



OFFICIAL REPORT
AITHISG OIFIGEIL

Meeting of the Parliament

Friday 14 May 2021

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Scottish Parliament

Friday 14 May 2021

[The Presiding Officer resumed the meeting at 10:31]

Deputy Presiding Officers

The Presiding Officer (Alison Johnstone): Good morning. The next item of business is the election of two Deputy Presiding Officers. The nominees are Clare Adamson, Claire Baker, Jeremy Balfour, James Dornan, Annabelle Ewing, Rhoda Grant, Bill Kidd, Liam McArthur, Stuart McMillan and Edward Mountain.

The election shall again proceed in accordance with temporary rule 1 of standing orders, with voting procedures the same as those used in the election of the Presiding Officer. If no member receives an overall majority in the first round of voting, there will be subsequent rounds.

The same procedure will be followed for the election of the second Deputy Presiding Officer. When the first Deputy Presiding Officer is elected, voting rounds will begin for the second Deputy Presiding Officer, involving all candidates who were unsuccessful in the election of the first Deputy Presiding Officer.

To ensure everyone's safety in line with Covid-19 protocols, I ask all members to put on their face coverings now, unless they have a medical exemption.

I declare the election of the first Deputy Presiding Officer open. The clerks will begin distributing the ballot papers.

Members voted by secret ballot.

The Presiding Officer: Voting in the first round of the election of the first Deputy Presiding Officer is now closed. The clerks will now take the ballot boxes to room P1.02, and I invite any scrutineers appointed by the candidates to make their way to P1.02 to observe the counting of ballot papers, while observing social distancing.

All other members may now remove their face coverings.

In this round of voting in the election of the Deputy Presiding Officer, the number of votes cast for each candidate was as follows: Clare Adamson 9, Claire Baker 13, Jeremy Balfour 10, James Dornan 7, Annabelle Ewing 35, Rhoda Grant 12, Bill Kidd 4, Liam McArthur 16, Stuart McMillan 5 and Edward Mountain 13. There was one abstention and one spoiled ballot paper. Accordingly, as no candidate has received an overall majority of the votes cast and as Bill Kidd

received the fewest votes, he is eliminated from the election and a further round will take place with the following candidates: Clare Adamson, Claire Baker, Jeremy Balfour, James Dornan, Annabelle Ewing, Rhoda Grant, Liam McArthur, Stuart McMillan and Edward Mountain.

There will be a short break while ballot papers are printed. I suspend the meeting for five minutes.

11:09

Meeting suspended.

11:19

On resuming—

The Presiding Officer: The voting period is now open, with the same voting procedure as before. I ask members please to put on their face coverings while the clerks distribute the ballot papers and for the duration of the voting period.

Members voted by secret ballot.

The Presiding Officer: Voting in this round of the Deputy Presiding Officer election is closed. I invite the scrutineers to proceed to room P1.02 for the counting of votes.

Jackie Baillie (Dumbarton) (Lab): On a point of order, Presiding Officer. Out of interest, would a member be able to voluntarily withdraw—if, for example, they had not received a significant level of support? I ask in the interests of speed and efficiency.

The Presiding Officer: I thank Ms Baillie for that point of order. Under the rules, members can withdraw. Members should notify the clerks if they wish to do so.

In this round of voting in the election of the Deputy Presiding Officer, the number of votes cast for each candidate was as follows: Clare Adamson 5, Claire Baker 8, Jeremy Balfour 9, James Dornan 6, Annabelle Ewing 44, Rhoda Grant 11, Liam McArthur 22, Stuart McMillan 6 and Edward Mountain 15. There were no abstentions or spoiled ballot papers. The candidate eliminated is Clare Adamson. Accordingly, as no candidate has received an overall majority of the votes cast, a further round will take place with the following candidates: Claire Baker, Jeremy Balfour, James Dornan, Annabelle Ewing, Rhoda Grant, Liam McArthur, Stuart McMillan and Edward Mountain.

There will be a short break while ballot papers are printed.

Jackie Baillie: Would it be appropriate to have a five-minute recess to allow candidates to consider whether they might wish to withdraw?

The Presiding Officer: I am willing to consider such a recess. That is agreed.

For clarity, I say that members who wish to withdraw at this stage can be re-entered for the second Deputy Presiding Officer position.

I am advised that James Dornan and Stuart McMillan have withdrawn. The list of nominees is therefore Claire Baker, Jeremy Balfour, Annabelle Ewing, Rhoda Grant, Liam McArthur and Edward Mountain. There will now be a short break while ballot papers are printed.

12:05

Meeting suspended.

12:14

On resuming—

The Presiding Officer: The voting period is now open, with the same voting procedure as before. I ask members please to put on their face coverings while the clerks distribute the ballot papers and for the duration of the voting period.

Members voted by secret ballot.

The Presiding Officer: Voting in this round of the Deputy Presiding Officer election is now closed. I invite the scrutineers to proceed to P1.02 for the counting of votes.

In this round of voting in the election of the Deputy Presiding Officer, the number of votes cast for each candidate was: Claire Baker 9, Jeremy Balfour 6, Annabelle Ewing 58, Rhoda Grant 14, Liam McArthur 26 and Edward Mountain 13. There were no abstentions or spoiled ballot papers. Accordingly, as no candidate has received an overall majority of the votes cast and as Jeremy Balfour received the fewest votes, he is eliminated and a further round will take place with Claire Baker, Annabelle Ewing, Rhoda Grant, Liam McArthur and Edward Mountain.

However, I suggest that we break for lunch, while ballot papers are printed, and that we resume the process at 1.45.

