, who want the amendment and have asked for it. I press amendment 67.

The Deputy Presiding Officer: The question is, that amendment 67 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

Shirley-Anne Somerville: On a point of order, Presiding Officer. I am unsure whether my vote has gone through, so I would like to check.

The Deputy Presiding Officer: Thank you, Ms Somerville, your vote has been recorded.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 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)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Eagle, Tim (Highlands and Islands) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)

Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (LD)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, 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)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
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 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)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 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)
 Mackay, Gillian (Central Scotland) (Green) [Proxy vote cast by Ross Greer]
 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)
 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)
 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 52, Against 66, Abstentions 0.

Amendment 67 disagreed to.

After section 43B

The Deputy Presiding Officer: Group 10 is on care entitlements and assessments. Amendment 68, in the name of Paul Sweeney, is grouped with amendments 69, 48A, 48B, 83 and 84.

Paul Sweeney (Glasgow) (Lab): I thank the minister for her collegiate manner in discussing the amendments. We agree on the intent behind them all, but it was a question of ensuring that the amendments' technical functions were correct. I also extend my thanks to her civil servants for their helpful involvement in drafting the amendments and getting them into the right place so that we can build consensus across the chamber. That was important, because the amendments' effects reflect what we heard throughout the bill's committee stage about the lived experience of many people in Scotland. I am sure that the casework of many members will contain similar experiences of disabled constituents who had care packages but had to move between local authorities.

Amendment 68 will require Scottish ministers to make regulations to ensure that community care services provided to a person with a disability are at least equivalent to those of the previous local authority area when they move to a new local authority area.

Pam Duncan-Glancy (Glasgow) (Lab): Does Paul Sweeney agree and acknowledge that: portability of social care across local authorities is a long-standing issue that has been experienced by many disabled people and other social care users; it has sometimes prevented them from taking up work or education opportunities or supporting other family members; and the passing of this amendment would be a fundamental shift that would help to support the human rights of disabled people across Scotland?

Paul Sweeney: I thank my friend for making that really important point. The function set out in the amendments will improve people's lives, and it is exciting to see the opportunity that it might provide for our country's disabled community and how it might improve their situation.

As I mentioned, when they move from one local authority area to another, the disabled person's care package should provide care that is at least equivalent, without further assessment being needed before the new local authority can carry out its own assessment or evaluation of the disabled person's needs. That might vary according to proximity to family or the conditions of the town or city that they live in, but the key point is that there should be no detriment. That is a very powerful function of the amendment, which I commend to the chamber.

Amendment 69 will require Scottish ministers to create regulations that specify timescales for an assessment of care needs for individuals who have a terminal illness. Another important factor that came through at the Health, Social Care and Sport Committee in our stakeholder engagement on the bill was the issue of the timeliness of care assessments. The regulations will specify timescales around reassessments for increased care as a person's terminal illness progresses.

I am sure that many of us went to the "Dying in the Margins" exhibition that was hosted by some of Scotland's hospices, which showed the appalling situation of care packages simply not keeping up with the progression of disease. Ultimately, it means that someone has a bad death and is not able to die on the terms that they would like, often in hospital or, for example, out of the familiar setting of their home because adaptations could not be made in time or care could not be provided in the home setting. We must avoid that at all costs, because the fact that it happens is a terrible indictment of our current situation. I found the exhibition very moving, and I

hope that the amendment will at least help to address some of the appalling cases that the exhibition featured. I commend it to the chamber.

Amendments 48A and 48B are largely technical in nature. They are about ensuring that those provisions do not impact on the Care Reform (Scotland) Bill once it is enacted and that they avoid any potential unintended consequences.

17:00

Amendment 83 sets out that regulations that are made as part of the duty on the Scottish ministers that will be created by amendment 68, in relation to continuity of services for persons who have a disability, are to be subject to the affirmative procedure. The amendment is slightly technical but, nonetheless, important.

Amendment 84 requires that regulations that are made as part of the duty on the Scottish ministers that will be created by amendment 69, in relation to timescales for assessment of persons who have a terminal illness, are also to be subject to the affirmative procedure. As an alumnus of the Delegated Powers and Law Reform Committee, I know how important the affirmative procedure is, so it is good to have such provisions in place, and I welcome the Government's support in that regard.

I commend all six amendments in the group to the Parliament.

I move amendment 68.

Maree Todd: I welcome and support all the amendments in the group, and I am grateful to Mr Sweeney for engaging constructively with me to get them right.

Amendment 68 and its connected amendments 48A and 83 will allow regulations to be made to ensure continuity of community care services when a person with a disability moves from one local authority area to another. We know how important it is for people to have that assurance so that they can move confidently from one part of the country to another without facing anxiety about major upheaval in their care arrangements.

Amendment 69 and its connected amendments 48B and 84 will allow ministers to specify timescales within which local authorities must undertake assessments and reassessments of the care needs of people with a terminal illness. It is especially important that the needs of people with a terminal illness are assessed and met quickly and that those needs are revisited regularly as their condition progresses.

I am grateful to Mr Sweeney for lodging the amendments in the group, and I encourage members to support them all.

The Deputy Presiding Officer: I call Paul Sweeney to wind up and to press or seek to withdraw amendment 68.

Paul Sweeney: I thank the minister for her support for my amendments. We are in no doubt about the impact that the amendments will have on disabled people, who can be assured that moving around will not have a detrimental impact on their care packages. That will provide greater opportunities for many disabled people in our communities across Scotland to move without fear.

Similarly, people who suffer from a terminal illness can have the comfort that their care needs will be evaluated more rapidly, so that we can avoid horrific situations in which someone faces death from a terminal illness in circumstances that they would not want to be in. There are too many such cases in Scotland. Once a person has passed away, their family will just be trying to get over their grief and will not necessarily be advocating improvements, so it is important for us, as parliamentarians, to rise to that challenge. I commend the relentless work of Scottish hospices in trying to improve the situation in Scotland.

I think that my amendments are very worthy improvements to the bill, and I press amendment 68.

Amendment 68 agreed to.

Amendment 69 moved—[Paul Sweeney]—and agreed to.

Section 13—Independent advocacy

The Deputy Presiding Officer: Group 11 is on independent information, advice and advocacy. Amendment 44, in the name of the minister, is grouped with amendments 71, 70, 72, 73, 45, 78, 47, 48, 82, 49 and 50.

Maree Todd: First, I will speak to the amendments in my name, which are simply technical in nature and will, I hope, be uncontroversial. Amendments 44 and 45 split section 13 into two sections, so that what will be left in section 13 will be a regulation-making power in relation to independent advocacy, with the regulation-making power in relation to independent information and advice appearing in a separate section. That will make the provisions easier to follow.

As a consequence of that change and the fact that section 13 was moved in the bill at stage 2, my amendments 47 to 50 reposition the order in which section 13 and the new section that will be created by amendment 45 are referred to in section 46, so that the list of section numbers will run in the right order after the bill is passed. The

amendments will not change the legal effect of the provisions.

Turning to the more significant amendments from other members, I welcome Brian Whittle's amendment 71 and encourage members to support it. It will provide for advocacy service standards to be introduced by regulations. I am committed to ensuring the delivery of high-quality independent advocacy across Scotland, and amendment 71 will help with that, allowing us to develop the standards and regulations by engaging with providers in the sector and the people they support.

I also welcome Mr Whittle's amendment 70, which would require the providers of independent advocacy, advice and information services to collect and anonymise data about those they help, and for Scottish ministers to review the data and publish a report on it. The lessons that we can learn from data on why people access those services could support improvements in the social care system. However, it is important that the collection and processing of anonymised data do not become overly burdensome for the relatively small organisations that operate in the sector. We need to consider that before laying the regulations.

I welcome Mark Ruskell's amendments 72, 73 and 82, which would put a definition of independent advocacy services into the bill, and I ask all members to support them. As I have touched on, I encourage members to support Mr Ruskell's amendment 78, which would put ministers under a duty to review and report on the provision of independent advocacy funded by them.

The Feeley review recommended an increase in the independent advocacy provision for people accessing social care support. I understand how important independent advocacy is in helping people to have their voice heard and in realising their rights, which is why we are providing £500,000 for the financial year 2026-27 to increase provision of those vital services. Stakeholders such as the Scottish Independent Advocacy Alliance support our taking an incremental approach to increasing provision in order not to overwhelm the sector.

Going forward, by reviewing and reporting on our independent advocacy provision in the first two years and then every four years thereafter we can ensure better planning and give more clarity to providers.

I move amendment 44.

The Deputy Presiding Officer (Liam McArthur): I call Brian Whittle to speak to amendment 71 and other amendments in the group.

Brian Whittle: The bill has shone an unexpected light on independent advocacy. I am glad that I was able to work with the minister and her officials to get agreement to amendment 71. The amendment requires advocacy services standards to be introduced in secondary legislation, to ensure a consistent level of quality for all independent advocacy providers in relation to public social care services across Scotland. It will also help to ensure the delivery of high-quality independent advocacy provision, as anyone who provides independent advocacy to support someone receiving public social care services must comply with those standards.

Before lodging amendment 70, I consulted the Scottish Independent Advocacy Alliance, which I understand is concerned about the amendment's interaction with Mark Ruskell's amendment 78. I await his speech on that amendment, although I note that the Scottish Government plans to vote for it. Amendment 70 seeks to understand the reasons why people are engaging with independent advocacy. Does that arise from a need for additional support or simply a need to navigate the system?

If the amendment is agreed to, anonymised data will be collected to inform ministers about how the social care system is working, so that they have the evidence base to make improvements. Over time, if ministers use that data effectively, there is also the potential to decrease pressure on the sector, as fewer people will engage an independent advocacy service to navigate the social care system when no additional support is required. I am glad that the minister has indicated her support for amendment 70.

Amendments 72 and 73, in the name of Mark Ruskell, would strengthen the definition of independence beyond the stage 2 wording, and I urge members to support them.

The Deputy Presiding Officer: I call Mark Ruskell to speak to amendment 72 and other amendments in the group.

Mark Ruskell: I thank the minister and officials for their constructive engagement on this important issue, which came up at stage 2. There is consensus on the group, and we are happy to support Mr Whittle's amendments and the Government's amendments.

Amendments 72 and 73 are designed to provide a clearer definition of independent advocacy services in order to avoid ambiguity in how the legislation is applied. The definition is important in ensuring that advocacy is genuinely independent, which is critical to people being properly supported to have their voices heard. I hope that the amendments will improve awareness and

understanding of that support to help people to realise their human rights.

Amendment 78 would require the Scottish ministers to review and report on the provision of independent advocacy that is funded by them—first within two years of the provision coming into force and then every four years after that. The Scottish ministers will be required to publish and lay before Parliament a report outlining an assessment of where the provision of independent advocacy has increased during the review period. If that has not happened, the report should set out what steps the Government intends to take to ensure that the availability of independent advocacy services increases before the next review period ends.

The amendment would provide greater transparency of what is being done to ensure that independent advocacy is available to those who really need it in order to be empowered. It would ensure that Scottish ministers deliver on the approach that is supported by the Scottish Independent Advocacy Alliance—that of incrementally increasing funding year on year for independent advocacy. I take on board the minister's comments that the sector does not want to be overwhelmed, but I think that the incremental approach will work well, and the amendments in this group would help to provide the right direction for that.

Paul Sweeney: I extend my thanks to the minister, to Mr Whittle, a member for South Scotland, and to Mr Ruskell, a Mid Scotland and Fife regional member, who have all submitted excellent amendments to support the provision of independent advocacy. It is heartening to see such cross-party support for independent advocacy. I hope that that support will continue long after the bill has passed and become an act of Parliament, to ensure that it is given good effect in the country.

I hope that the support for the amendments from across the chamber shows how highly independent advocacy is valued by members across the Parliament, as well as showing our commitment to building up a stronger independent advocacy sector in this country.

For many of our constituents, the many different Government bodies, private providers and third sector organisations that they encounter and have to navigate when trying to access care can make for a confusing and distressing experience, and that is probably the last thing that they need. The work of independent advocates means that those constituents know that they do not have to navigate those complex systems alone. Instead, they can get expert advice and assistance that is always on their side in getting the best outcome for the person concerned.

It is for that reason, in particular, that Labour will support all the amendments in this group. Together, they would put independent advocacy at the heart of social care while creating a duty on ministers and the Government to build up and support the independent advocacy sector in this country. That is a major step forward in legislation. Although there is still a lot of work to be done to increase provision for independent advocacy support across Scotland, the proposals are nonetheless a step forward in legislation. I hope that the Parliament will join Labour in supporting the amendments.

The Deputy Presiding Officer: I invite the minister to wind up.

Maree Todd: As members have said, independent advocacy is absolutely vital in helping people to have their voice heard and to realise their rights. It sounds as though there is consensus in supporting the sector to flourish and grow, as was envisioned by Derek Feeley in his review. I thank members for that.

