



OFFICIAL REPORT
AITHISG OIFIGEIL

DRAFT

Meeting of the Parliament

Tuesday 16 September 2025

Business until 17:00

Session 6



The Scottish Parliament
Pàrlamaid na h-Alba

Tuesday 16 September 2025

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Scottish Parliament

Tuesday 16 September 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 time for reflection leader today is David Jarvis of Speaking SBC.

David Jarvis (Speaking SBC): Three years ago, I faced one of my biggest challenges—medical discharge from the British Army. After multiple injuries and post-traumatic stress disorder, the life that I had known for two decades was gone. I was in a dark place mentally.

A year later, thanks to an array of veterans charities, I was heading for the Invictus games. I had purpose again, and direction. My training was not just about sport; it was about recovery.

Three months before the games, however, I became seriously ill. My body, which I thought I knew well, had suddenly become unpredictable. I lost more than a quarter of my body weight inside two weeks, and it turned out that I was only days from death.

The doctors diagnosed me with type 1 diabetes. They recommended that I consider quitting, accepting that the dream was over. It felt like the world was against me at every turn.

Then I had an epiphany. If the challenges would not stop, I would need unwavering focus. That meant that the target could no longer be about recovery. The significance of the goal had to match the scale of the challenge, so the choice was to go big or stay at home. It was gold or nothing.

I needed that target to keep me focused, because I was learning about this new, life-threatening condition through trial and error. Let me tell you, it was mostly error. I had more than 40 blood tests a day and countless insulin injections. There were days when my blood glucose levels just crashed without reasonable cause, leaving me shaking and struggling to stand, let alone train. There were nights when I lay awake with anxiety, questioning my sanity.

By the time I arrived in Germany for the Invictus games, in September 2023, I had learned enough to bring it all together. I stood on that podium with a gold medal around my neck not because the road got easier, but because I refused to step off it.

Here is the thing: resilience is not glamorous. It is not a motivational poster. It is showing up when quitting feels easier. It is stepping forward when the world pushes you back. I learned an important truth from my challenges: the world does not get easier; I have to get better at dealing with it. I could have relied more on doctors, teammates, coaches and my family. I—we—can delegate responsibility. However, accountability is where the buck stops, and, in my case, it had set up residence in the form of type 1 diabetes.

I was not responsible for my diagnosis, but I am accountable for how I respond to it. I am not responsible for every mistake, but I am accountable for applying every lesson learned. My accountability is important, because the challenges will just keep coming. There is no respite—every day is still a school day. The world can still feel relentless, but my focus remains resolute.

Your adversity might be very different from mine, but remember: you do not need perfect conditions to achieve something extraordinary. You just need the courage to be accountable—to own the outcome regardless of circumstances. Resilience is not about avoiding the storm; it is about pushing through, despite the challenges. You will come out a winner on the other side.

Business Motion

14:04

The Presiding Officer (Alison Johnstone):

The next item of business is consideration of business motion S6M-18918, in the name of Jamie Hepburn, on behalf of the Parliamentary Bureau, on changes to business. Any member who wishes to speak to the motion should press their request-to-speak button now.

Motion moved,

That the Parliament agrees to the following revisions to the programme of business for—

(a) Tuesday 16 September 2025—

delete

10.00 pm Decision Time

followed by Members' Business

and insert

8.35 pm Decision Time

(b) Wednesday 17 September 2025—

delete

followed by Stage 1 Debate: Leases (Automatic Continuation etc.) (Scotland) Bill

and insert

followed by Ministerial Statement: Alexander Dennis Limited*followed by* Stage 3 Proceedings: Victims, Witnesses, and Justice Reform (Scotland) Bill

delete

5.00 pm Decision Time

and insert

4.20 pm Decision Time

followed by Members' Business—[*Jamie Hepburn*]*Motion agreed to.***Topical Question Time**

14:04

Nuclear Energy (Jobs)

1. **Douglas Lumsden (North East Scotland) (Con):** To ask the Scottish Government what its response is to the Nuclear Industry Association's reported view that Scotland will miss out on thousands of new jobs due to its stance on nuclear energy. (S6T-02667)

The Minister for Business and Employment (Richard Lochhead): We are focused on supporting growth and creating jobs by capitalising on Scotland's immense renewable energy capacity, rather than the more expensive new nuclear energy, which takes decades to build and potentially creates a further legacy of radioactive waste, which is costly and difficult to dispose of.

Significant growth in renewable storage, hydrogen, carbon capture and decommissioning are key opportunities for our future energy workforce in Scotland, with independent scenarios from Ernst & Young, or EY, showing that, with the right support, Scotland's low-carbon and renewable energy sector could support nearly 80,000 jobs by 2050.

Douglas Lumsden: There is a fundamental dishonesty towards nuclear from the Scottish National Party. It is quite happy to use nuclear energy from England or France when the wind is not blowing, but it blocks any moves to have that baseload generated in Scotland, thereby closing the door on jobs, investment and opportunities. The Scottish economy is missing out on thousands of well-paid, good jobs. Next week, the United Kingdom and the US are set to sign a multibillion-pound partnership, but that investment in small modular reactors will bypass Scotland due to the SNP's anti-science dogma towards nuclear energy. Will the SNP Government end the conspiracy against nuclear power, follow science instead and publish its belated energy strategy, with nuclear playing a key role?

Richard Lochhead: I am old enough to remember being in this chamber back in 1999 or 2000 up until 2007, when my party proposed developing Scotland's renewable energy potential. We were told that our renewable energy targets were unachievable and were pie in the sky, but here we are in 2025, producing enough renewable electricity in our country to meet domestic demand. We achieved Scotland's ambitions on renewable electricity, and we can achieve much more.

There is a huge prize to be captured for Scotland—a massive economic opportunity in

terms of Scotland's renewable potential. That is what we should focus on. As the member will know, the cost of nuclear power plants is rocketing, and there is a lead-in time of decades for those technologies, whereas we have a prize that we can capture in the coming decade or so, so we should focus on that.

Douglas Lumsden: There is no answer on when the energy strategy will be here. We have been waiting almost three years for it now.

We have a brilliant nuclear workforce at Torness and Hunterston who add so much economic value to Scotland, but the SNP Government is turning its back on the workers who have been keeping the lights on for decades. By siting new SMRs at those sites, we could utilise and grow the existing workforce and negate the need for monster pylons and battery storage systems that blight our communities, as our production would be closer to the demand. Once again, I ask: when will the Government finally publish its late energy strategy?

Richard Lochhead: The member talks about the implications for jobs. I should refer to another independent analysis by Ernst & Young that suggests that, with the right support, there could be 2,044 jobs and £383 million of gross value added in nuclear decommissioning in Scotland by 2045. The member is right, in that there are many valuable skills in Scotland's nuclear sector, and we should put them to good use in the decades ahead. There will be plenty of jobs created in renewables and in nuclear decommissioning in this country.

We will say more about our energy strategy in due course.

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): As the minister highlighted, nuclear power takes decades to become operational, at an eye-watering cost to the public, with EDF Energy reporting that the costs of Hinkley Point C could spiral to almost £48 billion, which is more than double the original estimate. Does the minister agree that, given the risks and huge costs of nuclear, we are better placed to take advantage of Scotland's natural abundance of far more affordable and far quicker to deliver renewable power?

Richard Lochhead: Audrey Nicoll lays out very eloquently the case for the Scottish Government's current energy policy. She is right to talk about the spiralling costs—the eye-watering costs—of the proposed nuclear power stations and those that are under construction in England at the moment, which are into tens of billions of pounds. If we could use Scotland's share of that to deploy our renewable energy resource in this country, we could create even more thousands of jobs and

support supply chains in this country. We should focus on capturing that prize.

Sarah Boyack (Lothian) (Lab): I am proud to have set Scotland's first renewables targets, and I agree that we need a lot more renewable energy.

The SNP opposes new SMRs—and Torness is due to close in spring 2030—even though they are being built across Europe. Torness currently has 550 full-time EDF Energy employees, 180 full-time contract employees and up to 800 employees every time there is a statutory outage. Why is the SNP happy to import nuclear-generated electricity but not to see it continue to be produced at Torness, given the massive annual benefits of around £45 million for the wider local economy?

Richard Lochhead: I welcome Sarah Boyack's support for our renewable energy targets, which her Administration set before ours came to power. Since 2007, our Government has achieved its targets.

I have indicated that tens of thousands of jobs have already been created in renewable energy in Scotland and there is potential to create tens of thousands more. Regarding those who work in the nuclear industry, I refer to the significant potential for the economy that comes from deploying their skills in nuclear decommissioning. There are many opportunities to create new jobs in Scotland and to sustain those that we currently have.

Patrick Harvie (Glasgow) (Green): In response to the original question, the idea that a private sector industry body lobbies for its own self-interest might be the least surprising revelation that I have ever heard. Work by the Tyndall Centre for Climate Change Research shows that, United Kingdom-wide, renewables can generate up to six times as many jobs as nuclear. Does the minister agree that if the Conservative Party was the least bit interested in jobs, low-cost energy and low carbon, it would embrace the net zero opportunities for Scotland in the future instead of trying to drag us back to the technology of the 1960s?

Richard Lochhead: I agree with Patrick Harvie. Scotland has a golden opportunity and a competitive advantage. We have the massive natural resource of all our renewable energy and clean energy sources. It would be crazy not to focus on them and deploy our investment in order to realise that massive potential for Scotland and for our companies. We are bringing about cheap, cleaner energy and all the other benefits that go with that.

Fergus Ewing (Inverness and Nairn) (Ind): Hunterston shut in 2022, Torness is due to close in 2030 and a question mark hangs over the gas station at Peterhead. There is a fundamental question: how do Governments ensure that we

avoid blackouts, which nearly occurred on 8 January this year in the UK? Does the minister not accept that, without baseload and back-up, it is impossible to provide synchronicity, inertia and, therefore, grid stability to maintain the national grid at 50 Hz? How can that be done without some baseload and back-up? Will there be a full day's debate about those really crucial issues in our Parliament?

Richard Lochhead: Fergus Ewing has raised very important principles that should underpin the energy policy of any country in the world. *[Interruption.]* We must bear in mind that we are talking about new nuclear power stations, which take decades to build. We cannot wait decades to answer some of the challenges that he has outlined, which is why we should continue to deploy Scotland's massive clean energy and renewable energy resources and capture their benefits.

Martin Whitfield (South Scotland) (Lab): The golden opportunity surely rests with both energy sources. The question that has still not been answered is, when will the energy strategy be published? Will the Scottish Government undertake to publish it before the end of this parliamentary session?

Richard Lochhead: My colleague Gillian Martin will keep Parliament up to date on that in due course. On the jobs question—which is why, as employment minister, I am here—I emphasise to the Parliament that we have a massive opportunity to create new jobs for Scotland in the energy sector. From independent analysis, we can already see the evidence of the tens of thousands of new energy jobs that this Administration has created. We should surely all work together to capture that prize.

The Presiding Officer (Alison Johnstone): We have a long afternoon. I would be grateful if members would speak when they are called and not otherwise.

Nursing Courses (Decline in Student Numbers)

2. Carol Mochan (South Scotland) (Lab): To ask the Scottish Government what its response is to the Royal College of Nursing's reported concerns regarding the decline in the number of nursing students, in light of recent Universities and Colleges Admissions Service figures showing that the number of accepted places on nursing courses beginning this autumn in Scotland is 5 per cent lower than last year. (S6T-02665)

The Cabinet Secretary for Health and Social Care (Neil Gray): Under this Government, nursing and midwifery staffing has increased by almost 19 per cent since 2006. It is important to be clear that the UCAS statistics do not cover all routes into

those courses, with part-time, Open University and most postgraduate courses not using the UCAS platform.

However, I absolutely recognise the need to encourage more people into the profession. That is why our nursing and midwifery task force is bringing together partners to drive forward lasting change and to support staff, including by recommending actions to develop alternative routes, such as through our excellent colleges, to widen access into education pathways.

Carol Mochan: I wish to quote the Royal College of Nursing's warnings:

"Scotland does not have the number of nurses now that it needs to meet the demand for care in health and social care services. Thousands of registered nurses are missing from health and social care teams across Scotland, impacting on the quality and safety of patient care. This is a desperate negative spiral. The Scottish government must take urgent action now and make investment focused on addressing the nursing workforce shortages."

Those are the warnings from the profession itself. Does the Government believe that it is currently training enough staff to meet demand?

Neil Gray: I thank Carol Mochan for that question, because these are very serious issues. We are working with the Royal College of Nursing and the Royal College of Midwives to ensure that the nursing and midwifery task force takes action to address them, and we are working in collaboration to deliver the task force's recommended actions. We recognise that widening access to nursing and midwifery programmes is important in order to increase the number of nurses and midwives.

Substantial work to widen access has already begun, including with our higher education institutions. That will involve testing innovations over the next three to four years and collaborating with the college sector to enhance and promote recruitment and retention in rural and island areas. That work will include the delivery of satellite education and the development of work-based learning programmes.

Carol Mochan: Cabinet secretary, without properly trained staff, nursing places will remain unfilled. Over the past three years, nearly 2,500 fewer nursing students have started university than were planned under the targets that were set by your Government. That means that the gap between the number of registered nurses who are needed and the number who will enter the workforce in the coming year is set to widen even further. There is real concern across the profession. Will the cabinet secretary confirm whether the nursing and midwifery task force's recommendations, which were published in February, will be funded and fully implemented

before the end of the current parliamentary session?

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

Neil Gray: We are already working to implement the recommendations of the nursing and midwifery task force. As Carol Mochan will recognise, the challenges that we face in attracting people into nursing and midwifery courses are not unique to Scotland. Those challenges are also being faced in Labour-run Wales, where there has also been a reduction in the number of student nurses. It is also not just an issue in the United Kingdom—half of the nations in the Organisation for Economic Co-operation and Development are reporting a reduction in the interest of 15-year-olds in nursing education.

We take the issue seriously here. It would make a big difference if we were able to recruit and retain international workers. The reduction in the number of visas for those in the health and care workforce that have been approved by the Home Office over the past year is extremely concerning, because that could have an incredibly damaging impact on our health and social care services. Indeed, in May, the RCN said that new immigration measures could

“accelerate an exodus of internationally educated nurses ... with potentially devastating consequences for health and social care services”.