Edward Mountain (Highlands and Islands) (Con): On a point of order, Presiding Officer. I am sorry to add confusion to the process that is under way. Given my position, I will withdraw from the next round, to allow for a more focused vote. I hope that that is acceptable. I will notify the business team accordingly.

The Presiding Officer: Thank you very much, Mr Mountain.

12:49

Meeting suspended.

13:46

On resuming—

The Presiding Officer: The remaining nominees for the election of the Deputy Presiding Officer are Annabelle Ewing, Rhoda Grant and Liam McArthur. The voting period is now open, with the same voting procedure as before. I ask members to put on their face coverings while the clerks distribute the ballot papers and for the duration of the voting period, please.

Members voted by secret ballot.

The Presiding Officer: In this round of voting in the election of the Deputy Presiding Officer, the number of votes cast for each candidate was as follows: Annabelle Ewing 64, Rhoda Grant 16 and Liam McArthur 44. There was one abstention and no spoiled ballots. Accordingly, as Annabelle Ewing received more votes than the total number of votes received by the other candidates, and as more than 25 per cent of members voted, she is elected as Deputy Presiding Officer. Congratulations, Ms Ewing. I look forward to working with you. [*Applause.*]

As members may know, I have selected three urgent questions to be answered this afternoon. That will follow a brief suspension at the end of the election of the Deputy Presiding Officers. When we get to that item, if a member wishes to ask a supplementary question and they are in either the main hall or the public gallery, they should raise their hand when the relevant question is asked. The clerk will then convey their request to me and will direct them to a part of their location from where they will be able to ask their question, if called.

I believe that Daniel Johnson would like to make a point of order.

Daniel Johnson (Edinburgh Southern) (Lab): On a point of order, Presiding Officer. I am grateful to you for taking my point of order.

We all recognise the huge importance of the election of the Deputy Presiding Officers, but the process has taken a considerable amount of time—probably twice as much as any of us might have expected it to take. I therefore ask you to consider bringing forward a motion under rule 17.2, in consultation with the Parliamentary Bureau, to vary the standing orders—in particular, paragraphs 9 and 10 of rule 11.9—so that we can substitute the mechanisms that are currently in place with the use of the single transferable vote, which is a method far more suited to an election of this sort and would be far more efficient. I would

be grateful if you and the Bureau could give that consideration.

The Presiding Officer: I thank Mr Johnson for his point of order. I will not bring forward such a motion today. I am sure that he would agree that it would be potentially unfair and inappropriate to change the election method halfway through proceedings, but I certainly agree that the issue can be considered ahead of the next such election.

We will have a five-minute period during which candidates may notify clerks if they wish to withdraw. After that, we will move on to the election of the second Deputy Presiding Officer.

The candidates for the election of the second Deputy Presiding Officer are Clare Adamson, Claire Baker, Jeremy Balfour, James Dornan, Rhoda Grant, Liam McArthur, Stuart McMillan and Edward Mountain. Bill Kidd has withdrawn from this election.

Voting rounds will now begin, involving all candidates who were unsuccessful in the election of the first Deputy Presiding Officer, as I have just described. There will now be a five-minute suspension while ballot papers are printed.

14:24

Meeting suspended.

14:30

On resuming—

The Presiding Officer: The voting period is now open, with the same voting procedure as before. I ask members to put on their face coverings while the clerks distribute the ballot papers and for the duration of the voting period, please.

Members voted by secret ballot.

The Presiding Officer: Voting in this round of the second Deputy Presiding Officer election is now closed. The clerks will now take the ballot boxes to P1.02, and I invite any scrutineers appointed by the candidates to make their way to P1.02 to observe the counting of ballot papers, while observing social distancing.

In this round of voting in the election of the second Deputy Presiding Officer, the number of votes cast for each candidate was as follows: Clare Adamson 10, Claire Baker 13, Jeremy Balfour 5, James Dornan 9, Rhoda Grant 10, Liam McArthur 45, Stuart McMillan 20 and Edward Mountain 12. I have been notified that Mr Mountain intends to withdraw from the next round of voting. There were no abstentions and no

spoiled ballots. The candidate eliminated from this round is Jeremy Balfour.

A further voting round will now begin for the election of the second Deputy Presiding Officer. There will be a short break while ballot papers are printed.

15:00

Meeting suspended.

15:10

On resuming—

The Presiding Officer: The voting period is now open, with the same voting procedure as before. I ask members to put on their face coverings while the clerks distribute the ballot papers and for the duration of the voting period, please.

Members voted by secret ballot.

The Presiding Officer: Voting in this round of the second Deputy Presiding Officer election is now closed. The clerks will now take the ballot boxes to P1.02, and I invite any scrutineers appointed by the candidates to make their way to P1.02 to observe the counting of ballot papers, while observing social distancing.

The Presiding Officer: In this round of voting in the election of the second Deputy Presiding Officer, the number of votes cast for each candidate was as follows: Clare Adamson 7, Claire Baker 9, James Dornan 5, Rhoda Grant 9, Liam McArthur 74 and Stuart McMillan 19. There were no abstentions and no spoiled ballots. Accordingly, as Liam McArthur received more than the total number of votes received by the other candidates, and as more than 25 per cent of members voted, he is elected as the second Deputy Presiding Officer of the Scottish Parliament. I very much look forward to working with him. [*Applause.*]

I thank each and every candidate who took part in the election.

As members may be aware, we will have an urgent question session this afternoon, and I suspend the meeting until 4 pm, when we will move to that session.

15:39

Meeting suspended.

16:01

On resuming—

Urgent Questions

The Presiding Officer (Alison Johnstone): I will take the three urgent questions from members in this order: Patrick Harvie, Jamie Greene then Douglas Ross.

