



OFFICIAL REPORT
AITHISG OIFIGEIL

Meeting of the Parliament (Hybrid)

Wednesday 24 June 2020

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - www.parliament.scot or by contacting Public Information on 0131 348 5000

Wednesday 24 June 2020

CONTENTS

	Col.
FIRST MINISTER'S QUESTION TIME	1
Covid-19 (2m Distancing Rule).....	8
Care Homes (Covid-19).....	12
Jobs Guarantee (Young People).....	17
Full-time Schooling	18
Meat Processing Facilities	21
Community Sport.....	22
Court System (Backlog of Cases)	23
Financial Scams	24
Childcare (1,140 Hours)	24
Economic Recovery.....	25
Coaches and Personal Trainers	26
Business Rates (North East Scotland)	27
Glasgow Airport (Job Losses)	27
Ferries (Social Distancing Measures)	28
Economic Recovery (Collaboration).....	29
Mesh Implant Removal	30
Covid-19 Lockdown (Pace of Easing)	31
Covid-19 Lockdown (Short-term Lets with Communal Stairways).....	32
Shops Reopening (Public Guidance)	32
Covid-19 Shielding Groups (Return to Schools)	33
FARMERS AND CROFTERS (FINANCIAL STABILITY)	35
<i>Statement—[Fergus Ewing].</i>	
The Cabinet Secretary for Rural Economy and Tourism (Fergus Ewing).....	35
SOCIAL SECURITY ADMINISTRATION AND TRIBUNAL MEMBERSHIP (SCOTLAND) BILL: STAGE 1	48
<i>Motion moved—[Shirley-Anne Somerville].</i>	
The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville)	48
Bob Doris (Glasgow Maryhill and Springburn) (SNP)	51
Graham Simpson (Central Scotland) (Con)	54
Mark Griffin (Central Scotland) (Lab).....	56
Alison Johnstone (Lothian) (Green).....	58
Keith Brown (Clackmannanshire and Dunblane) (SNP)	60
Brian Whittle (South Scotland) (Con)	62
Clare Adamson (Motherwell and Wishaw) (SNP)	64
Gordon Lindhurst (Lothian) (Con).....	65
Pauline McNeill (Glasgow) (Lab).....	66
Jeremy Balfour (Lothian) (Con)	68
Shirley-Anne Somerville	69
SOCIAL SECURITY ADMINISTRATION AND TRIBUNAL MEMBERSHIP (SCOTLAND) BILL: FINANCIAL RESOLUTION ...	73
<i>Motion moved—[Ben Macpherson].</i>	
BUSINESS MOTIONS	74
<i>Motions moved—[Graeme Dey]—and agreed to.</i>	
PARLIAMENTARY BUREAU MOTIONS	76
<i>Motions moved—[Graeme Dey].</i>	
DECISION TIME	78

Scottish Parliament

Wednesday 24 June 2020

[The Presiding Officer opened the meeting at 12:20]

First Minister's Question Time

The Presiding Officer (Ken Macintosh): Good afternoon. Before questions to the First Minister, I invite the First Minister to give a statement.

The First Minister (Nicola Sturgeon): As it is Parliament's final full week before a shortened summer recess, I take this opportunity to set out the Scottish Government's latest assessment of when further changes to lockdown restrictions might take effect. However, I will begin with an update on the latest figures.

Since 9 o'clock yesterday morning, an additional nine cases of Covid-19 have been confirmed, which takes the total number to 18,191. A total of 880 patients are in hospital with suspected or confirmed Covid-19, which is an increase of 15 since yesterday. That includes a decrease of 23 in the number of confirmed cases. As of last night, 23 people were in intensive care with confirmed or suspected Covid-19, which is an increase of two on the number that I reported yesterday.

Unfortunately, in the past 24 hours, four deaths have been registered of patients who had been confirmed as having the virus, which takes the total number of deaths in Scotland under that measurement to 2,480.

In addition, National Records of Scotland has just published its more detailed weekly report. Those figures report deaths in which Covid-19 has been confirmed by laboratory tests, and cases in which the virus was entered on a death certificate as a suspected or contributory cause of death. The latest NRS report covers the period to Sunday 21 June. At that point, according to our daily figures, 2,472 deaths of people who had tested positive for the virus had been registered. However, today's report shows that, by Sunday, the total number of registered deaths with either a confirmed or a presumed link to the virus was 4,119. Of those, 49 were registered in the seven days up to Sunday, which is a decrease from 69 in the previous week.

This is the eighth week in a row in which the number of deaths from the virus has fallen. The number of excess deaths, which is the number above the five-year average for the same time of year, was 39, which is up from 34 in the previous week. However, for context, I point out that the number of excess deaths 10 weeks ago was 878.

Deaths in care homes made up 41 per cent of the total number of Covid-19 deaths last week, and the number of Covid-19 deaths in care homes reduced again, from 35 to 20.

Those statistics tell of real and sustained progress. However, even though the number of deaths from Covid-19 is reducing, we must never become inured to the statistics. Every death that is represented in those numbers is a tragedy—it is the loss of a unique and loved individual. I send my condolences to everyone who is grieving as a result of the virus. I am also aware that talking about statistical trends will not provide those people with any consolation whatsoever. However, the trends are clear and, for all the pain that the virus is still causing and the real risk that it still poses, they are positive and give us confidence now to set some firmer milestones for our route out of lockdown.

The Scottish Government first published "Route map for moving out of lockdown" on 21 May, almost five weeks ago. The week before we did so, more than 300 people in Scotland died from the virus. At the peak of the epidemic back in April, 660 people died from the virus in a single week. As I have just reported, in the most recent week, the number of deaths has reduced to 49.

At the time of publishing the route map, the reproduction number was between 0.7 and 1; now, it is between 0.6 and 0.8. On 21 May, we estimated that 25,000 people in Scotland had the virus at that time and were capable of transmitting it to others. Our most recent estimate was that 2,900 people were infectious. I expect when we publish the updated assessment tomorrow that that number will have fallen further, to about 2,000.

Of course, that progress is due to people across Scotland doing the right thing and following the rules. I want again to record my thanks to everyone for doing that. The sacrifices that have been made have suppressed the virus—although I know how hard and, at times, painful those sacrifices have been. They have also protected the national health service and have, undoubtedly, saved a significant number of lives. They have also brought us to the position from which we can now look ahead with a bit more clarity to our path out of lockdown.

I stress that each step on the path depends on our continuing to beat back the virus. If we do not do that, we cannot take those steps forward, and if the virus starts to spread again, the steps that we have already taken might need to be reversed. We must do absolutely everything in our power to avoid that. That means continuing with the careful approach that has brought us to where we are now.

Our pace is slightly slower than the pace in England, but in my view it is right for our circumstances, and I hope that it is more likely to be sustainable than it would be if we were to go faster now.

Maintaining our progress also means all of us abiding by public health guidance: wearing face coverings in enclosed spaces, avoiding crowded places, washing our hands, cleaning surfaces regularly, maintaining physical distancing and agreeing to self-isolate immediately and get a test if we have symptoms. All those basic protections matter now, much more than ever. They will reduce the virus's ability to spread even as we all get out and about a bit more.

The key point is that the virus has not gone away, and will not go away of its own accord. It will pose a real and significant threat for some time to come, so we must never be complacent in the face of it. We must keep working to drive it down further towards the point of elimination, because that gives us the best chance of keeping it under control through testing, surveillance, contact tracing and application of targeted suppression measures when they are necessary.

The prize, if we succeed, is that we will get greater normality back in our lives more quickly than we envisaged we would a few weeks ago, and, I hope, without reversals back into blanket lockdown.

Nowhere does any of that matter more than in our schools. As John Swinney said yesterday, blended learning is a necessary contingency, because we might need it. There are no certainties with the virus. However, the progress that we have made so far makes it possible to plan for full-time return to school in August, with appropriate safety measures in place.

However, to achieve that aim, we must continue to drive down the virus to the lowest possible levels, and keep it there. I hope that the prospect of getting children back to full-time education sooner rather than later gives us all an added incentive to do exactly that.

The same is true of the updated version of the route map that we have published today. It sets out a series of what I stress are indicative dates for the remainder of phase 2 and the early part of phase 3. That greater clarity is possible because of the progress that we have made against the virus, but achieving the milestones depends on that progress continuing.

We will complete our formal three-week reviews as required by law on 9 and 30 July, and I will make statements in Parliament on both those days. However, I hope that today's statement will provide people and businesses across the country

with a bit more certainty in respect of their forward planning.

We will issue detailed guidance ahead of the key dates that are being indicated today. The guidance will be informed by advice that we commissioned last week from our scientific advisory group on two key issues. The first is what, if any, additional mitigations are required at locations that might pose a higher risk of transmission, and the second is in what settings and circumstances, and with what mitigations, it might be possible to allow relaxation of the 2m physical distancing rule. I will receive that advice next week, and will report on it by 2 July. We will issue guidance as soon as possible after that.

However, I want to make three general points in advance of that. First, unless and until that we have confidence that the risk of moving away from the 2m physical distancing rule in certain circumstances can be mitigated, businesses and individuals must continue to comply with the rule. I understand the concerns of businesses and particular sectors about that, so I hope that, in the period ahead, we can find a viable and safe balance.

Secondly, we will take a decision on whether, as we have already done for public transport, to make face coverings mandatory in shops, in light of the advice that we will receive next week. In the meantime, we will join the retail sector in a campaign to promote and encourage their use.

Thirdly, to support our test and protect system, businesses in the hospitality sector will be required to take names and contact details of customers and to store them for four weeks, so they should be preparing for that now.

I turn to the updated route map. As I announced last week, non-essential retail can reopen from Monday. So, too, can workplaces in the manufacturing sector that have been closed until now. Outdoor playgrounds and outdoor sports courts can also open from Monday.

I can now confirm indicative dates for the rest of phase 2 and the early part of phase 3. Let me repeat, however, that they all depend on continued suppression of the virus.

I can confirm that, on 3 July, it is our intention to lift the guidance advising people in Scotland to travel no more than 5 miles for leisure and recreation purposes. Although the tourism sector will not open fully until 15 July, we intend that self-contained holiday accommodation, such as holiday cottages and lodges, or caravans where there are no shared services, can open from 3 July. However, we ask people to use good judgment, abide by the rules that apply to households meeting up, and be sensitive to those

living in our rural communities. The advice remains to avoid crowded places.

As we hopefully suppress the virus further, we will also continue to consider any measures that might be necessary to protect against the risk of imported cases of the virus.

It is then our intention that outdoor hospitality such as beer gardens will be permitted to reopen on Monday 6 July. That gives a few days after we receive advice from the advisory group for guidance to be issued and any necessary mitigations to be put in place.

I hope that we will then be able to move to phase 3 of the route map on 9 July, but, as I indicated earlier, I will make a further statement to Parliament on that date. However, as was the case with phase 2, I do not expect that we will do everything in phase 3 at the same time. Instead, we will take a phased approach. The resumption of NHS and other public services, for example, will continue during the three-week period. I will give some indicative dates now for the early part of phase 3 and others will be added later.

We intend that from 15 July, households will be able to meet people from more households outdoors with physical distancing. I will confirm the details of that in my 2 July update. At that point, I also hope to confirm an expansion of the extended household model and some changes that will give young people more opportunities to mix with their friends over the summer holidays. I can confirm now that organised outdoor sports for children and young people can, subject to guidance, resume from 13 July.

We also expect that non-essential shops in indoor shopping centres will reopen from 13 July, subject to guidance on physical distancing and other measures.

From 15 July, we intend that a household will be able to meet indoors with people from up to two other households, subject to physical distancing and strict hygiene measures.

We intend that early learning and childcare services will be able to resume from 15 July, subject to individual provider arrangements. It is likely that capacity will remain restricted initially.

As we have indicated, the tourism sector generally, and therefore all holiday accommodation, can reopen from 15 July. We intend that indoor locations such as museums, galleries, monuments, cinemas and libraries will also be able to reopen from that date, but with precautions in place, such as tickets being secured in advance, and subject to physical distancing and strict hygiene. Unfortunately, theatres, bingo halls, nightclubs, casinos and other

live entertainment venues will not reopen until a later date.

We intend that pubs and restaurants will open indoors from 15 July, on a limited basis initially and subject to a number of conditions. Detailed guidance will be issued as soon as possible.

Last, but not least for many of us, we intend that hairdressers and barbers will reopen from 15 July. *[Applause.]* Other personal retail services will remain closed until a later date.

The other changes planned under phase 3 require further consideration and assessment. They include communal worship, indoor live entertainment venues, outdoor live events under certain conditions, indoor gyms, and the lifting of restrictions on attendance at weddings and, unfortunately, funerals. I am not able to give indicative dates for those today, but my judgment is that those changes are unlikely to take effect before 23 July, although we will keep that under review.

In addition, before the end of July we will provide further advice to those who are shielding. If we can, we want to move away from the current position of blanket guidance for all shielding people to much more tailored advice about risk and how to mitigate it.

Our challenge, which is not an easy one, is to manage all that change while keeping the virus firmly under control. If at any stage there appears to be a risk of its resurgence, our path out of lockdown will be halted and we may even have to go backwards.

To avoid that, we must get as close as possible to elimination of the virus now and build confidence in our ability to control it in the future through surveillance, testing, contact tracing and, where necessary, targeted suppression measures. If we can do that, then the move from phase 3 to phase 4 will become possible, perhaps as we go into August.

That will not be easy and it certainly, at this stage, cannot be taken for granted, but we can all play a part in making it happen. Complying with the requirements of test and protect is absolutely vital. An information leaflet about test and protect is being delivered to every household in Scotland this week, but let me take the opportunity now to remind everyone watching and everyone in the chamber what it asks of all of us.

If you have symptoms of the virus, you and your household must self-isolate and book a test immediately. The symptoms to watch out for are a new cough, a fever or a loss of or change in your sense of taste or smell. If you experience any of those symptoms, please do not wait to see whether you feel better later that day or the next

day—take action straight away. You should book a test at nhsinform.scot or by phoning NHS 24 on 0800 028 2816.

I hope that this statement has been useful in providing some further clarity on changes that are likely to take effect in the early part of the summer. Both I and my ministerial colleagues will keep Parliament updated during recess. As I said earlier, I will make further statements in the chamber on 9 and 30 July and I will also provide regular updates in the daily media briefings.

I very much hope that by the time Parliament meets again in two weeks, we will have made further progress in the fight against the virus and be further down the path out of lockdown, but I cannot stress enough that that depends on all of us. The choices that we have made to date as individuals, and collectively as a society, have brought us this far, albeit with a lot of sorrow and anguish along the way.

Arguably, the choices that we make in the coming weeks will be even more important, as we learn to work, socialise and live alongside each other again, but in a way that keeps the virus under control. For us to meet each other indoors again, for more businesses to reopen, for children to return to school on a full-time basis in August—all that depends on all of us acting for the common good. It depends on everyone sticking to the essential public health rules and having the patience to stick with a careful but steady path out of lockdown.

Therefore, for the moment, except for those who have chosen to form an extended household, please continue to meet family and friends only out of doors—if we stick with that for a further two weeks, I am hopeful that indoor meetings will be possible again soon—and please at all times remember our key guidance. Remember the FACTS: face coverings should be worn in enclosed spaces, such as public transport, shops and anywhere else where physical distancing is more difficult; avoid crowded areas; clean your hands regularly and thoroughly, and clean hard surfaces after touching them; 2m distancing remains the clear advice; and self-isolate and book a test immediately if you have symptoms of Covid: a new cough, a fever or a loss of—or change in—your sense of taste or smell.

It is because so many people have done the right things and stuck so closely to the rules that we are now making such progress. That is what has brought us to a position where we can see a route back to living less-restricted lives. Therefore, please stick with it. Be sensible and apply careful judgment. In everything that we do, we should be thinking of not just our own health, but that of everyone around us. If we all continue to do the

right thing by each other and by our communities, I believe that we will get through this more quickly.

So, please, my message to everybody is this: stay safe, protect others and save lives.

The Presiding Officer: Thank you. The First Minister will now take questions.

Covid-19 (2m Distancing Rule)

1. **Jackson Carlaw (Eastwood) (Con):** I appreciated advance sight of today's additional statement and noted the announcements that the First Minister has just made. We will examine the details over the coming days, but anything that offers more clarity is to be supported.

The First Minister will know that the 2m rule is regarded by many as central to the debate that we are having around opening Scotland back up for business. Many bed and breakfasts, restaurants, pubs and hotels will not be able to cope if it stays in place. Indeed, one third of hotels say that they will not be opening because of it, according to the Scottish Tourism Alliance.

On the First Minister's timetable, we potentially have another eight days before we will know whether that rule is going or whether, like last week, the brakes will suddenly and unexpectedly be applied again. Hotels and the hospitality trade are desperate to know on what basis they can open and to accept provisional bookings now. Literally every day counts for Scottish tourism, so is there any way that the First Minister can bring forward the publication of that review from 2 July, even by a few days?

The First Minister: I say very seriously that I am sure that, if I were to put pressure on an independent advisory group to give me advice earlier than it was ready to do so, Jackson Carlaw would probably be the first to get to his feet to criticise me. The advisory group has been asked to give advice by 2 July. It will do so when it feels that that advice is ready, and I will immediately report on that and on any implications of it.

I understand, sympathise and emphasise with the position of businesses that, for reasons that we all understand, consider that the 2m physical distancing rule makes their economic viability very difficult; some have expressed that they think that it would make it impossible. It is not in anybody's interests to see businesses deal with restrictions of that nature unnecessarily.

However, let me also say—quite candidly, directly and bluntly—that, if we have a second spike, wave or outbreak of the virus, hotels, restaurants, cafes and whole swathes of the economy will be forced to close again, and all of us will remain in lockdown longer than I believe is necessary. It is therefore important that we

proceed carefully, on the basis of the best possible advice, and that I and the Government apply our best judgment to that advice.

That is how we have proceeded thus far, and I believe that it is why we now have the virus closer to the point of elimination in Scotland—and why we see lower infection rates and, thankfully, a lower number of people dying—than in some other parts of the UK. That says to me that we should stick to our careful, evidence-based path and, at every single stage, put the health and wellbeing of people across this country first.