I am keen to work with Carol Mochan and others to persuade the UK Government of the merits of a proper immigration service that works for the needs of our public services in Scotland.

Emma Harper (South Scotland) (SNP): I remind members that I am a registered nurse.

The UK Labour Government hiked tuition fees in England this year, and the Labour Government in Wales continues to charge tuition fees. That means that nursing and midwifery students are landed with high levels of debt when they qualify. In contrast, in Scotland, under the Scottish National Party, tuition is free and record numbers of Scots are going to university. While Labour burdens nursing students with avoidable debt, will the cabinet secretary set out and reiterate the unique support that is available in Scotland to entice students into the nursing and midwifery profession?

Neil Gray: Our package of support for student nurses and midwives in Scotland is currently at its highest level, which is the highest level of support to be provided across the United Kingdom. The annual £10,000 bursary is non-means tested and non-repayable. Eligible students receive free tuition, free uniforms and free disclosure and health checks, as well as the reimbursement of clinical placement expenses. Some students also

qualify for additional allowances to their bursaries, such as dependants allowance, childcare allowances and/or single-parent allowances.

That is what we get with the investment from an SNP Government: free tuition, which is always protected, additional bursary support and allowances for childcare. What do people get with Labour? Broken promises, negativity, no ideas and a hefty bill to pay at the end of their studies.

Brian Whittle (South Scotland) (Con): The figures that we have before us follow the reports that I highlighted last week, which show that the number of nursing and midwifery vacancies has risen by 60 per cent in just six months. Those figures were preceded by numerous others, all pointing to the same issue. Scotland's national health service is not attracting or retaining the staff that it needs in order to care for patients properly or to clear backlogs. That reminds me of when my daughter applied to do midwifery less than 10 years ago. She was one of 43 who were accepted. There were 440 places. Nurses now have to go through clearing to fill those places. Does the cabinet secretary recognise that there is a serious problem here? How do they intend to ensure that we will make the NHS in Scotland a more attractive place to work?

Neil Gray: I recognise the question from Brian Whittle, but there are 48,909.6 whole-time equivalent qualified nurses and midwives working in NHS Scotland. That is a 2.7 per cent increase over the past year and a 13 per cent increase in the past decade. As I have already stated to Carol Mochan, the UCAS data does not cover all routes into university for those subjects, with part-time, Open University and most postgraduate courses not using the UCAS platform.

On the vacancy rates, there is increased investment and increased activity to bring down waiting times, and I expect an increased number of places to be available for recruitment. I encourage our boards to ensure that they are utilising the talent that exists here in Scotland among nurses and midwives.

Willie Rennie (North East Fife) (LD): The financial problems in universities are contributing to the loss of important teaching staff, which means that the viability and credibility of departments is under threat. That will store up problems for many years to come unless we can get things right.

What discussions has the cabinet secretary had with his colleague Mr Dey, who is sitting next to him, about the future viability of universities, so that nursing departments are viable for the future?

Neil Gray: With relevance to the point that is before us, I point back to the answer that I gave to Carol Mochan on the importance of international

students and international workers, not just to our NHS and social care services but to our universities. That is a critical point. Mr Dey and I of course frequently discuss issues with regard to training the next generation of our public sector workers, ensuring that the continued viability of our university sector is, as the member would expect, very high up on the Government's agenda.

The Presiding Officer: That concludes topical questions.

Business Motion

14:23

The Presiding Officer (Alison Johnstone):

The next item of business is consideration of business motion S6M-18901, in the name of Jamie Hepburn, on behalf of the Parliamentary Bureau, setting out a timetable for stage 3 consideration of the Victims, Witnesses, and Justice Reform (Scotland) Bill.

Motion moved,

That the Parliament agrees that, during stage 3 of the Victims, Witnesses, and Justice 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 4:	50 minutes
Groups 5 to 7:	1 hour 50 minutes
Groups 8 to 10:	2 hours 35 minutes
Groups 11 to 13:	3 hours 35 minutes
Groups 14 to 16:	4 hours 20 minutes
Groups 17 to 19:	5 hours 10 minutes
Groups 20 to 22:	6 hours.—[<i>Jamie Hepburn</i>]

Motion agreed to.

Victims, Witnesses, and Justice Reform (Scotland) Bill: Stage 3

14:23

The Presiding Officer (Alison Johnstone):

The next item of business is stage 3 proceedings for the Victims, Witnesses, and Justice Reform (Scotland) Bill. In dealing with the amendments, members should have before them the bill as amended at stage 2—that is, SP bill 26A—the marshalled list of amendments 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 the group has been called.

Members should now refer to the marshalled list of amendments.

Section 2—Functions

The Presiding Officer: Group 1 is on the victims charter. Amendment 4, in the name of Jamie Greene, is grouped with amendments 5, 9 and 28.

Jamie Greene (West Scotland) (LD): I take the opportunity to quickly thank, at the start of today's debate, the Parliament's clerks, who have assisted a number of back benchers and Opposition members with the drafting of amendments where we did not have the support of the Government. I thank the Cabinet Secretary for Justice and Home Affairs and her team, including her civil servants, who have assisted on areas of mutual interest in drafting amendments. In particular, I thank my staff, who have worked incredibly hard over the past few weeks and months to assist with today's amendments.

We come neatly to the first group. It is on the victims charter, which is a duty that will be placed on the victims commissioner, should such a commissioner be created through the course of today. I understand and accept that there is a plurality of views on the establishment of a victims commissioner. A number of victim support organisations are in favour; others are not. There has been a mixed response to the Criminal Justice Committee's report on the bill. Notwithstanding that, should such a commissioner be created as a result of today's votes, I feel that it is imperative that the commissioner has a specific and clear task to do on day 1 of taking office, which is to create the victims charter.

I will talk briefly through the amendments. Amendment 9 is the substantive amendment in the group. It will insert a new section into the bill that outlines a requirement for the new victims and witnesses commissioner to prepare and publish a victims charter within a year of this section of the bill coming into force. In preparing the charter, the commissioner will have to consult a number of key people, including victims, victim support organisations and criminal justice bodies and partners.

Amendment 9 sets out what will be in the charter—that is important. I was unusually specific in my related stage 2 amendments about what I thought the charter should or should not contain in order for it to be a meaningful and helpful document and not simply a repetition of other pieces of advice that are in the public domain. Unusually, the Government accepted verbatim what I subsequently proposed, which has carried through to stage 3.

The charter will outline for victims—who often have had very little or no experience of the criminal justice system—an end-to-end description of the criminal justice system in Scotland, which differs from that of other parts of the UK. It will outline the interactions that a victim might have with the system at various points as they go through their journey of reporting a crime and being identified as a victim, through to the relevant court proceedings and sentencing, and even through parole and thereafter. In essence, it outlines that person's various touch points with the system.

The charter will explain

“the communications which a victim will receive in the course of those interactions”.

We know that, at various points, victims are communicated with by various bodies and agencies, to a meaningful degree or not, as we will come on to discuss in relation to later groups of amendments.

The charter must outline what victims' rights are throughout those interactions. From feedback that I have had, I know that those rights are not always obvious. Further, it will detail

“the mechanisms available to a victim for upholding those rights”.

It is open ended, so that the commissioner can consult more widely and add other matters into the charter as they consider appropriate.

The charter should be promoted by stakeholders once it is completed, so I have lodged amendments 4 and 5, which will place a duty on the commissioner to ensure that the charter, when completed, is promoted by partners. For example, that information could be issued as a

booklet or pamphlet to people when they report a crime at police stations, or it could be distributed by solicitors or lawyers, by charities in the third sector that support victims, by the courts or even by the national health service or at other touch points where people interact with a public service. Its purpose is to inform victims at the earliest possible stage about their journey through the justice process.

14:30

Liam Kerr (North East Scotland) (Con): The broad thrust of Jamie Greene's amendments is reasonable and I am inclined to support them, although I note that an awful lot of what is in the proposed victims charter seems to replicate what is in the "Victims' Code for Scotland".

Given the requirements on the commissioner to carry out an annual review of the charter and the concerns that we have heard from Scottish Women's Aid about that potentially taking the commissioner's resources away from other priorities—including the promotion that Mr Greene has just mentioned—how much time and money does he think will be spent on producing and reviewing the charter every year, as opposed to the other work that the commissioner will be doing?

Jamie Greene: I thank Mr Kerr for his comments and for his—as always—constructive and helpful feedback, which he has shared throughout our negotiations on the bill.

The first draft and iteration of the charter will require work and time to be spent on it, and, inevitably, that will come at a cost. That will be part of the costs that are associated with the running of the office of the commissioner. I appreciate that there are a range of views on that.

The annual review is, indeed, a review—it will not be a complete reproduction of the charter. I do not expect it to be completely rewritten each year. However, during a political year there might be legislative changes, changes to guidance that have been issued as a result of secondary legislation or other changes that the Government expects to make. For example, I know that the Government has just carried out a consultation on parole reform. That might result in changes to guidance or to Scottish statutory instruments. Perhaps those changes will need to be reflected in future iterations of the code. Equally, the third sector is evolving, so the nature of the advice that is available and given to people might change over time.

I suspect that, as the years go on, the charter will require updating rather than complete renewal, and therefore the workload will be less as time goes on.

To get to the crux of Mr Kerr's point, as has been expressed, we do not want a commissioner for a commissioner's sake—we have had long debates in Parliament about that issue. We want a commissioner who has something meaningful and tangible to offer to victims. The code is tangible. It will be written in friendly language, and it is something that everyone will be able to pick up to allow them to understand the journey that they are about to go on through the justice process.

I am genuinely pleased that Victim Support Scotland supports the creation of the charter. In its briefing to members of the Scottish Parliament, it said:

"VSS supports the preparation and publication of a Victims' Charter as part of the role of the Victims and Witnesses Commissioner".

It notes that that is complementary to the existence of the current victims code and said that it welcomes the increased awareness that those rights, when coupled with the powers of the commissioner, will offer to victims.

The "Victims Code for Scotland", which Mr Kerr rightly points to, is a good document. However, I have to say that none of the victims whom I have met during the past four years has ever heard of it or read it. It has clearly not been promoted, and it has limited scope in terms of the interactions that people might have with the justice system. I hope that the charter goes further than the code. Indeed, a similar charter exists in England and Wales, with which victims are presented.

Overall, the whole package should create a meaningful piece of work for the commissioner to do on day 1 of his or her job, should that role be created.

I will leave it there.

I move amendment 4.

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): I am conscious that we have more than 160 amendments to get through today, so I will leave my thanks to everyone who has contributed to the bill until later in the proceedings.

I am very pleased to have been able to work with Jamie Greene on the amendments in group 1. As he has outlined, they will establish a victims charter, which the victims and witnesses commissioner will prepare, publish, promote and lay before the Scottish Parliament. It is right that that duty will be on the victims and witnesses commissioner, whom the bill, if passed tomorrow, will establish as the person who has the role of raising awareness of and promoting the interests of victims and witnesses. I am pleased to support the amendments in the group.

The Presiding Officer: I call Jamie Greene to wind up and to press or withdraw amendment 4.

Jamie Greene: I have no further comments to make. I press amendment 4.

Amendment 4 agreed to.

Amendment 5 moved—[Jamie Greene]—and agreed to.

The Presiding Officer: Group 2 is entitled “Victims and Witnesses Commissioner: functions and definition of victim”. Amendment 59, in the name of the cabinet secretary, is grouped with amendments 8, 60 and 61.

Angela Constance: I will deal first with amendments 59, 60 and 61, which provide a revised and broader definition of “victim” for the purposes of the work of the victims and witnesses commissioner.

Amendment 59 will add a specific reference to the role of the commissioner in relation to the victim notification scheme in section 2 of the bill. On introduction, the bill defined “victim” broadly to avoid the risk of anyone being unintentionally excluded from interacting with the victims and witnesses commissioner, either as an individual or via engagement with a victim support organisation. We have revisited that to ensure an appropriate approach to what is meant by “victim”, following discussions with victims groups. Liam Kerr raised issues with the definition at stage 2. Although the changes that will be made by the amendments are not directly related, I know that we are all looking to ensure that the definition is appropriate.

Amendments 60 and 61 will expand the definition of “victim” to expressly include, first, those persons who have

“suffered harm as a direct result of having seen, heard, or otherwise directly experienced the effects of”

such conduct, or

“harmful behaviour by a child”;

secondly, those who are eligible to receive information under the victim notification scheme; and, thirdly, relatives who are prescribed for the purpose of receiving information through the victims code and standards of service under the Victims and Witnesses (Scotland) Act 2014.

Amendment 8 was developed in relation to concerns that were raised by some of the criminal justice bodies. As with the separate amendments to change the term “criminal justice agency” to “criminal justice body”, which I will speak to under group 4, amendment 8 is designed to meet the concerns that have been expressed about perceptions of the independence of decision making within the justice system. Amendment 8 will therefore state in the bill that the victims and

witnesses commissioner may not exercise their functions in a way that would adversely impact the decision making of a criminal justice body, and it therefore expressly protects their independence.

I move amendment 59.

Amendment 59 agreed to.

The Presiding Officer: Group 3 comprises minor and technical amendments. Amendment 6, in the name of the cabinet secretary, is grouped with amendments 7, 10 to 16, 18, 20, 22, 23, 25 to 27, 29, 30, 33 to 37 and 58.

Angela Constance: The amendments in group 3 will change the term “criminal justice agency” or “criminal justice agencies” to “criminal justice body” or “criminal justice bodies” in part 1 and schedule 1, which relate to the victims and witnesses commissioner. The criminal justice bodies, as they are proposed to be known in light of the amendments, are listed in the bill as the Lord Advocate, Scottish ministers, Police Scotland, the Scottish Courts and Tribunals Service and the Parole Board for Scotland.

The amendments were developed in relation to stakeholder feedback and, in particular, a concern raised by the Parole Board for Scotland about how the term “agency” could be perceived, as the bodies operate independently of Scottish ministers. We consider that the use of the description “criminal justice body” addresses that concern. Although it does not have any impact on the legal standing of any of the criminal justice bodies that are included under the definition, that term is considered to be a more neutral term than “criminal justice agency”. It will avoid any suggestion that those independent bodies are in any way subordinate to Scottish ministers or the victims and witnesses commissioner, or a suggestion that the commissioner or Scottish ministers will be able to direct them.