Before we begin, I repeat that, if a member wishes to ask a supplementary question and is in either the main hall or the public gallery, they should raise their hand when the relevant question is asked. The clerk will convey their request to me and will direct them to part of the building from where they will be able to ask their question, if they are called.

Immigration Enforcement

Patrick Harvie (Glasgow) (Green): To ask the Scottish Government what engagement it has had with the United Kingdom Government, and with Police Scotland, regarding the community response to attempted immigration enforcement action in Kenmure Street in Glasgow, on 13 May.

The Cabinet Secretary for Justice (Humza Yousaf): I thank Patrick Harvie for asking that important question.

Yesterday, the First Minister and I spent a significant amount of time engaging with the Home Office and Police Scotland in seeking a safe resolution to the scenes that we saw on Kenmure Street. The actions of the Home Office yesterday were, at best, utterly incompetent and, at worst, intended to provoke. Either way, they were completely unacceptable.

Throughout the day, I was in regular discussion with Police Scotland as it updated me on its operational approach to Home Office action that, in my view, placed it in an invidious position. I was pleased to see the statement from Police Scotland yesterday evening that noted that the people who had been detained had been released back into their community and that those who had been protesting subsequently dispersed peacefully.

I shared my concerns with the director of immigration enforcement for Scotland and Northern Ireland and urged him to abandon the forced removal. Unfortunately, no Home Office ministers deemed the issue to be serious enough to meet me at the time. Later, I participated in a video call with the First Minister and the junior Minister for Future Borders and Immigration, Kevin Foster MP, in which the First Minister made it crystal clear to the Home Office that the actions at Kenmure Street were utterly unacceptable and were endangering the public's health. She expressed the Scottish Government's deep

concern and anger about the operation, especially given that it was done in the heart of a community that was celebrating Eid. To take that action in Pollokshields the day after the First Minister warned of an upsurge in Covid cases in the south side of Glasgow was completely reckless.

Assurances were sought from the UK Government that it will never again create, through its actions, such a dangerous situation. It did not provide those assurances. It is increasingly clear that the UK Government is incapable of delivering an immigration and asylum process that reflects Scotland's values of compassion and dignity.

Patrick Harvie: I am grateful to the cabinet secretary for his response. The community response that we saw demonstrates the scale of anger at the UK Government's brutality in relation to immigration and asylum—in particular, to people who are seeking asylum, who are among the most vulnerable citizens of Glasgow, which is the city that I represent. That action being taken on Eid added insult to injury, and there are hundreds of people who will be vulnerable to such action in the future. On whatever day such action takes place, Scotland, Glasgow and, in particular, Pollokshields will continue to stand against it.

I am pleased that the cabinet secretary has been engaging actively with the United Kingdom Government and Police Scotland. I have heard mixed views about aspects of the policing yesterday. Does the cabinet secretary agree that, in any such incident, Police Scotland's priorities must be the wellbeing and welfare of the people who are at the centre—the victims of immigration enforcement actions—as well as protection of the right of the public to peacefully resist such actions?

Humza Yousaf: I have to say that the police were put in an invidious position yesterday. Police do not routinely accompany Border Force when it comes to forced removal, but when they are called out to an incident, they have to attend, just as they would any other incident.

I am satisfied that Police Scotland used a proportionate response and took responsibility for ensuring the safety of the protesters and those whose welfare was at risk. That was their priority. I am pleased that, having looked at the issue in the context of public safety and public health, Police Scotland came to the decision to release the two individuals who had been detained by the border agency.

I know that Police Scotland will continue to engage with communities. However, we should be absolutely careful about this and we should state very clearly on the record that the blame for yesterday's action lies squarely on the shoulders of the Home Office, which took, on Eid, reckless

action in the heart not just of Glasgow's Muslim community but of Scotland's Muslim community, while fully understanding the reaction that that would provoke.

Patrick Harvie: I agree that Police Scotland is not to blame for the timing or instigation of the incident, but if the cabinet secretary is right that Police Scotland's priorities must always be to ensure the wellbeing of the people who are at the centre—the victims of enforcement actions—and to ensure the safety of the public and their right to protest, I hope that it will not take it as long in the future to decide that releasing people in such circumstances is the right call.

I want to ask about the community itself. Although I wish for the power to implement a humane and decent asylum system, unlike the one that operates in the UK at the moment, we do not currently have that power. We have the power to resource our communities to support people who are most vulnerable to being on the receiving end of such actions, and to ensure that our communities are empowered and organised to resist. Resistance such as we saw in Pollokshields, which was so inspiring, does not happen by magic—it happens through communities being resourced and organised. What role could the Scottish Government have in supporting such community resistance?

Humza Yousaf: On the first part of Patrick Harvie's question, let me reiterate that operational independence means that I will direct neither the chief constable nor Police Scotland on what to do. The chief constable's operational independence will dictate what officers choose to do in any given circumstance. Of course, Police Scotland will approach each incident on a case-by-case basis.

Police Scotland having taken action to release the two individuals is not a guarantee that that will happen in every case; that will depend on the circumstances and the context of the situation. I say to Patrick Harvie that the long-term solution is our having control of our own asylum and immigration system—I know that he agrees with that—and ensuring that we can have a system that is based on dignity and compassion, and not one that is rooted in suspicion, as the current UK system is.

I agree about resourcing communities. We have a very proud track record of funding and resourcing a number of organisations, including the Scottish Refugee Council, the Govan Community Project, which works with asylum seekers in my constituency, and many others. Of course, we will continue to do that.

The Presiding Officer: I appreciate that this is a very important matter, but we have a lot of questions to get through and I would like to involve

as many members as possible. I call Anas Sarwar, to be followed by Annie Wells. I would appreciate concise questions and responses where possible.