Amendment 44 agreed to.

Amendments 71 and 70 moved—[Brian Whittle]—and agreed to.

Amendments 72 and 73 moved—[Mark Ruskell]—and agreed to.

After section 13

Amendment 45 moved—[Maree Todd]—and agreed to.

The Deputy Presiding Officer: Group 12 is on projection of care needs. Amendment 46, in the name of Jackie Baillie, is grouped with amendment 51.

Jackie Baillie: This is another short group. To transform social care, it is important that we have a better understanding of projected needs. If we do so, we will be able to assess the progress that is being made for the people of Scotland. Amendment 46 would give us the opportunity to be data driven in our pursuit of social care reform, with Scottish ministers producing a report before the end of 2026 and every five years thereafter on projected social care needs over a 10-year horizon. We would then be better able to plan for the future and deliver the change that we all want to see.

Amendment 51 is consequential to amendment 46. I commend both amendments to members.

I move amendment 46.

17:15

Maree Todd: I welcome Jackie Baillie's amendments. I am committed to increasing the

understanding of social care needs to inform and support health and social care reform.

Last week, the Scottish Government published an analysis of self-reported unmet care and support needs in older adults aged over 65. Amendment 46 will build on our evidence-led approach, requiring ministers to periodically evaluate how needs might change in the coming years and to continue to develop our approaches to further increase understanding, particularly around the kind of needs that are unmet and why that might be the case.

As I have said in the discussions about other groups this afternoon, I am pleased to support data and evidence gathering with a purpose. I encourage all members to support amendments 46 and 51.

The Deputy Presiding Officer: I call Jackie Baillie to wind up and to press or withdraw amendment 46.

Jackie Baillie: I have nothing to add, Presiding Officer, other than that I press amendment 46.

Amendment 46 agreed to.

The Deputy Presiding Officer: Group 13 is on social care market monitoring. Amendment 74, in the name of Katy Clark, is grouped with amendments 75 and 85.

Katy Clark: I thank the minister for her time in discussions since stage 2 so that the drafting of amendments could be agreed on to improve transparency on tax and ownership. I am very grateful to her officials for their work on the drafting of the amendments.

Amendment 74 will require Scottish ministers to make publicly available a report on the state of the social care market in Scotland every three years. The report could contain information about

“the composition of the market by reference to such factors such as the scale of the economic operators in the market and their status as for-profit bodies, public bodies or third sector bodies”.

The report could also include information on

“the level of profit being made by operators in the market”

or the tax status of operators.

There are significant amounts of money in the Scottish care home sector. However, the sector also faces significant challenges with the quality of care, staffing resources and worker pay, which the Scottish Trades Union Congress indicates now lags behind that in the rest of the UK.

There has been a change in the nature of the sector, and on-going funding pressures are leading to the closure of a growing number of care homes, particularly in rural areas, with almost half

of all care homes nationwide reporting a decrease in the number of placements.

As I said, there are significant amounts of money in the sector. Under amendment 75, Scottish ministers will be able to

“require a person to supply them with information that ... is in the person’s control, and ... may be relevant to the Scottish Ministers’ function of reporting”

on social care markets.

Amendment 85 will subject regulations to the affirmative procedure. All the amendments are about transparency, information and accountability to the taxpayer.

Alex Cole-Hamilton: The Lib Dems are interested in the amendments, and it is clear that Katy Clark has worked with the Government to make them competent. What analysis have she and Government officials undertaken on the impact that the provisions might have if they prove to be too onerous? Might they act as a disincentive to private providers entering the care sector in Scotland? Particularly in the Highlands, care homes are closing hand over fist, and we need to attract new providers into the sector. What analysis has she done on the impact on their interest in Scotland?

Katy Clark: The focus has been to consider issues that are associated with the changing nature of ownership in the sector. I will speak a little about that and perhaps come back to Alex Cole-Hamilton’s point.

Earlier in the debate, I spoke about issues that relate to offshore ownership in the sector, which is, increasingly, a problem. I will say a little bit about one particular situation.

According to work that was done in 2016, across the UK in general, five large chains accounted for almost 20 per cent of beds. I suspect that the figures would now show more of a concentration of ownership.

One example that members might be aware of or might have been involved in as constituency representatives was the 2011 collapse of Southern Cross Healthcare, which was owned by the Blackstone Group. The consequences of that collapse affected 31,000 care home residents across the UK. Many of those care homes were in Scotland, including in the constituency that I represented at the time.

Many Southern Cross care homes were sold to Four Seasons Health Care, which was owned by the Jersey-based equity firm Terra Firma. In April 2017, 220 care homes and 17,000 residents were affected when that organisation also became bankrupt. Four Seasons, like many private equity operations, had a complex corporate structure.

The *Financial Times* reported that it consisted of 200 companies arranged in 12 layers across at least five jurisdictions, including several offshore territories, and that tax avoidance and profit shifting were central to its operations in a model that is known as financialisation. There are clearly significant issues in the sector, although Alex Cole-Hamilton may be thinking of a slightly different example.

The report that would come to the Parliament would be about improving transparency and scrutiny and would look at issues such as who owns the sector, how it is being operated and whether it is being operated in the public interest. We know that any failure in the sector affects our constituents. Southern Cross is a good example of the distress that is caused when a care home goes bust or ceases to operate, and the difficulties that that causes those who rely on that service and their families.

The amendments in this group are geared towards transparency, scrutiny and bringing to the fore some of the issues that Alex Cole Hamilton has brought to the chamber today. We know that there is a range of providers within the sector, from small family-owned businesses and third sector organisations to the multinationals and offshore trusts that I have spoken about.

Paul Sweeney: My friend is making a powerful point. Statistics that I have seen say that 77 per cent of the care sector in Scotland is privately owned and that, according to the Scottish Trades Union Congress, the average profit extraction per bed is around £4,000. Greater analysis of the rent that is extracted from care is really important in driving public policy, because the model is clearly unsustainable.

Katy Clark: As Paul Sweeney knows, it is our money that is being spent on paying for those services, and the Parliament must take an interest in that.

The purpose of my amendments in the group and of the discussions that I have had with the minister is to ensure that accurate information is regularly provided to the Parliament so that we can understand what is happening in the sector, debate the issues and make public policy decisions on that basis. I hope that Parliament will feel able to support the amendments today.

I move amendment 74.

Maree Todd: I welcome, and will support, Katy Clark's amendments.

Amendment 74 and the supporting amendment 85, which would require ministers to report on the social care market in Scotland, would be an important step in enabling increased financial transparency in the market, which is something

that I know that stakeholders have been calling for. It would, for the first time, give a clear national picture of the social care market in Scotland.

In order for ministers to be able to produce reports on the shape of the market, they will need to have the necessary market information, and amendment 75 would give us the powers needed to obtain that information.

I appreciate that service providers may be concerned about the potential burden of data collection, which is an issue that Mr Cole-Hamilton raised. However, I see the benefit of having in the public domain information about the state of the market, and I believe that the requirement to provide information that is relevant to the production of such reports is entirely proportionate and, indeed, minimal. Reporting will be done only every three years and we will, of course, work with the sector on implementation.

I encourage all members to support all the amendments in the group.

Alex Cole-Hamilton: I am grateful for the clarifications that both Katy Clark and the minister have offered. My intention in my intervention was not to question the need for greater transparency in the market—they both articulated very well why that is needed—but to make sure that the provision is as surgical as possible so that we do not have the unintended consequence of perhaps dissuading additional providers from entering the marketplace.

Maree Todd: As I said, we are keen to ensure that the requirement to provide information is proportionate and minimal so that it does not place a burden on people who operate in the sector. We are keen to have a healthy market in Scotland—particularly in the Highlands, which is an area that is very close to my heart—and to ensure that we do not dissuade people from coming into the sector.

The Deputy Presiding Officer: I invite Katy Clark to wind up and press or seek to withdraw her amendment 74.

Katy Clark: I press amendment 74.

The Deputy Presiding Officer: The question is, that amendment 74 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is now closed.

Brian Whittle: On a point of order, Presiding Officer. My app would not connect. I would have voted no.

The Deputy Presiding Officer: Thank you, Mr Whittle. I will ensure that that is recorded.

Alex Rowley: On a point of order, Presiding Officer. I would have voted yes.

The Deputy Presiding Officer: Thank you, Mr Rowley. I will ensure that that vote is recorded.

Tim Eagle (Highlands and Islands) (Con): On a point of order, Presiding Officer. Apologies—my app would not connect. I would have voted no.

The Deputy Presiding Officer: Thank you. I will make sure that that is recorded, Mr Eagle.

Alexander Stewart (Mid Scotland and Fife) (Con): On a point of order, Presiding Officer. My app did not connect either. I would have voted no.

The Deputy Presiding Officer: Thank you, Mr Stewart. I will ensure that that vote is recorded.

Shona Robison: On a point of order, Presiding Officer. I think that I connected and voted yes, but I just wanted to check.

The Deputy Presiding Officer: I can confirm that your vote was recorded, Ms Robison.

Tess White (North East Scotland) (Con): On a point of order, Presiding Officer. I would have voted no.

The Deputy Presiding Officer: Thank you, Ms White. I will ensure that that is recorded.

Bill Kidd: On a point of order, Presiding Officer. I got a connection error. I would have voted yes.

The Deputy Presiding Officer: Thank you, Mr Kidd. I 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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foyso (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)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)

Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (LD)
 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)
 Mackay, Gillian (Central Scotland) (Green) [Proxy vote cast by Ross Greer]
 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]
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (Alba)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 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)
 Dowey, Sharon (South Scotland) (Con)
 Eagle, Tim (Highlands and Islands) (Con)
 Findlay, Russell (West Scotland) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 92, Against 25, Abstentions 0.

Amendment 74 agreed to.

Amendment 75 moved—[Katy Clark].

The Deputy Presiding Officer: The question is, that amendment 75 be agreed to. Are we agreed?

Members: No.

17:30

The Deputy Presiding Officer: There will be a division.

The vote is now closed.

Alexander Stewart: On a point of order, Presiding Officer, I am still having difficulty connecting. I would have voted no.

The Deputy Presiding Officer: Thank you, Mr Stewart. I 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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foyso (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)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (LD)
 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)
 Mackay, Gillian (Central Scotland) (Green) [Proxy vote cast by Ross Greer]
 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]
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (Alba)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)

Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 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)
 Dowe, Sharon (South Scotland) (Con)
 Eagle, Tim (Highlands and Islands) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 91, Against 26, Abstentions 0.

Amendment 75 agreed to.

Amendments 76 and 77 moved—[Carol Mochan]—and agreed to.

Amendment 78 moved—[Mark Ruskell]—and agreed to.

The Deputy Presiding Officer: Group 14 is on reports on bill costs and operations. Amendment 81, in the name of Brian Whittle, is grouped with amendment 87.

Brian Whittle: Amendment 81 seeks to place a duty on ministers to prepare and publish a report on the outcomes of the bill. Quite frankly, I should not have to say any more than that. However, given the reluctance of the Scottish Government and the significant revisions that the bill has gone through, it is important that we are able to monitor and evaluate how the bill performs on the ground.

Much of what I have said must be in the report is already collected. However, as the bill establishes the national chief social work adviser—a new position—and the national social work agency—a new body—data has not previously been collected on them. In addition, a number of changes have been made in relation to

rights to breaks for carers. Most of the data around carers is already collected via the carers census or is already held by third sector organisations or local authorities.

Lastly, the bill seeks to be the legislative vehicle for information sharing and usage between individuals and organisations in the health and social care system to allow for digital integrated health and social care records. The digital health and social care directorate already provides updates on its work, but it is not required to do so by law. Amendment 81 is about providing the element of scrutiny that is needed with such a bill.

Turning to amendment 87, I am aware from my meetings with the minister that the financial memorandum has been revised and that she has appeared at the Finance and Public Administration Committee to take questions on it. However, given the significant revisions to the bill, I believe that it is right that the cost of the bill is calculated and published before commencement.

My concerns and the concerns that were expressed by stakeholders during the committee evidence sessions about the cost of the bill are echoed by the Law Society of Scotland, which has said:

“We remain of the view that the impact of the Bill on improving outcomes for the end users of social care services will depend on these details of implementation, which must be fully costed, evaluated and consulted upon to ensure that the Bill’s objectives are achieved without unintended consequences.”

In the end, I think that the report that amendment 87 seeks to provide would ensure that the Government was able to budget appropriately in the future so that the bill’s provisions would be fully funded. I say again that most of the details and data that would be required are already collected.

I move amendment 81.

Stephen Kerr: I will speak in support of amendments 81 and 87, both of which are in the name of my friend and colleague Brian Whittle. They seek to make modest yet essential additions to the bill. They are amendments that aim to strengthen accountability, embed transparency and—most important—shift our focus from what we spend to what we achieve.