Jackson Carlaw: The practical outcome of today's statement is that, from 3 July, with the abolition of the 5-mile rule, Scots can travel on holiday to England, but not in Scotland. The reason that those industries are worried is because they say that every day that passes risks more jobs being lost.

Let us take the case of one of the jewels of Scottish tourism: Crieff Hydro. I know that the First Minister has spoken to the chief executive, so she will know that the hotel is on its knees, with only 10 per cent occupancy booked for next month, and is losing tens of thousands of pounds every day. In July last year, the hotel took £3 million. Here is what the chief executive Stephen Leckie told us:

“What is gut wrenching is the thought of losing that and customers leaving Scotland and going to other countries. England and Ireland are ahead of us. We need to put the message out right now that Scotland is open for tourists”.

Does the First Minister not see that leaving all that to a possible reopening on 15 July is too little, too late? Does she not understand the need to act more quickly on the 2m question? Will she at least consider acting more proactively so that we can save Scottish jobs?

The First Minister: Jackson Carlaw talked about livelihoods being at risk and, believe me, that weighs very heavily on me each and every day. It is not something that I dismiss in any way and it is certainly not something that I dismiss lightly. However, the other thing that weighs on me very heavily, and which has done so throughout the past three months, is the fact that every step that we take that potentially risks the virus running out of control again puts not only livelihoods at risk, but lives. I am not prepared to do that in some kind of reckless race with other parts of the UK.

I am determined to get this right and to balance the various harms that we know are being done to our country and economy in a way that builds as quick a recovery as possible and, fundamentally and even more importantly, a sustainable recovery. I want to act as quickly as I possibly can, but I want to make sure that it is on the basis of evidence. I have tried—and I will continue to try—

not to criticise other leaders who are taking very difficult decisions, because I do not think that that is fair or justified.

However, in relation to the decision that was taken on the 2m rule yesterday—which is not, incidentally, a complete abandonment of the 2m rule—I personally have still not seen the evidence that underpins it. I have to make sure that those decisions are based on evidence. That evidence may not answer all the questions, but it will allow me to apply judgment in a careful way. That is why I have asked the advisory group to give me that evidence on a very short timescale. We will have that evidence next week, and I will then report on that and the implications of it. That is the best way forward.

I understand the pressures that businesses and everybody across the country are under. However, the worst thing that I could do right now would be to take decisions that I thought were hasty and not properly based on evidence, and that risked a second wave or further outbreaks of the virus. That would send all of us back, it would put lives on the line, and it would not be good for businesses or for our economy in the long term. Our careful approach has brought us to where we are now, and our careful approach will get us safely out the other side of this.

Jackson Carlaw: That is also the answer that the First Minister gave me last week when I asked for a plan to fully open schools. Within six days, the Government had changed its position completely.

Livelihoods are at risk, too. Together with clarity and a timetable to re-open Scotland, we also need better guidance. As the chief operating officer at BrewDog told BBC Newsdrive yesterday, there is a lack of certainty, a lack of a pathway and a lack of communication.

The sector does not require just dates. If people are to have confidence to travel in Scotland, and if hospitality businesses are to have the confidence to open safely, we need crystal-clear advice from the Government setting out how to go about that. We cannot have a repeat of last week's situation when pubs made preparations to open up outdoors, only to be told that it was all off.

Whenever we do open up, will the First Minister commit to giving clear guidance and to giving the sector the certainty and the time that it needs to prepare?

The First Minister: Not only will I do that now; I did it in my opening remarks. That is why we have to be careful and give notice of changes, so that the guidance, based on the best evidence, can be put in place.

We are making judgments. We recognise that we live in an uncertain and changing situation. A global pandemic virus does not allow for certainties—I wish that it did. We are putting the safety of the country at the heart of everything that we do at every stage.

Jackson Carlaw mentioned schools. In some ways, the debate on schools sums up the real problem at the heart of the approach that he is taking. When it looked like full-time education would not be safe for children, we developed a contingency. Now that our progress against the virus makes it possible, we are planning for full-time education. We have a contingency plan, should we need it, because there are no certainties with the virus.

It turns out that that is exactly what Jackson Carlaw asked us to do. Five days after we published the blended learning plan, the Conservatives published a paper on 26 May called “Helping Scottish Schools Through the Coronavirus”. It did not demand a return to full-time education—far from it. It called on us

“to commit to flexibility on what happens in August”.

It asked us to report monthly from 11 August on the continued need for blended learning and then it said:

“Only if evidence emerges that it would be safe to move faster to a full re-opening should we do so.”

What the Tories are criticising us for now is exactly what they called on us to do. I think that sums up Jackson Carlaw’s approach. It is not leadership. It is not putting the safety of kids and country first. It is, frankly, grubby political opportunism, and no serious person should indulge in that at a time of national crisis.

Jackson Carlaw: It is a bit disappointing that the First Minister relies on pre-scripted abuse from her advisors at First Minister’s questions.

It is pretty clear what I asked the First Minister last week; it is pretty clear what other leaders in Parliament asked the First Minister last week; and it is pretty clear that she said last week that I could do whatever made me happy but that she was not changing her plan. That was what she said. Six days later, there was a complete U-turn. It is there for everyone to see.

As the Fraser of Allander institute warns today, this is already the deepest recession in living memory. A full-scale depression is possible. The First Minister is right to say that we must avoid a second wave of the disease and that caution is vital. But, as the Fraser of Allander institute also points out, if we are to do that, an effective testing and tracking regime, at scale, is urgent. It says that it is a concern that that is still not in place.

Scotland’s economic recovery and the return of schools depend upon it.

Will the First Minister guarantee that the ability for us to test at scale will be delivered by the time that Parliament resumes in August?

The First Minister: The ability to test at scale will not be delivered by the time that Parliament returns in August; it is in place in Scotland right now. The latest test and protect figures have just been published. Yes, we need to build and to test and to refine the resilience of that system on an on-going basis. That is what all countries are doing now and we will continue to do that.

Jackson Carlaw asks why more people are not being tested under test and protect. Test and protect is there to test people who have symptoms of the virus. The prevalence of the virus is reducing right now, which is why we hope to continue to see fewer people being tested through test and protect. That is pretty basic stuff.

Over and above that, we will be building up surveillance testing, which allows us to make sure that we do not miss any outbreaks of the virus. That is the other strand of testing that we will build up over the summer. We are not basing that on untested technology that never transpires, regardless of the promise. We are building it from the bottom up, based on the expertise of public health teams around the country.

None of that is easy or straightforward, and none of it—unfortunately—contains any certainties as we look to the path ahead, but we will continue to do the hard work and careful planning that it is incumbent on us, as a Government, to do to get the country through this crisis as safely as possible.

I welcome robust scrutiny and criticism, but I think that people in Scotland, in looking to all their leaders right now, expect that criticism to be constructive and to be rooted in an understanding of the complexities of the issues that we are dealing with. That is the spirit in which I will proceed, because that is my responsibility as First Minister.

Care Homes (Covid-19)

2. Richard Leonard (Central Scotland) (Lab): I thank the First Minister for advance sight of her statement.

We all welcome the news that the number of Covid-19 deaths continues to fall and that we can look forward today to an easing of the lockdown. However, if we are going to turn the page, we should also look back on the chapter just written.

Of Scotland’s population, only 0.7 per cent live in residential care homes, and yet today’s figures confirm that more than 50 per cent of all deaths

from Covid-19 have occurred in that tiny section of our community. We do not need hindsight to tell us that, at a time in their lives when they were at their most susceptible and in need of greatest help, those most vulnerable people were badly let down.

Writing to me last week, Judith Robertson, the chair of the Scottish Human Rights Commission, stated:

“The situation experienced in care homes raises a number of serious human rights concerns.”

She went on to reference:

“the right to life, the right to be free from inhuman and degrading treatment, the right to a private home and family life and the right to non-discrimination”.

I agree with the Scottish Human Rights Commission. When the SHRC wrote to the Scottish Government to raise those concerns back in April, I agreed with it then, too. Why did the First Minister not agree?

The First Minister (Nicola Sturgeon): I agree with the Scottish Human Rights Commission, and I actually agree with the sentiments—and, to be fair, the tone—of Richard Leonard’s question.

I feel, as we all feel—more deeply than I can find the words to articulate—what has happened in care homes in Scotland over the past three months. I do not say this in any way to minimise or excuse that, or to imply that we do not have to look hard at what has happened, but we have seen it happening in countries across the world, and I simply say that we should not consider it as something that has happened only in Scotland. Nevertheless, it is our responsibility to consider what has happened in Scotland and to make sure that we learn lessons, and I have a very deep commitment to doing that.

Where I disagree with Richard Leonard—I hope that he will take the spirit and intent of what I say—is on the connotation of what he said that we have somehow not acted as best we can to try to protect people in care homes. Richard Leonard may think—he is perfectly entitled to do so, and I am sure that there will be others across the country who think the same—that we did not do the right things or that we did not do things at the right time. That is a perfectly legitimate view to hold.

However, at every stage, from making sure that we issued guidance stressing the need for clinical risk assessments of people going into care homes; to issuing guidance for care homes around isolation and moving away from communal living, to the strenuous efforts led by the Cabinet Secretary for Health and Sport to ensure that care home providers had top-up supplies of personal protective equipment for their staff; to some of the things that we have done to ensure that care

home workers get a death-in-service benefit and a top-up of their statutory sick pay if they have to be off because they have the virus; through to the work that we are doing around testing, we have taken steps to protect older people in care homes as best we can.

I will say two things finally. First, as I have said before, we will require to take a long, hard look at everything about the virus and, within that, the situation in care homes. Secondly, as I have also said before, looking ahead, there is a big debate to be had for us in the Parliament—I look forward to Richard Leonard taking part in that debate—about the future structure and model of our care home sector in Scotland. We should all engage in that debate constructively.

Richard Leonard: The First Minister mentioned Government advice. One of the issues that the Scottish Human Rights Commission raised back in April was that, despite what the First Minister has said in Parliament, the clinical advice that the Scottish Government issued was that care home residents should not be treated in hospital if they were suspected of having Covid-19. That policy remained in force until 15 May.

It is not just the Scottish Human Rights Commission that has questions; many grieving families desperately want answers, too. This week, I was in contact with the family of Margaret Laidlaw. Margaret lived in an intermediate care home until late April, when her family were informed that she would be moved to Drummond Grange care home in Midlothian. Residents in both homes had Covid-19. Not long after moving, Margaret displayed the symptoms and caught the virus. She was kept in the home and her family were told that, because of the Government’s policy, she would not be treated in hospital. Sadly, within weeks, Margaret passed away. She was 65 years old. Margaret’s family are angry. They want to know why the care home was so unprepared and why hospital care was not available.

Sadly, Margaret’s story has been all too common. What does the First Minister have to say to Margaret’s family and families like them? Does she regret that it took so long for the Government’s official advice to be replaced?

The First Minister: I say to Margaret Laidlaw’s family what I would say to any family that has lost a loved one to the virus and, in particular, to anyone who has lost a loved one who was in a care home: I cannot find the words to adequately sum up the sense of sorrow that I feel and the depth of my condolences to them.

It is not possible, and it would not be appropriate or helpful to the family, for me to start to comment in the chamber on individual cases that I do not have the full details of. However, I agree that

families have a right to answers. They have a right to know what happened to their loved ones, to question things that were done and were not done, and to get the answers as far as possible. As I have said on previous occasions, I have a very deep and strong commitment to doing what is required to facilitate that process.

On what Richard Leonard has described as Government policy—he will have heard not just me and the health secretary but the chief medical officer say this—it is not a matter of policy whether an individual in a care home or anywhere else is admitted to hospital. Clinical advice that will have been issued in many different circumstances for many different scenarios is applied and interpreted by clinicians, who have the job, often in consultation with families, of deciding where the best location of care is for an older person. Richard Leonard will have heard the chief medical officer say in the past that, in some cases—perhaps in many cases—admission to hospital for older people and, in particular, admission to invasive and intensive care, is not in their best overall interests, but if the clinical view is that it is, that should happen. It is simply wrong to say that any Government policy stops that happening. It should be clinicians who decide what the best circumstances and the best location of care are for the people whom they are caring for.

Richard Leonard: I have the clinical guidance with me. It says:

“It is not advised that residents in long term care are admitted to hospital for ongoing management but are managed within their current setting.”

That is what it says. That has been one of the greatest scandals of the pandemic.

Just yesterday, the heads of the royal colleges sent an open letter, calling for a rapid review of our preparedness to tackle the virus, warning that

“local flare-ups are increasingly likely and a second wave a real risk.”

The question whether the Scottish Government is ready for that is a matter of concern for us all, but is especially concerning in the setting of our residential care homes. We cannot allow a second wave to result in a second scandal.

On 27 May, ahead of the move to phase 1 of the easing of the lockdown, I called on the First Minister to conduct an urgent review of the Government’s approach to care homes, so that we would be prepared for the future. She gave no such commitment.

Today, will she listen? Will she listen to the heads of our royal colleges? Will the Scottish Government rapidly review the support and guidance for care homes, so that they are ready for any second wave, or any flare-ups? Will she do

it, so that the rights to health and safety of care home staff, and the human rights of care home residents, are protected?

The First Minister: I will start at the end of Richard Leonard’s questions, with what I hope is a helpful answer.

In principle, yes; we are reviewing on an on-going basis all aspects of our handling of the virus. Although some of the more fundamental look back will take longer, and will have to wait until we are out of the crisis, we are trying, as we go, to learn any appropriate lessons.

I am very happy to consider how we open that process, particularly on care homes, so that others have an opportunity to feed in to that and an opportunity to scrutinise it in Parliament. I will take that away, and I will discuss with the Cabinet Secretary for Health how we facilitate that.

Richard Leonard has read from clinical advice. I make the serious point that clinical advice is prepared by clinicians who advise the Government. It is not prepared by ministers; I am not qualified to give clinical advice. The chief medical officer—with the chief medical officer’s office—acts independently in such matters, on the basis of clinical knowledge and expertise. Advice is given to cover the generality of a situation.

My point—which many clinicians will make—was that it is often not in the best interests of an older person to go into hospital when they can be better cared for in their own home. Fundamentally, however, decisions about care lie in the hands of individual clinicians. That is as it should be, as it has been, and as it always will be.

Richard Leonard is right to warn of the risks of a second wave. It is not fair to me to say that I am not cognisant of that risk. I spend much of my time in advising and warning people that the virus has not gone away, and that we face a real risk of the resurgence of the virus—I do not like the phrase “second wave”, because it presupposes that we are out of the first wave, or that somehow it lies in the future.

That risk is there and will be there all the time, and we must guard against it. Everything that we do right now, therefore, from the pace of coming out of lockdown, through the care that we are taking over all those decisions, to the continued building of test and protect, is all about avoiding that. As we go, we genuinely want to learn lessons. At the very outset of this, I said that mistakes would be made. I absolutely readily concede that that will have been the case.

To end my answer where I started, I am very happy to look at how Parliament contributes to a review of our experience to date on care homes, so that we can learn any lessons as appropriate.

Jobs Guarantee (Young People)

3. Alison Johnstone (Lothian) (Green): I thank the First Minister for advance sight of her statement. My thoughts are with each and every person who has lost a loved one during this pandemic.

Half of working Scots are concerned about losing their jobs, and thousands have already done so. With the tourism season shrinking, and pubs and many shops still closed, new employment opportunities are scarce. Fifty thousand young people are leaving education and entering the toughest of labour markets. A jobs guarantee for young people has therefore never been more necessary, and I welcome the widespread support that exists for that. Such a proposal, which our young people need, featured in my party's manifesto.

How quickly will that jobs guarantee be put in place, and has the First Minister considered the role that it can play in shaping Scotland's fairer, greener future?

The First Minister (Nicola Sturgeon): Yes, we are considering that. For those who might not know this, the jobs guarantee proposal was contained as one of more than 20 recommendations in the report of the advisory group on economic recovery, chaired by Benny Higgins, which was published on Monday.

One of those recommendations was that the Scottish Government should respond to the report and all its recommendations by the end of July, which we have undertaken to do. How we take forward the proposals for a jobs guarantee—on which, as I said on Monday, and I readily say again today, I am hugely enthusiastic and sympathetic—will form part of that consideration. That is one aspect—but not the only one—of how, as we hopefully come out of this incredibly difficult period, we can use the process of recovery to further and accelerate progress towards things that we were already aiming for. Indeed, we know how important those things are. Part of that lies in our transition to a net zero economy and society.

Using a jobs guarantee to ensure that the skills and opportunities that we are giving young people through this difficult period are those that we need for that and those that will stand them in best stead for the future is an opportunity, coming out of a crisis, that we should grab with both hands. The Government looks forward to doing that, working with business.

Alison Johnstone: I welcome the First Minister's positive response. We know that unemployment scars, and a week is a long time, particularly for young people who face such uncertainty, so we need to create jobs and apprenticeships now. One area in which the

Scottish Government could do that is energy efficiency. By improving our housing stock, we could create thousands of jobs for builders, roofers, plumbers, heating engineers, joiners, window fitters, insulation specialists, plasterers, electricians and painters and decorators. That has been tried and tested. Energy efficiency investments in Germany and South Korea were central planks of their recovery from the 2008 financial crisis.

Earlier this year, the Greens secured tens of millions of pounds for such programmes. Will the First Minister now commit to going further and faster and investing in that urgently?

The First Minister: I agree with Alison Johnstone. In summary, yes, I commit to that. However, we have to turn that commitment into detailed plans: that is the process that we will go through as we respond to the advisory group's report and beyond that. There is no doubt that we have invested heavily in energy efficiency.

For the economic reasons that Alison Johnstone mentions and those involving opportunities for young people, as well as for reasons connected with our environmental ambitions, this is absolutely an opportunity to pick up the pace and the scale of what we are doing. I hope that there will be a lot of common ground on that front as we go through the weeks and months ahead.