Anas Sarwar (Glasgow) (Lab): I join the cabinet secretary and Patrick Harvie in condemning the actions of the Home Office in Pollokshields yesterday. It would have been unacceptable at any time, but I reiterate how unacceptable it was that it happened during a pandemic, at the height of a spike in cases, and on the holy day of Eid. We need an immigration policy that is rooted in human dignity and human rights, and I will work with anyone to deliver that—not just here, but across the UK.

There are, of course, big lessons for the Home Office to learn, but will lessons also be learned for how Police Scotland deals with such situations in the future? What support will be given to councils throughout Scotland so that we all proactively take responsibility for supporting asylum seekers here?

Humza Yousaf: In the interests of brevity, I will say simply that I think that Police Scotland was put in an extremely difficult position. I have spoken to some of the protesters who were there and have seen some of their social media commentary, and it seems to me that, by and large, the discussion and dialogue between Police Scotland and the protesters was very positive.

To give Anas Sarwar some assurance, I can also say that I have already had an exchange with Councillor Kelly Parry, who leads on the issue for the Convention of Scottish Local Authorities, and that COSLA should absolutely be involved in any discussions that we have in the future about forming a progressive alliance—which I have written to Anas Sarwar about; I am sure that he will respond positively—to resist the hostile environment policy, so that other city councils can learn from the example of Glasgow City Council.

Annie Wells (Glasgow) (Con): The cabinet secretary has highlighted the response from Police Scotland. What further support will be provided to the police to manage crowds that gather during the pandemic as we continue our fight against Covid-19?

Humza Yousaf: Annie Wells is missing the point. The blame for what we saw yesterday lies squarely on the shoulders of the Home Office, which took completely reckless action by going into the heart of Scotland's Muslim community on the day of Eid, when, frankly, I suspect that those high up in the Home Office knew that MSPs would be engaged in parliamentary process. At best, that action was utterly incompetent; at worst, it was designed to provoke.

Police Scotland will do the appropriate debriefing, but it was put in an absolutely invidious position. It is not its responsibility to reverse the

undignified, incompassionate policies of the Home Office. However, I am sure that Police Scotland will be happy to debrief Annie Wells if she has any particular questions in that regard.

Pam Duncan-Glancy (Glasgow) (Lab): I thank the cabinet secretary for his responses so far. The actions of the Home Office on the streets of Glasgow yesterday were disgusting. Has any assessment been made regarding the human rights of the two men who were detained in the Home Office's van on Kenmure Street yesterday? Does the Scottish Government believe that their human rights were breached?

Humza Yousaf: Last night, I spoke to Aamer Anwar, who will be known to many members across the chamber and who, I understand, is acting for—he is certainly involved with—the two individuals who were detained. The First Minister, as the constituency MSP, has reiterated to those involved that her constituency office stands ready to assist wherever it can.

Alex Cole-Hamilton (Edinburgh Western) (LD): Liberal Democrats have long argued for reform of the Home Office to strip it of its more draconian powers, which we saw deployed yesterday. In our democracy, there will always be times when circumstances demand an urgent act of public protest. Even in a pandemic, such acts must be supported to happen safely.

Therefore, will the cabinet secretary provide an update on the current guidance relating to peaceful public protest in the context of the current Covid restrictions? Will he give further consideration to how acts of public protest can be supported to take place safely in the future?

Humza Yousaf: As the member is aware, we do not encourage people to gather, although people have a human right to protest under the European convention on human rights. That is why Police Scotland has taken a very consistent approach. When people have gathered, it has facilitated their right to assembly regardless of what the protest has been against or for. Police Scotland will continue to take that consistent approach.

My message to people continues to be that they should not gather, because we are in the midst of a global pandemic: the virus has not gone away. I suspect that, if the rules, guidance and regulations regarding Covid did not exist, I would have been at the forefront on Kenmure Street, alongside the protesters. However, I did not go, because—as I said—the virus is still out there.

On the events that will take place over the weekend, I have been consistent in saying that, regardless of the circumstances, people should not gather, because the virus is still out there. I know that people's passions are running high, but

I cannot stress enough that the situation in Glasgow is still at a critical juncture.

James Dornan (Glasgow Cathcart) (SNP): I place on record my admiration for the community resilience of the people in Pollokshields yesterday. Kenmure Street is not far from my constituency, and I know that some of those people were there to show Scottish solidarity.

The Home Office's deliberate, provocative act while the First Minister and the rest of the MSPs were being sworn in further exemplifies how cowardly, barbaric and lacking in any common decency the Tory Government really is.

Will the cabinet secretary ensure that Police Scotland, which is not to blame at all for what happened, is unequivocal in its stance that it will play no role in the inhumane removal of asylum seekers? Will he outline what steps the police will take to maintain and, indeed, strengthen relations with immigrant communities in Glasgow?

Humza Yousaf: I will say two things briefly.

Police Scotland released a statement yesterday that stated unequivocally that it does not assist in the removal of asylum seekers. That is for the UK Border Agency. When Police Scotland is called out to an incident, it will, of course, attend, but it is not its role to implement any forced removal.

I can speak about Police Scotland as a constituency MSP for the south side of Glasgow, in particular. I know that Police Scotland maintains a very positive relationship with migrant communities, communities of asylum seekers and, indeed, refugees. Long may that continue.

The Presiding Officer: My apologies to members who have not been called.

Scottish Qualifications Authority Examination, Assessment and Awards Process

Jamie Greene (West Scotland) (Con): I welcome you to your position, Presiding Officer.

To ask the Scottish Government what its response is to the reported growing and widespread concern over the 2021 Scottish Qualifications Authority examination, assessment and awards process, which has been described as an "unfolding debacle" by the author of the review into the 2020 SQA exam diet.