Amendment 81 would require the Scottish ministers to prepare and publish, every five years, a detailed report and evaluation of the intended outcomes, not as a bureaucratic exercise but as a practical tool for ensuring that the bill’s aspirations are not just articulated in law but delivered in practice. Far too often, we legislate with the best of intentions, only to leave the impact unmeasured. As a Parliament, we are not particularly good at post-legislative scrutiny—in

fact, that might be an understatement—and amendment 81 seeks to change that.

What matters most is not the input, the money that we spend or the number of strategies that are published, but the outcomes that we deliver. How many young carers are now getting the breaks that they need? Are the adult carers seeing the support plans that they have been promised materialise on time? Are the new rights and services that the bill envisages being accessed equitably across the country? Are we, as we claim, improving standards in the workforce and achieving the integration of services?

The report that amendment 81 would require to be produced would focus on precisely those types of questions. It would include specific metrics, such as the number of carers' statements that are produced within new statutory timescales; the uptake of short breaks; and the delivery of the digital health and care record. It would also include space for reflection on the broader impacts, especially around service standards and structural changes such as the new national social work agency.

The timeframe of five-yearly reporting strikes the right balance. It would avoid overburdening Government or services with annual paperwork, while ensuring that each session of Parliament would see at least one comprehensive assessment of delivery. That would allow members, committees, stakeholders and—crucially—the public to hold Government to account.

Amendment 87 complements that by addressing financial accountability. It would require that, before any regulation-making powers under section 47(2) are exercised, ministers publish a report on the estimated costs arising from the bill. That is not about second-guessing legislative intent; it is about equipping Parliament with the fiscal clarity that is needed to make informed decisions. There is a long-standing tendency in Governments of all colours to announce new powers and duties without having a clear sense of the full financial consequences. Amendment 87 seeks to counter that tendency with a straightforward principle: transparency first.

Amendments 81 and 87 speak to the same concern: that we must move beyond input-driven policy making and focus squarely on outcomes. We need to know—and not assume—that the interventions that we pass in legislation in the Parliament are working, and that is especially true in an area as vital and personal as social care. Families, carers and workers deserve more than promises—they deserve proof that the system is improving.

Amendments 81 and 87 would improve the bill. They would ensure that delivery would be not only monitored but measured. They are reasonable, proportionate and entirely consistent with the spirit of the legislation, and I commend them to Parliament.

Jackie Baillie: I welcome Mr Whittle's amendments, in the light of the concerns that have been expressed about the costs associated with the bill. I know that people do not like to hear this, but around £31 million has been spent to date; there are at least 200 civil servants working on the bill; and the Government has paid millions to KPMG and other private sector consultants, while not a single penny has gone towards increasing care packages. We need to ensure that the bill will be implemented, and the money is there to do that. It is, therefore, my sincere hope that lessons are learned after the bill is passed, and that the Government moves away from framework bills that have little detail and even less financial robustness. I move that we support Mr Whittle's amendments.

Maree Todd: I do not support either of the amendments in this group. As I have already said, we, as a Parliament, must be mindful of the need not to impose on the public sector needless administrative burdens that waste taxpayers' money and divert public servants needlessly away from front-line duties.

Brian Whittle: Minister, you already collect most of this data. Where is the administrative burden?

The Deputy Presiding Officer: Please speak through the chair.

Maree Todd: Amendment 81 would place ministers under an extraordinarily vague duty to gather data that is not otherwise being collected. It gives a list of things that the report must include. Data is already collected on much of what is listed, but that list is expressly declared to be non-exhaustive. The amount of data that could be collected, but is not, is near infinite. Much of the data that is not collected is not collected precisely because it would have no utility, yet that is the very data that amendment 81 would mandate the Government to collect.

Where there has been clear, demonstrable value in doing so, I have supported amendments that will require the Government to collect information and report on matters such as fair work, the state of the social care market, and the provision of independent advocacy services. If Mr Whittle had lodged an amendment that identified specific information that he wanted to be collected, I might have supported him in that. However, I cannot support the imposition on ministers of such an incredibly vague duty to collect whatever data

is not otherwise being collected. It would be irresponsible to do so.

I ask members not to support amendment 81, in order to allow care providers to focus their resources where they are needed most.

Martin Whitfield: In the light of the contribution with regard to post-legislative scrutiny and the ability for Parliament to return to the bill once it has been enacted, what was the Government's thinking on that and how do we see it encompassed in the bill? In its latest form, it has been created entirely over the period in which post-legislative scrutiny has been a consideration of this Parliament.

Maree Todd: Brian Whittle's amendment 87 is a retread of the amendment that he lodged at stage 2, which the committee rightly rejected. I am disappointed to see that Mr Whittle has brought it back. The effect of amendment 87 would be to hold up the coming into force of every reform in the bill, pending further reporting.

Let me be clear: Parliament has well-established mechanisms for scrutinising the costs and impact of legislation. Indeed, Mr Whittle, as a member of this Parliament, has every opportunity to question the Government at any time on its spending decisions.

I repeat what I said at stage 2. Mr Whittle's amendment is simply a cynical attempt to slow things down by adding to the processes that the Parliament has chosen to put in place to assess the costs of legislation.

Stephen Kerr: I am very disappointed to hear the minister describe the amendments as "cynical", when what we are trying to do is put the focus and emphasis on the legislation's impact on the lives of the people who receive the service. I think that she should reconsider the description of the motive that my colleague Brian Whittle had in lodging amendments 81 and 87. I do not think that she is doing her argument any favours by describing his approach, or the approach of those who support the amendments, as cynical. I hope that she will reconsider.

Maree Todd: The only purpose of the amendments is to hinder progress on vital reforms, such as improving the flow of information through our health and social care systems and delivering breaks for carers and Anne's law. That is why I have used the term "cynical". I have not used it lightly. I urge members to reject both amendments in this group.

The Deputy Presiding Officer: I invite Brian Whittle to wind up and to press or withdraw amendment 81.

Brian Whittle: Cynical, am I? Good intentions are one thing, but how we deliver is another. If we

do not measure delivery, how on earth will we know whether our good intentions have come to pass?

The reality is that most of the information that is required is already collected, and amendment 81 would give the minister the power to determine what should be in the list. I find it quite frustrating that, once again, the Government is trying to hide behind some sort of legislation.

As I said, good intentions are one thing, but delivering on the ground is another. During the time that I have been in the Parliament, this Government has been very poor in its delivery. I hope that the rest of the members in the chamber see sense and vote in favour of my amendments.

I press amendment 81.

17:45

The Deputy Presiding Officer: The question is, that amendment 81 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): On a point of order, Deputy Presiding Officer. Despite the technician's endeavours, which I applaud, I have been unable to vote. I would have voted no.

The Deputy Presiding Officer: Thank you, Ms Grahame. I will ensure that that vote is recorded.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 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)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (LD)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central 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)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Callaghan, Stephanie (Uddingston and Bellshill) (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)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 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)
 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)
 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)
 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) [Proxy vote cast by Ross Greer]
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)

The Deputy Presiding Officer: The result of the division is: For 50, Against 60, Abstentions 7.

Amendment 81 disagreed to.

The Deputy Presiding Officer: Amendment 79, in the name of Jackie Baillie, has already been debated with amendment 66.

Jackie Baillie: I am happy to not move the amendment in favour of a UK Labour Government delivering for social care workers in a way that the SNP has simply failed to do for four years.

Amendment 79 not moved.

Amendment 80 moved—[Jackie Baillie].

The Deputy Presiding Officer: The question is, that amendment 80 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foyso (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)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (LD)
 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)
 Mackay, Gillian (Central Scotland) (Green) [Proxy vote cast by Ross Greer]
 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]
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 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)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
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 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)

Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 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)
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 Eagle, Tim (Highlands and Islands) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 91, Against 26, Abstentions 0.

Amendment 80 agreed to.

Section 46—Regulation-making powers

Amendment 47 moved—[Maree Todd]—and agreed to.

Amendment 48 moved—[Maree Todd].

Amendments 48A and 48B moved—[Paul Sweeney]—and agreed to.

Amendment 48, as amended, agreed to.

Amendment 82 moved—[Mark Ruskell]—and agreed to.

Amendment 49 moved—[Maree Todd]—and agreed to.

Amendments 83 and 84 moved—[Paul Sweeney]—and agreed to.

Amendment 50 moved—[Maree Todd]—and agreed to.

Amendment 85 moved—[Katy Clark].

The Deputy Presiding Officer: The question is, that amendment 85 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

Roz McCall (Mid Scotland and Fife) (Con): My apologies—my app would not connect initially, but it now looks like my vote against the amendment has gone through.

The Deputy Presiding Officer: I can confirm that your vote was recorded, Ms McCall.

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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foyso (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)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (LD)
 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)
 Mackay, Gillian (Central Scotland) (Green) [Proxy vote cast by Ross Greer]
 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]
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (Alba)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 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)
 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)
 Dowey, Sharon (South Scotland) (Con)
 Eagle, Tim (Highlands and Islands) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 92, Against 25, Abstentions 0.

Amendment 85 agreed to.

Section 47—Commencement

Amendment 51 moved—[Jackie Baillie]—and agreed to.

Amendment 86 not moved.

After section 47

Amendment 87 moved—[Brian Whittle].

The Deputy Presiding Officer: The question is, that amendment 87 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 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)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (LD)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central 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)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)

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, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don-Innes, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 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)
 Mackay, Gillian (Central Scotland) (Green) [Proxy vote cast by Ross Greer]
 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)
 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)
 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 50, Against 68, Abstentions 0.

Amendment 87 disagreed to.

Section 48—Short title

The Deputy Presiding Officer: Amendment 88, in the name of Brian Whittle, is in a group on its own. I call Brian Whittle to speak to and move amendment 88.

Brian Whittle: To many people, the bill does not constitute true reform and is not a reflection of what it set out to do. It is a shadow of what it should have been and has been subject to divisive debate throughout its passage. However, I acknowledge that there are provisions in the bill that will obviously benefit many people across Scotland. I feel that the content matters more than its name. In the spirit of a lack of cynicism, I will not press amendment 88.

Amendment 88 moved—[Brian Whittle].

Alex Cole-Hamilton: I am saddened that my colleague Brian Whittle will not press the amendment to a vote, but I will not do so, either. However, it bears repeating that we in this chamber are sent to this place to pass legislation, and it is our solemn duty to pass legislation that is competent, relevant and accurate. Frankly, the bill before us does not represent that, and the title of the bill is not accurate about what it represents.

In the foothills of this legislation, the Government had grand ideas about completely reforming and reshaping the care sector. It was to be done through a means that we fundamentally disagree with, but we recognise that it would still have represented a reform. However, the bill has been utterly hollowed out by the welcome removal from its pages of the national care service, which represented a ministerial power grab and nothing more. A lot of time and money has been wasted on that. In proceeding with the vague fiction that the bill is still some kind of reform, it seems like we are failing in our duties to pass relevant legislation. However, if Brian Whittle is not going to press amendment 88 to a vote, neither will I.

Maree Todd: I do not support Mr Whittle's amendment, and I am grateful that he will not press it. The short title of a bill should give a fair summary of its content, as it helps to index the statute book for users of it. The wording "Social Care and Support", which Mr Whittle's amendment proposed, fails to meet that standard. The bill is

significantly concerned with healthcare as well as with social care.

Its current short title, which was changed at stage 2, properly signifies the full range of the bill's content by referring to care in the round, which is a precedented approach in the conventions for assigning short titles. We rehearsed those arguments during stage 2. At the time, I explained that the short title needs to reflect the content of the bill. It is disappointing that the issue has come back at stage 3, but I am grateful that Mr Whittle will not press the amendment to a vote.

The Deputy Presiding Officer: Mr Whittle, will you confirm that you are withdrawing the amendment?

Brian Whittle: I seek to withdraw the amendment.

Amendment 88, by agreement, withdrawn.

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

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

We will have a brief pause while members leave the chamber and before we move to the stage 3 debate, but I urge them to do so as quickly and as quietly as possible.

18:00

Meeting suspended.

18:01

On resuming—

Care Reform (Scotland) Bill

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is a debate on motion S6M-17858, in the name of Maree Todd, on the Care Reform (Scotland) Bill at stage 3. I invite members who wish to speak in the debate to press their request-to-speak buttons.

18:01

The Minister for Social Care, Mental Wellbeing and Sport (Maree Todd): Thank you, Presiding Officer, for the opportunity to address the Parliament today on the Care Reform (Scotland) Bill. I thank the convener and members of the Health, Social Care and Sport Committee and all the other committees that were involved for their diligent scrutiny of the bill, as well as members and their researchers who contributed and engaged with us on amendments to the bill.