On a more general point, I absolutely believe to my core that we all have an obligation—not just Government, but all of us, including business—to ensure that this generation does not bear the brunt and long-term legacy of what we have lived through over the past three months and will undoubtedly continue to live through for some time to come. Like others in the chamber, I grew up in the 1970s and 1980s through the worst of the Thatcher years, when unemployment and youth unemployment in particular were an ever-present scourge. I remember that vividly, and I remember the impact that it had on people in the community where I grew up. I do not want Scotland to go back to that.

We all have an opportunity, and I hope that it is one on which we will work together, to ensure that, whatever else comes out of the crisis, our young people do not pay the long-term price of it. That will be true in schools, colleges and universities, and regarding young people's employment opportunities, now and in years to come. I commit myself to that aim right now.

Full-time Schooling

4. Willie Rennie (North East Fife) (LD): I know that we have our differences, but I want to thank the First Minister for her work and personal efforts over the past three months. Daily press

conferences and extensive behind-the-scenes work will have taken a toll on her. I also thank ministers, who have made a special effort to work with MSPs from all parties. That is the type of co-operation that people should expect at a time of national crisis. We should all thank them for that effort.

I support the return to full-time schooling, but these are the last few days before the end of term and teachers are exhausted. Can the First Minister tell teachers whether they will get a break and have enough time and resource to prepare for the new set-up for full-time education?

Teachers are anxious. Will they have access to testing? What about teachers and children who are shielding? Will they return to full-time schooling in August?

The First Minister (Nicola Sturgeon): First, I thank Willie Rennie for his opening comments. I and ministers do not need thanks—we are simply doing our jobs—but his comments give me the opportunity to place on record my heartfelt thanks to everybody working behind the scenes in the Scottish Government. They have put in a shift and a half—that is an understatement—and I will be forever grateful to them for all the work that they have been doing.

On the substance of the question, of course teachers will get a break—they have been working very hard throughout all this. I thank teachers and councils for their work to make sure that we have the contingency of blended learning, because we may need that; I want to be clear about that. We have no certainties with the virus and if there is a resurgence, nationally or locally, that model may be needed—that work has not been wasted and it is important that nobody suggests that it has been. Of course, teachers need a break like everybody does.

The Cabinet Secretary for Education and Skills, John Swinney, has had discussions with teachers this morning and that will continue through the education recovery group to make sure that the commitment that we have to return to full-time education in August is achieved; that will be the hard work of the next period. In part, that is work for all of us, because the prerequisite is that we keep the virus suppressed and we all have a role to play in that. However, other safety measures need to be put in place, including the arrangements around physical distancing and testing. I believe that there is a big role for testing in assuring teachers and parents of the safety of schools, but the detail of that is the work that we will now do and which the Deputy First Minister will lead to make sure that, before schools go back, teachers, parents and young people have confidence in the safety of their education.

Willie Rennie: We need that detail as soon as possible, because teachers need as much certainty as possible so that they can get that get break and be ready for August.

I will move on to an issue that I have asked about repeatedly recently, which is childcare over the summer for the thousands of parents who will be returning to work. If parents are being asked by the Government to return to work, the Government has a duty to ensure that there is enough childcare for them. The First Minister knows that I am cautious because I want people to be safe, but the new plan remains disjointed. Why are parents being asked by the Government to go back to work when childminders and nurseries will stay closed for another three weeks on a full-time basis? Why are outdoor children's summer clubs and activities not allowed to open for another three weeks? Parents need that detail, because they are returning to work from now—when will they get that detail?

The First Minister: First, in the spirit of agreement and consensus, Willie Rennie is right to raise the issue. I said last week—I do not relish saying it, because it is not the position that anybody in my position wants to be in—that there are imperfections in how we do things right now given the nature of what we are dealing with. We are trying to align those plans as much as possible. Although the slightly slower pace out of lockdown that we are taking in Scotland is for public health reasons, we also have an objective to align, as far as possible, if not perfectly, the return to work with the build-up of childcare.

Childminders are open, although they have restrictions on their operation. Outdoor nurseries are also able to be open. What I announced today envisages the opening of all early learning and childcare from 15 July. Clearly, to some extent that will be dependent on individual provider arrangements and initially I would imagine that capacity will be restricted but that it will build up again.

Last week, although it was not the driving motivation, we also opened up the extended households model, which opens the possibility for some informal childcare. I had hoped that we might have been able to extend that by today, but we have to do a bit more work to understand the impacts of that. I hope that, by this time next week, we will extend that model a bit further.

Does all that add up to an absolutely perfect plan? I readily concede that it does not; I am not sure that perfection in any of that is possible given what we are dealing with right now, although we strive for it where we can. We will continue to make sure that those different pieces are aligned as far as possible and we absolutely understand

the importance for parents of having appropriate childcare as they increasingly go back to work.

Meat Processing Facilities

5. Emma Harper (South Scotland) (SNP): To ask the First Minister what guidance the Scottish Government has provided to meat processing facilities to ensure the health and safety of their workforce, in light of recent closures of such facilities across the United Kingdom due to large numbers of staff being diagnosed with Covid-19. (S5F-04246)

The First Minister (Nicola Sturgeon): That is an important issue in the light of developments in other parts of the world. Food Standards Scotland has provided comprehensive guidance and a risk-assessment tool to help the food industry ensure that its staff are protected from the risk of Covid. The guidance supports the industry in implementing physical distancing, personal hygiene and cleaning and disinfection measures to prevent transmission in food production settings, including meat processing facilities, while maintaining high standards of food safety.

A significant number of measures have been introduced, such as increased cleaning and disinfection, screens on production lines and physical distance marshals. Food Standards Scotland has also maintained a presence in all 27 Scottish slaughterhouses and has worked with meat cutting plants throughout the outbreak, agreeing physical distancing protocols and ways of working to protect the health and safety of staff. However, as we see from outbreaks in meat production facilities and other parts of the food processing industry in other parts of the world, we need to remain extremely vigilant in the area.

Emma Harper: Can the First Minister give me assurances that the guidance from the Scottish Government to the meat processing sector and, indeed, other sectors, will always be based on the most up-to-date scientific and medical advice and that it will draw on international examples to ensure that we have the highest possible levels of safety in our world-renowned food supply chain, so that we continue to move forward out of the pandemic and do not go backward?

The First Minister: I can absolutely give an assurance that the guidance will be based on the best scientific and medical advice, as we are trying to ensure that all guidance is. Food Standards Scotland's guidance and its risk assessment tool have been cleared by Public Health Scotland and the guidance takes account of the United Kingdom Government's guidance as well as international guidelines from the World Health Organization and other public bodies.

Food Standards Scotland is also in regular dialogue with counterparts in countries such as Canada, New Zealand, Australia and the USA and is sharing experience and advice. Of course, we will continue to look closely at examples of outbreaks in facilities elsewhere, such as the recent outbreak in Germany, to make sure that we learn any appropriate lessons.

Community Sport

6. Brian Whittle (South Scotland) (Con): To ask the First Minister how the Scottish Government will support community sport restarting as lockdown restrictions are lifted. (S5F-04254)

The First Minister (Nicola Sturgeon): We continue to prioritise the return of grass-roots sport for our communities and particularly for our young people. We are supporting community sports clubs and organisations to prepare to reopen as soon as it is safe to do so. SportsScotland is working with Scottish governing bodies of sport to ensure that sport-specific guidance is available to sports clubs and community organisations at each phase of the route map. We are also helping sporting organisations and groups to access the various funding streams that are available. For example, to date, the third sector resilience fund has awarded sports organisations 169 grants, with a value of more than £2.3 million.

Throughout the pandemic, we have recognised the benefits of physical activity and have ensured that people could get outside to exercise every day. We have also been able to allow a number of outdoor sporting activities to return, with strict guidance in place on physical distancing.

Brian Whittle: I know that the First Minister is aware of the importance of being active, especially within a social environment, and that it is important to physical, mental and emotional health. Our sports clubs and organisations across the country are key to that. However, sports clubs report a serious reduction in membership, having missed a whole year of recruiting, and arm's-length external organisations are under extreme financial pressure. I think that we are in danger of losing vital community assets just when we need them most, and a lack of physical activity will manifest itself in increased pressure on our national health service. What assurances can the Scottish Government offer the thousands of sports clubs and volunteers across Scotland that their contribution will be valued in the months and years ahead?

The First Minister: We will do everything that we can not only to ensure that that contribution is protected but to encourage and enhance it in the time to come. I absolutely agree with Brian Whittle that physical activity for young people is of

paramount importance now and in the future. Today, I confirmed that organised sport for young people can resume from 13 July, but we will continue to work with councils and organisations in this area to ensure that we provide whatever support we can. The issue is important, and we will continue to pay close attention to it.

Presiding Officer, I am being told that, when I delivered the statement earlier, I said that a household will be able to meet indoors with people from up to two other households, subject to physical distancing and strict hygiene measures, from 15 July. That was a mistake. The route map actually says 10 July. I just wanted to take this opportunity to correct that.

The Presiding Officer: Thank you for that rapid correction.

Court System (Backlog of Cases)

7. **James Kelly (Glasgow) (Lab):** To ask the First Minister what action is being taken to minimise the backlog of cases in the court system. (S5F-04251)

The First Minister (Nicola Sturgeon): We all recognise the devastating impact that delays and uncertainty can have on all those who are involved in civil and criminal court cases. In his statement to Parliament last week, the Cabinet Secretary for Justice outlined some of the measures that are being progressed and considered with stakeholders to address the backlog. I welcome all the work that is being done to resolve cases before a trial date is set, to make the best use of modern technology and to resume court business, including jury trials, with physical distancing in place. We are also working with the Scottish Courts and Tribunals Service to explore options that safeguard the interests of justice and the health of all involved.

James Kelly: The delay in court cases is particularly challenging for victims of crime, those who are on remand and witnesses. It is important to make progress but to safeguard the important principle of fair justice. Will the progress that has been announced today allow more buildings within the court system to open? Will the Government consider reducing from 15 the number of members on a jury, in order to make headway with the backlog of cases?

The First Minister: With the Scottish Courts and Tribunals Service, we will keep all those options under review. I agree with James Kelly that the backlog has to be cleared as soon as possible, for all the reasons that he cites. It is not in the interests of justice, of those who are accused of crime or of victims for there to be delays.

At the outset of the pandemic, when the first piece of coronavirus legislation was being put through, Parliament legitimately had a discussion about initial proposals that the Scottish Government made—which we then withdrew—to have solemn trials without juries. To be fair, I think that Parliament was right about that but, at the time, Humza Yousaf made clear that not taking that approach would have an implication later on. We are having to manage all that. The Lord Justice Clerk, Lady Dorrian, has been chairing a judicially led working group that is looking at how we take forward High Court jury trials and clear the backlog. We need to continue that work and make sure that, as we go along, all the different options, such as those that James Kelly cited, are kept under review.

Financial Scams

Bruce Crawford (Stirling) (SNP): Does the First Minister agree that those who prey on vulnerable people, using financial scams related to the coronavirus pandemic, are the lowest of the low? What can the Scottish Government do to protect vulnerable people from such shocking activities at this time by some very bad people?

The First Minister (Nicola Sturgeon): Bruce Crawford is absolutely right. Anybody who perpetrates a scam at any time on a vulnerable person is, to use Bruce Crawford's phrase, the lowest of the low. That behaviour is disgraceful and disgusting and those who indulge in it should be deeply and utterly ashamed of themselves. That is true all the time, but to do that at a time like this, when everybody, individually and collectively, is dealing with an unprecedented crisis and going through the most difficult circumstances, is beyond my comprehension. Therefore, I share Bruce Crawford's condemnation of anybody who would behave in that manner.

The Scottish Government already has work under way to educate people and make them aware of the risks of scamming; we will continue to go forward with that. In light of Bruce Crawford's question, we will look again at whether there is further action that we can take in the particular circumstances that we are living through.

Childcare (1,140 Hours)

Jamie Greene (West Scotland) (Con): I return to the important issue of childcare. The measures that have been announced today to reopen more nursery settings are welcome, but opening nurseries is not the same as ensuring their ongoing viability. Today, I have had a number of calls with evidence of local authorities not honouring their previous commitments to fund 1,140 hours. In the absence of a statutory obligation to do so, many local authorities have already reversed

existing promises. Parents and nurseries had already planned around 1,140 hours but, if it is not delivered, they cannot go to work. When will that flagship policy resurface? Will the First Minister give assurances to councils that they will be not just told to deliver 1,140 hours but resourced to enable them to do so?

The First Minister (Nicola Sturgeon): Councils were fully funded to allow them to deliver 1,140 hours. As part of our understanding of the additional pressures under which councils are operating, we allowed them to use for other purposes the money that they no longer had to devote to the policy for that period, because of the inevitable and unavoidable pause in that work. That is on top of the additional money that we have made available to councils.

We want to get the programme back on track as quickly as we can. It stands to reason—anyone who applies common sense to the situation will realise this—that, given that part of the expansion involved construction at a time when construction activity was not allowed, there will inevitably be delays to the policy. However, we want to get it back on track as quickly as possible. We have committed to and fully funded the provision of 1,140 hours, and we are determined to, and will, deliver it in full.

Economic Recovery

Pauline McNeill (Glasgow) (Lab): A contrast is emerging between people who have already returned to work and those who are still waiting patiently at home in the hope that they can return to work. Many furloughed workers are not receiving the 20 per cent of their salary from their employers. Some employers are paying that, but others are not. People are also concerned that, if there is no date for them to return to work, there will probably be more redundancies.

I really appreciate the level of detail that the First Minister has given today. That is very welcome. Does she agree that we need all sectors to have as much specific information as possible about when people can return to work, so that planning can be done on getting workers back safely?

We all agree that, unfortunately, economic turmoil is ahead. Will the First Minister ensure that the recovery plan is informed by the widest level of engagement, involving all age groups, unions, workplaces and ordinary people's experiences? I am pretty sure that she will agree with that, because that is the best way to go forward with our recovery plan.

The First Minister (Nicola Sturgeon): Let me make three very quick points. First, I agree with Pauline McNeill's final point, because that is

important. Earlier this week, there was a debate in Parliament, which I was not able to attend in person, on the economic recovery group's report. Engagement not only in Parliament but further afield, involving stakeholders, trade unions, the third sector and the wider business community, is essential. That is how we intend to proceed.

Secondly, I agree with the need for as much certainty as possible. Every step of the way, that is what I will try to deliver. However, I will not give false certainty, because that does more damage than good. There will always be a degree of uncertainty, given the nature of the virus, but when I say that a particular sector can open on X date, I want to be as sure as possible that that is deliverable, based on the information that we have at the time. I also want to be sure that doing so is as safe as possible, because that will allow me to ensure that I get fully behind the retail or tourism sector, for example, and encourage people to get back to using those parts of our economy. It is important that we get that in sync and that it happens in the right order.

Thirdly, the furlough scheme, which has been very welcome and helpful, has prevented a wave of redundancies so far, for which we should all be grateful. However, it is really important that the scheme is not prematurely withdrawn and that the United Kingdom Government is willing to continue it for as long as is necessary, whether in a general sense or by targeting particular sectors that we know will be hit for longer. We are seeking to have that discussion with the UK Government, and I hope that members across the chamber will call on it to follow the example of countries such as France and make it clear that such support will not be withdrawn before the economy is ready for it.

Coaches and Personal Trainers

Colin Beattie (Midlothian North and Musselburgh) (SNP): Will the First Minister advise whether consideration is being given to allowing coaches and personal trainers to work with more than two households a day, when physical distancing can be maintained, given that so many people depend on those professions for their income?

The First Minister (Nicola Sturgeon): We continue to keep the guidance under review. We want to get as many people back to work as quickly as possible. Although that is important generally, we recognise that it is particularly important for the self-employed, and many coaches and personal trainers will fall into that category. We continue to work closely to review our guidance to ensure that we can do things safely.

Coaches who are self-employed can receive support through the self-employment income

support scheme or the newly self-employed hardship fund, which provides up to £2,000 for coaches who became self-employed after 6 April 2019. Sportscotland has also provided advice for coaches, including information on funding, which can be found on the Covid-19 dedicated pages on its website.

Business Rates (North East Scotland)

Liam Kerr (North East Scotland) (Con): On Monday, yet another established retailer on Aberdeen's Union Street, Molton Brown, announced its closure. It is another business lost to Aberdeen and more local people unemployed during very difficult times for the north-east. That is due in no small part to this Government's business rates regime. Has the First Minister got any plans beyond the immediate virus response to review a rates regime that punishes the north-east disproportionately?

The First Minister (Nicola Sturgeon): That is just not true. I absolutely understand the burden of rates on businesses at the best of times, but particularly right now. That is why we have invested heavily in rates relief schemes throughout this crisis. We will continue to consider the support that we are able to give as we come out of this crisis and as businesses such as the one that the member mentioned can start to open and trade again. All of that is really important.

However, I come back to the point that this is an unprecedented crisis and all of us need to ensure that we bring all of our resources and focus to dealing not only with the immediacy of it but with the aftermath as well. I look forward to having the support—and, yes, the scrutiny and constructive criticism—of those who genuinely want to tackle these issues, as opposed to those who only want to make party-political points about them.

Glasgow Airport (Job Losses)

Neil Bibby (West Scotland) (Lab): Swissport has announced today that 4,500 jobs are to go at United Kingdom airports. That is yet more bad news and means that there are likely to be more job losses at Glasgow airport.

The First Minister has turned down the suggestion of the GMB, Unite and myself that she establish a task force to save airport jobs at places such as Glasgow airport. I have asked the First Minister three times now about aviation jobs, and I welcome talks on the future of aerospace. However, we also need urgent action now to save airport jobs for my constituents.

As the GMB has said, those jobs are the backbone of the Renfrewshire economy. Doing nothing is not an option, First Minister. What will be done to stop more airport workers being

abandoned? What representations are being made to the UK Government for a support package, and what is the plan for our airports?

The First Minister (Nicola Sturgeon): To do nothing on any aspect of this crisis is not only not an option; it is not in any way, shape or form what this Government is doing. Even our sternest critics would recognise that reality.

Not only in Scotland, but in the UK, Europe and worldwide, we are dealing with a multitude—a plethora—of very significant challenges because of the virus and the measures that we have had to take to tackle it. Some of those create problems for businesses, and others compound and exacerbate problems and challenges that they already faced.