I move amendment 6.

The Presiding Officer: Just to confirm, cabinet secretary, do you wish to add any further comments to wind up?

Angela Constance: I have nothing to add.

Amendment 6 agreed to.

Amendment 7 moved—[Angela Constance]—and agreed to.

Section 8—Restriction on exercise of functions

Amendment 8 moved—[Angela Constance]—and agreed to.

After section 8

Amendment 9 moved—[Jamie Greene]—and agreed to.

Section 10—Carrying out investigations

Amendment 10 moved—[Angela Constance]—and agreed to.

Section 13—Reports on investigations

Amendments 11 and 12 moved—[Angela Constance]—and agreed to.

Section 14—Power to gather information

Amendments 13 to 16 moved—[Angela Constance]—and agreed to.

The Presiding Officer: Group 4 is entitled “Victims and Witnesses Commissioner: power to gather information”. Amendment 17, in the name of the cabinet secretary, is grouped with amendments 19, 21, 96, 97, 24 and 98 to 100.

Angela Constance: I begin with amendments 17 and 19, which are in my name. Provisions in the bill relate to the information-gathering powers of the victims and witnesses commissioner, which are subject to certain exemptions. Amendments 17 and 19 clarify that a criminal justice body or the Lord Advocate can refuse to provide information in certain circumstances, rather than being obliged to provide that information, as is required by the current wording. That ensures consistency of language and makes it absolutely clear that refusals are not overridden by the requirement to provide information to the commissioner.

Amendment 24, which is linked to amendments 17 and 19, makes it clear that the right of the commissioner to report to the Court of Session or publicise the criminal justice body’s failure to provide information does not apply if the criminal justice body is relying on the exceptions in sections 14(3) or 14(4)—that is, where the body could refuse to provide information to a court or, in the case of the Lord Advocate, where doing so might prejudice criminal proceedings or be contrary to the public interest.

Amendment 21 provides the commissioner with an alternative route—to the Court of Session—if a criminal justice body has refused to provide information based on the exception in section 14(3) and the commissioner wishes to challenge that refusal. That ensures that the commissioner’s ability to take enforcement action towards criminal justice bodies, where appropriate, is not undermined. I urge the Parliament to support my amendments in the group.

I cannot support any of the amendments in Sharon Dowey’s name. Her amendments 96 and

97 would place a duty on local authorities and providers of social housing to provide information requested by the victims and witnesses commissioner for the purpose of determining the support that they are providing to victims and witnesses. It would also bring those organisations into the scope of enforcement that the bill currently applies only to criminal justice bodies, as is appropriate for the victims and witnesses commissioner.

Ms Dowey’s amendments appear unnecessary and disproportionate. However, I reassure her that section 6(2) of the bill provides the victims and witnesses commissioner with the power to engage with such bodies as they consider appropriate, and section 7 allows further flexibility in how the commissioner discharges their duties.

In addition, under sections 10 and 12, where the commissioner is conducting an investigation, they can require any persons to provide evidence or documents. Therefore, as the commissioner already has the power to engage those bodies as part of their functions, and I do not consider it appropriate for such bodies to be subject to enforcement and the requirement to provide information in the same way as criminal justice bodies, given the nature of the work of the commissioner, I urge the member not to move those amendments.

Ms Dowey’s amendments 98 to 100 also seek to bring local authorities and providers of social housing into the scope of the enforcement that is provided for in the bill. That does not seem appropriate, for the reasons that I have already set out. In addition, for such changes as Ms Dowey proposes in respect of this group to be introduced at this stage, I would expect there to have been considerable engagement with councils and social housing organisations, to seek their views on the impact of those, and I suspect that that has not been possible. I therefore urge Ms Dowey not to move the amendments in the group, and I urge the Parliament to oppose them if they are moved.

I move amendment 17.

14:45

Sharon Dowey (South Scotland) (Con): My amendment 96 would give the victims commissioner the power to request information from local authorities and social housing providers for the purpose of determining the support that they are providing to victims and witnesses. The amendment was suggested to me by Victim Support Scotland, which backs it.

All MSPs will be aware from their casework that local authorities and social housing providers play a key role in supporting victims. The power to request information from them will help the

commissioner to assess the support that those bodies are providing to victims, and their compliance with the victims code.

Amendments 97 to 100 are all technical amendments in consequence of amendment 96.

I have concerns about the potential for a victims commissioner to drain resources from victims support services. However, I recognise that, if the bill passes, we will have one, and so we must give them the tools that they need to create change for victims. There is no point in having a commissioner if they cannot hold all relevant agencies to account.

If any MSP has ever been contacted by a constituent who has been failed by a local authority or social housing provider, they should back my amendment today on their behalf.

Angela Constance: I stress to members that these amendments are new to stage 3. Unfortunately, I did not hear Ms Dowe make any reference to consultation with either social housing providers or local authorities.

Liam Kerr: Will the cabinet secretary take an intervention?

Angela Constance: In a moment.

As I said in my opening statement, in exercising their duties under the act, the victims and witnesses commissioner can, of course, engage with any relevant party.

Liam Kerr: On the point that the cabinet secretary made about the amendments being new to stage 3, can we take it that any amendments that are newly introduced at stage 3 will not find favour with her?

Angela Constance: That will depend on the consultation and engagement that has taken place.

With respect to Ms Dowe's amendments, I repeat that I did not hear her make any reference to the engagement that she has had with those who would be impacted by the amendments—namely, housing providers and local authorities.

Amendment 17 agreed to.

Amendments 18 to 21 moved—[Angela Constance].

The Presiding Officer: Does any member object to a single question being put on amendments 18 to 21?

Martin Whitfield (South Scotland) (Lab): I object in relation to amendment 21.

The Presiding Officer: That being the case, we will put questions on each amendment individually.

Amendments 18 to 20 agreed to.

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

Members: No.

The Presiding Officer: There will be a division.

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

14:48

Meeting suspended.

14:54

On resuming—

The Presiding Officer: We will proceed with the division on amendment 21.

The vote is closed.

The Cabinet Secretary for Education and Skills (Jenny Gilruth): On a point of order, Presiding Officer. My app did not connect. I would have voted yes.

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

Emma Harper (South Scotland) (SNP): On a point of order, Presiding Officer. My app was not connecting quickly enough. I would have voted yes.

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

Kenneth Gibson (Cunninghame North) (SNP): On a point of order, Presiding Officer. I would have voted yes.

The Presiding Officer: Thank you, Mr Gibson.

For

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
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)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dowe, Sharon (South Scotland) (Con)
Dunbar, Jackie (Aberdeen Donside) (SNP)

Eagle, Tim (Highlands and Islands) (Con)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (Ind)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Findlay, Russell (West Scotland) (Con)
 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)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lumsden, Douglas (North East Scotland) (Con)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (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)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 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)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (Alba)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ross, Douglas (Highlands and Islands) (Con)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Simpson, Graham (Central Scotland) (Reform)
 Slater, Lorna (Lothian) (Green)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)

Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD) [Proxy vote cast by Willie Rennie]
 Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Marra, Michael (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Whitfield, Martin (South Scotland) (Lab)

The Presiding Officer: The result of the division is: For 96, Against 0, Abstentions 17.

Amendment 21 agreed to.

After section 14

The Presiding Officer: Amendment 96, in the name of Sharon Dowey, has already been debated with amendment 17. I ask Sharon Dowey to move or not move the amendment.

Sharon Dowey: On the basis that the amendment is supported by Victim Support Scotland, I will move it.

Amendment 96 moved—[Sharon Dowey].

The Presiding Officer: The question is, that amendment 96 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Briggs, Miles (Lothian) (Con)
 Burgess, Ariane (Highlands and Islands) (Green)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Maggie (North East Scotland) (Green)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 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)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (LD)
 Greer, Ross (West Scotland) (Green)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)

Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 Mackay, Gillian (Central Scotland) (Green) [Proxy vote cast by Ross Greer]
 McArthur, Liam (Orkney Islands) (LD)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Regan, Ash (Edinburgh Eastern) (Alba)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Simpson, Graham (Central Scotland) (Reform)
 Slater, Lorna (Lothian) (Green)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD) [Proxy vote cast by Willie Rennie]

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)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (Ind)
 Fairlie, Jim (Perthshire South and Kinross-shire) (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)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)

Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Baker, Claire (Mid Scotland and Fife) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Marra, Michael (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab) [Proxy vote cast by Michael Marra]
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Whitfield, Martin (South Scotland) (Lab)

The Presiding Officer: The result of the division is: For 40, Against 58, Abstentions 17.

Amendment 96 disagreed to.

Section 14A—Failure to supply required information.

Amendment 22 moved—[Angela Constance]—and agreed to.

Amendment 97 not moved.

Amendments 23 and 24 moved—[Angela Constance]—and agreed to.

15:00

Amendment 98 not moved.

Amendment 25 moved—[Angela Constance]—and agreed to.

Amendment 99 not moved.

Amendment 26 moved—[Angela Constance]—and agreed to.

Amendment 100 not moved.

Section 16—Annual Report

Amendment 27 moved—[Angela Constance]—and agreed to.

Amendment 28 moved—[Jamie Greene]—and agreed to.

Amendment 29 moved—[Angela Constance]—and agreed to.

Section 17—Requirement to respond to annual report

Amendment 30 moved—[Angela Constance]—and agreed to.

After section 18

The Presiding Officer: Group 5 is on research on child sexual exploitation and abuse. Amendment 31, in the name of Liam Kerr, is grouped with amendment 32.

Liam Kerr: Amendment 31 and the consequential amendment 32 would require the newly constituted victims commissioner to conduct an investigation into

“group-based child sexual exploitation”

and abuse, also known as “grooming gangs”, in Scotland.

We know that grooming gangs operate in Scotland. Just seven months ago, a Romanian grooming gang was convicted of raping and sexually abusing 10 women in flats across Dundee. In 2016, Police Scotland conducted an investigation, called operation cerra, into a grooming gang in Glasgow that reportedly had 44 victims and 55 alleged perpetrators.

We cannot overlook the fact that sexual crime in Scotland is already at its second-highest level since 1971. How prevalent are grooming gangs here? We just do not know. To be fair, nor did the authorities in England, which is why, in January 2025, Baroness Casey was instructed by the Prime Minister to carry out in England an exercise of precisely the sort that is envisaged by my amendment 31. The amendment simply provides for a similar investigation to be undertaken by, or under instruction from, the new victims commissioner. Such an investigation would build a national picture of what is known about grooming gangs in Scotland. It would identify local and national trends, assess the quality of the data that is available, review police understanding of the crime and assess the demographics of victims and perpetrators. Crucially, it would require the making of recommendations about how to prevent this most vicious and heinous of practices from occurring and about whether a full public inquiry should be commissioned.

Such an exercise must be done here. When asked about Scotland having an inquiry, Baroness Casey herself said

“I can move from Scotland to England pretty easily, and criminals do.”

Indeed they do.

I am mindful of the challenges of establishing a new commissioner. That is why, although Baroness Casey delivered her audit in fewer than six months, I have required in my amendment 31 that the Scottish report should be done within three years.

There is currently a worrying lack of information about the true scale of the issue—about who the victims are and who is conducting these crimes in Scotland. I am a firm believer that more data is a good thing, but we have very little here. We cannot bury our heads in the sand while England tackles the issue. If we were to do so, there would be a real risk of Scotland falling behind in dealing with child sexual abuse.

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): Members will be united in our condemnation of the issues that the member refers to. However, does Liam Kerr agree that his proposal is extremely specialist and complex and that, rather than this being a role for the victims commissioner, any work in Scotland to look at the issue more closely would need to be done by a more specialist and multi-agency forum?

Liam Kerr: That is a well-made intervention. The victims commissioner that the bill will bring in will have a blank slate. Therefore, the commissioner can be set up in a way that will appropriately facilitate what amendment 31 would require. However, that is a valid intervention, and amendment 31 specifically provides for the victims commissioner to appoint someone else to conduct the research on their behalf, if they should so wish. They could even appoint Baroness Casey, which I think we would all agree would be an absolute masterstroke.

Martin Whitfield: Will the member take an intervention?

Liam Kerr: I will come back to Mr Whitfield in my closing comments.

I urge members to support my amendments 31 and 32 and to deliver justice for the victims of grooming gangs.

I move amendment 31.

Angela Constance: The Scottish Government fully recognises the terrible suffering that is experienced by children who are abused and exploited, and we are all determined to tackle that and share the priority of protecting our children from harm. This is a sensitive area and it needs to be treated as such. However, I do not support amendments 31 and 32, which do not represent the most effective approach to these grave matters.

The national child sexual abuse and exploitation strategic group was established in 2024. That is work that is under way now, not in three years’

time. It is an expert group of key statutory, third-sector, academic and, crucially, service delivery organisations, and it is best placed to assess and make recommendations for additional action to tackle child sexual abuse and exploitation. It is better placed to do so than a victims commissioner, whom the Conservatives had doubts about establishing and who, following commencement, will need to be recruited and will have a variety of duties to deliver, not least the delivery of the charter that we debated and agreed to in group 1.

I want to know that we have expertise on and knowledge of this sensitive and crucial issue, and the national child sexual abuse and exploitation strategic group is best placed to provide that. The group is already working at pace to strengthen workforce identification of abuse, improve data collection and information sharing to better understand prevalence, and enhance multi-agency co-ordination to improve our collective response to this abhorrent crime.

Police Scotland has advised that there are no current investigations in Scotland involving offences against children and young people that would mirror the investigations that are described in the United Kingdom Government “National Audit on Group-Based Child Sexual Exploitation and Abuse”, which was conducted by Baroness Casey.

However, all members will agree that there is no room for complacency in relation to these hidden and underreported crimes. Police Scotland is reviewing historical and current cases of this nature, and that is essential, expert work that is being undertaken now—work that Audrey Nicoll, an ex-police officer, alluded to when she spoke of the expert nature of the detail that was involved in that work. That work by Police Scotland will be reported to the strategic group.