I also thank stakeholders from across the health and social care landscape and everyone who contributed to co-design. Thousands of people from across Scotland with lived experience of accessing care have given us their time and expertise to shape the bill and wider social care reform. Their voices have inspired lasting meaningful change.

There is broad agreement that Scotland's social care system must change. Although we have taken a revised approach to the bill, our ambition for a national care service remains. The bill is now focused on making vital improvements that we all agree are essential. They will make a real difference and provide a road map for the improvement of social care, social work and community health.

I am honoured to welcome the members of the care home relatives Scotland group who join us in the public gallery today. Among them are relatives of Anne Duke, who Anne's law is named after. I have been profoundly impacted by the conversations that I have had with the group. The emotional harm and trauma that they and their loved ones and many others suffered as a result of being unable to see one another for such long and isolating periods during the pandemic must be acknowledged. To ensure that that never happens again, Anne's law will recognise family and friends as essential care supporters and as key members of their loved ones' care team, not just visitors.

All this started when Anne's daughter, Natasha Hamilton, lodged a petition with the Scottish Parliament in November 2020 calling for care

home residents to be allowed a designated visitor. Her tenacity and unwavering commitment mean that Anne's law will become law today. Further, the bill now ensures greater oversight on visiting decisions. People will be able to request reviews of those decisions, which will ensure that the voices and needs of those living in care homes are truly heard. I thank the members of the care home relatives Scotland group for their constructive engagement over many years, which has led us to this point.

This week is carers week, and this year's theme is "caring about equality". Too many unpaid carers miss out on opportunities in life, and the bill will ensure that unpaid carers have a right to breaks, which will support them to have a life alongside caring. To support that, we have added £5 million to our voluntary sector short breaks fund for 2025-2026, bringing it up to £13 million, so that more carers can take the time off that they deserve. A new national chief social work adviser will champion social work across our health and care systems and provide professional leadership nationally. They will be supported by the national social work agency, which will spearhead the effort to promote the social work profession, strengthen collaboration and improve education and professional development.

The bill includes changes that will improve access to independent advocacy. The Scottish Independent Advocacy Alliance has told us that the best way forward is to incrementally increase funding year on year to ensure that services remain high quality and sustainable. I am really pleased to be able to announce an extra £500,000 in funding for 2026-27 to increase the provision of independent advocacy services and guarantee that people are heard and involved in decisions about their care.

Ethical procurement plays a significant role in the quality of care services, which is why the bill gives stakeholders more flexibility when buying services. It also introduces another procurement route for the third sector, which makes it easier to compete for contracts. The bill will empower people to access information, when they need it, about their own needs and care. It also helps professionals by improving the flow of information across care settings and ensuring the compatibility of systems, which will remove digital barriers so that people can focus on what matters.

The bill is only one element of our wider and ambitious programme of social care reform. Last month, the national care service advisory board met for the first time. It will provide independent oversight through a diverse range of voices, from unpaid carers and those who access care to care providers and national health service and local authority leaders, which will ensure that every

perspective is heard. The board will help drive improvement and ensure that services are consistent, fair and high quality, no matter where people live in Scotland.

The advisory board will work alongside established national programmes such as: getting it right for everyone, which promotes and enables person-led support right across Scotland; self-directed support, which plays a crucial role by giving people more choice and control over the care that they receive, which is why we have invested £22 million in our SDS improvement plan; our commitment to fair work and fair pay for all care workers in Scotland, which includes increasing pay for social workers; and our targeted programme to reduce delayed discharge.

As I laid out in January, our new approach to the NCS means that local authorities and health boards will retain their existing statutory responsibilities. I look forward to working with the Convention of Scottish Local Authorities and the NHS to drive forward the improvements that the advisory board suggests. Each of the national programmes has improved social care services across Scotland and will be vital pillars in the national care service. They represent what thousands of people with lived experience have told us is needed. However, we need to pass the legislation to fully realise our shared goal of improving social care, social work and community health for the people of Scotland.

I move,

That the Parliament agrees that the Care Reform (Scotland) Bill be passed.

18:09

Sandesh Gulhane (Glasgow) (Con): I declare an interest as a practising NHS general practitioner.

The Scottish Conservatives will support the Care Reform (Scotland) Bill, which we are here to debate, but let us not pretend that we have arrived at this moment by design. We are here because of yet another Scottish National Party policy that promised the world and delivered a fiasco. The now defunct National Care Service (Scotland) Bill was once hailed as the most significant reform to health and social care since the creation of the NHS. In reality, it was a half-baked plan that was dreamt up by ministers in an ivory tower and clearly dead in the water before the ink had dried on the first draft.

What has been the price? Nearly £30 million has been spent on a policy that nobody wanted—not the unions, not COSLA and not care professionals.

The care service is not the only SNP debacle in the Parliament. When responding to Brian Whittle, the minister said that we can ask the Scottish Government questions about spending any time. Okay—£200 million has been spent on ferries that are still not finished; £180 million was spent on a deposit return scheme that was scrapped before it was launched; more than £600,000 was spent on failed Supreme Court adventures, from defining a woman to indyref2; and £140 million was spent on a Scotland-only census that flopped. Get out that abacus. Approaching £1 billion of public money has been torched in this parliamentary session alone on vanity projects that never delivered, all paid for by the Scottish taxpayer—and for what? There are big promises and bigger budgets, but zilch delivery.

The SNP now presents the Care Reform (Scotland) Bill—a more modest and workable approach that includes Anne's law, which guarantees care home residents the right to see loved ones. We support the bill due to Anne's law. In fact, we would have supported it years ago without the eye-watering price tag of the national care service experiment.

SNP ministers love bold commitments. They rail against Westminster one day but send their constituents the invoice the next. Their convictions are as reliable as the CalMac ferry timetable. Their principles are stirring in speeches but missing in action.

At least the new bill is stripped back and serious about protecting the rights of residents and empowering carers. There is no grandstanding or runaway spending, just practical reform—finally.

However, let us not forget how we got here. The Parliament has been a hall of shame for SNP governance—a flagship bill in ruins, two ferries that are still incomplete, a bungled census and legal stunts that never stood a chance. There has been £1 billion of broken promises and missed targets, with public services left in a worse state than before. Think about what that money could have done for classrooms, GP surgeries or community care.

We support the bill and we back Anne's law, which should have been on the statute book a very long time ago, but let this be the last car crash in SNP policy making—enough with headlines, enough with hubris and enough with the costs. Scotland does not need another slick soundbite. It needs serious leadership with a plan, a purpose and a price tag that does not leave the public short-changed. The SNP loves to talk about conviction, but, when it comes to commitments, it costs the country a fortune and too often leaves our people stranded. It is time to stop paying premiums for pipe dreams. Scotland deserves better.

18:13

Jackie Baillie (Dumbarton) (Lab): A decade and a half ago, I stood here and outlined Scottish Labour's vision for a national care service—not a quango or more civil servants but a co-ordinated national approach to provide locally delivered care, raise standards and end the postcode lottery. How we care for our most vulnerable people is more important than party politics, which is why Scottish Labour committed to help the Scottish Government to deliver such a service. However, I warned at the time that the devil would be in the detail.

In 2021, Derek Feeley published his review of social care. Having listened to people with lived experience of social care, those delivering social care and front-line workers, the review provided a blueprint for a national care service that we all supported. The SNP promised to implement the Feeley recommendations, but, instead of steering safely into harbour, it headed straight for the rocks. The Feeley review highlighted the importance of national accountability while allowing for local delivery. Instead, the SNP attempted a power grab by centralising control. It is therefore no surprise that COSLA walked away, warning that the bill could lead to significant destabilisation of services.

Four years later, three First Ministers later, three health secretaries later and £31 million later, we have before us a drastically reduced bill with no national care service in sight, and not a single extra penny of that money has gone directly into social care.

That, of course, is the elephant in the room: the lack of funding for the social care sector. Unless social care has true parity of esteem with the NHS, the SNP will continue to underfund services. Just look at John Swinney's raids on integration joint boards' budgets, which have left them on a financial precipice. Just this March, Audit Scotland warned that there will be a projected funding gap of £560 million next year. As for the reality on the ground, while the SNP spent four years tinkering with its failed bill, there have been social care transport cuts in Aberdeenshire, supported living services put at risk in Glasgow, cuts to learning disability services in Edinburgh and the closure of the work connect project for people with learning disabilities in West Dunbartonshire.

The Feeley review outlined the importance of paying social care staff properly—something that Scottish Labour has been calling for over the past four years in budget after budget, to which the SNP has kept saying no. Fair work is a principle that we all support but, when it comes to taking action, the SNP is last in the queue. In fact, at the stroke of a pen, it has cut £38 million that was earmarked to improve the terms and conditions of

social care workers. Just think what could have been done with that money, or indeed the £31 million that has been spent on the bill: that would be the equivalent of 1 million hours of social care. Right now, nearly 10,000 Scots are waiting on a social care assessment or a care-at-home package, yet the bill does not pay for a single extra carer.

The Feeley review based its recommendations on testimony from people with experience of social care. Rather than implementing those recommendations, however, the SNP Government set up more conversations with those with lived experience. I do not demur from that, but people have consultation fatigue; what they want is action.

As Lorraine, a parent of a young man with special needs, told me:

"The Feeley Report was really good and well received by carers. However, having spent many millions on this, the government have chosen to ignore what would have been a huge starting point."

She ends by saying:

"We need ACTION!"

It is in that spirit of action that Scottish Labour has worked with the Government to salvage what is possible from the bill, and I commend the minister and her officials for working with us on a series of amendments: on Anne's law, so that those in care know that they will always have the right to see a loved one—righting the wrongs done to them during the pandemic; on breaks for unpaid carers; on better sharing of information between health and social care; and on fair work, with better procurement and more besides.

Taken together, those measures will improve the social care system. Let us be clear, however: it is a job half done.

18:17

Mark Ruskell (Mid Scotland and Fife) (Green): First and foremost, I pay tribute to the carers and care workers who have consistently looked to the Parliament to legislate for a fairer and much more compassionate social care system. Many of them have joined us here throughout the afternoon. I know that Anne's family are here, too.

I also wish to thank the many third sector organisations—those that gave evidence throughout the different stages of the bill and everyone who has engaged with, shaped and challenged the bill. Their contribution has been invaluable.

I acknowledge my colleague Gillian Mackay, who worked tirelessly throughout the process. Her

engagement and her amendments at stage 2, which were developed in close partnership with carers and supporting organisations, have been instrumental. I am proud to have lodged amendments that build on her work, particularly around strengthening independent advocacy. I also thank the Minister for Social Care, Mental Wellbeing and Sport for her constructive engagement with Gillian and, latterly, with me.

There is no hiding the fact that the bill has been enormously challenging, however. The intention and ambition behind the original bill deserve recognition. The National Care Service (Scotland) Bill aimed to build on years of efforts to better integrate health and social care. Going back to my time as a councillor, I remember how hard it was, in the early days, to bring that provision together on the ground.

Reform of this scale requires openness and collaboration, particularly when we are trying to fix issues that many people across the sector have been raising for years: unclear leadership, poor information sharing, fragmented funding streams, a postcode lottery for care and an overcomplicated landscape. Those cracks, which were already present, were deepened by the pandemic. We know how wide the gap can be between good policy ideas and real improvements on the ground that people feel.

Health and care reform has always been tough, and this bill is no exception. Integration, although necessary, remains deeply complex. My hope is that the Government reflects carefully on the missteps in this process. It is not time to retreat from that ambition but to learn how to do better next time. It is obviously important to involve people sooner, build consensus earlier and maintain focus on the people who the reforms are meant to serve.

As we get into the stage 3 debate, it is important to be honest. We wish that the bill had delivered more—more for those who rely on social care, for paid and unpaid carers and for the workforce. The need for improvement has not gone away; it remains urgent, and care reform must not be shelved.

It is clear that this is a long-term goal that must now be achieved incrementally. The bill has moved a long way from where it started. It is not perfect and key issues remain up for debate. However, we have arrived at a place today that reflects a more consensual approach from the sector, carers and parliamentarians across the chamber.

For many, the bill will feel like cautious progress, but it is progress nonetheless. It delivers some important changes—Anne's law, centrally. That is huge progress. Strengthened independent

advocacy, new rights for unpaid carers and steps towards fairer procurement are welcome and necessary.

I call on the Scottish Government to continue the work to implement the recommendations of the Feeley review, but it must do so while learning from its mistakes, engaging earlier and building wider consensus. Greater compromise will be essential, especially with local government and third sector partners in the unions. The complexity of care reform should never be a reason to give up, but it should be a real reason to lead.