There are no easy answers to any of this, and I will never criticise anybody in the chamber who stands up for jobs in their constituency. In fact, I welcome and praise that. However, we all have to recognise the real challenges and difficulties that we face, and we must try to do that in as constructive and consensual a way as possible.

I gave commitments to Neil Bibby around his involvement in our work on the aerospace sector, and I will do the same in other sectors. As I said last week, we have to guard against having a plethora of task forces. We must focus on the actions that we need to take. I hope that he will join me, not in a party-political way but in recognition of the reality—[*Interruption.*] The Tories clearly seem to think that all of that is funny. I do not think that it is funny: I think that it is really serious stuff.

I was going to say to Neil Bibby that I hope we will be able to join together to make a case to the UK Government for ensuring that the right support is in place for businesses and sectors. I hope that we can all join together in that endeavour.

Ferries (Social Distancing Measures)

Kenneth Gibson (Cunninghame North) (SNP): Even when it is deemed completely safe to visit our islands, residents and businesses will remain disadvantaged. Ferry sailings have decreased markedly, and social distancing has diminished capacity by 80 to 90 per cent on some routes. By contrast, people who fly to the northern isles and to the Inner and Outer Hebrides do not have the same social distancing rules applied, which Professor Jason Leitch agreed on Monday is an anomaly. Therefore, without pre-empting the advisory group, how soon are we to move to 1m social distancing on ferries, with a mask on while on enclosed decks?

The First Minister: I am not going to pre-empt the advice of the advisory group for Kenny Gibson—tempting though he always is—any more

than I was prepared to do so for Jackson Carlaw. It is right that we wait for that advice and then interpret, apply and implement that advice where appropriate.

I absolutely recognise the issue of reduced capacity on ferries. It not only applies on ferries but will be the case across our public transport network. Therefore, there are, of course, practical as well as economic advantages to having a situation in which the 2m distancing rule can be relaxed.

It is wrong to see it as a simple, binary choice between 1m and 2m. As Kenny Gibson has alluded, if there can be a relaxation of the 2m rule in some settings and circumstances, that will come with the necessity for other mitigations. It is important, therefore, that we get that right, because it is unlikely to be—pardon the pun—a one-size-fits-all approach.

I know that Kenny Gibson is not trying to do this, but public safety cannot simply be cast aside. We do not do the country, businesses or any aspect of our society any good at all if we take reckless decisions that allow the virus to start to spread again.

Economic Recovery (Collaboration)

Dean Lockhart (Mid Scotland and Fife) (Con):

One of the key findings of the advisory group on economic recovery—led by Benny Higgins—was that there needs to be much more communication and collaboration between the Scottish Government and key stakeholders in the economy. Does the First Minister agree with that? If so, what specific steps will she take to address those concerns, especially in the context of the Covid crisis?

The First Minister (Nicola Sturgeon): I agreed with that on Monday, so I am happy to do so again. In any aspect of what we do right now, irrespective of our differing views on whether what we did before this crisis was good, bad or indifferent, we would all be making a mistake if we came out of the crisis only to pick up where we had left off. We would not tackle challenges sufficiently and would miss opportunities to do things differently. That applies to relationships between Government and business and to all sorts of other things.

As I said earlier, we will respond in detail to all 25 recommendations in the advisory group's report before the end of next month, and we will put specific recommendations down in relation to that. However, any relationship goes two ways, so we also have to listen to the stakeholders—the other part of that relationship—about the changes that they want and the ways in which they think it

should be enhanced. We will take those discussions forward over the next few weeks.

Mesh Implant Removal

Neil Findlay (Lothian) (Lab): In November, after eight years without meeting mesh-injured women, the First Minister asked for a meeting in the middle of the general election campaign. She said all sorts of sympathetic things and gave those women her personal commitment to do all that she could to ensure that Dr Veronikis, the United States mesh surgeon, came to Scotland to help them. He made his offer in good faith more than a year ago, and all that there has been since is delay, deliberate blocking and inaction by vested interests that never wanted him here in the first place. He has walked away in disgust at that behaviour.

For those women, who have been horribly injured and disabled, the prospect of Dr Veronikis coming to Scotland is their last hope of ridding their body of this poison. The First Minister should listen to what one woman said this week in an email to me and her:

“For years, I thought I had some kind of mental problem as I didn't know other people were similarly affected. I had to retire from the job I absolutely loved in a school. I had to give up the gym. I used to do Race For Life every year and the MoonWalk. I danced my socks off at family gatherings. That person doesn't exist anymore and I'm left a pain-ridden shell of the person I was. I hate me and suffer from depression.”

For a decade, the Government has failed those women and I am sorry to say that the First Minister has too. Does her Government intend to do anything to help hundreds of women live a life that is free of the brutality of mesh pain?

The First Minister (Nicola Sturgeon): I know how strongly Neil Findlay rightly feels about the issue, and I pay tribute to the way in which he has consistently brought it to the Parliament. I take very seriously the commitments that I made to the women when I met them and I will continue to do so. We have already taken steps, including the creation of the fund to help women who have been affected by mesh.

On Dr Veronikis, I genuinely say to Neil Findlay and to others who are interested in the issue that they should try to work with us on it. First, we have not received any correspondence from Dr Veronikis to say that he has withdrawn his offer to come to Scotland—that is a statement of fact. The former chief medical officer wrote to him on 24 and 27 February, and the international recruitment team at NHS Greater Glasgow and Clyde wrote to him on 3 March. We did not get responses to those letters. The interim CMO wrote to Dr Veronikis on 24 April to reiterate that the invitation still stood and that we looked forward to

welcoming him when restrictions around Covid were lifted. On 5 June, there was a response that expressed frustration at a lack of progress. There seems to be an issue here. We thought that we had made progress, when Catherine Calderwood spoke to him, around the need to ensure that a surgeon cannot simply operate on a woman with whom he has had no prior contact and that pre-operative and post-operative care need be in place. Those seem to be the arrangements on which we have struggled to make progress with Dr Veronikis.

The offer is still there and we have been trying to get those arrangements finalised. I repeat today my personal willingness—although I am not a clinician—to speak to him directly, as I did before, to try to get the arrangements in place that would allow that visit to happen. It is not the case that that has not happened because of blockages or an unwillingness on the part of the Scottish Government to have him here, and it is an unfair and inaccurate characterisation to say that. My personal opinion is that the contrary is absolutely the case. I hope that others who have a genuine concern about the issue will help with that rather than try to characterise the situation in an inaccurate way.

Covid-19 Lockdown (Pace of Easing)

Gillian Martin (Aberdeenshire East) (SNP): The Fraser of Allander institute economic commentary that was published today states that if there were to be a second wave of Covid-19 infections, the economy might not recover until 2024 at the earliest.

The First Minister has outlined what her Government is doing to ensure that the virus is kept at the lowest possible level, but does she agree that a slower, more cautious approach now is ultimately the most effective economic approach and that far more jobs and businesses will be in danger if we risk a second wave by easing restrictions too fast?

The First Minister (Nicola Sturgeon): I agree wholeheartedly with Gillian Martin, as I think is evident from everything I have said and the decisions I have taken so far during the pandemic. We should pay close attention to the warning in today's Fraser of Allander institute report that, if we have a second wave—or spike, or whatever we want to call it—of the virus and we do not manage to keep it under control, our economy might not recover until 2024. That demonstrates the economic impact of moving too quickly and with too high a risk, which would be in addition to what we know would be the inevitable health impact and the effect on the number of lives that are lost.

I firmly believe—and this is backed up by evidence—that, if we move at an appropriate pace now, we will build a firmer foundation for recovery and minimise the chances—because we cannot eradicate them—of having to go backwards into lockdown. If we go too quickly now and take too high a risk, the danger is that we will end up in lockdown for longer.

We have to get this right. Fundamentally, that is in the interest of health and lives, but it is in the interests of livelihoods and the economy as well.

Covid-19 Lockdown (Short-term Lets with Communal Stairways)

Andy Wightman (Lothian) (Green): The First Minister gave an indicative date of 3 July for opening self-contained self-catering accommodation without shared facilities. She also mentioned the risk of imported cases. Can she confirm that such a definition does not include short-term lets with communal stairways, given the risk to residents from visitors from all over the world? Can she also confirm whether advice is being, or will be, sought on that question and that guidance that does not currently cover it will cover it in due course?

The First Minister (Nicola Sturgeon): I will give an undertaking to come back to Andy Wightman and to make sure that the guidance is clear on what is and is not covered for the indicative date of 3 July that I gave today. We anticipate that, all being well, a more general opening of tourism and all holiday accommodation will occur from 15 July.

However, I would stress that, at this stage, we want to avoid people sharing facilities and accommodation outside their own household, because that is where the risks of transmission of the virus are highest. I am happy to come back to Andy Wightman on the detail of his question.

Shops Reopening (Public Guidance)

Richard Lyle (Uddingston and Bellshill) (SNP): Further to the First Minister's announcement, many shops will be preparing to open next Monday, and they will be following Government guidance. To support consumer confidence, will the Government continue to issue guidance for members of the public on how to shop safely, including on the use of face coverings, which many believe should be worn in shops?

The First Minister (Nicola Sturgeon): I will do. I think that safe shopping, and the behaviour that all of us display when we are in shops, will matter hugely. The Scottish Retail Consortium has already put out a five-point piece of advice for shoppers, which I would endorse. I would add to

it—and I hope that the consortium will add to it—the importance of face coverings.

We are still considering mandatory face coverings in shops. We are awaiting advice from the advisory group on high-risk transmission areas on the 2m distancing issue before we take a final decision on that, but we intend to undertake an awareness-raising campaign with the retail sector in the meantime. Making sure that shoppers wear face coverings, abide by physical distancing rules and follow the other advice that has been given for spaces outside and inside shops is really important.

Above all else—I repeat what I said last week—people must respect those who work in our shops. If they are asking you to do things that you would not normally have to do in a shop, they are doing it for your protection. They do not deserve, and should not get, abuse from anyone. Instead, they should have our thanks and respect.

Covid-19 Shielding Groups (Return to Schools)

Alex Cole-Hamilton (Edinburgh Western) (LD): Yesterday's announcement on the return to our schools will be welcome news for many parents, but for one group it creates a whole new layer of anxiety. Lockdown has been hardest for children who have been shielding or who have been living with someone who has been doing so. Parents of such children will now be wondering what the new term means for them. Should they risk their children returning to crowded classrooms, with all the hazards that that will entail, or should they hold them back and accept the impact that that will have on their learning and social development? The same concern exists for teachers who are shielding. Will the First Minister outline what provision she intends to make for such groups?

The First Minister (Nicola Sturgeon): That is an important question. Before the end of July, we will issue further general advice for people who are in the shielding category. As I indicated in my statement, we want to move towards a much more tailored approach for them, in which we will focus on how they can mitigate risks.

However, issues that particularly affect children will have to be worked through carefully. I believe that the chief medical officers in all parts of the United Kingdom are currently considering whether a change in the current advice on issues that particularly affect paediatric groups in the shielding category would be appropriate. I do not want to pre-empt that, because it is important that it is considered by clinicians.

Whatever the situation might be as we go into the period leading up to the return to our schools, the position for those in the shielding category—

both pupils and teachers—will be properly considered and catered for.

The Presiding Officer: That concludes First Minister's question time. I advise members who are leaving the chamber that they should be careful to observe social distancing measures. We will resume at 2.45.

13:46

Meeting suspended.

14:45

On resuming—

Farmers and Crofters (Financial Stability)

The Deputy Presiding Officer (Christine Grahame): I remind members that social distancing measures are in place in the chamber and across the Holyrood campus, and I ask that members take care to observe those measures over the course of this afternoon's business, including when entering and exiting the chamber.

The next item of business is a statement by Fergus Ewing on providing financial stability for farmers and crofters. The cabinet secretary will take questions at the end of his statement, so there should be no interventions or interruptions.

The Cabinet Secretary for Rural Economy and Tourism (Fergus Ewing): The Scottish Government's decision to move to home working for all staff as part of our national efforts to prevent the spread of Covid-19 came at the worst possible time for rural payments.

In mid-March, the rural payments and inspections division was about to ramp up its 2019 common agricultural policy payments schedule, ensuring that farmers, crofters and land managers got their pillar 1 and 2 payments. The work to process and make payments is undertaken by 385 staff working out of the 17 area offices that are located all over Scotland from Benbecula to Inverurie and from Lerwick to Dumfries, supported by a range of staff working in Edinburgh. In a matter of days, contingency plans were updated to take account of the unprecedented circumstances and to shift that operation, along with the entire information technology organisation, into a home working one.

Given the well-documented challenges that have been experienced in recent years with regard to simply making the bespoke CAP IT payments system fully operational, the scale of that task was immense. It is a testament to the talent, diligence and expertise of the RPID and IT teams that they not only came up with that plan but tested it prior to lockdown and were fully operational within days. Most important, there was not one glitch, no gap in service and not one blip created by home working arrangements. That was a quite remarkable transformation project.

Since lockdown began, the vast majority of RPID staff have been working to process payments and claims from home and continue to do so. I want to thank each and every official involved for making that happen and ensuring that Scotland's farmers and crofters received their 2019 CAP payments. If ever there was a year to

make CAP payments smoothly and timeously, this was it. Ensuring that our farmers, crofters and land managers received their payments would mean they had the funding that they needed to cope throughout the pandemic. Failure would have meant disaster for the rural economy. In making this statement today, I am able to announce that, at the earliest point ever under this CAP, we have met the European Union's statutory deadline for pillar 1 payments.

I can advise Parliament that, on 12 June, 95.24 per cent of basic payment scheme, greening and young farmer payments were made to Scotland's farmers and crofters, delivering £406 million to the sector. I can further advise that the statutory target has also been met for our coupled support schemes—the Scottish beef suckler support scheme and the Scottish upland sheep support scheme—delivering a further £46 million in support to our livestock producers.

However, those are not the only payments that we have made during this period of unprecedented challenge. When I made my statement to Parliament in January, I set out the intended approach to CAP convergence payments. Members will recall that that funding was won for Scotland's farmers and crofters after a six-year campaign by this Government and a range of stakeholder organisations to right an historic wrong. I promised that that funding would be paid by the end of March and—again, thanks to RPID staff—it was. More than 17,000 convergence payments were made to farmers and crofters all over Scotland, injecting a further £87 million into the rural economy.

In addition, we have been able to make progress in other areas. This year, along with all other member states, for the first time the EU has required us to make a statutory target of 95.24 per cent for land-based pillar 2 rural development schemes. Those schemes are aimed at protecting and enhancing our environment, planting trees and woodland, supporting rural businesses and helping the farming industry to grow and modernise. The payment schedule that we set out last October provided for that. It did not, of course, factor in the challenge of trying to meet that additional target under the most extreme circumstances.

We met that target yesterday. More than £82 million in pillar 2 scheme funding has been paid, amounting to 95.7 per cent of total payments to be made. That amounts to nearly £49 million in LFASS—less favoured area support scheme—payments, or 96.87 per cent of the total due. With £5.4 million paid in total to claimants for rural priorities payments, we are at 96 per cent in that scheme.

There is a little further to go on the AECS—agri-environment climate scheme—at 94.83 per cent, but with close to £23 million already paid, a further £100,000 will take us over the target. A total of 97.8 per cent of forestry grant scheme payments have been made—a clear signal of our intent to meet our ambitious tree-planting target in the year ahead. All 2019 beef efficiency scheme payments have been made.

We are not yet over the line for every scheme, but I am confident that we will make it and that RPID staff will continue to rise to the challenge and deliver more success. That success matters, because it means that Scotland will not face payment penalties, but it also matters to our farmers, crofters, foresters and land managers. Prompt delivery of their payments, often ahead of the schedule that was published last year, has enabled them to keep working and delivering vital food supplies for our nation. In one other remarkable achievement, this Government and RPID staff have done all that we can to ensure they get their farm payments next year. Not only did we have to get money out to where it was needed, but we had to open and run the single application form window for 2020 payments.

Unlike some other Administrations on these islands, this Government, liaising closely with NFU Scotland, decided to adhere to the original SAF deadline of 15 May. That decision proved to be a good one, with submission rates on a par with last year, online applications increasing by 2 per cent and fewer late claims than in previous years.

We are now in the best possible situation for delivery of 2020 payments. Again, our support staff played a critical role. In particular, the customer support that was offered throughout the recent 2020 SAF application window showed creativity and commitment to excellent customer service. Again, I thank the staff, knowing that their efforts made a difference for many claimants. I also offer my appreciation for and thanks to the nation's farmers, crofters and land managers, who heeded our calls and worked with us to submit their applications on time.

When I was appointed as Cabinet Secretary for Rural Economy in 2016, the First Minister made clear that my number 1 priority was to fix the CAP payments situation. The results that I have set out today suggest that that has been substantially achieved. That has been my focus since 2016, and I assure farmers and crofters that I will continue to make maintaining payments a priority, no matter what uncertainties we face in the future. In the months ahead, I will continue to focus on providing Scotland's farmers and crofters with certainty, clarity and, above all else, financial stability, because they deserve nothing less.

Scotland's farming community has worked hard, putting in long hours and days throughout lockdown to keep food on our plates. I thank everyone—farmers, crofters, workers, families, businesses and employees—in all the key agricultural industries in the supply chain for their tireless efforts. The global impact of the pandemic has highlighted the importance of food supply chains and should remind us not to take food or food security for granted. Perhaps the best way for us to show our gratitude for our farmers and crofters is to buy Scottish produce and support local food producers, now and in the future.

The Deputy Presiding Officer: We have about 20 minutes for questions. Quite a lot of members are going to ask questions remotely, so I might factor in a little more time, because I appreciate that there are delays when members are working remotely.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): I thank the cabinet secretary for providing prior sight of his statement. I echo his thanks to the key workers in agriculture who have kept us going through the pandemic and to the staff in rural offices across Scotland who have worked tirelessly through the past few months in extremely difficult and challenging circumstances to deliver the payments on time.

I note that progress is still to be made on the agri-environment climate scheme payments. I trust that the cabinet secretary will provide me and my Scottish Conservative colleagues with the clarity that the payments will be fulfilled on time, so that farmers get what they rightly deserve.