The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney): I add a word of welcome to you, Presiding Officer, in your role.

The national qualifications 2021 group, which includes representatives of local authorities, teaching unions, pupils, parents, colleges and the Scottish Government, was established in response

to a recommendation from Professor Priestley, and it has designed the alternative certification model, which is being used for the assessments this year. Young people's grades will be determined by the judgment of teachers, which will be informed by evidence of demonstrated attainment of student achievement over a number of assessments rather than an end-of-year exam.

The unavoidable second period of remote learning since January has, unfortunately, meant that students are doing assessments for this year's alternative certification model over a shorter period than was anticipated. To address that, coursework has been reduced for most subjects, and schools have been given flexibility around timing and the nature of the assessment tools that they will use to inform teacher judgment of learners' grades, which will not subsequently be overturned by the SQA. The national qualifications 2021 group has also announced that there will be a contingency arrangement for any learners who are impacted by severe disruption to learning and are unable to generate sufficient assessment evidence before the extended deadline of 25 June.

The system is working to deliver the best approach possible in the circumstances, to ensure that the hard work of learners is recognised fairly. All partners are working together to do everything that can be done to support that process and our young people. We know that this is an anxious time for learners, and we continue to act to ensure that all learners have the support that they require.

Jamie Greene: The cabinet secretary is right: Professor Mark Priestley undertook an urgent review of the 2020 exam fiasco, and he concluded that there were multiple points in the SQA's process at which different decisions might have avoided the outrage, controversy and U-turns that we all saw last summer. However, he was also clear that lessons could be learned ahead of 2021.

We are now staring down the barrel at this year's exam system. This week, Professor Priestley described the current situation as an "unfolding debacle" because of the late addition of so-called assessments—exams by any other name—which are now doing the job of evidence and coursework.

Pupils are at breaking point, teachers are at their wits' end and parents are furious. It is abundantly clear to everyone that history is simply repeating itself and that lessons have not been learned. Does the cabinet secretary regret not heeding Mr Priestley's advice? Why was it ignored?

John Swinney: I would contend that we did heed Professor Priestley's advice and that I took early decisions in October to cancel the national 5 examination diet and in December to cancel the

higher examination diet and replace it with an alternative certification model, which we indicated at the time would require demonstrated attainment of student achievement to inform the grades that would be supplied by teachers. I stress once again that the grades that are put in by teachers will be the determinant of young people's performance, and they will not be overturned by the SQA once they are submitted, on 25 June, unless there is demonstrable administrative error in the process.

We have followed the advice of Professor Priestley's review. We took early decisions to cancel the examinations and to replace them with a reliable means of ensuring that young people's attainment can be properly recorded to provide them with a platform for the next stages in their educational life.

Jamie Greene: Connect, which represents 2,000 parent councils, has described this year's system as simply mimicking

"the very worst elements of the inequitable ... system it replaces".

One parent complained that her daughter had to sit an unbelievable 43 exam-like papers in just five weeks. That begs the question of why no assessment was carried out on the readiness of pupils to undergo an exam diet of this intensity and nature. There has been a lack of coursework and we have had pupil absences and teacher shortages. Exam materials have been leaked on TikTok, and there is a widespread belief among the teaching community that the SQA is simply circling the wagons so that it can place the blame on teachers.

This year's exams fiasco is fast becoming the first scandal of the new session of Parliament, and the first scandal of the new Government—

The Presiding Officer: Ask a question, Mr Greene.

Jamie Greene: —and once again it has Mr John Swinney's fingerprints all over it. Let us commit right now to making education our number 1 priority.

The Presiding Officer: Question, Mr Greene.

Jamie Greene: Who is going to fix this mess, and how?

John Swinney: The re-election of the Government with an increased mandate from the people of Scotland does not seem to have done anything to change Mr Greene's narrative from all that he said in the previous parliamentary session. With the greatest of respect, these are incredibly difficult decisions, because of the disruption of the pandemic. For that reason, as suggested by Professor Priestley, I assembled the national qualifications group, which includes local

authorities, teaching unions, pupils, parents, colleges and the Scottish Government, to agree the model that is now being used.

Therefore, it is not some model that has been cooked up by the SQA. As Professor Priestley asked us to do, the model has been agreed and designed by the whole education system to ensure that we properly record the achievements of young people. We do young people no service whatsoever if we translate every discussion in the Parliament about education into the type of pejorative conversation that Mr Greene has just put on the record.

If I am trying to move forward the debate on education into a different place, having been returned to office after all the things that Mr Greene and his colleagues said about me and the Government before the election, I think that the least that the people of Scotland will expect is for Mr Greene to change the record.

The Presiding Officer: Before I call Bob Doris, I say that I would be grateful for succinct questions and answers wherever possible, as that will allow more members to take part in the session.

Bob Doris (Glasgow Maryhill and Springburn) (SNP): I recently met pupils from my constituency who want a little clarity on how pupil assessments will feed into final grades. One issue that they raised was about how pupil progression through the academic year will be taken into account in final grades. It is common to see improvement throughout the year. However, it might not always be possible to conduct a fresh assessment on syllabus content that was covered earlier in the year, perhaps because of illness, self-isolation or disruption caused due to Covid-19, and it might not be required. In such circumstances, if there are other indicators of pupils' progression, can teachers use their professional judgment when formulating the final awards for certification? If so, can we give that clarity to pupils and teachers as they work towards their final grades?

The Presiding Officer: I hope that the cabinet secretary could hear the quietly spoken Mr Doris.

John Swinney: Thank you, Presiding Officer.