18:21

Alex Cole-Hamilton (Edinburgh Western) (LD): In my first days as leader of the Scottish Liberal Democrats, I was visited by John-Paul Marks, who at the time was permanent secretary of the Scottish civil service. He explained to me the very parlous funding outlook for the Scottish Government and that pretty much all budgets across all directorates would be contracting, save one, which was the increase in spending that was allocated to deliver the SNP's flagship, election-winning promise of delivering a national care service. That was a promise that we had opposed from the outset, but, nevertheless, the SNP had won the election, and I understood why he was apportioning that extra money. What a waste.

This week is national carers week, yet here we are, marking it with a piece of legislation that falls far short of what Scotland's carers and those who they care for truly deserve. The bill is not what it says on the tin, either—there is nothing about it that delivers needed and demonstrable reform. We might have very different visions of what reform the care sector needs, but this is none of them.

Care workers are overstretched and undervalued. People who need care are waiting too long or going without altogether, and family carers, unpaid and unseen, are burning out because the system is simply not coping. That crisis demands attention, urgency and leadership, with real reform. Instead, what we have had from SNP ministers is confusion, waste, retreat and attempts at centralisation.

Let us not forget that the bill began life as a national care service bill—a bureaucratic power grab to hoard control of social care in Edinburgh, rather than empowering those closest to the people who need it. The Scottish Liberal Democrats were the only party to oppose that flawed idea from the very first. We did so—and we did more than just oppose it—in budget negotiations this year. We took action to ensure that it was excised from the pages of this legislation, finally. We made it clear that we would

not support any budget that contained a single penny on national care service spending, and we won, but, sadly, not before the SNP had squandered £30 million of the money—earmarked and identified to me by JP Marks all those years ago—that could have paid the salaries of 1,200 care workers for an entire year. In those budget negotiations, we secured millions more for front-line social care and fashioned new training pipelines for care workers through Scotland's colleges.

The Scottish Liberal Democrats have a proud record in this area. We introduced free personal care for the elderly, we enshrined the right to carers' leave in employment law and we have just secured a change to let family carers earn more without losing the support that they depend on.

My colleague at Westminster Sir Ed Davey has made care a cornerstone of our manifesto and has spoken bravely about his experiences as a carer. I am sure that many members will be familiar with his story. We also want to see a United Kingdom-wide care wage that is at least £2 above the minimum wage and removal of the national insurance hike on care providers. That is the vision for care that the sector and Scotland need. It is what carers deserve, and it is what my party—the Scottish Liberal Democrats—will keep fighting for.

My party is prepared to support the bill that is before us, but let me be clear that it does not represent the transformational change of our care sector that we need to abate the crisis. We will support it because of the positive changes that it will make in recognising carers' rights to breaks, strengthening advocacy and ensuring that loved ones can stay connected to people and homes through Anne's law. I pay my personal tribute to Anne's family, who are with us today. The bill will also improve information sharing and it offers better procurement routes for the third sector. Those are useful steps, but they are no substitute for the real reform that the sector desperately needs.

We are also glad that, finally, the bill no longer contains the most damaging parts of the original plan, which would have centralised decision making away from the communities that understand how best to deliver care, particularly in remote and rural communities, and instead placed it in the hands of ministers. However, we must not let the bill pass without a reckoning. The SNP Government should apologise to care users, to care providers and to Scotland's incredible care workforce.

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

18:26

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

Earlier this year, I underlined my commitment as convener of the Health, Social Care and Sport Committee to ensuring that substantial further scrutiny of the Care Reform (Scotland) Bill would take place. I express my thanks to all those who contributed to that process and to all the stakeholders, members of the public and MSPs who shared their views.

We know that the social care system in Scotland needs to change. Partners across the public sector, including across local government and our national health service, agree. We have also heard repeatedly from people with lived experience that the current adult social care system must change to drive up standards in a consistent manner and ensure that there is access to high-quality social care across Scotland whenever it is needed.

The status quo is not an option. Change must be sustainable, our social care workforce must be allowed to flourish, and the sector must be future proofed. The Scottish Government has a long-standing commitment to the principles of fair work for the social care sector that is underlined by a total investment of £950 million to improve pay. That commitment sits alongside a clear focus on both local and national workforce planning, leadership and learning and development support for the sector. Irrespective of the bill, the Scottish Government has been committed to taking immediate action to improve outcomes for people who access care and support.

Throughout the bill's progress, the Government was committed to listening and engaging, and it revisited its approach to further engage with people who have lived experience, COSLA and the NHS, among others. The new non-statutory advisory board is allowing vital reform to be driven forward at pace, bringing key partners together. We are already seeing progress across Scotland in reducing delayed discharges thanks to a focus on supporting the local areas that are experiencing the most challenges.

The changes that are before us today will improve the lives of those who have been calling for reform. People have told us about their frustration and trauma when they have had to share their stories repeatedly. That is why a key component of the bill is enhanced information sharing to improve co-ordination, ensure consistent information standards and lay the foundations for integrated digital approaches that

will make it easier for people to access and manage information about their care.

The bill recognises the incredible contribution that is made by unpaid carers in our communities. It introduces a right to breaks to support people to protect their wellbeing and sustain caring relationships. This year's budget provides £13 million for voluntary sector short breaks, which represents an uplift of £5 million, and a working group has been established to bring together carers and third and statutory sector representatives to make sure that their voices are central to on-going discussions on the matter.

The implementation of Anne's law will give adult care home residents a legal right to see their loved ones, formally recognising the role of their family and friends in providing care, support and companionship. It is a formal recognition that family and friends are not simply visitors; they are an integral and essential part of the care team for their loved ones. The core elements of Anne's law are already in place through guidance and strengthened health and social care standards on visiting for care homes, but the Government is committed to enshrining that in legislation.

Ultimately, all of us in the Parliament share a common goal. We all want everyone to have access to consistently high-quality social care support across Scotland, whenever and wherever they might need it, and we want our social care workforce to flourish. That goal is also shared by the social care sector, the public, families, their loved ones and, most importantly, those whose lives and wellbeing depend on us getting this right. So, let us get on with it.

18:30

Michael Marra (North East Scotland) (Lab):

The saga of what we are now calling the Care Reform (Scotland) Bill is a microcosm of this SNP Government. It started with a vainglorious press release and the applause line for the leader's speech—light on detail, certainly, and quickly unable to marshal any detail at all. Absent leadership and political incompetence led to financial chaos, all resulting in messy, watered-down law that will achieve none of the lofty ambitions that were declared at the outset. The Government then moves on and hopes that nobody will notice—rinse and repeat, year after year.

This legislation will not lead to a single extra carer being employed. It will do absolutely nothing to ease delayed discharge, and there is nothing in it to fix the crisis in social care in Scotland, despite the expenditure of tens of millions of pounds of taxpayers' money and untold public resources

being applied. From start to finish, the bill has been a total calamity.

A succession of ministers have been unable to answer basic questions about the legislation that they were meant to be steering. On 8 November 2022, the then minister responsible for the bill, Kevin Stewart, was aghast at COSLA's estimate that the bill would cost more than £1.5 billion. He defiantly stated to the Finance and Public Administration Committee that

"COSLA has made assumptions that we do not recognise".—[*Official Report, Finance and Public Administration Committee*, 8 November 2022; c 18.]

Lo and behold, on 23 January 2024, a little over a year later, Scottish Government officials told the Parliament's Finance and Public Administration Committee that the cost of the bill that Mr Stewart was talking about would have been £3.9 billion—a truly astronomical figure, which is more than double the figure that the minister did not recognise and equal to the entire annual transport budget. Critically, there is absolutely no way that the country could have afforded that. Of course, by that point, the legislation had rightly and mercifully been blown entirely off the SNP's course towards bankruptcy. One of the principal reasons for that was that the Parliament's finance committee had rejected the financial memorandum as utterly incoherent and entirely incompetent.

Just a fortnight ago, minister Maree Todd and her officials returned to the finance committee with updated financial information on the unrecognisable legislation that we are debating today—or, rather, the minister came with some of the information. The public are left cross-referencing the most recent document with the original financial memorandum from 2022 and the updated version from 2023, which are three large financial documents with different timescales. Some sections measure costs across five years, some across seven years and some across 10 years. That is comparing apples not just with oranges, but with broccoli and spuds as well. At the last moment, the committee received an update, but there was an error in the updated financial information that had been received—utterly shambolic.

Deciphering the true cost of the bill has been compared with assembling a jigsaw in the dark, which, frankly, is an unfair comparison. In this case, we are perhaps assembling five different jigsaws. The pieces are all different sizes and the people who made them are not even sure that they gave us all the pieces in the first place. From start to finish, there has been a total lack of transparency and myriad documents that are littered with errors, making it absolutely clear that neither civil servants nor—particularly—ministers had the first clue what they were doing.

That chaos, incompetence and direct negligence has come to typify every significant piece of legislation that has passed through the Parliament in this session: the National Care Service (Scotland) Bill, the Circular Economy (Scotland) Bill, the Children (Care and Justice) (Scotland) Bill and the Police (Ethics, Conduct and Scrutiny) (Scotland) Bill. It is no wonder that Scotland's budget is in such a mess and the SNP's legislative agenda for this session is in tatters.

Ultimately, the legislation that will pass this evening will result in some very modest gains that have been wrung out of the process by stakeholders—and I am glad that some of those stakeholders are with us tonight. Scottish Labour amendments have strengthened Anne's law, which will give care home residents the right to visits, and the right to breaks for carers. However, that did not need a process this long and at such expense to the Scottish taxpayer.

The bill will not deliver the lasting and positive legacy of fit-for-the-future, high-quality care that Nicola Sturgeon promised back in 2020. With her anti-Midas touch, this landmark legislation has turned to mud. Next year, Scots can call time on the incompetence, chaos and failure of the SNP by joining the people of Hamilton, Larkhall and Stonehouse in electing a Scottish Labour Government that will set a new direction for Scotland and get our health and social care system back on its feet.

18:35

Mark Ruskell: As we conclude the final stage of the bill, what matters most is what happens next: how the legislation is implemented, how it delivers for the people it is meant to serve and how we respond to the many challenges that remain.

For all its difficulties, the bill has laid the groundwork for progress. It is not the transformation that many had hoped for, but it is a step towards a more equitable and consistent care system in Scotland. It will introduce important changes that will make a real difference to people's lives, and I do not want to lose sight of that. Many members have spoken movingly about Anne's law, and I pay tribute to her family. In addition, I think back to the confusion and desperation of our constituents during the Covid crisis.

We have made really important progress today. The improved rights for unpaid carers and the strengthening of independent advocacy are not small things and they should not be overlooked. They are important changes that this Parliament has made. They are the product of advocacy, campaigning and hard work across the sector, in

the Parliament and beyond, and we must recognise those wins.

However, our job is not to rest on our laurels. We must not stop here; we must continue and deliver progress. The cracks in our social care system remain, and they have been made deeper by the years of underinvestment. We still face the same core issues: workforce pressures, fragmented structures, unclear lines of accountability and a system that too often leaves people navigating complexity when they are at their most vulnerable.

The ambition to bring more of the care sector into public hands should not be dropped. It should be pursued strategically and incrementally, recognising the financial and logistical challenges while staying true to the long-term goal. I hope that the Parliament can agree to that and that the Labour Party will not drop it but will work towards a more publicly delivered care service. Public care should continue to be seen as a necessary investment in the dignity and wellbeing of our communities.

If the Parliament is serious about the issue, we must treat the bill as the first step and as a foundation. That means committing to on-going dialogue with local authorities, the workforce and people who receive care. It means funding the changes that we legislate for, being honest when things do not go to plan and being open to doing things differently.

I acknowledge the constructive spirit in which the Opposition and the Government have worked together between stages 2 and 3, which has undoubtedly made the bill stronger.

The complexity of care reform is not an excuse to walk away from it; it is the very reason why we must rise to the challenge. We cannot lose sight of the people who are at the heart of the reforms, because they are counting on us—and will continue to count on us—to get this right.

18:38

Carol Mochan (South Scotland) (Lab): When I joined the Parliament, back in 2021, there was genuine enthusiasm, following the Feeley review, about the prospect of a national care service. Only four years later, that enthusiasm has been depleted and we have a much-reduced bill. What was once heralded by the Government as the "biggest public sector reform" of a generation is now a limited number of stage 3 amendments.

The bill does not address the fundamental problems in social care, and the Government seems to be unable to tell us how it will address those issues. That is a great shame. It was our duty to build enthusiasm and support for what

could have been such far-reaching legislation. As we have heard, it is a missed opportunity to be transformative, which is due largely to Government inability and lack of vision. Although it is not the legislation that I or many wanted, what is important now is that we make it as robust as possible and take on board the concerns that many of my colleagues, the trade unions and professional organisations have raised throughout the bill process.

I say a big thank you to all our constituents—people such as the care home relatives Scotland group and many more—who have truly influenced the bill and worked with us. They have contacted us, and it is our responsibility to ensure that the legislation progresses.