I turn to the future direction of travel on agriculture policy and providing certainty to Scotland's farming community. The Scottish Conservatives have long argued that a well-researched and consultation-based approach is urgently required to give farmers certainty, to build resilience, to drive efficiency and productivity and to contribute to new climate change targets.

The cabinet secretary said that the farming and food production future policy group would report before the end of June 2020. Sadly, the Royal Highland Show did not go ahead this year due to the Covid pandemic. I suspect that the cabinet secretary had every intention of using the show as a platform to launch the future policy group's findings. Will he confirm when he will report to Parliament on the group's findings, in order to give the agriculture sector a clear vision of the shape of farming and crofting in Scotland? In the light of the update on payments, when will he set out details on how the Bew review funds will be allocated?

Fergus Ewing: As I said, the value that has been paid under the agri-environment climate scheme is at 94.8 per cent, and a remaining

£100,000 of payments is needed to meet the target. I would be surprised if we had not met the target by the end of this month.

I am grateful for Rachael Hamilton's recognition of the key work that farmers and others in the farming community provide, and of the good work that is done in the RPID offices. That will be appreciated by them.

We have clearly set out our vision for Scottish farming. In "Stability and Simplicity: proposals for a rural funding transition period", which was consulted on, as is correct, in 2018, we clearly set out our continuing support for productivity, efficiency and innovation and for farmers producing high-quality food and looking after the countryside. We said that we would support farmers with a reasonable income in rural communities and as the pillars of those communities. There is common ground on all those issues.

In politics, the vision is often the easy part; it is delivery that can sometimes let us down. Therefore, I am delighted that today we can report very solid and successful delivery to our farmers and crofters in Scotland.

We will publish the outcome of the various work that is in progress as soon as we can. In February, I was pleased to announce the agricultural transformation programme and to explain to the Rural Economy and Connectivity Committee the good work that we are doing in the simplicity and improvement field, not least of which is that we are looking to introduce measures to alleviate the hugely harsh and disproportionate nature of the penalties that can be exacted on some farmers for a simple clerical error.

We are dealing with the points that farmers and crofters wish us to deal with, and we will carry on doing just that.

Colin Smyth (South Scotland) (Lab): I thank the cabinet secretary for the advance sight of his statement and for the update on CAP payments. I add my appreciation to the staff involved in ensuring that payments are made in difficult circumstances, and I place on record my thanks to our farmers and crofters for the way in which they have stepped up to the mark during the current crisis by helping to keep Scotland fed.

However, this remains a challenging time for agricultural businesses, many of which have not been eligible for recent support to mitigate the impact of the current pandemic. For example, given that agriculture is exempt from non-domestic rates, agritourism operators did not qualify for the business support fund. Many missed out on the creative, tourism and hospitality enterprises hardship fund due to the short application window during the lambing period. There are also

concerns about eligibility for the coronavirus bed and breakfast and small serviced accommodation hardship fund. What further support will be made available for agricultural businesses that have suffered losses during the current crisis but have not been able to access existing financial assistance?

The Deputy Presiding Officer: I am not sure that that was covered in the statement, but I call the cabinet secretary to respond.

Fergus Ewing: I appreciate Mr Smyth's thanks and recognition, as I did Rachael Hamilton's.

Yesterday, I engaged with a large number of farmers from across the country who provide agritourism businesses. There has been a great deal of success in that area, but we can do an awful lot more. Therefore, I fully intend that the tourism task force should not neglect to consider the vital role that agritourism can play.

In response to the main thrust of Mr Smyth's question, I say that we are looking at how we can ensure that as much support as possible can be provided to businesses to mitigate financial hardship. Kate Forbes, Fiona Hyslop and I are engaged in doing that daily. Some farmers who are involved in tourism have received various payments.

Generally, farms do not pay businesses rates. There has been an issue about business rates, not least on bed and breakfast premises, which do not pay them, so we have extended the support through the creative hardship fund for them and for those who do not have a business bank account. However, each application is considered independently by the agencies involved. Nonetheless, I accept that Mr Smyth is right that that task is not finished, and we are working on that daily.

The Deputy Presiding Officer: As usual, I ask for shorter questions and answers so that I can fit everyone in.

Emma Harper (South Scotland) (SNP): Is the cabinet secretary concerned that the UK Government's reluctance to extend the transition period in the current challenging circumstances places an unnecessary burden on Scottish farmers? What will the impact of that be on Scotland's world-renowned seed potatoes?

Fergus Ewing: Yes, I share those concerns. A recent survey indicated that only a quarter of the farming community in Scotland do not share those concerns or, in other words, that around three quarters of farmers and crofters are concerned about various aspects of Brexit.

The issue with seed potatoes is one example of the practical issues that we face. Scottish seed potatoes are world renowned for their high health

status but, as matters stand, come 1 January 2021, we will no longer be able to export our seed potatoes to the EU or Northern Ireland. Had the UK Government applied for equivalence with the EU, I am confident that it would accept our seed potatoes, but we are yet to hear about any clear progress on the application that would allow trade to continue.

That matter will be raised by Mairi Gougeon, who is the minister responsible for it, on Monday of next week at the meeting of the inter-ministerial group for environment, food and rural affairs for the UK and devolved Administrations, to ensure that the sector does not become a Brexit casualty.

Peter Chapman (North East Scotland) (Con): I remind members of my registered interest in a farming business.

I welcome the cabinet secretary's statement and congratulate all the officials in our agriculture office for getting money into farmers' bank accounts in short order. Given that all businesses, including farming, are under huge financial strain, does he plan to run another loan scheme this autumn to get this year's BPS payments out as soon as possible, or is he content that the IT system is now robust enough to achieve that without a loan scheme?

Fergus Ewing: We have not decided whether to proceed with the loan scheme as yet.

As Mr Chapman is almost certainly aware, the loan scheme that we had in October last year enabled us to pay most farmers 95 per cent of their entitlement at the beginning of October. That is relevant, because the normal time for payment is not actually until later than that; payments are mostly received in December but can be received even in January.

In other words, we were able to pay most of their entitlements to most of our farmers and crofters around a couple of months earlier than happened elsewhere in the UK, which is surely a benefit. We were able to circulate 95 per cent of pillar 1 money in the rural economy earlier, which enabled the supply chain to benefit and enabled investments at events such as AgriScot, with which Mr Chapman is familiar. A loan scheme is desirable for that purpose alone. I will weigh that up with all other factors and will, of course, report to Parliament as soon as a decision has been made.

Claudia Beamish (South Scotland) (Lab): I recognise the great work that farmers and land managers are doing across Scotland. NFUS states that climate change is

"one of its top priorities".

Farmers always need time to adapt, as we all do, and Government support and advice is needed in

advance. When will the cabinet secretary give us an update on plans for transition pilot projects to ensure that our farming is done in the public interest, in the climate change and biodiversity emergencies, recognising the increasing importance of sustainable food production and accessibility of local produce for consumers?

Fergus Ewing: I am pleased to say that we are slightly ahead of the game, because work has begun on the development of a transformation programme that is intended to support the move from the CAP support regime to meet our longer-term needs. The fund, which I announced in February at the NFUS annual general meeting, will include various measures for the environment—which I know that Claudia Beamish will welcome—namely, more tree planting; delivering the benefits of good grassland management to more livestock farmers; investments in renewable energy, including bio-energy; taking an evidence-based approach to crop production; and demonstrating models of, and promoting, carbon-neutral farms.

That work is in hand. A lot more needs to be done. We are happy to work with everybody in Parliament in order to do that and look forward to carrying on the work that we initiated earlier this year.

John Finnie (Highlands and Islands) (Green): I thank the cabinet secretary for early sight of his positive statement and commend the diligence of staff who have delivered, not least, 17,000 payments of convergence money, which was woefully withheld by the UK Government.

The cabinet secretary has mentioned that 97.8 per cent of forestry grant payments have been made. Has there been an assessment of the impact of those payments on forestry targets—which were sadly missed this year but will hopefully be met and, indeed, surpassed in the coming year?

Fergus Ewing: Mr Finnie is correct in saying that the forestry payments have almost completely been made, through the tremendous effort of those who administer them. However, I take issue with his comment, because, this year, we had Covid. Covid has meant lockdown, which prevented trees from being planted because people could not carry on the work. Contractors had to stop working because of Covid, which occurred right in the heart of the tree-planting season. Despite that, we planted 10,860 hectares of trees—the target was 12,000 hectares. That is a remarkable result. Just four years ago, that figure was around 4,000. Despite Covid, the lockdown, the difficulties and a very wet February, we made a tremendous effort. Mr Finnie's comment is a bit grudging, given that we have achieved so much for forestry and climate change this year.

Liam McArthur (Orkney Islands) (LD): I join the cabinet secretary in thanking all those in the farming and food and drink sectors, and also rural payments and inspection division staff across the country, including in the local office in Kirkwall, for their exceptional efforts. It is encouraging to hear that we are finally back to where we were when Mr Ewing picked up the farm payment mess left by his predecessor, Richard Lochhead.

What assurances can the cabinet secretary offer that LFASS will continue in its current form and budget to provide farmers and crofters in our more remote rural and island areas with much-needed certainty and stability during these uncertain times?

Fergus Ewing: I think that the problems were largely attributable to the overcomplexity of the regime—that really was at the root of it. That is in the past now, happily.

On the LFASS scheme, I am determined that we continue to provide a reasonable sufficiency of financial support for our hill farmers—our farmers in remote, rural parts of Scotland and on our islands. It has a social purpose of maintaining communities in those parts of Scotland, and that in itself is a good thing.

I was very pleased when, a couple of years back, Michael Gove recognised that that was a shared value. I think that it is a shared value across this chamber, which is a good thing, because we do not need to argue about everything.

The answer to the question is that, yes, we will maintain the real levels of support under LFASS next year. Looking beyond that, Mr McArthur will know that we might have some decisions to make, but we will make them together. I say that to try to give confidence to farmers in places such as Orkney, Sutherland, Lochaber and the Scottish Borders, for whom LFASS might be the main element of their payments—more than pillar 1. Across this chamber, there is almost universal support for continuance of a scheme that serves the purpose of rural cohesion and support for farming activity on the less-favoured land, where it is very difficult to have as much financial success as on the more productive land in some other parts of Scotland.

The Deputy Presiding Officer: Thank you. Six members still want to ask questions, so let us speed things up a bit, please.

Richard Lyle (Uddingston and Bellshill) (SNP): I note that the cabinet secretary planted more than 22 million trees last year, which was more than his English counterpart, who missed their target by more than 7 million trees. Well done you, cabinet secretary.

Has the United Kingdom Government provided any more clarity and certainty on future funding—*[Interruption.]* The Tories do not like it when the truth comes out. Has it provided more clarity on future funding, particularly for tree planting and environmental works, which are important for our green recovery and climate change commitments?

Fergus Ewing: I should say that I did not physically plant the 22 million trees myself. *[Laughter.]* I am sorry about that—and it was 22 million additional trees; the figure does not take account of the restocking. The total number of trees that were planted in Scotland is therefore much higher, but it has not been properly recorded in the data. I am sure that that is an interesting detail that I have regaled members with.

My Lyle is quite right, as always. I have written to George Eustice to seek clarification, because we do not have clarification beyond the end of this financial year about continuation of the funding. Yes, there have been statements in the newspapers, but can we rely on things that are said in the newspapers? From where I am standing, we cannot.

We need that clarification. I have a constructive relationship with Mr Eustice, and I will be pressing him again on Monday on that very point.

Liz Smith (Mid Scotland and Fife) (Con): This question is from Edward Mountain. He has asked me to remind the Parliament of his interest in a farming partnership.

He, too, would like to thank staff for all the work that they have undertaken to process the payments. He would like to ask whether the cabinet secretary can confirm that he will ensure that the less-favoured area payments, which are so important to farmers and crofters, will continue and will not be reduced due to the financial pressures that are caused by Covid-19.

The Deputy Presiding Officer: Before Mr Ewing answers, I advise members that Liz Smith is asking the question for Edward Mountain because Mr Mountain's connection broke down.

Fergus Ewing: Certainly, for this year's payments, we will maintain at its current level the LFASS payment that is due to recipients next year. We will do that by using some of the convergence money, as I have explained. In future years, as I have said to Mr McArthur, we want to find a different way of supporting farmers in constituencies in the most rural parts of Scotland and in the islands.

Gail Ross (Caithness, Sutherland and Ross) (SNP): I would also like to thank everyone who works in our rural sectors for all their hard work over the past few months, and for their hard work in general.

If the pandemic has shown us anything, it is the importance of local produce, local short supply chains, and shops and supermarkets stocking Scottish-branded produce. I agree with the cabinet secretary that we should all be buying Scottish where we can. Can he tell me what support the Scottish Government is giving to the sector to ensure that that happens?

Fergus Ewing: We have been pressing the retail sector with a number of specific asks, including a commitment to a “Scottish first” policy and 100 per cent sourcing of Scottish produce, with the Scotch beef, Scotch lamb and specially selected pork brands being at the top of our list. We have good relations with retailers, some of whom do an awful lot for the sector. However, others could do an awful lot more, so we are working with them positively to secure that.

Let me also put in a word for our independent butchers, who, as many of us will agree, supply products that are particularly well prepared, attractive and tasty. I do not want us to neglect that fact.

We support the good work that is done by Scotland Food & Drink and through Quality Meat Scotland’s make it marketing campaign, which encourages more consumption of our excellent Scottish products.

Sarah Boyack (Lothian) (Lab): Following on from that answer, will the cabinet secretary ensure that practical measures to support our farmers and crofters—such as requiring the public sector to use local procurement and establishing a plan to implement the good food nation principles—will be included in the bill on agriculture? Will the Parliament have early sight of the proposals to replace LFASS and CAP, which he mentioned earlier, so that our farmers and food producers can have certainty in the period ahead?

Fergus Ewing: Farmers and crofters already have such certainty. They know that they will get their payment next year, which will be their immediate concern. In the longer term, we have already given a commitment in principle—with which I think Ms Boyack and her party would generally agree—that we wish to continue to do that by one means or another.

As regards the particular questions that Ms Boyack has raised, I am absolutely determined that we should continue to see success in procurement of as much locally produced and Scotland-produced food as possible. The food for life programme has led to a marked increase in the number of primary schools that source food locally—not least in my area, where the butcher John M Munro Ltd of Dingwall supply all the meat for primary schools throughout the Highlands. Such success is often down to local authorities

doing good work with producers. There is scope to do much more—*[Interruption.]* With respect, I think that we need to do that not through legislation but by means of collaborative working by everyone who is involved, including Scottish local government, the private sector and various other supply-chain companies.

Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP): As the cabinet secretary will be aware, in the crofting community there is serious apprehension about the prospect of a no-deal Brexit. Earlier this month, the Scottish Crofting Federation added its voice to calls for a Brexit extension. We are now eight days away from the deadline for the UK Government to seek an extension from the EU to avoid our crashing out of it at the end of the year. In the cabinet secretary’s view, what would be the impact on Scotland’s crofters of our leaving without a deal?

Fergus Ewing: I recently met representatives of the federation via videoconference. I respect and share their concerns about the need to extend the transition period. There is now simply not the time or the capacity to deal with all the issues that are involved. That is so blindingly obvious that one is surprised that the Prime Minister has not reached that conclusion. Be that as it may, the worries are most acute for Dr Allan’s constituents, and in particular for sheep farmers who rely on income from EU markets as an element of their livelihood and who now face the loss of that income because of the imposition of tariffs. As Dr Allan will remember, that was a worry in the Brexit negotiations; it is still a worry now that such matters are back on the table, because of doubts over reaching a deal before the end of the transition period. The issue is therefore of real concern to our farming sector, and I also heard about it from representatives of the National Sheep Association, who reiterated it when I met them last week.

I will again raise the matter with George Eustice when I speak to him on Monday. It will be a long meeting.

Gillian Martin (Aberdeenshire East) (SNP): The cabinet secretary mentioned the convergence payments from the money that the Scottish Government was successful in extracting from the UK Government, which had attempted to hold on to it. When does the cabinet secretary plan to make the second tranche of historical convergence payments, and what difference does he think that that additional funding has made to the rural economy?

Fergus Ewing: We are working on that at the moment. I will bring proposals to the Parliament, but in the meantime I expect such payments to be made fairly shortly before the end of the financial year—indeed, possibly earlier than that.

As far as Ms Martin's second point is concerned, such payments have made an enormous difference. For example, I have already heard that, now that the forestry sector is back at work, there has been a tremendous uplift in the provision of agricultural fencing. Work in the forestry sector has been boosted by the money that was provided by the convergence funds to individual farmers and crofters who have decided to invest in much-needed fences—no doubt, the decisions to build those had been deferred for several years. That is just one example. All of that money goes into the rural community, and it came just at the right time—a couple of weeks before lockdown.

The Deputy Presiding Officer: There is a late question from Mr Rumbles. It must be brief, please

Mike Rumbles (North East Scotland) (LD): The loan scheme has been a success. The cabinet secretary said that it goes out in October; however, the scheme does mean that there will be a duplication of work for everyone involved, because the loans have to be reconciled with the payments. Does the cabinet secretary intend to do away with the loan scheme, if he can, and go back to the traditional single payment to farmers in December of each year? That would be very helpful to everyone concerned.

Fergus Ewing: That question was raised earlier and I think that I gave a reasonably full answer. I should not name the individual, because it is not fair to do so, but I will say that the individual who runs the loan scheme has got it down to a tee. The scheme is no longer challenging to run because they have now run it five or six times. In terms of the administration of IT schemes it works very well indeed—I hesitate to say that it is running “like clockwork”, because I could be signing a death warrant for a future occasion. I do not think that running it is a huge administrative issue. As the member says, it involves the recalculation of claims and some extra work, but that is not the main issue. I think that the main issue is that farmers have been able to get money earlier—that is surely a good thing—so that they can then put the money into the rural economy. We will, no doubt, come back to the matter in due course.

The Deputy Presiding Officer: Thank you. That concludes questions on the statement on providing financial stability for farmers and crofters. I will wait until members take their places on the front benches before moving on to the next item of business.