That group has already considered the implications of Baroness Casey’s audit and is looking at each of its recommendations. It will discuss agreed actions, including the findings of Police Scotland’s analysis, at a meeting next month.

It should also be noted that stakeholders have already cautioned about the need to ensure that the roles of the victims and witnesses commissioner and the existing Children and Young People’s Commissioner complement one another and that they are not in competition and do not create inefficiencies in their important work to scrutinise and uphold children’s rights in Scotland. In my view, amendments 31 and 32, as well as not being the right route to address the issue, would risk unnecessary duplication in those roles. I stress that the national child sexual abuse and exploitation strategic group and Police Scotland are active in that area now. The creation

of duplication would not represent an inefficient use of resources—resources that could be better directed towards improving prevention and victim support services. That is an issue that has been repeatedly raised by stakeholders who—rightly—would prefer focused action to more layers of research and review when those are already in place.

I am sure that Liam Kerr will understand those arguments. I hope that he will realise that his amendments are not the right route and that he will not press them to a vote this afternoon. If he does, I urge Parliament to reject them.

Liam Kerr: I am grateful to the cabinet secretary. I will put on record that I am genuinely grateful for the cabinet secretary’s collaborative approach throughout the whole bill process, which I appreciate.

In dealing with the objections to my amendments 31 and 32, I will start with a response by the First Minister at First Minister’s questions last week, in which he claimed that the child sexual abuse inquiry will be sufficient. He is wrong. That inquiry is vitally important—on that we agree—but it looks only at the issue of the abuse of children in care. It does not look at grooming gangs, and it will consider only events that happened from 1930 to 2014. Operation cerrar, which I referred to earlier, took place in 2016, so it would not be covered, neither would the grooming gang that was convicted in Dundee this year.

The cabinet secretary goes on to suggest that giving the victims commissioner a responsibility to carry out this work would not be the most effective way—in her words—of addressing the issue. As I said in my earlier response to Audrey Nicoll, the commissioner can appoint anyone, and I suggested to Audrey Nicoll that that might even be Baroness Casey.

The cabinet secretary then argues that some work in that area is already under way. That is true, and we absolutely support that work, but that does not in any way preclude this investigation from being carried out. Is there anyone in the chamber who will object to having too much data on this vile crime?

Martin Whitfield: In his rebuttal on the amendment, Mr Kerr mentioned the Children and Young People’s Commissioner and the potential for conflict between commissioners’ roles. The member has also just talked about whether it is possible to have too much data in this area.

Is this not a case where the amendments would lead to right-minded, thinking and intelligent people with expertise coming together to identify the correct person to do it as well as to identify the sources of data that are not yet available and that

clearly are not coming through the strategic group any time soon?

Liam Kerr: Martin Whitfield is right that there can never be too much data on these crimes. In any event, I am calling for a one-off urgent report into a specific area by precisely the commissioner who is being set up to address victim issues. However, Martin Whitfield makes exactly the right point. How can extra collaboration between a victims commissioner, a children's commissioner or anyone else who has expertise in this area—just as Audrey Nicoll rightly pointed out—possibly be a bad thing? It is absolutely a good thing, and that is a persuasive argument as to why members should vote for my amendments.

15:15

Angela Constance: It is important that we get the right type of data, and that work is of course under way.

Is Mr Kerr aware of the work led by Professor Alexis Jay, who was the chair of an independent inquiry into child sexual abuse in England and Wales and who currently sits on our national strategic group? She shares my view and has put on the record and stated to the media that she does not support further inquiries into child sexual abuse and exploitation, given the significant time and resource already spent in the review that she led, the Casey audit and other reviews. She says that it is now time that

“people should just get on with it”.

I contend that that is what the Scottish Government is doing right here, right now—we are getting on with the work that we need to do to protect children.

Liam Kerr: The cabinet secretary has put that on the record, but I presume that she will agree that there is a terrifying lack of information about the true scale of the issue, who the victims are and who is conducting these crimes in Scotland. We are lagging behind England on the issue.

The cabinet secretary puts to me the point about time and resources, but I put back to the cabinet secretary that Baroness Casey delivered her verdict on the matters that my amendments cover in a mere six months. The Scottish child sexual abuse inquiry commenced in 2015 and is still to report. My amendments are absolutely the ones that we need to get action now, which the cabinet secretary rightly demands.

We cannot, and we must not, bury our heads in the sand on this vicious and pernicious practice of child sexual abuse. The cabinet secretary was right when she said that there is no room for complacency—she is absolutely spot on about that. This is not and must not be an issue of party

politics. I am not suggesting that it is—I respect the cabinet secretary too much for that—but I want to point out that the Scottish Labour MP Joani Reid has called for a grooming gangs inquiry in Scotland and that she and Labour are absolutely right to do so. My amendments mirror what the UK Labour Government has rightly done in England.

Colleagues, I am giving the Parliament the opportunity to do the right thing here, to deliver justice for the victims of grooming gangs and to do all that we can to prevent the victims of the future. Do not let them down. Vote for my amendment 31, which I hereby press, and amendment 32.

The Deputy Presiding Officer (Annabelle Ewing): The question is, that amendment 31 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

Pauline McNeill (Glasgow) (Lab): On a point of order, Presiding Officer. I had technical problems. I would have voted yes.

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

Roz McCall (Mid Scotland and Fife) (Con): On a point of order, Presiding Officer. My vote has not registered. I would have voted yes.

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

For

Baker, Claire (Mid Scotland and Fife) (Lab)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Burnett, Alexander (Aberdeenshire West) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Choudhury, Foysol (Lothian) (Lab)
Clark, Katy (West Scotland) (Lab)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Dowey, Sharon (South Scotland) (Con)
Duncan-Glancy, Pam (Glasgow) (Lab)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Fergus (Inverness and Nairn) (Ind)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Greene, Jamie (West Scotland) (LD)
Griffin, Mark (Central Scotland) (Lab)
Johnson, Daniel (Edinburgh Southern) (Lab)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Lumsden, Douglas (North East Scotland) (Con)
Marra, Michael (North East Scotland) (Lab)
McArthur, Liam (Orkney Islands) (LD)

McCall, Roz (Mid Scotland and Fife) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O’Kane, Paul (West Scotland) (Lab) [Proxy vote cast by Michael Marra]
 Regan, Ash (Edinburgh Eastern) (Alba)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Reform)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD) [Proxy vote cast by Willie Rennie]

Against

Adam, George (Paisley) (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)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (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)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green) [Proxy vote cast by Ross Greer]
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)

Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 51, Against 62, Abstentions 0.

Amendment 31 disagreed to.

Section 19—Reports

Amendment 32 not moved.

Amendment 33 moved—[Angela Constance]—and agreed to.

Section 21—Co-operation with Commissioner

Amendments 34 and 35 moved—[Angela Constance]—and agreed to.

Section 23—Interpretation of Part

Amendments 36, 60, 61 and 37 moved—[Angela Constance]—and agreed to.

After section 26

The Deputy Presiding Officer: Group 6 is on conduct of fatal accident inquiries. Amendment 62, in the name of the cabinet secretary, is the only amendment in the group.

Angela Constance: Amendment 62 relates to part 2 of the bill, which already makes provision to ensure that the courts can set rules on trauma-informed practice, for both criminal and civil proceedings.

Amendment 62 makes equivalent provision for fatal accident inquiries. It adds “trauma-informed practice” to the list of matters on which the Court of Session can regulate the practice and procedure for inquiry proceedings. That makes explicit that the court can set rules that are designed to ensure that inquiries into fatal accidents and sudden deaths are conducted in a trauma-informed way.

I move amendment 62.

Amendment 62 agreed to.

Before section 29A

The Deputy Presiding Officer: Group 7 is on plea agreements and prosecution decisions. Amendment 38, in the name of Russell Findlay, is grouped with amendments 63, 102, 64, 65 and 101.

Russell Findlay (West Scotland) (Con): I have three amendments in the group, which relate specifically to plea deals in solemn cases. At stage 2, I lodged some amendments in relation to summary cases, but having listened to the cabinet secretary's warning about them potentially adding to court delays, I withdrew them. It is perhaps interesting to note that the ratio of summary to solemn proceedings in court is approximately six to one, so there are far more summary cases than there are solemn ones.

There is absolutely nothing wrong with plea deals. For years, they have been used very effectively by prosecutors in the conduct of their business. They can spare victims and witnesses from giving testimony. They can save the courts time and money, and they can incentivise early guilty pleas for the benefit of everyone involved. However, far too often, such deals are taken in secret, and some very concerning decisions have been made.

In one particular case, it took four years for a serial domestic abuser to be found guilty after he used every dirty trick in the book to evade justice. Having done so, he was still offered a favourable plea deal, which meant that some charges were dropped altogether, despite an abundance of evidence, and other charges were diluted to remove their worst elements. That is commonplace—it is happening in courts across Scotland, and it happens every single week.

Another case that springs to mind is that of Liz Shanks, who has campaigned on plea deal transparency ever since her own case of domestic violence went through the courts. She discovered only after the event that a deal had been struck. Again, the deal favoured the accused, who was able to see certain charges dropped despite an abundance of evidence—in this case, closed-circuit television evidence—against him.

In both those cases and in many others, the victims found out that there had been plea deals only because there happened to be journalists in court. As I said at the outset, such things happen every single day of the week.

After some discussion prior to the recess, I am grateful to the cabinet secretary for giving me amendment 38 as a hand-out. It proposes to give victims in solemn cases the right to opt in to receive information about plea deals. The Scottish

Government says that that approach is trauma informed. The cabinet secretary has already used that term today, but I still do not understand what it actually means. I think that that approach could be improved. Given that victims are entitled to know the outcome of their case—whether it be a conviction or an acquittal—why on earth would sharing the details of a plea deal somehow cause further trauma? Surely victims are entitled to that basic level of transparency.

Amendment 38 almost gets there, but it perhaps risks giving an illusion of transparency and could actually make things worse for victims. I say that because, at a meeting to discuss the issue, the Lord Advocate told me that all victims are already told about deals, even though we know from the abundance of evidence in the public domain that that does not routinely happen. If that should happen but does not currently, how would amendment 38 change the position? The fundamental problem with amendment 38 relates to how a victim would know that they had the right to opt in. The short answer to that is that they just would not know.

We can look at some of the opt-in models that have been used in the justice system in recent years. For example, after the mass release of prisoners, only something like 2 or 3 per cent of people opted in to find out whether the person who had caused them harm had been set free prematurely. We know that opt-in models do not work, which is why we need amendment 63 or amendment 102.

Amendment 63 is my preferred option. It would mean that all victims in solemn cases would be told about plea deals. That amounts to basic transparency—it is simple common sense. Amendment 102 represents a bit of a halfway house between the Scottish Government's opt-in model and my full disclosure model. It would mean that victims would have to opt out of being told about plea deals. I would still have reservations about any system that was reliant on Crown Office communication, given the strains that it is under, which is why amendment 63 is by far and away the best option. In all the decades that I have been working with victims during my time in journalism and in politics, I have yet to meet a victim who has said that they want less information about their case, which is what the Government's hand-out option—amendment 38—would, in effect, amount to.

Scottish Women's Aid supports amendment 102, and Victim Support Scotland supports all three of my amendments.

If members will indulge me, I will end with a quote from Liz Shanks, who has fought so hard for transparency. She said:

"They're pretending to listen. They just want to be seen to be doing the right thing—but not doing what's actually needed. Crime victims are not being listened to. They're being let down every single day ... and they will be badly let down by this bill which could have done so much more."

I find it hard to disagree with her, not least in respect of the plea deal amendments. Let us, please, show Liz and all the other victims out there that we are, in fact, listening by getting these critical amendments across the line.

I move amendment 38.

15:30

Jamie Greene: I add my support for amendment 38 in the name of Russell Findlay. He has made some salient and well-presented points about the nature of information that victims get or do not get, as the case may be, and I note his comments.

My amendments in this group are in a similar vein but, rather than being related to plea deals, they pertain to where the Crown has decided to drop a case—in other words, to decisions not to prosecute, as they are more commonly known.

Both my amendments seek to achieve the same thing, but in slightly different ways—and I will happily explain that.

Amendment 64 would give victims a right to be informed by prosecutors when a decision has been made not to prosecute an alleged offender or to discontinue the proceedings against them. It does so by adding a new section to the Victims and Witnesses (Scotland) Act 2014 that states that, where a prosecutor decides to discontinue prosecution or not to prosecute a case,

"the prosecutor must, as soon as reasonably practicable, inform"

the victim.

Amendment 65 is materially similar—it is almost identical—but it includes an extra caveat, which says:

"unless the prosecutor considers that it would be inappropriate to do so."

That gives the prosecutor some necessary flexibility if they deem it appropriate. For example, in complex cases, that information might put the alleged offender's safety at risk, where they have been identified, or it might compromise future, simultaneous or concurrent investigations into the same alleged offender.

The question here is similar to what Russell Findlay was saying about plea deals and the lack of transparency. Why do we need the amendment or a version of it? The reality is that it is too often the case that victims are simply not informed that their case has been dropped or that a decision has

been made not to continue prosecution. At that point, many people will not have had the opportunity to opt in to any victim notification scheme, perhaps because cases are not yet live in the system, at that stage when the Crown has information from Police Scotland and is considering whether to pursue a case.

There are many reasons why the Crown may drop a case: there might be a lack of evidence, or it might believe that the case might not be successful. If someone has reported the crime and the Crown decides, for whatever reason, that it will not proceed with the case, the person who has been identified as a potential victim ought to have the right to know that. We might expect that to be the case already but, sadly, the reality is that it is not the case. Too many cases are dropped or discontinued, and the victim is the last person to find out, if they find out at all.

The cabinet secretary suggests that, because I have failed to provide an opt-out clause in my amendments, those amendments are not "trauma informed". That concern is not shared by Victim Support Scotland, which, I would say, knows quite a lot about trauma-informed justice practice. It is both my and Victim Support Scotland's assertion that amendment 64 represents the strongest possible option

"by creating a broad, unconditional notification duty covering both non-prosecution and discontinuance."

My amendment on the matter had very broad public support when I consulted on it. Back in 2021, 84 per cent of respondents were fully supportive of my proposal, when I consulted on my proposed victims, criminal justice and fatal accident inquiries (Scotland) bill, that all victims should have the right to be notified of a decision not to prosecute their case.