Scottish Labour's vision was for a bill that really addressed the long-term needs of social care, putting it on a footing with our NHS and creating a system fit for the future, for staff and users. Throughout the stages of the bill, we have sought to ensure that the legislation will address commissioning and fair work, which is essential to ensuring improvement in social care. We brought both of those issues back at stage 3, and we are pleased that our amendments have been successful. We would have wished for much more, but it was clear by stage 3 that the Government had no ability or vision to deliver that. We want to see Anne's law, carers' right to breaks, improved commissioning and digital care records in place as quickly as possible, which is why we will, of course, support the bill this evening.

However, there is much work to be done. I have to trust that the bill will achieve what the minister believes it will and that it will fulfil its potential to create change, because the care sector in Scotland can no longer wait for serious reform: it needs action now. We heard from my colleague Jackie Baillie that 10,000 Scots are waiting for care assessments or for care, and Michael Marra reminded us about the Government's financial incompetence. Our constituents need delivery, because they are the ones who will suffer in the long run.

Scottish Labour will work with the Government to build on any potential and, as I have said, will support the bill this evening, but make no mistake: Scottish Labour in power will deliver a national care service that is worthy of the name, and that is what we look forward to.

18:41

Brian Whittle (South Scotland) (Con): We often say that it is a privilege to do the job that we do. Even after almost 10 years of walking into this place, I am still a bit in awe of working here, and I remind myself every day of why I came here. I

imagine that it is similar for most of us here, because we have a passion for our country and want to have the privilege of making a difference for the people we serve. There are many good people in this chamber, some of whom I agree with and some of whom I do not agree with. All elected members, of whatever persuasion, have my respect for sticking their heads above the parapet. Nonetheless, I believe that there are some who have allowed their political objectives to overtake the fundamentals of what we are meant to be doing here.

When we make laws, our overriding objective should be to make the very best law possible for our constituents and for the country, but this bill is a prime example of how not to do that. A bill that began as the National Care Service (Scotland) Bill has been hollowed out after years, and the Scottish Government has wasted millions of pounds on a fundamentally flawed plan. The husk of that bill has been reshaped as the Care Reform (Scotland) Bill, a grab bag of random policies that have been sitting in the Scottish Government's social care filing cabinet, gathering dust. Of course, the bill does contain policies that we support. Anne's law is long overdue, as is unpaid carers having the right to breaks, but there are serious questions about why the SNP has waited until now to deliver on pledges that have been so desperately needed for so long.

Scotland's social care system desperately needs reform—we all agree on that—but this bill is not going to deliver the level of reform that is needed to secure the future of social care in Scotland. A more accurate title for the bill would be the "Care Reform (Tinkering Around the Edges) (Scotland) Bill". Far too many of its proposals fall into the category of, "We must do something about social care and I've found something, so let's do that." There does not seem to be a clear aim in mind. Many of the initial proposals were vague to the point of abstraction, and, as I have said, there does not appear to be any overriding objective for the changes.

We will support the bill today, not because we believe that it is the best solution available, and not even because we believe that all of its aspects will deliver progress, but because, within this disaster-strewn bill, there are a few ideas—including the carers' right to breaks and Anne's law—that have the potential to deliver meaningful change. The issue of digital patient records was also raised, although the minister and the Government do not seem to understand the phrase "agnostic technical interoperability" and therefore voted against that amendment.

Much still depends on the Scottish Government following through effectively on its commitments. As members know, I am one of life's great

optimists, but the minister called me cynical for daring to suggest that we measure the outcomes of the bill and that we should know the outline cost of it. The reality is, I believe, that most members are engaged in developing and amending the bill in an honest way to deliver the very best for Anne's law and for carer respite. I find it quite disrespectful and disingenuous, therefore, to suggest that I was cynically trying to delay the implementation of the bill and the introduction of Anne's law and provisions for carer respite. The cynicism lies at the feet of the minister and the Scottish Government. The Government has cynically—once again—delivered a bill whose outcomes and the cost of which it does not want to be measured against. To be frank, I think that it is cynical of the minister to make everyone wait for the legislation instead of bringing forward items via regulations. That is politics at its worst.

Social care is in crisis. Four years and £31 million later, the SNP is desperately trying to claim a victory. The members of the Scottish Government have forgotten why they are here. This place is not about trying to save political face; it is about delivering the very best for Scotland. Once again, the Scottish Government has fallen very far short of what could and should have been achieved.

The Deputy Presiding Officer: I call the minister, Maree Todd, to wind up the debate.

18:45

Maree Todd: In 2021, following publication of the Feeley review, the Government made a clear commitment to reform Scotland's social care system. Over the past four years, my predecessors and I have spoken to hundreds of people who use care services, to their families and to those who deliver care, and each of those conversations has left a profound and lasting impression. Today, we have an opportunity to reflect those voices in our decisions by passing legislation that will make a real and lasting difference.

The Conservatives and the Lib Dems—as we have heard today—have always opposed the creation of a national care service. From the very beginning, they were against it. The Labour Party claims to support a national care service—in fact, it was apparently Jackie Baillie's idea, long before Feeley—but there has never been clarity on what that would look like.

Every member in the chamber knows that the status quo is not an option and that social care must improve. The Government is unwavering in our commitment to create a national care service that meets the needs of the people of Scotland.

I agree with Mark Ruskell that now is not the time to dampen our ambition. As I laid out in my opening speech, we will drive enhanced oversight and support of the care system, through the national care service advisory board, to provide a level of independent oversight that has been missing for too long. However, in order to unlock the full potential of the national care service, we must pass the vital changes that the Care Reform (Scotland) Bill will bring.

Brian Whittle: Will the minister give way on that point?

Maree Todd: I would really like to make some progress—we have all had a chance to have our say.

The bill introduces Anne's law, which will make a groundbreaking change by ensuring that the family and friends of people in care homes are seen not simply as visitors but as an essential part of the care team. The bill contains a legal presumption that suspending visiting is likely to cause serious harm to their loved one's health and wellbeing.

The bill also contains a new right to breaks for unpaid carers to protect their health and wellbeing by giving them the rest that they need. There is expanded access to independent advocacy for our most vulnerable citizens to ensure that their voices are heard in decisions about their care. We are improving the flow of information across care settings so that people do not have to share their stories multiple times.

The bill also establishes a national chief social work adviser role to provide professional leadership and champion the sector. They will lead a new national social work agency, which will advance and advocate for the profession, and there will be new powers to improve social care procurement, including a new route for the third sector.

We know that we must improve the system for lasting progress to be made across Scotland, and in order to do that, it is vital that our hard-working and dedicated workforce feel engaged, supported and valued for their important work.

We are working hard to introduce voluntary sectoral bargaining for the care sector through the fair work in social care group. We continue to drive that work forward while we wait for the UK Government legislation to extend devolved powers. In the meantime, we are supporting the sector with funding to deliver the real living wage—I think that the bill for that is £950 million this year—so that care workers are paid what they deserve.

Despite an incredibly challenging financial situation, the Scottish Government has prioritised

investment in social care, including almost £2.2 billion in social care and integration, exceeding our commitment to increase funding by 25 per cent over this session of Parliament by more than £350 million. There is more than £88 million a year in local carer support through funding to councils under the Carers (Scotland) Act 2016, £13 million a year for voluntary sector short breaks, a further £13.4 million to support growth in the independent living fund and £5.9 million of additional investment in the Care Inspectorate.

Despite our increased investment, we know that the social care sector is dealing with heavy and entirely avoidable financial pressure, thanks to the Labour UK Government's decision to increase employer national insurance contributions and to lower the threshold at which employers start to pay them. That short-sighted and reckless decision is estimated to cost the adult social care sector more than £84 million in Scotland alone.

I have heard loudly and clearly from the sector that the UK Government must fully fund the cost of the national insurance hike to alleviate the pressure that the sector is under. I echo those calls, and the Scottish Government will continue to apply pressure.

I have listened to the debate in the chamber today, and I understand the strong feelings that many members hold. We have worked tirelessly to balance the concerns that were raised in Parliament with the urgent needs of the people in Scotland. This legislation reflects our shared commitment to strengthening social care, social work and community health. People who access social care, their families and everyone who supports them cannot wait any longer for the changes that they urgently need.

That shared commitment is no better embodied than by Anne's law. For almost two years, at the end of her life, Anne Duke was denied the companionship and the touch of the people whom she loved. As her husband Campbell wrote,

"At your time of greatest need, they robbed you of the one thing you needed most—the unconditional love of your family and friends."

This bill will make sure that no one else will ever again suffer the trauma and harm that were experienced by Anne, by her loved ones and by so many families across the country during lockdown. I urge members to support the bill.

The Presiding Officer (Alison Johnstone): That concludes the debate on the Care Reform (Scotland) Bill at stage 3.

Motion Without Notice

18:53

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

Motion moved,

That, under Rule 11.2.4, Decision Time be brought forward to 6.53 pm.—[*Jamie Hepburn*]

Motion agreed to.

Point of Order

18:53

Gordon MacDonald (Edinburgh Pentlands) (SNP): On a point of order, Presiding Officer. Rule 12 of the Parliament's standing orders is on conveners of committees. Rule 12.1.12 states:

"Where the convener is not available for any meeting of the committee, or leaves the chair for part of any meeting, that meeting, or that part of the meeting, shall be chaired by the deputy convener."

Rule 12.3 is on committee meetings. Under rule 12.3.2,

"A committee shall meet ... in Scotland at such place as it may decide, with the approval of the Parliamentary Bureau and the Conveners Group".

Will the Presiding Officer clarify whether it is proper practice for a convener to chair a committee remotely online, or if that duty should be passed to the deputy convener in their place? Further, articles in the news last week highlighted that Douglas Ross will be in the Turks and Caicos Islands tomorrow, where it will be 3 am when he is due to convene the Education, Children and Young People Committee. Will she confirm whether that is acceptable?

The Presiding Officer (Alison Johnstone): Thank you, Mr MacDonald. The Parliament's standing orders make no distinction between virtual attendance and in-person attendance at committee meetings, as is the case in relation to the chamber. It is the convener's role to chair the committee meeting if they are present, whether in person or virtually.

Decision Time

18:55

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-17858, in the name of Maree Todd, on the Care Reform (Scotland) Bill at stage 3, be agreed to. As this is a motion to pass a bill, the question must be decided by a division.

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

18:55

Meeting suspended.

18:56

On resuming—

The Presiding Officer: We move to the vote on motion S6M-17858, in the name of Maree Todd. Members should cast their votes now.

The vote is closed.

The Minister for Victims and Community Safety (Siobhian Brown): On a point of order, Presiding Officer. Unfortunately, my app did not work, but I would have voted yes.

The Presiding Officer: Thank you, Ms Brown. 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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foyso (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)
 Dowey, 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)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Findlay, Russell (West Scotland) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (LD)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (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)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central 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)
 Mackay, Gillian (Central Scotland) (Green) [Proxy vote cast by Ross Greer]
 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)
 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)
 Mundell, Oliver (Dumfriesshire) (Con)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (Alba)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
 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)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (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-17858, in the name of Maree Todd, on the Care Reform (Scotland) Bill at stage 3, is: For 116, Against 0, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Care Reform (Scotland) Bill be passed.

[*Applause.*]

The Presiding Officer: That concludes decision time.

Sheriffhall Roundabout

The Deputy Presiding Officer (Liam McArthur): The final item of business is a members' business debate on motion S6M-17754, in the name of Miles Briggs, on the A720 Sheriffhall roundabout. The debate will be concluded without any question being put. I invite members who wish to participate to press their request-to-speak buttons, and I call Miles Briggs to open the debate.

Motion debated,

That the Parliament notes with concern the reported ongoing delay to progress towards a new grade separated junction on the A720 Edinburgh City Bypass at Sheriffhall; understands that a public local inquiry was carried out in early 2023, with results reviewed by an independent reporter and delivered to the Scottish Government in early 2024; further understands that the report has been under active consideration by the Scottish Ministers for over a year; believes that motorists using the Edinburgh City Bypass have been subjected to hours of unnecessary congestion due to delays in delivering the A720 Sheriffhall roundabout, since funding was committed in 2018 as part of the Edinburgh and South East Scotland City Region Deal; notes the calls for the Scottish Ministers to prioritise what it sees as this crucial infrastructure project, which, it understands, motorists in the south east of Scotland have been waiting seven years for; understands that the upgrade was originally priced at £120 million; notes the calls on ministers to urgently update the Parliament on the full details of any additional costs for the development of the junction due to the length of time that it has taken to progress it, and further notes the view that it is strategically important to make the improvements on the A720 Edinburgh City Bypass at Sheriffhall, to help deliver improvements to infrastructure that will support local and national economic growth.