Fundamentally, the answer to Mr Doris's question is yes. In the circular that the national qualifications group has issued today, there is a line that is highlighted and that perhaps sums up the point most effectively. It says:

"Our key message to learners is that your grades will be judged by your teachers and lecturers, based on your assessment evidence and every effort is being made to ensure equity and support your wellbeing throughout the process."

The issues that Mr Doris raises about irregular access to or interruption of education are legitimate issues that are to be borne in mind by teachers in forming their judgments, which will ultimately determine the grades that are awarded to individual students, based on their contribution during the year.

Michael Marra (North East Scotland) (Lab): I welcome the question from Bob Doris and the cabinet secretary's response. There is a significant difference between what the cabinet secretary is saying about the results being determined by teachers' judgment—it seems like digging in a little bit—and the lived experience of teachers and pupils across the country. There is real anger, as teachers are also being told by the SQA that they have to set exams, and, as we know, some of the guidance says that. If more clarity on that will be forthcoming today, as the cabinet secretary indicates, that is welcome.

Let me move on to the fix: what can we do to sort out the situation? Will the cabinet secretary commit today to a robust and responsive national appeals process, and can he tell us on what date details on that will be published? Further, will he also commit to publishing deprivation figures alongside results on results day so that the country can fully understand the impact of the process that he has put in place?

John Swinney: On Mr Marra's general point, I will quote from the circular that was issued on 13 April by the national qualifications 2021 group. It said:

"There is no requirement to replicate full formal exams or prelims this year."

That is a pretty clear piece of guidance to the system that there is no requirement for exam halls that resemble—if I may say so, Presiding Officer—the arrangement that we had in our main hall for voting purposes yesterday and today. There is no need for that to be the case. A world of flexibility is offered to schools to enable the picture to be built up.

Mr Marra raised two specific points. On the first, the SQA consulted on the appeals process. That issue has been discussed by the national qualifications 2021 group and I expect material on it to be published shortly.

On the figures on deprivation, I am not sure what more information Mr Marra is looking for in addition to what is normally published on exam results day. However, if I have not given him all the clarity that he is looking for, he can write to me and I will happily answer that particular point. That said, I think that sufficient information is published on results day to address the point that he is making, but I am happy to consider that and respond in writing.

Gillian Mackay (Central Scotland) (Green):

Last week, the SQA sent a panic directive to schools advising them of the need to apply “appropriate penalties” if pupils have been found sharing assessment papers online. Given that, in any normal year, pupils are allowed to take their exam paper when they leave and discuss it afterwards, it should have been entirely obvious that this year’s senior pupils would also wish to discuss their assessments after they had taken them.

The SQA is engaged in a process of allocating blame to everyone but itself for an entirely avoidable series of problems for which it is responsible. Will the education secretary instruct the SQA to drop that threat and accept that pupils are going to discuss their assessments after they have sat them, that those discussions will take place online and that fair enforcement of that directive will be impossible?

John Swinney: First, I welcome Gillian Mackay to Parliament—I hope that Mr Marra will forgive me for omitting to do so in his case earlier, but I do so now, generously. He is, of course, someone with whom I have engaged in electoral contest in the past, so it is nice to see him here.

On Gillian Mackay’s point, the status of the assessments that young people are undertaking just now is not equivalent to the status of examinations, and those assessments are undertaken in a different way from examinations, because examinations would take place in all the centres on the same day at the same time. The material for assessments has been made available to centres on the basis that they can use all of it, adapt it or use parts of it if they consider that appropriate. However, fundamentally, they must handle that information securely because it will be used at different times in different ways in different schools around the country. It is for that reason that the SQA is asking the system to respect the fact that materials are being used in a different fashion from the normal way in which any examination papers or assessment papers are used in the normal exam diet.

The Presiding Officer: Again, I give my apologies to members I have been unable to call.

Covid-19 (Moray)**Douglas Ross (Highlands and Islands) (Con):**

I, too, welcome you to your new position, Presiding Officer.

To ask the Scottish Government whether it will provide an update on the Covid-19 situation in Moray and what additional support will be made available to residents and businesses.

The First Minister (Nicola Sturgeon): I also welcome you, Presiding Officer, to your post, and I welcome Douglas Ross back to the Parliament.

I am grateful for the opportunity to update Parliament on the situation in Moray. With your permission, Presiding Officer, I will also take a bit of time to advise Parliament of the difficult decision that we have reached in the past hour or so in light of the significant increase in cases in Glasgow over the past few days.

The latest available data shows that the number of cases in Moray is 69 per 100,000 and the test positivity rate is 1.9 per cent. I am pleased to say that the rates for both those measures are declining, so there are grounds for cautious optimism that the situation is improving as a result of the public health interventions that have been taken.

However, case numbers remain more than double the Scottish average, and the local incident management team’s judgment, which has informed this decision, is that it is prudent for Moray to remain at level 3 for a further week, so that we can be more confident that the situation is firmly under control. The position will be reviewed again at the end of next week, at which point I hope that Moray will move to level 2.

I know that that will be disappointing for residents and businesses in Moray—I will come back to the question about business support shortly. However, in my judgment, although it is difficult, it is sensible to be cautious now and allow Moray to move with more confidence to level 2, rather than ease restrictions prematurely and risk going backwards later.

The Government is applying a similar reasoning to the situation in Glasgow city, which I must say is causing even more concern at this stage. On the latest available data, the number of cases has increased to 80 per 100,000 and the test positivity rate is 3.5 per cent. Both measures suggest an increasing level of infection. However, an additional and significant factor is evidence suggesting that the outbreak, which is currently heavily centred in the south side of the city, is being driven by the so-called Indian variant.