I wish to put this on the record, because I hope that members will consider their opinion on it: VSS has stated that it strongly believes that it should not be for a victim of a crime or their family to actively seek information about whether the crime has been prosecuted; it should be for the Crown Office and Procurator Fiscal Service or its representatives to proactively contact victims to inform them of such decisions. In cases where the victims are not told, they cannot make use of their right to appeal such decisions in situations where it could be legitimate to do so. We all know the reality that very few victims go on to appeal decisions not to prosecute, and the success rate of that is incredibly low—in fact, it is staggeringly low.

Amendment 101, in Sharon Dowey's name, would give an expanded version of what I am seeking to achieve by offering the so-called opt-out clause that the Government said was not in my

amendment 64. I am happy to support Sharon Dowey's amendment 101 if mine does not pass.

Amendment 64 is not a new amendment. It was brought before the Criminal Justice Committee at stage 2 in March this year. The reality is that, if there had been any competency issues with its wording, or if there had been any other issues that could have been flagged, addressed or even raised by the Government ahead of today, they were not.

Ultimately, it would have been preferable if the Government had lodged amendments to provide a workable solution to the very live issue of victims not being notified of decisions not to prosecute. However, in its failure to do so, I urge the Parliament to back my amendments in the group, as has been requested by Victim Support Scotland.

The only other amendment that I will mention is amendment 38, because I do not believe that it is a big ask. Indeed, the whole package of amendments in the group should be supported accordingly.

Sharon Dowey: Amendment 101 would require that, when a prosecutor makes the decision not to prosecute an offender, the prosecutor must inform the victim of that decision. As Jamie Greene said, I have included an important safeguard—I hope that the Government will recognise it as a compromise—which would ensure that victims can opt out of receiving such information, in keeping with trauma-informed practice. The amendment would give ministers the power to make regulations for how victims could express their wish not to receive that information.

It is crucial that victims are not kept in the dark, as they often report feeling like a witness in their own case, excluded from important decisions that concern them. It is common sense that, if they want to receive such information, they should be kept informed about what is happening with their case.

Victim Support Scotland and Scottish Women's Aid both support my amendment, with Scottish Women's Aid saying that providing information about the decision not to prosecute is important to women who are experiencing domestic abuse. My amendment 101 would put victims first.

Angela Constance: I make it absolutely clear that the bill will deliver for victims; it will make landmark reforms that are much needed; and it has been informed by the voices of victims, their families and support organisations.

I have listened to Mr Findlay and other members of the Parliament on the bill since it was introduced more than two years ago. Members might be a wee bit surprised to hear that I have

had constructive meetings with Mr Findlay and that I took on board his contribution at stage 2 in relation to plea adjustments and offered to work with him ahead of stage 3. We agreed an approach to an amendment that we could both support, which enhances victims' rights, supports informed choice and strengthens the justice system's accountability—that is amendment 38, which I am very happy to support today.

Russell Findlay: Does the cabinet secretary recognise that, due to the inherent problems in the criminal justice system of people being under strain, and due to the difficulties that prosecutors face every single day, an opt-in system is inherently flawed? Victims might not even know that they have the right to opt in, hence the problems with the cabinet secretary's hand-out amendment 38.

Angela Constance: There are inherent flaws with an opt-out approach, which I will come on to. I appreciate that, due to the success of prosecutors and the rise in the number of successful prosecutions of domestic violence and sexual crime, the Crown Office works extremely hard and, without a doubt, will be under pressure. However, the service has received an increase in its funding of more than 50 per cent—56 per cent, in fact—since the start of the previous parliamentary session.

To address matters on which we agree, I agree very much that victims deserve to be kept informed, to understand what is happening in their case and to feel that the system is working for them and not around them.

Amendment 38 will strengthen the rights of victims to be informed about plea adjustments and, by law—this will be set out in the bill—will require prosecutors to inform victims in solemn cases. Amendment 38 not only delivers on the approach that I discussed and agreed with Mr Findlay but goes further, by including a power to allow for an extension to summary cases in the future.

I am a wee bit puzzled why Mr Findlay was not content with the approach that I outlined and, indeed, why he lodged an amendment that he now seems to be somewhat equivocating on and that, since then, he has gone on to lodge other amendments that he knows will deny victims a choice.

Russell Findlay: For the record, the cabinet secretary and I had discussions prior to recess, and nothing was agreed or set in stone. The cabinet secretary said that she would go away and look at whether it would be an opt-in model, an opt-out model or something in between. It was only right on the cusp of the deadline for lodging amendments that I saw the amendment that

showed it to be an opt-in model, which I was never in favour of—hence my new amendments. I would like the cabinet secretary to at least acknowledge that as being the case.

Angela Constance: What I would acknowledge about the discussion that we had, which will probably inform our debates on later groups, is that the language on opt-in and opt-out models is misleading and tends to create barriers that stop us from coming together, not only to agree on the best ways forward for victims to receive information that recognises their agency and their choice, but, equally, to build systems that are far more proactive in reaching out to victims.

My concern about amendment 63 is that it would deny victims choice. It would compel prosecutors to contact victims who had expressly opted out of receiving information from the Crown Office. They are individuals who, understandably, for their own reasons and having made a personal choice, might wish to move on from what has been a traumatic or distressing experience and not wish to have further contact with the Crown Office. To force information about plea adjustments on to victims in that way would be completely incompatible with the trauma-informed practice that is being embedded in our justice system.

I remind Mr Findlay that part 2 of the bill creates a statutory duty for prosecutors to “have regard to” trauma-informed practice. I would have hoped that, if Mr Findlay had listened to victims collectively, as he says that he has done, he would not want to wholeheartedly support an approach that undermines that.

Russell Findlay: Will the cabinet secretary give way?

Angela Constance: I would like to make a wee bit of progress. Maybe later.

Neither do I support Mr Findlay’s amendment 102, which would make it the default that prosecutors must contact all victims about plea adjustments unless they have specifically opted out. In my view, that unfairly puts the onus on precisely those victims who do not wish to engage.

I turn to amendments 64 and 65, in the name of Jamie Greene, and amendment 101, in the name of Sharon Dowey. I acknowledge the good intentions behind those amendments, but I have given the members concerned advance notice that I cannot support them.

Choice and empowerment are core principles of trauma-informed practice. Victims should have meaningful control over whether and how they are kept informed about their case, if that is what they wish. If victims wish, they can request to be told of decisions by the prosecutor not to take action in a case or to discontinue proceedings. However, Mr

Greene’s amendments 64 and 65 would give the victim no choice about whether to receive that information. Under amendment 64, they would simply have to be told and, under amendment 65, it would be for the prosecutor to decide that, without giving consideration to the victim’s views.

Although Ms Dowey’s amendment 101 would require taking the victim’s views into account, it would also require the victim to opt out of receiving information specifically about a decision not to prosecute. I consider that victims should be supported and empowered to choose what information they would like, at a time that is good for them, and not to be forced to make decisions about individual pieces of information at specific points in the criminal justice process. That would add complexity to a system that victims already consider to be opaque and difficult to navigate.

Jamie Greene: Will the cabinet secretary take an intervention?

Angela Constance: Of course.

Jamie Greene: We all know that there are many issues with victim notification schemes as they stand, and I need not rehearse the arguments on that. However, the stark reality is that it is inconceivable that the Crown, particularly in grave cases, would simply drop or discontinue proceedings and not tell the victim. Many victims are not signed up to those schemes, because they were never invited to do so and were unable to have future opt-ins to those systems. Surely the default position should be that the Crown would want that information to be in the hands of the victims, unless there was some explicit mechanism for not doing so.

15:45

Angela Constance: Mr Greene will not find any argument from me on the endeavours that must be made to improve registration with the victim notification scheme and with the victim information and advice service that the Crown Office provides. In later groups, we will debate the good steps forward that have been taken as part of the journey to improve, in particular, the victim notification scheme. I simply make the point that having a default position that required prosecutors to contact everyone in all circumstances would be a blunt approach and would not be trauma informed. I understand very much what Mr Greene and others are trying to achieve, but it would be remiss of me not to raise the issues that I have raised today.

I also ask parliamentarians to be aware of how the justice system operates in practice. When a case is marked “no proceedings” or “no action”, that often does not reflect a final or irreversible decision. Prosecutors retain the discretion to raise

proceedings at a later stage if new evidence emerges or other victims come forward, yet amendments 101, 64 and 65 would mandate communication at that early point. That would risk misleading victims, creating confusion or unnecessary distress and, ultimately, undermining trust in the justice system.

Maggie Chapman (North East Scotland) (Green): Will the cabinet secretary take an intervention?

Jamie Greene: Will the cabinet secretary take an intervention?

Angela Constance: I will take an intervention from Ms Chapman.

Maggie Chapman: Can the cabinet secretary give us an indication of how many cases that have been marked “no action” have been taken up at a later date? As Jamie Greene and others have said, there are victims and survivors who do not know what is happening or whether there is any possibility of future action taking place. That is part of the unknown here.

Angela Constance: Unfortunately, I do not have to hand the specific information that Ms Chapman refers to, but she makes the point that richer dialogue and better communication are required throughout the system, as is consistency of approach. The fundamental point that I am trying to make here is that, although we are all endeavouring to take advantage of this large piece of landmark legislation to enhance our approach and make progress on such issues, we have to be mindful that taking a more piecemeal approach could add further confusion and complexity. Actually, what victims are crying out for, among many things, are coherence and consistency in the system.

Sharon Dowey: I have been listening to the points that the cabinet secretary has made. However, the committee heard lots of evidence from victims, and their main issue was that they were not being kept up to date with anything that was going on in the system. Surely, if the prosecutor knows that they are not going to take any further action, they should notify the victim. If further information comes up at a later date that means that they will then prosecute, they should go and update the victim again and say that they are now going to take further action. It is best practice to keep the victim up to date so that they know what is happening with any proceedings.

Angela Constance: I make the point again that I do not dispute the need for thorough and regular communication. My point about the amendments that Ms Dowey and Mr Greene lodged is that they would force information on victims whether they wanted it or not. We all have to accept that victims and survivors are not a homogeneous group.

Personal choice, empowerment and agency are important. That does not—

The Deputy Presiding Officer: Cabinet secretary, may I interrupt? I appreciate that you have been very generous in taking a lot of amendments and that there are a lot of issues to go through, but I ask you to consider winding up your remarks. We will then go to Mr Findlay. Thank you.

Angela Constance: I take your guidance, Presiding Officer.

On amendments 64 and 101, I advise that there are concerns about legislative competence, in the sense that their provisions might impinge on the Lord Advocate's powers without allowing scope for prosecutorial discretion to withhold information. That could be outwith the legislative competence of the Parliament.

From an operational perspective, requiring blanket notifications would also introduce significant resourcing pressures, both financial and in staff hours, due to the necessary increase in issuing correspondence and managing follow-up contact, questions and expectations from victims, some of whom, as I said, might have already chosen not to engage further with the justice process. That would risk diverting resources from having a more tailored, trauma-informed approach.

Victims have a broad range of rights under the Victims and Witnesses (Scotland) Act 2014. I acknowledge that more can and should be done to ensure that victims are informed about how best they can exercise choice over their rights. That is why the bill will also establish a victims commissioner and a victims charter, and it will improve the provision of information about support through the amendment on referrals that we will shortly debate. I consider that those processes represent a more effective approach than duplicating existing rights or creating mandatory processes in a piecemeal fashion at very specific points in the criminal process.

The focus should remain on improving the quality, consistency and personalisation of victim engagement through the existing statutory framework and on-going reforms. I therefore urge members to support amendment 38 and reject the other amendments in the group.

The Deputy Presiding Officer: I call Russell Findlay to wind up and to press or withdraw amendment 38.

Russell Findlay: I will press amendment 38.

I find some of the cabinet secretary's reasoning to be slightly bizarre. I have never met a victim who has argued that they do not want to know any more about their case, or who campaigns strongly

for even less transparency in a justice system that already lacks it.

Another fallback that the Government increasingly seems to use is talk of trauma-informed practice, which appears to be a catch-all, get-out-of-jail-free card for opposing anything that the Government does not like. It has no meaningful definition whatsoever, unless the cabinet secretary will enlighten me with—

Jamie Greene: Russell Findlay will also know that, in the briefing that was sent to MSPs, Victim Support Scotland—for which I have a lot of time and respect and which works daily in its offices to support victims—supports the amendments in this group; therefore, so should we all.

Russell Findlay: Absolutely. Victim Support Scotland supports my three amendments, and Scottish Women's Aid supports one of them.

Angela Constance: I will be brief. Given that Victim Support Scotland is encouraging MSPs to back the bill tomorrow, will Russell Findlay confirm whether his party will do so?

Russell Findlay: We will do what we are doing right now and what we have done for the past couple of years, which is to try to improve the bill, which is a massive missed opportunity, and we will look at it tomorrow. However, I am not encouraged by the cabinet secretary's refusal to back what are commonsense amendments. That is not a good sign.

Amendment 38 agreed to.

Amendment 63 moved—[Russell Findlay].

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

Baker, Claire (Mid Scotland and Fife) (Lab)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Burnett, Alexander (Aberdeenshire West) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Choudhury, Foysol (Lothian) (Lab)
Clark, Katy (West Scotland) (Lab)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Dowey, Sharon (South Scotland) (Con)
Duncan-Glancy, Pam (Glasgow) (Lab)
Ewing, Fergus (Inverness and Nairn) (Ind)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Greene, Jamie (West Scotland) (LD)
Griffin, Mark (Central Scotland) (Lab)
Johnson, Daniel (Edinburgh Southern) (Lab)

Halcro Johnston, Jamie (Highlands and Islands) (Con)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Lumsden, Douglas (North East Scotland) (Con)
Marra, Michael (North East Scotland) (Lab)
McArthur, Liam (Orkney Islands) (LD)
McCall, Roz (Mid Scotland and Fife) (Con)
McNeill, Pauline (Glasgow) (Lab)
Mochan, Carol (South Scotland) (Lab)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
O'Kane, Paul (West Scotland) (Lab) [Proxy vote cast by Michael Marra]
Regan, Ash (Edinburgh Eastern) (Alba)
Rennie, Willie (North East Fife) (LD)
Ross, Douglas (Highlands and Islands) (Con)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Sarwar, Anas (Glasgow) (Lab)
Simpson, Graham (Central Scotland) (Reform)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Sweeney, Paul (Glasgow) (Lab)
Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
White, Tess (North East Scotland) (Con)
Whitfield, Martin (South Scotland) (Lab)
Whittle, Brian (South Scotland) (Con)
Wishart, Beatrice (Shetland Islands) (LD) [Proxy vote cast by Willie Rennie]

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)
Dornan, James (Glasgow Cathcart) (SNP)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Fairlie, Jim (Perthshire South and Kinross-shire) (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)
MacGregor, Fulton (Coatbridge and Chryston) (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)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 50, Against 64, Abstentions 0.