Social Security Administration and Tribunal Membership (Scotland) Bill: Stage 1

The Deputy Presiding Officer (Christine Grahame): As no members appear to want to sit on the front benches, apart from the Government front benches, I will proceed.

The next item of business is a stage 1 debate on motion S5M-22121, in the name of Shirley-Anne Somerville, on the Social Security Administration and Tribunal Membership (Scotland) Bill. I ask members who wish to take part in the debate to press their request-to-speak buttons now. I call the cabinet secretary to speak to and move the motion.

15:22

The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville): I will begin by thanking the stakeholders who have engaged constructively with both the Government and the Social Security Committee to inform and scrutinise the provisions in the bill. I know that times are challenging, so their time is appreciated now more than ever. I also thank members and clerks of the Social Security Committee for their continued scrutiny of the bill and their forbearance with the virtual sessions. I am, of course, delighted that the committee has confirmed its support for the bill's general principles in its stage 1 report

The bill started before we knew what 2020 was going to bring us. We knew that the bill was needed to make statutory offences in primary legislation for the Scottish child payment and we took the opportunity to address other areas where we needed primary legislation. That is now even more important, as we know that families are under pressure and that Scotland will feel the economic impacts of Covid-19. The Scottish child payment will therefore be a lifeline for many and have a significant positive impact on our efforts to tackle child poverty.

That is why, when we knew that we had to make changes to the social security delivery programme because we were focusing on our response to the pandemic, it was clear that the Scottish child payment would remain a priority area, and we are working hard to introduce it as soon as possible. To do that, we need to have the statutory offences in place. Although we start from the premise that everyone may be entitled to support, we know that there may be attempts to defraud the Scottish social security system. That is the case for the Scottish child payment as it is for other benefits and, although the overall sum that is lost to benefit fraud is not as large as some would have us

believe, we must take action to protect the public purse and benefits, where appropriate.

I will now turn to the provisions of the bill. I will start with one of the committee's recommendations. Section 53 of the Social Security (Scotland) Act 2018 places a duty on the Scottish ministers to notify individuals of their possible eligibility for other benefits payable by Social Security Scotland under part 2 of the 2018 act if, in the course of making a determination, it appears that the individual may be eligible for other assistance.

The Social Security Committee's stage 1 report notes that the duty should extend to forms of devolved top-up assistance. I welcome the committee's recommendation, and I confirm that I will lodge an amendment on that at stage 2.

The bill also includes provisions on appointees to ensure that a suitable mechanism for support is in place for some of our most vulnerable clients. The provisions set out a statutory framework for appointees, supported by guidance for Social Security Scotland staff.

We have sought to strike a balance between prescriptive statutory safeguards and safeguards set out in decision-making processes and guidance. For example, the statutory safeguards for adults with capacity include the requirement for the client to consent to an appointment and the ability to withdraw consent. For children, we will take into account, so far as is practical, the views of the child and the views of others in the child's life, including their parents, and the duty to review an appointment on request by a person of legal authority to act on behalf of the child.

I have listened to stakeholders on the issue of the guidance in that area, and I have asked the disability and carers benefits expert advisory group and the ill-health and disability benefits stakeholder reference group to provide advice on our proposals. We will also engage with our experience panels during the summer.

The Social Security Committee has asked me to make the guidance statutory, and I will consider that ahead of stage 2. Of course, our guidance will be published and accessible to clients, appointees, prospective appointees and professional advisers. That will ensure transparency and offer confidence that we have an appropriate, rights-based system for dealing with difficult situations.

The bill provides powers to withhold information about an individual's health, where that would be likely to cause serious harm to the recipient's physical or mental health, and it is important that Social Security Scotland can do so. I stress that we expect that power to be used rarely, and it will happen only when a medical professional has

determined that the information should be withheld.

In cases where information is withheld from a client, we will offer them the opportunity to have an appointee. Offering clients an appointee simply provides another opportunity to safeguard their rights.

The ability to withhold information where that information would be likely to cause serious harm to the recipient demonstrates our commitment to delivering a service with a person-centred approach at its core and in which our overriding aim is to work in the best interests of the client.

The Social Security (Scotland) Act 2018 allows a "registered medical practitioner" to clinically determine whether an individual is terminally ill for the purposes of disability assistance. Since then, the chief medical officer's guidance has been developed and it has undergone consultation with healthcare professionals and stakeholders. During the consultation, it became clear that people want registered nurses with the appropriate skills and interactions with a patient to provide that clinical judgment, too. I have listened, and the bill extends the responsibility to certify a person is terminally ill to registered nurses. We will establish clear criteria that a registered medical practitioner, or a registered nurse, must meet in order to make the judgment. Those will be provided for in a combination of regulations and guidance.

The bill changes the Tribunals (Scotland) Act 2014 to allow for other types of judges to be temporarily authorised to sit on the First-tier Tribunal for Scotland and the Upper Tribunal for Scotland. That is needed because, as we continue to introduce new social security benefits, the business of the social security chamber of the Scottish tribunals will also increase.

Currently, the judicial capacity of the Scottish tribunals is insufficient to deal with the projected increase in business arising from devolved social security, so the bill widens the list to allow more types of judges to be temporarily authorised to sit in both the tribunals. The president of the Scottish tribunals and the senior president of tribunals of the reserved tribunal system are fully supportive of the provisions in the bill, and I anticipate that they will seek authorisation of reserve tribunal members who have experience of dealing with social security appeals.

We have always viewed Scotland's social security system as an investment in people. It has been designed to meet the needs of people, and we want to ensure that it works for them. Therefore, I have also listened closely to the views of the Scottish Commission on Social Security, and others, which have recommended that the bill should include the power to suspend payments of

assistance. As the Social Security Committee knows, I have agreed to lodge amendments to include such a power in the amended 2018 act, subject to there being broad stakeholder support for the action. That would help to ensure that clients are protected from overpayments and resultant overpayment deductions from their assistance. It will also simplify stopping and restarting the payment of assistance where clients enter certain accommodation, such as residential care.

In conclusion, I would like to reiterate a few key points. The bill is necessary to continue the successful implementation of the 2018 act and, importantly, to ensure that we have in legislation the statutory offences for the Scottish child payment. I intend to lodge stage 2 amendments on the suspension of payments and the duty to inform individuals about possible eligibility for other forms of devolved assistance, as long as broader stakeholder support is in place.

I thank the Social Security Committee again for supporting the general principles of the bill, and I look forward to its continued scrutiny. I commend the general principles of the bill to Parliament.

I move,

That the Parliament agrees to the general principles of the Social Security Administration and Tribunal Membership (Scotland) Bill.

The Deputy Presiding Officer: Before I call Bob Doris, I apologise to members. I clean forgot that members have to stay in the seats to which they are allocated so that they do not spread infection—silly me!

I call Bob Doris to speak on behalf of the Social Security Committee.

15:30

Bob Doris (Glasgow Maryhill and Springburn) (SNP): As convener of the Social Security Committee, I am pleased to speak in this afternoon's debate on the Social Security Administration and Tribunal Membership (Scotland) Bill. I thank the cabinet secretary for her written response to the committee's stage 1 report, and I am grateful to my fellow committee members for their constructive approach during the shortened scrutiny process, particularly given that the bill was introduced at the end of March as the nation was entering lockdown during the early days of Covid-19.

Likewise, I send my gratitude to our key stakeholders who were still able to respond to the committee's call for views during such difficult times.

As we have heard, the bill will extend the fraud provisions in the Social Security (Scotland) Act

2018 to top-up benefits. The Scottish child payment will be a new top-up benefit given to those who are in receipt of universal credit. It will be paid for by the Scottish Government and delivered by Social Security Scotland. It will mean that eligible households receive £10 per week per child, and it is estimated that it will deliver £180 million to the families of 410,000 children each year once fully rolled out. I note that that estimate was made before the significant increase in the number of universal credit claims, which is something that the committee will, no doubt, monitor when it is conducting future budget scrutiny.

For the sums of public money that are involved, I am confident that the Parliament will agree that it is important that the bill ensures that appropriate forward protections are in place before the Scottish child payment commences. The committee is content with that, and none of our respondents raised any objections.

I note that the first payments are now anticipated for early 2021, as opposed to Christmas 2020, because of the impact of Covid-19. If there is any prospect of delivering payments sooner than early 2021, the committee would very much welcome that.

In line with all other benefits, a claimant must report any change of circumstances that could affect their claim. A claimant might be confused about whether to notify the Department for Work and Pensions or Social Security Scotland about their changing circumstances. The committee would therefore be grateful for clarification that it is sufficient to notify Social Security Scotland.

The bill contains changes to the system of appointees to collect social security benefits on behalf of a child or any adult who consents to that. Most children will already have someone with the right to collect any benefits on their behalf and that is usually, but not always, a parent. However, some children have no one with formal parental rights. The bill puts in place foundations for the system of appointees.

For adults, there are already provisions in the 2018 act for appointees where an adult lacks capacity. The bill, however, introduces the ability for an adult with capacity to consent to having an appointee for whatever reason. That is a fundamentally new provision, which has been described as "novel" by the Child Poverty Action Group.

CPAG and the Law Society of Scotland told the committee that the provisions lacked clarity, and pointed to an absence of any provision for challenging decisions on appointees or for resolving disputes. There is nothing in the bill about how appointments will be made or about

how to ensure that consent obtained from an adult is explicit, informed and freely given. The Law Society of Scotland and the Equality and Human Rights Commission are concerned that the provisions, as they stand, do not comply with human rights requirements. That is something to reflect on.

The bill's policy memorandum explains that being able to have someone else make a claim and receive benefits could be useful for claimants who have a diagnosis of terminal illness. However, some stakeholders were concerned that putting an appointee in place could lead to delays in receiving benefits or force a discussion about a claimant's situation and risk abuse without a process to establish free consent from an individual. In her evidence to the committee, the cabinet secretary acknowledged some of those concerns and sought to reassure and confirm that the operational detail of the appointee system would be brought forward in guidance after consultation with stakeholders.

The committee agrees that operational detail sits best in guidance. However, we want the bill to set out the general safeguarding principles that will underpin that guidance, perhaps providing for mechanisms to challenge appointee decisions, to ensure that periodic reviews are undertaken and to resolve disputes. As the cabinet secretary said, we also recommend that that guidance should be statutory. We welcome the fact that the Scottish Government is open to those suggestions and will give them consideration.

Linked to the provision of appointees is the proposal to allow information about a person's health to be withheld where disclosure

"would be likely to cause serious harm to the physical or mental health of the recipient."

The policy memorandum discusses that provision in the context of providing appointees for people who are terminally ill, and Macmillan Cancer Support's submission refers to

"some cases early on in Universal Credit rollout of people finding out they may have had less than 6 months to live through their UC journal".

It is clear that we would not want that to happen with Social Security Scotland. However, the bill's provisions are not limited to cases of terminal illness. Health information should be withheld in any circumstance where disclosing it would cause serious harm to a person's physical or mental health. The Scottish Association for Mental Health would like to see a definition in the bill of

"serious harm to physical or mental health."

The committee understands the rationale for withholding information from a claimant in some cases where there has been a diagnosis of

terminal illness. However, we will be interested to hear about the different circumstances in which information might be withheld, what the definition of serious harm to physical or mental health would be and how it will be applied consistently across the country.

I will briefly note some other provisions in the bill that the committee broadly welcomes. It will allow health professionals other than doctors to verify that a person is terminally ill for the purpose of fast-tracking their claim for disability payments. The professionals to be included will be set out in regulations and must include registered nurses. That was strongly supported. Some organisations, including Parkinson's UK, Marie Curie and MND Scotland, supported extending that further, potentially to some allied health professionals.

The committee agrees with the cabinet secretary that the terminology that we commit to in primary legislation must retain sufficient flexibility to respond to any future changes in the health professions. However, there are still discussions to be had on the detail that will be brought forward in draft regulations, and the committee looks forward to being involved in those discussions in due course.

Finally, the bill will allow the temporary appointment of judges and former judges from other jurisdictions to the First-tier Tribunal for Scotland and the Upper Tribunal for Scotland. The committee was content with those provisions, but we asked the cabinet secretary whether bringing judicial office-holders over from the reserved system would be a temporary measure. We have received those assurances today. After all, the Scottish social security system is being built on very different principles, underpinned by the charter. The creation of a devolved social security system presents an opportunity to do things differently.

Notwithstanding the committee's strong views on appointees and safeguarding measures, I conclude by saying on behalf of the committee that we are content to support the general principles of the bill and look forward to engaging positively with the Scottish Government at stage 2.

15:38

Graham Simpson (Central Scotland) (Con):

This is a largely technical bill, and I imagine that what we will hear today is a series of similar speeches. I expect that Parliament will support the general principles of the bill and that there will be not a single line in the press about it tomorrow. We could, in fact, just jump to the vote and be done with it, but that would be far too simple.

What is the bill for, exactly? It has four main themes: appointees, top-up benefits, terminal illness and tribunals.

On appointees, the bill will allow ministers to appoint a person to receive benefit payments on someone else's behalf, if the claimant is a child, or if they are an adult and agree to the appointment.

The bill will allow regulations that create top-up benefits to include provisions on offences and investigations. Such provisions will apply to the Scottish child payment, which is due to start early next year.

On terminal illness, the bill will allow medical professionals other than doctors to confirm that a person is terminally ill for the purpose of fast-tracking their benefit claim. The first benefit to which that will apply will be the child disability payment. We will want to look again at that area at stage 2.

On tribunals, the bill will allow the temporary appointment of judges from other jurisdictions to sit on Scottish tribunals, including those dealing with Social Security Scotland benefits.

The committee did its stage 1 work at some speed and held only one—virtual—evidence session. That is not ideal and is no way to legislate. I hope that we sort that out for stage 2.

The Scottish Government had intended to launch two new benefits this year. The child disability payment had been due to start this summer, replacing child disability living allowance. The Scottish child payment had been due to start before Christmas, giving universal credit claimants an additional £10 a week, initially for each child in their family aged under six. However, those benefits can start only if changes are made to the Social Security (Scotland) Act 2018. Without the measures in the bill, it would not be possible to create an offence of fraud in relation to the Scottish child payment, unless that benefit was created using primary legislation. One could therefore easily argue that the bill has been introduced to fix deficiencies in the Social Security (Scotland) Act 2018 and that if the 2018 act had been done properly, the bill would not be required.

When the cabinet secretary first told us of the need for the bill, she said that all stages would need to be completed before the end of this week—but that was pre-Covid. On April 1, she told Parliament that the Scottish child payment would come in sometime early in 2021. However, she was not more specific than that, and she will have to be at some point. She also said that she hoped to introduce a payment for winter heating for families with a disabled child in winter 2020, but she was not able to give a timetable for the start of other benefits, including the child disability payment. There is a bit of a pattern here.

I will focus specifically on the introduction of appointees and those permitted to verify a terminal illness. The Equalities and Human Rights Commission was scathing in its criticism of the appointee proposals. It said:

“We welcome the recognition that individuals with capacity may wish to have another person appointed to deal with their social security on their behalf. Also, that the position of young people requires to be addressed. However, the appointment of a person to act on behalf of an individual has very significant consequences for the individual. We are concerned about the apparent lack of appropriate procedures and necessary safeguards”.

The EHRC had more to say, of course, and the Law Society of Scotland was also critical. That area therefore has to be considered at stage 2.

The other area in relation to which I think that amendments may be required is section 7, on who can verify that a person has a terminal illness. Jeremy Balfour will have more to say on that, so I will keep my comments brief so as not to steal his thunder.

Under the 2018 act, only a doctor can decide whether somebody is terminally ill. The bill will extend that to other health professionals with particular training and experience. The skills and training that are required and the definition of an appropriate healthcare professional will be set out in the regulations that create the disability benefits. The regulations must include a registered nurse but could also include other health professionals. It is worth considering whether we should be more specific in the bill. Although the proposal has received overwhelming support, that should not prevent us from trying to improve it and, for me, it lacks clarity.

There is a little way to go on the bill. However, although it can be improved, we are happy to agree to its general principles at stage 1.

15:43

Mark Griffin (Central Scotland) (Lab): Like my colleagues on the committee, Labour will, of course, support the bill. It is a short, technical bill that makes sensible adjustments to the framework of the 2018 act to enhance the smooth running of the devolved benefits, particularly disability benefits and the top-up power in relation to the Scottish child payment, when those are introduced—which will, I hope, be sooner rather than later.

I thank those who were able to give evidence to the committee, including DeafScotland, the Health and Social Care Alliance Scotland and Citizens Advice Scotland, among others. SAMH and CPAG also gave evidence virtually, and we have had helpful briefings in the past couple of days from Marie Curie and Macmillan Cancer Support.

Although it is fair to say that scrutinising a bill in lockdown is more challenging, all those organisations gave helpful input. The clerks and Government officials who made that happen, adjusting their timetables and processes amidst the pandemic, likewise deserve our thanks.

The committee's report reflects the evidence that we heard and shows that the committee agrees with the principles of the bill. As our report says, except in relation to the issue of appointees, those who gave evidence did not object to the measures in the bill.

The cabinet secretary was open and forthcoming, both in her responses at committee and in her response to the report that we issued this week. In most areas, she has further explained how the powers that the Government is seeking might be used and where guidance will regulate those powers.

Proposals to allow nurses and some allied health professionals to complete the benefits assessment under special rules in Scotland—BASRiS—form for fast-tracked terminal illness applications have been widely welcomed by bodies such as Marie Curie, MND Scotland and Macmillan Cancer Support, which have been instrumental in the work on the new terminal illness system.

I am grateful that the cabinet secretary has said that she is minded to include in the bill provision making it a statutory requirement to publish safeguarding guidance as a result of concerns that the appointee system could be open to abuse. Her offer could be improved if she included a requirement that the guidance be approved by the Parliament, as happens with the advocacy standards.

There remains some desire for clarity on the provisions to withhold information. That is a complicated aspect of the bill. The committee has carefully considered the logic of the approach. If an adult is capable, in that they can manage their own affairs, why might it be appropriate to withhold their own health information from them? If they are capable, in what way would disclosure lead to the serious harm that is claimed? SAMH has rightly sought further definition and the Law Society of Scotland has questioned whether that is consistent with a human rights-based approach.