19:00

Miles Briggs (Lothian) (Con): Thank you, Deputy Presiding Officer. I have red lights flashing up on my screen here—sadly, that is very much like the Sheriffhall roundabout.

I thank colleagues across the chamber for supporting my motion and allowing the debate to take place. As those members who were in Parliament in 2018 will know, this is not my first speech on the Sheriffhall roundabout—or indeed on the Edinburgh city bypass; I have been campaigning on the issue throughout my entire parliamentary career.

The Sheriffhall roundabout, for those unfamiliar with it, is the only at-grade junction on the Edinburgh city bypass, and it is a notorious bottleneck where commuters who are heading to work, people who are visiting family members and loved ones and businesses that are transporting goods regularly face gridlock.

A solution, in the form of a flyover to separate local and through traffic, was agreed as part of the

2018 Edinburgh and south-east Scotland city region deal, a £1.6 billion partnership between the Scottish and United Kingdom Governments. With an initial allocation of £120 million, the project promised that there would finally be smoother journeys and safer roads for Lothian and the surrounding region.

Sheriffhall has been steeped in controversy from the very beginning. Forty years ago, when the roundabout was being constructed, many people—including people who worked on the original planning of the road, whom I have met—made it clear that a roundabout was not appropriate for the bypass and would cause congestion.

Seventeen years ago, in 2008, an upgrade to the junction was first flagged as a priority as part of the Scottish Government's strategic transport projects review. It then took 10 years for the Government to commit funding to the project. In the seven years since that funding was committed, however, absolutely nothing has been done to alleviate the needless waste of time and money that commuters face every day, as well as the pollution that is caused.

In 2020, a Scottish Green Party review brought the little progress that had been made to a screeching halt when it objected on environmental grounds. The Greens have branded the proposed flyover "a spaghetti junction", but it is unclear whether they think that traffic sitting stationary in traffic jams on the bypass, with drivers now opting to cut through the city centre to avoid that traffic, is better for our environment than cleanly flowing traffic that is confined to the outskirts of the city.

Nonetheless, a public inquiry on the matter in 2023 pushed ministerial approval back even further. A decision was expected a year ago, yet it remains, as the Cabinet Secretary for Transport has said, "under active consideration". Twelve months without a decision is not consideration—it is dither and delay. Last week, I asked the cabinet secretary whether Scottish National Party ministers would finally commit to the project before the election in 2026. However, after nearly 20 years, and more than £6 million in consultation fees, we have seen no further progress.

The frustration is felt, as I know, by MSPs from all parties who represent the area in Parliament; by businesses in the city and in neighbouring communities; and, as we saw at the meeting of the Edinburgh and south-east Scotland city region deal joint committee just last week, by the commuting public. I know that representatives of all parties who sit on the joint committee are really frustrated, and the committee's members were—rightly—outraged when Transport Scotland refused even to attend its meeting. Furthermore, the committee expressed its embarrassment at

having been made to look ineffectual by ministers who keep delaying a decision on the Sheriffhall upgrade, which is—let us remember—the region's key flagship transport project.

As a Lothian MSP, I continue to be contacted by exasperated constituents, who cannot understand why such an obvious infrastructure problem has not been resolved. However, it is not only an Edinburgh issue. As my colleagues will confirm, and as the joint committee has highlighted, the A720 is integral to the economy of not only the surrounding south-east region but the whole of Scotland.

I go back to what I said in my previous debate on the subject: Edinburgh and the south-east of Scotland form one of the key growth areas of our economy, and we need to ensure that there is investment in the right infrastructure—in this case, the Sheriffhall junction. Gridlocked trunk roads are bad for the economy and create a poor impression for inward investors and those who want to visit our area. Lothian has the fastest-growing population in Scotland; indeed, it will account for 84 per cent of Scotland's predicted population growth over the period to 2033. Edinburgh alone is growing at nearly three times the rate of the Scottish average, and its economy reflects that. However, if we want to sustain that growth, we must ensure that our infrastructure is future proofed.

A 2016 report, "Europe's Traffic Hotspots: Measuring the impact of congestion in Europe", by INRIX, a transport information company, identified the bypass as the most congested trunk road outside London, with four of the UK's worst bottlenecks located on the A720. The report predicted that the 455 traffic hotspots in Edinburgh, of which the bypass was the worst, would cost the Scottish economy as much as £2.8 billion by this year alone.

As I have mentioned, the initial budget for the project was £120 million, but, with inflation, it is now likely to exceed that and will reach a figure between £200 million and £300 million. We do not know how much it will cost overall; indeed, my colleague Colin Beattie asked about this last week, and did not get a response. We need to hear that from ministers.

Worse still, £6.4 million has been spent on consultants for designs that, six years afterwards, remain on paper. That is public money—my constituents' money—that has been wasted, while the road remains clogged. More than 75,000 vehicles already use the bypass every day, and Transport Scotland's modelling predicts that it will be being used by 102,000 vehicles a day by 2037.

East Lothian and Midlothian are both home to major house-building projects. As more and more

homes are built, the pressure on transport infrastructure will only grow, so delaying the upgrade of the Sheriffhall junction risks making the situation worse for all those involved.

We must not forget that there is also a safety issue to be considered at the heart of this. Sheriffhall's current design, whereby local and through traffic collide at a single level, is a recipe for danger, and accidents and near misses are frequent. The proposed flyover should separate those flows, reduce congestion and improve sight lines.

I am grateful to the many constituents who have signed up to my campaign and have expressed to me their concerns and ideas. I acknowledge that the Sheriffhall junction is not the only problem on the A720; the entire road is inadequate for our growing capital city, and a wider review is needed. It is clear to anyone who uses the road that we need significant investment at the Gogarburn and Newcraighall roundabouts, too. A truly strategic transport system would also improve the sustainability of transport options as part of that wider investment.

SNP transport ministers have allowed this key transport project to stall. The sad truth is that despite those ministers—many of whom I have met with over the period—saying that the upgrade of Sheriffhall is a priority for Government, it has not been taken forward. Even when the money has been committed and consultations have taken place, the stalling has continued.

I have a lot of time for the cabinet secretary, but I know that members across the chamber will share my frustration at the lack of progress to deliver the upgrade to the Sheriffhall roundabout. I hope that tonight's debate will get the project back on track and get the upgrade the green light—finally—so that we can take forward this most important strategic transport investment for the Lothian region.

Moreover, I hope that the cabinet secretary, in responding to the debate, can take forward a number of suggestions and provide answers to the following questions. First, why is it taking so long for a decision to be made by ministers, who have had the report for over a year now? Secondly, will she agree to a cross-party meeting to try to get the project taken forward as soon as possible? Thirdly, can she give an assurance that a decision will be taken before the end of the current session of Parliament?

Finally, I thank all those members who are going to speak in the debate, and I look forward to hearing their contributions.

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

19:09

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I congratulate the member on securing the debate.

Way back before the Sheriffhall roundabout was born, City of Edinburgh District Council rejected, pre-construction, the proposal for an inbuilt underpass to future proof the roundabout, advising that it was not worth the cost. How much easier it would have been had that proposal gone ahead—but that was then, and this is now.

It is some considerable time since I first raised my concerns about the Sheriffhall roundabout, which is a major link into and out of the Borders and Midlothian by way of the A7. It is also used by cars travelling eastwards to the Borders and the A68, although there is now, off the city bypass, a slip lane to the A68. Incidentally, Midlothian is one of the fastest-growing areas in Scotland; one need only take a trip around it to see the number of homes.

For more than 20 years, I have, as an MSP, used the roundabout regularly in travelling to and from my constituency, and I have found that, during those 20-plus years, traffic has worsened, with long tailbacks earlier and earlier in the day.

In 2018, the Edinburgh and south-east Scotland city region deal, to which Miles Briggs referred and which had funding from both the UK and Scottish Governments, put forward a proposal for grade separation, with a flyover across the Edinburgh city bypass, taking the A702 north, at a cost at the time of £120 million.

I traced my first question on the subject back to 2017, and another to 10 November 2022, when the then minister responsible confirmed that the project was progressing, and that the public inquiry was set for 30 January 2023. In a later debate, I stressed the issue of the unsafe conditions for cyclists and pedestrians, as the roundabout is known to cyclists as the “meat grinder”. Indeed, I have rarely seen a cyclist navigating the roundabout—and no wonder. Heaven help us if there were to be an accident at the roundabout; apart from human tragedy, we would have traffic seize to a stop in all directions on all the feeder roads into Edinburgh and beyond.

Although the delay was due in part to the 2,773 objections that were lodged, I found it—and still find it—extraordinary that the Greens have always opposed the improvement. Just recently, Lorna Slater, speaking on behalf of the Greens on 15 January this year at the Economy and Fair Work Committee, referred to it as “a dinosaur”, as she considered that it conflicted with Scotland’s climate goals, such as the aim to reduce car travel by 20 per cent.

The Greens’ criticism is misplaced. It is, apparently, no matter to them that buses from the Borders and Midlothian, and the lorries that are delivering goods to and from those areas, use that route and the roundabout because they have to do so, as the Borders railway cannot carry freight. That is not to mention the police, ambulance and fire and rescue services travelling on those roads. Indeed, in the proposed design, there was to be—and there will be—a cycle and pedestrian walkway, which I think is actually very green. Instead, we have lines of vehicles spurting out exhaust fumes as they queue for the light sequences to change. That is hardly good for the environment, and hardly green.

The public inquiry has concluded and, although I know that the Scottish Government remains committed to its £120 million contribution to the project that was announced in 2018, it remains a fact that the independent report has been in the Government’s hands for more than a year and there has been—to some extent—radio silence.

These are my concerns. Delay is annoying enough, but there is also the inevitable inflation of costs for which the Scottish Government will be liable. The £120 million contribution is fixed; it is predicted that the cost will possibly be £200 million, but, going on the cost of past capital projects, I really think that that is optimistic.

So, where are we with the project? I support Miles Briggs and others, and if the Government could give us—and my constituents—an idea of progress, I would like to hear it before I retire next year. Thank you.

The Deputy Presiding Officer: I call Sue Webber.

19:14

Sue Webber (Lothian) (Con): You caught me unawares, Deputy Presiding Officer. I was clapping vociferously, not for Ms Grahame’s retirement, but for wanting to get a decision on Sheriffhall.

I thank my colleague, Miles Briggs, for bringing the debate to the chamber. Sheriffhall roundabout has been a long-standing problem, yet it remains neglected by SNP ministers, after more than 15 years and millions of pounds spent on planning.

The Sheriffhall roundabout has cost Lothian residents countless hours in traffic and millions of pounds. A much-needed upgrade to the notorious junction has been discussed since 2008, but there has been no tangible progress in that time, despite the £6 million that has been spent on consultants.

More than 75,000 vehicles use the bypass every day, and that figure is set to increase, given that Lothian has the fastest-growing population in

Scotland and is forecast to account for 84 per cent of Scotland's predicted population growth over the period to 2033. That includes Midlothian, East Lothian and all the local authority areas surrounding Edinburgh.

Under the SNP-Green Scottish Government, the project totally stalled. The fact is that this key piece of infrastructure brings the Edinburgh bypass to a standstill every rush hour, and if the junction were to be successfully upgraded, it would hugely benefit people across Edinburgh and the Lothian region.

It is only seven years since the Edinburgh city region deal was signed, with the support of all the local authorities and the Scottish and UK Governments. That deal is worth £1.6 billion, and the agreement should really accelerate economic growth and prosperity, but the one element that has been missing is the upgrading of the Sheriffhall junction.

As we have heard, a flyover solution was proposed by Transport Scotland, and it should be progressing. Designs for that much-needed flyover are available and funding has been put in place but, seven years on, we are no further forward, because the Scottish Government and the City of Edinburgh Council have been in thrall to the Green Party's anti-car agenda.

A review of the project was ordered in 2020, when Edinburgh's SNP-Labour administration was, frankly, drunk with power during lockdown and was blocking streets and narrowing roads in a hidden agenda to make driving as difficult as possible. Having already accepted the need for improvement in the city deal, the SNP Scottish Government then bent to the Green Party's will by agreeing to the public inquiry in 2023.

Earlier this year, the Sheriffhall overarching objectors group—ShOO—got the Scottish Government to hold a public local inquiry, following the submission of 2,771 objections to the scheme's draft orders. It has come to light that, according to Transport Scotland, a high proportion of those objections, which sparked the hearing, were submitted through the Scottish Green Party website. The resulting report was delivered to SNP ministers a year ago, and since then, there has been nothing, apart from the fact that we now know that £6.4 million has been spent on consultants to produce designs. We are no further forward.

In fact, Transport Scotland failed to appear at last week's city region deal committee meeting to provide an essential update on the continued delay in progressing the Sheriffhall upgrade.

Stephen Kerr (Central Scotland) (Con): It is worth noting, for the record, that there are no

Scottish Greens in the chamber to listen to this debate.