Amendment 63 disagreed to.

Amendment 102 moved—[Russell Findlay].

The Deputy Presiding Officer: The question is, that amendment 102 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is now closed.

Tim Eagle (Highlands and Islands) (Con): On a point of order, Presiding Officer. I had some connection issues. I would have voted yes.

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

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Eagle, Tim (Highlands and Islands) (Con)
 Ewing, Fergus (Inverness and Nairn) (Ind)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)

Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (LD)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab) [Proxy vote cast by Michael Marra]
 Regan, Ash (Edinburgh Eastern) (Alba)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Reform)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD) [Proxy vote cast by Willie Rennie]

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)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (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)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)

Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Burgess, Ariane (Highlands and Islands) (Green)
 Chapman, Maggie (North East Scotland) (Green)
 Greer, Ross (West Scotland) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Mackay, Gillian (Central Scotland) (Green) [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 51, Against 57, Abstentions 7.

Amendment 102 disagreed to.

Amendment 64 moved—[Jamie Greene].

The Deputy Presiding Officer: The question is, that amendment 64 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burgess, Ariane (Highlands and Islands) (Green)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Eagle, Tim (Highlands and Islands) (Con)
 Ewing, Fergus (Inverness and Nairn) (Ind)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)

Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (LD)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Mackay, Gillian (Central Scotland) (Green) [Proxy vote cast by Ross Greer]
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab) [Proxy vote cast by Michael Marra]
 Regan, Ash (Edinburgh Eastern) (Alba)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Reform)
 Slater, Lorna (Lothian) (Green)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD) [Proxy vote cast by Willie Rennie]

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)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (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)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (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 58, Against 56, Abstentions 0.

Amendment 64 agreed to.

Amendment 65 not moved.

Amendment 101 moved—[Sharon Dowey].

The Deputy Presiding Officer: The question is, that amendment 101 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is now closed.

Katy Clark (West Scotland) (Lab): On a point of order, Presiding Officer. There was a technical problem. I would have voted yes.

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

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burgess, Ariane (Highlands and Islands) (Green)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Eagle, Tim (Highlands and Islands) (Con)
 Ewing, Fergus (Inverness and Nairn) (Ind)

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)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Mackay, Gillian (Central Scotland) (Green) [Proxy vote cast by Ross Greer]
 Marra, Michael (North East Scotland) (Lab)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab) [Proxy vote cast by Michael Marra]
 Regan, Ash (Edinburgh Eastern) (Alba)
 Ross, Douglas (Highlands and Islands) (Con)
 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) (Reform)
 Slater, Lorna (Lothian) (Green)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)

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)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (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)
 Greene, Jamie (West Scotland) (LD)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)

Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 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)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD) [Proxy vote cast by Willie Rennie]
 Yousaf, Humza (Glasgow Pollok) (SNP)

16:00

The Deputy Presiding Officer: The result of the division is: For 53, Against 61, Abstentions 0.

Amendment 101 disagreed to.

After section 29A

The Deputy Presiding Officer: We turn to group 8, on the victim notification scheme and rights to make representations. Amendment 66, in the name of the minister, is grouped with amendments 66 to 82, 85, 94, 95 and 161.

The Minister for Victims and Community Safety (Siobhian Brown): Further to amendments that were agreed to at stage 2 to reform the victim notification scheme, the amendments in this group will help to deliver a more trauma-informed approach to the VNS.

The VNS has a criminal justice aspect and a forensic mental health aspect. The latter—the compulsion order and restriction order VNS—relates to victims of patients in the forensic mental health system who are subject to a compulsion order and a restriction order. All my stage 3 amendments will deliver reforms across both the criminal justice VNS and the CORO VNS, unless otherwise stated.

I know that Jamie Greene will have the opportunity to speak shortly on his amendment 85 in this group. He is aware that we cannot support it, although I am sympathetic to the intention. The Scottish Prison Service and the Parole Board for Scotland have been clear that amendment 85 would not result in a better service for victims. The additional process steps that would be needed would create delays for victims. Such barriers are at odds with our ambitions for VNS reform and the rest of the amendments on the VNS. I therefore urge Mr Greene not to move that amendment.

Turning to the Government amendments, I will speak first to amendment 66, which is linked to amendment 94. Those amendments take forward recommended reforms to VNS eligibility when a victim has died or is incapacitated.

Currently, when a victim has died, the first four eligible relatives from a strict hierarchical list can join the VNS, and when a victim is incapacitated, the highest qualifying relative from that list can join the VNS. We know that that approach is inflexible and causes distress. Amendments 66 and 94 will change that so that the approach is based on the nature of the relationship with the victim, not the current list. In situations in which a victim has died, it will be possible for a total of five people to join the VNS, rather than the current four. The Scottish ministers will also be able to enable more people to join the VNS by way of regulations, thereby ensuring future flexibility.

That discretionary decision making will be underpinned by the code of practice, which will also govern decisions on a child victim joining the scheme. The code is to be published in draft, consulted on and laid before Parliament, reflecting its importance.

Amendment 67 comprises a set of changes that will support a key aim of VNS reform—parity of treatment for victims, where appropriate, regardless of where the offender is held. It will do that by ensuring that victims of child offenders who have been sentenced to detention in secure accommodation can benefit from the same rights under the VNS as victims of offenders who are held in prison or in young offenders institutions.

Amendment 68 will deliver a recommendation from the independent review by introducing a bespoke decision-making process in relation to a child victim who wishes to join the VNS. A determination on who will receive the information will be made based on the child's age, views and best interests.

Sharon Dowey: I seek clarification on amendment 68, which imposes a test whereby ministers will decide whether information about the release of an offender should be given directly to a child, and "have regard to" their "age and maturity"

in doing so. Can you clarify whether there are any circumstances in which a 17-year-old would request that information but would be denied it?

The Deputy Presiding Officer (Liam McArthur): Always speak through the chair.

Siobhian Brown: The child's best interests will be at the heart of how decisions are made and whether child victims will be able to join the VNS in their own right. We recognise that, in some cases, those decisions will be finely balanced, especially with regard to age. However, I make it clear that we will seek to accommodate a child's wishes as far as possible.

Amendments 69 and 95 make provision to enable victims to nominate a person to receive information at the same time as, or instead of, the victim, which is also a recommendation from the VNS review.

Amendments 70 and 77 to 81 collectively deliver key improvements to victims' rights where a cross-border transfer of an offender or patient takes place, in line with the recommendation from the independent review. That will make it easier for victims to exercise their rights once a transfer is taking place, including transfers into Scotland.

Amendments 70 and 80 will enable victims to be advised of the jurisdiction to which the offender in their case is being transferred, unless that is not in the interests of justice. That is a crucial change that will help to provide victims with peace of mind. Amendment 71 will enable the Scottish ministers to provide victims with information ancillary to the core information that they receive under the VNS in order to provide flexibility and more meaningful information for victims.

Amendment 72 has two main parts. First, it amends existing order-making powers for the VNS so that they can be used to make a wider range of changes to the information available under the scheme than is possible under the current powers, thereby ensuring greater flexibility. Secondly, it responds to the VNS review's recommendation that victims should be able to be told of each occasion of temporary release from prison where that might bring the offender into close proximity with the victim. Engagement with stakeholders indicated that there was a range of conflicting views on the recommendation, so we are taking the power now to enable future changes to be made by way of secondary legislation. That will give us the opportunity to consult on the issues and build a consensus with stakeholders on the way forward.

Amendments 73 and 74 are technical amendments that build on provisions that were agreed to at stage 2. Amendment 74 will enable the Scottish ministers to make regulations that impose a duty to co-operate with ministers for the

purpose of the VNS on other persons, thereby future proofing the scheme in case of expansion. We will consult before progressing such regulations.

Amendment 74 will also facilitate better access to information for victims where a cross-border transfer occurs by ensuring that the Scottish ministers can co-operate with other relevant persons.

Amendments 73 and 75 make consequential changes to stage 2 amendments.

Amendment 82 delivers a recommendation from the independent review on the information available under the compulsion order and restriction order VNS that will enable victims registered for the CORO VNS to receive information about an appeal against recall being lodged and about the outcome of such an appeal.

Amendment 161, in the name of the cabinet secretary, makes changes to the long title of the bill to reflect the amendments in my name in this group. I am sure that the Parliament shares my ambitions for VNS reform, so I urge members to support my amendments in this group, and I ask Mr Greene not to move his amendment.

I move amendment 66.

Jamie Greene: I will keep my comments solely to my amendment in this group, as there are a number of amendments in the group. As we have discussed a great deal already today, the current VNS scheme is simply not fit for purpose. I understand that the Government acknowledges that, as do other stakeholders, and I hope to see some meaningful reform to the scheme post the passage of this legislation. The bill cannot be the first or last step in improving the entire end-to-end process for how victims are notified, what they are told and when they are told it. As part of today's deliberations, we are trying to improve that, and as the debate on the previous group of amendments demonstrated, there is cross-party support for such changes even when there is not Government support.

I will speak on amendment 85, which deals with the information that a victim would receive prior to someone's release either as part of the parole process or after their time in prison has been served. Amendment 85 essentially says that the victim must be informed of a prisoner's release date prior to that prisoner being released, unless it is not practical to do so.

At the moment, section 16 of the Criminal Justice (Scotland) Act 2003 sets out all the information that a victim is entitled to receive about the release of an offender. Most importantly, it entitles them to information about the date of the convicted person's release. My amendment would

not change any of that and would not change the information provided to a victim, but it is explicit in saying that a victim should receive that information prior to the offender being released.

Section 17 of the 2003 act sets out the information that a victim is entitled to following decisions made by the Parole Board. The second part of my amendment 85 therefore clarifies the parameters of the information that a person would receive. Subsection (3) of the section that my amendment 85 seeks to insert in the bill says that

“as soon as reasonably practicable after any decision is made”—

that is, after the Parole Board has made a decision about someone’s release—the victim must receive information on the board’s decision

“whether or not to recommend or direct the release of a person”

and

“whether the person released is to comply with conditions”,

because we know that conditions are often attached to parole decisions. My amendment goes on to say that the victim must be informed

“where the person is to be released”

and, more importantly, that that must happen

“before the date of that release”.

I go so far as to say that that change to the 2003 act should not be necessary. It is, and always has been, my view that it should be the case that victims are told before, and not after, a prisoner’s release. It is inconceivable that people who have opted to receive that information and are entitled to receive it under the 2003 act are getting the information and discovering that someone has been released after the event has happened, and even more so when, as we know, this Parliament has passed legislation in the past couple of years to allow early or emergency release.

I understand the associated practicalities and the fact that there will be a need for work by whichever body is responsible for distributing the information, but it must happen. It is absolutely paramount that victims are told before someone is released. They do not want to bump into that person in a supermarket, in the street, at the end of the road or standing on a train station platform. I am not making up those scenarios—they are real experiences that were relayed to the Criminal Justice Committee as it took evidence. Those things happen at the moment.

Victim Support Scotland told me that only 2 per cent of victims—2 per cent—were notified when hundreds of perpetrators were released under the Government’s early release scheme last year. It is simply not good enough for people to be told after the release has occurred, and my amendment 85

would go some way towards ensuring that that is not the case.

Siobhian Brown: We all want the same thing for the VNS in future. Mr Greene, when you consulted on your proposed—

The Deputy Presiding Officer: Please speak through the chair.

Siobhian Brown: I am sorry.

When you consulted on your proposed victims bill, did you get any response from the SPS or the PBS regarding the timing of information provision?

The Deputy Presiding Officer: Again, please speak through the chair.

Jamie Greene: When a member consults on a member’s bill, it is up to individual organisations whether they choose to participate in that consultation. It was not for me to say that anyone had to respond to my member’s bill consultation.

I consulted widely, but I say to the minister that that was four years ago and that there has been ample opportunity since then for the Parole Board or any other organisation that had concerns about that particular proposal to make those known.

The matter also arose during stage 2 of this bill, back in March. No such organisation made any representations contrary to my proposal, nor did the Government and nor have any counter proposals been forthcoming. I therefore say to the minister that there has been ample opportunity to raise any issues with what I am proposing and to come back with alternative solutions.

It remains my fundamental belief that people should be told of such decisions before someone is released. It should be a moral obligation on all justice partner stakeholders to do that. Victim Support Scotland supports that. It said:

“They want to know when that person is being released and if there are conditions on that release in advance so they can plan for their own safety and get support.”

I urge members to support amendment 85.

16:15

Amendment 66 agreed to.

Amendments 67 to 72 moved—[Siobhian Brown]—and agreed to.

Section 29B—Co-operation with the Scottish Ministers for the purposes of sharing information with victims

Amendments 73 to 76 moved—[Siobhian Brown]—and agreed to.

Section 29D—Victim’s right to receive information concerning offender subject to compulsion order by virtue of cross-border transfer

Amendments 77 to 81 moved—[Siobhian Brown]—and agreed to.

After section 29D

Amendment 82 moved—[Siobhian Brown]—and agreed to.

After section 29G

The Deputy Presiding Officer: Group 9 is on victim statements. Amendment 39, in the name of Jamie Greene, is grouped with amendment 104.

Jamie Greene: This is a short group on victim statements, in which I have the first amendment—amendment 39.