Pending broad stakeholder support, there will be mechanisms to suspend, rather than stop, carer or disability benefits, and there will be an extension of the duty to inform people about their possible eligibility for top-up benefits.

Since the Scottish child payment was announced and the supporting analysis was published, a lot has changed. As a result of the pandemic and the economic consequences of

lockdown, the number of people claiming universal credit has leapt substantially. For that reason, I have today written to the cabinet secretary to ask her to consider further provisions at stage 2 that would lock in provisions to maximise take-up of the child payment.

Figures that I obtained today show that almost half of the new applications for universal credit—57,000—were made by claimants with children. Worse still, 3,500 of those applications were from families who had three or more children, and almost all those applications will be subject to the two-child limit.

Although the bill is an administrative one and is intended to be light on policy content, I hope that provisions to set targets for the take-up of top-up benefits, and for the triggering of a review should any target not be met, might be considered.

I appreciate that my letter was sent only today and that the cabinet secretary may not have had a chance to read it, but I would be grateful to have a discussion with her over the summer, ahead of stage 2.

I am in no doubt not only that the number of families who are eligible for the child payment has grown but that more families than ever are taking up the benefits that they so desperately need. That makes the success of the Scottish child payment more important than ever. Those families will be desperately stretched right now. Although we do not have a clear picture of the number who are being pushed into poverty, many are already suffering. Families across Scotland will have claimed universal credit, but they will still have to apply for the child payment, when applications open, if they want to boost their incomes.

Scottish Labour will support amendments that ensure that the committee's recommendations are achieved. If we can, in the current circumstances, do a little more to reaffirm the importance of securing widespread take-up of the Scottish child payment, we should take that opportunity.

15:49

Alison Johnstone (Lothian) (Green): I, too, thank all those who gave evidence to the committee and helped us in our deliberations. It does not seem so long ago that we passed the historic legislation to set up our new Scottish social security system, which—in stark contrast to the system that it has partly replaced—explicitly recognises the role that it can play in fostering the dignity and respect of everyone who needs help with their income.

I welcome the fact that, in the past two years, we have paid the best start grant and provided the best start foods card to almost 100,000 Scots

families, and that we have done so without capping the number of children that those schemes can support. Having stood on a manifesto pledge to introduce better financial support for young carers, I am particularly proud that almost 1,200 of them are now receiving the young carer grant.

I note that one of the founding principles of the Social Security (Scotland) Act 2018 was that the Scottish Government should

“continuously improve the Scottish social security system”,

and the bill before us today seeks to do that.

During the passage of the 2018 act, we dealt with the particularly difficult issue of terminal illness. Some of the devolved benefits will often be paid to those who are terminally ill. For such people, every day is even more precious, so we should do everything possible to ensure that they get access to the social security help that they need as soon as possible. That being so, I very much welcome the proposal to allow a greater array of health professionals, including nurses, at least, to certify terminal illness for the purposes of applying for devolved social security payments. As Hospice UK noted in its response to the committee’s consultation on the bill, nurses

“are often the ones who know their patients best”,

so allowing them to confirm that someone has a terminal illness will allow that person to access the special rules more easily.

As we have heard, the bill extends the system of appointees from people without capacity to people with capacity and to children. In some cases, it will clearly be appropriate for someone to apply for a social security payment and have it paid to them on someone else’s behalf. However, I note the concerns that were expressed to the committee about safeguarding in respect of the process. In the past, the system of appointees that operates at the UK level has proven to be flawed. In 2018, a first-tier tribunal judge criticised the DWP for making Birmingham City Council an appointee of an attendance allowance recipient because the application had several very serious errors and omissions that had not been detected.

Citizens Advice Scotland brought to the committee’s attention the case of a recipient of the personal independence payment with mental health conditions who was living in the south of Scotland. They were asked to leave the family home by their mother, who was also their appointee, and the DWP refused to stop paying PIP to the person’s mother. A number of organisations have drawn attention to the need for a mechanism to allow the recipient to challenge the Scottish ministers’ decision to create an appointee for them; the need for periodic reviews;

and the need for a system of adjudicating between competing appointee claims. I encourage the cabinet secretary to consider those suggestions carefully.

The bill empowers ministers to create offences in respect of fraudulently claimed Scottish benefit top-ups. In the absence of such provision, it would not be possible to recover payments that are made as a result of fraud, so in that respect it is welcome. However, as I have said previously in the chamber, I hope that the Scottish Government will tread carefully in its approach to tackling benefit fraud. Although social security fraud is a very serious offence and should be dealt with accordingly, it is clear that there is scope for genuine error. The benefits system can be incredibly complicated, and issues that arise from that complexity should never be confused with fraud. As Scottish top-ups are a new area of the benefit system, with two levels of Government involved, there is perhaps even more scope for honest mistakes by applicants and recipients.

The Greens support calls to use the legislation to provide a way of temporarily suspending someone’s benefit payments while maintaining their eligibility. That would, for example, allow payments to be stopped temporarily if someone who was claiming disability benefit with a care component was being looked after in a care home, and the payments could be restarted when the person returned to their own home. That would preserve their eligibility and ensure that passported benefits were not lost, and it would prevent any unwelcome delay.

The bill is a genuine and well-meaning attempt to improve our new social security system, and it is therefore welcome. However, for any such system to work properly, as well as being efficient, it must deliver an adequate income to recipients. As colleagues have agreed, there is still scope to amend the bill to address some of the concerns that stakeholders have raised.

The Greens will support the general principles of the bill at decision time, and we look forward to making improvements at stages 2 and 3.

The Deputy Presiding Officer (Linda Fabiani): We move to the open debate. Speeches should be four minutes, please.

15:54

Keith Brown (Clackmannanshire and Dunblane) (SNP): I am grateful for the opportunity to speak in support of the bill.

My colleagues on the committee will be aware of my strong beliefs that we should always work to improve access to entitlements, that the process of accessing support should be made easier and

not harder, and that social security is a fundamental building block of any civilised society. We know that, all too often, an entitlement is the only thing that stops a family going hungry, a home becoming cold or the lights going out. That social security is recognised as a human right in Scotland is not only welcome; it is right and just.

Providing for the social security of its people must be the first and overriding priority of any Government. As the cabinet secretary said in her opening remarks, social security should rightly be seen as an investment, not a burden.

Entitlements are instrumental in delivering on the principles of fairness and respect, and in protecting the dignity of everyone in Scotland. We must be unwavering in our defence of them as a protection against poverty and as a transformative tool.

At various points, the committee has discussed the idea of a universal basic income. That really is a wraparound social security system that, crucially, has a huge economic impact. If people are given enough money so that they can support themselves, they can feed themselves, heat their houses and pay their rent. That would provide a level of security and demand in the economy that would help us with the people-led recovery that we would like to see coming out of the Covid crisis.

For too long, there has been a concerted effort by many to stigmatise those who are vulnerable and in need of our support. Many of us have stood in the chamber to highlight how universal credit fundamentally fails our constituents; how the system is designed to be complicated or impenetrable to those who need it most; and how it punishes claimants, pushes them into spirals of debt and rent arrears, and forces them to food banks. It seems to me that the system is designed to see the most vulnerable in our communities as undeserving and to put up barriers in the way of accessing the meagre support that it offers.

I welcome the bill, which seeks to make accessing entitlements easier, among a number of other measures. I will consider some of those. It is clear that gaps remain in the existing legislation that would result in some children who are entitled to support missing out. Allowing appointees to act on behalf of children if they have no adult with legal authority is reasonable, legitimate and right.

Similarly, there are circumstances in which it is appropriate for adults with capacity, where they agree, to have somebody act on their behalf. The creation of that process in circumstances in which a person is terminally ill will provide support at an undeniably extremely difficult time. As we have heard, support for people who are terminally ill is a complex and sensitive matter. There are many competing pressures and a multitude of decisions

that those who are ill and their loved ones must navigate.

I have concerns about the current lack of a review mechanism for the appointees. That issue was raised in our stage 1 report. Although it is right that we work to improve the ease of access to support, we must not sacrifice safeguarding for vulnerable people at the same time. I am reminded of a case that I raised in the committee. A young woman in the west of Scotland was murdered by two adults who then claimed her benefits for around 20 years, I think—forgive me if those details are not exactly right. It is crucial that we avoid the repetition of such a situation.

It seems reasonable to me that we should introduce a periodic review of appointees in order to ensure that the system has not been taken advantage of. I realise, of course, that such instances may be very few, but the impact on those affected is huge.

I note that the Scottish Government has responded on that point, that it was grateful for it, and that it will introduce a statutory duty to publish guidance following a consultative period. I appreciate that there may be a number of ways of achieving that aim, but the Government will understand that there is a difference between setting guidance and setting out a review procedure, and having a statutory duty to review appointments regularly. Apart from anything else, that will send out a very powerful message that such corruption of the system will not be tolerated. That is an issue of importance, and I will continue to seek assurances on it from the Government to ensure that rights are properly safeguarded.

I am pleased to support the bill, which makes necessary and positive changes to our social security system.

15:59

Brian Whittle (South Scotland) (Con): I am pleased to be able to speak in this stage 1 debate. As members have pointed out, the bill is quite technical; as such, it will probably not get the attention that it may deserve. However, it is always worth mentioning as we make changes to such laws that we are dealing with significant changes to people's lives.

In the short time that I have, I want to focus on section 1 of the bill, on appointees, which is pertinent to a young man whom I know, who is a coach. That young man's foster parents, who have looked after him for nine years, are truly remarkable. I have nothing but admiration for the job that they have done in bringing up him and his sister. They introduced him to athletics and he has become an excellent athlete, winning a bronze medal at the European championships and

qualifying for the world championships, with the goal of going next year to the Paralympics.

That young man and his sister have foetal alcohol spectrum disorder. If anyone met him, however, they would probably decide that he was an enthusiastic young man, always smiling—and always complaining, as it happens, about training. Sport is important to someone with that kind of condition, because it introduces a sense of order and commitment.

During the past nine years, his foster parents have done an incredible job—so much so that he is now studying at college and is doing exceptionally well. He has moved out of the family home, is living in a shared flat, and can cook and clean and do all the types of household chore at which I am particularly bad.

I can see how an assessment for benefits would be particularly problematic. However, his ability to handle money is in question. When he asked for his foster mother to be able to collect and look after his finances, that was turned down. He is smart enough to recognise that he has a weakness, but the system could not accommodate his request. The net result has been that, not having previously had to deal with that level of finance, he has struggled. For example, one of the first things that he did was to go out and buy himself a pair of £200 trainers—that certainly does not constitute good financial planning.

That highlights to me the need for the law to adapt to people in such circumstances. In giving people as much freedom as possible to live their lives, we must also be able to recognise that, in certain circumstances, there may be limitations that have to be taken into account.

That is why I think that section 1 is on the right lines, in its provision for appointing a person to receive benefits on someone else's behalf, if the claimant agrees to that appointment; and in the enabling of an adult who does not have parental rights—which applied in the instance that I have mentioned—to manage a child's benefits in those circumstances.

However, the bill would allow ministers to “terminate an appointment at any time”,

and says that they “must” do so if the consent is withdrawn. That needs more careful consideration. Decisions that are made in a fit of pique are not always or necessarily in the best interests of the benefit recipient. That thought is probably for the next stage of the bill.

I do not quite understand the bill's provision to allow “Ministers” to appoint. I am not sure that that is the right terminology.

There is much to consider about putting in place the correct checks and balances—a few members have mentioned that—but, for me, the bill takes the right direction of travel. As I have said, Conservative members will support the bill at decision time.

16:02

Clare Adamson (Motherwell and Wishaw) (SNP): I am not a member of the Social Security Committee but, as a former convener, I take an interest in its continuing work. I thank the convener and members for their work on the stage 1 report. As has been mentioned, that happened during the Covid crisis, as we were all getting used to a new way of working, and it was not without its challenges, but the committee has come to a very good conclusion in its stage 1 report.

That had an impact on me too, because, not being a committee member, my first port of call was to look back at the evidence session. I found that it was not available because of technical difficulties, so I had to resort to the *Official Report*. It is therefore an absolute pleasure today to see so many committee members speak, both virtually and in the chamber.

In my time as convener of the committee, fairness, dignity and respect were at the heart of what we were doing in developing a social security system in Scotland. It is good to see some positive additional work in that area, still with those principles at heart.

We have heard a few concerns about how the issue of appointees, and the permanency of such arrangements, might be handled, and that it should be done with diligence. That is an important area. It is unfortunate that wicked people might intend to abuse the situation, but it is absolutely right that we give adults who have capacity the choice to appoint someone to receive their benefits on their behalf.

The dignity of people for whom revealing a diagnosis may have a detrimental health impact has been very much considered under the bill. That is a delicate issue but, judging from the speeches that I have heard this afternoon, I think that everyone on the committee appreciates just how delicate that situation can be. We should be able to build safeguards into the system to ensure that, when it is in the minds of clinicians that that is the right thing to do, something is not revealed that could be detrimental to someone.

I am mindful of the sensitivities of the issues around terminal diagnosis. When we were developing the social security system, that probably caused most of my concern about getting things right for people. We were presented with a UK system that depended on six-month accuracy

for a diagnosis of life expectancy. That is totally unrealistic and cruel, and it would have been devastating to claimants who, in the last months or weeks of their lives, could have had their benefits cut because of that restrictive rule. I am very happy that we did not embed that into our system. The bill goes further, ensuring that any terminal diagnosis is available as early as possible, so that the right support is there for people at the most difficult point in their lives.

I know that many multiple sclerosis and motor neurone disease nurses and Macmillan Cancer Support nurses will know much more about their patients than a doctor might know, and that they will be the best people to take the decision to switch and let the patients know, to ensure that the fast-track benefits get to people at the most difficult time in their lives.

I thank the committee for its work. I think that the five proposals will strengthen our social security system in future, and I look forward to seeing developments at stage 2.

16:07

Gordon Lindhurst (Lothian) (Con): The bill would appear to significantly increase the workload for the Scottish Courts and Tribunals Service—or at least it has the potential to do so—in dealing with devolved social security. I welcome the measures to make the scrutiny and justice mechanisms for those devolved benefits more robust, for example through the creation of statutory fraud offences in relation to section 79 of the 2018 act, in addition to allowing ministers to make provision in regulations for the investigation of allegations.

As I have said, however, the upshot of those measures is likely to be a volume of additional cases, and it is vital, as the Law Society of Scotland noted in its written evidence, that the temporary appointment of other types of judge to sit on the tribunals should be just that: temporary only. The only realistic and long-term solution is permanent provision, support and resourcing for those at tribunal level with expertise in social security matters. Otherwise, we are liable to end up with the consequences of potentially bad decisions doing the system down. The current proposals should perhaps even be time limited, and it might even be appropriate for something of that nature to be included in the bill through amendment at stage 2.

The provisions made for the recognition of individuals capable of diagnosing a terminal illness, as outlined in section 7, are welcome. That measure is likely to be the correct decision to expand the definition to an “appropriate healthcare

professional” in order to speed up the process for disability assistance claims, for instance.

After the passing of the 2018 act, the consultation that was carried out to develop guidance by the chief medical officer to complement the act found that the majority of DS1500s—being the form used by the DWP to certify terminal illness—were in fact completed by nurses. As a way to bring oversight of the existing act into line with UK practice at the DWP level, the measures are therefore welcomed.

In conclusion, the regulations that will follow from the legislation and set out the professional criteria for appropriate healthcare professionals need to be specific, rigorous and of a high quality, despite the Government’s apparent reluctance to clarify in primary legislation which particular job titles would qualify. I look forward with anticipation to the stage 2 proceedings and greater clarification in those areas. The Scottish Government’s responsibility for social security payments as part of the devolution settlement is significant and must be carried out in a thoroughly careful and cautious fashion.

16:10

Pauline McNeill (Glasgow) (Lab): When I received a call from the cabinet secretary’s office for an urgent meeting on the Social Security Administration and Tribunal Membership (Scotland) Bill, I was at first surprised that there were so many omissions from the Social Security (Scotland) Act 2018. The Social Security Committee and Bob Doris, who also attended the meeting, were only too willing to get on with the job that the committee is set up to do, which is to make sure that the provisions in the 2018 act are as they should be and fit for purpose.

As has been said, this short bill has five specific provisions. As other members have done, I thank the many organisations that gave evidence and made observations, and all the officials who worked on the bill.

However, the bill needs further amendment. It is an administrative bill. Mark Griffin and Bob Doris have said clearly that there is much work to be done—particularly on urging the Scottish Government to bring forward, whenever practically possible, the child payment that is so needed.

The circumstances of terminally ill patients are a campaign issue for organisations such as MND Scotland and Marie Curie, which never gave up on finding a solution to fast-tracking benefits for terminally ill patients. The bill seeks to expand the scope for health professionals, other than doctors, to be able to sign off on a terminally ill patient to allow quicker decisions. Between 2013 and 2018, nearly 8,000 people had claims for PIP refused by

the DWP and died within six months of their claim. That illustrates how necessary the bill's provisions are.

The cabinet secretary said that she will lodge amendments at stage 2 on the duty to inform, and I welcome that commitment. Mark Griffin has also spoken to that. The duty to maximise uptake is critical to the ethos behind the Social Security (Scotland) Act 2018, which we all agreed, and if amendments are lodged on that at stage 2, they will be whole-heartedly welcomed, certainly by the Labour Party. I still want to see progress on other ways to increase the uptake of benefits, such as automation, which I know that the cabinet secretary has been in discussions about.

We need to get the Scottish child payment cash into the pockets of families and many anti-poverty organisations have already set out to the Social Security Committee other ways of bringing forward perhaps a lump sum payment equivalent to the proposed child payment. I hope to see an uptake around the suggested target of 85 per cent when we can undertake that work. As I think almost every other member mentioned, one of the most significant areas that requires amendment is the part 1 provisions on challenging an appointee in order to prevent deception and exploitation. Brian Whittle, Keith Brown and Alison Johnstone mentioned cases. If anyone needs convincing, listening to those speeches makes it clear that we need to get those provisions right.