We do not yet have a full understanding of the impact of the variant, including on the protection afforded by the vaccines. I want to stress that nothing at this stage suggests that it is causing more severe illness. However, it is thought that the variant could be significantly more transmissible than even the Kent variant that was identified before Christmas. That alone calls for an appropriate degree of caution.

It is important to stress that public health teams are optimistic that enhanced testing and vaccination will be capable of getting the situation

under control, and we will be writing to all Glasgow MSPs over the weekend with full detail of those interventions. On vaccination, that will take account of new advice that is expected shortly from the Joint Committee on Vaccination and Immunisation.

The advice given to me by the chief medical officer, which has informed this decision, is that we need a few more days to assess the data and build confidence that the situation can be brought under control, or at least that it is not resulting in an increasing rate of hospitalisation and severe illness. Accordingly, and very reluctantly, we have decided to err on the side of caution and also keep Glasgow city in level 3 for a further week.

Again, I know how disappointing that will be, but pressing pause for a few days will, I hope, avoid a situation in which we have to impose even more restrictive measures over the next few weeks.

To help contain the spread and ensure a quick return to a positive track for both areas, we are asking people not to travel into or out of Glasgow and Moray for the next week, except for permitted purposes.

In both Glasgow and Moray, affected businesses will receive additional financial support. Moray Council will receive an extra £375,000 a week and Glasgow City Council an extra £1.05 million a week. That will allow hospitality and leisure businesses to be given up to £750 each a week. Both situations will be reviewed again at the end of next week, when I hope that the news will be more positive.

Finally—thank you for your patience, Presiding Officer—I am acutely aware that this announcement will be hugely disappointing and frustrating. I want to stress that our progress overall remains good. It is inevitable that, as we continue to navigate our way through this difficult pandemic, we will hit bumps in the road. However, if we exercise suitable caution, as we are seeking to do today—even though that is difficult—we are much more likely to stay on the right track overall.

I am grateful for the opportunity to provide an update on the situation in both areas. I am now, of course, happy to take questions.

Douglas Ross: I thank the First Minister for that update, which is disappointing for residents in Moray and Glasgow, although in the case of Moray it was predicted, because of the First Minister's announcement on Tuesday.

The First Minister has mentioned the improving situation in Moray; I spoke to members of the local incident management team this morning, and they are optimistic about the direction of travel. What more can be done to reassure people from businesses and the community that this is a short-

term measure in Moray and Glasgow, and to recognise the tremendous effort that individuals have put in—particularly in Moray, which is the case that we started to speak about—to come forward for testing and vaccination, as well as the effort from NHS Grampian and NHS Scotland in improving the availability of vaccinations? For example, the Fiona Elcock vaccination centre will be open until 9 pm tonight and from 8.30 am until 9 pm on Saturday and Sunday. What measures can be taken from the success of suppressing the virus spread in Moray to other areas of Scotland that might experience spikes, such as Glasgow?

The First Minister: I thank Douglas Ross for those questions. I am very optimistic about the direction of travel in Moray and, although I cannot stand here and give a 100 per cent guarantee, I am as optimistic as it is possible to be that, this time next week, we will see a different decision applied to Moray. I thank the council, Grampian NHS Board and, of course, the people and businesses of Moray for all their efforts in the past few days.

My message is to continue to do what is being done. With regard to the figure that I have just given for the rate per 100,000, members must be aware that there is a three-day lag on all that data. However, the figure of 69 per 100,000 that I have given today is a significant reduction on the 100 that was reported on 9 May. Therefore, things are going in the right direction. I encourage people to continue to come forward for testing and vaccination, to be ultra-cautious in following all the public hygiene and public health advice and to cooperate with the authorities as they try to do that work. It is difficult for individuals but, of course, it is difficult for businesses, which is why the additional financial support is important. There are lessons to learn from the efforts in Moray, which can be applied elsewhere.

The epicentre of the outbreak in Glasgow is in my constituency, so I know the area very well. The different factor in Glasgow which, as far as we know, is not at issue in Moray, is the concern about the Indian variant. That variant is perhaps even more transmissible than the Kent variant, which was more transmissible than the one that we were dealing with last year. As has happened in Moray, public health teams in Glasgow are working hard to test more people and to make testing available; testing has been done door to door and lateral flow devices have been made available. Anas Sarwar and I spoke to the mobile testing unit at Glasgow central mosque the other day. We are awaiting further advice from the JCVI, perhaps later today, on the use of vaccine against the Indian variant, so we need to take that into account. However, we are doing everything possible to support our public health teams, which are doing a fantastic job to get the outbreaks

under control, so that we can be optimistic that this bad news for Moray and Glasgow is short lived and that both areas get back on the right track as quickly as possible.

Douglas Ross: The Moray business resilience forum met yesterday and anticipates that 650 businesses in Moray will be able to access the funding that has been made available. Many will be concerned that £750 will not cover the loss of income resulting from predicted bookings that have now been cancelled. What more can be done to offer further support, through additional support to Moray Council and Glasgow City Council, for the businesses that are outwith the current scope of schemes so that they can get discretionary funding?

Although the First Minister has indicated that she will give an update next week, that would presumably take in an extra weekend. I know that it is difficult to give an outline at the moment, but businesses are planning. If the Scottish Government takes a further decision and gives an update in one week's time, could the restrictions be removed immediately or will there be a period for that to be worked in?

The First Minister: We will have further discussions with both councils and their economic resilience teams, to make sure that we provide maximum financial support.

The situation is difficult in Moray. However, as Douglas Ross rightly said, there has at least been more notice there than there has been in Glasgow. Many businesses, particularly in the hospitality sector, will have taken bookings for Monday that can no longer be honoured in the same way. We are very mindful of that impact and will do everything that we can to mitigate and compensate for it. That is the very clear message that I want to give to the business community.