I will start with why we need amendment 39. As it stands, section 14 of the Criminal Justice (Scotland) Act 2003 allows victims of prescribed offences to make victim impact statements only to a court and only in solemn proceedings. Those prescribed offences include the obvious—murder, rape, culpable homicide, fire raising and a few others. The list of offences was last updated in 2009 and it excludes victims of many serious offences that have been created since the 2009 review. Among others, that includes offences created in domestic abuse legislation that has been passed by the Parliament.

That has effectively created an unfair two-tier system in which some victims’ voices are heard in the courtroom and others are not. It has had a tangible effect on the information that is available to judges prior to sentencing and, indeed, may have resulted in sentencing decisions that were based on a lack of information in the absence of the victim’s voice.

The natural solution could simply have been to update the list of prescribed offences. However, as I said when I raised the issue during stage 2 proceedings, updating the list would not future-proof the bill and the provision that the amendment introduces. Put simply, it is not realistic to expect ministers to have to update the prescribed list of offences at the pace at which legislation changes and new offences are created.

My amendment 39 takes a different approach. It simply expands the franchise to all victims in all solemn proceedings by making changes to section 14 of the 2003 act—notably by replacing the words “prescribed offence”. Proposed new subsection 2A(a) sets out that a victim of,

“in the case of solemn proceedings, any offence”

can be afforded the opportunity to make a victim statement.

Crucially, amendment 39 expands the powers of the Scottish Government to perhaps trial the approach in non-solemn proceedings. I understand the point that was made by Russell Findlay in earlier debates that expanding the approach to summary cases would result in a huge volume of impact statements. However, I still believe that there is a place for victim statements in solemn proceedings and in summary proceedings on certain prescribed offences.

I am grateful for cross-party support for the amendment and, in particular, for the support of Ben Macpherson MSP, who approached me with some deeply troubling casework that he had been working on. He believed that the provisions in the amendment are the right thing to do.

The minister often likes to refer to my consultation. I am happy to confirm that, in that consultation, 85 per cent of respondents supported the proposal to expand the franchise in relation to victim statements in court. I am grateful to Victim Support Scotland once again for its support—it supports the amendment. It made a valid point when it said:

“The supposed ‘seriousness’ of an offence often has little to no bearing on how the individual has been impacted. Therefore, anyone who has been impacted by a crime should be able to make a victim impact statement, should they wish to, regardless of the nature of the offence, or the court in which it is to be heard.”

I urge members to support that point.

I am also grateful to the Government for acknowledging that this massive change has to happen and is long overdue. I hope that the change will pass as a result of today’s business and that it will benefit future victims of crime.

Sharon Dowe’s amendment 104, which is the second amendment in the group, enables a victim, if they so choose, to read their victim statement aloud in court proceedings. My concern with regard to the amendment is not with its intention, given that I support the expansion of the use of victim statements in court environments, but is more technical. The amendment as drafted says that, if a victim statement has been made, it

“must be read aloud in court”,

either by the victim or, if they choose not to do so, by a judge. The problem with that is that there is no opt-out: if a statement exists, it will be read aloud, come what may. That does not cover scenarios in which, for example, the victim wishes a judge to read the statement prior to sentencing but might not wish the statement to be read aloud and to become public knowledge.

I am happy for either Sharon Dowey or ministers to confirm my interpretation of amendment 104 before we vote on it. Nonetheless, I commend her for bringing it before the chamber. I hope that she and other members will support my amendment 39.

I move amendment 39.

Sharon Dowey: Amendment 104 requires that, in cases where the victim is eligible to make a victim impact statement, the court must allow for the statement to be read aloud in court.

There is currently no requirement for a victim impact statement to be read aloud in court, but I think that the voices of victims must be heard. The statement could be read by the victim where they have requested to do so, or by the judge or sheriff.

Given concerns about the possible length of the statements, I have provided for the court to have discretion as to whether the statement is read out

“in whole or in part.”

Victim Support Scotland and Scottish Women's Aid have expressed support for my amendment. I have worked closely on the issue with Victim Support Scotland, which told me that one of the main issues with victim impact statements is that victims spend time writing out their feelings in the expectation that they will be shared in court, but they have no idea whether their statement will be read out or not. That most certainly causes victims unnecessary anxiety in an already stress-inducing and traumatising situation. Scottish Women's Aid says that it backs the amendment because the process needs urgent attention and reform. In particular, it seeks support for women's agency and their right to make a statement.

Rona Mackay (Strathkelvin and Bearsden) (SNP): Would the member acknowledge that the amendment could have the effect of disempowering a victim? If they do not want the statement to be read out, they may be retraumatised. Is that not taking choice away from the victim?

Sharon Dowey: I was going to come back to that point in answer to Jamie Greene. Where the amendment says that the statement is to be read by

“the person who made the statement if that person requests to do so,”

I was trying to make the point that they would not have to read it aloud in court, but if they wanted to do that, they could.

Throughout the committee's evidence sessions, we heard from victims who said that they felt that they were a witness in their own case and that they did not get the chance to speak. They felt as if the key points of their case were not brought up

in court, and they had no engagement. They felt that the proposal in the amendment would give them the chance to tell the court about the impact of the crime on them.

Graham Simpson (Central Scotland) (Reform): I just want to be clear on the wording of the amendment. Perhaps Sharon Dowey can clear this up. The amendment says that, if there is a victim statement, it

“must be read aloud in court”.

That is the wording of the amendment. Irrespective of whether a victim wants their statement to be read out, it “must be” read aloud. Is that correct?

Sharon Dowey: In drafting the amendment, my intention was to allow a statement to be read aloud in court if the victim requested that. Victims do not have that choice at the moment. It would mean that either the victim could read it, if they requested to do so, or they could get the judge or the sheriff to read it aloud. It could be a long statement or a short statement, so the amendment allows for discretion in whether part of the statement is read rather than the full thing, as obviously there are time constraints in court.

Angela Constance: The effect of amendment 104 is to make it mandatory for the victim statement to be read aloud in court, either by the victim, if they request to do so, or by the judge or sheriff, if the victim does not wish to. My interpretation of that is that the statement would have to be read out, either by the sheriff or by the victim, and that the only discretion that would be available would be for the statement to be read in full or only in part.

Sharon Dowey: Yes—that is where the discretion is. The statement could be read in part, so it could be shortened. The full statement could be read out, or the court could be made aware of the key points.

Audrey Nicoll: I am concerned about amendment 104. I understand the rationale for it, but has the member considered what support or guidance would be provided to a survivor in preparing their statement? Reading that out in an open court has quite big implications for them, and they might seek guidance on what to include and what not to include.

Sharon Dowey: At the moment, there is support from Scottish Women's Aid and Victim Support Scotland, and there are people in the court who help victims along the way. If we should be directing funds towards that to make sure that we deal with victims in a trauma-informed way, that is something that we should look at. When we took evidence, one of the key points that we heard was that victims felt as if they were completely

ignored and that they were a witness in their own case. They felt that they did not have any involvement.

Amendment 104 would give victims the opportunity to talk for themselves in the court. It would allow the judge or sheriff to read out the statement, and the judge or sheriff would have the opportunity to shorten the statement. The amendment would give victims the ability to do something that the committee heard that they have not been allowed to do.

Ben Macpherson (Edinburgh Northern and Leith) (SNP): I am grateful for the opportunity to speak in support of Jamie Greene's amendment 39. I acknowledge and am grateful for the engagement with him, his team and the Scottish Government.

The issue of victim impact statements is important for all our constituents who are affected by crime. It was brought to my attention in particular by one of my constituents, Lesley—I should be clear that I have permission to say their first name. Lesley, who came to see me at my surgery, expressed concern that, in their situation, the person who was convicted of a crime against them did not hear from the court process the effect that the crime had on Lesley's life.

With the bill going through Parliament at the same time, it was great to be able to collaborate with another member and the Government to introduce this change, which will enable more people to make a statement, at their discretion.

I have issues with Sharon Dowe's amendment 104 because, having looked at it carefully, the drafting does not seem to me to give discretion and choice. Parliament should vote for amendment 39 to enable more constituents, if they want to, to have their victim impact statements read and heard, so that the effect that a crime has had on them is understood by the person who is being tried in the case.

For all those reasons, and to help our constituents, including my constituent Lesley, I urge Parliament to support amendment 39.

Angela Constance: Amendment 39 relates to another area on which I have been pleased to have been able to work with Jamie Greene. As has been outlined, the amendment will expand the eligibility to make a victim statement to all victims in all solemn proceedings. That is a significant step in a broader programme of work to improve the victim statement scheme and will ensure that victims have a meaningful voice in all solemn proceedings. Ensuring that victims are given a meaningful voice in our criminal justice system is a fundamental step towards a more compassionate and trauma-informed approach, so I urge Parliament to support amendment 39.

Scottish ministers already have powers to pilot different ways in which a victim statement can be made. That allows us to take a considered and step-by-step approach to widening how victim statements are provided. That is why, in addition to supporting amendment 39, in my letter to the Criminal Justice Committee on 5 September, I committed to conducting a pilot of alternative formats for making victim statements in the sexual offences court if the bill passes tomorrow.

16:30

At present, victim statements can only be made in written form. It is important that alternative formats, whether they are pre-recorded or in person, are trialled in recognition of the fact that some victims want the opportunity to reflect on the impact of crime not only in their own words but in their own voice. Choice is imperative, because not everyone will feel safe or comfortable reading out their statement in an open court.

Jamie Greene: I thank the cabinet secretary for that additional information. It is very welcome news. There are other cases, particularly in our summary courts, that are still relatively serious and in which a victim does not have a voice.

Today's debate, particularly on Sharon Dowe's amendment 104, has thrown up the issue of empowering victims to choose the manner in which their statements are made and whether they want them to be made. Amendment 104 could have been easily fixed by a technical tidy-up that would make the opt-out more palatable, which it is not in its current draft. However, the point that it makes is important: people should have their voices heard in courts. Amendment 39 will go some way towards doing that, but the Government could still go further in ensuring that all victims are aware of their rights and the methods by which they can ensure that their voices are heard in courts.

Angela Constance: Amendment 39 and the pilot are constructive strides that will help victims to reclaim their agency, that will acknowledge their experience and, crucially, support their recovery, all of which are at the heart of the culture that we wish to establish through the creation of a stand-alone sexual offences court. I reiterate the point that there is always more to do.

I cannot support the other amendment in the group, in the name of Sharon Dowe, and I urge her not to move it. Amendment 104 would make it mandatory for victim statements to be read aloud in court, by the victim or, if not requested by them, by the judge or sheriff, whether the victim wants that or not. It is vital that victim choice is respected. Making it mandatory that statements are read out loud in court removes victims' ability

to choose how their personal experiences are shared. That undermines trauma-informed practice, which is built on the principles of choice, autonomy and empowerment.

Liam Kerr: Victim Support Scotland is very clear that it supports amendment 104. How does she respond to that?

Angela Constance: I hope that Mr Kerr and his colleagues will bear in mind the voice of Victim Support Scotland when we vote on the bill's final passage tomorrow.

Russell Findlay: What about this amendment?

Angela Constance: On the amendment, I ask members to have a wee bit of patience.

The pilot is the best way forward in the context of the sexual offences court, because it would enable a full range of alternative formats for making victim statements. As I said, victims having the opportunity and choice to make their victim statement in their own words and in their own voice has intrinsic value.

Amendment 104 could have the unintended consequence of victims not using their opportunity to offer a victim statement at all or, if they do, providing a statement that does not offer the same level of insight to the judge to help inform sentencing. That is because many statements might contain extremely sensitive information, so disclosure in an open court might not be wanted by the victim.

Victim statements are central to ensuring that a judge understands the victim's experience and the impact that a crime has had on them, so that that can be reflected in the judge's sentencing decision. Anything that could impact that would be an unwelcome step backwards. It would also cut across Jamie Greene's amendment 39, which will expand the use of victim statements. If people do not take up the opportunity to make a victim statement due to the mandatory nature of its being read in open court, the benefit of the expansion could be lost.

On that basis, I ask members to support amendment 39 and to oppose amendment 104.

The Deputy Presiding Officer: I call Jamie Greene to wind up and to press or withdraw amendment 39.

Jamie Greene: I thank members for the very constructive debate that we have had. As often happens, it has flagged up an Opposition amendment that, despite being well intentioned—as Ms Dowey's amendment 104 is—is drafted in such a way that members are unable to support it. Such issues crop up frequently and could be addressed. If the Government agrees with the principle, it has ways and means of fixing

amendments that it thinks are not competent. The Government lodged a number of manuscript amendments after the digital deadline passed, so I do not understand why it could not have addressed the deficiencies in Ms Dowey's amendment. I apologise for not being able to support the wording of amendment 104, but I commend her for lodging it.

The substantive point on this group of amendments is about victims being able to make statements in court. I know that it is a long day and that we are discussing lots of amendments, but, although amendment 39 might seem small, I want the wider public to understand its importance. If the bill passes tomorrow with the inclusion of amendment 39, all victims of crime who have their cases heard in solemn proceedings will be able to make a victim impact statement to court in a manner of their choosing, if they so wish. That franchise simply does not exist at the moment. The change would be a really positive step forward for our justice system. If amendment 39 is agreed to it will be a good day for victims.

I press amendment 39.

Amendment 39 agreed to.

Amendment 104 not moved.

The Deputy Presiding Officer: Group 10 is on court transcripts. Amendment 83, in the name of Audrey Nicoll, is the only amendment in the group.

Audrey Nicoll: Amendment 83 would enable survivors of rape and sexual offences to access court transcripts from the clerk of justiciary free of charge. For context, I note that, at stage 2, I moved a probing amendment on the issue, joining Pauline McNeill and Jamie Greene, who lodged similar amendments. I welcomed the cabinet secretary's commitment to engaging further on the issue in advance of stage 3.

The difficulties that survivors have historically experienced in accessing a record of a trial were first brought to the Criminal Justice Committee's attention in 2021. I pay tribute to the women who described the challenges that they faced, with one having had to pay more than £3,000 for a single transcript. For some survivors, access to transcripts has a practical function if they are involved in another process, such as one in the civil space. For many, access to a record of what was said during a trial is an extremely important part of their recovery and closure process, and such access reflects a justice system that is trauma informed and trauma responsive.

I am very grateful to the cabinet secretary for agreeing to the establishment of a pilot that enables survivors to access transcripts free of charge and for extending the pilot beyond its original timeframe in order that a number of

operational considerations—such as the development of emerging technology, the evaluation of potential demand, and potential legislative changes—could be considered more fully.