I will conclude with two major points. First, I agree with Gordon Lindhurst on the question of the temporary appointment of judges. Throughout the passage of the bill I have raised the need for all judges in the system to have clear training on the ethos behind the Social Security (Scotland) Act 2018. Similarly, while extending the franchise means that the workload can be dealt with, and I totally accept that the judges must have expertise, they have expertise in a UK-wide system that has a different ethos. My concern is that at some point there need to be proposals to ensure that all the judges making decisions on social security are making them from the standpoint of the ethos behind our 2018 act, which we all agree should produce something different.

Gordon Lindhurst might have been referring to a case that I think is quite old now. The temporary appointment of judges is always risky, and it has led to problems in the past in situations in which the appointment goes on for so long that it is not really temporary any longer and the appointee might not be seen as independent.

Lastly, I want to use the opportunity to say that, in the future, we need to keep an eye on social security reform. The need for anti-poverty measures has probably never been greater. The Joseph Rowntree Foundation and Save the

Children, in their briefing, mentioned that 70 per cent of the families that they have surveyed have taken out some loan or other in order to get themselves through the pandemic and the crisis that we face.

It is important to finish the work on the bill and to take it through to the end of its passage and ensure that it is signed by the end of the parliamentary session, but we must also think ahead to how we can ensure that our social security system is fit for purpose, given the fact that the past three months have changed people's lives a little bit. We support solid commitments such as the child payment and many of the other things that the Scottish Government has done, but we must also be flexible and assess what the nation needs from its social security system.

16:16

Jeremy Balfour (Lothian) (Con): I thank all members for their contributions to the debate, which has been helpful. As has been said, the bill is quite technical, but it contains welcome policy changes, too.

None of us wants to be in a place where, as Graham Simpson pointed out, we have seen a delay in the delivery of benefits. Some of that delay is due to the crisis that we are going through at present, but it is also true to say that the Scottish Government's timetable has lapsed and, if it was not for the DWP picking up the responsibility, many people in Scotland would not be getting the benefits that they deserve.

I will focus on two areas, which most members have picked up on already. First, I agree with what all the speakers have said about the need to think about appointees and ensure that the appropriate safeguards are put in place. Having spoken to Epilepsy Scotland, I know that it is not just people who have a severe health condition or mental health condition who are affected; it can be a much more nuanced area. I am slightly concerned that the Scottish Government wants to put a lot into guidance. As Bob Doris pointed out at the Justice Committee meeting yesterday, guidance is guidance; it is not law. I think that we need to look again at what is in the bill in order to ensure that people are not manipulated and are not being used by third parties in a way that would not be acceptable.

The second area that I want to cover regards the provisions around terminal illness. As someone who campaigned on that during the passage of the 2018 act, I think that we have made great progress and I welcome the direction that the Government is going in with regard to opening up who can fill out the forms. We have had helpful submissions from Macmillan Cancer

Support, Marie Curie and MND Scotland. One of the things that the briefing paper from Marie Curie and MND Scotland stressed was the need for mandatory training to ensure that people can complete the form. That is an important point to make. It probably would not be appropriate for every nurse in Scotland to complete the form. I have already heard that some nurses are concerned that they would be expected to fill out the form as part of their day-to-day working. I think that, during the passage of the bill, we will have to think about ensuring that nurses are protected and that those who fill out the form will be able to do it in an appropriate way. As Graham Simpson said, we might need to come back to that at stage 2.

My colleague Gordon Lindhurst made some interesting points about tribunal judges and their temporary appointment. As a former tribunal member, who worked with the DWP, I am aware of the benefits of that but I am also aware that training will be required on how to apply the Social Security (Scotland) Act 2018.

I thank the committee clerks for all the work that they did in difficult circumstances. The bill will tidy things up and take us forward to the next stage but it will need amendments at stages 2 and 3 to make sure that the people of Scotland get the best social security system that they can expect.

16:20

Shirley-Anne Somerville: I thank members for their constructive contributions today. I have listened carefully to their critique and their suggestions for how the bill can be improved, and I look forward to working with them in committee and bilaterally to improve what we have before us today.

As members have pointed out, it is a technical but important bill. The obvious example of that is that we cannot move forward with delivery of the Scottish child payment—a key component of our efforts to tackle child poverty that we want to implement as soon as possible—without having in place the appropriate tools to address instances of fraud. I am pleased that Parliament recognises that and seems to support that principle.

However, I concur with Alison Johnstone's point about the importance of recognising the difference between an honest mistake or genuine error, and fraud. They are exceptionally different. The agency treats them as different by having different teams that look into them. We should never treat a person who has made an honest mistake as though they have been fraudulent.

I am pleased to say that we will, as members have discussed, lodge an amendment at stage 2 to ensure that the duty under section 53 of the

2018 act is extended to include forms of devolved top-up assistance.

This afternoon, members have spent most time on the issue of appointees. Few speeches did not bring it up, and many members spoke about issues that were raised at committee in written and oral evidence. I reaffirm my commitment to delivering an appointee process that is fit for purpose, informed by stakeholder engagement and consistent with our rights-based approach.

I acknowledge the desire for more detail being placed in statute—particularly around mechanisms to challenge or review the need for an appointee—rather than leaving that to guidance. However, I believe that guidance allows us to be more responsive to the needs of clients; for example, we can readily incorporate best practice that way and can improve the process as required, in a way that statutory provisions would not allow. However, I have listened carefully to what has been said today and in evidence to the committee, with an eye to how we can improve the balance as we move forward. I look forward to working with committee members on that; our aim is the same.

The guidance will ensure that, where an appointment needs to be reviewed or there is a dispute, Social Security Scotland staff will act fairly, sensitively and in a way that takes into account the views of the client and, for children, the views of their parents or others who are responsible for the care of the child. In developing the guidance, we will engage with stakeholders to ensure that the process works for clients and appointees, and that appropriate safeguarding is built in to every step of the process. The tragic case that Keith Brown brought up and members' other examples demonstrate why we need to get that right.

I again give the reassurance that we will continue the work over the summer with the disability and carers benefits expert advisory group, our experience panels and stakeholders to understand how we can strike a balance between prescriptive statutory safeguards and safeguards that will be set out in decision-making processes and guidance.

Graham Simpson and Jeremy Balfour discussed the timetable for passing the bill and how we hope to move forward with other benefit payments this year. Graham Simpson is quite right that we had hoped, and we were on track, to deliver the child disability payments this summer, and that we were on track to open up the Scottish child payment earlier than we had said in our public announcements. That has not been possible because of Covid-19; changes to the timetable have been made strictly because of Covid-19. However, we still need to pass the bill as soon as

possible to allow us to deliver the Scottish child payment as quickly as possible.

Graham Simpson asked about the timings for the Scottish child payment, which are very much dependent on when the agency can recruit staff. I am afraid that I do not have a crystal ball that will tell me what will happen over the next couple of months, but he has my absolute reassurance that the agency and I are very keen for the agency to get going on that work as soon as it is safe, and within the guidance, for it to take place.

Graham Simpson will also be interested to know that, only this morning, I had a very constructive joint ministerial working group meeting with Scotland Office and DWP ministers. We discussed the joint programme of devolution of social security to Scotland, including the child winter heating allowance. We are considering replanning of on-going work between the DWP and the Scottish Government, because both are working under the pressure and circumstances of Covid-19. That constructive work is going on between the Governments.

Graham Simpson: I thank the cabinet secretary for taking an intervention. I am trying to help her to spin this out a little bit. I appreciate the staffing difficulties at Social Security Scotland, but from what I have heard, I believe that staff have been doing an excellent job and that the Government has done really well to recruit so many people under the current circumstances.

I make a general plea that, over the summer, the cabinet secretary engages with me and others on potential amendments. That would really help to smooth the way for stage 2, especially if we have to do it virtually.

Shirley-Anne Somerville: I am grateful to Graham Simpson for recognising the hard work of Social Security Scotland staff, including the new recruits who have been working remotely. I commit to working with him and members from across the chamber over the short summer recess.

That brings me nicely to the letter that Mark Griffin mentioned. He will forgive me—it came in not long before I came down to the chamber for the debate, but I have had a chance to look at it. We share the wish to improve the take-up of devolved benefits. The question is, “How?”. Social Security Scotland will ensure that everyone, including people who are new to universal credit, will be invited to apply for devolved benefits. I suggest that that is a direct way of encouraging people to sign up to the benefits for which Social Security Scotland is responsible.

Pauline McNeill mentioned automated payments. She will know that I am very keen to develop work on that. It is not possible for the first

Scottish child payments to be automated, because of the speed with which we are introducing the payments, but I have already said that we will consider what we can do in that area. I am personally committed to doing that.

Several members, including Pauline McNeill, talked about training of judges. I stress that that is not a matter for the Scottish Government, because the independence of the judiciary is exceptionally important. The matter is for the judicial institutes, but committee members might want to take up the issue through the committee’s work. The Government will definitely not give instructions to the judiciary, although I acknowledge Pauline McNeill’s long-standing concerns on the issue and the importance of the ethos of Social Security Scotland.

Bob Doris and others spoke about disclosure of harmful information, which is a very difficult issue. I am clear that it is justifiable to withhold information that a medical professional has already determined should be withheld because that is deemed to be necessary to prevent serious harm to an individual. In doing that we must ensure that clients are not disadvantaged in respect of accessing disability assistance. However, it is for medical professionals, not the agency, to decide on that. I would never want us to get to a place where the agency second guesses what is happening and the decisions of medical professionals.

Other members spoke about the importance of diagnosing terminal illnesses correctly for disability assistance purposes. As he suggested, Graham Simpson is not yet entirely convinced by my argument that we have the balance right on that. I have already noted that that will be a discussion for during the summer. He shall certainly hear from me on that.

It is a technical bill, but it is, as I said, an important bill. We have actively engaged with stakeholders and will continue to do so during the summer, because I accept that we have improvements to make.

I thank the Social Security Committee for its support of the general principles of the bill, and I hope that Parliament can unite in passing it at stage 1.

The Presiding Officer: That concludes the stage 1 debate on the Social Security Administration and Tribunal Membership (Scotland) Bill.

Social Security Administration and Tribunal Membership (Scotland) Bill: Financial Resolution

16:31

The Presiding Officer (Ken Macintosh): The next item of business is consideration of motion S5M-21907, in the name of Kate Forbes, on the Social Security Administration and Tribunal Membership (Scotland) Bill's financial resolution. I call Ben Macpherson to move the motion.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Social Security Administration and Tribunal Membership (Scotland) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3(b) of the Parliament's Standing Orders arising in consequence of the Act.—[Ben Macpherson]

Business Motions

16:31

The Presiding Officer (Ken Macintosh): The next item is consideration of business motion S5M-22128, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees—

(a) the following programme of business—

Tuesday 11 August 2020

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Ministerial Statement: Reporting to Parliament on the Coronavirus Acts

followed by Scottish Government Business

followed by Committee Announcements

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

Wednesday 12 August 2020

12.20 pm Parliamentary Bureau Motions

12.20 pm First Minister's Questions

2.30 pm Parliamentary Bureau Motions

2.30 pm Ministerial Statement: Brexit Update

followed by Scottish Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

followed by Approval of SSIs (if required)

5.00 pm Decision Time

Thursday 13 August 2020

2.00 pm Portfolio Questions (Virtual):
Finance

2.30 pm Portfolio Questions (Virtual):
Environment, Climate Change and Land
Reform

3.00 pm Portfolio Questions (Virtual):
Rural Economy and Tourism

Tuesday 18 August 2020

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions

followed by Preliminary Stage Debate: Solicitors in the Supreme Courts of Scotland (Amendment) Bill

followed by Scottish Government Business

<i>followed by</i>	Committee Announcements
<i>followed by</i>	Business Motions
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
Wednesday 19 August 2020	
12.20 pm	Parliamentary Bureau Motions
12.20 pm	First Minister's Questions
2.30 pm	Parliamentary Bureau Motions
2.30 pm	Scottish Government Business
<i>followed by</i>	Business Motions
<i>followed by</i>	Parliamentary Bureau Motions
<i>followed by</i>	Approval of SSIs (if required)
5.00 pm	Decision Time
Thursday 20 August 2020	
2.00 pm	Portfolio Questions (Virtual): Transport, Infrastructure and Connectivity
2.30 pm	Portfolio Questions (Virtual): Justice and the Law Officers
3.00 pm	Portfolio Questions (Virtual): Constitution, Europe and External Affairs

(b) that, for the purposes of Portfolio Questions in the week beginning 10 August 2020, in rule 13.7.3, after the word "except" the words "to the extent to which the Presiding Officer considers that the questions are on the same or similar subject matter or" are inserted.—[*Graeme Dey*]

Motion agreed to.

The Presiding Officer: The next item is consideration of business motion S5M-22129, also in the name of Graeme Dey, on behalf of the Parliamentary Bureau, on the stage 1 timetable for a bill.

Motion moved,

That the Parliament agrees that consideration of the Heat Networks (Scotland) Bill at stage 1 be completed by 4 December 2020.—[*Graeme Dey*]

Motion agreed to.

Parliamentary Bureau Motions

16:32

The Presiding Officer (Ken Macintosh): The next item of business is consideration of nine Parliamentary Bureau motions. I call Graeme Dey, on behalf of the bureau, to move motions S5M-22130 and S5M-22131, on designation of lead committees, and motions S5M-22132, S5M-22133, S5M-22134, S5M-22135, S5M-22136, S5M-22137 and S5M-22143, on approval of Scottish statutory instruments.

Motions moved,

That the Parliament agrees that the Finance and Constitution Committee be designated as the lead committee, and that the Environment, Climate Change and Land Reform Committee be designated as a secondary committee, in consideration of the UK Withdrawal from the European Union (Continuity) (Scotland) Bill at stage 1.

That the Parliament agrees that the Rural Economy and Connectivity Committee be designated as the lead committee in consideration of the legislative consent memorandum in relation to the Fisheries Bill (UK Legislation).

That the Parliament agrees that the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 (SSI 2020/169) be approved.

That the Parliament agrees that the Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020 (SSI 2020/170) be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment Regulations 2020 (SSI 2020/171) be approved.

That the Parliament agrees that the Legal Aid and Advice and Assistance (Miscellaneous Amendments) (Coronavirus) (Scotland) Regulations 2020 [draft] be approved.

That the Parliament agrees that the Registration of Independent Schools (Prescribed Person) (Coronavirus) (Scotland) Amendment Regulations 2020 [draft] be approved.

That the Parliament agrees that the UEFA European Championship (Scotland) Act 2020 (Ticket Touting Offence) (Exceptions for Use of Internet etc.) (Scotland) Regulations 2020 [draft] be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No 4) Regulations 2020 (SSI 2020/182) be approved.—[*Graeme Dey*]

The Presiding Officer: The next item of business is consideration of motion S5M-22120, on an SSI.

Motion moved,

That the Parliament recommends that the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 2) Regulations 2020 (SSI 2020/184) be approved.—[*Graeme Dey*]

The Presiding Officer: I am minded to accept a motion without notice to bring forward decision time to now. I invite Graeme Dey, on behalf of the Parliamentary Bureau, to move the motion.

Motion moved,

That, under Rule 11.2.4, Decision Time be brought forward to 4.33 pm.—[*Graeme Dey*]

Motion agreed to.

Decision Time

16:33

The Presiding Officer (Ken Macintosh): The first question is, that motion S5M-22121, in the name of Shirley-Anne Somerville, on the Social Security Administration and Tribunal Membership (Scotland) Bill at stage 1, be agreed to.

Motion agreed to,

That the Parliament agrees to the general principles of the Social Security Administration and Tribunal Membership (Scotland) Bill.

The Presiding Officer: The second question is, that motion S5M-21907, in the name of Kate Forbes on the financial resolution of the Social Security Administration and Tribunal Membership (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Social Security Administration and Tribunal Membership (Scotland) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3(b) of the Parliament's Standing Orders arising in consequence of the Act.

The Presiding Officer: I propose to ask a single question on nine Parliamentary Bureau motions. Does anyone object?

Members: No.

The Presiding Officer: The question is, that motions S5M-22130 to S5M-22137 and motion S5M-22143, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, be agreed to.

Motions agreed to,

That the Parliament agrees that the Finance and Constitution Committee be designated as the lead committee, and that the Environment, Climate Change and Land Reform Committee be designated as a secondary committee, in consideration of the UK Withdrawal from the European Union (Continuity) (Scotland) Bill at stage 1.

That the Parliament agrees that the Rural Economy and Connectivity Committee be designated as the lead committee in consideration of the legislative consent memorandum in relation to the Fisheries Bill (UK Legislation).

That the Parliament agrees that the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 (SSI 2020/169) be approved.

That the Parliament agrees that the Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020 (SSI 2020/170) be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment Regulations 2020 (SSI 2020/171) be approved.

That the Parliament agrees that the Legal Aid and Advice and Assistance (Miscellaneous Amendments)

(Coronavirus) (Scotland) Regulations 2020 [draft] be approved.

That the Parliament agrees that the Registration of Independent Schools (Prescribed Person) (Coronavirus) (Scotland) Amendment Regulations 2020 [draft] be approved.

That the Parliament agrees that the UEFA European Championship (Scotland) Act 2020 (Ticket Touting Offence) (Exceptions for Use of Internet etc.) (Scotland) Regulations 2020 [draft] be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 4) Regulations 2020 (SSI 2020/182) be approved.

The Presiding Officer: The final question is, that motion S5M-22120, in the name of Jeane Freeman, on approval of a Scottish statutory instrument, be agreed to.

Motion agreed to,

That the Parliament recommends that the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No 2) Regulations 2020 (SSI 2020/184) be approved.

The Presiding Officer: We will meet again here on 9 July in a hybrid meeting. However, there will be virtual question times every Thursday. A decision will be sent out on Monday night on the topic for virtual question time next Thursday.

I close the meeting. Enjoy the recess, if you can.

Meeting closed at 16:34.

This is the final edition of the *Official Report* for this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

All documents are available on
the Scottish Parliament website at:

www.parliament.scot

Information on non-endorsed print suppliers
is available here:

www.parliament.scot/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: sp.info@parliament.scot



The Scottish Parliament
Pàrlamaid na h-Alba