Sue Webber: They might well be watching online, working from home or something—I am not sure—but they should be here, because, frankly, they are at fault for causing the delay.

The delay is having a massive impact on the south-east of Scotland's economy. It is impacting on 42,000 vehicles a day, with commuters being delayed an average of 30 minutes a day. As Christine Grahame rightly said, having cars spurting out those fumes is hardly green. After successive delays caused by the opposition of the Greens and the complacency of the SNP, it is time for the Government to commit to a deadline and a budget for the project before costs spiral further out of control.

My colleague Miles Briggs has launched an online petition calling for work to start without further delay, and I hope that it persuades the cabinet secretary to really get a move on. There is only one year left in this parliamentary session, Ms Hyslop, and I would be delighted if we were able to sign off by delivering something of genuine benefit to Edinburgh, the Lothians and the Borders.

The Deputy Presiding Officer: Always speak through the chair.

19:18

Foyso Choudhury (Lothian) (Lab): I join members in congratulating Miles Briggs on bringing this issue to the chamber.

Anyone who uses the A720 city bypass for commuting or travel will agree on its importance. However, they, like me, will have spent hours in slow-moving, congested traffic, faced frustration at longer journey times and wondered why no progress has been made on delivering a grade-separated junction at Sheriffhall roundabout.

It has been clear for a while that change is needed. Sheriffhall was named Scotland's most dangerous roundabout and topped the roundabout league of shame in 2019. Midlothian and East Lothian are Scotland's fastest-growing local authority areas, and their populations are expected to grow by 15 per cent and 7 per cent, respectively. That will bring more cars, more congestion and more accidents, if nothing changes.

The A720 is also a strategically important road for Scotland's economy. It connects Edinburgh with our largest trading partners in England; it also connects to one of our busiest cargo airports, Edinburgh airport. We must ensure that our infrastructure is a positive factor in driving growth and we must enable people and goods to move

freely and easily. Upgrading Sheriffhall will enable that to happen over the coming decades, as tens of thousands of people will continue to use the bypass and junctions, even as we progress to net zero.

The motion notes that

“motorists ... have been waiting seven years”

for construction to begin, but the need for a flyover was first identified in the 2008 strategic transport projects review. The same point was made then: a flyover will contribute to road safety and reduce emissions. The proposals that ministers are considering will not only achieve those goals, but allow work on the proposed extension of Edinburgh tram and orbital bus routes to progress. Active travel is also included in the proposals. However, those things cannot happen if progress is not made.

I recognise that the process must be followed, but it is not acceptable that seven years have passed since a commitment was made, with no spades in the ground or timeline decided. There is also now doubt over the £120 million costing.

All this speaks to a wider issue with a planning system that is holding Scotland back and undermining investment in all areas of our economy. We are discussing Sheriffhall today, but we have to be clear that it is by no means an isolated case.

Today, I am hoping for transparency from the Scottish Government on funding. I want the Government to reaffirm its commitment to the project and, for safety, the economy and road users, commit to a timeline for its completion.

19:22

Alexander Stewart (Mid Scotland and Fife (Con)): I am pleased to be able to speak on this important issue and I congratulate my colleague Miles Briggs on securing the debate. I commend him for launching his campaign to finally deliver the much-needed upgrades to the Sheriffhall roundabout. The continued delay to those upgrades is unacceptable, and the impact on residents, commuters and businesses increases every year.

As we have heard, more than 75,000 vehicles use the Edinburgh bypass every day. With Lothian still seeing rapid population growth, that number is only going to get higher. It is vitally important that we get a solution—the need for one is becoming more urgent.

It is, however, clear that the project is, and has been for some time, low on the Government's priority list. As Miles Briggs's motion notes, we have been waiting for years for Transport Scotland

to provide a flyover solution, and the problems at Sheriffhall are being exacerbated because of the length of time that the project is taking.

We have known about the issue for decades, with numerous MSPs talking about a flyover over many parliamentary sessions. However, although the issue was first brought to the SNP's attention during its first year in government, the project still has not progressed as we want it to. We also know that £6 million has already been spent on consultants' fees alone, without getting a solution—a complete and utter waste of time, effort and money.

The situation continues to cause issues across Edinburgh. In addition, commuters from across the central belt and the south-east of Scotland have their journeys disrupted at Sheriffhall, and it is a constant bottleneck for those who are travelling north from the rest of the UK.

The failure to address the situation is hardly surprising, because the SNP Government's record on transport infrastructure is not good. Countless other road projects have been left stuck in the slow lane by the SNP Government, and Sheriffhall continues to be one of them.

The Scottish Government has failed to upgrade important rural roads, including the A77, the A75, the A96 and, in my region, the A9. Elsewhere, those using the A83 at the Rest and Be Thankful are still facing disruption. It is a pattern that we see time and time again. We need to look at all the projects that are not being delivered because we want to see what is happening.

Christine Grahame: I agree with a lot of what Alexander Stewart says, but we did build a third bridge over the Forth, and we built the Borders railway, after decades of dither and delay by the UK Government. Although I am prepared to criticise my Government, it is not the case that it has done nothing in transport that is worth while. That is very unfair.

Alexander Stewart: I thank the member for her intervention and I acknowledge what she says. However, when a party is in government, it is there to provide as much as possible for the whole community, not just parts of the community. The Sheriffhall roundabout has become a disappointing saga, with promises being broken again and again. It is now nearly two years since the independent reporter submitted recommendations to Scottish ministers, but we are still tied up with bureaucracy.

The debate has shown clear cross-party support for the action that is required. I can only hope that the Scottish Government is willing to listen.

Progress on Sheriffhall is long overdue, and it is time for the SNP to stop sitting back and waiting. It

must deliver, even if that means that it has to be dragged kicking and screaming to make the right decision—to deliver the roundabout upgrade for communities.

19:26

The Cabinet Secretary for Transport (Fiona Hyslop): I thank Miles Briggs for raising this issue and for doing so in a constructive way. His case has been somewhat destroyed by Alexander Stewart, though, who did not acknowledge the support that the Scottish Government has successfully given to considerable road projects, not least the Queensferry crossing; the Aberdeen western peripheral route; the M8 raised interchange; the short, medium and long-term developments that are being prepared for the A83; and the investments in the A77 and the A75. Alexander Stewart does not help to persuade me in favour of his case and give a constructive response when he hijacks the reasonable and articulate case that has been made by other members in relation to something that we must consider in the round, following due process.

I have listened carefully to the range of points that have been made during the debate and I would like to reassure members of the Government's commitment to improving transport infrastructure across the country, including in Edinburgh and the south-east of Scotland, building on our strong delivery record. Notably, 2025 marks 10 years since the Government reopened the Borders railway line, after its being closed for nearly 50 years. That has increased accessibility, economic growth and social benefits for the region. Additionally, 17 years ago, the Government completed construction of the nearby Dalkeith bypass, bringing relief to towns and settlements along that route.

I would also like to reassure members that I am fully aware of the challenges and frustrations faced by all users at the Sheriffhall junction. I, too, have often made the journey along the city bypass and through the Sheriffhall roundabout. The standard of the junction has always been out of step with the rest of the Edinburgh city bypass, as Miles Briggs has pointed out—it is the only single-level junction on the bypass. However, that was a consequence of complexities arising from an underlying geological fault and historical mine workings, and it led at the time of construction to the choice of a roundabout rather than the grade-separated junctions used elsewhere on the bypass.

Following the opening of the Dalkeith bypass, Transport Scotland undertook a review of the junction, and that work, together with stakeholder input, highlighted a number of challenges in the existing junction's operation. The first strategic

transport projects review, published in 2008, confirmed that position and the need for improvements to the Sheriffhall junction.

Given that, as we have heard from Foyso Choudhury and others, the project is being taken forward through the Edinburgh and south-east Scotland city region deal, and given that it arose from the first strategic transport projects review, the scheme was not considered within the scope of the second strategic transport projects review appraisal. The STPR2 recommendations represented a repositioning of our wider transport investment priorities, with the focus firmly on how transport can help us protect our climate and improve lives while supporting the economy, but the review also recommended a number of road improvement interventions.

The most transformative of the review's recommendations for the region is the development of a mass-transit system for Edinburgh and the south-east of Scotland. The recommendation is for an enhanced cross-boundary public transport system, potentially comprising tram, bus, rapid transit and bus priority measures, which will be relevant to Christine Grahame's constituents in the Borders.

Christine Grahame: This point might be left field, but I have never understood why the park-and-ride facility is on the north side of the Sheriffhall roundabout and not on the south side. It means that people, when parking their cars, need to go around the roundabout to the park-and-ride facility before going into Edinburgh. The park-and-ride facility at the Penicuik end is on the south side of the road. The cabinet secretary might not have an answer to that, but I would like to know whether the facility could be moved.

Fiona Hyslop: Christine Grahame makes an important point. It was before my time, so I will move on, but the logic of what she has said makes a lot of sense. We will consider what can be addressed in the future.

I recognise that, in addition to the recommendations in STPR2, improvements at Sheriffhall are a priority for regional partners, road users and local residents. The proposed improvements at Sheriffhall would provide a significant strategic contribution to the Edinburgh and south-east Scotland city region deal themes, including accelerating inclusive growth, removing physical barriers to growth and providing targeted employability and skills interventions. Improvements would also provide opportunities for greater levels of movement by public transport and, as we have heard from Christine Grahame and others, for pedestrians and cyclists, who would be able to traverse the junction more safely.

Although those benefits might be understood, we must recognise that there are other views and that ministers must follow a statutory process in which they have decision-making responsibilities that are separate from their responsibilities as a promoter. As we have heard, following publication of draft orders, Transport Scotland received 2,773 objections to the proposed scheme. As Transport Scotland was unable to resolve all objections that were received, a public local inquiry was held from 31 January to 8 February 2023, during which time an appointed independent reporter heard evidence from objectors and Transport Scotland. Following consideration of the objections that were received, the reporter submitted her conclusions and recommendations to the Scottish Government on 10 October 2023, and they remain under active consideration by my officials.

Sue Webber: Ninety-seven per cent of the objections have been identified as coming from Green Party sources, but only 12 per cent of the Lothian population voted for that party at that point. Do you think that it is fair—

The Deputy Presiding Officer: Speak through the chair.

Sue Webber: Do you believe, cabinet secretary, that it is fair that the Green Party has hijacked that process?

Fiona Hyslop: First, I acknowledge that “you” refers to the Presiding Officer. Secondly, it is important that Sue Webber has put what she has said on the record, but I will not make a judgment on it.

It is only right that my officials take the appropriate time to consider the significant number of objections that were received, along with the conclusions and recommendations that the reporter made, prior to providing advice to ministers. I continue to await advice on the matter from my officials. Although I am keen to see progress being made, it is essential that we follow due process, because not doing so would be a risk. The statutory right for individuals and organisations to have their say on proposals and the need for ministers to take those matters into account before reaching a final determination cannot be set aside, as some have suggested.

Sheriffhall is being promoted on behalf of Scottish ministers by Transport Scotland, which is seeking to make road orders under the Roads (Scotland) Act 1984 and to acquire land under the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947. The 1984 act, under which the scheme is being promoted, requires me, as Cabinet Secretary for Transport, to make a decision at the end of the statutory process.

In excess of 1,200 pieces of evidence were lodged for the public local inquiry, and that

evidence needs to be rigorously scrutinised by technical and legal advisers, who must be separate from those who have been involved in the promotion of the project. That is a time-consuming process, but it is necessary to ensure robust and well-reasoned decision making. I am very sympathetic to the frustrations about the length of time that the process is taking, but it is not possible, at this time, to give members the timeline that they understandably want.

Miles Briggs: If the project had progressed as part of the city deal, an upgraded roundabout would have opened this summer. There is concern that Transport Scotland is not engaging with the city deal partnership, which is frustrating for people who are actively working on the project, so will the cabinet secretary instruct Transport Scotland to attend the partnership’s meetings in the future?

The Deputy Presiding Officer: I can give you the time back, cabinet secretary.

Fiona Hyslop: I was not aware that Transport Scotland had been invited to those meetings but had not attended them. There is a difference between the promoters and those who advise me on the matter, but I will actively look into that issue.

The Scottish Government continues to support the promotion of the grade separation of the Sheriffhall roundabout as part of its £300 million commitment to the Edinburgh and south-east Scotland city region deal. I recognise that the proposed scheme is a priority for regional partners, and my officials continue to progress it through the statutory authorisation process.

Although I recognise the need for due process, I will, when it is appropriate to do so, meet a cross-party group of MSPs with an interest in this very important development. I am fully aware of their interests on behalf of their constituents, as expressed in the debate.

The Deputy Presiding Officer: That concludes the debate.

Meeting closed at 19:35.

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