I will absolutely take away and consider the point about the immediacy of the implementation of any decision. One of the difficult balances that we always have to strike is between waiting until the latest possible moment so that the data that we base our decisions on is as up to date as possible and giving businesses more notice. However, it is a legitimate point, which I will factor into the thinking over the next days. We will set out early next week, if we can, what we expect the time lag to be between a decision being announced at the end of next week and that decision being implemented.

The Presiding Officer: As you would expect, given the interest in the pandemic and its impact on public health, there is a great deal of interest in asking questions. Nonetheless, I will be very grateful if members keep questions and responses as succinct as possible.

Rhoda Grant (Highlands and Islands) (Lab): Thank you, Presiding Officer, and welcome to your new role.

I echo the concern that tourism, especially the staycation market, will be badly hit if Moray and Glasgow are behind the rest of the country. However, other businesses also depend on tourism, which makes up part of their income. I therefore ask whether they will qualify for support. I also reiterate the call for discretionary money for councils to ensure that businesses that fall through the safety net can receive money from their local councils, and I reiterate the call to ensure that the money is sufficient to allow them to survive.

The First Minister: We will issue details of the eligibility and scope of additional funding. The point about other businesses is reasonable, although businesses in the hospitality and leisure sectors will be most affected. Retail, for example, is open under level 3, but hospitality businesses—of course—expect to be able to trade more freely under level 2 than they can under level 3. We will ensure that we try as far as possible to take into account all the knock-on effects.

However, the most important thing to say is that our hope is that by acting in this regrettable way—I do not at all relish standing here today to make this announcement—by acting quickly and trying to be precautionary, the situation will be of limited duration and we will, therefore, get Glasgow and Moray back on track as quickly as possible. Certainly, we already see improvement in the situation in Moray.

Although—I say it again—given the nature of what we are dealing with, I cannot give guarantees, I very much hope that this time next week we will be setting out a much more positive and encouraging picture. However, given the situation, in particular with the Indian variant, my judgment—difficult though it is—is that caution will be in the greater and better interests of businesses than would our allowing things to go ahead, then perhaps this time next week looking at going into reverse, or at having to impose even more heavy restrictions. It is a difficult balance to strike, but my judgment is that what we are doing is, overall, likely to be much more in the interests of business—and, indeed, the two council areas—than the alternative would be.

Willie Rennie (North East Fife) (LD): We know that the contagious Indian variant is to blame for the outbreaks, particularly in Glasgow. However, what can track and trace tell us about the reasons behind the outbreaks? Could the special measures that the First Minister referred to include acceleration of roll-out of the vaccine to all ages in Glasgow?

The First Minister: On the factors, we do not have sufficient genomic sequencing information right now to allow me to stand here and say with certainty that the Indian variant is driving the outbreak in Glasgow. However, people will recall us talking in the context of the Kent variant about S-gene dropout, and the absence of the S gene being indicative of the Kent variant. We are now seeing more test results in which the S gene is present, which indicates a different variant. The demographics of the south side of Glasgow in particular also suggest more that the Indian variant might be at play. The evidence is not absolutely certain but is heavily indicative, from all the circumstances that we are looking at.

The question about vaccination is important. We have been vaccinating younger age groups, and an accelerated timescale has been part of the response in Moray. We have been discussing that being made part of the response in Glasgow, as well. However, I understand that one of the things that the JCVI has been looking at is whether there is evidence of variation in the effectiveness of vaccines against the Indian variant.

We expect advice from the JCVI later today or over the weekend. I want us to consider that advice before we are absolutely definitive about exactly what the accelerated vaccination programme will be in Glasgow. I am pretty sure that there will be an accelerated vaccination programme, but exactly what it will be will depend to a large extent on the advice that the JCVI gives us.

Emma Roddick (Highlands and Islands) (SNP): I am very reassured to hear clearly and transparently from the First Minister why the measures are being taken. It is clear that the effect on livelihoods is being considered at every stage, as she continues to put lives first.

Given the heavy reliance on tourism in the Highlands and Islands, what particular support is being given to the tourism sector in Moray, and how will the Government ensure that businesses that had hoped to be able to welcome visitors on Monday will be able to do so once that is safe?

The First Minister: I thank Emma Roddick for her question, and I take the opportunity to warmly welcome her to the Scottish Parliament. It is fantastic to see her here.

On the specific question about tourism in Moray, I will reiterate a couple of things. The first is that financial support will be available to affected businesses. As I said in response to previous questions, we will work with the affected councils to ensure that support is as comprehensive as we can make it.

Secondly, I really hope that the extension of level 3 in Moray will be very short lived, and that

this time next week we will have more positive news from the area. In that case, people will be able to travel to and from Moray and tourism will be able to get back to where it had hoped to be on Monday.

I regret that the situation in Glasgow has deteriorated since earlier this week, but we tried earlier this week to give businesses in Moray some notice that what I have announced might well be the outcome of our considerations. We are very mindful—I am acutely aware of it—of the impact that that outcome has on individuals and businesses, not only financially but in terms of the general sense of how things are going.

I reiterate that these are setbacks; they are, undoubtedly, bumps in the road. However, I hope that our exercising an appropriate degree of caution as we deal with them, and as we navigate our way through the pandemic, will keep us on what continues to be, overall, a positive track through the virus. I ask people, however difficult it is for us all, to continue to try to exercise the patience that is required.

The Presiding Officer: Thank you. That concludes urgent questions. I apologise again to members whom I was unable to call.

Members might wish to note that the next meeting of Parliament will be at 2 pm on Tuesday 18 May, to select a nominee for appointment as First Minister.

I close this first meeting of the sixth session of the Scottish Parliament.

Meeting closed at 16:47.

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

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