Amendment 83 seeks to add a new subsection to section 94 of the Criminal Procedure (Scotland) Act 1995 to require that a transcript is made and sent to a complainer at no cost. That will apply to cases involving sexual offences listed in section 288C of the 1995 act that were heard in the High Court or the sexual offences court and that commenced on or after 31 December 2006.

I am very grateful to Scottish Women's Aid, Victim Support Scotland and other organisations for their support for amendment 83.

Russell Findlay: I wonder whether the member has given any consideration to extending the amendment to other serious cases that are prosecuted in the High Court or in the sheriff court at solemn level.

Audrey Nicoll: I know that that has been proposed and given some thought. Perhaps it is something that the cabinet secretary will be able to comment on.

I urge all members to support amendment 83, which reflects our commitment to ensuring that our justice system responds effectively to the unique needs of victims who have suffered complex trauma, putting their needs front and centre always.

I move amendment 83.

Pauline McNeill: I speak in support of amendment 83 and the work that Audrey Nicoll has done on the matter. As she has said, Jamie Greene and I supported her on access to transcripts being extended, for the reasons that she has set out.

In the course of the committee's work, victims have often told us that they do not feel at the centre of a process in which they are the complainer. Being able to read back what happened in a trial where they were at the centre is very important for the recovery process.

I fully commend the cabinet secretary and the Scottish Government for taking this bold step, and I am absolutely certain that complainers and those who came to the committee to argue for the measure will be delighted if the Parliament agrees to the amendment.

Jamie Greene: A number of us came to the committee at stage 2 on the issue of court transcripts, which has been bumbling along in the Criminal Justice Committee for many years, with a range of stakeholders having expressed quite strong views on it. I absolutely understood the

issues around extending the franchise to all victims in all cases, such that all transcripts must be available to everyone at all times. There are pragmatic and cost issues around that, but also, as we learned later, issues around data protection, privacy, the general data protection regulation and redaction, which cannot be dealt with in an artificial intelligence manner.

I am pleased with how amendment 83 sits, but, as we heard earlier, a wider discussion should be had about extending such a measure to other offences. It is worth noting that a number of survivors of sexual offences, in particular, were keen for that. They have gone through horrific experiences, and they have been pushing the Government on it. They have been lobbying for the change for many years. To their credit, people such as Ellie Wilson have been banging the drum for extending access to court transcripts.

Although we are extending access to a group of people who will benefit from the amendment, many others will not. I hope that the Government will reflect on that. I would like to see somebody in the justice system or in the civil service directorate responsible do a wider piece of work about how we can use technology to improve provision, with faster, cheaper and better access to court transcripts for any victim of any crime, should they need it—particularly those who have moved out of criminal proceedings and are taking their case through the civil courts, where there is an absolute necessity to access such transcripts.

I hope that the Government will consider that. Either way, I hope that the Parliament will support this small step forward.

Angela Constance: I thank Audrey Nicoll for lodging amendment 83, following our discussions at stage 2.

We introduced the current pilot in March 2024 in response to victims highlighting that the costs of paying for transcripts can be prohibitive. As a result of the pilot, more than 120 applications have been made. We expect that the total funding for the pilot will be in the region of £300,000 by the time of its conclusion, in February 2026. The evidence to date suggests that the pilot has had the positive impact that was envisaged.

I am pleased to be able to support amendment 83, which will give victims of sexual offences a statutory entitlement to free transcripts and will therefore secure on a permanent basis the outcomes that were achieved through the existing court transcript pilot as operated and managed by the Scottish Courts and Tribunals Service.

On the point made by Mr Findlay and Mr Greene about extending the measure to other cases, I note that any extension needs to be financially sustainable. I would have to discuss

that with the Scottish Courts and Tribunals Service, but I hope that improvements in technology will reduce some of the costs in that area.

In the meantime, I am hopeful that members will support amendment 83.

16:45

Audrey Nicoll: I thank my colleagues Pauline McNeill and Jamie Greene for their support. This is a small but, I hope, important piece of cross-party work, and it is great to get cross-party support for it. I thank the cabinet secretary for her support, too.

I endorse and agree with all the points that were made by colleagues about the extension of the provision. There are practical and cost implications, but this is perhaps the beginning of a wider discussion. I press amendment 83.

Amendment 83 agreed to.

The Deputy Presiding Officer: Group 11 is on referrals to victim support services. I advise members that we will complete discussions on this group and then have a short comfort break. Amendment 84, in the name of the cabinet secretary, is grouped with amendment 103.

Angela Constance: I thank Jamie Greene and Maggie Chapman for highlighting this issue, and I thank Mr Greene for supporting my amendment 84, which builds on one that he lodged at stage 2. I acknowledge the work of Victim Support Scotland in championing a more proactive referral process. We have a shared objective to ensure that victims get the support that they need when they need it.

Since stage 2, we have worked closely with Police Scotland to develop an amendment that is rights based and trauma informed and that respects victim autonomy and choice. At present, the law requires the police to inform a victim that they may request a referral to providers of victim support services. My amendment 84 will put a duty on the police to inform a victim that they are entitled to be referred to a victim support service and to explain what is meant by support service and a referral.

My amendment will place a proactive duty on the police and seeks to ensure that victims understand that they have a right to be referred and the nature of the support that is available. It seeks to normalise being referred to support services by stating that it is an entitlement rather than something that the victim may request, and it will empower victims to make an informed decision. It will also require the chief constable to produce guidance on the referral process.

For the processing of personal data to be compliant with GDPR, it needs to be necessary and proportionate, as well as transparent and fair. Passing on people's data without their consent rightly needs to be necessary and proportionate, because an individual has a right to privacy. Our consultation with the Information Commissioner's Office reinforced the significance of adherence to the principles of necessity and proportionality, transparency and fairness and of the need for consent to be informed, affirmative and explicit for the sharing of personal information. My amendment provides such a model of consent.

It is essential to ensure that any referral process is compliant with those principles. If we do not do so, we risk passing an amendment that cannot be operationalised by the police, and there is a significant risk that it would fall foul of the data protection regime.

Maggie Chapman's amendment 103 would result in the referral mechanism being one that victims need to opt out of. However, not providing for explicit consent from victims poses the very risks that I have mentioned of non-compliance with data protection legislation and, ultimately, being inoperable. Furthermore, I would be concerned that an opt-out model is not the most straightforward and transparent way for victims to make a choice at a traumatic time.

Our amendment sets up a framework that supports a clear choice and recognises that victims might change their mind over time. On the other hand, an opt-out model means that a victim's personal data is shared unless they request otherwise, which could have unintended consequences if they do not realise that they have to make such a request, or they are not in the right frame of mind to make the choice at that time, and it increases the risk of data being shared without genuine consent. It also does not distinguish for vulnerability or for child victims, and the caution that is required in relation to understanding what the process involves and having the capacity to make the choice to opt out.

Police Scotland copied me into a letter to the Criminal Justice Committee that raises concerns about the automatic data-sharing aspect of Ms Chapman's amendment, which sets out the significant barriers to Police Scotland operationalising it. That reflects the Scottish Government's assessment of some of the risks that amendment 103 poses, as I have already set out.

I will also take this opportunity to inform members that Police Scotland has already begun a programme of work, in conjunction with victim support organisations, to ensure that victims are referred to support agencies. That has included improved guidance and operational briefings for

officers, and changes to information technology systems to make it easier to make retrospective referrals and a refreshed care card for victims, following the people-at-heart approach to communication, which was informed by people with lived experience.

I ask Ms Chapman not to move her amendment 103 and I urge all to support my amendment, which delivers our objective of providing a stronger referral pathway for all victims and provides a person-centred approach.

I move amendment 84.

Maggie Chapman: As this is my first substantive contribution to this afternoon's proceedings, I thank the cabinet secretary and all of her officials for their discussions about the bill and my amendments over many months. I also refer colleagues to my entry in the register of members' interests: prior to my election to the Scottish Parliament, I worked for a rape crisis centre.

I am indebted to organisations that provide support and advice to victims and survivors of some of the worst crimes imaginable. I have really valued the conversations and discussions that I have been able to have with those organisations and survivors about elements of the bill. One such area is awareness and availability of support services for victims and survivors.

From my previous work experience and from listening to survivors, I know that awareness of the full range of support services that is available to them is nowhere near as high as it should be. Information is not easy to find, and the practice of referring to such support services by police officers and others is inconsistent at best and non-existent at worst. Indeed, according to Victim Support Scotland, referrals have dropped by 90 per cent over the past eight years. We cannot accept that.

Victim Support Scotland and others have long campaigned for an automatic referral system unless the victim or survivor does not wish to be referred. That is what my amendment addresses, as Jamie Greene sought to do at stage 2. All victims must have easy access to the support that they need when they need it to recover and move on from the crime that was committed against them.

I accept that amendment 84 goes some way to address the issue, but I do not believe that it goes far enough. My amendment would ensure that there was always a follow-up—always that next question—which would allow the victim the opportunity to consider the range of support options that should be open to them.

However, I accept that Police Scotland has raised concerns about amendment 103, specifically that the data sharing that is required could present challenges, given UK data protection legislation. Although I will not move amendment 103, I urge the cabinet secretary and Police Scotland to be very clear about the need to improve the ways in which referrals happen, to ensure that victim survivors have access to the support that they need and deserve when and where they need it.

I am grateful to have had the opportunity to raise the issue again, because we must do better. Victim survivors deserve nothing less.

Jamie Greene: I am speaking in group 11, as I have added my name in support of amendment 84, which was lodged by the cabinet secretary. It very much echoes an amendment that I lodged at stage 2 but which I agreed not to move and to work with the Government on.

I understand the reasons why the amendment is in the cabinet secretary's name and not in mine. There have been many technical conversations about the sharing of data and they underlie a lot of the proposed changes. When the Victims and Witnesses (Scotland) Act 2014 came into play, the technicalities of GDPR issues became very different. However, an amendment of that nature is needed.

I was sympathetic to Maggie Chapman's amendment 103. I understand the pushback around the data-sharing issue, but my interpretation of the amendment as it is stated in black and white was that the police, as soon as was reasonably practicable after the person had been identified as or appeared to be a victim, would refer the person to a victim support service unless that person intimated that they did not wish to be referred. That opt-out and that agency would always have existed, so no one's information would ever have been passed on without their consent. In that regard, I would have supported the amendment. However, I understand that Police Scotland has pushed back on that issue.

The amendments in the group also raise the question of what we mean by a referral. In the black and white of legislation, does it mean that the person's data is taken by a third party and passed on to somebody else, or is a referral simply the signposting of a victim to a third-party organisation, in which case there are no data issues? I do not think that that is entirely clear from the amendments. The latter approach is easier, of course, because it does not fall into GDPR issues.

However, I understand the reasons why Maggie Chapman will not move amendment 103, and I certainly will not move it. I hope that members will

support amendment 84 as a compromise. Overall, it simply represents a first step in the right direction. Not only Police Scotland, but all justice partners need to be far more proactive in signposting victims to both support and notification schemes. It is important that, with any changes that happen in future—I hope that there will be further changes to both processes—all justice partners know that they have a duty to signpost people to the wonderful organisations that we all know can make such a difference in helping people to navigate through the justice system. I encourage members to support amendment 84.

The Deputy Presiding Officer: I invite the cabinet secretary to wind up if she has anything further to add.

Angela Constance: I will respond briefly to Ms Chapman and Mr Greene. There is a clear need to improve referrals, and I believe that amendment 84 will be part of the solution to that. I acknowledge the point, which Ms Chapman made powerfully, that referrals have fallen by 90 per cent in comparison with pre-GDPR levels. GDPR is the law. We cannot ignore that. We have to respect it and operate within those bounds, but that must increase our resolve to find those other solutions in a systemic approach so that the system is far more proactive in supporting victims to exercise their rights.

Amendment 84 agreed to.

Amendment 103 not moved.

Amendment 85 moved—[Jamie Greene].

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.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
Bibby, Neil (West Scotland) (Lab)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Burgess, Ariane (Highlands and Islands) (Green)
Burnett, Alexander (Aberdeenshire West) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Chapman, Maggie (North East Scotland) (Green)
Choudhury, 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)
Greene, Jamie (West Scotland) (LD)
Greer, Ross (West Scotland) (Green)

Griffin, Mark (Central Scotland) (Lab)
Harvie, Patrick (Glasgow) (Green)
Johnson, Daniel (Edinburgh Southern) (Lab)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Lumsden, Douglas (North East Scotland) (Con)
Mackay, Gillian (Central Scotland) (Green) [Proxy vote cast by Ross Greer]
Marra, Michael (North East Scotland) (Lab)
McCall, Roz (Mid Scotland and Fife) (Con)
McNeill, Pauline (Glasgow) (Lab)
Mochan, Carol (South Scotland) (Lab)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
O'Kane, Paul (West Scotland) (Lab) [Proxy vote cast by Michael Marra]
Rennie, Willie (North East Fife) (LD)
Ross, Douglas (Highlands and Islands) (Con)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Sarwar, Anas (Glasgow) (Lab)
Simpson, Graham (Central Scotland) (Reform)
Slater, Lorna (Lothian) (Green)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Sweeney, Paul (Glasgow) (Lab)
Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
White, Tess (North East Scotland) (Con)
Wishart, Beatrice (Shetland Islands) (LD) [Proxy vote cast by Willie Rennie]

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)
Dornan, James (Glasgow Cathcart) (SNP)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Ewing, Fergus (Inverness and Nairn) (Ind)
Fairlie, Jim (Perthshire South and Kinross-shire) (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)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)

Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine)
 (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley)
 (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 54, Against 59, Abstentions 0.

Amendment 85 disagreed to.

The Deputy Presiding Officer: I suspend the meeting for 15 minutes for a comfort break. I would be grateful if members could be back in their seats by 5.15 pm.

17:00

Meeting suspended.

The full *Official Report* of today's meeting will be published online within three hours of the close of business today.

Members who wish to suggest changes to this draft transcript should email them to official.report@parliament.scot or phone the official report on 0131 348 5447.



The Scottish Parliament
Pàrlamaid na h-Alba